

Federal Probation

Divided by a Common Language: British and American Probation Cultures *Todd R. Clear*
Judith Rungay

Alternative Incarceration: An Inevitable Response to Institutional Overcrowding *Richard J. Koehler*
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An Evaluation of the Kalamazoo Probation Enhancement Program *Kevin I. Minor*
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Criminalizing Hate: An Empirical Assessment *Eugene H. Czajkoski*

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Statements and Reform in Juvenile Justice: Of the "Balanced Approach" *Gordon Bazemore*

Looking at the Law—Counting the Days: When Does Community Supervision Start and Stop? *Toby D. Slawsky*

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This Issue in Brief

Divided by a Common Language: British and American Probation Cultures.—American and British probation officers speak the same language but—according to authors Todd R. Clear and Judith Rumgay—have very different approaches to their jobs. The authors explore the important differences between the two probation traditions and their impact on the development of probation supervision in both countries.

Alternative Incarceration: An Inevitable Response to Institutional Overcrowding.—Authors Richard J. Koehler and Charles Lindner discuss alternative incarceration programs—programs for offenders who do not require the total control of incarceration, but for whom probation is not an appropriate sentence. The authors highlight New York City's Supervised Detention Program, a program which provides an alternative to pretrial jail incarceration, as an illustration.

Variations in the Administration of Probation Supervision.—Authors Robert C. Cushman and Dale K. Sechrest explore the reasons for the great diversity in the operations of probation agencies, including differences in caseload size and services provided. They document variations in felony sentencing and use of probation for 32 urban and suburban jurisdictions using data primarily collected by the National Association of Criminal Justice Planners.

An Evaluation of the Kalamazoo Probation Enhancement Program.—Noting that few studies have evaluated halfway houses designed exclusively for probationers, authors Kevin I. Minor and David J. Hartmann report on a study of a probation halfway house known as the Kalamazoo Probation Enhancement Program (KPEP). Findings reveal that while relatively few residents received successful discharges from KPEP, those who did were less likely than those who received unsuccessful discharges to recidivate during a 1-year followup period.

Criminalizing Hate: An Empirical Assessment.—Author Eugene H. Czajkoski focuses on a fairly new phenomenon in the criminal justice taxonomy, hate crime. He discusses the recent movement to

criminalize certain forms of hate and examines data officially reported by the State of Florida regarding the first full calendar year of operation of its hate crime law.

Pretrial Bond Supervision: An Empirical Analysis With Policy Implications.—Author Keith W. Coopridner discusses policy and operational implications derived from an empirical analysis of bond supervision data obtained from a county-based pretrial release program. He analyzes the use of electronic monitoring and describes patterns of success and failure on bond supervision.

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Does Getting Married Reduce the Likelihood of Criminality? A Review of the Literature.—Whether or not adult family life may be associated with a reduced likelihood of criminal behavior is a topic of debate among experts. Authors Kevin N. Wright and Karen E. Wright review the literature on the subject and find support for both sides of the issue.

Redefining the Boundaries of Mental Health Services: A Holistic Approach to Inmate Mental Health.—Contending that prisoner rehabilitation cannot be realized through the mental health treatment approach prevalent in correctional institutions today, author Margaret M. Severson calls for a new approach. What she advocates is the combination of medical, mental health, classification, administrative,

security, education, and vocational resources in a holistic, health-oriented approach to inmate wellness.

On Mission Statements and Reform in Juvenile Justice: The Case of the "Balanced Approach."—Though commonly developed to promote reforms in community supervision, mission statements have little impact unless they foster changes which support new sanctioning and supervision alternatives. Using the "Balanced Approach" model as a case study in implementing a new mission for juvenile probation, author Gordon Bazemore examines problems that may occur when agencies fail to understand or commit to organizational changes required by the mission statement.

Does Getting Married Reduce the Likelihood of Criminality?

A Review of the Literature

BY KEVIN N. WRIGHT AND KAREN E. WRIGHT*

CRIMINOLOGISTS SUGGEST that a child who grows up in a dysfunctional family may learn aggressive or antisocial behavior; may not be taught to control unacceptable behavior, delay gratification, or respect the rights of others; or may not be adequately supervised to preclude association with antisocial or delinquent peers. As a consequence, they say, the child becomes inadequately socialized and unable to constrain his or her behavior within acceptable boundaries (see Wright & Wright, forthcoming, for a review). Given the importance of early family life, it would seem to follow that later family life might also be associated with a reduced likelihood of adult criminality.

