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Disentangling Operationalizations of Persistent Offending

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ABSTRACT

Objective: Numerous operationalizations of persistent offending have been used in the extant research with the assumption that these findings are generalizable. We tested this assumption by comparing the criminal careers of persistent offenders identified by different methods.

Method: We examined 38 operationalizations of persistent offending and the groups they identified. Criminal careers were measured using official conviction data from the Cambridge Study in Delinquent Development (n = 411).

Results: The groups of persistent offenders differed in prevalence rates (ranging from 1.24% to 29.53% of the sample), average age of onset (from 10.86 to 26.07 years), average criminal career duration (from 16.96 to 39.86 years), average convictions (from 4.03 to 23.33, λ ranged from 0.3 to 1.17 convictions per year), and offender overlap (from 0% to 100%, ORs ranged from 0.34 to 787.5). Persistent offenders identified by the Group Based Trajectory Model were least likely to be identified by any other operationalization.

Conclusion: Different operationalizations generally identified qualitatively different offenders as persistent, suggesting that the findings on persistent offending in the literature may not be generalizable across studies. However, our analyses are limited to the CSDD, and so further research is needed.

The criminal career paradigm casts doubt on the proposition that static processes cause offending (as argued by Hirschi & Gottfredson, 1983), and instead suggests that offending is influenced by multiple risk factors at different ages that lead to different developmental pathways (Blumstein, Cohen, Roth, & Visher, 1986). This paradigm shift brought with it new implications for policy and incapacitation efforts (Sullivan & Piquero, 2016). It also opened another avenue of theoretical and empirical enquiry by enabling researchers to quantify distinct offender pathways (Piquero, Farrington, & Blumstein, 2003). One such pathway that has attracted considerable attention is persistent offending.

According to the operationalizations employed by some researchers, persistent offenders comprise a relatively small portion of the population, are responsible for around half of all offences (Moffitt, 1993; Zara & Farrington, 2016), and inflict significant economic damage (DeLisi & Gatling, 2003). Various risk factors have been associated with persistent offending, such as neuropsychological deficits (Piquero, 2001), structural adversity (Aguilar, Sroufe, Egeland, & Carlson, 2000), and harsh and erratic parental discipline (Farrington, Ttofi, & Coid, 2009). Research also indicates that in later life, persistent offenders have an increased risk for low life success (Farrington et al., 2006), poor physical and mental health (Piquero, Daigle et al., 2007; Piquero, Farrington et al., 2007), and earlier ages of death (Nieuwbeerta & Piquero, 2008). Although persistent offending is commonly discussed in the criminological literature, the phenomenon is shrouded in conceptual ambiguity.

There is currently no consistent definition of persistent offending. Persistence has been defined as early onset offending (Hay & Forrest, 2009), frequent offending (Piquero, Daigle et al., 2007; Piquero, Farrington et al., 2007), and lengthy criminal careers (Jolliffe, Farrington, Piquero, Macleod, & Van de Weijer, 2017). This inconsistency is further amplified by there being over 30 operationalizations of persistent offending in the research literature. We argue that this methodological eclecticism affects the external validity of the research. Some years ago, Hagell and Newburn (1994: 98) cautioned that "no two definitions of persistence will lead to the identification of exactly the same individuals." Over twenty years have passed since their assertion, and yet little has been done to rectify this issue. Without a consistent definition and operationlization across studies, researchers run the risk of identifying qualitatively different groups of offenders as 'persistent,' with consequent confusion about the generalizability of results from one study to another (Bliesener, 2012).

Persistence is a temporal term denoting a deviation from a 'normative' period of activity. As scholars from the health sciences have

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argued (Caetano, Lam, & Morgan, 2006), persistence is best understood as the duration of an event. For criminology, this would imply that persistent offending be measured through the duration of the criminal career. Phenomena such as an early age of onset or frequent offending would therefore have no bearing on the identification of persistent offending. Although some scholars agree with this idea (e.g., Jolliffe et al., 2017), this is not yet the dominant perspective in criminology. For this to happen, the unsuitability of measuring persistence through offence frequency and onset age needs to be empirically demonstrated.

A lack of definitional accord has implications not only for the concept of persistent offending, but for related terms as well. In many publications, terms such as life-course persistent, chronic, career criminal, and habitual offender are synonymous with persistent offending. Although these terms were originally used to describe specific offender and antisocial pathways, they have become interchangeable with the concept of persistent offending. For example, 'life-course persistent' originally connoted the small percentage of youths who demonstrated an early onset of severe antisocial behaviour which continued to late adolescence and early adulthood (Moffitt, 1993). Likewise, the term 'chronic offender' was coined by Wolfgang, Figlio, and Sellin (1972) to describe the small number of adolescents who were responsible for the majority of all crimes. Many studies have now moved away from these original contextualizations, and instead use these terms to refer to persistent offending (e.g., Sampson & Laub, 2003; Wikström & Treiber, 2009; McGloin & Stickle, 2011). It is debatable if absolute continuity in antisocial behaviour (as represented by the notion of 'life-course persistent') constitutes persistent offending. Certainly, if a person ceaselessly exhibits antisocial behaviour in the absence of any formal convictions or self-reported offending, that individual is life-course persistent, but not a persistent offender. Likewise, it is not useful to use the terms chronic and persistent[1] interchangeably when, as the term was originally used, chronic does not require any sustained duration in offending.

