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Jacqueline Young & Kristofer Bret Bucklen

In This Issue

Volume 14, Number 1 of Research in Review (RIR) features two article reviews as well as part 3 of an ongoing series on criminological theory. The first article review summarizes a recent piece by Steven Durlauf and Daniel Nagin examining what we know about ways to reduce both imprisonment and crime rates. Durlauf and Nagin conclude that the police serve a substantial general deterrent effect, whereas the experience of imprisonment provides little deterrence. They thus advocate for a “justice reinvestment” strategy of shifting criminal justice resources from prison spending to police and probation/parole spending, with a particular focus on strategies which increase the certainty and swiftness of detection and apprehension.

The second review in this issue summarizes a forthcoming article by Michael Ostermann examining recidivism outcomes for three types of prison releases: voluntary max-outs, involuntary max-outs, and parole releases. The specific focus of the article is on understanding voluntary max-outs, a group which has not been examined in previous research. Ostermann concludes that there are no statistically significant differences between voluntary max-outs, involuntary max-outs, and parole releases in their likelihood of recidivism after controlling for other relevant differences. Ostermann suggests that his findings should reduce concerns about allowing prisoners to max-out with no post-release supervision, although he also suggests that the parole system should work to increase its perceived legitimacy in order to make parole more appealing to eligible inmates.

The final piece in this issue is the third part of an ongoing RIR series on criminological theory and its relevance to policy. Part 1 in this series (see RIR Volume 13, Issue 1) provided a general introduction and primer on criminological theory. Part 2 (see RIR Volume 13, Issue 2) focused on a summary of Self Control theory. This third part focuses on a summary of Social Control theory, which is another one of the most recognized criminological theories. Social Control theory is perhaps preeminent in terms of its importance and relevance to prisoner reentry and community corrections. The theory and its public policy implications are examined here.
REVIEW: IMPRISONMENT AND CRIME: CAN BOTH BE REDUCED?
Jacqueline Young

Can crime rates and imprisonment rates be simultaneously reduced? Durlauf and Nagin believe so, but only if the criminal justice system shifts its focus away from severity-based policies like long imprisonment terms, to a greater reliance on effective deterrence/prevention strategies such as policing techniques which rely on swifter and more certain responses to crime. An extensive review of recent empirical studies leads Durlauf and Nagin to several broad conclusions related to the criminal justice system. First, they conclude that lengthy prison stays do not substantially deter criminal behavior. Second, they conclude that increasing the visibility of police by hiring more officers and structuring police work so as to heighten the perceived risk of apprehension produces a significant deterrent effect. And third, they conclude that the experience of imprisonment itself does not seem to prevent reoffending, but rather more likely leads to slightly increased criminality.

In organizing their review of the literature, the authors take particular interest in understanding the interplay between the certainty and severity of punishment in deterring criminality. They define severity of punishment in terms of prison sentence length, and note that severity alone does not serve a specific deterrent effect. What they find to be more important, however, is the interplay between severity and certainty of punishment. Following apprehension, an offender must go through an extensive process that involves being charged, prosecuted, and sentenced. The success of this process is based significantly on the police who identify the crime, initiate the apprehension, and therefore play a key role in guaranteeing certainty of punishment. As a result, Durlauf and Nagin argue that the police must play a key role in balancing the interplay between the severity and certainty of punishment in order to make deterrence work.

To identify policies that reduce both imprisonment and crime rates—and therefore effectively deter criminal behavior—the authors review two types of empirical studies. They first examine aggregate level studies comparing the relationship between imprisonment rates and crime rates and also comparing the relationship between crime rates and aggregate measures of policing levels. They then review empirical studies that analyze the deterrent effect of specific sentencing, corrections, and policing policies and interventions.

