

# Unit 3

# Forensic Psychology



- **Offender profiling:**
  - The top-down approach, including organised and disorganised types of offender
  - The bottom-up approach including investigative Psychology; geographical profiling.
- **Biological explanations of offending behaviour:**
  - An historical approach (atavistic form)
  - Genetics and neural explanations.
- **Psychological explanations of offending behaviour:**
  - Eysenck's theory of the criminal personality
  - Cognitive explanations - level of moral reasoning and cognitive distortions, including hostile attribution bias and minimalisation.
  - Differential association theory
  - Psychodynamic explanations.
- **Dealing with offending behaviour:**
  - The aims of custodial sentencing and the psychological effects of custodial sentencing
  - Recidivism
  - Behaviour modification in custody
  - Anger management
  - Restorative justice programmes.

# Offender profiling

---

Offender profiling is based on the idea that the characteristics of an offender can be deduced from the characteristics of the offence and the particulars of the crime scene.

**The main aim of offender profiling is to narrow the field of enquiry and the list of likely suspects.**

Methods vary, but the compiling of a profile will usually involve careful scrutiny of the crime scene and analysis of the evidence (including witness reports) in order to generate hypotheses about the probable characteristics of the offender (their age, background, occupation, etc)

There are two main types of offender profiling: **Top-down approach** and **Bottom-up approach**.

## Top-down approach (also known as Top-down typology)



The top-down approach to offender profiling originated in the United States as a result of work carried out by the **FBI** in the 1970's. More specifically, the FBI's Behavioural Science Unit drew upon **data gathered from in-depth interviews** with 36 sexually motivated serial killers including Ted Bundy and Charles Manson.

Profilers who use this method will match what is known about the crime and the offender to a pre-existing template that the FBI developed using the data they gathered from the interviews they conducted. **Murderers or rapists are classified in one of two categories** (organised or disorganised) on the basis of the evidence, and this classification informs the subsequent police investigation.

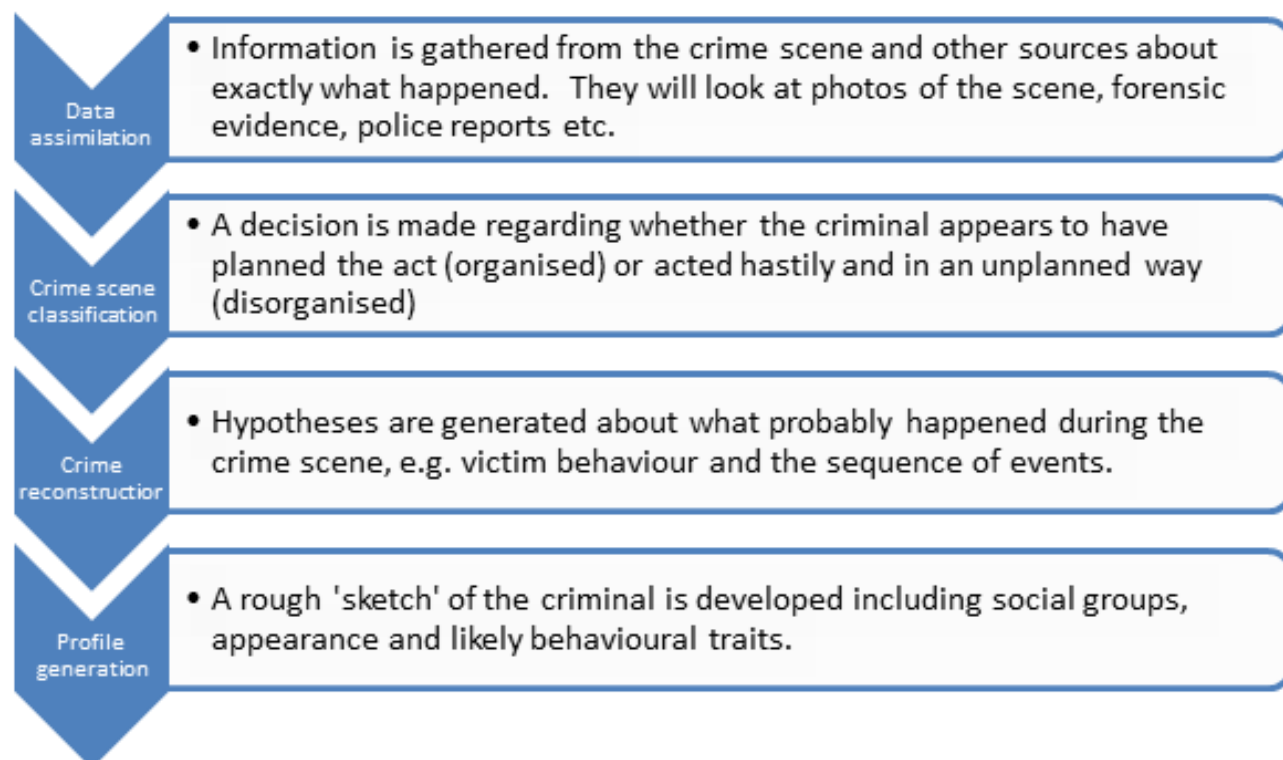
## **Organised and disorganised types of offender**

The distinction between organised and disorganised offenders is based on the idea that serious offenders have a particular way of 'working' (this is referred to as *modus operandi* – MO) and that these generally correlate with a particular set of social and psychological characteristics that relate to the individual. See table on the next page.

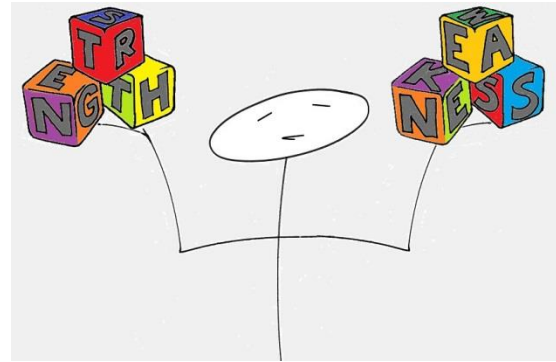
| Organised offenders   | Disorganised offenders  |
|---|---|
| <ul style="list-style-type: none"> <li>• Shows evidence of having planned the crime in advance</li> <li>• The victim is deliberately targeted and will often reflect the fact that the killer or rapist has a 'type'.</li> <li>• They maintain a high level of control during the crime and may operate with almost detached surgical precision.</li> <li>• There is little evidence or clues left behind at the scene.</li> <li>• They tend to be of above-average intelligence, in a skilled, professional occupation and are socially and sexually competent.</li> <li>• They are usually married and may even have children.</li> </ul> | <ul style="list-style-type: none"> <li>• Shows little evidence of planning suggesting the offence may have been a spontaneous, spur of the moment act.</li> <li>• The crime scene tends to reflect the impulsive nature of the attack – the body is usually still at the scene and there appears to have been very little control on the part of the offender.</li> <li>• They tend to have a lower than average IQ, be in unskilled work or unemployed, and often have a history of sexual dysfunction and failed relationships.</li> <li>• They tend to live alone and often relatively close to where the offence took place.</li> </ul> |

### Constructing a profile:

There are four main stages in the construction of an FBI profile:



## Evaluation of the Top-down approach



|  |   |
|--|---|
| <p><b>Only applies to certain crimes</b></p> | <p>This method of profiling can only really be used in crimes of murder and rape. More common offences such as burglary do not lend themselves to profiling because the resulting crime reveals very little about the offender. This restricts the applicability of the top-down approach, unlike geographic profiling (part of the bottom-up approach) which looks at the pattern of crime rather than the crime type, making it more versatile. This means that it can be argued to be a limited approach to identifying a criminal.</p>  |
| <p><b>Too simplistic</b></p>                 | <p>Having two categories of a criminal is very simplistic. In 2004 Canter used <b>Small space / MDS analysis</b> of 100 serial killer's murders in the US who had been classified as organised and disorganised. Of the 39 behavioural aspects that were plotted (e.g. gagging, weapon left, dismember) <b>only 2 behaviours co-occurred</b> in organised offenders. These were body concealment (70%) and sexual activity (75%), but most behaviours co-occurred in less than half of the crimes committed - in other words there was no pattern and <b>no distinction</b> between organised or disorganised killers. Therefore making the prediction of their characteristics difficult. It is likely there will be more types, and the distinction is too restrictive. This ultimately affects the accuracy of the profiling system.</p>   |
| <p><b>Original sample</b></p>                | <p>The Top-down approach was developed using interviews with 36 sexually motivated murderers in the US. It could be argued that the sample is too small and unrepresentative to base the typology system to. Also, this classification system was constructed based on self-report data from convicted killers meaning there could be issues with the validity of the data gathered from the interviews.</p>  |
| <p><b>Lack of theoretical foundation</b></p> | <p>The Top-down approach could be seen as a more intuitive approach to offender profiling, it often relies on the expertise of the profiler which is problematic as this raises issues of subjectivity. Brent <b>Snook</b> et al (2008) argues that Profilers do little more than psychics do. The 'believability' of profiles based on top-down approach can be explained in terms of the <b>Barnum effect</b> – an ambiguous description can be made to fit any situation, such as in horoscopes. We might expect that in a list of 20 statements about a person, 10 will often be correct or nearly correct and this explain why profiles often appear to be 'right'. This may be acceptable if it were not for the fact that profiling has the potential to cause harm because profiles may mislead investigations if they are wrong.</p> |

## **Bottom-up approach**

The aim of the Bottom-up approach is to generate a picture of the offender (e.g. likely characteristics, routine behaviour and social background) through **systematic analysis of evidence** at the crime scene.

