

Homicide Offender Recidivism: A Rapid Evidence Assessment

Prepared by Dr Victoria Nagy, School of Social Sciences, University of Tasmania

Introduction

Purpose of the Review

This rapid evidence review examines Australian and international literature around adult homicide recidivism, prevention of homicide re-offending, treatments, and interventions in the prison environments for those convicted of a homicide offence. A rapid evidence review was undertaken of the relevant research literature to identify responses to the following questions:

- 1) What is the currently understood rate of homicide offender recidivism?
- 2) What are the risk factors to homicide offender recidivism?
- 3) What interventions can be applied to prevent recidivism in those who are incarcerated for a homicide offence?

The review aimed to understand the risks that homicide offenders pose to the community after release as well as consider possible means by which those risks could be mitigated prior to release.

Method

This rapid evidence review accessed peer-reviewed articles, books, grey literature and policy documents that were identified, considered relevant and within parameters to aid a rapid assessment. The parameters of this assessment were the following:

- The search has been limited to resources published since 2000;
- Literature from Australia was prioritised, however literature from US, UK, New Zealand, and Europe was also sought out;
- Literature that presented a meta-analysis was prioritised;
- Literature on recidivism that dealt exclusively with homicide where possible, and
- Literature on interventions that dealt with homicide.

An Endnote library was created, in which references, and files of the identified documents were included. The literature included grey literature (for example, evaluations from government departments and institutions) and theses, as well as academic journal articles and books.

Documents and literature that were excluded from this reference library included research that was about violent offending and future prevention (broadly conceptualised or defined) with no mention of homicide offenders, or was about recidivism of all offenders (again, broadly defined and conceptualised that would not capture or explore the specifics of homicide offending).

An initial list of search strings based on appropriate key words was drawn up and included the following terms: “homicide offender AND recidivism”, “Homicide offenders AND risk factors AND recidivism”, “recidivism AND murderer”, “rehabilitation AND homicide offenders”, “prison programs AND homicide”, “prison classification AND homicide offenders”, “assessment tools AND homicide”, “screening tools AND homicide offenders”, “Violence Risk Scale AND prisons”, “recidivism AND manslaughter”. These were modified as necessary, for example “murderer” would be changed to “murder offender”.

Numerous databases were searched including the EBSCO Social Science database, ProQuest, InformIT, and PubMed. Grey literature, policy documents, and theses were sourced via Google searches using the above listed key words and search strings.

Terminology

In this review homicide offending is understood to mean offences including murder, attempted murder, manslaughter, causing death by dangerous driving and other dangerous acts- the most common offences that are categorised as “homicide” by recidivism studies scholars (Anderson 2019). The Australian Institute of Criminology (AIC) broadly defines homicide as the ‘unlawful killing of a person’ (Bricknell 2020 viii) regardless of whether a person is charged with murder or manslaughter, and in all cases of murder-suicides. The AIC counts deaths classed as homicides based on

whether police classify it as a homicide and regardless of whether an offender is apprehended or not (Bricknell 2020 viii). This means that the AIC's definition of homicide is based on state and territory police discretion to record an offence as homicide and investigate it as such. A limitation with AIC definition is that the individuals charged with a homicide offence may be acquitted once the case is tried or the charge changed based on recommendations from the Director of Public Prosecution; it is also a narrower definition than what is used by researchers.

It is important to note that there are multiple forms of homicide: mass killings (a large number of victims from one or two events), spree murders (multiple victims in multiple locations spaced out over a short period of time), serial murders (single victims over multiple locations and events spaced out over an extended period of time), and single victim-single offence homicides (Bjørkly and Waage 2005). The report will note where appropriate which form of homicide it is discussing, however the predominant focus will be on single event homicides (where one individual is killed by one or more offenders). The review will also discuss homicide offending homogenously, however, homicide offenders are not a homogenous group and different types of offenders (for instance, intimate partner homicide offenders or sexual homicide offenders) may have different risks. This has been noted where appropriate.

This rapid evidence review found that there is currently no academically, legally nor clinically accepted universal definition of "risk" nor is there a clear accepted definition of "violence" (Barry, Loucks, Kemshall 2007). There is likewise no clear definition for what "recidivism" is, as there are various timeframes used to define it, whether the offender has recommitted the same offence or a new one, as well as whether or not someone is only arrested, or arrested *and* convicted for another offence

Limitations

Research that was published pre-2000 is only referenced where other research literature referred repeatedly to that source. The literature also concentrates on homicide offenders aged 18 years and older- juvenile homicide offenders may have different offending rates, risk factors and responses to their offending than adults.

While there is some discussion about re-entry programs these are generally offered for all violent offenders, and therefore multi-modal programs were not assessed as these programs are not specifically aimed at homicide offenders with no specific information offered in the literature about homicide offender recidivism outcomes.

Evidence Review

Rates of Homicide and Recidivism

Homicide Offending and Victimisation Rates

Homicide offending is a relatively infrequent offence and is recorded at low numbers in Australia. Data from the AIC recorded 196 homicide incidents in Australia (excluding the Australian Capital Territory) for 2017-2018 (Bricknell 2020). This is a decrease by 35 from 2016-2017 (Bricknell 2019). The homicide incidence rate in Australia is at its lowest since 1989-1990 when the National Homicide Monitoring Program (NHMP) was established.

