



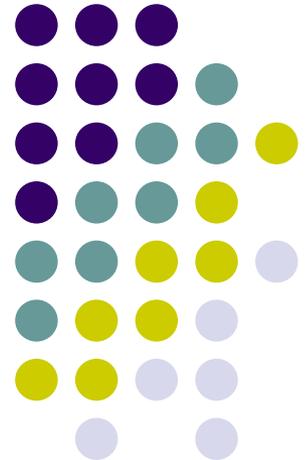
Evidence-based Practices

A Framework for Sentencing Policy

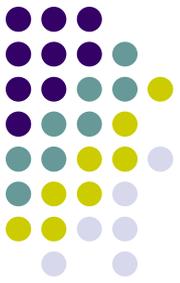
Rosemary Kooy, M.S., Consultant

NCSL: Designing and Measuring Corrections and
Sentencing Policy Options

September 2007

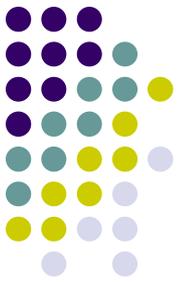


Principles of Effective Intervention



- Risk Principle: target high risk offenders **(WHO)**
- Need Principle: target criminogenic risk/need **(WHAT)** factors
- Responsivity Principle: styles and modes of service **(HOW)** must be matched to the learning styles, abilities, & characteristics of the offenders

Risk Principle: Recent Study

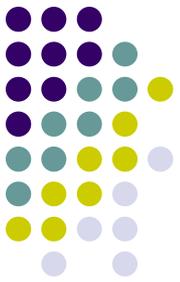


- Studied 13,676 and 97 Correctional Programs
- Offenders are not high risk because of one factor, but a multitude of factors.
- Correctional programs showed increases in recidivism unless offenders who were higher risk were targeted and provided more services for a longer period of time.
- Placing offenders who were lower risk in structured programs demonstrated that recidivism can actually increase.
 - Places them with higher risk offenders they learn antisocial behavior and form new peer associates
 - Disrupts their prosocial environments (school, friendships, employment and family)
 - Increases the likelihood that violations will occur due to increased supervision with stringent conditions

Lowenkamp, C. & Latessa, E. J. (2006). The Risk Principle in Action: What Have We Learned From 13,676 Offenders and 97 Correctional Programs?, *Crime and Delinquency*, (51), 1, 1-17.