Popular belief suggests that family ties and/or social bonds mitigate against criminal behavior. Having a job, being married and having children, and holding other ties within a community provide people with a *social investment* in conformity and act as informal controls on their behavior. Accepting the role of husband and father or wife and mother simply appears incompatible with maintenance of a criminal lifestyle. Following this logic, it would seem that criminal and delinquent behavior may result when ties to conventional roles are weak or broken.

Rowe, Lindquist, and White (1989), in a survey of 1,993 adult males and females, found that people are more concerned about losing their family's respect than about being arrested or even imprisoned. Practically all respondents (91 percent) said that they would be very upset if they lost respect within their family. Rowe and his colleagues concluded that these findings point to a strong effect of the bonding process within the family in preventing adult criminal behavior. They suggested that the importance of family relations may play a more significant role in deterring crime than criminal sanctions.

Although the experiences of infancy, childhood, and adolescence may greatly influence subsequent behavior and choices, according to Brim and Kagan (1980, p. 1), humans retain their capacity to change. Transitions occur during the life course that change and

redirect behavior. What transpires in the family during a child's life may influence that child's later behavior, but adult family life may also play an important role in changing the life course.

Sampson and Laub (1990) acknowledged the importance of childhood antisocial behavior and its link to adult criminality, but argued that "social bonds to adult institutions of informal social control," (p. 611) such as the family, influence the likelihood of adult criminal behavior. Rutter (1988) called the transitions resulting in a change from criminal to noncriminal behavior the "escape from the risk process" (p. 3). Transitions occurring during adulthood can intercept and change a pathway toward criminality. As Gove (1985) noted, "most antisocial children do not become antisocial adults" (p. 123). Something must happen to divert their course toward antisocial behavior. Family life may play a role in that process.

Gottfredson and Hirschi (1990) disagreed. They described adults involved with crime as having little self-control and the tendency to pursue short-term, immediate pleasures (p. 140). These characteristics are inconsistent with conditions necessary to establish and maintain family relationships. Family relationships often involve self-denial and willingness to sacrifice immediate pleasures for long-term benefits (p. 141). Gottfredson and Hirschi claimed that criminals would quickly abandon relationships with wives, homes, and even children if they became too restrictive or inconvenient (p. 140). Therefore, they concluded that although familial connection or other social bonds seem to be logically inconsistent with crime, the individual criminal may reject these bonds for the quick, immediate pleasure or reward at hand. These bonds lose their deterrent effect because they are not binding for those with criminal characteristics. Any association observed between family life and criminality will, therefore, be spurious; they are related only in their mutual association with low self-control.

Whether one agrees with Gottfredson and Hirschi, that adult family relations play little or no role in one's decision to commit a crime, or with others who contend that bonding to one's family is a significant factor in preventing criminality, ultimately rests on how one perceives human development. One perspective, which appears to have considerable support, suggests that the experiences of infancy and early childhood have a lifelong effect on behavior. The second view,

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which does not necessarily contradict the first, suggests that important changes occur across the life course from birth to death. This perspective holds that many individuals *maintain* considerable capacity for change and that the consequences of early childhood experiences are continually modified by events during adolescence and adulthood. This position advocates a much more open view of human development across the lifespan.

Both of these possibilities have significance for policy decisions. If offense patterns persist, selective incapacitation may be effective in controlling high risk offenders who show early signs of criminal lifestyles. Alternatively, if significant adult life experiences—getting married and having children—reduce the likelihood of offense, then support for family life may serve a primary preventive function that will lower the incidence of crime and recidivism.

This article reviews the research literature which analyzes the second possibility, that getting married and having a family reduce the likelihood of criminal offense and recidivism. We first examine studies that explore the possibility that those individuals who establish families as they enter adulthood are less likely to commit crimes than individuals who maintain solitary lifestyles. One set of studies tests this hypothesis using cross-sectional designs; a second set employs longitudinal methods. The second arena in which the effect of family relations is explored concerns how family-life involvement by convicted adult criminals may inhibit the likelihood of continued criminal activities.