Unlike the American Top-down approach, the British model does not begin with fixed typologies. Instead, the profile is '**data driven**' and emerges as the investigator engages in deeper and more rigorous scrutiny of the details of the offence. Bottom-up profiling is also much more **grounded in psychological theory** than the Top-down approach.



It makes use of '**smallest space analysis**' which is a computer program that identifies correlations across patterns of behaviour.

A key psychologist in the Bottom-up approach is **David Canter**.

### **Investigative Psychology**

Investigative psychology attempts to apply statistical procedures, alongside psychological theory, to the analysis of crime scene evidence.

The **aim** is to establish patterns of behaviour that are likely to occur or co-occur across crime scenes. This is in order to develop a statistical 'database' which then acts as a baseline for comparison.

Specific details of an offence, or related offences, can then be matched against this database to reveal important details about the offender, their personal history, family background, etc. This may also determine whether a series of offences are linked in that they are likely to have been committed by the same person.

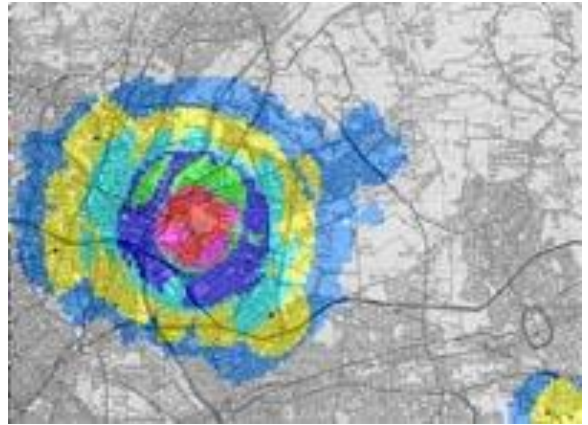
Central to this approach is the concept of **interpersonal coherence** – that the way an offender behaves at the scene, including how they 'interact' with the victim, may reflect their behaviour in more everyday situations. For example, an aggressive person is more likely to commit an aggressive crime.

The **significance of time and place** is also a key variable and, as in geographic profiling below, may indicate where the offender is living.

Finally, **forensic awareness** describes those individuals who have been the subject of police interrogation before; their behaviour may denote how mindful they are of 'covering their tracks'.

## Geographic profiling

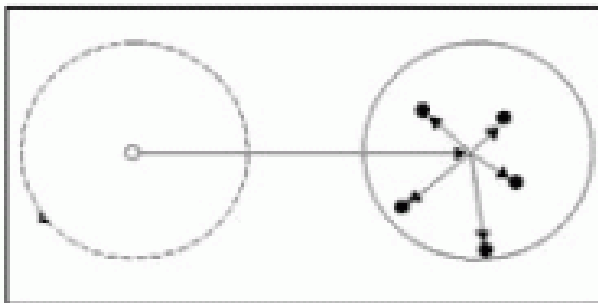
This technique uses information to do with the **location** of linked crime scenes to make inferences about the **likely home or operational base of an offender**. It can also be used in conjunction with psychological theory to create hypotheses about how the offender is thinking as well as their modus operandi.



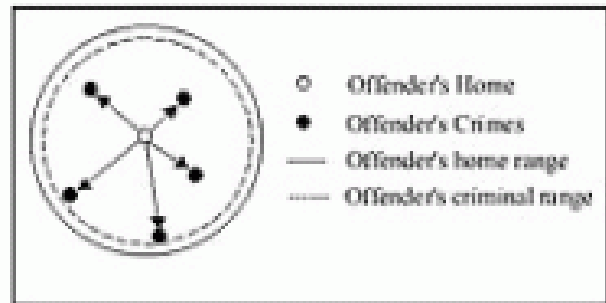
The assumption is that serial offenders will restrict their 'work' to geographical areas they are familiar with, and so understanding the spatial pattern of their behaviour provides investigators with a 'centre of gravity' which is likely to include the offender's base (often in the middle of the spatial pattern). It may also help investigators make educated guesses about where the offender is likely to strike next -called the 'jeopardy surface'. Canter's circle theory (**Canter and Larkin, 1993**) proposed two models of offender behaviour:

- The **marauder** – who operates in close proximity to their home base.
- The **commuter** – who is likely to have travelled a distance away from their usual residence.

Commuter Model



Marauder Model

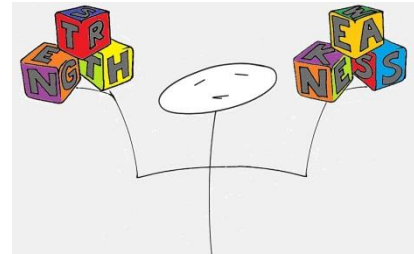


**Crucially, though, the pattern of offending is likely to form a circle around their usual residence,** and this becomes more apparent the more offences there are. Such spatial decision making can offer the investigative team important insight into the nature of the offence, i.e. whether it was planned or opportunistic, as well as revealing other important factors about the offender, such as their 'mental maps'(\*), mode of transport, employment status, approximate age, etc.

(\*) Mental maps are people's internal representations of the external world and are unique to each individual.



## Evaluation of the Bottom-up approach



|   |  |
|---|--|
| <b>Scientific basis</b>                           | With the aid of statistical analysis, investigators are able to use biographical, geographical and psychological data to produce a profile. This means Bottom-up profiling can be seen as more objective and scientific than the Top-down approach as it is more grounded in evidence and psychological theory, and less driven by speculation and hunches. This enhances the scientific credibility of offender profiling.  |
| <b>Evidence supports investigative psychology</b> | <b>Canter and Heritage (1990)</b> conducted a content analysis of 66 sexual assault cases leading to the 5 factor theory. The data was examined using smallest-space analysis finding several characteristics were identified as common in most cases such as the use of impersonal language and lack of reaction to the victim. These characteristics will occur in different patterns in different individuals. This can lead to an understanding of how an offender's behaviour may change over a series of offences or in establishing whether two or more offences were committed by the same person. This supports the usefulness of investigative psychology as it shows how statistical techniques can be applied. |
| <b>Evidence supports geographic profiling</b>     | <b>Lundrigan and Canter (2001)</b> collated information from 120 murder cases involving serial killers in the USA. Smallest space analysis revealed spatial consistency in the behaviour of the killers. The location of each body disposal site was in a different direction from the previous, creating a 'centre of gravity'; the offender's base was invariably located in the centre of the pattern. The effect was more noticable for offenders who travelled short distances (marauders). This supports Canter's claim that spatial information is a key factor in determining the base of an offender.   |
| <b>Wider application</b>                          | The Bottom-up approach can be applied to a wider range of offences in comparison to the Top-down approach. Techniques such as smallest space analysis and the principle of spatial consistency can be used in the investigation of crimes such as burglary and theft as well as more serious offences such as murder and rape. Therefore, the bottom-up approach could be argued to be a stronger method for offender profiling.   |
| <b>Mixed results for profiling</b>                | Despite the successes that the Bottom-up approach to profiling has produced there has been some significant failures (e.g. Rachel Nickell case) and studies examining the effectiveness of offender profiling have shown mixed results. For example, <b>Copson (1995)</b> surveyed 48 police forces and found that the advice provided by the profiler was judged to be 'useful' in 83% of cases, but in only 3% did it lead to accurate identification of the offender.   |

# Biological explanations of offending behaviour

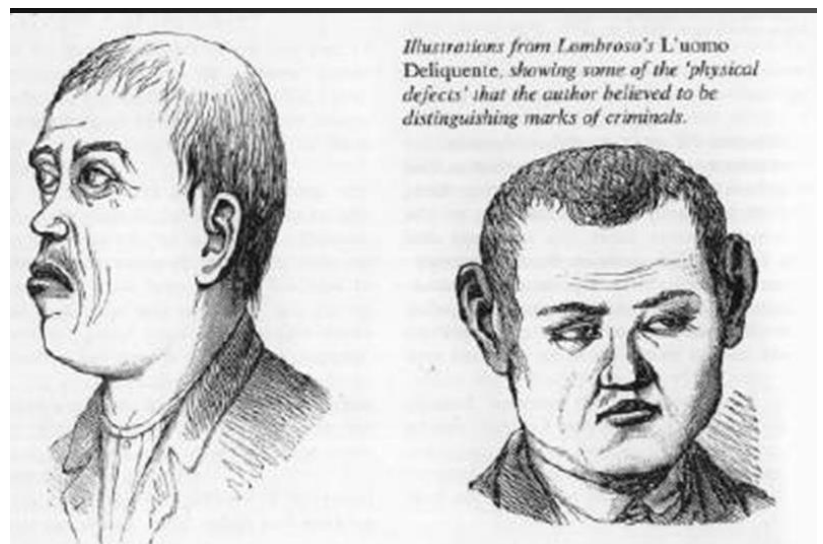
## An historical approach (atavistic form)

Atavistic form was an **early biological explanation** for criminal behaviour which was proposed by **Cesare Lombroso in 1870's**. Although his theory is no longer seen as credible, Lombroso's work has been credited for moving criminology into a more rigorous and scientific realm and his ideas may well have laid the foundation for the modern offender profiling techniques that were to follow.

