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of Glasgow

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**Reducing Reoffending: Review of Selected
Countries
FINAL REPORT FOR AUDIT SCOTLAND**

September 2012

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Key Points and Findings

General Points

1. This report presents research commissioned by Audit Scotland on international levels and experience of reoffending. It aims to set the Scottish experience of reoffending in context and to identify factors which other jurisdictions have seen affect reoffending rates.
2. The jurisdictions included in this review are: Scotland, England and Wales, Northern Ireland, Ireland, Norway and New Zealand.
3. Official statistics and reoffending studies are the main source of the data used in the review.
4. 'Reoffending' and 'recidivism' do not refer to actual offending behaviour but to official records of criminal justice system activity. In this review, 'reoffending' most often refers to recorded reconviction or reimprisonment rates and less often to re-arrest rates.
5. Using this definition, the factors regularly found to be the most consistent predictors of reoffending are: age, gender, offence type, disposal (having a prison or community-based sentence), length of prison sentence, and length and severity of criminal justice history.
6. Direct comparisons of reoffending rates are not possible from the data presented here. Such comparisons would require thorough investigation to control for the many differences in definitions, reporting practices, enforcement cultures and political systems. The information presented may be useful, however, in comparing the kinds of factors that matter for reoffending and the impacts these have had on individual country rates.

National Reoffending Trends

7. A 'typical' range of reoffending (measured via reimprisonment) in national studies is between 30% and 50%.
8. The countries included in this review define 'reoffenders' (all persons arrested, convicted, sentenced to particular sanctions) and 'reoffending' in diverse ways (re-arrest, reconviction or reimprisonment) but report rates of reoffending that mostly fall within the typical range.
9. Reconviction rates in Scotland show relative stability over the past decade, fluctuating between 30-32% in one-year follow up studies and 43-45% in two-year follow up studies. Note this rate is inclusive of those offenders receiving fines, a category of sanction almost as large as all other sanctions combined and with a lower than average reoffending rate.

10. The one-year reoffending rate in Scotland for those leaving prison is 47%; this compares to the rate of those on community disposals of 39%.
11. Among community-based sentences in Scotland, community service (or unpaid work) has the lowest rate of reoffending while drug treatment orders have the highest rate. This is similar to the experience of other countries.
12. The overall reconviction rate for offenders in England and Wales in the first quarter of 2009 was 39%, or 49% for offenders leaving prison and 36% for offenders on community sentences.
13. Reconviction rates in England and Wales declined from 2002 to 2006 and have levelled off since then.
14. Reoffending studies in Northern Ireland have produced different results from the same cohort so should be read with particular caution. Bearing this in mind, the overall one-year reconviction rate for those leaving prison or commencing a community disposal in 2005 was 20%, the two-year rate was 43%.
15. The overall two-year reconviction rate in Northern Ireland remained relatively stable from 2002 to 2005.
16. Around 39% of all Irish prisoners released between 2001 and 2004 were reimprisoned within two years.
17. There was a high level of prior involvement in the criminal justice system among the Ireland cohort of prisoners: 42% had been to prison before, either on remand or to serve a sentence.
18. The reported two-year reconviction rate in Norway is 20%. This reconviction rate is exclusive of offenders receiving fines or suspended sentences.
19. A large study of Norwegian prisoners examining employment and recidivism found an overall re-arrest rate of 54%; but this rate fell to 33% for those who had found a job post-release and rose to 78% for those who did not.
20. Higher levels of education and having children were associated with lower levels of recidivism in the Norwegian research.
21. In New Zealand, the one-year reconviction rate for offenders leaving prison 2009-10 is 45%; for offenders commencing a community sentence in 2009-10 the reconviction rate is 30%.

22. Two-year follow-up studies show there was a rising rate of reconvictions for all offenders in New Zealand until 2007-08. The rate is levelling off for ex-prisoners and declining for those on community sentences.

Reoffending Trends by Key Variable

23. The overall reconviction rate for males is higher than that for females among reviewed countries, in line with other international research.
24. However, the gender gap on reconviction rates reduces and even disappears the more serious and extensive one's involvement with the criminal justice system has been.
25. Also consistent with the wider literature, younger people have much higher reconviction rates than older people.
26. Theft and property offences have the highest rates of reconviction in all countries studied.
27. In all countries reviewed, reconviction rates are higher for those leaving prison than those serving community sentences.
28. Serving a short prison sentence of one year or less is associated with a substantially higher reconviction rate than serving a longer prison sentence of a few years or more.
29. Having any prior experience of prison greatly increases one's likelihood of reconviction, while having many prior convictions appears to be less important for reconviction rates in the UK.

Rethinking Reoffending, Moving towards Reintegration

30. We conclude that reoffending is a flawed concept, both what it measures (criminal justice rather than criminal behaviour) and how it focuses policy efforts on signs of failure rather than predictors of successful desistance.
31. An approach seeking to reduce the amount of social harm caused by reoffending would minimally involve: (i) Using the least severe intervention necessary; (ii) focusing investment on employment, family life and education; (iii) recognising and minimising the destructive impact of criminal justice involvement on life chances; (iv) reconceptualising rehabilitation to broaden its levels of action and develop positive rather than negative definitions of success.
32. Centring *reintegration* as a goal of working with offenders promotes a pro social role for criminal justice.

1 Introduction

1.1 Background, Scope and Aims

- 1.1.1 Audit Scotland commissioned this research by the Scottish Centre for Crime and Justice on international experiences of reoffending. An international perspective of reoffending can inform understanding of the Scottish experience and suggest where efforts might be targeted to improve efficiency and effectiveness. The specific aims of this review are to:
- Provide a sense over time of reoffending patterns and experiences of other, potentially comparable, jurisdictions; and,
 - Identify valid predictors and explanations of reoffending patterns.
- 1.1.2 In addition, we try to build on this knowledge to comment in general terms on what might help reduce reoffending.
- 1.1.3 Through discussion with Audit Scotland we selected five jurisdictions in addition to Scotland to focus the research. The countries included in this review are: Scotland, England and Wales, Northern Ireland, Ireland, Norway and New Zealand. These countries were selected on the basis of size, proximity and shared or relevant penal practices which might put Scotland's experience in context. Making direct international comparisons in an area like criminal justice is difficult, if not impossible, but considering the differing experiences of countries may nevertheless shed light on explanations for particular trajectories for reoffending within them. We discuss the issue of comparative research below.
- 1.1.4 The scope of our research encompasses officially reported reoffending rates, where available. In addition, or in jurisdictions where official data is not published, we include peer reviewed research on reoffending. Time trend data were not always available or reliable, and so while this is covered in the review, we tend to emphasise factors that have affected recent offending rather than on how national rates have changed over time.

1.2 Some Well-established Findings of Reoffending Research

- 1.2.1 Rates of reoffending are well known to vary by these variables: age, gender, offence group, disposal, prior involvement with the criminal justice system, and period of follow-up. Hence:
- Younger people have higher reoffending rates than older people;
 - Men have higher reoffending rates than women;
 - People on higher end punishments (prison) have higher reoffending rates than those on lower end ones (community service);
 - Prisoners serving short sentences have higher reoffending rates than those serving long ones;
 - Theft offences have higher reoffending rates than sexual offences, and have one of the highest rates of reconviction generally;

- Those with the longest criminal justice histories (earlier ages of first prison sentence, more experiences of contact) have higher reconviction rates than those with no, limited or later involvement in the criminal justice system;
- Most reconvictions occur within one year with a gradual rise and then levelling off in the years after that.

1.2.2 While definitions of these variables vary between individual studies (whether older people's reoffending rates includes those aged 30 and over or 40 or over, for example), these general trends have been an almost universal finding of reoffending research.

1.2.3 Additionally, reoffending rates also vary by marital status, employment and educational attainment; those who are married, employed and/or have more years of education all have lower rates of recidivism (O'Donnell et al., 2008; Skardhamar and Telle, 2012; and see also Baumer, 1997).

1.3 Organisation of the Report

1.3.1 In the following sections we briefly describe the methodology and activities undertaken in carrying out the research; clarify how we are using the terms reoffending and recidivism; and, review known barriers to comparative criminal justice research. The bulk of the report is devoted to discussing the experiences of the selected jurisdictions: thumbnail sketches of salient features of national settings are followed by extensive presentation of data on reoffending first by country, then by predictive variable. The last part of the report concludes with a discussion of the factors emerging from the research that might assist efforts to reduce reoffending rates.

2 Methodology and Research Issues

2.1 Methodology

2.1.1 This review was conducted through a desk-based review of research and email consultation of key researchers in jurisdictions under review. Data sources include the following:

- Official reported statistics on reoffending,
- Published studies of reoffending, and
- Communications with corrections officials or knowledgeable academics with data on reoffending.

2.1.2 We report the published statistics, generally descriptive in nature, as they are broken down in official reports and academic publications. In some cases we have recalculated the statistics in order to maximise the ability to compare the experience of different countries. While we strongly emphasise the point that no direct comparisons can be made between jurisdictions (further discussed below), there are situations when it is useful to see reoffending patterns among roughly similar offender groups. For example, one major data reporting issue is that some countries include offenders who have received monetary penalties (e.g. fines) as the cohort for which reoffending is tracked, and some do not. Because the fine is typically the most common sanction issued and because reconviction rates for those receiving fines tends to be much lower than for other disposals (such as those on probation or leaving custody), inclusion of fined offenders in a cohort will reduce its overall reoffending rate. For example, according to one analysis of the 2005 cohort in Northern Ireland, which included those receiving fines, the two-year reconviction rate was 20.5%; if reoffending includes only those leaving prison, on probation or a community service order or a combination of these the reoffending rate for this cohort rises to 38% (NI DOJ, 2012). The exclusion of fine offenders thus brings it into a similar orbit as the (albeit) one-year Scottish (41%) and England and Wales (39%) rates calculated using the same penalties (see Chapter 4).

2.2 Defining 'Reoffending'

2.2.1 The term 'reoffending' focuses attention, explanation and policy change on the behaviour of offenders. Unfortunately, the vast majority of work on reoffending relies on measurements not of offender behaviour but of criminal justice behaviour. That is, reoffending studies use statistics on re-arrest, reconviction and reimprisonment as a proxy for reoffending. The reason for this is simple: there is regularly collected information on criminal justice processes, but for the most part no systematic, comprehensive and reliable information

directly about offender behaviour.¹ Because we can only analyse the information we have, criminal justice workload statistics will continue to be the basis of quantitative reoffending studies. However, it is crucial to appreciate the difference between the two and to avoid conflating them. This is easier said than done, as ‘reoffending’ and ‘recidivism’ (the predecessor concept which is falling out of fashion in English language jurisdictions) are constantly used interchangeably with ‘re-arrest’, ‘reconviction’ and ‘reimprisonment’. The danger of interchanging the two kinds of concepts is that that criminal justice behaviour might erroneously be equated with offender behaviour. Consider this excerpt from a New Zealand reconviction study (Nadesu, 2009a: 19):

‘However, the rate of reconviction for recidivist female offenders (80%) is almost the same as recidivist male offenders (81%); clearly there is a “hard core” of female offenders who are as criminally inclined as their male counterparts.’

2.2.2 As noted above, an almost universal finding of the research is that women have lower reconviction rates than men, and so a discovery of places where this gap is closed or the relationship reversed is notable. However, it cannot be concluded from this data alone that the reconviction rate is the result of the criminal inclinations of women. Indeed, as the statistics presented later in this paper will illustrate, having been to prison is one of the strongest predictors of reconviction, and it is possible therefore that the prior prison experience variable explains more of the discrepancy found above than the hardcore criminality explanation, for which no data is provided. We then need to know about the causes of prison sentences – are they a function of hardcore criminality (or some more precise definition relating to the features of a person) or a function of criminal justice policy and behaviour? The widely varying imprisonment rates across countries is one of the ways that criminologists have established that variations in the practices of political and criminal justice systems is important and likely more influential than crime in determining observed differences in criminal justice populations (Scottish Prisons Commission, 2008; Downes and Hansen, 2006). We might wonder whether, in countries that have seen major fluctuations in reoffending rates, major changes are the result of individuals or systems altering their behaviour.