Marriage and Family

The Gluecks (1937, pp. 205-206) theorized that a successful marriage sometimes brings a criminal career to an end. McCord et al. (1959, p. 161) suggested that marriage is a new source of prestige in the adult world, as are children, and may influence a criminal to end such behavior. Cavan (1962, p. 572), in her text on juvenile delinquency, suggested that as male delinquents entered adulthood, they may be deterred from continued criminal behavior by marriage. However, she speculated that young men may marry because they have already changed to a more conventional style of living; consequently, the direction of causality is ambiguous.

Cross-sectional Research

Early research endeavors attempted to determine the impact of marriage on crime by comparing groups of convicted offenders with nonoffenders. Von Hentig (1947) found that prisons held an excess of unmarried men; however, he noted that other social factors might account for both their criminality and their marital

status. Martin and Webster (1971) suggested that it is characteristic of male prisoners to have married under the age of 21, which may be a sign of immaturity. On the other hand, Downes (1966) stated that because a marriage-oriented relationship is a move toward conformity (p. 268), early marriage is a factor that can stop the spread of delinquency into adult criminal behavior (Knight et al., 1977, p. 279).

Knight, Osborn, and West (1977) examined the relationship of early marriage and criminal tendencies. Their findings did not support the notion that early marriage produced a significant reduction in subsequent criminality. In fact, those marrying before age 21, possibly to an already pregnant woman, were significantly *more likely* to have a conviction record. Additionally, fatherhood produced no reduction in criminal behavior. However, delinquent fathers whose wives were free of convictions sustained fewer convictions after marriage than similar fathers who married women who also engaged in delinquent behavior (p. 359). While marriage did not appear to reduce the likelihood of further criminal or delinquent behavior, it did have a reducing effect on some of the habits commonly associated with delinquency, such as drinking, sexual promiscuity, and drug use.

The findings of Knight and his colleagues suggested that marriage and parenthood may not serve as transitional points for individuals already oriented toward deviant lifestyles. The research does not tell us, however, about members of the more general population who do not have delinquent backgrounds. Is marital status related to resistance to criminality?

Rowe and Tittle (1977) suggested that criminal tendencies may decrease with age because as people mature they become more integrated into the organized social life of the culture. The researchers included marital status as an element of social integration. Tests of the hypothesis found that the relationship of age and assault was dependent on social integration, but the effect did not hold for other crimes—theft, gambling, and tax cheating. Furthermore, the effect of social integration was mitigated only for those subjects who have delinquent acquaintances while young (p. 230). The authors concluded that social integration may have limited usefulness. From this, we can infer that marital status is probably not strongly related to criminality.

In studying the effect of dropping out of school on subsequent delinquent and criminal behavior, Thornberry, Moore, and Christenson (1985) included a measure of marital status in their assessment of postschool experience. They found that dropout and unemployment status were related to arrest but that marital status was not.

These few cross-sectional studies appear to support Gottfredson and Hirschi's (1990, pp. 140-141) position that marriage and family do not influence the likelihood of crime among adults. Gottfredson and Hirschi argued that individual differences in the likelihood of committing crimes persist over time and that transitional points do not drastically reshuffle proclivities toward criminal behavior. Yes, criminality declines with age but not due to situational changes. Gottfredson and Hirschi argued that the decline simply reflects an aspect of the aging process.

Longitudinal Research

Not surprisingly, given the small number of cross-sectional research, few longitudinal studies have examined transitions during adulthood that might divert the trajectory toward a career in crime. Several longitudinal studies have carefully examined childhood familial experiences in relation to adult criminal lifestyles, but few have examined life events such as marriage and parenthood and their impact on criminal behavior. A practical reason for the absence of material may be the difficulty in obtaining data.