Lombroso suggested that **criminals were 'genetic throwbacks'** – a primitive sub-species who were biologically different from non-criminals. Offenders were seen by Lombroso as lacking evolutionary development, their savage and untamed nature meant that they would find it impossible to adjust to the demands of a civilised society and would inevitably turn to crime. Therefore, he argued that criminals were not to blame for their activities as their behaviour was determined by their physiology.

His work centred on the idea that **criminals had distinguishing physical features** which originated from a more primitive stage of development. These biologically determined 'atavistic' characteristics, mainly **features of the face and head made criminals physically different to non-criminals**.

The atavistic form included a **narrow sloping brow, a strong prominent jaw, high cheekbones and facial asymmetry**. Other physical features included **dark skin and the existence of extra toes, nipples or fingers**.



Lombroso went on to categorise particular types of criminal in terms of their physical and facial characteristics:

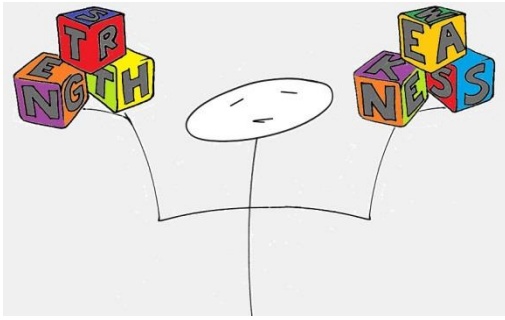
- Murderers were describes as having bloodshot eyes, curly hair and long ears
- Sexual deviants - glinting eyes, swollen fleshy lips and projecting ears
- Fraudsters – thin lips and 'reedy'.



### Lombroso's research

**Lombroso** examined the facial and cranial features of Italian convicts, both living (3839) and dead (383), and concluded that 40% of criminal acts could be accounted for by atavistic characteristics.





## Evaluation of the atavistic form

|  |   |
|--|---|
| <b>Methodological issues with Lombroso's research</b>          | Lombroso did not compare his criminal sample with a non-criminal control group. Therefore, it is possible that, had he done so, the significant differences in atavistic form that Lombroso reported may have disappeared. This significantly reduces the extent to which Lombroso's research supports his atavistic form theory.   |
| <b>Contradictory evidence</b>                                  | <b>Goring (1913)</b> conducted a comparison between 3000 criminals and 3000 non-criminals and concluded that there was no evidence that offenders are a distinct group with unusual facial and cranial characteristics. This challenges Lombroso's theory that criminals have distinct physical characteristics demonstrating that Lombroso's research lacks reliability.   |
| <b>Importance of empirical evidence and social sensitivity</b> | Several critics have drawn attention to the distinct racial undertones within Lombroso's work. Many of the 'atavistic' features (curly hair, dark skin) are most likely to be found among people of African descent. This highlights the importance of adopting the scientific method when investigating explanations of offending behaviour. It is important that research is checked for reliability in order to avoid inaccurate and inappropriate conclusions being made about offenders.                             |
| <b>Contribution to criminology</b>                             | Despite the issues with Lombroso's research, it helped to shifted the emphasis in crime research away from a simple form of moral explanation (offenders judged as wicked and weak-minded) to a more scientific and credible view (evolutionary and genetic). Also, in trying to describe how particular types of people are likely to commit particular crimes, Lombroso's theory, could be seen as the beginning of criminal profiling. In this way he made a major contribution to the science of criminal psychology. |

## **Genetics and neural explanations**

**Genetic explanations** for crime suggest that would-be offenders inherit a gene, or combination of genes, that predispose them to commit crime.

### Twin studies:

Twin studies seem to suggest genes play a role in offending behaviour. **Christiansen (1977)** used a sample of 3,586 twin pairs and found a concordance rate of 35% for MZ twins and 13% for DZ twins (males) and 21% MZ and 8% DZ (females). Also **Raine (1993)** reviewed 13 twin studies and found an overall concordance rate of 52% for MZ twins and 21% for DZ twins.

### Candidate genes:

Genetic analysis of just under 900 offenders by **Tihonen et al (2014)** revealed abnormalities on two genes that may be associated with violent crime – MAOA (linked to aggressive behaviour) and CDH13 (linked to substance misuse and attention deficit disorder). Within the Finnish sample, individuals with this high risk combination were 13 times more likely to have had a history of violent behaviour. However, this research is in its infancy and has, so far, not been replicated.

Further evidence on MAOA comes from **Brunner et al (1993)** analysed the DNA of the male members of a Dutch family who had a history of violent and impulsive criminal behaviour and found they shared a particular gene that led to abnormally low levels of MAOA

**Neural explanations** suggest there may be neural differences in the brains of criminals and non-criminals. Much of the evidence in this area has investigated individuals diagnosed with anti-social personality disorder (formerly known as psychopathy) – APD. APD is associated with reduced emotional responses and a lack of empathy. It is a condition that characterises many convicted criminals.

### Brain structures:

**Prefrontal cortex:** **Raine (2004)** cited 71 brain imaging studies showing that murderers, psychopaths and violent individuals have reduced functioning in the prefrontal cortex, the area of the brain that is involved in regulating emotions and controlling moral behaviour. Lowered activity in this area is associated with impulsiveness and loss of control.

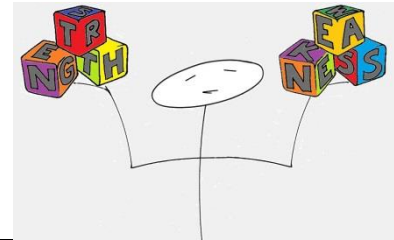
**Limbic system:** **Adrian Raine (1997)** investigated whether there was any difference in the brain activity of murderers and non-murderers. The sample was 41 violent murderers and 41 non murderers. Using PET scanning techniques, Raine found differences in brain activity in the prefrontal cortex and areas of the limbic system including the amygdala. As these areas regulate emotions it is suggested that they could be linked to aggressive/violent behaviour.

### Biochemistry:

Serotonin regulates mood and impulse control. This means that in low levels it could be implicated in criminal behaviour as there will be more impulsivity.

**Davidson et al (2000)** found that violent criminals had markedly lower levels of serotonin to non-violent criminals.

## Evaluation of genetic and neural explanations



|  |   |
|--|---|
| <b>Issues with research investigating the brain</b>    | Sample sizes are often small as the target population (e.g. criminals and individuals with APD) are hard to access as well as scanning techniques can be costly and time-consuming. This affects the extent to which results can be generalised to the wider criminal population.   |
| <b>Issue with causation</b>                            | Although brain scanning studies show differences in the brain activity of criminals and individuals with APD it is not possible to conclude that these abnormalities are caused by biological factors or by early abuse. This demonstrates the difficulties with explaining offending behaviour from a purely neural and/or genetic viewpoint.  |
| <b>Problems with twin studies</b>                      | Genetic transmission can explain the higher concordance rate for MZ twins however it could be argued that the difference in concordance rates reflects differences in the environment and experiences of MZ and DZ twins. MZ twins may well be treated more similarly to each other than DZ twins (particularly as DZ twins can be of the opposite sex).<br>Furthermore twin studies are an unusual sample; they may not represent the rest of the population. This means evidence gained on genetic influences may be difficult to generalise the criminal and non-criminal populations. |
| <b>Support for the diathesis-stress model of crime</b> | <b>Mednick et al (1984)</b> found, from an investigation of 13,000 Danish adoptees, that when neither biological or adoptive parents had convictions, the percentage of adoptees that did was 13.5%. This figure rose to 20% when either of the biological parents had convictions and 24.5% when both adoptive and biological parents had convictions. This suggests that although genetic inheritance plays an important role in offending, environmental influence cannot be disregarded which supports the diathesis-stress model as an explanation for crime.                        |
| <b>Biological reductionism</b>                         | Criminality is complex therefore explanations that reduce offending behaviour down to a genetic or neural level may be inappropriate and overly simplistic. Crime does appear to run in families but so do emotional instability, mental illness, social deprivation and poverty. This means it is difficult to separate the effects of genes and neural influences from other possible factors.  |

# Psychological explanations of offending behaviour

## Eysenck's criminal personality theory

According to Eysenck all personality types - including the **criminal personality** - have an innate, **biological basis**. Therefore, inheriting certain traits makes it more likely for someone to develop a criminal personality.