2.2.3 With this important caveat in mind, we specify issues and usages of terms within this review.

What is being measured – Reoffending: For the purposes of this report, we use the term reoffending (and recidivism) interchangeably with specific measurements of criminal justice behaviour, specifying this as ‘reimprisonment’ or ‘reconviction’ or, more infrequently, other measure where appropriate. When we intend to speak

¹ Perhaps an exception are life course studies, long-term longitudinal research on criminal careers and other life transitions, as in Laub and Sampson, the Cambridge Delinquency Study, the Edinburgh Study of Youth Transitions, etc.

directly about offender behaviour we will indicate this, and prefer the term desistance to describe a decline in offending and anti-social behaviour.

Who is being tracked – Offender Cohort: The cohort refers to the group of people whose criminal justice experiences are followed-up. Depending on the study cited, this may refer to all those people who, within a specified time period: were arrested for an offence; were convicted of an offence; completed a prison sentence; began a community sentence; were in receipt of any sanction. Where cohorts include those receiving any sanction, reconviction rates are markedly lower than cohorts of those receiving only sentences administered by a correctional service (e.g. probation, community service and prison). Much of this effect is attributable to the inclusion of those receiving fines, by far the most common sanction issued by courts across Europe and also the sanction with the lowest reconviction rate. Cohort definitions are specified in the country discussions in Chapter 4.

What counts as a change in reoffending – Reduced Reoffending: Research presented here generally defines reduced reoffending by comparing the raw statistics on overall reconviction (or reimprisonment) rates of one cohort against another time period's cohort, broken down by key variables. This is problematic in that this means two different populations are being compared, and there may be important differences between them which explain changes. Wartna and colleagues (2011) make this point noting that while Dutch reconviction rates have declined in recent years, there has also been growth in the proportion of females in the offender population, a group for which reoffending rates are lower. Another means of measuring reductions in reoffending is through predicting reoffending rates (by modelling the strongest predictive variables) given the characteristics of a cohort and then comparing these to observed rates of reoffending (this is done in England and Wales, the Netherlands; a model has been developed for Northern Ireland but it is unclear if it is in regular use).

How long reoffending is tracked – Follow-up Period: This is the amount of time during which an event of interest (e.g. new offence/arrest, conviction, imprisonment) is studied. Official statistics on reoffending tend to identify a cohort and then simply report reoffending levels in a set period after this (e.g. one or two years). An important issue is whether the follow-up period includes *offences* or *reconvictions*. Scottish data is based on conviction date, while data from England and Wales is based on offence date; this means the former tracks all convictions within a one-year period, while the latter includes a six month waiting period on the end of its follow-up date to catch convictions for *offences* committed within the one year period but where the court conviction took place beyond this period. Other research employs a methodology where all offenders and recidivism events are studied over the same time period. O'Donnell et al.'s (2008) study followed all reimprisonment activity for all prisoners leaving Irish prisons between 2001 and 2004, so the follow-up period ranged from 1 to

48 months. This study used survival regression analysis to account for differences across persons in release dates and the duration of follow-up.

Known measurement errors and problems – Pseudo-convictions and other problems of measurement: Pseudo-convictions refers to the situation where a member of a cohort receives a conviction within the follow-up period but for an offence that occurred prior to the index offence. This creates a slight problem of over counting, but which may be offset by other biases towards undercounting. The bottom line is that we do not know exactly how much pseudo-convictions and other forms of under and over counting matter. Some jurisdictions control for pseudo-convictions; most do not. It is useful to keep this issue in mind, though, as an example of the general point that even the data we have is likely to contain measurement flaws.

2.3 Comparative Research vs. Comparing Research

2.3.1 Comparative research seeks to allow for direct comparisons of one country to another. We want to warn against direct comparison of the countries whose reoffending rates are considered in this report. At the same time, we would like to suggest why comparing data from multiple countries is a useful exercise. As to the first issue, the definitional concerns described in the previous section give a sense of the difficulties facing anyone wishing to make a like for like comparison among countries; in sum, the impossibility of direct comparison is due to differences in:

- **Definitions** – of offences, disposals, offender cohorts.
- **Data quality and reporting** – accuracy and consistency in reporting is the major challenge for analyses of official statistics.
- **Legal procedure and rules** – whether the cut off age for adults is under 18, under 16 etc. or whether prosecutors have discretion to prosecute or not are but two examples which would significantly affect reconviction results.
- **Legal culture** – even where definitions and legal procedural rules might be similar, local practices can vary significantly, e.g. different countries may systematically manage minor offending such as shoplifting in different ways (diversion from court processes or full scale prosecution).
- **Policy and wider social welfare context** – in countries with ample social welfare provision antisocial behaviour might be addressed or prevented through the work of other systems, meaning the workload entering the system is qualitatively and quantitatively different than in countries without such provision.

2.3.2 For all of these reasons, a country with a reoffending rate of 30% cannot be said to have more effective reoffending strategies than a country with a reoffending rate of 40%. These obstacles to comparison are not necessarily insurmountable but require extensive investigation to determine their effect on the rates produced in different countries. A recent effort to explore possibilities of comparing reoffending between Scotland, England and

Wales and the Netherlands took place in 2009-2010. This analysis identified all the ways reoffending cohorts in the three jurisdictions differed and attempted to measure their effect on reported reoffending rates (Ministry of Justice, 2010). The table below shows the respective reconviction rates with and without adjustment illustrating both the difficulties and level of error possible in comparisons. What at first appears to be a large difference (of more than ten points) between England and Wales and Scotland becomes a difference of less than one point once adjustments, mainly to definitions of cohorts, have been made. What cannot be known are different rates of error in the collection, that is the table assumes that all three countries have identical levels of accuracy in reporting. The MoJ (2010: 108) report concludes: ‘raw reoffending rates should not be compared between countries, as there are major differences in measurement.’

TABLE 1. Unadjusted and Adjusted Reconviction Rates for England and Wales, Scotland and the Netherlands

	England & Wales		Scotland		The Netherlands	
	Number of offenders	Percentage reconvicted	Number of offenders	Percentage reconvicted	Number of offenders	Percentage reconvicted
Original data	46,532	54.7%	49,266	44.6%	170,904	29.3%
Offender group adjustment (cumulative)						
Step 1. Age 18+ at index conviction	46,316	54.6%	45,328	43.4%	173,331	29.5%
Step 2a. Cohort selection for full year 2004	*	*				
Step 2b. Proven reoffending in 2 years + 6 months			**	**		26.1%
Step 4a. Harmonise disposals for cohort selection			12,763	48.3%	63,274	46.2%
Step 4b. Harmonise disposals for counting recidivism						38.2%
Step 5a. Harmonise offences for cohort selection	39,801	53.8%			57,966	38.9%
Step 5b. Harmonise offences for counting recidivism		50.1%				38.0%
Step 6. Combined impacts + impacts of missing steps	*	45.1% ¹	12,763	44.3% ¹	57,966	38.0%

Source: Ministry of Justice (2010), Table 4,p. 107.

2.3.3 There is still value in considering the varying experience of countries. Recognising that a considerable portion of difference between countries is due to cohort and other definitions, we can treat rates of reoffending as very rough approximations that suggest a wide range of what can be considered a ‘typical’ range of reoffending. Despite the barriers to making direct comparisons, multi-country research:

- Can tell us whether factors known to affect reoffending rates in one place, affect it in another place thus clarifying the explanatory value of different variables;

- Can tell us whether countries making changes in light of these factors have experienced improvements in reoffending levels; and
- Recognises that concepts such as crime and offending are not universal natural phenomena but influenced by cultural and national location (Nelken, 2010).

3 Quantities and Qualities of Justice in Selected Countries

This section presents a thumbnail sketch of penal contours and practices of countries included in this review.

3.1 Scotland

3.1.1 Like other parts of Europe and the UK, Scotland has experienced a trend of declining overall recorded offences (though with increases in some individual offences), a flattening level of convictions but rising quantities of all forms of court-ordered disposals (prison, probation, community service) except financial penalties (major declines though still the most numerous of all sanctions) (Recorded Crime in Scotland 2010-11; Criminal Proceedings in Scottish Courts, 2011-12). There has been almost constant reform of the criminal justice system over the past two decades and with it introduction of new measures and practices (DTTOs, HDC, bail/remand reform, youth just reform, CPOs, CJAs), a surge in populist punitivism in the late 1990s through early 2000s and alongside this a move towards a risk-based paradigm of offender management (McAra, 2009). Nationalist government has continued change in the criminal justice system, though the punitive and risk dominant approach may be subsiding in policy, if not in national penal culture. Scotland continues to have one of the highest imprisonment rates in Europe (among western and northern countries). A particular feature of Scottish penal practice is heavy use of short sentences; around three-quarters of prison sentences in Scotland are for six months or less (Scottish Prisons Commission, 2008). There is extensive criminalisation of administrative misbehaviour, such as breaching bail.

3.2 England and Wales

3.2.1 England and Wales has experienced unprecedented increases in: prison population (over 30,000 between 1995 and 2007, MoJ, 2009), number of criminal laws, and numbers of prisons. Its imprisonment rate is similar to Scotland, and therefore one of the highest among longstanding EU countries. Among key changes to the justice system have been the reorganisation of probation and prison services and the emphasis on probation's purpose of enforcement and monitoring of offenders, moving it towards a more punitive stance. Introduction of the indeterminate sentence for public protection weights the prison population towards longer term prisoners, though short sentences have been identified as a policy concern as well. There is a similar criminalisation of administrative misbehaviour and a similar overall trend of declining crime.

3.3 Northern Ireland

3.3.1 Northern Ireland is a significantly smaller jurisdiction than others included in this review. Between 1998/99 and 2002/03, recorded crime levels in Northern Ireland increased by 31%, from 109,053 to 142,496, much of which related to the introduction of a new National Crime Recording Standard in 2001/02. By 2007/08 the level of recorded crime had fallen by 24%, to 108,468, remaining fairly stable before falling to 105,040 in 2010/11, the lowest level of recorded crime in Northern Ireland since the new counting rules were introduced (DOJNI, 2012: 9). The prison population declined slightly between 2008 and 2009 (Id.).

3.4 Ireland

3.4.1 Ireland has traditionally had relatively little crime, and more than 20 years ago was described in the literature as a 'nation not obsessed by crime'(O'Donnell et al., 2008, quoting Adler, 1983). It continues to exhibit one of the lowest rates of recorded crime in Europe (O'Donnell et al. 2008, quoting Kilcommins et al., 2004: ch. 3). The level of incarceration also remains comparatively low, at 72 per 100,000 population in 2006 (O'Donnell, 2008). When prison is used, sentences tend to be short, with more than one in three of less than three months' duration and the majority (59 per cent in 2005) under six months (Irish Prison Service, 2006: 12). (O'Donnell et al, 2008: 126). However, imprisonment is rising, with the prison population doubling in the past 20 years (Martynowicz and Quigley, 2010). Until very recently, most data have been collected manually and there have been questions about data quality.

3.5 Norway

3.5.1 Norway has one of the lowest rates of imprisonment among the counties of Europe. Interestingly it has a higher than average number of prisons but much smaller than average individual prison capacities than other parts of Europe (World Prison Population Brief, 2012). It also features very short prison sentences and lengths of stay: the average time served in Norwegian prisons is three months and only five per cent of the prison population stays longer than a year on average (Skardhamar and Telle, 2012). Norway is one of the Nordic countries (also including Denmark, Finland, Iceland and Sweden) which are coordinating information gathering and reporting practices (e.g. Kristoffersen, 2008).