Based on this extensive literature review, Durlauf and Nagin develop some key conclusions. Their first conclusion is that lengthy prison sentences—especially policies requiring mandatory minimum prison stays—do not produce crime prevention benefits. Their second conclusion is that the experience of imprisonment itself does not serve to deter future criminal behavior. Based on dozens of studies of the impact of imprisonment on future criminal behavior, the best evidence to date suggests that imprisonment has a null to slightly crime-producing effect on future criminal behavior. Their third conclusion is that practices by the police and by probation/parole agencies which serve to enhance the certainty of sanctioning for criminal behavior or rule violations produce a substantial deterrent effect in preventing crime.
crime. Durlauf and Nagin are quick to point out that there is no logical inconsistency between their first two conclusions on the effects of imprisonment and their third conclusion on the effectiveness of certainty-based policing/probation/parole practices; while the best evidence suggests that lengthy prison sentences, and indeed imprisonment itself, offer little in terms of a deterrent effect, there is absolutely nothing logically inconsistent with a finding that delivering a credible threat of imprisonment for potential or would-be offenders can produce a significant deterrent effect.

Based on the conclusions from their literature review, Durlauf and Nagin advocate shifting criminal justice resources so that more funding emphasis is placed on policing over imprisonment. While they refrain from lending advice about the extent to which these resources should be adjusted, they do conclude that even a modest shift toward policing and away from imprisonment may significantly reduce both crime and imprisonment. Related to this, they also conclude that shifting resources to probation and parole services which seek to enhance the certainty and swiftness of sanctioning may further reduce the number of crimes committed by offenders who are on probation or parole, therefore also reducing both crime and prison admissions.

How do these broad conclusions translate into policy changes? As Durlauf and Nagin suggest, the best policy strategies should result in “large and visible shifts in apprehension risk.” Citing prior evaluation studies, Durlauf and Nagin emphasize a few policy options. Specifically, they suggest repealing mandatory minimum statutes that require long sentences for repeat offenders. At a minimum, they advocate narrowing the criteria used for mandatory sentences so fewer offenders fall within the eligibility for mandatory sentences. Related to policing, they advocate using strategies that have demonstrated effectiveness in targeting high-rate offenders and high crime places, such as “Hot Spots Policing” and “Problem-Oriented Policing.” They further note that while increasing police resources has been shown to prevent crime, not all methods of police deployment are equally effective. Thus it is crucial for increased police resources to be specifically targeted towards strategies that have demonstrated effectiveness such as Hot Spots Policing and Problem-Oriented Policing. Another recommended policy option is increased experimentation with probation/parole strategies which have recently demonstrated success in increasing the swiftness/certainty of detection and sanctioning, such as Project HOPE in Hawaii.

Durlauf and Nagin see ample opportunities for research and experimentation related to their ideas for simultaneously reducing imprisonment and crime. The authors suggest studying the deterrent effects of varying sentence lengths, citing Western European countries as an example, where prison sentences are much shorter compared to those in the United States. They also recommend analyzing the practices of other countries that have both low crime rates and low imprisonment rates, which may reveal promising means of achieving both goals. In addition, they point out that little is known about how police presence affects the perception of apprehension risk, and that further qualitative and quantitative research is needed in this area. They lastly suggest that additional research about criminal decision making is needed. This includes research about the extent to which probability of apprehension actually affects crime choices.
Durlauf and Nagin also provide some concluding advice for policymakers in going forward with this agenda. They first warn that a policy that proves successful in one jurisdiction may not be transferable to another jurisdiction, region, or state. They note that “local context” clearly affects policy implementation. Related to this point is the issue of maximizing the effectiveness of whatever policy is chosen. Durlauf and Nagin argue that the actors involved—be it police or other law enforcement and criminal justice officials—need to be presented with incentives to carry out the policy, and carry it out well. As with nearly any crime control strategy, careful implementation and model fidelity is crucial.

Durlauf and Nagin put forth a final warning about challenges to implementing their policy recommendations. Shifting resources from corrections to policing presents sizable political and logistical difficulties. The shift itself would involve determining which locales are in most need of additional resources, transferring state-level funds to local-level functions, and establishing a system to monitor spending patterns and results.

