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General discussion

The aim of this thesis was threefold. Firstly, we have explored public support for suspended sentences, and to what extent punitive penal attitudes, confidence in the criminal justice system and political orientation have affected this support. Secondly, we have examined offender compliance with the special conditions of suspended sentences and how compliance can be increased through procedural justice, alliance and deterrence. Thirdly, we have focused on recidivism after suspended sentences. We have compared recidivism rates of suspended sentences with recidivism rates of short-term imprisonment. Furthermore, we have compared the recidivism rates of the different types of suspended sentences (fully and partly suspended prison sentences with and without special conditions).

This final chapter provides a summary of the main results, followed by a general discussion of the study's theoretical implications. Hereafter, we will give a description of the study's limitations and future research. Lastly, we will discuss policy implications.

6.1 Summary of the main results

6.1.1 Public support for suspended sentences

In Chapter 2, using a representative sample from the Dutch population, we have examined to what extent the factors that affect public support for sentencing and correctional policies in general – punitive penal attitudes, confidence in the criminal justice system and political orientation – predict public support for a specific sanction, suspended sentences.

All three factors were related to support for suspended sentences. People with lower punitive penal attitudes towards sentencing, more confidence in the criminal justice system, and a more left-wing political orientation had a more positive attitude towards suspended sentences than people with less confidence, higher punitive penal attitudes and a more right-wing orientation had. Further analyses showed that the perceived punitiveness of suspended sentences partially mediated the relationship between confidence in the criminal justice system and general support for suspended sentences. That is, although confidence is directly related to support, confidence is also determined in part by the perceived punitiveness of suspended sentences, which in turn affects support. Perceived punitiveness of suspended sentences did fully mediate the relationship between general punitive penal attitudes towards punishment and general support for suspended sentences, suggesting that punitive penal attitudes do not affect support when perceived punitiveness is taken into account. Political orientation had only a weak effect on the relationship between perceived punitiveness of suspended sentences and general

support for these sentences. Respondents who were leaning towards left-wing or right-wing political parties were more likely to support suspended sentences when the punitiveness of these sentences was stressed. However, this relationship was strongest for respondents with a more right-wing political orientation.

Overall, results showed that, beside knowledge and providing the public with more detailed information about offenders and sentencing, confidence in the criminal justice system, perceived punitiveness of suspended sentences and political orientation are important factors. These factors provide us with more insight into understanding the mechanisms behind public support for this specific sentence.

6.1.2 (Short-term) compliance

In Chapter 3, we have examined compliance with the special conditions of suspended sentences (short-term compliance). Specifically, we examined to what extent (1) demographics- and crime-related characteristics and (2) deterrence, a procedurally just treatment by the judge and the alliance with the probation officer, predicted probation supervision compliance. In total, 95 offenders under probation supervision filled in a questionnaire twice; at the start of their probation supervision (T1) and approximately 7 months later (T2). At both times, probationers were given the same questionnaire to fill in. We examined two independent measures of compliance: (1) probationers' willingness to comply with the conditions of their probation supervision) and (2) registered compliance (warnings given for not complying with their probation supervision). Using regression analysis, we examined the influence of the independent variables measured at T1 on the dependent variables measured at T2.

Due to the small sample we were unable to control for the demographics and crime-related characteristics in these analyses. For this reason we used the recidivism risk based on the RISC. The assessed recidivism risk is based on the Risk Assessment Scales (RISC), which is a composite of demographics and crime-related characteristics that have been identified in international literature as predictors of recidivism. We found that recidivism risk did not predict subsequent willingness to comply and registered compliance.

We did find deterrence to be a predictor of compliance. More specifically, probationers' perceived certainty that their case would be revoked if they violated the conditions of their probation supervision was a significant predictor of probationers' willingness to comply, while the severity of the sentence was found to predict registered compliance. Probationers given partly suspended sentences were more likely to receive warnings than probationers given fully suspended prison sentences were. Procedural justice influenced only probationers' willingness to comply. In

other words, the more probationers perceived their treatment by the judge during their trial to be fair (that is, whether the judge listened to their side of the story, showed respect and was friendly), the more likely these probationers were willing to comply with the conditions of their sentence. Finally, the alliance with their probation officers was related with probationers' willingness to comply and registered compliance. If probationers viewed their relationship with their probation officer as friendly and had a positive image of their probation officer, they were more willing to comply and received fewer warnings. However, as this relationship regarding the attitudes of probationers was only significant at T2, we are unable to conclude that an alliance is a predictor of probation supervision compliance.

To summarize, this study has shown that demographics and crime-related characteristics (RISc) do not predict compliance. Instead, we have found that the way probationers perceive their treatment by the judge and a positive alliance with their probation officer, in combination with the perceived threat of the sword of Damocles hanging over their heads and the severity of their suspended sentence, predict probation supervision compliance.

6.1.3 Recidivism

To examine recidivism after suspended sentences, we have conducted two studies. The first study, presented in Chapter 4, compared recidivism rates of fully suspended prison sentences with those of short-term imprisonment. It addressed two research questions. The first of these was: to what extent do recidivism rates after fully suspended prison sentences differ from those after short-term imprisonment? The second question was: to what extent do recidivism rates after fully suspended prison sentences and short-term imprisonment differ between first offenders and between recidivists? Using official record data (rap sheets) from all offenders given fully suspended prison sentences and short-term imprisonment in 2006 in Amsterdam and The Hague, we examined recidivism rates during a follow-up period of approximately five years. We operationalized recidivism as the first offence that resulted in a new conviction by the Public Prosecutor or judge.