3.6 New Zealand

3.6.1 New Zealand is a country of similar size to Scotland and has a similar imprisonment rate as Scotland and England and Wales (World Prison Population Brief, 2012). This a higher rate than Australia. An important feature of the country is its indigenous population and overrepresentation of ethnic minorities (Maori and Pacific Islander) in the criminal justice system. This overrepresentation is a topic of policy interest and statistical analysis. New Zealand also has an established reputation for use of restorative justice especially at juvenile level, though the influence of penal populism may be more important for understanding its high imprisonment rate (Pratt and Clark, 2005). Family violence is a major category of offending and focus of statistics collection (NZ Department of Corrections, 2011).

4 Reoffending Trends

4.1 Prior Reimprisonment Studies

4.1.1 O'Donnell et al. (2008) provide a comprehensive summary of national reimprisonment studies, and we reproduce their table below. It shows a typical range of reimprisonment to be between 30-50% across a variety of places.

TABLE 2. Reimprisonment Rates in Comparative Context – 1970s to early 2000s

	<i>Release Period</i>	<i>Follow-up (Months)</i>	<i>Reimprisoned (%)</i>
<i>Australia</i>			
Steering Committee (2006)	2002-2003	24	38
Jones et al. (2006)	2001-2002	27-39	41
Roeger (1994) ^b	1986-1987	42	43
Broadhurst and Maller (1990) ^b	1975-1987	72	48
Broadhurst et al. (1988) ^b	1975-1984	72	48
<i>Canada</i>			
Bonta et al. (1996) ^b	1983-1984	36	49
Holonsko and Carlson (1986) ^a	1977-1981	24	33
<i>Finland</i>			
Finish Crim. Sanctns Agency	1993-2001	24	45
		48	57
		60	59
		72-108	62
<i>Iceland</i>			
Baumer et al. (2002)	1994-1998	36	28
<i>Japan</i>			
Japanese Min. of Justice (1999)	1992	60	50
<i>Malta</i>			
Baumer (1997)	1976-1994	72	32
<i>New Zealand</i>			
Spier (2002)	1995-1998	12	25
		24	37
		60	51
<i>Scotland</i>			
Cooke and Michie (1998)	1989-1991	24	47
		36	51
		48	53
<i>United States</i>			
Langan and Levin (2002) ^b	1994	36	52
Joo et al. (1995) ^a	1984-1988	36	22-36
Adams et al. (1994) ^b	1990-1991	14-36	21-5
Donnelly and Bala (1994) ^a	1972-1988	60	23
Beck and Shipley (1989) ^b	1983	36	41
Rauma and Berk (1987) ^b	1980-81	60	30
Walerstedt (1984) ^a	1981	36	30
<i>West Germany</i>			
Reuther and Neufiend (1982)	1973	36	30

a Includes persons reimprisoned for new offences only.

b Includes persons reimprisoned for new offences and technical violations of parole orders.

c Broadhurst et al. (1988) and Broadhurst and Maller (1990) discuss only the overall reimprisonment rates (for 108 and 120 months, respectively) for their samples; the 6-year reimprisonment rates reported in this table were derived from the survival probability curves presented in these studies.

(Reproduction of Table 2, O'Donnell et al., 2008: 133.)

4.1.2 The table establishes a general comparative perspective, and should be read with caution particularly given the widely different definitions of offenders, sizes of study and follow-up periods. However, some stable patterns are evident such as the fact that, generally, the longer the period of follow-up, the higher the rate of reimprisonment.

➤ **FINDING: A 'typical' range of reoffending (measured via reimprisonment) in national studies is between 30% and 50%.**

4.2 Reoffending in Selected Countries

4.2.1 The table below displays a key overall reoffending rate for all of the jurisdictions included in this review. Perhaps the main thing conveyed is the diversity of approaches to measuring reoffending. While the 20 point difference between the highest and lowest rates looks striking, we note that the low rate in Ireland includes only prisoners who were reimprisoned, while the high rate in New Zealand includes all prisoners who were reconvicted and given either a community disposal or prison. (The two-year *reimprisonment* rate for the 2008-09 cohort of New Zealand prisoners was 39%, which is not dissimilar to Ireland.)

TABLE 3. Rates of Recidivism among Selected Countries

Country	Rate*	Notes
Scotland	42%	Two-year reconviction rate of offenders convicted and sentenced to any disposal (including fines) in 2007-08. (Scottish Government, 2011)
Ireland	40%	Two-year reimprisonment rate for prisoners released between 2001 and 2004. (O'Donnell et al., 2008)
Northern Ireland	43%	Two-year rate of reconviction for adults leaving prison or commencing a community disposal in 2005. (Brown and Ruddy, 2008)
England & Wales	53%	Two year rate of reconviction on any offence by adult offenders leaving prison or on probation administered disposal in 2008. (MoJ, 2011)
Norway	54%	Rate of report of new crime during 2003-06 of adults leaving prison in 2003. (Skardhamar and Telle, 2012)
New Zealand	62%	Two-year rate of reconviction for adults leaving prison in 2008-09. (NZDOC, 2011)

*All numbers in this report are rounded to nearest whole number, and there may be slight rounding errors, particularly where reoffending rates were recalculated by us using published national data.

- **FINDING:** The countries included in this review define ‘reoffenders’ (all persons arrested, convicted, sentenced to particular sanctions) and ‘reoffending’ in diverse ways (re-arrest, reconviction or reimprisonment) but report rates of reoffending that mostly fall within the typical range.

4.3 Scotland

4.3.1 Data comes from the regular statistical bulletin *Reconviction Rates in Scotland*, using the most recent publication analysing the 2008-09 and 2007-08 cohorts (Scottish Government, 2011). Scotland gathers information on new convictions taking place in the follow up period, rather than offences, so that offences that happen within the period but for which convictions take place outside it, are not included. The standard follow-up period used to be two years but Scotland has moved to a one-year cycle and so data in this section, unless specified otherwise, uses the one-year follow-up period for the 2008-09 cohort (the most recent cohort for which data is available).² The figure shows that the one- and two-year rates have similar trajectories. The Scottish cohort includes all those leaving prison or receiving *any other sentence* in the given fiscal year. Significantly this includes those receiving fines and other monetary penalties, high frequency sanctions which also are associated with a lower rate of reconviction than probation or prison.

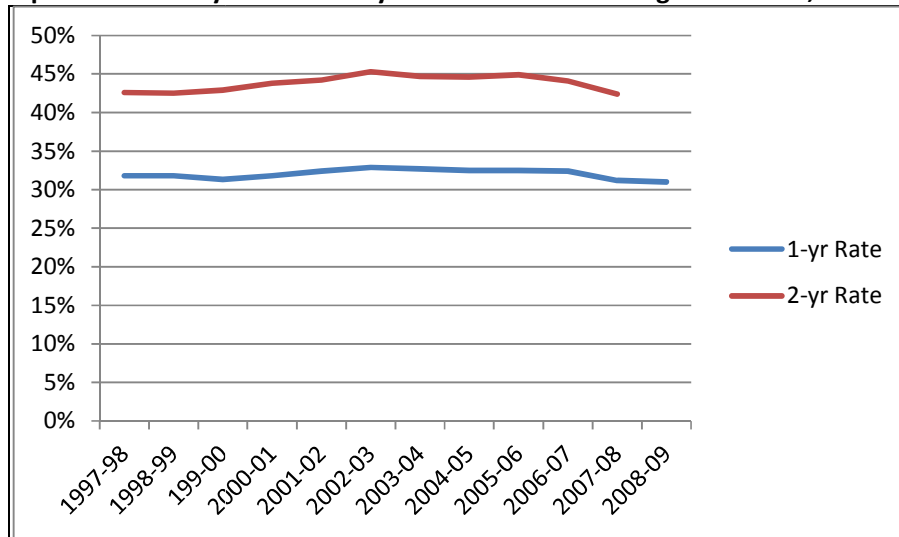
TABLE 4. One year reconviction frequency rates and one year reconviction rates: 1997-98 to 2008-09 cohorts

Overall cohort	Number of offenders	Reconviction rate ²	Reconviction frequency rate ²
1997-98	53,453	31.8	61.5
1998-99	49,133	31.8	61.8
1999-00	44,202	31.3	58.9
2000-01	41,568	31.8	59.7
2001-02	43,644	32.4	62.8
2002-03	44,854	32.9	63.9
2003-04	46,931	32.7	62.0
2004-05	49,283	32.5	61.1
2005-06	50,247	32.5	60.1
2006-07	53,247	32.4	59.7
2007-08	52,983	31.2	57.1
2008-09	49,613	31.0	57.9

Source: Table 1, *Reconviction Rates in Scotland* (2011), Scottish Government.

² For purposes of assessing progress towards reduced reoffending, the Scottish Government and reportedly also the Ministry of Justice are adopting the one-year reconviction *frequency* rates as the basis of annual comparisons.

FIGURE 1. Comparison of one-year and two-year rates of reoffending in Scotland, 1997-98 to 2008-09



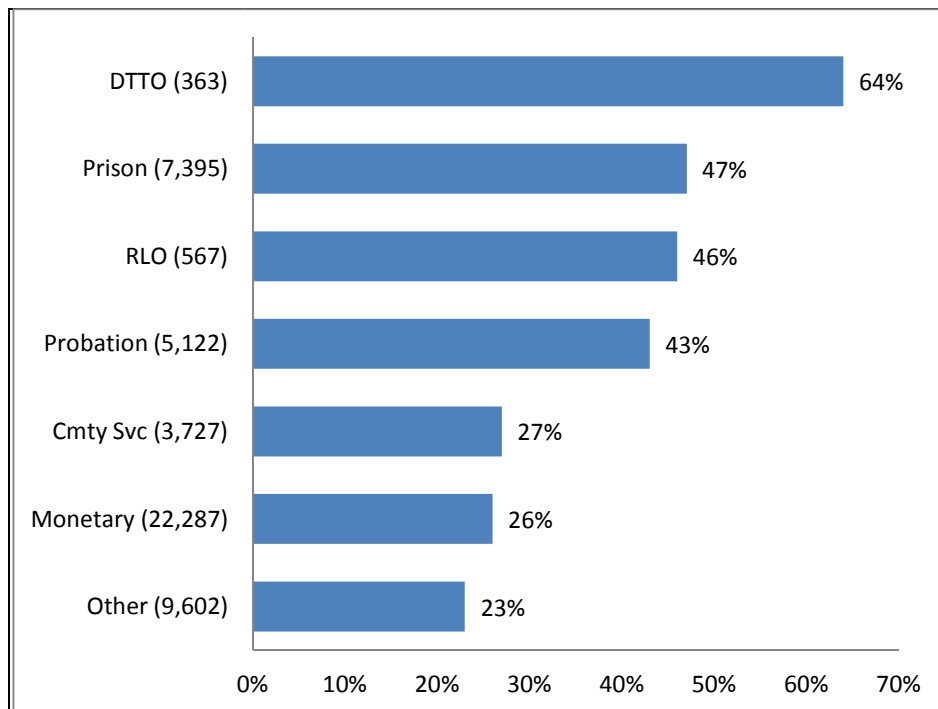
- **FINDING: Reconviction rates in Scotland show relative stability over the past decade, fluctuating between 30-32% in one-year follow up studies and 43-45% in two-year follow up studies. Note this rate is inclusive of those offenders receiving fines, a category of sanction almost as large as all other sanctions combined and with a lower than average reoffending rate.**

4.3.2 In Scotland, those on probation in 2008-09 have similar one-year rates of reconviction (43%) as those completing prison sentences (47%). Those on community service orders have the lowest one-year rates of re-conviction of all the community-based sentences (27%) for the 2008-09 cohort. Drug testing and treatment orders have the highest rate of reoffending, which is similar to the experience of England and Wales, and not surprising given the complex and entrenched problems of this group of offenders. *In the next section analysing reoffending by key variables, the reoffending rate for Scotland includes those initially sentenced to all court ordered community disposals, but excludes fines and 'other'³ sanctions (bringing it roughly into line with the community cohort definitions used for New Zealand and England and Wales). The reoffending rate for community disposals is 39% (if RLOs and DTTOs were excluded, the rate would fall to 38%).*

³ 'Other' disposals include: Supervised Attendance Orders, absolute discharge, remit to children's hearing, admonishment, hospital order, guardianship order, finding of insanity, hospital order & restricted order, supervision and treatment order and disposals not elsewhere specified.