Eysenck saw criminal behaviour as developmentally immature in that it is selfish and concerned with immediate gratification. **He linked personality to criminal behaviour via socialisation** processes which refers to how children are taught, via conditioning, to become better able to delay gratification and be more socially orientated. For example, when children act in immature ways they are punished and so come to associate anxiety with antisocial behaviour.

Eysenck initially proposed that there were two personality traits that existed along dimensions: **Extroversion (E) & Neuroticism (N)**. He later added a third personality trait: **Psychoticism (P)**

Extroversion (high) <-----> Low (aka Introversion)

Neuroticism (high) <-----> Low (aka Stable)

Psychoticism <-----> Low



He suggested individuals who measure **high on E, N, P** traits are **more likely to commit crime.**

### **Extroversion:**

Extroversion is determined by the overall level of arousal in the person's **CNS and ANS**. High E-scorers have an **underactive nervous system** (low level of arousal) and therefore need more stimulation, excitement and engagement. High extraverts are **sensation seekers** and often engage in **risk-taking behaviour**, the 'thrill' of committing a crime might draw them to offending behaviour.

### **Neuroticism:**

Neuroticism is determined by **high levels of reactivity in the ANS** (specifically the SNS) which means they respond quickly and strongly to threat. They behave in an anxious, nervous, jumpy way. Their general instability means their behaviour is difficult to predict. High neurotics experience **high levels of emotion**, meaning they are **more likely to commit a crime in an emotionally charged situation.**

Eysenck believed that people with **high E and N scores** had nervous systems that made them **difficult to condition** which would mean they do not easily learn to respond to antisocial impulses with anxiety. Therefore, they would be more likely to act antisocially in a situation where the opportunity presented itself.

### **Psychoticism:**

Eysenck suggested that people who had high P scores tended to have **higher levels of testosterone**. Individuals scoring high on the psychoticism scale are more likely to commit crime as they are **antisocial, aggressive, impulsive and uncaring** – meaning there will be less holding them back and **concern for others will not prevent them from committing a crime.**

## How Eysenck measured personality:

**Eysenck's Personality Questionnaire (EPQ)** (This is also referred to as Eysenck's Personality Inventory or EPI)

This measures where an individual is along the E, N & P dimensions to determine their personality type. Below are some examples for items measuring each personality trait:

Do you like to talk a lot? (E)

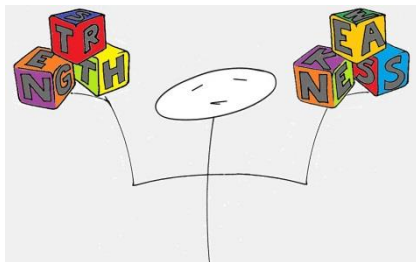
Are you rather lively (E)

Do you worry about things that might happen (N)

Are your feelings rather easily hurt? (N)

Do you seem to get into a lot of fights (P)

Would you enjoy practical jokes that could sometimes really hurt people (P)



## Evaluation of Eysenck's criminal personality theory

|  |  |
|--|--|
| <b>Evidence supporting the theory</b>  | <b>Eysenck (1977)</b> compared 2070 male prisoners' scores on the EPQ with 2422 male controls. Groups were subdivided into age groups, ranging from 16 – 69 years. On measures of psychoticism, extroversion and neuroticism – across all age groups – prisoners recorded higher scores than the control group thus supporting the link between personality types and criminal behaviour.  |
| <b>Evidence criticising the theory</b> | <b>Farrington et al (1982)</b> reviewed several studies and reported that offenders tended to score high on P and N measures but not E. <b>Hollin (1989)</b> notes a similar pattern of findings with offenders generally showing higher P and N scores but not necessarily higher E scores. Therefore, do not fully support Eysenck's theory for all three traits. It is not clear why the relationship between E and offending is so inconsistent. One possibility is that E scales actually measure two things, sociability and impulsiveness and that criminality is associated with the latter but not the former.  |
| <b>Nature and nurture</b>              | Not only does Eysenck's theory acknowledge the role that genetics and the nervous system play in relation to personality and offending behaviour, it also considers how personality traits, specifically high E and N traits, make it difficult for these individuals to be socialised so that they respond to antisocial impulses with anxiety. This means this theory takes in account the role of both nature and nurture. This can be seen as a strength of the theory in comparison to other explanations, such as the genetic and neural explanations and the differential association theory, as they only attempt to explain offending behaviour from one perspective. |



## Cognitive explanations of offending behaviour.

We will consider two cognitive explanations of offending behaviour here.

### Level of moral reasoning theory



Kohlberg proposed a stage theory of moral development (see below).

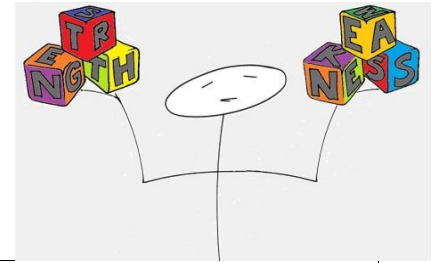
In relation to offending behaviour, research has shown that **criminals are more likely to reason at the pre-conventional level** of Kohlberg's model whereas non-criminals have generally progressed to the conventional level and beyond.

The **preconventional level** is characterised by a need to **avoid punishment and gain rewards**, and is associated with less mature, childlike reasoning. Therefore, adults and adolescents who reason at this level may commit crime if they can 'get away with it' or gain rewards in the form of money, possessions, respect, etc.

**Kohlberg et al (1973)**, using his moral dilemma technique, found that a group of violent youths were significantly lower in their moral development than non-violent youths – even after controlling for social background.

| Level  | Description   |
|--|---|
| <b>Level 1</b><br><br>Pre-conventional morality  | Morality is externally controlled. Rules imposed by authority figures are conformed to in order to avoid punishment or receive rewards. This level involves the idea that what is right is what an individual can get away with or what is personally satisfying.<br><br><u>Stage 1</u> – Obedience & punishment orientation<br><br><b>Reasoning linked to offending behaviour:</b><br>Will I be punished? If punishment is not definite, a crime is likely to be committed.<br><br><u>Stage 2</u> – Instrumental orientation or personal gain<br><br><b>Reasoning linked to offending behaviour:</b><br>What is there to gain from criminal behaviour? If the potential gains are good then the crime is more likely to occur. |
| <b>Level 2</b><br><br>Conventional morality      | Conformity to social rules remains important to the individual however the emphasis shifts from self-interest to relationships with other people and social systems.<br><br>The individual strives to support rules that are set forth by others such as parents, peers, and the government in order to win their approval or to maintain social order<br><br><u>Stage 3</u> – 'Good boy/girl' orientation<br><br><u>Stage 4</u> – Law and Order orientation  |
| <b>Level 3</b><br><br>Post-conventional morality | Individuals develop their own set of ethical and moral principles.<br><br><u>Stage 5</u> – Social contract legalistic orientation<br><br><u>Stage 6</u> – Universal ethical principles orientation<br><br>Kohlberg suggested that some individuals never reach this stage.  |

## Evaluation of level of moral reasoning theory



|  |  |
|--|--|
| <p><b>Evidence supporting Kohlberg's theory</b></p>          | <p><b>Gudjonsson &amp; Sigurdsson (2007)</b> assessed 128 juvenile offenders and found that 38% did not consider the consequences of what they were doing and 36% were confident they would not be caught. This suggests they were at the pre-conventional level of moral reasoning, supporting the relationship between moral reasoning and offending behaviour.</p>  |
| <p><b>Criticism of the theory – issue with causation</b></p> | <p>It is possible that lower levels of moral reasoning found within criminal populations are a consequence of criminal behaviour not a cause of it. For example, it may be that as people engage in criminal activity one way for them to justify this to themselves and others is to use lower levels of moral thinking, i.e., it's only wrong if I get caught. If this is the case, Kohlberg's theory is limited in its explanation of offending behaviour.</p>  |
| <p><b>Gender bias (beta bias)</b></p>                        | <p>Kohlberg's theory was based on an all-male sample which means the stages reflect a male definition of morality (it is androcentric). Gilligan (1977) argued that there are gender differences in moral development, she suggested that women focus on how actions affect other people and men consider fairness and justice. Given, the varying rates of crime between men and women it may be the case that men and women differ in terms of their moral development which Kohlberg fails to take into account</p> |
| <p><b>Practical applications</b></p>                         | <p>Understanding how low moral reasoning is associated with offending behaviour can be useful in shaping intervention or treatment programmes. For example, treatment programmes in prisons could incorporate ways to increase offenders' level of moral reasoning which may help to reduce reoffending. This may be particularly useful for young offenders.</p>  |

## Cognitive distortions (hostile attribution bias and minimalisation)

This suggests that criminal behaviour is the result of **faulty information processing** in the minds of offenders. Cognitive distortions are **errors or biases in people's information processing system** characterised by faulty thinking.