Accepting this lack of a large body of literature, there are, however, a few important studies hypothesizing that the social bonds to adult institutions, including the family, determine criminal behavior over the life course. West (1982) clearly outlined the transitional effect of marriage, stating that, "Getting married is an indisputably crucial event which may be expected to have an effect upon life-style and delinquent habits" (p. 100). However, West found that self-reported delinquency among the unmarried men in his sample differed only slightly and insignificantly from the married men. Both married and unmarried men reported a decline in their involvement in delinquent behavior with age, but the married men were no less delinquent than the unmarried. West did observe that delinquents were more likely to marry delinquent wives than were nondelinquents and speculated that the restraining effect of marriage would be nullified for those individuals who married delinquent wives. This supposition led him to conclude, "the explanation that makes most sense of our findings is that marriage sometimes has a restraining effect upon delinquents, but less often than might be expected because of the tendency of delinquents to marry females who are themselves socially delinquent" (p. 104).

Gibbens (1984) followed up on a cohort of boys 25 years after they had been sentenced to training schools in England. He concluded that getting married was probably the "most important life event" in the criminal careers of these men (p. 61). Still, Gibbens noted that the causal relationship is ambiguous: Marriage

increases social stability, but men probably marry as they enter more stable periods of their lives.

Shavit and Rattner (1988), in a longitudinal study of an Israeli male birth cohort, found that the age variation in criminal activity (peaking in the mid to late teens and declining thereafter) could not be accounted for by employment, schooling, or marital status. This finding is consistent with the results of the cross-sectional studies that suggest that patterns of criminality are not modified by situational events in the life course. Interestingly, Shavit and Rattner found marital status to be positively related to criminality; that is, married men were more likely to be criminal. They suggested that this may simply indicate that delinquents marry younger. These findings clearly portray the difficulty in examining marriage as a simple married/unmarried phenomenon without knowing anything about the criminality of the spouse or the quality of the marriage.

Farrington (1989) examined how men within a longitudinal cohort who had no convictions after age 21 differed from men who persisted in convictions up to age 32. He found that more than three-quarters of the sample were living with either their wife or a female companion and that convicted and unconvicted men did not differ in the proportion living with a woman (p. 229). However, about twice as many of the convicted as unconvicted men had been divorced or separated from a wife by age 32. Many had been separated from their children. Convicted men were much more likely not to get along well with their wife or companion. Also, convicted men were significantly more likely to have struck their wife or companion than unconvicted men. Farrington's findings suggest that marriage, *per se*, does not intervene in a criminal lifestyle, but that the ability to sustain marriage predicts abstinence from crime.

Caspi, Bem, and Elder's (1989) findings about continuity of childhood ill-temperedness into adulthood help to clarify the relationship of adult family life and criminality. Their 30-year longitudinal study discovered that boys who were ill-tempered became "uncontrolled, irritable, and moody" (p. 400) men. In comparison to other men, these men were more likely to experience employment problems and divorce. Ill-tempered girls married men with employment problems, were also more likely to divorce, and were described as ill-tempered mothers. Examinations of marriage alone tell little about the extent of an individual's social integration or the psychological transition to a noncriminal lifestyle. The fact that people may be predisposed, given their personalities, to conflictive marriages tells us that the relationship of family life and criminality is more complex than a simple bivariate relationship.

Sampson and Laub's (1990) recent reanalysis of the Gluecks' classic longitudinal study of delinquency began to elucidate how marriage might affect propensity toward criminality. Rather than using marital status, Sampson and Laub created a composite measure of *attachment to spouse* from interview data about the quality of the relationship and attitudes about marital responsibility and family cohesion. Analyses revealed that attachment to one's spouse in young adulthood was associated with a significant and substantial reduction in adult antisocial behavior, irrespective of childhood delinquency. The researchers concluded that "social bonds to adult institutions exert a powerful influence on adult crime and deviance" (p. 618).

Sampson and Laub's (1990) study presented an interesting extension to previous research. Other longitudinal studies have found that criminals and noncriminals did not diverge in their tendency to marry but differed in that criminals were more likely to have problem marriages. As such marriage was just another element in a chaotic and socially deviant lifestyle. Sampson and Laub's research added important information which suggested that an individual's attitudes about and commitment to the marital relationship affects his or her likelihood of criminal behavior. Those individuals who somewhere in their background received the necessary socialization to support marital responsibility and family cohesion were less likely to offend.