To control for selection bias, propensity score matching was used to match offenders given a fully suspended prison sentence to offenders sentenced to short-term imprisonment, based on a number of demographic and crime-related characteristics associated with sentencing and recidivism (such as age, ethnicity, gender and type of offence). Using Cox proportional hazard models, results showed that, before matching, the general sample of offenders given fully suspended prison sentences was less likely to recidivate than the general sample of offenders sentenced to short-term imprisonment were (70% versus 80%). However, after matching, we found no difference in recidivism rates.

We found differences in recidivism rates between the two sentences for first offenders and recidivists. First offenders given fully suspended prison sentences had a greater risk of recidivating during the follow-up period than first offenders sentenced to short-term imprisonment. This difference remained after matching (50% of the matched first offenders given fully suspended prison sentences versus 30% of the matched first offenders sentenced to short-term imprisonment). Conversely, also after matching, recidivists given fully suspended prison sentences had a *smaller* risk of recidivating (80%) than recidivists sentenced to short-term imprisonment (85%). This difference in recidivism rates was much smaller than between first offenders. These findings are relatively robust towards hidden bias. These results showed that criminal history is an important factor to consider when comparing recidivism rates between these two sentences.

In Chapter 5, we focused on suspended sentences *per se*. Again using official record data on all offenders given suspended sentences in 2006 in Amsterdam and The Hague, we compared recidivism rates between fully and partly suspended prison sentences with and without special conditions. Two questions were central in this study. First, to what extent do recidivism rates differ between (a) fully and partly suspended prison sentences, (b) suspended prison sentences with and without special conditions, and (c) fully and partly suspended prison sentences with and without special conditions? The second question was: to what extent do recidivism rates differ between (fully and partly) suspended prison sentences without special conditions, with control-oriented special conditions and with behaviour-oriented special conditions?

Using Cox proportional hazard models, we found that offenders given partly suspended prison sentences had a greater risk of recidivating than offenders given fully suspended prison sentences. In addition, offenders given suspended prison sentences with special conditions were more at risk of recidivating than offenders given suspended prison sentences without special conditions were, after controlling for a number of individual- and crime-related characteristics associated with sentencing and recidivism. No difference in recidivism rates was found between the four types of suspended prison sentences (fully and partly suspended sentences with and without special conditions).

Special conditions include a wide variety of conditions, ranging from restraining orders to taking part in a behavioural intervention. Scholars have concluded that these conditions can have different effects on recidivism rates. For the second research question, we therefore categorized the conditions as follows: a) no special conditions, b) control-oriented special conditions, and c) a combination of control-oriented and behaviour-oriented special conditions. Results yielded no

difference in the risk of recidivating between control-oriented special conditions and a combination of control- and behaviour-oriented special conditions. However, there was a difference in the risk of recidivism between control-oriented special conditions and no special conditions. Offenders given suspended prison sentences with no special conditions had a smaller risk of recidivating than offenders given suspended prison sentences with control-oriented special conditions were.

A further differentiation between fully and partly suspended prison sentences and the three types of conditions showed that, compared to offenders given partly suspended prison sentences with control-oriented special conditions, offenders given fully and partly suspended prison sentences with a combination of control- and behaviour-oriented special conditions ran a smaller risk of recidivating. Furthermore, offenders given fully suspended prison sentences without special conditions had a smaller risk of recidivating compared to offenders given partly suspended prison sentences with control-oriented special conditions.

6.2 Discussion

6.2.1 Public support

Policymakers often turn to public opinion polls to determine and motivate new policy (Maruna & King, 2004; Roberts & Hough, 2005). With the renewed interest in suspended sentences, and a recent revision of its law in the Netherlands, research on public support for suspended sentences remains scarce. Yet, while international research has shown that there is little understanding of suspended sentences (Armstrong et al., 2013), and the public generally feels that they are merely a slap on the wrist for offenders (Freiberg & Moore, 2009), this does not suggest a lack of support, although it could be interpreted as such. Research has uncovered that there is support for suspended sentences if the public is given more information about this specific sentence (Van Gelder et al., 2011) and if the judge is able to motivate why offenders are given suspended sentences (Sanders & Roberts, 2000). This thesis extends previous research by focusing on other factors expected to predict public support.

In line with previous research, we have found three additional factors that affect public support for suspended sentences: confidence in the criminal justice system, the perceived punitiveness of suspended sentences and political orientation. Firstly, confidence in the criminal justice system is related to support in suspended sentencing. While Roberts (1997: 196) argues that an increased imposition of suspended sentences can ‘undermine the public’s confidence in the criminal justice system’, we find little support for this view. We have found that the public has

confidence in the criminal justice system, in a time when suspended sentences are being imposed increasingly (Dutch Central Statistical Office Statline, 2014). This finding is in line with the study of Dekker and Van Der Meer (2007), who found that, overall, the public evaluates the criminal justice system positively and that this finding has been stable over time. However, public confidence in the criminal justice system can affect its legitimacy (Maruna & King, 2004). According to Tyler et al. (2013: 4016), 'the legitimacy of the legal authorities resides most fundamentally in the recognition that the criminal justice system has the right to exist and dictate behaviour, and use its authority to determine the law, use force, and punish those who act illegally in justifiable ways'. When legitimacy is called into question, the public are less likely to defer to and cooperate with legal authorities and comply with the law (Tyler, 2006). Consequently, when the public is less confident, they are less likely to support penal policies. In line with this theory, we have found that people who were more satisfied with the criminal justice system are more likely to support suspended sentences.