Durlauf and Nagin’s paper provides a bold proposal for the criminal justice system. Their proposal represents one option under the broader and recently popularized concept of Justice Reinvestment. According to their review, since we are not getting a good return on our investment from correctional spending, one promising alternative is to significantly shift our spending from state corrections to local level policing. Research to date indicates that the police (and probation and parole) represent the front line of attack in crime prevention, and are more effective in deterring criminal behavior and thus reducing the need for imprisonment. Criminal justice decision-makers who are grappling with developing a portfolio of criminal justice spending based on limited budgets would be well-advised to consider Durlauf and Nagin’s review of the evidence and resulting proposal.
REVIEW: PAROLE? NOPE, NOT FOR ME
Joe Tomkiel


With the cost of incarceration being significantly higher than that of parole supervision, reducing prison populations through the parole process can offer significant budgetary savings as long as such savings are not seen as being at the expense of public safety. In 2006, of the 12,555 inmates released from prison in New Jersey, 4,592 (or 36%) were released upon reaching the end of their maximum sentence, a situation commonly referred to as “maxing out.” Somewhat surprisingly, 1,835 of those max-outs had reached the end of their sentence because they had refused parole and voluntarily elected to remain in prison until their maximum sentence date. Recent research by Dr. Michael Ostermann, a research scientist in the Office of Policy and Planning at the New Jersey State Parole Board, examines this group and attempts to provide us with a better understanding of how this group fares in the community, offering possible courses of action for dealing with this population.

In conducting his research, Ostermann distinguishes between two max-out populations. The first group consists of those who “involuntarily max out” due to denial (or multiple denials) of parole by the paroling authority. The second group, which is the primary focus of the study, consists of those inmates who decide to decline parole and as a result serve their maximum sentence and “voluntarily max out.” While some of the possible reasons are discussed for why inmates may voluntarily avoid parole, Ostermann’s work primarily focuses on providing an understanding of the profile of voluntary max-outs and how they succeed in the community when compared to involuntary max-outs and parole releases. By looking at the parole system in light of these outcomes, Ostermann is able to provide recommendations for consideration concerning the structure of the current parole system in New Jersey and in similarly structured states.

The literature indicates that intensive community-based services and interventions focused on and tailored to individuals are able to reduce recidivism. Unfortunately, these community services are usually provided predominately to offenders released onto parole supervision. Voluntary and involuntary max-outs by definition do not receive post-release supervision, and typically do not take as much advantage of community-based services especially given that they are under no mandate to do so and/or may not know where to even go for such services absent some post-release transitional help. In addition, those who voluntarily max out are sometimes perceived as purposely selecting this course to avoid parole supervision and the detection of renewed criminal pursuits. For these reasons, max-outs (and particularly voluntary max-outs) may be particularly vulnerable to reoffending after release from prison.

Conversely, a few prior studies show that some inmates may view remaining in prison and maxing out as a more rational option than being released to parole supervision. Research on inmate views on punishment have shown that prison is not always viewed as the most severe form of punishment imposed by the criminal justice system.
Longer incarceration rather than early release may seem reasonable if the inmate views post-release supervision or community corrections as more severe than imprisonment, especially if the inmate only has a short time remaining on his/her prison sentence, has had a prior negative experience under parole supervision, and fears failing while on parole.

According to Ostermann there is very little research available on the performance of max-outs, and no prior studies that differentiate between voluntary and involuntary max-outs in terms of how they fare after their release from prison. The most current large-scale research available comparing parolees and max-outs is based on a multi-state recidivism sample from prisoners released in 1994, as reported by researchers at the Urban Institute. After controlling for other relevant factors, these researchers found only a slight difference in recidivism rates among those released to discretionary parole when compared to mandatory parole and unconditional (max-out) release. On a smaller scale, more recent research in New Jersey looked at individuals released to supervised parole compared to those released unconditionally over a four year period following their release in 2001. Results in this study did show that recidivism among those paroled was lower in terms of rearrest and reconviction; however, Ostermann expresses concern with some the methodology used in this study, particularly relating to follow-up time periods and how post-release arrests were counted.

For his study, Ostermann used New Jersey state parole board data to identify individuals released from state prison in 2005, who were then grouped as voluntary max-outs, involuntary max-outs and parole releases. Using a stratified random sampling, 300 cases were selected for each group. Recidivism rates were determined based on information extracted from New Jersey State Police criminal history records for the post-release period.