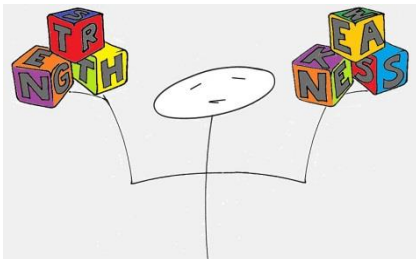
This has been linked to the way in which criminals **interpret other people's behaviour** and **justify their own actions**.

### Hostile attribution bias:

Refers to the tendency to **misinterpret the actions of others** (e.g. assuming others are being confrontational when they are not) therefore 'blame' for offending behaviour is placed onto external factors such as other people's actions.

Research suggests that there is a **relationship between hostile attribution bias and aggression/violence**. This may be because offenders **misread non-aggressive cues** (such as 'being looked at') and this may trigger a disproportionate, often violent, response.

**Schonenberg & Justye (2014)** presented 55 violent offenders with images of emotionally ambiguous facial expressions. When compared with a matched control group of non-aggressive participants, the violent offenders were significantly more likely to perceive the images as angry and hostile.



### Evaluation of hostile attribution bias:

|  |   |
|--|---|
| <b>Research support</b>  | There is research to support the link between hostile attribution bias and offending behaviour. For example <b>Crick and Dodge (1994)</b> found a relationship between hostile attribution bias and aggression in children and adolescents. This was in a hypothetical situation but they also found the relationship in actual situations. For this reason it is regarded as one of the precursors of aggressive behaviour in children, adolescents and adults. This can then lead to criminal behaviour.  |
| <b>Problems with using hypothetical situations to measure hostile attribution bias</b> | The use of hypothetical situations to measure hostile attribution bias means that the answer given may not be the response that would actually occur in that situation if it happened in everyday life. There is also a possibility that some people may score low on the scale for hostile attribution bias but actually may interpret a situation as more hostile than recorded (or vice versa). This means the research supporting cognitive distortions as an explanation of criminal behaviour could be argued to lack ecological validity as it is difficult to generalise the responses from a hypothetical situation to a real life situation. It also lacks predictive validity as it is difficult to make predictions about why people engage in violent behaviour as their responses may not be the same as they would be in a real situation. |

## Minimalisation:

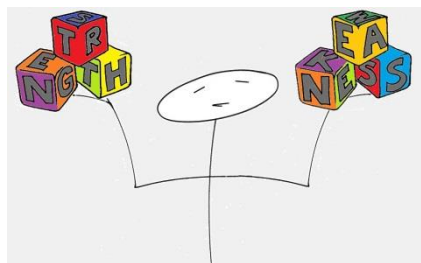
This refers to an offender **downplaying or denying the seriousness of the offence committed**. This can include downplaying the effects of the crime, rationalising why they have committed the crime or trivialising the acts they committed.

**For example**, burglars may describe themselves as 'doing a job' or 'supporting my family' as a way of minimising the seriousness of their offences.

Studies suggest that **individuals who commit sexual offences are particularly prone to minimalisation**.

For example, **Barbaree (1991)** found among 26 convicted rapists, 54% denied they had committed an offence at all and a further 40% minimised the harm they had caused to the victim.

Similarly, **Hasmall (1991)** reported 35% of a sample of child molesters argued that the crime they had committed was non-sexual ('they were just being affectionate') and 36% stated the victim had consented.



## Evaluation of minimalisation

|   |   |
|---|---|
| <b>Descriptive rather than explanatory</b>              | Minimalisation describes how an offender may have a distorted view of their offending behaviour but it does not really explain why they committed the offence in the first place. Despite this, it could be argued that it is still useful to understand how minimalisation is involved in offending behaviour as it could be used to predict reoffending or used in the development of treatment programmes. |
| <b>May be more relevant to certain types of crimes.</b> | There is more evidence for the use of minimalisation in some criminal populations than others. For example the relationship between minimalisation and sex offences is strong. Therefore the influence of minimalisation on offending behaviour may depend on the type of crime committed.  |

## Sutherland's Differential association theory (DAT)

**Sutherland (1939)** proposed that, much like other behaviours, **criminal behaviour is learnt**.

The theory suggests that an individual learns the values, attitudes, motives and techniques for criminal behaviour through **associations and interactions with significant others** e.g. family and peer groups.

Individuals are exposed to the values and attitudes towards the law when interacting with significant others. Some of these values will be pro-crime and some will be anti-crime.

According to Sutherland, **if a person has more interactions/associations with people who have pro-crime values and attitudes and less interactions/associations with people who have anti-crime values and attitudes, then they will go on to offend.**



Not only does the number of associations matter but also the **frequency, intensity and duration** of the exposure to pro or anti-crime values and attitudes. Sutherland suggested that because of this it was possible to **predict** how likely it is that an individual will commit a crime.

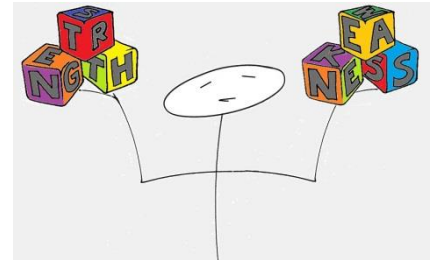
Therefore, **offending is more likely to occur when an individual's social group values deviant behaviour.**



In addition to learning values, attitudes and motives of criminal behaviour, Sutherland also suggested that an individual could also **learn techniques used to commit a crime**. For example, learning how to break into a car or how to shoplift.



## Evaluation of the differential association theory (DAT)



|   |   |
|---|---|
| <p><b><i>Provides a strong explanation for prevalence of crimes in certain areas or within certain groups in society.</i></b></p> | <p>Differential association theory is able to explain offending behaviour within different sectors within society. It can explain crimes that tend to be committed by people in urban, working class communities e.g. burglary, theft, gang violence etc. as well as so called 'white collar' (financially motivated non-violent crime committed by business and government professionals) or corporate crimes.</p> <p>In addition to this, it can explain why crime may be prolific among specific social groups and communities and why so many convicts who are released from prison go on to reoffend (it is possible they could learn specific techniques from other offenders whilst in prison).</p> <p>However, it is not as successful at explaining one off crimes or crimes that are often individualistic in nature e.g. murder, rape etc.</p> |
| <p><b><i>Negative implications of the theory (social sensitivity)</i></b></p>   | <p>Although Sutherland pointed out that crime should be considered on an individual basis, there is a danger that this theory may lead to negative stereotypes of individuals who come from certain 'crime ridden' backgrounds, as being destined to become criminals. Therefore, this theory could be seen as socially sensitive and could lead to negative consequences for individuals from these backgrounds.</p>   |
| <p><b><i>Free will vs determinism</i></b></p>   | <p>This theory links to environmental determinism as it suggests that offending behaviour occurs because of too many interactions and associations with pro-crime attitudes. It does not consider that not everyone who is exposed to criminal influences become criminals themselves. Therefore, the differential association theory ignores the role of free will and that some people may choose not to commit crimes despite being exposed to these influences.</p>   |
| <p><b><i>Difficult to test</i></b></p>  | <p>The differential association theory proves difficult to test. It is difficult to measure the frequency, intensity and duration of the pro-crime attitudes a person has been exposed to. This is problematic for the explanation as it is not possible to make firm conclusions as to whether criminal behaviour is learned in this way. This ultimately decreases the theory's scientific credibility.</p>   |

## Psychodynamic explanations

### The Superego

The superego is the **morality principle** and acts as an individual's conscience. **A healthy superego is like a kind but firm internal parent; it has rules but is also forgiving of transgressions.** An individual with a healthy superego will feel guilt for behaving badly meaning they are unlikely to act in a way that would affect others in an adverse way.

**Blackburn (1993)** argued that if an individual's superego is somehow deficient or inadequate then their conscience has not developed properly therefore they are more likely to commit criminal behaviour. Three types of inadequate superego have been proposed:

#### The weak superego

If the same-sex parent is absent during the phallic stage, the child **cannot internalise a fully formed superego** as there is no opportunity for identification. This leaves the individual to be **dominated by their ID** impulses (the ID acts on pure selfish, pleasure) and leads to immoral or criminal behaviour being more likely.

#### The deviant superego

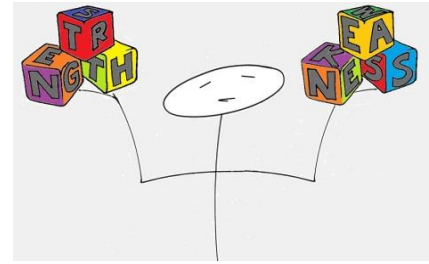
If the superego that the child internalises has **immoral or deviant values** this would lead to offending behaviour. For example, a boy that is raised by a criminal father is not likely to experience guilt for any wrongdoings.

Explanations using the superego

#### The over-harsh superego

An overly harsh superego means the individual is crippled with **guilt and anxiety**. This may unconsciously drive the individual to perform criminal acts in order to get caught and punished therefore satisfying the superego's overwhelming need for punishment and to relieve their conscience.