Family Life and Recidivism

A number of articles have indicated that strong inmate-family relationships are beneficial for prisoners (see Holt & Miller, 1972; Brodsky, 1975; Peck & Edwards, 1977; Nash, 1981; Swan, 1981). Cobean and Power (1978) claimed that healthy family functioning during incarceration enhanced inmates' rehabilitation and has served as the basis for prison programs including family counseling, family visiting, family furlough services, and early parole (p. 29). Programs including family members in the treatment processes within prisons and after release appear to have initial support in the literature as a positive approach to improving inmate-family-community relationships (VanDeusen, Yarbrough, & Cornelsen, 1985; Goodwin & Elson, 1987; Bray, 1980; Cook & Ferritor, 1985; Kneipp & Bender, 1981; Power & Dell Orto, 1980).

Researchers have explored the connection between maintenance of family and community ties during imprisonment and postrelease success. Holt and Miller (1972), in a postrelease, followup study, found that two percent of the parolees who had three or more different visitors during the year prior to parole returned to prison, whereas 12 percent of those who had no contact with family or friends returned to prison

within a year. Howser and McDonald (1982) found that participation in a private family visiting program while incarcerated was related to postrelease success (Hairston, 1988).

Ohlin (1954) conducted one of the earliest attempts to substantiate the connection between family ties and postrelease success. He developed an "index of family interest" to study the belief of many parole agents that parolees with close family ties did better on parole than those without such ties. Ohlin, using this instrument with a sample of releasees from 1925 to 1935, found that 75 percent of those classified as maintaining "active family interest" while in prison were successful on parole. Only 34 percent of those considered loners had success on parole (in Homer, 1979, p. 48). Lending further support to Ohlin's findings, Glaser in 1956 found 70 percent of the "active family interest" group to be successful on parole, compared with 50 percent of those with "no contact with relatives" (Glaser, 1964).

Fishman (1986, p. 47) suggested that families can act as a buffer from the immediate problems of reentry by providing parolees with economic, material, and social support. According to Irwin (1970, p. 129), the family is most helpful in providing, even temporarily, food and a place to live. The family may help the parolee find work and often provides for such immediate needs as clothing, toilet articles, and transportation, while helping the person address more subtle needs of resocialization, such as payment of bills, meeting even small obligations, and scheduling time.

Irwin (1970, p. 30) reported that the characteristics, quality, and history of the family relationships are of ultimate importance. Families can operate in a negative, as well as positive, way for parolees. For example, conflict within the family, differences in levels of commitment to the family unit, and the total character of the family's history all have important bearing on the way the parolee will reintegrate in the free world. Families with positive past histories find reintegration of the parolee into the family constellation distressful; when their past is filled with conflict and difficulty, reintegration will be even more problematic, if not impossible.

In a study of the reasons formerly incarcerated, property offenders ceased their criminal lifestyles, Shover (1983, p. 212) reported that the former offenders grew disenchanted with the criminal lifestyle of their youth. The subjects indicated that they experienced a desire for a fundamental change in their lives. Over 25 percent of the subjects maintained that the establishment of a mutually satisfying relationship with a woman was critical to this process. These individuals professed that the relationships they had during their youth had less influence on their behavior.

With age, new relationships took on added meaning and importance. In other words, the offenders became more socially integrated. Still, Shover's findings fail to clarify for us what comes first, the move to conformity or the establishment of family ties.

Fishman's (1986) interviews with the wives of prisoners recently released on parole indicated the reciprocal nature of family life and criminality. Wives reported that marital problems and conflict started when the men began drifting back toward their pre-prison lifestyles of "hard living" and crime. This pattern included financial irresponsibility, heavy alcohol and drug abuse, physical assaults, and criminal activity. It was this point of departure from conventional practices that precipitated marital conflict rather than the reverse.

Marital problems could, in turn, produce further criminal activity among some husbands. Fishman (1986) found that when husbands obtained employment and were willing to be highly committed to a conventional lifestyle, the family was able to settle into a harmonious pattern. In these cases, wives were able to support husbands' conformist aspirations.

Research about the Transitional Aid Research Project (TARP) offers additional insight about reentry and family relations. The TARP project was initiated in 1976 and provided money to released men in hopes of improving their successful readjustment to the community. Contrary to what researchers expected, recipients of TARP payments were not less likely to be rearrested or to find employment. TARP payments were, in addition, negatively associated with financial support in the home and, as reported by the significant women in the lives of the men, did not improve hope or morale for the women. However, men returning to their wives, in contrast to men returning to mothers or girlfriends, were found to benefit from payments. They found jobs more quickly. Husbands receiving aid were more likely to reside in the home. These findings indicated that the payments provided a stabilizing resource for married men only (Curtis & Schulman, 1984).