COMMON PRIMARY GOALS

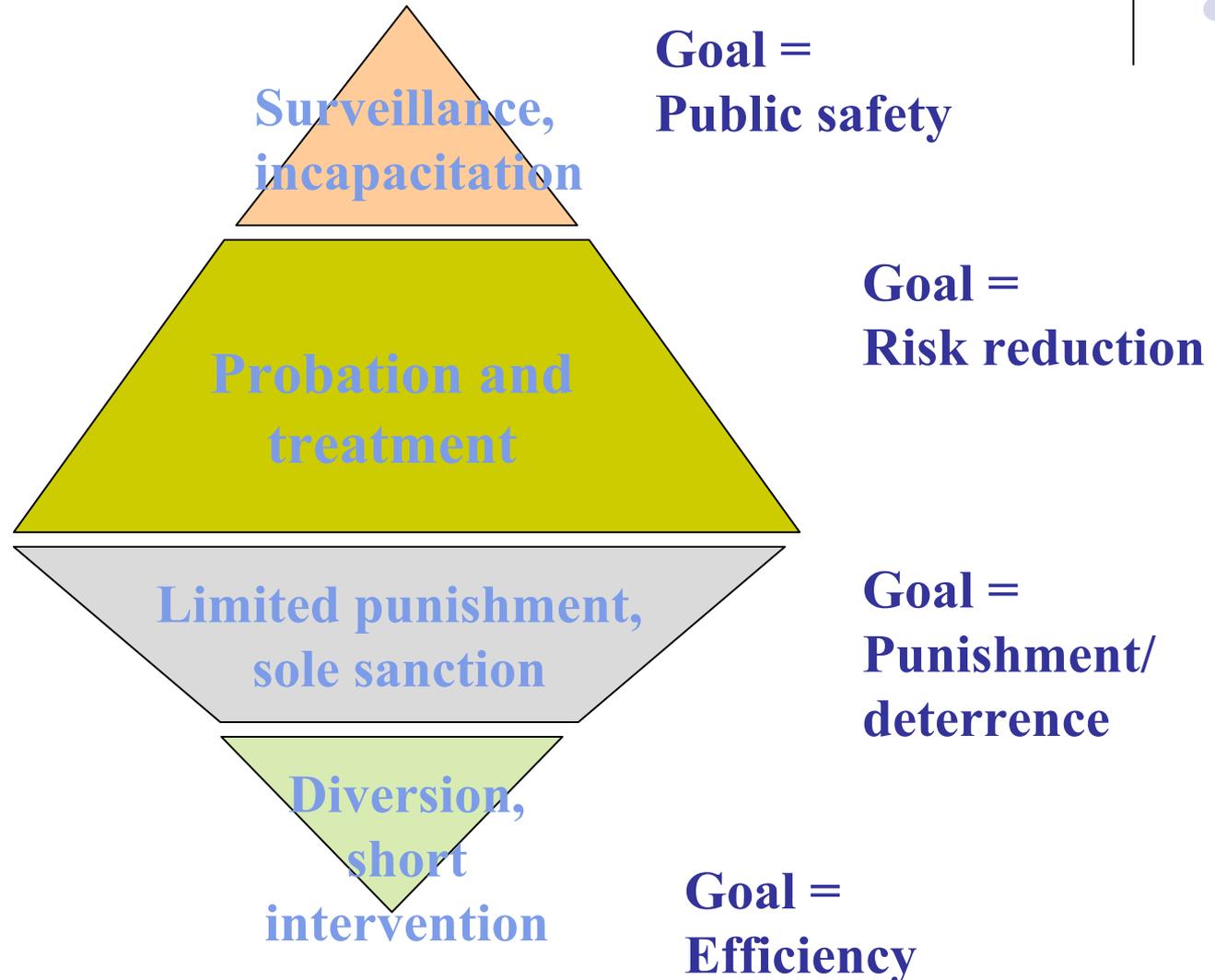
Based on the Risk/Need Principles

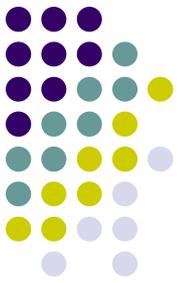


**HIGH
RISK**



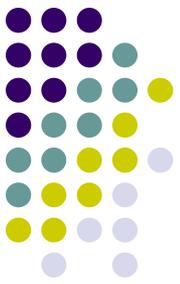
**LOW
RISK**





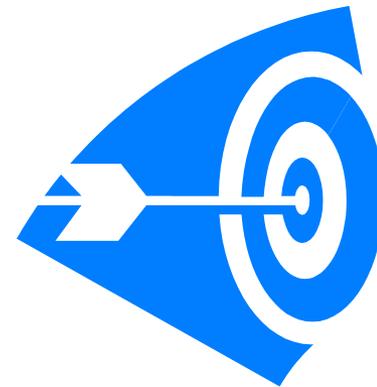
Need Principle

- If you *target* those factors (needs) that are most closely associated with delinquent behavior, you will have better effects in reducing recidivism
- Target criminogenic needs that are *dynamic* (changeable)



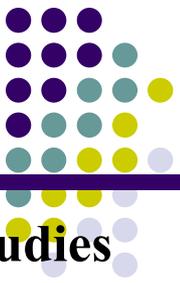
Major Criminogenic Risk Factors: “Big Four” & “Central Eight”

- History of antisocial behavior
- Antisocial personality pattern
- Antisocial cognition
- Antisocial associates
- Family and/or marital
- School and/or work
- Leisure and/or recreation
- Substance abuse



Andrew, D.A., Bonta, J., & Wormith, J.S. (2006). The Recent Past and Near Future of Risk and/or Need Assessment. *Crime & Delinquency*, (52), 1, 7-27.