Secondly, the perceived punitiveness of suspended sentences plays an important role in generating support for these sentences and mediates the relationship between confidence and support. This is in line with the view of Freiberg and Moore (2009), who suggest that to generate greater confidence in the criminal justice system, and hence support for suspended sentences, is for suspended sentences to meet the punitive expectations of the public. That is, restrictions should be placed on the offender's liberty, such as intensive supervision, drug testing, and electronic monitoring. Sanders and Roberts (2000: 206) suggest that these restrictions should 'carry out the same penal 'value' as a term of custody'. When the public views suspended sentences as punitive, they are more likely to support these sentences.

We have also found support for the moderating effect of political orientation on the relationship between perceived punitiveness of suspended sentences and support. While Mascini and Houtman (2006) argue that repression is favoured at the conservative end of the political spectrum, in this thesis there is no substantive evidence that perceived punitiveness is solely reserved for people leaning towards right-wing political parties. Being more favoured on the right end of the political spectrum, punitiveness enjoys support from respondents on both sides of the political orientation scale. It seems that while punitiveness was part of more right-wing political parties in the 1980s as a way to restore the nation (De Koster et al., 2008), now punitiveness is part of the political agenda in both left-wing and right-wing political parties.

6.2.2 Why do suspended sentences ‘work’?

We cannot answer the question whether suspended sentences work in general. However, this thesis has provided us with indications under which circumstances suspended sentences can increase short-term and longer-term compliance. Theoretically, we can cluster these circumstances into three categories: deterrence, rehabilitation and socio-psychological factors. All three theoretical notions are relevant in explaining compliance and recidivism among those given suspended sentences.

Deterrence

As theorized by numerous scholars (Nagin, 1998; Paternoster, 1987; Paternoster et al., 1983; Williams & Hawkins, 1986) and expected by Dutch policymakers (Directoraat-Generaal Preventie, Jeugd en Sancties, 2008) we have found indications that deterrence increases short-term and longer-term compliance among offenders given suspended sentences. Two dimensions of deterrence were central in this thesis: an objective sanction risk and a subjective or perceived sanction risk.

According to the first dimension, the objective sanction risk, people comply with the law or decisions because the benefits of compliance outweigh the costs in case of non-compliance (Paternoster, 2010). The deterrent effect is the greatest if the sentence is certain, severe and swift (Geerken & Gove, 1975). Even though little research has focused on deterrence in a probation setting, we expected deterrence to play an important role in increasing longer-term compliance with suspended sentences. It is logical to assume that offenders given suspended sentences make the same cost-benefit analysis on whether to commit a crime as other offenders do, even when they have a sentence hanging over their heads. Failure to comply with the conditions results in revocation and re-incarceration, and in cases where offenders recidivate during their probation period, they will receive an additional sentence for this new crime.

With regard to this objective measure of deterrence, we have examined recidivism rates after suspended prison sentences. As we compared these to the rates of short-term imprisonment, we expected offenders sentenced to short-term imprisonment to have lower recidivism rates than offenders given suspended prison sentences. Related to deterrence theory is the so-called ‘short, sharp, shock’ concept, which predicts that short and severe sentences (such as short-term imprisonment) are more effective in reducing recidivism. We found no difference in recidivism rates between fully suspended sentences and short-term imprisonment over a five-year follow-up period. This finding does not seem in line with deterrence theory and previous research (e.g. Bartels, 2009; Cid, 2009;

Walker et al., 1981), but this is possibly explained by the methodology used in our research and previous studies. Previous research merely controlled for a number of variables, while we used propensity score matching to minimise the bias of confounding variables. In a similar vein, Villettaz et al. (2006) generally found lower recidivism rates following a non-custodial sanction compared with a custodial sanction. However, when they reviewed 5 randomised controlled trials and one natural experiment, no significant differences in recidivism rates between the two sentences were found. The results of the present study emphasize the importance of constructing appropriate comparison groups when examining the effects of suspended prison sentences on recidivism.

We did find that first offenders given suspended prison sentences ran a higher risk of recidivating. According to deterrence theory, this is referred to as the suppression effect, a first-time imprisonment reduces future offending (Wilson, 1983). Recidivists given suspended prison sentences, on the other hand, were less likely to recidivate than recidivists sentenced to short-term imprisonment were, which is line with the study of Lulham et al. (2009). An offender's criminal history should be considered by the court to determine which of the two sentences is most likely to have a greater deterrent effect.