Conclusions

As this review demonstrates, no clearly confirming set of findings has emerged from research to date that demonstrates that getting married and having children reduces the likelihood of criminal offense. Most studies which examine the simple, bivariate relationship between marriage and criminality, whether using a cross-sectional or longitudinal design, find no differences in marital status between criminal and non-criminal groups.

A major problem with such an approach is that the distinction between being married or unmarried tells

us little about the nature of the relationship or the degree to which the individual has undertaken a non-deviant lifestyle. A marriage can be conflictive or violent. A married person can spend little time in the relationship and can be socially, emotionally, and economically irresponsible to the relationship. Partners in marriage can encourage conformity but, alternatively, may be criminal themselves and may support their spouses' criminality.

Some research suggests that male criminals, in comparison to noncriminals, are more likely to marry younger, often marry already pregnant women, and are more likely to marry criminal women. Other research finds that criminals, while no less likely to be married or in a significant relationship than noncriminals, were more likely to divorce or separate, to not get along well with their spouses, and to be involved in violent marital relationships. These results suggest that marriage and family life do not serve as transitional points, rather offenders appear to be attracted to more deviant relationships and spouses just as they are to deviant behaviors. The marriage itself, then, is just another indicator of social irresponsibility along with erratic employment, delinquent peers, heavy drinking, and drug use.

In contrast to these studies, research which has examined the *quality* of the marital relationship observed an association with criminality. Attachment to spouse was found to be associated with a decrease in the likelihood of adult criminality. Among convicted criminals, maintaining an active family interest while incarcerated and the establishment of a mutually satisfying relationship after release were associated with decreases in subsequent reoffense. These findings suggest that adults may reach transitional points in their lives and that the quality of family life may alter an established trajectory.

What remains unclear in the research literature is whether marriage and family assist offenders and high risk individuals in making a transition to a more conventional lifestyle or whether, with age, offenders make the shift to a conventional lifestyle and appreciate more the value of family life. The only study that examines the relationship in any detail seems to suggest that the relationship may be reciprocal. A good marital relationship may help an ex-offender remain crime free; however, an individual's drift back into a deviant and irresponsible lifestyle creates distress within the marriage and will reduce any support for a noncriminal lifestyle that may have been available.

Clearly, much remains to be learned about whether adult family life can alter a delinquent's criminal career and can buffer adults from criminogenic influences. Tracking a cohort of individuals in a longitudinal study into adulthood with periodic interviews

about the quality of their marital relationships would help elucidate the causal association among marriage, social cohesion, and criminality. Experiments testing the effects of family therapy in reducing criminality among high risk individuals or convicted offenders would help isolate the effect of marital relations preventing criminality.

As this review indicates, while far from fully elucidating the causal relationship between family life and adult criminality, research suggests a link that may justify action to strengthen families. Since criminals are more likely to have more chaotic family situations, parent and family training for young adolescents may assist individuals at high risk of criminality and family problems to break the cycle of chaotic lives. Such training may provided these youth with the necessary models and skills to establish more stable lifestyles.

There is some evidence that the trajectory toward a chaotic lifestyle begins early in a young person's life. Targeting children and youth who are just entering the path toward social irresponsibility—skipping school, erratic employment, delinquent peers, heavy drinking, drug use, and delinquency—for family therapy may alter the situation in which young people learn to create their own families. Reducing conflict and violence and increasing problem-solving skills within the youth's family may assist the individual in life to establish a mutually satisfying relationship as an adult, which has been associated with a reduced likelihood of adult criminality.

Among already convicted adult offenders, establishing and maintaining healthy family relations appear to reduce the chances of reoffense. In both community and institutional settings, corrections officials should endeavor to provide opportunities and supports for regular interaction. But interaction alone may be insufficient. Offenders and their families may require family therapy to resolve problems and to establish healthy and appropriate methods of relating. They may need training in effective problem solving. Probation and parole officers may wish to work with the entire family rather than the offender alone to reduce the likelihood of the drift back to a lifestyle of "hard-living."

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