Initial results from this study showed that parolees had more positive outcomes when compared to both voluntary and involuntary max-outs. Paroled individuals showed lower rates of arrests and convictions when compared to either of the max-out groups. Voluntary and involuntary max-outs were statistically identical in terms of recidivism rates when compared to each other. Both max-out groups were also found to be similar in terms of in-prison disciplinary infractions, while parolees showed a lower incidence of such infractions. Time until first rearrest or reincarceration was found to be longer for parolees than for the max-out groups as well.

Simple comparisons of these outcomes are inaccurate, however, since there are likely other significant factors that differentiate parole releases from max-out releases. If, for example, the parole board is doing a good job of selecting low risk candidates for parole release then obviously we would expect parole releases to demonstrate lower recidivism rates. After controlling for a variety of other important and relevant factors such as age at release, risk classification (LSI-R score), number or prior arrests, in-prison program participation, and prior disciplinary infractions, Ostermann found no statistically significant differences between the three groups in their likelihood of recidivism. Thus, a more rigorous comparison found little evidence that voluntary max-outs performed any better or worse than either involuntary max-outs or parole releases in terms of post-release recidivism.
This study is significant because it examines voluntary and involuntary max-outs as separate, distinct groups rather than as one homogenous group. Ostermann’s results provide evidence that those inmates who voluntarily max out are no more likely to recidivate than those who max out involuntarily or are released onto parole. For paroling authorities this finding should reduce concerns that allowing prisoners to voluntarily max out with no post-release supervision somehow increases the danger they may pose to the community.

The impetus for this study was New Jersey’s consideration of a requirement of mandatory post-release supervision for all prison releases. Based on his findings, Ostermann believes that public policy efforts aimed at taking away the ability for an inmate to choose to voluntarily max may be wasted effort, since there is no indication of an added benefit in terms of lower recidivism rates for those who are under parole supervision. And yes while the cost of early release to parole supervision is cheaper than a prison bed, this cost savings is offset to a degree by the fact that a certain proportion of parolees will return to prison for a technical parole violation whereas max-outs cannot return for such a violation since they are not under supervision. If voluntary max-outs remain a concern, a better option, Ostermann says, is to increase the perceived legitimacy of parole supervision and to make parole more appealing to eligible inmates.

This study represents an interesting development in correctional research, in that it examines a group of prison releases (voluntary max-outs) who have gone virtually unexamined in the correctional research literature up to this point. While Ostermann finds little evidence that voluntary max-outs are a particularly dangerous sub-group of prison releases, this is only one study in one state. Ostermann recommends further research on voluntary max-outs in other jurisdictions, with a particular focus on better understanding the decision-making process among those who decide to voluntarily max out, and also on better understanding how parole and correctional authorities can modify procedures to reduce voluntary max-outs when post-release supervision is more desirable.
SOCIAL CONTROL THEORY (Part 3 in the “Criminological Theory” series)
Jacqueline Young & Kristofer Bret Bucklen

Origins of the Theory

While the beginnings of social control theory can be traced to work in the early 1900s, the theory itself was not fully developed until the work of Travis Hirschi in the late 1960s. Since Hirschi’s monumental publication on social control (or social bonding) theory in 1969, a significant amount of additional research and thinking on social control theory has developed. Social control theory, as a whole, is one of the most recognized theories in modern criminology. The following discussion outlines the basic tenets of the theory, presents major research on the theory, discusses criticisms of the theory, and links social control theory to its public policy implications.

Social control theory is based on the assumption that human nature is inherently antisocial and that individuals are naturally inclined towards criminal behavior. The theory thus sets out to explain why people do not commit crimes, rather than to explain why people are compelled to commit crimes. Hirschi theorized that those who were tightly bonded to social groups like family, school, and peers were less inclined to commit delinquent acts. In other words, tighter social bonds result in closer control and, therefore, less delinquency.