- **FINDING:** The one-year reoffending rate in Scotland for those leaving *prison* is 47%; this compares to the rate of those on *community disposals* of 39%.

FIGURE 2. Reoffending rates for 2008-09 cohort in Scotland by disposal



- **FINDING:** Among community-based sentences in Scotland, community service (or unpaid work) has the lowest rate of reoffending while drug treatment orders have the highest rate. This is similar to the experience of other countries.

4.4 England & Wales

4.4.1 The Ministry of Justice regularly publishes adult reconviction statistics and in addition produces sub-studies contained, for example, in its compendium of criminal justice statistics. The cohort includes all offenders in the first quarter of a given year who have been convicted and are either completing a prison sentence or beginning one of the court-ordered sentences administered by probation (e.g. probation, drug treatment orders, suspended sentences, etc.), and thus excludes pre-court disposals and monetary penalties like fines (Table 5). The 2003 Criminal Justice Act reorganised community sentences into a single order (the 'community order') and introduced a new sanction, the suspended sentence order. Use of suspended sentences has grown rapidly, nearly doubling from their first use in 2006 to over 15,000 in the first quarter of 2009; this has occurred alongside increases in other kinds of community orders as well as prison sentences (some of which they were intended to displace). England and Wales will be moving from 2012 to a new system of counting that includes a full year's cohort and a wider range of disposals (including pre-court ones) which means many more people will be added to the cohort, and the level of reoffending will decline (Ministry of Justice 2011).

➤ **FINDING: The overall reconviction rate for offenders in England and Wales in the first quarter of 2009 was 39%, or 49% for offenders leaving prison and 36% for offenders on community sentences.**

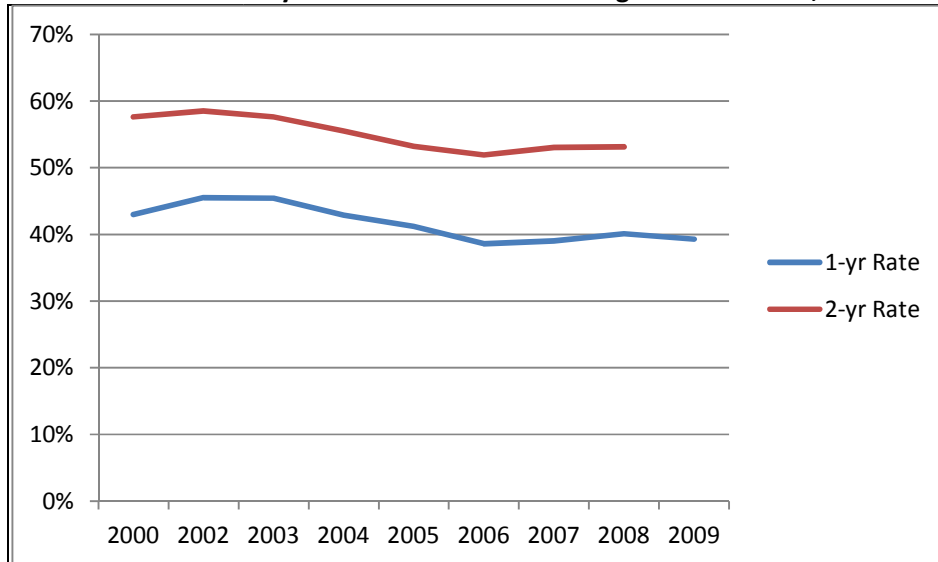
TABLE 5. One-year Reconviction Rates of First Quarter Offenders in England and Wales, 2000 to 2009

Year	Number of offenders in cohort	Frequency rate		Severity rate		Re-conviction rate		Predicted re-conviction rate	
		Rate (per 100 offenders)	% change from 2000	Rate (per 100 offenders)	% change from 2000	% re-convicted	% change from 2000	% re-convicted	% progress (from 2000) ¹
2000 Q1	42,734	185.0	0.0%	0.76	0.0%	43.0%	0.0%	40.1%	0.0%
2001 Q1
2002 Q1	43,247	212.7	15.0%	0.87	13.7%	45.5%	5.7%	41.4%	2.6%
2003 Q1	44,095	205.3	11.0%	0.85	11.8%	45.4%	5.5%	41.6%	2.0%
2004 Q1	46,532	181.3	-2.0%	0.83	8.2%	42.9%	-0.2%	41.7%	-3.7%
2005 Q1	43,429	165.7	-10.4%	0.85	11.7%	41.2%	-4.3%	41.2%	-6.6%
2006 Q1	50,281	144.0	-22.2%	0.68	-11.1%	38.6%	-10.3%	40.2%	-10.4%
2007 Q1	50,085	147.3	-20.3%	0.77	0.8%	39.0%	-9.4%	40.0%	-9.2%
2008 Q1	53,718	155.5	-15.9%	0.87	14.7%	40.1%	-6.8%	40.9%	-8.4%
2009 Q1	56,616	140.5	-24.0%	0.88	16.0%	39.3%	-8.5%	41.0%	-10.4%

¹Progress from 2000 takes account of the difference between the 2000 actual and predicted rates and applies it to all years. This ensures that the percentage difference is using the correct denominator.

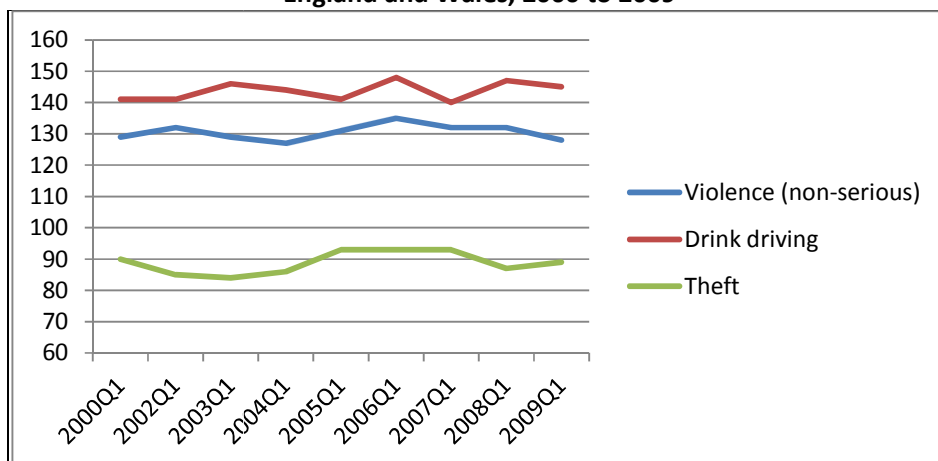
Source: Table 2, Adult re-convictions: results from the 2009 cohort, England and Wales, Ministry of Justice.

FIGURE 3. One- and two-year reconviction rates in England and Wales, 2000 to 2009



➤ **FINDING: Reconviction rates in England and Wales declined from 2002 to 2006 and have levelled off since then.**

FIGURE 4. Average time (in days) to first new offence within one year for some common offences in England and Wales, 2000 to 2009



4.5 Northern Ireland

4.5.1 Reconviction data is from a two-year follow-up analysis of the 2005 offender cohort. There have been two published studies of this cohort: Brown and Ruddy (2008) and Northern Ireland Department of Justice (2011). The Brown and Ruddy report is the basis of the data reported in this review because it excludes fines and other penalties that skew overall reoffending rates and approximates the community disposal cohorts used in analyses by key variables in the next section of the report. The 2008 Brown and Ruddy report is also used to report reoffending in the latest edition of the Northern Ireland Digest of Criminal Justice Information (2012).

4.5.2 Data in this study includes all offenders who were discharged from prison or commenced a community disposal in 2005. Community disposals include: probation orders, community service orders, combination orders, attendance centre orders, youth conference orders and reparation/community responsibility orders. This definition is similar to the community cohort in England and Wales in covering all those sentenced to disposals supervised by probation. This cohort was tracked for two years to collect conviction data for any offence (unclear whether any offence and any disposal, but this is implied). Like Scotland, it is the convictions which must fall within the follow-up period, so convictions beyond two years for offences committed during the period apparently are not included. Minimal historical data is available, complicated by the fact that the definition of adults changed between the 2001 cohort (persons 17 years or older) and the 2005 cohort (18 years or older). Differences between the 2008 and 2011 analyses of the same cohort suggest we should exercise particular caution in analysing these data.

➤ **FINDING: Reoffending studies in Northern Ireland have produced different results from the same cohort so should be read with particular caution. Bearing this in mind, the overall one-year reconviction rate for those leaving prison or commencing a community disposal in 2005 was 20%, the two-year rate was 43%.**

TABLE 6. Overall two-year reconviction rates and numbers in Northern Ireland, 2002-2005

Cohort	Rate	No Reconv
2002	43%	953
2003	44%	841
2004	38%	854
2005	43%	995

Source: Brown and Ruddy (2008).

➤ **FINDING: The overall two-year reconviction rate in Northern Ireland remained relatively stable from 2002 to 2005.**

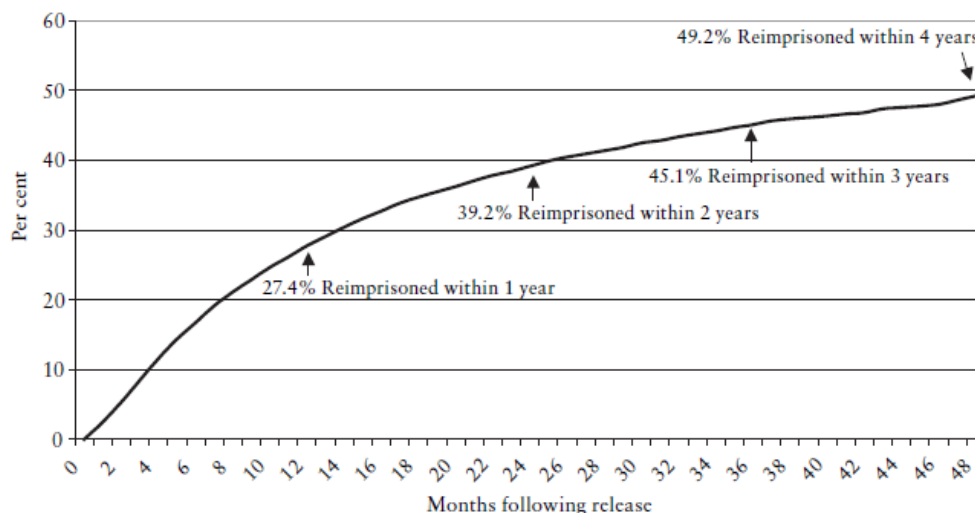
4.5.3 Slightly less than half of all reconvictions tracked in the two-year period happened in the first 12 months. At the one-year point, the overall reconviction rate for the 2005 cohort (including both prison and community disposal groups) was 20%. This is half the one-year follow-up rate in England and Wales (but note England and Wales's two-year sample includes convictions that happened beyond this period so long as the offence occurred within it) and nearly half that of Scotland (once monetary penalties are removed from the Scottish cohort).