The second dimension – the perceived sanction risk – focuses on the factors of punishment (certainty, severity and swiftness) that are *thought* to exist amongst the public and offenders (Paternoster, 2010). With regard to this perceived sanction risk, we found that offenders who perceived the certainty of revocation in case of non-compliance as high were more willing to comply with the conditions of their probation supervision (short-term compliance). This finding is in line with the deterrence theory and previous research (Maxwell & Gray, 2000). However, perceived certainty did not predict registered compliance. Instead, severity of the suspended sentence influenced registered compliance: offenders with a longer incarceration period hanging over their heads were less likely to receive a warning in case of non-compliance than offenders given less severe suspended sentences did. This finding is notable as previous research found little support that severity of the sanction has a deterrent effect on future criminal behaviour (Nagin & Pogarsky, 2001). More support for an objective and perceived effect of certainty of punishment on short-term and longer-term compliance can be found than for severity (Nagin & Paternoster, 1991; Nagin & Pogarsky, 2001; Paternoster & Iovanni, 1986). But as Paternoster (2010: 785) argues: ‘deterrence theory is a socio-psychological theory of threat communication in which the causal chain runs from the objective properties of punishment through the perceptual properties of punishment to crime’. Although our findings do not say anything about the causal relationship between objective and perceived sanction levels of deterrence

or, more specifically, the relationship between severity and perceived certainty, we do suggest that both play an important role in increasing short-term compliance in a probation supervision setting.

Rehabilitation

An important part of suspended sentences is its focus on rehabilitation, changing the offender's behaviour 'to make him less prone to criminal behaviour' (De Keijser, 2000: 18). Rehabilitation can be found in the special conditions that can be attached to suspended sentences. A wide range of special conditions can be imposed by the judge to meet the risks and criminogenic needs of offenders, which aim to influence the behaviour of the offender, which in turn reduces the likelihood of recidivism. Together with the threat of punishment (deterrence), suspended sentences are considered effective sanctions by policymakers (TK 2009/10, 32 319, no. 3). We found no support for this expectation. Instead, we found that offenders given special conditions run an increased risk of recidivating compared to offenders who only had the threat of punishment hanging over their heads. This is not in line with previous research, in which deterrent-based strategies are not considered effective as they focus solely on (the threat of) punishment to increase compliance (Lipsey & Cullen, 2007; Wodahl et al., 2011). We speculate that offenders with special conditions are at greater risk of recidivating than offenders without special conditions are, and for this reason, judges attach special conditions to reduce this risk. However, the special conditions are not effective in reducing the risk of recidivating for these individuals and for this reason they are more likely to recidivate.

Another possible reason is the type of special conditions that can be imposed. As special conditions include a wide variety of conditions, ranging from more control-oriented to more behaviour-oriented special conditions, we differentiated between these types of conditions. Scholars have argued that control-oriented programmes do not reduce recidivism rates unless some form of rehabilitation is present (Petersilia, 1999). Our study did not yield any significant difference in recidivism rates between behaviour-oriented special conditions and solely control-oriented special conditions. Instead, we found a difference between offenders given no special conditions and offenders given control-oriented special conditions. Offenders not given special conditions were less likely to recidivate than offenders given control-oriented special conditions were, suggesting that merely the threat alone seems enough to decrease the likelihood of recidivism. Another likely reason why offenders given control-oriented special conditions run a higher risk of recidivating is that they are being supervised by the Probation Service. Research has consistently found an inverse relationship between intensive supervision and the

detection of technical and criminal violations, which has resulted in revocation and possibly a new conviction in case of recidivism for violating the legal requirements of imposed conditions (Petersilia, 1998; Petersilia & Turner, 1993). Offenders given suspended sentences without special conditions are not being supervised and violations are, therefore, less likely to be detected. This line of reasoning can also explain why there are no differences in recidivism rates between offenders given solely control-oriented conditions and offenders given behavioural-oriented conditions. This last group is also under supervision, which means they are more likely to get caught in case of non-compliance as well. Our findings suggest, therefore, that recidivism rates are not related to the type of conditions imposed, but to the risk of detection in case of non-compliance.

Socio-psychological factors

There is a third category, that of social-psychological factors, which this thesis has found to 'work' in suspended sentences, i.e. to increase (short-term) compliance. These factors are a procedural justice treatment by the judge and a positive alliance between probation officer and probationer.

Procedural justice theory argues that if people feel that authorities treat them fairly, in general, people will be more likely to accept and comply with the authorities' rules and decisions, independent of the outcome (Lind & Tyler, 1988; Thibaut & Walker, 1975; Tyler, 2006). When people perceive the treatment to be unfair, resistance or non-compliance is most likely to occur. This theory has found much support in a number of different contexts, including law enforcement settings, regulatory settings and workplace settings (Murphy, Tyler & Curtis, 2009; Reisig & Mesko, 2009) and now also in a probation setting. We have found that when offenders felt they were treated fairly and with dignity during their trial, they were more likely to accept the judge's ruling and comply with the conditions of their suspended sentence.