Tasmania recorded a decrease by 10 homicide incidents in 2017-2018 taking it to a rate of 0.38 per 100,000 (the lowest rate in Australia) and with no domestic homicides recorded (Bricknell 2020). This was a drop from 2016-2017 when Tasmania had the second highest rate of homicides in Australia at 2.3 per 100,000, amounting to 12 incidents with 15 offenders (Bricknell 2019). In 2015-2016 there were six incidents of homicide recorded (classified as 3 murder and 3 manslaughter) at a rate of 1.2 per 100,000 (Bricknell 2018). Between 1989-90 and 2017-18, Tasmania's homicide incident rate (per 100,000) has fluctuated between 0.38 (2017-18) and 2.55 (1998-99). There have only been two years when there have been over 9 separate homicide incidents- 2004-5 (10 incidents) and 2016-17 (12 incidents) (Bricknell 2020). Tasmania has recorded five years with homicide victimisation rates in double-digits: 1995-6, 2001-2, 2004-5, 2012-13, 2016-17 (Bricknell 2019). There does not appear to be any discernible pattern to why certain years have resulted in more homicide victims or incidents. In the years between 2015 and 2018 all incidents have been cleared by Tasmania Police (i.e. the offender is known to the police and charged).

Australia's victim rate of intentional homicide per 100,000 people is comparable to New Zealand, Ireland, Iceland at 0.8 per 100,000 for the period 2017-18 (UNODC 2020). In comparison, the rate in the United States is 4.96 per 100,000 and the United Kingdom is 1.2 per 100,000 (UNODC 2020).

Similar to other forms of crime (violent and non-violent) men make up the majority of homicide offenders in Australia, and this has been true from the colonial period through to today (Nagy in press). In 2017-18 men accounted for 85% homicide offending in Australia, and all homicide offending in Tasmania (Bricknell 2020).

Between 2015-2018 the AIC data on homicide offender drug and alcohol use indicated that in homicide offences, alcohol is a greater preceding factor than illicit drug use. Police noticed alcohol intoxication or use in between 20 and 25% of homicide offenders in comparison to 13 to 16% use of illicit drugs (Bricknell 2018, 2019, 2020). Stranger and acquaintance cases of homicide were more likely to involve illicit drugs than other forms of homicide (Bricknell 2020). It should be noted that this was based on police observation not on offender self-report data, and only where the offender was apprehended during or shortly after the commission of the offence. These findings are mirrored in the international literature.

Homicide, Violent and General Offending Recidivism

Research into homicide offending is predominantly focused on the criminal history of the homicide offender rather than on recidivism or potential to recidivate (Liem 2013). Research literature often considers specific forms of homicide and the events preceding it, especially intimate partner homicide or filicide (the killing of a biological child by a parent or stepparent regardless of the age of the child). However, these forms of homicide are rarely repeated by offenders (Roberts Zgoba and Shahidullah 2007) and differ in motivation and risk to other, non-domestic forms of homicide. Homicide recidivism in general both in Australia and internationally appears to be very low. Thus, knowledge about homicide recidivism is limited, although there is some research available (see Table 1). It was also noted in the literature that even with the relative low rates of homicide recidivism, those who committed a homicide were more likely than other offenders or people who have never been charged with a crime to subsequently perpetrate lethal violence after release (DeLisi, Ruelas, Kruse 2019).

Australian research about homicide recidivism is very low with only one research article specifically examining the rate at which homicide offenders reoffend either

violently or commit homologous homicide (Broadhurst, Maller, Maller, Bouhours 2018). Broadhurst et al. (2018) define homologous homicide as a murder or manslaughter that is identical to the first homicide for which the offender is incarcerated (specifically, the victims are similar, the situation that the homicide occurs in is similar or the same, and location of offending is identical (for example, occurring on the street or in a domestic residence)). This research examined recidivism of 1,088 people incarcerated for homicide in Western Australia between 1984 and 2005. All forms of homicide (domestic violence, robbery, sexual murder, attempted murder, conspiracy to murder, manslaughter, driving causing death, and murder) were considered as part of the research. Of the 1,088 offenders only 3 (0.3%) were arrested and charged with another homicide in the 22 year follow up period (Broadhurst et al. 2018, 395).

Australian research findings into homologous homicide offending rates being approximately 0.3% is mirrored by some international research (NPBC 2002; Mitchell & Roberts 2012). International research that has considered all forms of homicide offending by previously convicted and imprisoned homicide offenders also agrees that recidivism rates are low- approximately 3% (Liem, Zahn & Tichavsky 2014; Sturup & Lindqvist 2014; Hill, Habermann, Klusmann, Berner, Briken 2008). Research from the Netherlands chose not to measure homicide recidivism because earlier research during the 1980s, 1990s, and early 2000s had demonstrated that the rate would be low and not yield enough data to be usable to researchers (Baay, Liem, Nieuwebeerta 2012).

It is theorised that homologous homicide reoffending is so low because it is highly unlikely that the exact same situation and victim type will present itself again to a homicide offender (Broadhurst et al., 2018). As the initial homicide offence was very much context specific, homicide offenders are unlikely to find themselves in the same situation nor are they likely to respond the identical way as they did with the first homicide if a period of time has elapsed between the first and second situations. Perpetrators of intimate partner homicides were the cohort least likely to reoffend in a similar manner again (Baay et al., 2012). Female homicide offenders did not commit any homologous or other homicides across any of the research literature consulted, although some women did reoffend both violently and non-violently, however at consistently lower rates than men (Wan and Weatherburn 2016).