4.6 Ireland

4.6.1 Ireland does not publish statistical bulletins on reoffending. Data presented in this section comes from O'Donnell et al. (2008). This work reports results of a reimprisonment study of all prisoners released from Irish prisons between 1 January 2001 and 30 November 2004, a total of 19,955 releases from prison during the period, representing 14,485 different persons (Id.). Recidivism is defined as being reimprisoned within the follow-up period. Reimprisonment rates were tracked from the beginning of 2001 through the end of 2004, thus follow-up periods ranged from 1 to 48 months. It shows a similar pattern to be found in other countries where most recidivism takes place in the first twelve months, rising gradually and then appearing to flatten over The course of the follow-up period (in this case four years).

➤ **FINDING: Around 39% of all Irish prisoners released between 2001 and 2004 were reimprisoned within two years.**

FIGURE 5. Reimprisonment rates of prisoners completing sentences in Ireland between 2001 and 2004.



Source: Figure 1 from O'Donnell et al., 2008 (p. 32).

➤ **FINDING: There was a high level of prior involvement in the criminal justice system among the Ireland cohort of prisoners: 42% had been to prison before, either on remand or to serve a sentence.**

- 4.6.2 In common with other recidivism research the Irish study found ‘that recidivism rates in Ireland were significantly higher among males, younger persons, those with less formal education, the unemployed and the illiterate.’ (O’Donnell et al., 2008: 134). In addition, reimprisonment was ‘significantly higher among those who were held on remand as part of their confinement and who had a prior prison committal in the recent past’, again echoing the influence of past imprisonment on future imprisonment. The specific reference to remand is of note because it is a relatively neglected aspect of reoffending research and of interest in Scotland where remand rates have risen significantly over the past ten to 15 years (see Prison Statistics Scotland, 2010-11).
- 4.6.3 The Irish study also found a significantly higher rate of reimprisonment among fine defaulters, who were two and half times more likely to be reimprisoned than those who had been directly sentenced to prison (O’Donnell et al., 2008).

4.7 Norway

4.7.1 The Nordic countries (Norway, Denmark, Sweden, Finland and Iceland) have agreed that recidivism shall be defined as a new conviction resulting in either a prison sentence or a community sentence, though there remain some dissimilarities between the five participating countries (Correspondence from Gerhard Jans Ploeg, 23 April 2012). The primary prerequisite for recidivism is any legally binding sentence within two years, where the new sentence is to be served in the correctional services. Fines and suspended sentences are thus excluded. Secondly, the act of crime(s) must have happened after release from prison or after the start of a community sanction. The latter includes community sentence or service, conditional sentence with supervision, as well as any conditional sentence with treatment or electronic monitoring supervised by the probation services (correspondence from Ragnar Kristoffersen, 13 August 2012). The relevant report on reconvictions (www.krus.no/no/Publikasjoner/Publikasjoner_utenom_seriene/) is not available in English but the reconviction rate in Norway using this definition, for the 2005 cohort, is 20% (correspondence from Ragnar Kristoffersen, 7 May 2012).⁴

➤ **FINDING: The reported two-year reconviction rate in Norway is 20%.**

4.7.2 The term 'recidivism' used in the following discussion refers to all people arrested and charged (without regard to whether the charge was dropped, dealt with through a pre-court disposal or committed for trial and ultimately resulting in conviction), and rates of arrest in the five years thereafter. English language data discussing the 2000 cohort shows consistency with the patterns in other countries. 'The survey on recidivism shows that many of the persons charged are caught for several offences over a longer period of time: Of all persons charged with crimes in 2000...61 per cent were caught [arrested and initially charged] for at least one offence during the next five years. The [greatest] recidivism, [at] 80 per cent, was among those with more serious types of theft and robbery as [their] principle offence in 2000. Statistics for the period 2000-2005 also show other similarities with previous statistics on recidivism, e.g. [higher] recidivism for men (50 per cent) than for women (32 per cent). As in previous years, the share of recidivism among men decreases considerably with higher age, whilst the share of recidivism among women increases up to the age group 30-39 years, where it is at its highest with 40 per cent' (Statistics Norway, 2007). Analysis of the 2005 cohort shows the same trends for gender and age (Statistics Norway, 2012: Table 21).

4.7.3 In addition to official data, there is a recent study exploring the relationship of employment, education and other factors on recidivism in Norway (Skardhamar and Telle, 2012, 2009). The authors included in their cohort 'all inmates released from prison sentences (excluding custody [i.e. remand]) during 2003 [amounting to] 7,476 individuals. If someone was

⁴ This is at the low end of the reconviction range for countries reviewed in this research, but note that only those eventually sentenced to a sanction supervised by the correctional service (i.e. recidivism excludes those re-convicted and sentenced to a fine or suspended sentence) are included in this rate. In contrast, Scottish reconviction rates include anyone receiving a new conviction, regardless of the sentence they received for it.

released several times in 2003, we use the first release. We follow each individual until the end of 2006.' Recidivism is defined as the first recorded instance by police of a new crime, whether or not the charge was pursued and led to conviction. On this definition the total rate recidivism in this study was 54%. Whether a person had obtained a job following prison led to strikingly different recidivism levels, 33% for those who obtained a job on completion of sentence, and 78% for those who did not.

➤ **FINDING: A large study of Norwegian prisoners examining employment and recidivism found an overall re-arrest rate of 54%; but this rate fell to 33% for those who had found a job post-release and rose to 78% for those who did not.**

4.7.4 Skardhamar and Telle's findings on other key variables and the chances of being re-arrested or getting a job provide an especially recent update in line with other research on recidivism, and is summarised below (excerpted from their Table 1):

TABLE 7. Recidivism and Job Prospects of Norwegian Prisoners by Education and Marriage

	Recidivism	Post Release Job
Marriage & Children		
Married with children	34%	44%
Married without children	49%	60%
Education		
Compulsory or less	64%	32%
High school not completed	58%	42%
High school completed	40%	61%
University level	32%	58%

➤ **FINDING: Higher levels of education and having children were associated with lower levels of recidivism in the Norwegian research.**

4.7.5 The Norwegian research shows some interesting relationships between levels of education, the importance of marriage and children and involvement in criminal justice. Having children seems to make a difference given the higher rate of recidivism among married people without them (official records do not specifically identify single people). Levels of education are inversely related to levels of recidivism. Interestingly, levels of education are inversely related to getting a job post-release, but only up to high school completion; university educated people had slightly lower rates of employment, though this may not be statistically significant. Skardhamar and Telle note that only about a third of people at the end of the study period were still in employment leading them to conclude that: 'This suggests that, although a substantial proportion of the sample obtained a job at some point,

many had trouble keeping one.’ This is a relevant issue for considering the aspirations of reducing reoffending, though it is not clear that staying in employment or the same job matters so much as getting employment at all post-release. The authors also are conscientious in noting that in using official records only formal employment and offending (measured via arrest) is captured, and that it cannot be determined from this research that employment (or marriage or children, for that matter) prevent reoffending (in the way that a matched sample comparison might). One might also speculate that employment and children affect justice system decision making as much as offender behaviour in that police, prosecutors and courts may be inclined to select lower impact options if higher impact ones (arrest over caution, diversion over prosecution, community service over prison) would interfere with job and family responsibilities.

4.8 New Zealand

4.8.1 New Zealand's Department of Corrections (NZDOC) provides reoffending rate information (percentages only; total population sizes are not included) in its annual reports. Adult offenders are divided into two cohorts: reconviction and reimprisonment rates for offenders leaving prison and the same rates for those commencing a (NZDOC administered) community-based sentence. Community sentences include supervision, community work and front-end home detention. These cohorts are then analysed according to key variables such as age, gender, offence and so on similar to other jurisdictions. One-year and two-year follow up data is provided. Additional research was conducted by the NZDOC comprising 60-month follow-up studies of the prison and community sentence cohorts of 2002-03 (Nadesu, 2009a and 2009b).

TABLE 8. One-year reconviction and reimprisonment rates among prison and community cohorts in New Zealand, 2001-02 to 2009-10

Cohort	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10
Prisoners reimprisoned	26	28	29	28	28	27	28	28	27
Prisoners reconvicted	42	42	43	41	42	44	48	48	45
Community reimprisoned	7	9	8	8	9	8	6	6	5
Community reconvicted	29	34	29	29	32	33	33	33	30

➤ **FINDING: In New Zealand, the one-year reconviction rate for offenders leaving prison 2009-10 is 45%; for offenders commencing a community sentence in 2009-10 the reconviction rate is 30%.**

FIGURE 6. Two-year reconviction rate of adults leaving prison in New Zealand by cohort year

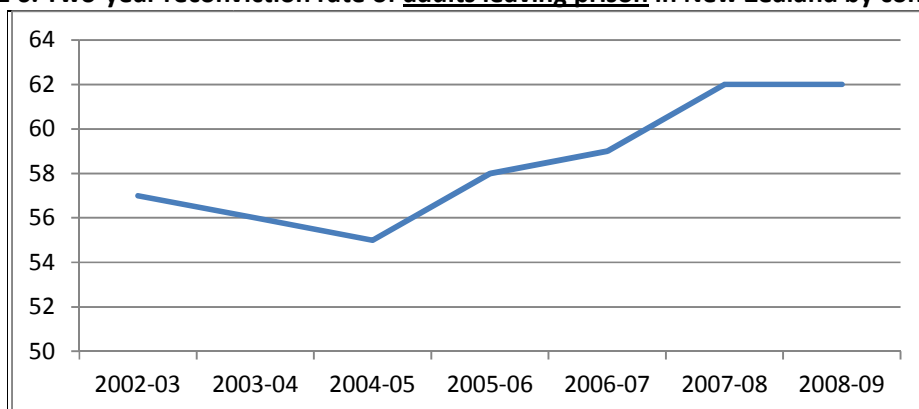
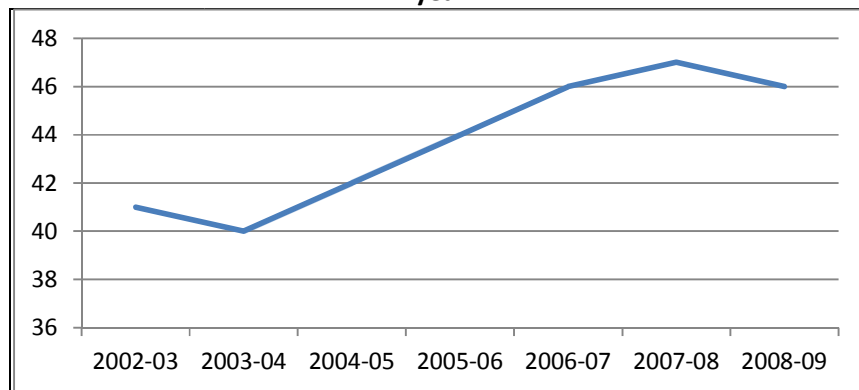


FIGURE 7. Two-year reconviction rate of adults on community sentences in New Zealand by cohort year



➤ **FINDING: Two-year follow-up studies show there was a rising rate of reconvictions for all offenders in New Zealand until 2007-08. The rate is levelling off for ex-prisoners and declining for those on community sentences.**

4.8.2 A longer term follow-up of the 2002-03 cohort analyses cumulative reoffending rates as shown in the table below (Nadesu, 2009a, 2009b).