## Evaluation of the inadequate superego explanation



|   |   |
|---|---|
| <b>Gender bias (alpha bias)</b>                     | According to Freud, women develop a weaker superego than boys which would imply that females should be more prone to criminal behaviour than males. This notion is not supported by evidence or by statistics on the ratio of male and female inmates in prisons. Therefore, this explanation can be criticised for adopting an alpha bias.   |
| <b>Lack of empirical support and falsifiability</b> | There is a shortage of empirical evidence to support the idea of an inadequate superego leading to criminal behaviour which ultimately limits the validity of the explanation. In addition to this, the concepts which form the basis of this explanation are not open for empirical testing; they lack falsifiability, meaning the theoretical grounding on which the explanation is based is flawed. We can only judge this explanation on its face value rather than its scientific worth therefore it may contribute little to our understanding of crime, or how to prevent it.  |
| <b>Challenging evidence/alternative theories</b>    | <p>There is very little evidence that children raised without a same-sex parent are less law-abiding as adults (or fail to develop a conscience) which would contradict Blackburn's idea of a weak superego.</p> <p>If children who are raised by deviant parents go on to commit crime themselves, this could be due to the influence of genetics or socialisation rather than the formation of a deviant superego.</p> <p>The idea that someone would commit a crime because they feel large amounts of guilt and are thus seeking out punishment seems implausible, not only because most offenders go to great lengths to avoid being caught and punished but also because it is counter-intuitive (it is likely that having a strong sense of guilt or conscience would mean the person is less likely to engage in criminal behaviour).</p> |

## Defence mechanisms

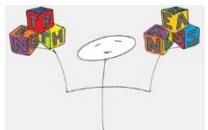
Defence mechanisms are used by the unconscious mind to **reduce anxiety**. This is because the psychodynamic theories believe anxiety will weaken the ego therefore leading to a dominant ID or Superego.

Below are the defence mechanisms that are suggested to be linked to offending behaviour:

| Defence mechanism      | Definition   | Example related to crime  |
|------------------------|--|---|
| <b>Displacement:</b>   | This is when the focus of a strong emotion is shifted from its actual target to a neutral target (e.g. taking out anger on a substitute object).               | Could explain lashing out at a stranger in the street instead of attacking a boss at work   |
| <b>Rationalisation</b> | This is explaining behaviour in a rational and acceptable way when it is actually very negative.   | Offenders may use this mechanism to justify their criminal behaviour so it could explain why an offender feels no remorse e.g. a women who kills a prostitute because she believes they are a threat to civilisation. |
| <b>Sublimation</b>     | This is when a strong ID impulse is expressed in a more socially acceptable way i.e. displacing emotions into a constructive rather than destructive activity. | Could explain why people might commit lesser crimes e.g. petty theft instead of the really heinous crime they unconsciously wish to commit  |

## Evaluation of defence mechanisms

**Note:** You can use the 'lack of empirical support and falsifiability' point from the inadequate superego explanation however you would need to explain it in terms of defence mechanisms.



|                                       |  |
|---------------------------------------|--|
| <b>Psychic determinism</b>            | This explanation suggests individuals have no control over their offending behaviour as the defence mechanisms that cause them to act the way they do are determined by the ego's response to unconscious conflicts. This would mean that the individual has no free will with regard to committing offences because they cannot control their unconscious. This raises the question as to whether individuals should be punished for a crime that they have no free will over however this viewpoint is not adopted by the criminal justice system. |
| <b>Lack of practical applications</b> | If defence mechanisms were the cause of offending behaviour the psychodynamic approach to dealing with this behaviour would involve the individual engaging in psychodynamic therapy to acknowledge and overcome the root cause of their criminal behaviour. This would be a time-consuming and impractical way of trying to reduce criminal behaviour in society limiting the usefulness of this explanation.   |

# Dealing with offending behaviour

---

## The aims of custodial sentencing

Custodial sentencing involves a convicted offender spending time in prison or another closed institution such as a young offender's institute or a psychiatric hospital. There are four main reasons for doing this:



### 1. Deterrence:

The unpleasant experience is designed to **discourage the individual from engaging in criminal behaviour**. Deterrence works on two levels: *general deterrence* - aims to send a broad message to society that criminal behaviour will not be tolerated and *individual deterrence* - aims to stop the individual from repeating the same (or other) crimes so as to avoid going back to prison. Deterrence is based on the behaviourist principles of conditioning – behaviour that is punished is less likely to be repeated.

### 2. Incapacitation:

The offender is **taken out of society** to prevent them from reoffending as a means of protecting the public. Putting offenders such as violent offenders or sex offenders into prison means they no longer pose a threat to society.

### 3. Retribution:

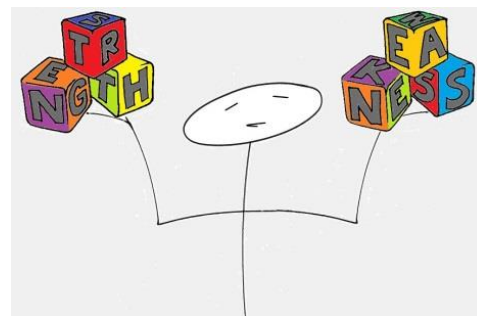
This is the notion that **offenders should pay for their actions**. Putting them in prison means that they are suffering the consequences of their criminal behaviour which ultimately is the loss of their freedom.

### 4. Rehabilitation:

In order to reduce the chance of reoffending prison should provide opportunities to **develop skills and training or to access treatment programmes** for problems such as drug addiction, as well as give the offender a chance to reflect on their offending behaviour. Offenders should leave prison better adjusted and ready to be effective members of society.



## Evaluation – is custodial sentencing effective?



|   |   |
|---|---|
| <p><b>Argument for effectiveness:</b></p> <p><b>Rehabilitation</b></p>                    | <p>Many prisoners access education and training whilst in prison increasing the possibility they will find employment after their release. Also, treatment programmes such as anger management and social skills training may give offenders insight into their behaviour as well as helping them to alter their maladaptive behaviour thus helping to reduce the likelihood of recidivism. This suggests prison may be a worthwhile experience. However, many prisons lack the resources to provide these programmes and even when they can; evidence to support the long-term benefits of such programmes is not conclusive.</p>                            |
| <p><b>Argument against effectiveness:</b></p> <p><b>Rehabilitation</b></p>                | <p>Prison could serve as a place in which inmates learn how to commit crimes from one another. Being in prison with experienced criminals may give young inmates the opportunity to learn the 'tricks of the trade'. This means prison could actually have the opposite effect to rehabilitation.</p>   |
| <p><b>Argument against effectiveness:</b></p> <p><b>Deterrence and rehabilitation</b></p> | <p>It appears, from recidivism rates, that custodial sentencing is not very effective in relation to the aims of deterrence and rehabilitation as there are high rates of reoffending (see recidivism rates later on). High recidivism rates suggest that offenders are not deterred by the punishment of custodial sentencing nor are they being effectively rehabilitated. <b>Hollin (1992)</b> stated in his research that there was evidence to suggest that prison became 'home' to some prisoners. The fact that they received three meals a day, a bed and companionship was preferable to them than what they had to deal with outside of prison.</p> |
| <p><b>Argument for effectiveness:</b></p> <p><b>Retribution and incapacitation</b></p>    | <p>Custodial sentencing does provide a method of punishment that the legal system can administer and they can ensure the offender cannot commit more crimes while they are in prison. Therefore these aims of custodial sentencing could be said to be effective.</p>   |

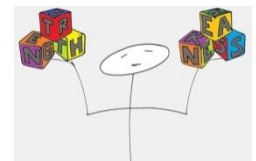
## The psychological effects of custodial sentencing

Research has revealed several psychological effects associated with serving time in prison:

**Stress and depression** – Suicide rates are considerably higher in prison than in the general population, as are incidents of self-mutilation and self-harm. Furthermore, the risk of suicide is greater in the first 30 days suggesting that adjusting to prison life is evidently too psychologically distressing for some inmates (**Crighton & Towl, 2008**). The stress of the prison experience also increases the risk of psychological disturbance following release.

**Institutionalism** – Inmates may have become so used to the norms and routines of the prison that they are no longer able to function in the outside world. This may be because institutionalisation can lead to a lack of autonomy, conformity to roles and a culture of dependency.

**Prisonisation** – This refers to the way in which prisoners are socialised into adopting an 'inmate code'. Behaviour that may be considered unacceptable in the outside world may be encouraged and rewarded inside the walls of the institution.