As with non-homicide perpetrators in other research, follow up in Broadhurst et al's research revealed that recidivism by homicide offenders was predominantly for non-violent offending. In their sample 21.9% committed another grave or serious offence while recidivism for any offence (violent or not) was at 40.3% in total (Broadhurst et al. 2018, 407-8). Holland, Pointon and Ross (2007, 16) in Victoria measured reoffending of all prisoners who were released in the 2002-3 financial year. Within 2 years of release homicide offenders had recidivism rates below the cohort average of 35%, with 17.4% of all violent offenders (including homicide offenders) returning to prison for another offence that was the same as their initial offence. However, homicide offenders were measured alongside assault and other interpersonal offenders, which makes the ability to make a definitive call about homicide offender recidivism difficult. Wan and Weatherburn's (2016) research examined all violent offender recidivism in New South Wales and found homicide offender recidivism for homicide extremely low but did not separate it out as a variable. The profile for homicide offenders being reconvicted for any form of homicide did not make the top 30 profiles investigated for risk factors to violent reoffending (Wan and Weatherburn 2016).

The highest rate for violent reoffending by a specific category of homicide offender was reported from Germany for sexual homicide offenders (Hill, Habermann, Klusmann, Berner, Briken 2008). Sexual homicide offending accounts for between 1 and 4% of all homicides so it is a relatively infrequent type of homicide (Roberts and Grossman 1993) although this is the form of homicide that is associated with murder and manslaughter by the public and also carries higher rates of reoffending unlike other forms of homicide (Hill et al. 2008). Sexual homicide offenders differ from other homicide perpetrators as they are more likely to have a diagnosis of sexual sadomasochism, voyeurism, fetishism, drug abuse, psychosis and antisocial personality disorder as well as have high scores in psychopathy (Langevin 2003; Hill et al. 2008). Similar to other homicide offenders, nonviolent offending recidivism was higher than violent recidivism (58.4% versus 35.7% respectively), with violent recidivism often being sexual in nature (Hill et al., 2008). Other research did not differentiate between sexual and non-sexual homicide offenders, although Baay et al (2012) did make distinctions between homicides committed during the perpetration of another criminal offence, robbery, domestic violence, arguments, or homicide with

an unknown or unclear underlying element. 16% of Baay et al.'s (2008, 273) cohort (n=621) recidivated violently, and overall, 51% recidivated in total.

Limitations with recidivation research is that the follow-up time for murder and all violent convictions differed greatly from 2 years following release (Spier 2002; Holland et al 2007) through to 22 years following release (Broadhurst et al., 2018) making comparisons across literature difficult. However, the research did delineate risk factors for reoffending which is outlined in the following section.

Table 1: Recidivism Rates (findings published since 2000)

*- research specifically about homicide recidivism not part of wider violent offender recidivism

Publication	Country	Homicide Recidivism Rate	Violence Recidivism Rate
Broadhurst, Maller, Maller, Bouhours (2018)*	Australia – Western Australia	0.3 %	Violent offending was considered alongside offences such as blackmail, extortion, abduction, arson, and possession of child pornography. These were all labelled <i>serious</i> offences and recidivism was 21.9%.
Holland, Pointon and Ross (2007)	Australia - Victoria	N/A	33.7% of all violent offenders (homicide not specified).
Spier (2002)	New Zealand	N/A	46% of all convicted for murder or manslaughter reconvicted of a violent offence within 5 years of release.
NPBC (2002)*	Canada	0.3%	N/A

Neuilly, Zgoba, Tita, Lee (2011)*	United States	0	12% of all homicide offenders
Langan & Levin (2002)*	United States	1.2%	N/A
Liem, Zahn & Tichavsky (2014)*	United States- Philadelphia	3%	17% of all homicide offenders
Mitchell & Roberts (2012)*	England and Wales	0.5%	
Sturup & Lindqvist (2014)*	Sweden	3%	10% of all homicide offenders
Baay, Liem, Nieuwbeerta (2012)*	Netherlands	Not measured, assumed low	16% recidivated violently (sexual offending, threat of harm, assault, violent theft and/or extortion)
Hill, Habermann, Klusmann, Berner, Briken (2008)*	Germany	Sexual homicide offenders measured only - 3.3%	35.7% for any violent offence including murder (non-sexual)
Nadesu (2007)	New Zealand	0	N/A

Risks of Homicide Recidivism

With regards to homologous homicide reoffending the number of offenders in each study was too low to be able to draw any firm conclusions about risk factors to homicide recidivism. However, certain risk factors also overlapped with the commission of other violent offences.

Across the research literature there was consensus as to which risk factors are associated with violent recidivism (homicide and non-homicide). The risk factors can be categorised as specific to the offender or risk factors specific to the initial homicide offence.

Situational risk factors to recidivism:

- Victim alcohol and drug use
- Preceding crime
- Victim as acquaintances or strangers to offender

Significant risk factors specific to the offender included:

- Under 30 years old
- Male
- Indigenous
- Mental illness
- Alcohol abuse
- Other substance abuse
- History of violent offending

Lesser risk factors for violent reoffending included:

- Poverty
- Unemployment
- Lack of education
- Personality disorders
- Psychopathic tendencies

Situational risk factors to homicide reoffending were identified by several scholars. In these circumstances there were similarities across the victim's relationship to the homicide offender, the victim's drug or alcohol use at the time of their death, and whether there was a crime preceding the homicide. In Australia the majority of homicides were not preceded by another crime (e.g. robbery or assault) (Bricknell, 2019, 2020) but this was not the case internationally (Langan & Levin 2002). Australian and international research did find that victim drug and alcohol use was higher in cases where the victim was an acquaintance or stranger to the offender, and this was also the case where a homicide offender then reoffended with another homicide (Broadhurst et al. 2018). Stalans et al (2004) also noted that violent reoffending is best predicted by who the victim is- random strangers were often not at risk of being victims to violent, including homicide, offenders.

Personality disorders were often noted for those who were at high risk of homicide reoffending especially in cases of spousal homicide (Grann and Wedin 2002) or sexual homicide (Hill et al., 2008, 2012).