Hirschi used four specific concepts to explain why individuals conform to or deviate from social norms: attachment, commitment, involvement, and belief. He proposed that attachment, or the extent to which a person is connected to others, was the most important element of the social bond. The primary types of attachments he identified were parents, peers, teachers, religious leaders, and other community members. He believed that the actual strength of the attachments were more important than the characteristics of those to whom the attachments were made, for determining adherence to or violation of conventional rules. Commitment represents the “rational component” of the social bond, or the investment one has in conventional society. In other words, if the individual has too much to lose—socially, professionally, or economically—he or she will not violate the law. Involvement refers to the level of active participation in conventional activities. Hirschi theorized that if someone is frequently involved in positive, social activities, there would be few opportunities for social deviance. This idea was based on the notion that “idle hands are the devil’s workshop.” Finally, Hirschi’s concept of belief argued that the more a person believed in social norms, the less likely he or she was to engage in delinquent behavior. These four variables—attachment, commitment, involvement, and belief—are the underlying principles of Hirschi’s social control theory. Hirschi suggested that if an individual is attached, committed, involved, and believes in social norms, he or she is unlikely to engage in criminal behavior.

While social control theory really took hold in the late 1960s with the publication of Hirschi’s work, its development was heavily dependent on earlier work by other control theorists, specifically scholars like Albert

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Reiss, Ivan Nye, Jackson Toby, and David Matza. Perhaps credited with the earliest version of social control theory, Reiss attributed the causes of delinquency to the failure of personal and social controls, and suggested that conformity results from either the acceptance of or submission to rules. Expanding on this work, Nye focused on the family as the most important source of social control for adolescents. Around the same time, Toby presented a study of “stakes in conformity” for understanding how much a person loses when he or she breaks the law. David Matza’s work developed the concept of “drift.” Under Matza’s concept of drift, he theorized that delinquents are largely not committed to delinquency but rather move back and forth between conventional and delinquent behavior. He suggested that most of the time social bonds effectively serve to keep delinquents in conformity with law-abiding societal norms, but that delinquents would use “techniques of neutralization” (or rationalizations) in order to justify breaking from the control of these bonds and participating in delinquent behavior.

Although Hirschi drew upon the work of these earlier control theorists to develop the concepts of social control theory, one of the main reasons he has become synonymous with social control theory is through testing the theory itself. Hirschi administered a classic survey which captured self-report data from over 4,000 high school students in California. The survey asked questions about family, school, peer relations, and delinquency, and revealed several findings in support of social control theory. Specifically, Hirschi found that those who were more closely attached to their parents were less likely to report committing delinquent acts, and that commitment to “conventional” values and behavior (focusing on education and abstaining from alcohol consumption, for example) was associated with non-delinquent behavior.

Research and Extensions

Since Hirschi’s now famous test of social control theory, there have been a number of additional empirical studies examining the key propositions of the theory. In fact, social control theory is one of the most examined theories of criminal and delinquent behavior. Overall, most empirical studies have found support for social control theory, especially for the concepts of attachment and commitment. Subsequent studies have found evidence that theoretically relevant factors are associated with delinquency, including disinterest in the educational experience, and lack of attachment to family, peers, and schools. Evidence has been more limited for the belief and involvement components, however, and some studies have actually found that youth involved in conventional activities like sports may actually be more likely to commit delinquent acts.

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Robert Sampson and John Laub conducted one of the most significant examinations of social control theory beginning in the late 1980s. Their particular version of social control theory set out to account for crime and deviance throughout various stages of the life-course, from childhood to adolescence to adulthood. Their brand of social control theory is referred to as an “age-graded” theory, in which they propose that different social bonds matter at different stages of life. For example, they find evidence that marriage is a particularly relevant social bond for countering criminal behavior, but marriage is obviously an irrelevant social bond to children since children do not get married. Among children and adolescents, Sampson and Laub found that social control was most connected to family, school, and peers. Within families, delinquency was associated with low levels of parental supervision; erratic, threatening, and harsh discipline; and weak parental attachment. Once these factors were taken into account, background factors such as parental criminality and divorce had little or no direct effect on delinquency.

In terms of adult criminality, Sampson and Laub found that the most critical life events leading to desistance from criminal behavior were marriage, employment, and military service. They further concluded that these adult bonds had several features in common: 1) they provided a “knifing off” of the past, 2) they provided support coupled with monitoring, 3) they involved structured routine activities, and 4) they provided an opportunity for identity transformation.

Sampson and Laub’s seminal work provides the strongest empirical support for social control theory since Hirschi’s development of the theory. Their study, originally initiated by Sheldon and Eleanor Glueck in the 1950s, is widely considered the longest longitudinal study ever conducted in the field of criminology.