### Evaluation of the psychological effects of custodial sentencing

|  |   |
|--|---|
| <b>Evidence supporting psychological effects</b>                                 | <p><b>The Prison Reform Trust (2014)</b> found that 25% of women and 15% of men in prison reported symptoms indicative of psychosis. It would seem the oppressive prison regime may trigger psychological disorders in those that are vulnerable. This suggests that prison can have negative effects on mental health. This also suggests that custodial sentencing may not be effective in rehabilitating the individual, particularly those who are psychologically vulnerable.</p> <p><b>Cheeseman (2003)</b> found many aggressive incidents in prison occurred due to the need to relieve stress. This suggests aggressive incidents in prison could be due to the surrounding being highly stressful, so the aggression is a result of the circumstance.</p> |
| <b>Evidence suggesting psychological effects can influence recidivism rates.</b> | <p><b>Coid et al (2007)</b> reported that mental health of an offender had a direct effect on recidivism rates. They found offenders in the UK who received treatment for mental health problems while in prison were 60% less likely to reoffend than untreated offenders. They were also found that the treated offenders were 80% less likely to commit violent acts than untreated offenders.</p>   |
| <b>Individual differences</b>  | <p>Although time in prison can be psychologically challenging for many, it cannot be assumed that all offenders react in the same way. Different prisons have different regimes so there are likely to be wide variations in experience. In addition, the length of sentence, the reason for incarceration and previous experience of prison may all be important factors. Therefore, it is difficult to make general conclusions that apply to every prison and every prisoner.</p>  |

|   |   |
|---|---|
| <b>Issue with validity</b>                  | It is difficult to know whether the psychological and emotional difficulties the inmates experience within the prison are due to the context or whether they were pre-existing in the individual. It could be that the offender committed the crime due to their mental health issues. Therefore it would be erroneous to state that it is an effect of custodial sentencing.   |
| <b>Alternatives to custodial sentencing</b> | Low-risk offenders could be given community service rather than a custodial sentence as this would avoid the psychological effects of prison due to the offender being able to maintain their employment and social contacts. Using alternative methods of dealing with offending behaviour could be seen as more beneficial for low level crimes however it would not be suitable for all offenders especially those who have committed violent or sexual criminal acts. |

## **Recidivism** (Recidivism is the tendency for convicted criminals to **reoffend**)

Statistics on reoffending rates for England and Wales produced by the Ministry of Justice for January – December 2014 show that 45.5% of adults reoffended within a year of release, this increased to 60% for those who were serving sentences less than 12 months. Also, 69% of juvenile offenders reoffended within one year of release.

Although statistics vary according to the type of offence committed, **the UK and the US have some of the highest rates of recidivism in the world.**

**Possible reasons for high recidivism rates** (also see the 'psychological effects' section above):

|                                    |  |
|------------------------------------|--|
| Institutionalisation               | The prisoner's basic physiological needs are met (they get a bed, a roof over their head, food) and they have a sense of belonging as other prisoners are in a similar position. If they have a difficult or unstable home environment or they are homeless they may reoffend to go back into prison. Institutionalisation may be more appealing to those individuals than living outside of prison. See <b>Hollin (1992)</b> previously mentioned.  |
| Mental health and addiction issues | The likelihood of reoffending can be increased if an inmate's mental health is unstable. This could be prompted by the prison situation or they could already be suffering prior to conviction. Poor mental health, especially addiction disorders, is related to crime rates so if the problem is not treated successfully in prison it could make an offender vulnerable to reoffending. This issue not only highlights the importance of effective rehabilitation programmes in prisons but it also raises questions as to whether custodial sentencing is the appropriate way of dealing with individuals with mental health issues. |

## **Discussion of recidivism (evaluation)**

**Note: if you were asked to 'discuss' or 'evaluate' recidivism you can bring in any relevant points from this section on aims and psychological effects – just remember to keep the focus on recidivism!**

In addition:

- Figures for recidivism are based on proven crimes that have been put through the court systems. The figure is likely to be higher as some reoffences will go undetected or will never reach court. Therefore, although rates are thought to be high, the numbers are inaccurate and will probably be greater.
- Recidivism rates may be due to the 'outside world' rather than the prison so until societal problems such as poverty and lack of support for mental health are addressed, it is likely recidivism will remain high. There is a significant lack of research into how these factors affect recidivism as most research is centered on the prison rather than the post-release environment. Therefore in order to truly understand why inmates go on to reoffend and how this can be prevented, more emphasis must be placed on investigating post-release factors.

## **Behaviour modification in custody**

Behaviour modification is based on **behaviourist principles of operant conditioning** and is made possible in prisons through the use of a **token economy system** which is managed and coordinated by the prison staff.



**Token economy** aims to reinforce desirable behaviour in offenders with a token that can be exchanged for some kind of reward. The reward is the primary reinforcer and the token acts as a secondary reinforcer. This is because the token's value comes from their association with the reward (primary reinforcer).

**Examples of desirable behaviours** in a prison could include – avoiding conflict, following prison rules, keeping one's cell orderly, etc. Prisoners are given a token each time they perform a desirable behaviour.

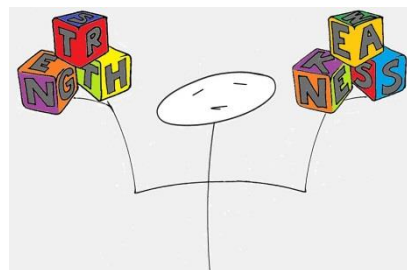
**Examples of rewards** could include – a phone call to a loved one, time in the gym or exercise yard, extra cigarettes or food.

### How the programme is developed and managed:

- Desirable behaviours are identified (e.g. avoiding confrontation), broken down into small steps (called increments) and a baseline measure is established.
- The behaviours to be reinforced are decided upon and all those who come into contact with the inmates must follow the same regime.
- The whole programme can be overseen by prison officials who are able to monitor the programme's effectiveness across the whole prison as well as on the behaviour of individual offenders.
- Behaviours and rewards are made clear to the prisoners before the programme is implemented and it is also emphasised that undesirable behaviours such as non-compliance, violence could result in tokens, and their associated rewards being withheld or removed (punishment).

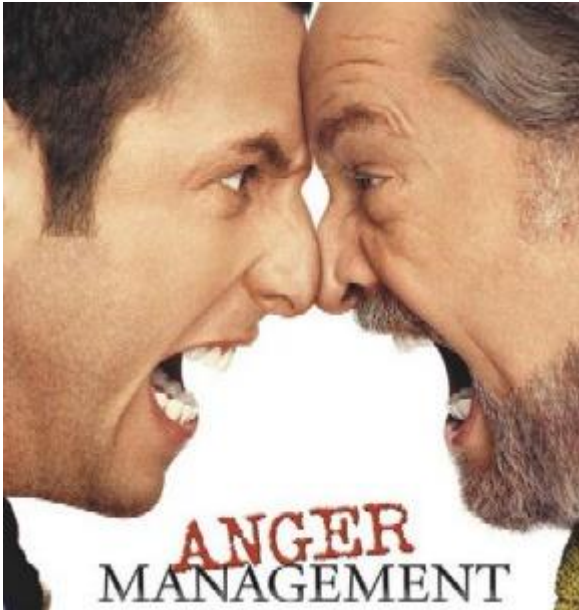


## Evaluation of behaviour modification in custody



|  |   |
|--|---|
| <b>Easy to implement</b>                                   | Token economy systems are relatively easy to administer and manage, especially once workable methods of reinforcement have been established. It can also be implemented by virtually anyone in the prison as it does not require expertise or specialist professionals unlike other treatment programmes e.g. anger management. Therefore it is seen as a reasonably simple way of dealing with offending behaviour.  |
| <b>Research evidence supporting behaviour modification</b> | <b>Hobbs and Holt (1976)</b> introduced a token economy programme with groups of young delinquents across three behavioural units. They found a significant difference in positive behaviour compared to the non-token economy group. <b>Allyon et al (1979)</b> found a similar effect with offenders in an adult prison. This demonstrates the effectiveness of behaviour modification as a way of dealing with offending behaviour.  |
| <b>Limited rehabilitative effect</b>                       | Although token economies may work well in the controlled environment of a prison it is likely that any positive changes in behaviour occurring whilst the offender is in prison may be lost when they are released. One reason why progress is unlikely to extend beyond the custodial setting is because on the 'outside' desirable or law-abiding behaviour is not always reinforced. Therefore, without this system of reinforcement in the real world there is a possibility of recidivism.   |
| <b>Long term effectiveness</b>                             | Behaviour modification focuses on superficial changes to behaviour. Offenders may follow the token economy system in order to access the rewards but this may produce very little change in their overall character. This could explain why some offenders regress back to their former behaviour when they are released or when the treatment programme ends. Therefore, behaviour modification is not always an effective long term management technique for offending behaviour. Other treatment programmes such as anger management are much more focused on taking responsibility for behaviour and long term changes to behaviour and could therefore be seen as a more suitable way of dealing with offending behaviour. |

## Anger management



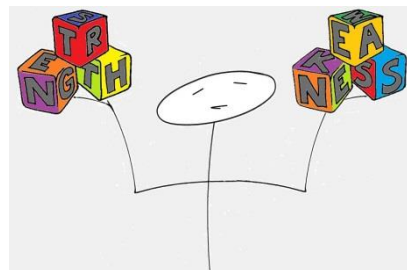
The aim of anger management is not to prevent anger but to **recognise it and manage it**.