Age was a significant contributor to recidivism amongst homicide offenders. Baay et al. (2012), Hill et al (2008), Broadhurst et al (2018), Sturup and Lindqvist (2002), Roberts et al (2007), and Soothill et al (2002) all noted that those who were young (under 30 years of age) when charged with or imprisoned for homicide had higher risks for reoffending violently than those aged over 30 years. Hill et al. (2008) found that where young sexual homicide offenders received a sentence shorter than 15 years their reoffending was higher with more sexual violence recorded post-release. Under 30s had a recidivism rate of 58% (Hill et al. 2008, 13) with their sexual and violent recidivism rates more similar for rapists and child molesters than homicide offenders in general. Their research also indicated that a history of sexual violence offending during adolescence coupled with other violent (non-homicide) offences as well as high scores on clinical risk assessments resulted in higher non-sexual violence recidivism than those who did not reoffend. It should be noted that young (24 years and under) people only accounted for 19% of homicide offenders in Australia during the 2016-17 and 2017-2018 reporting periods (Bricknell 2019, 2020). This is slightly higher than in other jurisdictions such as Canada where only 7% of homicide offenders are aged 18-24 years old (David 2017). Recidivism rates for under 30-year-old Australian incarcerated homicide offenders outside of Western

Australia is unclear but assumed to be similar to research findings in other jurisdictions.

Criminologists theorise that the lack of reoffending of certain groups of offenders could be due to the age-crime relationship (Hirschi and Gottfriedson, 1983) whereby as individuals (especially males) age and mature their likelihood of offending and reoffending decreases. This has been critiqued by Laub and Sampson (2003) and Massoglia and Uggem (2010) who argue that alongside age there are other indicators of someone desisting from violent crime, including socioeconomic, and adulthood transition stressors. It could be argued that longer terms of imprisonment for homicide offenders translates to older returning citizens which would explain the lack of homologous or other homicide recidivism amongst older homicide offenders. However, Baay et al (2012) tested whether the length of imprisonment had an impact on violent recidivism and found that longer periods of incarceration for homicide offenders was not systematically related to recidivism rates only how frequently an individual reoffended following release from prison (Baay et al. 2012, p.270). Previous studies on imprisonment length and homicide recidivism frequency or recidivism speed were inconclusive (Baay et al. 2012). It would therefore suggest that an individual's older age alone after serving a prison sentence for homicide would not explain desistance from homicide.

Where the homicide occurred as part of the commission of another offence then risk of reoffending was high. Roberts et al. (2007) found that in New Jersey when the homicide was committed during a felony (for instance a robbery or kidnapping) then violent recidivism was higher on release than if the homicide occurred during a dispute or argument. Where the homicide occurred during a sexual violence offence then the risk of recidivism was higher still (Langevin 2006; Hill et al. 2008). Cale, Plecas, Cohen and Fortier (2010) examined single versus repeat homicide offenders in Canada and found that 43.8% of repeat homicide offenders committed their subsequent homicide offence during the commission of another crime suggesting that criminal lifestyles (which could be an embedded part of the individual's life by the time of their reoffending) are an indicator for risk of recidivism.

Broadhurst et al. (2018) and Wan and Weatherburn (2016) in the Australian literature both note that risks for violent reoffending of homicide offenders is higher when

offenders are young males, and Indigenous. Wan and Weatherburn (2016) gathered data of 26,472 offenders in New South Wales who were born between 1986 and 1990 and who had at least one violent offence (including homicide). It was estimated that 23% would go on to be arrested for a violent offence and risks were higher for young, and Indigenous offenders. Indigenous men who were incarcerated for a homicide offence in Western Australia had higher rates of reoffending in a serious violent crime than non-Indigenous men (Broadhurst et al. 2018). This research also found the risk to reoffending violently was higher amongst Indigenous women than non-Indigenous women (Broadhurst et al. 2018, 408). Yet, the researchers stressed that sex, age and Aboriginality were of secondary importance to Western Australian offenders, instead suggesting that there were likely other characteristics shared by serious offenders that would explain higher levels of risk. The researchers concluded that additional research needs to be undertaken to gather information beyond those that are available to police at time of arrest.

Christofferson, Francis, and Sothill (2003) examined if upbringing could explain violent offending amongst the 1966-birth Danish cohort. They found that poverty, lack of education and unemployment were factors associated with violent offenders (including homicide offenders) especially for further violent recidivism. Unfortunately, most international or Australian research that is specifically about homicide offenders and their recidivism risks does not measure their socio-economic status therefore it is difficult to know if the Danish findings are similar for those arrested, charged or convicted of homicide offences elsewhere. However, Putkonen, Ryyanen, Eronen and Tiihonen (2002) studied if homicidal tendencies could be passed from parents to their children in a Finnish cohort. They identified that repeat violent offending and a criminal lifestyle had a high likelihood of being found in the children of homicide offenders where there was a lack of stable relationships, lack of employment prospects and poor community support. A lack of positive employment prospects coupled with drug abuse has been noted as a risk to reoffending in Laub and Sampson's (2003) study. Cale et al's (2010) Canadian study concluded that family breakdowns during the offender's first incarceration snowball to a wider lack of community and familial support by their second offence and would push some offenders down a path of criminal offending. This would indicate that in certain types of homicide socioeconomic factors are a risk factor to reoffending.