An alliance refers to the relationship between a therapist and patient and is considered a significant predictor of a successful treatment outcome (Gaston, 1990). In clinical samples, this theory has received considerable support (e.g. Ackerman & Hilsenroth, 2003; Barber et al., 1999). Only recently has criminological research focused on the role of staff in a probation supervision setting (Dowden & Andrews, 2004; Durnescu, 2012). Probation officer-probationer contacts need to be more than check-ins to monitor compliance and to reduce recidivism (Taxman, 2002). Within the RNR model, characteristics of effective staff in programme delivery need to be addressed to maximize the therapeutic impact of correctional treatment (Dowden & Andrews, 2004). Dowden and Andrews (2004) found strong preliminary evidence that Core Correctional Practices are important factors of

the treatment outcome. In their meta-analytic review, they conclude that staff characteristics should be equally considered, beside the focus on programme elements and offender characteristics that has dominated the ‘what works’ literature. Specifically, the quality of the relationship between probation officers and probationers is argued to be one of the most important Core Correctional Practices (Dowden & Andrews, 2004). Our findings suggest that a positive relationship between the probationer and his probation officer is important to improving outcomes. In line with previous research (Andrews & Kiessling, 1980; Skeem et al., 2007), we have found that probationers’ perceptions of their relationship with their probation officer were related to an increased willingness to comply with the conditions and receiving less warnings. Important factors contributing to this positive relationship were: listening, respect and showing an interest (Rex, 1999). This finding is consistent with the suggestion that the relationship between probation officers and their probationers may be a core condition for changing the probationers’ behaviour and reducing future offending (Burnett & McNeill, 2005; Skeem et al., 2007).

In addition, we have found some support for the apparent protective aspect of high quality dual role relationships on increasing compliance. According to Skeem and Manchak (2008), probation officers face the challenge of developing a quality relationship with their probationer while at the same time balancing the goals of control (i.e. protecting the community) and care (i.e. rehabilitating the offender). In line with previous research (e.g. Andrews & Kiessling, 1980; Skeem et al., 2007), probationers who perceived their probation officer as highly caring, while at the same time perceiving the risk of revocation as high (i.e. control) showed an increased willingness to comply with the conditions of their probation supervision.

6.3 Methodological improvements

This thesis has made several methodological improvements regarding previous research on suspended sentences. Firstly, while previous research has mainly used cross-sectional data to study offender compliance with the conditions of probation supervision (e.g. Lamet et al., 2013; Morgan, 1994; Olson & Lurigio, 2000), the study in Chapter 3 is one of the first to examine compliance using longitudinal data. In this thesis, we have used multiple waves to follow a group of probationers during their probation supervision period, with the starting point being the start of this period and the second wave approximately seven months after. As Chapter 3 shows, questions regarding their probation officer, which they had only met a few times before, were difficult to answer by the probationers. A second wave allowed the probationers to develop a more general opinion of their relationship with their

probation officer. A great advantage of using longitudinal data is that it enabled us to measure change in compliance at an individual level. In this thesis, we were able to look at individual differences and what predicts probation supervision compliance, rather than examining differences in compliance between probationers.

Secondly, we have tested predictors of compliance using both self-report and official record data. This thesis shows similar findings regarding the predictors for attitudes of probationers (i.e. willingness to comply) and registered compliance. Previous studies have frequently relied on registered compliance only (e.g. Gray et al., 2001; Sims & Jones, 1997). Using a single method to measure compliance may generate associations that are caused by the measurement approach itself (Podsakoff, MacKenzie, Lee & Podsakoff, 2003). By using multiple methods, we eliminated single-source bias, which enabled us to conclude that instrumental and normative aspects affect probation supervision compliance. These findings were robust because similar results were observed for both outcomes.

Thirdly, in Chapter 4, we have used propensity score matching to compare recidivism rates between suspended prison sentences and short-term imprisonment. Previous studies comparing the effectiveness of suspended sentences with other sentences have controlled for certain variables associated with sentencing and recidivism. There is no guarantee, however, that the offenders given these sentences were similar on a number of factors – such as age, ethnicity and criminal history – before they were sentenced to either one of the two sanctions. Propensity score matching controls for this selection bias. According to the Maryland Scientific Methods Scale (SMS) developed by Sherman et al. (1998), this is the second highest level of internal validity that can be reached in evaluation studies (with randomization being the highest level of internal validity). Although we cannot draw conclusions about the causal relationship between sentencing and recidivism, we are able to conclude whether suspended sentences have lower recidivism rates than short-term imprisonment with minimal selection bias.

6.4 Limitations and future research

Although the current thesis presents several methodological improvements, there are also some general methodological limitations that need consideration. These limitations offer important guidelines for future research. These limitations and directions for future research relate to (1) causality; (2) the operationalization of measures; and (3) generalizability.

6.4.1 Causality

In this thesis, we cannot conclude whether observed differences in recidivism rates between a) suspended sentences and short-term imprisonment and between b) different types of suspended sentences can be attributed to the type of sentence rather than to pre-existing differences. Although we controlled for confounding variables by retrospective matching in Chapter 4, the major problem with matching is that it cannot control all confounding variables, but only a subset. In addition, since we examined official record data, only a limited set of variables was used for matching. It can be argued, therefore, that a difference in recidivism rates can be attributed to unmatched variables rather than to the sentence (Farrington, 1983). Furthermore, we have matched and analysed only subsamples. Consequently, these subsamples are not representatives of their populations, limiting the generalizability of results. In this thesis the unmatched group of offenders given suspended sentences differed significantly from their matched counterparts on a number of variables. This unmatched group was older, more likely to be female, native, convicted of a violent offence and first offender, compared with their matched counterparts. With the exception of age, these characteristics are found by Wartna and Tollenaar (2006) to be specific characteristics of Dutch offenders given suspended sentences. Conclusions drawn, therefore, only apply to those cases where suspended prison sentences can also be considered alternatives to short-term imprisonment and not to the whole population of offenders given suspended prison sentences.