It has been suggested that **cognitive factors trigger the emotional arousal which generally precedes aggressive acts** therefore anger management programmes consist of the individual being taught how to recognise when they are getting angry/losing control and then they are encouraged to develop techniques which bring about conflict resolution without the need for violence. Anger management is a form of CBT.

### Three stages in anger management:

1. **Cognitive preparation** – With the help of an anger management therapist, the offender reflects on past experience and considers **typical patterns of their anger**. The offender learns to **identify** those situations which act as a **trigger to anger** and, if the way in which the offender interprets the event is irrational, the therapist's role is to make this clear. For example, the offender may perceive someone looking at them or their partner as an act of confrontation so by redefining the situation as non-threatening, the therapist is attempting to break what may well be an automatic response for the offender.
2. **Skills acquisition** – Offenders are introduced to a range of **techniques and skills** to help them deal with anger- provoking situations more rationally and effectively. **Cognitive, behavioural and physiological techniques** are used e.g. positive self-talk to encourage calmness (cognitive), assertiveness training in how to communicate more effectively (behavioural) and methods of relaxation and/or meditation (physiological). Physiological techniques help to promote the idea that it is possible to control their emotions.
3. **Application practice** – Offenders are given the opportunity to **practice** their skills and techniques using **role play** within a carefully controlled environment. It is likely to involve the offender and therapist re-enacting scenarios from the offenders past which have involved escalated feelings of anger and acts of violence. This requires a certain amount of commitment from the offender as they must see the scenarios as real.

## Evaluation of anger management



|   |   |
|---|---|
| <b>Comparison with behaviour modification</b> | Unlike behaviour modification, anger management tries to tackle one of the causes of offending. It attempts to address the thought processes underlying the offending behaviour rather than just focusing on superficial surface behaviour. Therefore it is logical to assume that anger management is more likely to lead to permanent behavioural change and lower rates of recidivism in comparison to behaviour modification.                                 |
| <b>Limited long term effectiveness</b>        | <b>Blackburn (1993)</b> pointed out that whilst anger management may have an effect on the conduct of the offender in the short term there is very little evidence that it reduces recidivism in the long term. Therefore anger management may not be an entirely successful way of dealing with offending behaviour, particularly in terms of rehabilitation.  |
| <b>Lack of external validity</b>              | Practicing the skills in a role-play situation could be argued to be very different to a real life situation. The level and intensity of emotions are likely to be much greater in a real life situation meaning the offender may not be able to fully apply their skills when faced with a real anger-provoking situation leading to the offender reverting back to their former behaviour. This ultimately limits the effectiveness of the treatment programme. |
| <b>A multidisciplinary approach</b>           | Anger management programmes take into consideration the complexity of offending behaviour as it attempts to address the cognitive, behavioural, physiological and social factors involved. This makes it a more holistic approach to dealing with offending behaviour compared to behaviour modification which could be argued to be a more appropriate way of dealing with offenders   |

## Restorative justice programmes.

### An overview:

Restorative justice programmes switch the emphasis from the needs of the state (to enforce the law and punish) to the **needs of the victim or victims** (to come to terms with the crime and move on). It typically involves offenders coming face-to-face with the victim or victims.

**Restorative justice programmes can function as an alternative to custodial sentencing (especially if the offender is young), as an 'add-on' to community service or in addition to a custodial sentence.**

### The restorative justice process:

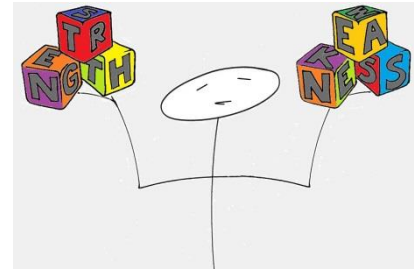
Restorative justice programmes can be quite diverse but they do share some key features:

- Focus on **acceptance of responsibility** and positive change for people who harm others; less emphasis on punishment.
- **Active** rather than passive involvement of all parties in the process wherever possible.
- Focus on **positive outcomes for survivors** and those who have engaged in wrongdoing.

Restorative justice **requires both the offender and the survivor** (the term 'victim' is avoided) to want to be involved. If they are both happy to be involved, a supervised meeting between them is organised – attended by a **trained mediator** – in which the **survivor** is given the opportunity to **confront the offender** and explain how the incident affected them. Similarly, the **offender** is able to see the **consequences of their actions**, including the emotional distress it caused. This is seen as an important part of the rehabilitation process.

Not all restorative justice programmes are face-to-face for example, the offender repairing damaged property themselves.

## Evaluation of restorative justice programmes



|  |  |
|--|--|
| <p><b>Flexibility of programme however high drop-out rates</b></p>                               | <p>Unlike custodial sentencing, restorative justice programmes have a degree of flexibility in the way in which they are administered for example, face-to-face, over the phone etc. This is a strength as it means that programmes can be tailored to meet the needs of the individual situation. However, despite this restorative justice programmes can suffer from high drop-out rates which limits its usefulness as a way of dealing with offending behaviour.</p>  |
| <p><b>Research supporting the use of restorative justice programmes</b></p>                      | <p>There is research to suggest that reoffending rates are lower and both the victim and offender report high satisfaction levels with the technique (<b>Latimer et al, 2012</b>). This demonstrates how restorative justice compares favourably with other forms of punishment. Therefore, it could be used as an alternative to custodial sentencing.</p>  |
| <p><b>Use of skilled and experienced mediators</b></p>   | <p>There is a need for skilled and experienced mediators to be used in restorative justice programmes and specialist professionals are likely to be expensive. However if restorative justice leads to lower recidivism rates, in comparison to custodial sentencing, it could be seen as more cost-effective in the long term. Therefore, although restorative justice is expensive, if it leads to lower recidivism rates in future it may be seen as a more beneficial way of dealing with certain offending behaviour.</p> |
| <p><b>Appropriateness- may not be suitable for dealing with certain offending behaviour.</b></p> | <p>As restorative justice requires victims and offenders to be active participants in the process it may not be suitable for all types of criminal cases for example, in domestic violence or sexual offence cases the victim may not feel they can engage with the offender in any way. Therefore limiting the usefulness of the programme as a way of dealing with offending behaviour.</p>  |

## Exam practice

### Examples of short-answer exam questions

1. Outline **one** cognitive distortion shown by offenders who attempt to justify their crime. **(2 marks)**
2. One method of offender profiling involves categorising offenders as either organised or disorganised offenders. Briefly explain **one** limitation of this method of offender profiling. **(2)**
3. **a)** Briefly outline differential association theory as an explanation for offending. **(2)**  
**b)** Briefly explain **one** limitation of this theory. **(2)**
4. **a)** Following a series of riots in cities all over England, a politician was interviewed on the radio. He said, 'Rioters and looters should be sent to prison. We must send a clear message that this sort of behaviour is not acceptable. Society expects such behaviour to be severely punished.' *Briefly discuss **two** roles of custodial sentencing identified in the politician's statement. (4)*  
**b)** Another politician also took part in the radio interview. She argued, 'The people were rioting for a reason. They were angry with the police and lost control.' *Outline and briefly discuss **one** treatment programme for people who offend because they are angry. (4)*
5. Outline **one** biological explanation for offending. **(2)**
8. Outline psychodynamic explanations of offending **(6)**
9. Outline **one** cognitive explanation of offending **(4)**
- 10 Outline Eysenck's theory of the criminal personality **(4)**
11. Explain what is meant by 'recidivism' **(2)**
12. Explain one strength and one limitation of behaviour modification for offenders **(6)**



## **Possible essay questions**

1. Discuss the bottom-up approach to offender profiling. (16 marks)
2. Discuss biological explanations of offending behaviour. (Total 16 marks)
3. Discuss the historical approach to explaining offending behaviour. Include research on the atavistic form in your answer. (8 marks)
4. Discuss Eysenck's theory of the criminal personality. Refer to evidence in your answer. (Total 16 marks)
5. Discuss one or more cognitive explanations of offending behaviour. (16 marks)
6. Discuss one or more psychological explanations of offending behaviour. (16 marks)
7. Describe and evaluate the psychodynamic explanations of offending behaviour. (16 marks)
8. Outline and compare two explanations for offending. Refer to evidence in your answer. (16 marks)
9. Discuss the psychological effects of custodial sentencing. (Total 8 marks)
10. Describe and evaluate research on custodial sentencing and its effects on recidivism. (16 marks)
11. Describe and evaluate the use of behaviour modification in custody as a means of dealing with offender behaviour. (16 marks)
12. Describe and evaluate anger management as a method for dealing with offending behaviour. (16 marks)
13. Describe and evaluate restorative justice programmes. (16 marks)
14. Experts have different views about how to deal with recidivism. Some believe that custodial sentencing is the best way of reducing re-offending; others think that prison may not be the solution and that there are better alternatives. There is also much debate about whether treatment programmes reduce re-offending.

Discuss ways of dealing with the problem of recidivism. Refer to the views outlined above in your answer. (16 marks)