The majority of studies concluded that alcohol abuse figured prominently in the cases of either homicide recidivism or future violent reoffending for homicide perpetrators. Earlier research from Finland (Eronen, Hakola and Tiihonen 1996) and Canada (Erwin 1992) also found strong links between alcohol abuse and homicide offending or serious violence recidivism. Contrary to other forms of offending, especially property offending, illicit drug use did not figure as prominently as alcohol abuse or misuse in the research literature. Although illicit drug use was noted as playing a role in homicide reoffending where there was a history of childhood abuse and neglect (Cale et al. 2010), or personality disorders (Hill et al. 2008, 2012). As demonstrated in the AIC's findings, alcohol was more often used by homicide offenders and victims at the time of the offence than illicit drugs (Bricknell 2020). Drug offences did figure in a five-year follow up of homicide offenders convicted, sentenced, imprisoned and released in New Jersey between 1990 and 2000, where drug offences accounted for 16.7% of new offences (Neuilly et al., 2011) but did not appear to be linked to the initial homicide offending.

Almost all identified research highlighted that a history of violent offending prior to incarceration for homicide was a better marker of future violence and risk than the homicide offence itself. It should be emphasised that due to the relatively low numbers of homicide offenders in most jurisdictions (unless undertaking longitudinal research for initial homicide offending and then follow-up), there are a number of studies that collapse homicide offending into other violent offending (for example Wan and Weatherburn 2012; Nadesu 2007) making it difficult to unpack how much of the recidivism is coming from homicide offenders versus other violent offence perpetrators. As Bjørkly and Waage (2005) argue collapsing all violence into one group hinders analysis of how homicide offenders differ from less serious violent offenders and what their risks are, although in the case of Bjørkly and Waage (2005) they found that when separated out from other violent offenders, homicide offenders had a very low risk of recidivism for all crimes.

Violent reoffending amongst homicide offenders does not appear to have a set timeframe. While some research noted violent recidivism occurs an average 9.4 years after release (Sturup or Lindqvist 2014) others have presented research indicating that more reoffending occurs in the first 2 years of release (Anderson 2019). Liem (2013) has argued that studies into homicide recidivism literature are if

not flawed then problematic- the 'time-at-risk' follow up periods are arbitrary, focus is on recidivism rather than onset studies or desistance, the recidivism measures are unclear, the follow up time is limited, and our knowledge about homicide offender recidivism is dominated by literature from North America and Europe.

Dutch findings indicate that where a homicide offender has fewer convictions in their offending history but coupled together with longer imprisonment periods then they were more likely to recidivate violently than those who had longer histories of criminal activity with shorter prison sentences (Baay et al. 2012). Several researchers noted that many jurisdictions have a retributive model of criminal justice, with the effect that, as Barry et al (2007) discuss, that there is no consideration for the fact that offenders will be released back into communities. However, as Baay et al (2012) noted there are reasons for incarceration other than retribution, where incapacitation is important due to risk of reoffending. Liem (2013) pointed out that what is missing from some discussions is that desistance from crime is a process- very few offenders (violent or not) just stop offending- one offender may desist from crime multiple times throughout their lifetime for a variety of reasons, while many offenders perhaps only ever committing one crime and desisting altogether after that homicide offence.

Preventing Recidivism

Preventing Homicide Recidivism

From the identified literature the findings suggest that homologous homicide is extremely rare and there is no adequate way to specifically focus on preventing these acts from occurring again. Similarities, including where a homologous homicide occurred alongside the victim using alcohol or drugs, as well as their relationship to the homicide offender, were more likely to have similarities to the previous offence as well as having similarities across offenders. Homicide recidivism was higher amongst those who were strangers or acquaintances with their victims.

Preventing Violent Reoffending

Defining Risk

In England and Wales recalls of parolees who were formerly incarcerated for homicides has risen 500% since 2002. It is important to note that this is linked to increased accountability and enforcement of probation alongside risk aversion rather than because these individuals had committed another violent offence- recalls were predominantly for actions such as missing an appointment or using drugs (Mitchell and Roberts 2012). This is mirrored in Liem's (2013) findings and does not suggest that people incarcerated for homicide offences are committing more offences or are more violent following release than before. Instead emphasis from policy makers, the community, and criminal justice professionals is on risk.

As Barry (2007) argues the difference in definitions and the hierarchy of professional expertise prevents the development of a clear and common definition of risk. These inconsistencies coupled with risk assessment and management of violent offender variations lead to problems for professional practice. Kumar and Simpson (2005) attempted to clarify what researchers, professionals, and policy makers term as "risk" and noted that risk broadly relates to uncertainty, weighing up the likelihood of different outcomes, and the benefits and harms that are likely to happen due to risk assessments. How this is displayed in practice demonstrates this variability. The Tasmanian *Breaking the Cycle: A Strategic Plan for Tasmanian Corrections 2011-*

2020 does not contain a definition of risk, only noting that attention is on reducing an offender's risk of reoffending in the community. Likewise, the *Risdon Prison Complex Inquiry* (2011) makes 129 references to 'risk' but there is no definition in any context about what risk actually means in relation to offender actions and uses vague terms such as "high risk" to describe classifications of prisoners. The concept of risk is also in the Tasmanian *Sentencing Act 1997* and in Section 72(4) there is an outline of what can be used to determine if a prisoner should be released on parole; the Act gives weight to professional determinations of whether the prisoner should be released but again there is no definition of what risk is. This therefore suggests that there is potentially no agreement in Tasmania across various areas of the corrections system about what "risk" is, how it is to be measured, or what decisions are made within the prison based on what (or rather whose) criteria of "risk" or "harm" is being used.