In Chapter 5, we were unable to match the different suspended sentences, as previous research has not focused on the combination of fully or partly suspended sentences with or without special conditions. For this reason, we had no indication of which confounding variables needed to be taken into account with matching: we merely controlled for variables known to be associated with sentencing and recidivism in general.

To determine causality, i.e. the effect of suspended sentences on recidivism, future research should incorporate experiments. Experiments are often considered the 'golden standard' (Friendship et al., 2002). A major advantage of experiments, and in particular randomized experiments, is that prospective matching can control for variables in advance, before the sentence or intervention is imposed. Researchers are able to record a wider subset of variables and therefore collect data similar for both research groups (Farrington, 1983). In turn, randomized experiments have a high internal validity and no ambiguity regarding the direction of causal influence (Farrington & Welsh, 2006). Despite its advantages, however, there are a number of practical and ethical problems that we cannot ignore. Practical

concerns include high costs and time. Ethical issues arise if people who should receive treatment are placed in a group without treatment. In case of suspended sentences, for example, offenders benefiting most from behavioural interventions are instead sentenced to suspended sentences without special conditions. Although relatively little (randomized) experimentation is done in a criminal justice setting, randomized experimentation in crime and justice is continuously growing (see Farrington & Welsh, 2006; Villettaz et al., 2006). In a probation supervision setting, experimentation is also done. For example, Barnes et al. (2010) randomly assigned low-risk offenders to either standard or low-intensity community supervision, to determine its effect on recidivism. Experimentation in the area of suspended sentences and probation supervision seems feasible: future research should attempt to conduct an experiment to determine the effectiveness of suspended sentences in reducing recidivism. The challenge remains to identify and overcome the practical and ethical issues surrounding this type of research in this specific area.

6.4.2 Operationalization of measures

In this thesis, we have used several measures that deserve some critical consideration: (1) perceived punitiveness of suspended sentences; (2) procedural justice and alliance; and (3) reconviction. While these measures were based on key theoretical constructs and previous research, and the first two measures were piloted as well, they also include a number of limitations worth mentioning. Following these limitations, suggestions for future research are given.

Perceived punitiveness of suspended sentences

In Chapter 2, we have examined public support for suspended sentences, using validated, extensively piloted and reliable measures among a representative and large sample of the Dutch population. However, the scale regarding perceived punitiveness of suspended sentences included items that examined these sentences in more general terms. In practice, however, special conditions can be attached to suspended sentences. In addition, suspended sentences can be fully or partly suspended. As the public has little knowledge of criminal justice processes (Armstrong et al., 2013; Roberts, 1992), we cannot assume that the general public is aware of these different types of suspended sentences. As knowledge and information influences public support for sentencing policies (Roberts & Hough, 2002), it is important that future research includes the different types of suspended sentences in its measurements to gain further understanding about public support for these sentences.

Procedural justice and alliance

In Chapter 3, procedural justice and an alliance were found to be predictors of probation supervision compliance. However, the operationalization of both measures has been under considerable debate: previous research has used different subscales and items. This may not be surprising, as it depends on the setting where the measures are employed. Procedural justice measures have been adapted to measure treatment in prison settings (e.g. Reisig & Mesko, 2009), courtrooms (e.g. Casper, Tyler & Fisher, 1988) and by the police (e.g. Reisig, Bratton & Gertz, 2007). The establishment of an alliance has found much support in therapeutic settings (e.g. Ackerman & Hilsenroth, 2003; Barber et al., 1999; Gaston et al., 1991). However, a therapeutic setting differs from a coerced setting (such as offenders under probation supervision). It is not uncommon to assume that this coercion or pressure to comply with the conditions of suspended sentences might pose challenges to a collaborative probation officer-probationer relationship. Ross et al. (2008) conclude that the working alliance theory may be applicable in a coerced setting if specific conditions of this coerced setting are taken into account.

In this thesis, we used broad definitions of both measures. Regarding procedural justice, we included judgements about the fairness of the procedures and interpersonal treatment by the judge, which Bies and Moag (1986) argue are two separate aspects of the decision maker. Our choice for this broad one-dimensional construct of procedural justice was based on previous studies that have included both aspects into one scale (e.g. Casper et al., 1988; Sunshine & Tyler, 2003) and on the fact that our factor analysis yielded a one-factor solution. Despite our conclusions being in line with theory and prior research, future research should include more validated measures of procedural justice. Although in a limited way and only in a prison setting, studies determining the construct validity of procedural justice have been done to acquire an established standard of measurement (Henderson, Wells, Maguire & Gray, 2010; Reisig et al., 2007). Future research should extend this research to determine its construct validity in a probation supervision setting.