TABLE 9. Rates of reoffending by prisoners and community-sentenced offenders by period of follow-up, 2002-03 cohort

After...	Prisoners returning to prison	Community sentenced re-sentenced to community or prison
12 mos	26%	32%
24 mos	37%	43%
36 mos	44%	50%
48 mos	49%	54%
60 mos	52%	58%

4.9 Recidivism by Key Variable

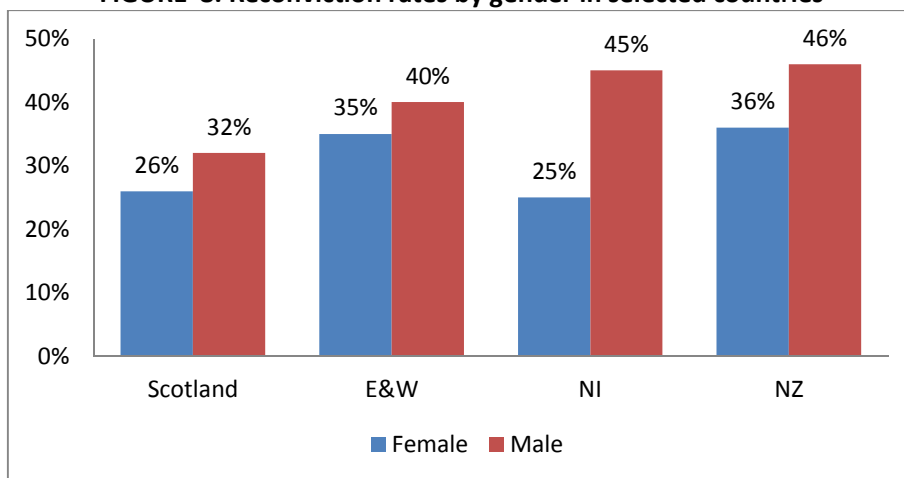
4.9.1 In this section the following cohorts are used as the basis of analysis: the one-year 2008-09 cohort in Scotland, the one-year first quarter 2009 cohort in England and Wales; the two-year 2005 cohort in Northern Ireland and the one-year 2009-10 cohort in New Zealand.

4.10 Gender

➤ **FINDING: The overall reconviction rate for males is higher than that for females among reviewed countries, in line with other international research.**

4.10.1 This is a consistent finding in reconviction studies. Even with the cohort differences among New Zealand (2008-09 cohort, prisoners only), England and Wales (2009 cohort, prisoners, probation or other NOMS administered community sentence) and Scotland (2008-09 cohort, all sanctions including monetary), women are reconvicted at lower rates than men with Northern Ireland having the biggest gap.

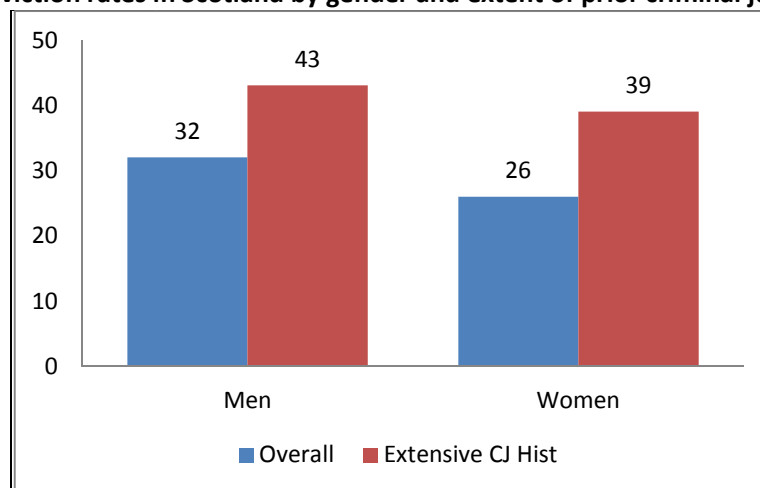
FIGURE 8. Reconviction rates by gender in selected countries



➤ **FINDING: However, the gender gap on reconviction rates reduces and even disappears the more serious and extensive one's involvement with the criminal justice system has been.**

4.10.2 The figure below compares the overall reconviction rate of men and women in Scotland to the reconviction rate of men and women whose last disposal was prison and who have 3-10 prior convictions (“Extensive CJ Hist” in Figure 9). The six point difference overall is reduced to a four point difference among those with prior involvement in the system. For men and women leaving prison and having more than 10 convictions, the difference is reduced to one point (63% reconviction rate for men, 62% for women) (Scottish Government, 2011, Table 11: 29). A similar declining gender gap was found in the five-year follow up study of New Zealand prisoners, where ‘[r]ecidivist female offenders turn out to be 2.5 times more likely to return to prison than first-timer females, while recidivist male offenders are just 1.9 times more likely to return to prison than first-timer males. However, the rate of reconviction for recidivist female offenders (80%) is almost same as recidivist male offenders (81%)...’ (Nadesu, 2009: 19).

FIGURE 9. Reconviction rates in Scotland by gender and extent of prior criminal justice involvement

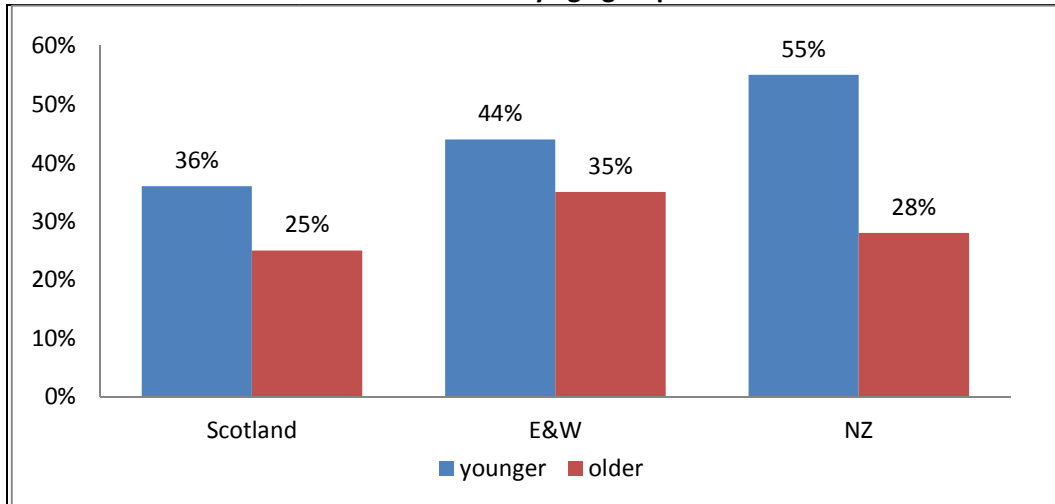


4.11 Age

➤ **FINDING: Also consistent with the wider literature, younger people have much higher reconviction rates than older people.**

4.11.1 It should be noted that the Scottish cohort includes all court disposals (significantly monetary penalties), and this is likely to be a factor in its lower rates of reconviction for both older and younger people relative to the other countries. New Zealand has a noticeably large gap in reoffending rates between its younger (20-24 year olds) and older (40 years or older) groups of offenders.

FIGURE 10. Reconviction rates by age group in selected countries



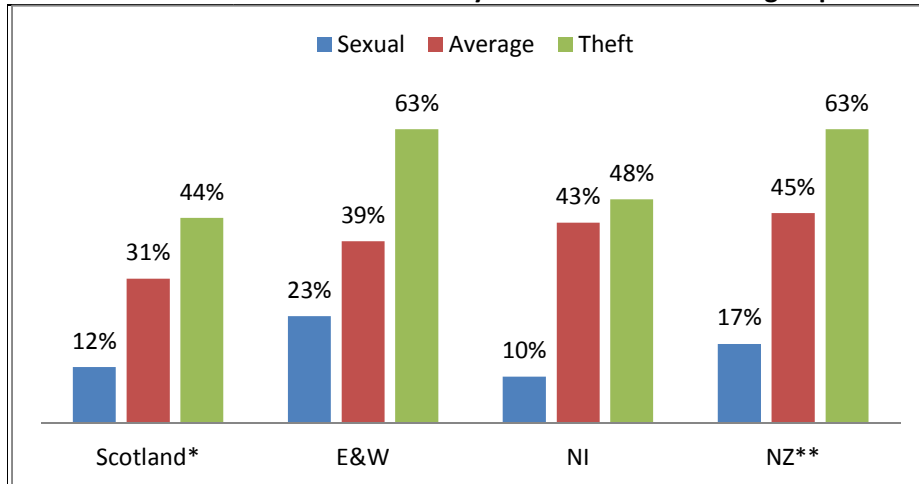
Definitions of younger, older groups: Scotland, younger = 25 or <, older = 30 or >; England, Younger = 18-24, older = 30 or >; NZ, younger = 20-24, older = 40 or >. NZ includes prisoners only.

4.12 Offence

➤ **FINDING: Theft and property offences have the highest rates of reconviction in all countries studied.**

4.12.1 The lowest reconviction rates tend to be, as shown in the figure, for sexual offences, which reproduces the findings of other research. However, given the well known underestimates of reporting, discovery, prosecution and conviction rates for sexual offending we remind the reader again of the difference between reported reoffending (official criminal justice behaviour) and actual reoffending (individual behaviour).

FIGURE 11. Reconviction rate by selected index offence group



*The particular offence of theft is not specified in the Scottish data so the much broader category of 'Dishonesty' is used (and includes theft, fraud, housebreaking, theft from lockfast place, etc.). The inclusion of fraud which tends to have a lower reconviction rate means this rate is likely an undercount. **New Zealand data is for prisoners only.

4.12.2 Reoffending by those convicted for theft and related offences also tends to take place sooner than for other offence groups. This was true in the New Zealand five-year follow up of prisoners, where the median time to first new conviction for those originally convicted of theft was 22 weeks; by comparison for assault convicted offenders it was nearly a year (Nadesu, 2009a: 20). The same pattern can be seen in the one-year follow up data on England and Wales (see Figure 4): 89 days for theft (the fastest reconviction offence group) compared to an overall average time to reconviction of 116 days for the 2009 cohort sample (first three months of offenders; Ministry of Justice, 2011).

4.13 Disposal

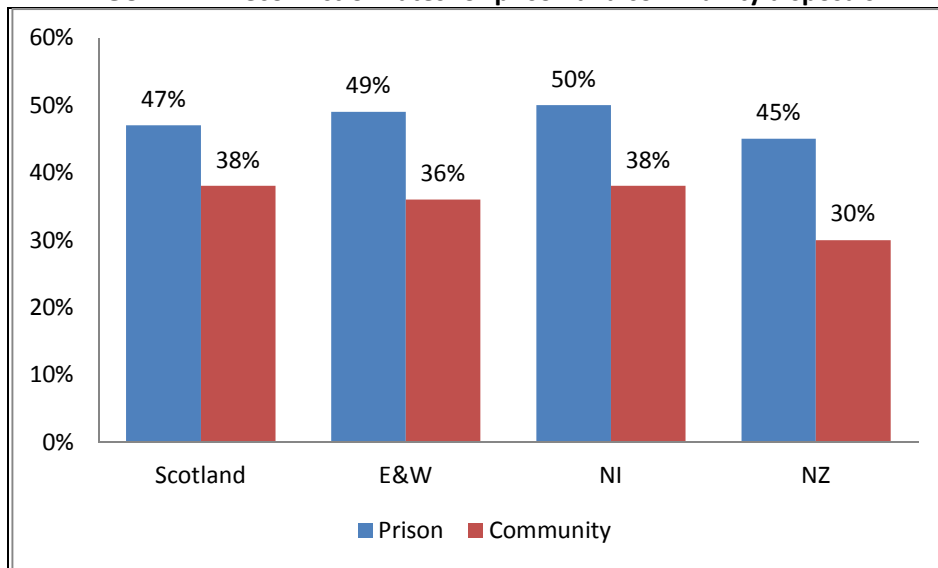
4.13.1 This variable refers to the disposal (sentence type) received for the index offence of the cohort members. Generally in a cohort of offenders, those receiving higher end sanctions (prison) have higher reoffending rates than those receiving lower end sanctions (fines, community service).

➤ **FINDING: In all countries reviewed, reconviction rates are higher for those leaving prison than those serving community sentences.**

4.13.2 This is a finding reported in nearly all recidivism research which looks at these two subgroups. Community sentences includes probation, unpaid work in the community and similar activities, though the specific definitions and requirements of community sentences varies by country. What cannot be concluded from this finding is that community sentences

are therefore more 'effective'. People serving different sentences will vary in important and likely systematic ways (e.g. those in prison are likely to have longer criminal histories, another predictor of reconviction).