Wong and Gordon (2006) have demonstrated the term "high risk" obscures if an action is a potential harm or a definite harm that the offender has to themselves, the community or victims, or whether "high risk" is categorising specific offenders who are identified as dangerous based on clear risk assessments. The authors argue that levels of "low", "medium" and "high" risk assessments obscure important distinctions between offenders, because there is no definition or clarity about who violent offenders are, or what violence is considered problematic (Wong and Gordon 2006). When discussing risk and potential harms there are rarely distinctions made between sexual and other violent offenders (Loucks 2002) with the effect that definitions of violence vary greatly based on perceived seriousness and resulting harms as well as context (Gilchrist and Kebbell 2004). The focus on risk is also driven by these categorisations- "dangerousness" is perceived to be a very high risk offender due to their initial category of crime rather than ongoing behaviour (Wood 2006), and fears of violence leads to high assessments of risk which are based on subjective interpretations of what risk is (Rosenfeld and Lewis 2005) including amongst experts who have only undertaken a clinical assessment and are not using a risk assessment tool (Edens et al 2005). Overall, the research into violent offenders has found the definitions of violence and risk are very subjective (Corbett and Westwood 2005).

Kemshall (1998) argues that decisions about violent (including homicide) offenders and their threats to community safety need to be underpinned by “defensible decision-making”. Defensible decision-making includes:

- Making decisions grounded in research
- Use of reliable risk assessment tools
- Collecting, verifying and evaluating information
- Recording and accounting for decisions
- Communicating with relevant others
- Taking responsible steps
- Matching interventions for risk management to risk factors
- Maintaining contact with offenders on release that is commensurate to level of risks
- Responding to escalating risk, deterioration in behaviour and non-compliance.

As Wood and Kemshall (2007) argue this is not to be confused with defensive decision making, which is about avoiding negative consequences if a serious offence occurs. Ogloff’s (2011) review, for instance, of parolee treatment and reoffending in Victoria following multiple high profile public homicide incidents detailed the ways in which decisions were made that could not be defending. Ogloff’s (2011) review was concerning the 11 individuals who were on parole when they committed homicides could do so as risk assessment tools were not in use, recording practices were not clear, inexperienced staff were asked to handle manipulative clients, interventions for risk management did not match risk factors, contact was infrequent with released clients, and escalating risk and deterioration of behaviour and compliance was not followed up quickly nor correctly. Ogloff remarked that staff were not supported to manage risk in offenders upon release which contributed to the homicide offences. A suggestion from Anderson (2019) was rather than incarcerating homicide offenders based on subjective definitions of risk, they should be reviewed and assessed for release after a proportionate non-parole period. Anderson’s (2019) argument is that offender reintegration should begin sooner rather than later, and as risk of homologous homicide is low attention should be on preventing other offending behaviours. However, violent behaviour is an issue in certain circumstances which

would mean that such an option would need to be stringently monitored within prison and upon release back into the community.

Risk Assessment Tools

Actuarial risk assessment methods are the preferred option for measuring possible risk in violent offenders (Andrews, Bonta and Wormith 2005). Issues with clinical assessments to measure risk of violent and non-violent reoffending are noted across the literature with most research finding that it is unreliable (Ogloff and Davis 2005; Barry et al 2007; Edens et al 2005; Andrews et al. 2005; Harris, Rice and Cormier 2002). Wood (2006) argued that while professional judgement was crucial to risk assessment, solid evidence backed by research is necessary to have defensible decision-making.

There are multiple risk assessment tools available. Kumar and Simpson (2005), in discussing risk assessment in Australia and New Zealand, note that violence risk assessment tools are often designed in forensic settings for offenders who are not housed in amongst general populations of prisoners and therefore the value of these tools in general psychiatric settings is unclear. Assessment tools used in the UK are likewise also developed for specific groups of violent offenders, often sexual offenders or those in forensic mental health facilities rather than prison, making prediction of rare offences (such as homologous homicide) or non-specific violence problematic (Evans et al 2005; Morrison 2003). Women's recidivism is an issue in risk assessment tools as they are not developed with women in mind (Kemshall 2004). There is also the issue that many violence risk assessment tools have not been adequately evaluated. The Victorian Intervention Screening and Assessment Tool (VISAT) used by Corrections Victoria to assess risk of reoffending had not been adequately evaluated (Ogloff 2011). McIvor and Kemshall (2002) argue that risk assessments need to help defensible decision making and they cannot while some of these tools are too complex, lack objectivity, lack validation for violent offenders, and lack measures for specific risks. According to Hart et al (2007) it is technically impossible to score risk to predict reoffending, while Edens et al (2005) and Horsefield (2003) argue that most risk assessment tools (that have not been validated and assessed) are unable to predict risk. An example given is of the Risk

Matrix 2000 which tests the risk of sexual and violent offending, however it has only been tested on white men (Horsefield 2003). Conversely, Andrews and Bonta (2006) have argued that single methods of assessment can work with a range of violence if administered correctly and the LS/CMI is created to be applicable to women and men.

Common risk-assessment tools include:

- Psychopathy Checklist-Revised (PCL-R)
- Violence Risk Appraisal Guide (VRAG)
- Historical Clinical and Risk Management- 20 (HCR-20)
- Level of Service/Case Management (LS/CMI) or Level of Service Inventory-Revised (LSI-R)
- Violence Risk Scale (VRS)
- Violence Risk Screening Instrument (VRSI)
- Buss-Durkee Hostility Inventory

Risk assessment tools have undergone significant change in the past fifty years. The most recent risk assessment tools are now in their fourth generation since the early 2000s after having undergone three generations of development. The fourth generation of tools focus on three core areas: the process of risk management, the selection of intervention modes, and targets for treatment and assessment of rehabilitation programs (Andrews and Bonta 2006). Mills and Kroner (2006) tested the PCL-R, LSI-R and VRAG to measure if there is agreement in the standardised risk scores to predict violent and general recidivism. While there was general agreement across the three tools, predictive accuracy was reduced where there was disagreement across the tools as to risk. Previous research has also uncovered vast variation between prediction tools with regards to sample characteristics, setting where administered, and definitions of a positive outcome making comparison difficult (Campbell, French, Gendreau 2009). A meta-analysis by Campbell et al (2009) found that due to research literature about risk assessment tools often not providing sufficient information to code or define violence a thorough meta-analysis and comparison is difficult to undertake. Nonetheless the authors concluded that risk assessment tools which considered dynamic as well as static risk-factors were more successful in predicting future violent recidivism than static-only risk assessment

tools. According to this research the PCL-R and LSI-R were better predictors of violent reoffending than other tools, however, most risk instruments are able to predict general recidivism well (Campbell et al. 2009).