Critiques of the Theory

While social control theory is largely viewed as a leading criminological theory with relatively strong support, certain critiques of the social control literature have been noted to date. First, critics suggest that social control theory needs to be more broadly tested on diverse populations (females and minorities, for example) and crime types. In fact, some have raised questions about Hirschi’s original test of social control, suggesting that having few “delinquents” in his sample may have skewed the results. Many empirical tests of social control theory rely on school samples, which may not be most appropriate for testing the theory.

A second criticism of the theory is the inconsistency in actually testing the key concepts of social control. In a major review of the research testing social control theory, Kempf reviewed the more than 70 published tests of social control theory and concluded that these tests defined the relevant social control variables very differently. For example, in assessing the concept of attachment, Kempf found that empirical studies used different definitions and intensity of attachment, and therefore may not truly be

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testing the original concept espoused by Hirschi.

Finally, a number of studies testing social control have used cross-sectional data, which does not allow for tests of causal order. As a result, critics argue that these studies cannot explain whether the lack of social bonds causes delinquency; or, in contrast, whether delinquency impacts the development of social bonds. Robert Agnew argued this point, suggesting that adolescents who break the law may then develop weak bonds to parents, peers, schools, and other social groups. Further tests using longitudinal data, similar to Sampson and Laub’s study, may better explain the direction of the relationship between delinquency and the core concepts of social control theory.

**Policy Implications**

Social control theory holds a number of policy implications. One implication to be drawn is that rehabilitation policies will continue to produce less than impressive results unless social, familial, and community bonds are reinforced. In this respect, social control theory has perhaps more to say about prisoner reentry than any other of the major criminological theories.

In terms of delinquency prevention, if the quality of family relationships and child rearing practices do indeed impact an individual’s criminal trajectory—as social control theory suggests—then programs focused on improving parenting skills and family bonds would have a significant influence on preventing future delinquency and crime. To this end, broader social policies should focus on building stable family units and strengthening relationships among family members.

From a corrections perspective, social control theory suggests that longer prison sentences likely translate into weaker bonds to society (family, work, community, etc.) and therefore likely result in increased recidivism rates. In terms of practical application to corrections, the implication is that correctional agencies should develop strategies to keep inmates connected to their families while incarcerated so that critical bonds are well-established upon release. Social control theory reminds us that preparation for reentry, and the actual transition period from prison to the community, is key to preventing future delinquent behavior.

Moving beyond familial bonds, social control theory also suggests that ex-offenders who obtain quality employment are less likely to commit future crimes. In other words, if employed in meaningful jobs, ex-offenders serve to lose out by deviating from pro-social norms or returning to criminal behavior. An ex-offender with a job develops a “stake in conformity.” Employment also keeps ex-offenders engaged in worthwhile activities, which again serves to keep them away from criminal involvement. Thus, the key policy implication is the need to assist ex-offenders in obtaining and keeping quality employment. Corrections professionals may need to help offenders establish better connections to employers, as well as work within local communities to encourage employers to provide quality jobs to ex-offenders. This need reaches beyond the realm of corrections, however, and highlights the importance of collaboration with community organizations.

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to support the goal of stable employment (and stable social ties more generally) for offenders.

While research testing social control theory has focused specifically on family/marriage and employment, more important is the common underlying elements that make these factors effective in preventing criminal behavior. Other types of social ties which meet some or all of the various criteria posed by Travis Hirschi or Sampson & Laub for increasing social bonds may include religious institutions, mentoring relationships, and education. Social control theory would thus suggest that correctional agencies should seek innovative ways to reinforce these other types of social bonds as well.

Perhaps the most important policy implication extending from social control theory is the need to re-evaluate sentencing structures and the use of imprisonment. While the need for imprisonment cannot be ignored, research on social control theory indicates that long prison sentences may be counterproductive.\textsuperscript{12} Since lengthy prison terms may erode the quality of social bonds, alternative sanctions (or at least shorter prison stays) for some types of offenders may be more effective. Community-based sentences, for example, could help offenders maintain family and employment ties while simultaneously fulfilling their required punishment. Social control theory is thus an important foundational theory for structuring a community corrections system and sentencing alternatives to incarceration.