FIGURE 12. Reconviction rates for prison and community disposals



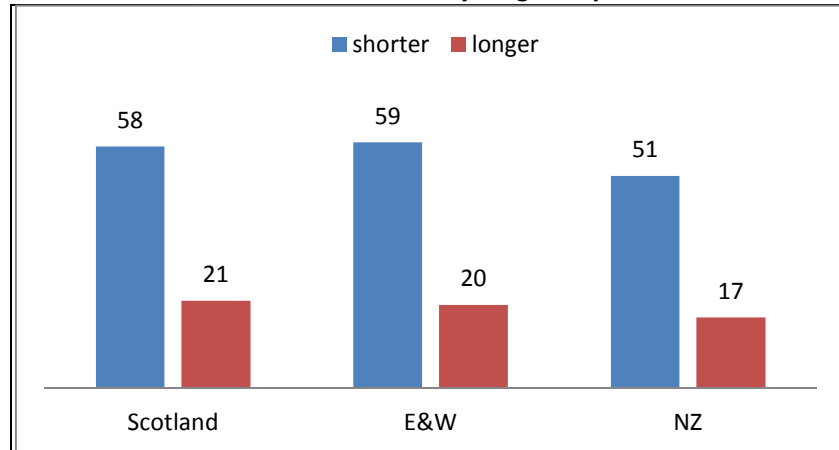
'Community' disposals as defined in individual country sections above.

4.13.3 In order to assess the 'effectiveness' (defined as a lower reconviction rate) of different disposals would require research that controlled for differences in the types of groups receiving them. The Ministry of Justice (2011: 4) now reports on the relative effectiveness of various sentences and has conducted matched sample comparisons finding that:

'Custodial sentences of less than twelve months were less effective at reducing re-offending than both community orders and suspended sentence orders – between five and nine percentage points in 2008. This reinforces the finding in the 2010 Compendium which was only based on 2007 data. The findings were similar for both community orders and suspended sentence orders.'

➤ **FINDING: Serving a short prison sentence of one year or less is associated with a substantially higher reconviction rate than serving a longer prison sentence of a few years or more.**

FIGURE 13. Reconviction rates by length of prison sentence



Definition of shorter, longer sentence: Scotland = 6 mos or less, > 2 years but excl life; E&W = <12 mos, 4 years or more excl life; NZ = 6 mos or less, > 3 years up to 5 years.

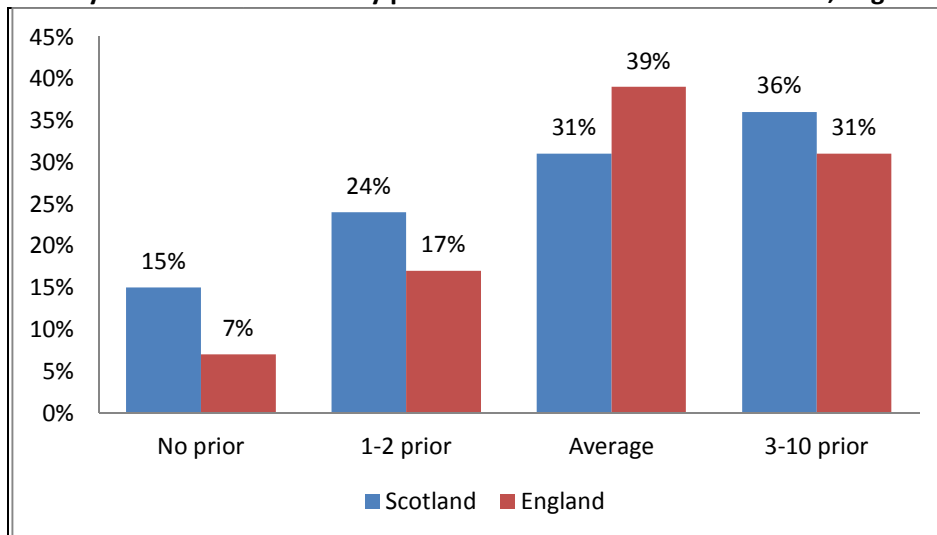
4.13.4 Again, one cannot conclude from this chart alone that short sentences are less ‘effective’ than long sentences. One reason for this is that the sentence length overlaps with age in that the longer someone is in prison the older they are when they next have the chance to reoffend, and are thus likely to do so at a lower rate anyway. In addition, the incapacitative effect of prison means those on longer sentences simply have less time available to reoffend. There are other sources of data and studies showing that short sentences are ineffective, and what we may conclude from this statistic is that short sentences do not appear to have much deterrent effect on reoffending in any of the countries presented in the data.

4.14 Extent and Type of Criminal Justice History

➤ **FINDING:** Having any prior experience of *prison* greatly increases one's likelihood of reconviction, while having many prior *convictions* appears to be less important for reconviction rates in the UK.

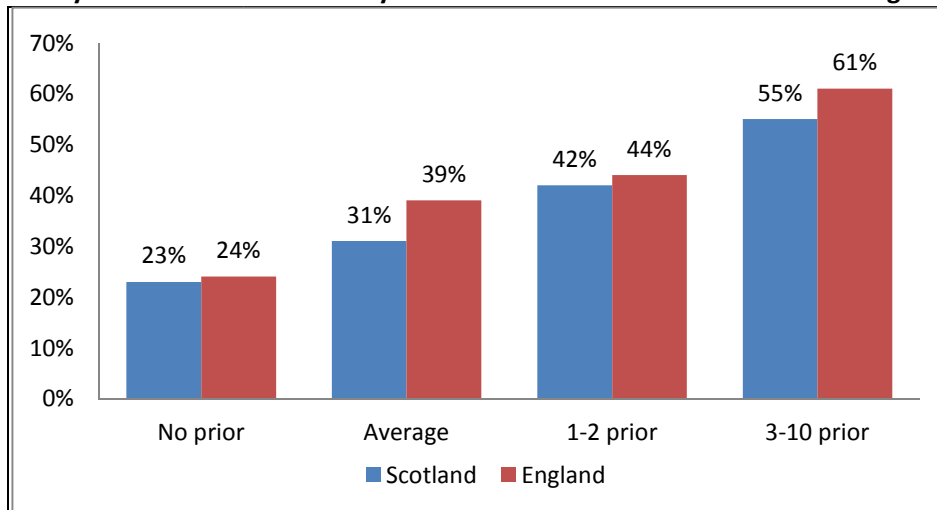
4.14.1 In England having many multiple prior convictions is not associated with having a higher than average reconviction rate, while having prior prison sentences is. Prior convictions seem to have the most importance for reconviction in Scotland.

FIGURE 14. One-year reconviction rate by prior criminal convictions in Scotland, England and Wales



4.14.2 For both Scotland and England and Wales, however, having *any* prior prison sentences raised the chances of reconviction above the average, and well above the average if one had many prior prison sentences. For example, those who had been to prison once or twice had a reconviction rate around 20 points higher than those who had never been to prison in both Scotland and England and Wales.

FIGURE 15. One-year Reconviction Rates by Prior Prison Sentences in Scotland and England and Wales



4.14.3 The Irish study also found that having prior experience of prison greatly increases the chances of being reimprisoned. Their analysis predicted 'that about 60 per cent of those with prison experience in the recent past will be reimprisoned compared to about 36 per cent of those without' (O'Donnell et al., 2008: 136).

5 Reducing Reoffending

5.1.1 What can we learn about the behaviour of individuals from measures that track the behaviour of systems? In this final chapter we address this methodological problem, concluding that it is the concept of reoffending itself which requires reform. While there is a large body of research on what works in offender treatment, it is impossible to trace one particular intervention to any possible impact on a national reoffending (i.e. reconviction) rate. In light of this we consider first, how the concept of reoffending fundamentally is a negative one, focusing on failure. Such a concept is well suited to the data we have from the criminal justice system itself, as the agencies comprising this system respond to breaches of rules and violations of laws. Second, we overview an emergent development in offender management, which attempts to develop a positive version of reducing reoffending, which focuses on the prerequisites of supporting an offender's desistance journey rather than on measuring his or her lapses from it. In the final section, we discuss the notion of 'reintegration'. This concept is gaining in popularity as a way to frame and design services around offender desistance.

5.2 Rethinking the Concept of 'Reoffending'

5.2.1 The statistics from the nations reviewed here show, in line with research on other jurisdictions, that reoffending varies consistently by several variables which amount to features of the individual offender: age, gender, criminal and criminal justice history. Age and gender are not within the power of the criminal justice system to influence, and so might appear to be an intractable dimension of reoffending in that young men will always be a bigger driver of criminal justice workloads than older women. However, it is worth remembering that what is measured in reoffending rates is not the actual level of misbehaviour by different people, but the actual level of criminal justice involvement in their lives. Given this, age and gender differences must be understood as more than natural and independent phenomena, but also as patterns of enforcement behaviour. Are young men congregating on the street more likely to be stopped and arrested by police (and prosecuted and punished) than a group of older people engaging in the same behaviour behind closed doors? If they are, and research suggests this is the case, then a reducing reoffending strategy might entail increasing opportunities and spaces for young people to gather and engage in healthy and licit activities. Perhaps more than suggesting specific strategies, the review of reoffending rates demonstrates how imperfect is our ability to measure statistically the thing we are interested in – actual behaviour by individuals – and thus to develop an understanding of what might help change it. This has meant in policy terms a focus first of all on individuals and as a result of this, a continued 'tendency to target the intervention on factors that predict [individual] criminal behaviour, not on [individual and social] factors that predict desistance' (McNeill, 2012: 9). In the points that follow, we identify a range of issues that show the most promise in keeping people out of spiralling criminal justice involvement.

1. **Using the least severe intervention necessary.** The more serious and long-lived one's involvement in the criminal justice system is, the higher the rate of reconviction. This effect appears to outweigh gender differences in reoffending (an issue worthy of proper

statistical analysis). Whether this is due to the fact that individuals with more involvement are more committed to criminal behaviour, less embedded in positive social networks and environments or more likely to be targeted for arrest, conviction and punishment (the 'usual suspects' thesis) is not clear from the data presented here. It may be a combination of all three. Regardless of the causes, a commitment to avoid higher levels of enforcement and punishment where possible helps avoid pulling individuals deeper into a system which creates a self-fulfilling prophecy of further involvement in the system.

Although Scotland (and the other jurisdictions studied here, e.g. O'Donnell, 2002; Ploeg and Sandlie, 2011) in principle uses the least restrictive means possible in the administration of criminal justice, attention to making this principle explicit and operational at levels of policy and practice are worth exploring. Many of those with the most entrenched criminal justice histories in Scotland engage in offending which is more of a nuisance than a severe danger to the public – shoplifting and public order offences driven by drug and alcohol problems (Scottish Prisons Commission, 2008). This low level of offending can rise to the level of serious community degradation when it occurs at high levels in particular areas, and so often courts deal with this sort of offending pattern through prison, justifying it as the only possible option (Tombs and Jaeger, 2006). The new Community Payback Order (which partly is a re-labelling of pre-existing community sanctions but also creates possibilities for ease of combining these and offering new mechanisms to maximise their supportive role, e.g. progress reviews) aims at providing an option short of prison that has a better chance of breaking this cycle of offending and imprisonment, though it is too early to evaluate their impact in this regard.