Research from Davies and Dedel (2006) argued that the current risk instruments require either too much time (the VRAG can take 2.5 days to fully administer) or require clinical knowledge or experience (the LSI-R or PCL-R-2). Unlike these, Davies and Dedel (2006) developed a faster, fifteen minute appraisal tool, the VRSI which is less concerned with past acts of violence to predict future ones, but instead focuses on if the offender has threatened violence and examines what “warning signs” there are of this violence. While this faster option may be adopted due to ease of application, Singh, Desmarais and Van Dorn (2013) argue that violence risk assessment tools that only test calibration (whether predicted risk agrees with observed risk) or discrimination (where a tool can separate out those who went on to be violent versus those who did not) are not adequate in testing and measuring risk-both need to be considered by the tool.

From the collected literature it appears that the above listed risk assessment tools all have findings underpinning their successes in predicting risk with certain groups of violent offenders but only where the people administering the tool have experience with applying the instrument. Further evaluations are needed that specifically target homicide offenders and measure their risks for either reoffending in a similar fashion to their initial homicide (in cases of homologous homicide) or risks for future serious violent offending. As Barry et al (2007) explain, some offenders may have a high risk of reoffending but score low on potential future harm (or vice-versa) and it is important that this be kept in mind when analysing the risk that individuals may pose according to risk assessment instruments. As Barry et al (2007) state it is important to focus on the individual not just the crime that they committed.

Perhaps unhelpfully Falshaw et al (2003) mention that we need to accept that chance rather than the risk assessment tools are the drivers to low rates of reconviction for very serious offending. In a similar vein, Barry (2007) argues focus should be on influencing the offender’s behaviour rather than on managing risk. Firestone et al.’s (2005) research into violent reoffending reasoned that taking appropriate risks are important and dealing with housing of the offender, as well as

managing an offender's hostility and anger with regular community-based treatment is likely to offer protection from subsequent violence incidents. Similar sentiments were echoed by Belfrage et al (2004) who contend that appropriate risk management reduces subsequent violence incidents rather than focusing exclusively on risk assessments with no plan to manage and minimise risk. The McLean Committee (2000) in Scotland noted in their findings that it is important to not only focus on the risk and risk assessment tool but to take positive action to reduce risks by considering the psychology of the individual as well as situational risk factors.

Hausam, Lehmann and Dahle (2018) interviewed prison staff to examine if prison staff could predict recidivism of all inmates who were admitted to a UK prison between 2014-2016. The findings suggest that prison staff with long periods of experience in the prison, low to moderate levels of stress and who have respectful relationships with the inmates had a higher predictability of recidivism than clinical risk assessments.

The Prison Environment

Recently researchers have attempted to shift attention to incarceration environments in order to discover what measures could be taken to prevent violent recidivism. As Baay et al (2012) concluded longer prison sentences increased recidivism frequency in their Dutch cohort. However, not all homicide offenders responded equally to extended prison sentences. Western offenders (either Dutch or other European) were more likely to recidivate than non-Western (for instance Turkish or Iranian) offenders. The researchers think that this is due to either closer social-familial relationships that non-Western offenders have that protects them from further homicide or violent reoffending, or that language barriers prevented non-Western offenders from learning about crime more fully from other inmates (termed social learning theory). Chen and Shapiro (2007) measured if harsher prison conditions would reduce recidivism in violent offenders who were moved to a higher security level. There was no evidence that higher security levels decreased recidivism, rather, the likelihood of being rearrested soon after release increased to 41% amongst those who were moved to a higher security category indicating that specific

deterrence did not appear to work. As the authors note harsher security can lead to a net increase in crime especially where an offender is directly released from high security back into the public. Harsher prison sentences only appear to deter the general, non-incarcerated public (Chen and Shapiro 2007).

According to Santos (2006) higher security levels directly impact the experiences of inmates in prison with a resulting increase in injury and more violence both from other prisoners as well as staff. In similar research investigating the criminogenic effect of prison security on reoffending, Gaes and Camp (2009) demonstrated that peer influence and environmental strains of higher security determined their likelihood of returning to prison. Earlier Bench and Allen (2003) had demonstrated that assignment to higher security led to higher levels of misconduct in prison.

Prison Programs for Recidivism Prevention

There do not appear to be any prison programs available specific to the needs of homicide offenders and preventing their risk of recidivism.

Programs that are labelled “anger management” or “alternatives to violence” exist and are widely used across the world, seeking to help all offenders develop alternative responses than the ones that led to their initial offending (Mals, Howells, Day and Hall 2000; Barry et al. 2007). However as homologous homicide offending is rare it is questionable whether these programs have any impact on preventing those forms of violence. However, it may be helpful to preventing violence recidivism in homicide offenders in general. How these programs work for homicide offenders has specifically not been evaluated in research literature.

Heseltine, Sarre and Day (2011) examined Australian rehabilitation prison programs aimed at high risk violence and sexual offence perpetrators. Their research found that since 2004 there have been significant improvements in the programs on offer around Australia. At the time of this research violent offender programs were planned for Tasmania. Whether this program is now available, whether it requires risk/need assessment for entry, if there is a pre or post program test and evaluation of the program is unclear from this rapid evidence review. As Heseltine et al. (2011)

also note, while other Australian jurisdictions have violent offender programs there is limited local or international research about the efficacy of these programs and more research is required.