With regard to the alliance, we have focused merely on the bond between therapist and patient. Bordin (1979) argues that bonding is just one aspect of the alliance, beside an agreement between the therapist and the patient on the goals central to the therapy and on the collaboration on the tasks needed to reach these goals. As the working alliance theory by Bordin (1979) has received considerable support in clinical settings (Ackerman & Hilsenroth, 2003; Horvath & Symonds, 1991), and its theory can be applied in more coerced settings (Ross et al., 2008), future research should explore the influence of the specific aspects of the working alliance between probation officer and probationer on probation supervision

compliance (see, for example Degener, Sturm and Menger (2013) who are the first researchers to explore the working alliance in the Dutch probation setting). In addition, there are signs that the dual role relationships should possess elements of the therapeutic alliance and procedural justice to change the behaviour of offenders (Klockars, 1972; Papanozzi & Gendreau, 2005). Future research should explore how elements of this therapeutic alliance (i.e. caring and warmth) combined with elements of procedural justice (i.e. respect and fairness), may reduce revocations and recidivism among offenders in a probation supervision setting.

Reconviction

A final measure that deserves attention is the outcome measure used in Chapters 4 and 5: reconviction. Reconviction is commonly used as dependent variable in recidivism studies. As Bartels (2009: 77) explains: 'Reconviction is considered the most common and conservative measure of recidivism, as it is a more certain indicator of guilt than re-arrest'. Other scholars have argued that reconvictions are the most common dependent variable in studying recidivism rates (e.g. Villettaz et al., 2006). Reconviction is often viewed as a definitive answer as to whether an offender has recidivated. However, official records underestimate recidivism (Friendship et al., 2002) as it merely includes crimes that are reported by the criminal justice system. Future research should therefore use a combination of official and self-reported data, resulting in the additional inclusion of offences that were not discovered by the criminal justice system.

6.4.3 Generalizability

Regarding the generalizability of our results, two limitations are further discussed: (1) the generalizability regarding the results on probation supervision compliance and (2) the scope of the research.

Probation supervision compliance

In Chapter 3, probation supervision compliance included probationers' willingness to comply and registered measures of compliance. Although both outcomes are independent from one another, suggesting two separate measures of compliance, the question remains which of the two outcomes, if any, predicts actual probation supervision success or failure. In order to determine the effectiveness of short-term compliance, future research should not only examine this relationship, but also focus on the influence of deterrence, a procedurally just treatment by the judge and the alliance with the probation officer on the actual probation supervision's success or failure. In addition, research can be extended by examining the relationship

between short-term and longer-term compliance. By way of illustration, besides following probationers during their probation supervision, research should continue to follow these probationers after their probation period has ended (successfully or unsuccessfully) to examine possible recidivism rates. This will provide more insight into the reasons why offenders do not comply and into the extent to which suspended sentences have played a role in their non-compliance.

Scope of research

A second and final limitation regarding the generalizability of our findings is that the scope of this thesis is limited, with the exception of Chapter 2, to two Dutch court districts: Amsterdam and The Hague. Findings may not be generalizable to offenders sentenced to suspended sentences in the Netherlands as a whole and in other countries. No prior research has examined to what extent differences exist between court districts regarding the imposition and assistance or supervision provided by the Probation Service, giving us no indication that differences do exist. However, future research should attempt to examine short-term and longer-term compliance after suspended sentences nationwide. In addition, as probation supervision compliance in Chapter 3 was conducted solely among adult male probationers, the next step is to examine compliance in the entire Dutch probation population.

With regard to generalizing our findings to other countries, Jacobs et al. (2006) compared the law and policies of suspended sentences between Germany, Sweden, England, Belgium, France and the Netherlands. They concluded that differences in their legal systems exist, such as the length of time a sentence can be suspended, the extent to which conditions are listed in the law rather than allowing a (probation authority) the freedom to formulate conditions and the extent to which the focus is either on control or on treatment. Therefore, it seems unlikely that findings in this thesis can be generalized to other countries. This does not suggest that a comparison between countries is impossible. In the UK, for example, offenders given suspended sentences need to fulfil up to twelve requirements, including undergoing a treatment programme for drugs or alcohol or being subjected to a supervision requirement (UK Sentencing Council, 2013). Similar conditions can also be attached to suspended sentences in the Netherlands. A comparative study might include the question whether there are differences in complying with these conditions between both countries and why possible differences exist.

6.5 Policy implications

6.5.1 Increasing public support

A first policy implication concerns increasing public support for suspended sentences by keeping the public informed about the nature and aims of these sentences. Although the public is generally punitive regarding their opinions and attitudes towards sentencing, they are also willing to support suspended sentences as long as they view suspended sentences as punitive. However, the fact remains that the public continues to have little knowledge of non-custodial sanctions such as suspended sentences (Hough & Roberts, 1998). As Freiberg and Moore (2009: 109) argue, ‘while judicial officers may regard suspended sentences as a significant penalty, in the public mind the offender awarded such a sentence is regarded as “getting off”, “walking free”, or as having received a “slap on the wrist”.’ Although Van Gelder et al. (2011) found that the public has some knowledge of suspended sentences, to increase its support officials should continue to inform the public regarding this sanction and its different forms and degrees of punitiveness. Informing also has the advantage of increasing public confidence in the criminal justice system, which in turn increases support for suspended sentences.