2. **Focusing investment on factors known to improve a person's prospects: employment, family life and education.** Studies which have considered the wider personal circumstances of individual offenders consistently show that employment status, educational level, and family status, are strong predictors of recidivism (e.g. Baumer, 1997; O'Donnell et al., 2008; Skardhamar and Telle, 2012). These things are also best addressed outside and before the criminal justice system, making clear that reoffending is an issue that cannot be improved primarily through the actions of the justice system itself. Increasing attention to this fact is beginning to emerge in research, with one recent effort developing a conceptual model for targeting the naturally occurring social support networks of an offender group of particular salience in Scotland – high rate offending ex-prisoners with drug problems (Pettus-Davis et al., 2011). This approach goes against the typical individual offender focus of most intervention and support and also provides a model for working with those already caught up in the criminal justice system. Among the countries studied here, research has also shown that when the criminal justice system reduces barriers to family support, in this case through home visits from Irish prisons, markedly lower rates of recidivism follow (Baumer et al., 2009).
3. **Recognising and minimising the destructive impact of criminal justice involvement on life chances.** As with aggressive cancer treatments which aim to kill a tumour but in so doing carry serious and sometimes life threatening side-effects of their own, criminal justice

interventions can have similar iatrogenic consequences. This has been a theme of the new direction in prison research in particular, the so-called 'secondary effects of imprisonment' on families and others in the age of mass imprisonment (e.g., Breen, 2010). Research in Scotland also has shown that short prison sentences in particular exert a damaging influence on the lives of offenders well beyond any given period of imprisonment (Armstrong and Weaver, 2010).

One response to the negative effects of the criminal justice system has been to document this effect at the level of communities and neighbourhoods, not just individuals: prisons and probation tend to draw their caseloads from small numbers of post code areas. Such communities have disproportionate amounts of state investment but it is investment which reflects and reproduces weakened social ties – police, court and prison. Taking this same level of expense but investing it in state resources which support communities where individuals can thrive has been the aim of the justice reinvestment movement (see Allen and Stern, 2007; and the special issue coverage in *Criminology & Public Policy Journal*, 2011, vol 10, no. 3).

4. **Reconceptualising rehabilitation to broaden its levels of action and develop positive rather than negative definitions of success.** Choices about specific interventions reflect fundamental ideas about the aetiology of offending and rehabilitation. The traditional focus on individual offending behaviour as the target of intervention reflects: continuity with century old beliefs of crime as disease and interventions as cure; a negative orientation – on breaches of norms and punishment of these rather than recognition of progress and support of positive behaviour; and a segregation of people into offenders and non-offenders, us and them. This orientation tends overall to draw attention to the largely negative options available through the justice system rather than thinking more holistically about the transformative potential of criminal justice and other systems. Developing interventions that engage people more broadly and positively and thus which can have a more sustained impact on reducing reoffending requires more than review of particular offender programmes but a reassessment of the very concept of rehabilitation. McNeill (2012) has begun to articulate such a renewed concept that significantly widens the areas where rehabilitation should be measured and re-focuses the concept on enabling and supporting positive behaviour rather than measuring and sanctioning negative behaviour. That is, McNeill's (2012) approach builds on the preceding points of this section and proposes rehabilitation as a four-level process involving successive attainment of the following:
 - *psychological rehabilitation* – which is principally concerned with promoting positive individual-level change in the offender and securing an authentic commitment to desistance (p. 14); and then,
 - *legal or judicial rehabilitation* – when, how and to what extent a criminal record and the stigma that it represents can ever be set aside, sealed, or surpassed; then,

- *moral rehabilitation* – in simple terms, an offender has to pay back before s/he can trade up to a restored social position as a citizen of good character (p. 15); and finally,
- *social rehabilitation* – in ‘European jurisprudence, the concept of ‘social rehabilitation’ entails both the restoration of the citizen’s formal social status and the availability of the personal and social means to do so...But here [refers to something that is] deeper and more subjective; specifically, the informal social recognition and acceptance of the reformed ex-offender’ (p. 15).

5.2.2 McNeill’s argument suggests we cannot make choices about this or that intervention on the basis of reoffending rates alone. To do so would be to focus on the negative that in fact tells us very little about the long-term prospects of change in an individual. Reoffending rates contain no information about positive change – new offending might still constitute progress where the offending is at a less severe or frequent rate (issues which the statistics in Scotland and England and Wales attempt to capture). This is in fact the case for the intervention with the highest associated level of reoffending in Scotland – DTTOs. While reoffending among those on this disposal currently stands above 60%, the statistics show reduced frequency of offending, suggesting a positive outcome for one of the most difficult offender groups to engage. Beyond this, however, McNeill’s four-level process builds on the increasingly certain knowledge that rehabilitation is not solely a process which happens inside the head or soul of an offender, but within the body of the system and polity. We know that societies where social investment is high have lower imprisonment rates (Downes and Hansen, 2006; Lacey, 2008; Cavadino and Dignan, 2006), and this broader conceptualisation of rehabilitation suggests how this connection might work. It is not simply investment but also an environment in which those who have transgressed laws can and are welcomed back into the fold. Certainly, understanding the ‘effectiveness’ of any given country’s criminal justice system can no longer be understood as a simple function of its cost against its reoffending rates.

5.3 Reintegration vs. Reoffending

5.3.1 Reoffending is of limited assistance in developing and evaluating a more holistic and socially situated version of rehabilitation. Instead, researchers are focusing attention on *reintegration* (see, e.g., Déscarpes and Durnescu, 2012). Reintegration can encompass individual, community and social levels of progress towards desistance. We know that family relationships, particularly having children, are a strong predictor of reconviction. A focus on reintegration would be able to measure progress at each of these levels, for example, when:

- The *individual* offender is working to maintain relationships with partner and children;
- There is good availability of family support (child care, counselling and health services, sensitive school staff) in a person’s home *community*; and,
- There is wider *social* support for settling back into communities (funding and structural support for job training and education and other mechanisms of regaining full citizenship).

5.3.2 Against this, we also know that having had experience of prison, even once, significantly raises the chance of re-imprisonment. A guiding value of reintegration might additionally work to ensure the criminal justice system recognised its own iatrogenic effect – that is, its power to make worse the thing it is seeking to make better. A decision to choose a prison over another kind of sentence, which is so readily done at present in Scotland, would require, if the system were guided by reintegration rather than reoffending, assessing whether such a sentence would fulfill, have no effect on or undermine the state’s own responsibility to support re-settlement of offenders.

5.3.3 Other countries put a concept of reintegration into practice through:

- *Second Chance Act (US)*: This Act marks a major shift in policy by the country with the greatest use of imprisonment. It is also known as the Prisoner Re-Entry Act and focuses on financial support of services which ease a prisoner’s re-settlement authorising ‘federal grants to government agencies and nonprofit organizations to provide employment assistance, substance abuse treatment, housing, family programming, mentoring, victims support, and other services that can help reduce recidivism’ (<http://reentrypolicy.org/government-affairs/second-chance-act>)
- *The reintegration guarantee (Norway)*: Recognising that ‘the life circumstances of offenders before and after serving their sentence are characterised by many and serious problem[s]’ as of 2005 ‘everyone who had served a community sentence or been imprisoned should be guaranteed services providing them with a form of income, education, employment, health services, addiction treatment, proper housing, debt counselling and identity papers’ (Ploeg and Sandlie, 2011: 391). It is noted these are not just rights of offenders but rights that all citizens have’ (Id.). The reintegration guarantee was reaffirmed by the Government in 2009.
- *Principle of normality and importance of local services (Norway)*: proximity to the local community is a central aspect of rehabilitation (Ploeg and Sandlie, 2011: 390). Education and medical/health services are provided locally.
- *Research Focusing on Naturally Occurring Social Networks (US)*: A variety of examples of supporting the social support systems of offenders, particularly with substance use disorders, recognises the value of social support in achieving stability (and desistance) and the negative effects of individually focused interventions and sanctions (Davis Pettus et al, 2012). Examples of reviewed models include Circles of Support and Accountability, La Bodega (a service providing support exclusively to family members of imprisoned drug users) and Support Matters a pilot project involving prisoners and a supportive person they identify.
- *Routes out of Prison (ROOP) (Scotland)*: Peer support of prisoners through life coaching to provide a tailored understanding of the needs of individual prisoners and support from a person with an empathic understanding of the prison experience (as cited in Déscarpes and Durnescu, 2012).

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7 Appendix: Raw Reconviction Data by Jurisdiction

SCOTLAND		
One year follow-up of 2008-09 cohort		
Overall	31	49613
	Reconv Rate	Reconv N
Gender		
Male	32%	13,243
Female	26%	2,140
Age (Table 2)		
<21	37%	3,979
21-25	34%	3,433
over 30	25%	5,195
Offence		
Dishonesty	44%	4,199
Criminal damage	33%	1,039
Violence	26%	3,674
Sexual crime	12%	77
Disposal		
Custody	47%	3,476
Probation	43%	2,202
Community Service	27%	1,006
RLO	46%	263
DTTO	64%	232
Monetary	26%	6,029
Other	23%	2,208
Sentence Length		
3 mos or <	60%	1,416
>3 mos to 6 mos	55%	1,042
>2 years to 4 years	26%	219
>4 years	14%	78
Prior History		
No prior convictions	15%	2,287

1-2 prior convictions	24%	2,600
3 to 10 prior convictions	36%	4,994
No prior prison sents	23%	8,399
1-2 prior prison sents	42%	2,183
3-10 prior prison sents	55%	2,850

ENGLAND & WALES

(MoJ, 2011, one-year results from the 2009 Cohort)

OVERALL cohort	Q1	2009	39	56616
			Reconv Rate	N
Gender				
Male			0.4	19,642
Female			0.35	2,629
Age				
18-20			0.46	4,119
21-24			0.42	4,447
30-34			0.42	3,382
35-39			0.37	2,502
40-49			0.31	2,566
50+			0.21	637
Offence				
Theft from vehicles			0.64	362
Theft			0.63	6,055
Other burglary			0.61	1,059
Fraud & forgery			0.17	397
Serious violence			0.21	282
Sexual			0.23	131
Disposal				
Custody			0.49	8,238
Community Orders			0.36	10,848
Sentence Length				
<12 months			0.59	5,855

2 yrs to <4 yrs	0.34	902
4 yrs and >	0.2	278
Table A5		
Prior Convictions		
No priors	7%	457
1-2 priors	17%	1,182
3-6 priors	28%	2,477
7-10 priors	35%	2,019
Prior Prison Sentences		
No prior prison sents	24%	7,185
1 prior	41%	2,749
2 prior	49%	1,951
3 prior	55%	1,550
4 prior	56%	1,230
5 prior	60%	1,088
6-10 prior	65%	3,388

NEW ZEALAND		
(DOC NZ one-year 2008-09 cohort)		
	Reconvicted	
Overall prison released	45	
Overall community sent	30	
Reconviction Rates of...	Prison released	Com'ty Sent'd
Gender		
Male	46	33
Female	36	23
Age		
<20	67	44
20-24	55	34
30-39	45	27
40 and >	28	19
Offence		
Car Theft and Related	65	49

Theft	63	43
Family Offences	59	41
Dishonesty	59	40
Drugs not cannabis	19	32
Sexual	17	12
Disposal		
Prison	45	
Community	30	
Sentence Length		
6 mos or <	51	31
>6 mos to 1 yr	47	29
>2 to 3 yrs	32	na
>3 yrs to 5 yrs	17	na
>5 yrs	15	na
Prior History		
no data		

NORTHERN IRELAND		
2005 Cohort, analysed in 2008 Brown and Ruddy		
	Rate	Reconv N
Overall Rate	43%	995
Disposal		
Community Disposal	38%	551
Prison	50%	444
Total	43%	995
Offence Type (prisoners only)		
Non-indictable	36%	185
Violence	39%	154
Sexual	10%	7
Burglary	59%	86
Robbery	55%	51
Theft	48%	188

Fraud & Forgery	27%	17
Criminal damage	50%	109
Offences against the state	53%	42
Drugs	31%	36
Motoring	47%	85
Other indictable	56%	35
All	43%	995
Reconviction rate of all offenders by number of previous convictions		
No previous	31%	124
1 to 2	31%	137
3 to 6	43%	214
7 to 10	49%	143
11 or >	53%	377
Age		
No data		
Gender		
Male	45%	930
Female	25%	65
Year		
2002	43%	953
2003	44%	841
2004	38%	854
2005	43%	995