Some literature has considered how reintegration programs can begin while an individual is incarcerated, following the offender through their progression in prison to reintegrate back into the community (known as multi-modal or re-entry programs).

There do not appear to be any programs developed specifically for homicide offenders. However, there are programs available for violent offenders. An example of this is outlined in Braga, Piehl and Hureau (2009) who evaluated the Boston Reentry Initiative (BRI) aimed at those prisoners “who pose the greatest safety risks” (411). The program targets men aged 18-32 years who live in Boston, and they are picked for the program upon entry by a centralised corrections committee.

Intelligence is gathered about inmates and they are assessed on whether there is ongoing gang violence that they are engaged in, whether there are violent threats against or by the inmate, whether the community they are returning to is violent, and whether they are likely to become the victim of a serious crime upon release. After being picked for the program the inmate will attend a session on the BRI and be informed on in-prison programs as well as community resources at their disposal to aid successful reintegration and prevent further criminal offending. Representatives from across the prison, community corrections, parole boards, non-governmental organisations and other social service facilitators present at this session. Upon release the inmate is released into the care of a family member or mentor and if on probation have a case plan set up, if not on parole then they are encouraged to continue working with their caseworkers, mentors and social service providers.

When participants in the BRI were compared to a control group they had 30% lower recidivism than the control group. After 2 years post-release 20.4% of BRI participants were rearrested for a violent crime in comparison to 34.6% of the control group. This rose to 27.8% and 39.2% respectively three years after release (Braga et al. 2009, 426).

On the other hand, Workman (2018) argues that these sort of re-entry programs are only effective where staff are well-trained, the program can be fully implemented as designed, there is effective communication across services, and cooperation needs to occur across all service providers. Important to success is evaluation, empirical

evidence, and even then, most programs only demonstrate short-lived results (Workman 2018). Even where the program runs as prescribed there are barriers to successful reintegration of a serious violent offender; if an offender is involved in gang violence then the re-entry program is ineffective and recidivism increases (Braga et al. 2009; Huebner, Varano, Bynum 2007). The relevance of this latter point (gang related homicide offending) for Tasmania would need additional investigation.

It was highlighted by Connelly and Williamson (2000) that while public safety may be the goal, there are no evaluations to test the effectiveness of many programs in keeping the community safe. Petrunik (2002) argued that the bulk of serious reoffending is not prevented by “costly measures” that are not underpinned by research or evaluation. Barry et al. (2007) reason that programs are only of value if the offender is supervised, monitored and worked with prior to release in order to measure how behaviour changes with release. The correct operation of programs can in turn give confidence to those decision makers that it is safe to release individuals with a history of serious offences as effectiveness of these programs could be demonstrated and the actions to release a prisoner are defensible.

Violence prevention programs while aimed at a broad prison population are limited in who they may be appropriate for. As Mals et al (2000) explore in their research, many of these programs are not specific to the needs of Indigenous violent offenders in Australia and again may only be useful to white men if introduced within a specific jurisdiction. As Barry et al (2007) also note there are few assessments of treatment projects for violent offenders inside prison or release back into the community. Kemshall (2002) has found that cognitive behavioural therapy is promising but is only beneficial if the offender is willing, if the program has integrity and is accurately targeting high risk offenders as well as finding offenders who have motivation to change, and finally it needs to be administered at the right time for the offender. This demonstrates that violence recidivism prevention programs need to be carefully tailored to the specific offender or specific offender populations.

Risk, needs and responsivity (RNR) models have been used successfully with violent offenders (Mals et al. 2000; Andrews and Bonta 2006; Barry et al. 2007). As Andrews and Bonta (2006) argue the treatment is matched to the offender’s level of risk and need and delivered in a model that is on the level required educationally by

the offender. These models are often delivered in tandem with a risk assessment using the LS/CMI or the LSI-R. In Tasmania the LS/CMI is used in conjunction with a RNR model by Tasmanian Community Corrections.

Conclusion

Research knowledge about homicide recidivism rates is limited. Measurement tools that collapse homicide offending in with other forms of violent offending has reduced the ability to be able to accurately answer the first question of this rapid evidence review: what is the currently understood rate of homicide offender recidivism?

Although the research is limited, it does suggest that homicide offender recidivism is low in cases of homologous homicide.

With regards to the second question driving this rapid evidence assessment, findings from research published since 2000 demonstrate that younger (under 30 years old), male offenders who have a history of violence prior to their first homicide are more likely to recidivate violently or perpetrate another homicide than other offenders.

More research is needed in Australia to discover what effect socioeconomic situations and parental involvement with crime has on homicide offending, what are the protective factors to not committing another homicide or recidivating violently, and what interventions are working to prevent recidivism in homicide perpetrators.

In regard to the final question about what interventions can be applied to prevent recidivism in those who are incarcerated for a homicide offence, the answer is that currently there is no intervention program aimed at homicide perpetrators. Reliance is on violent prevention programs. What such programs look like in Tasmania are unclear, and as scholars note effective programs need to be underpinned by appropriate risk assessment tools as well as programs that have been evaluated over an extended period of time. Part of this requires clarification about what “risk” means and how it is defined.

The research also strongly demonstrates that responses to homicide offenders in the community and in prison should be underpinned by thorough professional risk assessment, with attention to managing risk that is appropriate to the findings of the

actuarial risk instrument alongside clinical experience of staff. Attention should be on defensible decision-making not defensive decision-making.

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