Without consensus on how persistent offending and other terms should be defined and measured, researchers cannot be certain they are accurately measuring these offending pathways.

The implications of definitional disparity go deeper than questionable external validity. The reciprocal relationships between empirical research and criminological theory have a profound effect on the formation and implementation of policy. Many policies targeting persistent, chronic, or habitual offenders were, in part, devised from theories on persistent offending (e.g., Patterson, Forgatch, Yoerger, & Stoolmiller, 1998; Street Crime Working Group, 2005). Furthermore, the effectiveness of these policies can be somewhat influenced by the validity of the theories they are based on. Unfortunately, there is much disagreement between theories on persistent offending. For example, Moffitt's (2006) developmental taxonomy of antisocial behaviour entails one of the most frequently cited explanations for persistent offending,[2] stipulating that the foundations for persistence begin with childhood risk factors (e.g., neuropsychological deficits and family poverty) and early onset conduct problems. Moffitt's (2006) idea of persistence stipulates that continuity in antisocial behaviour (or offending, as some have interpreted it (Sampson & Laub, 2003)) is unending, and is preceded by an early age of first offence. In contrast, Laub and Sampson's (2003) age-graded theory argues that childhood factors are far less important for the development of persistent offending, and, instead, weak adult attachments to informal social controls are to blame. Persistent offending, in this regard, is not perceived to be 'unending', as in Moffitt's (1993) conceptualization, but rather subject to desistance in later life. Alternatively, Thornberry's (2005) interactional theory advocates that persistent offending, which need not be characterized by an early age of onset, is largely the result of negatively reciprocated social interactions. This kind of theoretical inconsistency may challenge the formation of suitable policies and interventions targeting persistent offenders.

No two explanations of persistent offending have been devised from the same operationalization. It is this inconsistency that may, at least partially, account for the disagreement among theorists.[3] To elucidate, Moffitt's (1993) explanations of life-course persistent offending were originally derived from individuals whom demonstrated extreme childhood antisocial behaviour in at least three of the four assessment periods (five, seven, nine, and 11 years), and then extreme self-reported delinquency at either age 15 or 18 (Moffitt, Caspi, Harrington & Milne, 2002). Alternatively, Sampson and Laub's (2003) age-graded theory for persistent offending was derived from individuals responsible for at least one criminal act from age eight to 18, 19 to 31, and 31 years or older (Laub & Sampson, 2003). Thornberry's (2005) interactional theory adds to the heterogeneity by basing its postulations of persistence on individuals assigned to the longest trajectory identified by the group-based trajectory model (Thornberry, 2005).

Ultimately, the absence of an agreed operationalization and definition of persistent offending may have profound implications on the external validity of empirical research, the accuracy of theory, and the effectiveness of policy. No study has empirically investigated the disparities between the groups of offenders that different operationalizations of persistent offending identify. If, as we anticipate, there are considerable differences, then the generalizability of research findings about 'persistent offending' may be questionable. We acknowledge that operationalizations of persistent offending may be a product of the data, and thus we expect differences between operationalizations and the offenders they identify. Nonetheless, the existing research is framed around the assumption that the findings pertaining to persistent offenders across operationalizations and methodologies are generalizable. This paper aims, therefore, to test this assumption by examining the criminal careers of persistent offenders identified through multiple operationalizations.

1. Dimensions of the criminal career

The criminal career describes the longitudinal offending patterns of offenders who have committed two or more crimes in different time periods (Blumstein, 2016). Persistent offending is commonly measured and characterized through four dimensions of the criminal career: *participation*, *frequency*, *onset*, and *duration*. Although these dimensions and their associations with persistent offending have been the topic of much research, the use of different operationalizations and methodologies have produced inconsistent results.

The *participation*, or prevalence rate, for persistent offending is small. The long-held view is that persistent offenders comprise between five and 10% of the general population (Moffitt, 2006). However, prevalence rates can differ vastly depending on how persistent offenders are identified. For example, when Jolliffe et al. (2017) measured persistence as offending 'before the age of 20 and after the age of 30', and used this operationalization across several data sets, they found that persistent offenders constituted between 2.8 and 13.5% of the samples examined. Alternatively, studies that operationalized persistence as 'at least one offence before and after the age of 21' identified 13.3% (Bergman & Andershed, 2009), 17.6% (Farrington et al., 2009), and 29% (Pulkkinen, Lyyra, & Kokko, 2009) of the sample as persistent.

Many researchers argue that an early onset of offending, defined as the first officially recorded offence at or before the age of 14 (Patterson

[1] For example, Wikström and Treiber (2009), and McGloin and Stickle (2011) argue that there is no valid distinction between chronic and persistent offenders, while Farrington (2017) contends that chronic and persistent offenders differ in terms of offence frequency and criminal career duration.

[2] Although the taxonomy originally explained the development and continuity of antisocial behaviour, it has been frequently used to explain persistent offending.

[3] The use of different data sets is another reason why theories may differ in their explanations of persistent offending.