6.5.2 Increasing compliance

Policymakers acknowledge the importance of supervising compliance with the legal requirements (i.e. the general and special conditions) of suspended sentences. In case of non-compliance, the Probation Service should undertake action in order for suspended sentences to be effective and remain credible (Tak, 2001; TK 2009/10, 32 319, no. 3). As Bottoms (2001: 89) observed: ‘Effectiveness and compliance are, in the field of community penalties, topics that are inextricably linked’. This thesis has found three factors that can increase compliance, and hence the effectiveness of suspended sentences, which offer useful guidelines for the criminal justice system.

Firstly, a procedurally just treatment by the judge can increase probation supervision compliance. Procedural justice literature describes four elements judges need to consider in creating a fair treatment: (1) judges allow offenders to voice their case during the trial, (2) judges abide by the rules and apply these rules without bias, (3) judges treat the offenders with respect and dignity, and (4) judges are trustworthy (Tyler, 2006; Tyler et al., 2013; Tyler & Lind, 1992). It is important that judges are aware of these four elements and that they are kept in mind during a trial.

Secondly, the probation officer plays an important role in increasing probation supervision compliance. A positive relationship – where the probation officer is respectful, listens and treats the probationer normally – influences compliance. In staff training, the importance of the role of probation officers in increasing short-term and longer-term compliance should be stressed, as the way in which the programme is delivered is just as crucial as the design of the programme (Kennealy et al., 2012). The Probation Service should train all (new) probation officers in the theory and practice of the RNR model (Bonta et al., 2011) and Core Correctional Practices (i.e. principles that increase the effectiveness of how correctional programmes are delivered to offenders) (Dowden & Andrews, 2004), which focus specifically on how to develop a collaborative officer-probationer relationship.

A final factor that can enhance compliance is increasing the perceived certainty of revocation in case of non-compliance. For the probation officer, the challenge lies in developing a positive relationship (i.e. care) while also monitoring the probationer (i.e. control) (Skeem & Manchak, 2008). One way to monitor compliance is by attaching probation supervision to the sentence. Probationers would have to meet with their probation officers at least once a month, resulting in more surveillance. Furthermore, probation officers should constantly remind their probationers that they are monitoring their compliance and should respond consequently in case of non-compliance (for example, by giving them a warning). This will increase the probationers' perceptions of the risk they run of getting sanctioned. According to Andrews and Kiessling (1980), this firm but fair approach is an effective way of reducing recidivism among general probationers. Probation officers should be educated in how to balance this dual role of control and care.

6.5.3 Suspended sentences versus short-term imprisonment

We cannot deduce any policy implications regarding the effectiveness of suspended sentences over short-term imprisonment generally, since we found no difference in recidivism rates. This finding does not suggest, however, that 'nothing works' or 'nothing matters' and judicial and political enthusiasm for suspended sentences should not be dampened. Yet, the expectation that short-term imprisonment is less effective than suspended sentences (Directoraat-Generaal Preventie, Jeugd en Sancties, 2008) finds no support in this thesis, either. Instead, criminal history provides guidelines for the court about the sentences it should impose. Suspended sentences carry a greater recidivism benefit, especially for recidivists. Among first offenders, on the other hand, short-term imprisonment is more likely to reduce the risk of recidivating.

This thesis provides evidence that both sentences remain feasible options within the penal system for reducing recidivism. A number of reviews have concluded that the evidence mainly points to a null or criminogenic effect of imprisonment rather than a preventive effect compared to non-custodial sanctions. The evidentiary basis for this conclusion is weak, however, since many studies did not adequately control for a number of variables associated with sentencing and recidivism (see for example Nagin et al., 2009; Villettaz et al., 2006). Alternatively, experimental and quasi-experimental studies found that custodial and non-custodial sanctions do not differ significantly in terms of recidivism (Villettaz et al., 2006). Regarding the issue of suspended sentences versus short-term imprisonment, recidivism can be reduced when judges take into account an offender's criminal history while imposing a sentence.

However, recidivism is not the only consideration policymakers make. The costs of sentencing from a financial perspective are also considered and in 2009 1.1 billion euro's of the total 2.2 billion euro's was spent on prisons and incarcerating offenders. Approximately 100 million euro's of the 2.2 billion euro's went to the Dutch Probation Service and Youth Care Agency (Nauta, Moolenaar & Van Tulder, 2011). It is worthwhile that future research includes a cost-benefit analysis of suspended sentences versus short-term imprisonment.

6.6 Concluding remarks

In line with the central aims of this thesis, we have explored different aspects of suspended sentences using various methods and samples. We first examined to what extent public support for suspended sentences can be increased. We found that such public support exists and can be increased as long as the public has confidence in the criminal justice system and the public perceives these sentences as punitive. Secondly, we examined to what extent three theoretical notions on why suspended sentences should work – deterrence, rehabilitation and socio-psychological factors – increase short-term and longer-term compliance. We found that deterrence (i.e. the threat of punishment) increased longer-term compliance, while rehabilitation (i.e. special conditions) did not reduce recidivism. Socio-psychological factors – a procedurally just treatment by the judge and a positive alliance between probation officer and probationer – predicted short-term compliance with the conditions of the probation supervision. Yet, while we have mainly examined these factors separately in this thesis (e.g. short-term or longer-term compliance, probation supervision or suspended sentences in general) the next step is to explore which combination of elements of suspended sentences is effective in increasing short-term compliance and reducing recidivism, and to determine its effectiveness compared with other sentences.