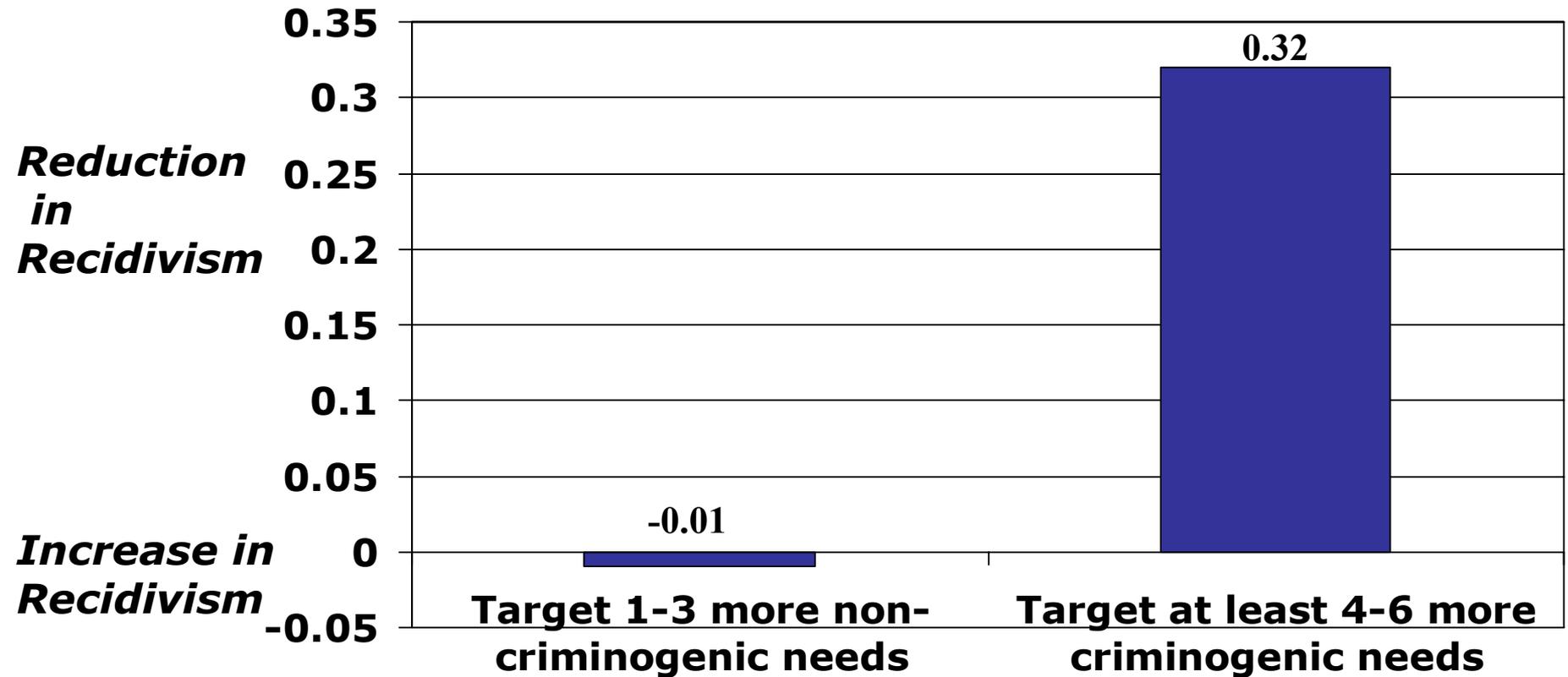
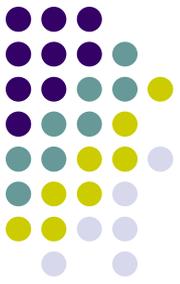
Factors Correlated With Risk



	Mean r	# of studies
Lower class origins	0.06	97
Personal distress/psychopathology	0.08	226
Educational/Vocational achievement	0.12	129
Parental/Family Factors	0.18	334
Temperament/misconduct/personality	0.21	621
Antisocial attitudes/associates	0.22	168

Note: A re-analysis of Gendreau, Andrews, Goggin & Chanteloupe (1992) by Andrews & Bonta (1994)

Targeting Criminogenic Need: Results from Meta-Analyses

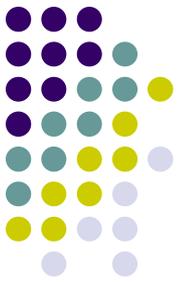


Gendreau P., French S.A., and A. Taylor (2002). What Works (What Doesn't Work) Revised 2002 Invited Submission to the International Community Corrections Association Monograph Series Project



Responsivity Principle

- General Responsivity: Asserts the general power of behavioral, social learning and cognitive-behavioral strategies
- Specific Responsivity: Suggests matching the service with personality, motivation, learning styles abilities and with demographics
- It includes matching the personnel delivering the service to the population

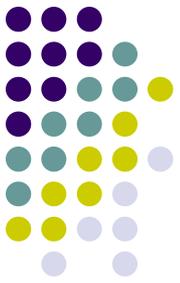


Responsivity Principle

Client Responsivity Factors:

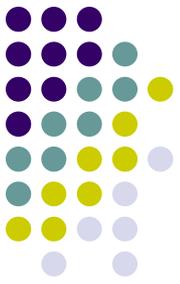
- Anxiety
- Self-Esteem
- Depression
- Age
- Gender
- Race/Ethnicity
- Motivation
- Learning Style

Washington State Institute for Public Policy (2006)



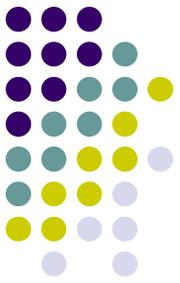
- After reviewing 92 drug treatment programs, the Institute concluded that drug treatment led to a statistically significant reduction in criminal recidivism rates. This was true for adult drug courts, in-prison therapeutic communities, and drug treatment programs using cognitive-behavioral approaches. A review of 25 programs for the general population that employ cognitive-behavioral treatment found on average significant reductions in recidivism by 8.2 percent.
- Cognitive behavioral treatment for sex offenders on average was effective at reducing recidivism, but other types of sex offender treatment such as psychotherapy or treatment using only behavioral models, failed to demonstrate significant effects.
- Several intermediate sanctions and sentencing alternatives were evaluated in the study. Adult boot camps, electronic monitoring, intensive supervision without treatment, restorative justice for lower risk adult offenders did not produce statistically significant reductions in recidivism rates.

Washington State Institute for Public Policy (2006)



- Work and education programs for general offenders led to modest reductions in recidivism rates. These included in-prison industries programs, basic adult education, employment training and job assistance.
- Jail diversion programs for offenders with mental illness and co-occurring disorders, on average, have not demonstrated a statistically significant reduction in the recidivism rates of program participants.
- Domestic violence treatment programs have not yet, on average, demonstrated reductions in recidivism.

EBP At a Glance



- Cognitive-behavioral treatment that addresses deviant thinking patterns has consistently been found to be an effective rehabilitative strategy for both juveniles and adults.
- Behavior modification programs that are designed to shape and maintain appropriate behaviors until they are incorporated into the habit pattern of the offender have been effective in reducing recidivism.
- Multi-modal programs that target a variety of offender criminogenic and other risk factors have shown that they are amongst the most effective at reducing recidivism.
- Punitive correctional practices do not appear to have much overall deterrent effect on either the offenders for whom they are applied or to potential offenders

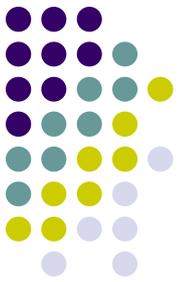
The International Community Corrections Association through its Monograph Series Project



Program Quality Matters

- Collaborate with state agencies and community providers to discuss strategies to improve programming for the offender population. The programming should be specialized
- Consider legislation that mandates that programs serving correctional clients across the state be evidence-based
- Complete a needs assessment to identify what gaps currently exists in correctional programming
- Compile a list of programs serving offenders to ensure the availability of programs meets the needs of the offender population

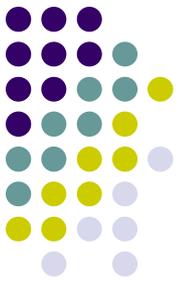
National Data



- The United States is the world's leader in incarceration with 2.1 million people currently in the nation's prisons or jails -- a 500% increase over the past thirty years. These trends have resulted in prison overcrowding and state governments being overwhelmed by the burden of funding a rapidly expanding penal system, despite increasing evidence that large-scale incarceration is not the most effective means of achieving public safety.
(The Sentencing Project)
- The length of time an offender remains behind bars has a negligible effect on whether he or she will be rearrested (Sentencing Project, 2002)
- Longer prison terms may provide some incapacitation effects, but they do so at great cost and at the expense of more effective alternatives
- Read Incarceration and Crime: A Complex Relationship
http://www.sentencingproject.org/Admin/Documents/publications/inc_iandc_complex.pdf

Recidivism of State Prisoners: Implications for Sentencing and Corrections Policy, The Sentencing Project, August 2002

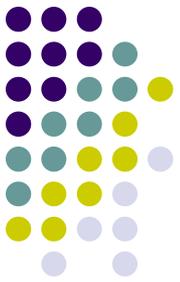
Trends in Sentencing & Corrections Reform



- Empanelling sentencing commissions
- Expanding early release provisions
- New approaches to technical violators
- Changing approaches to technical probation and parole violations
- Rethinking mandatory minimums for nonviolent offenders
- Expanding treatment based alternatives to incarceration



Alternatives to Incarceration



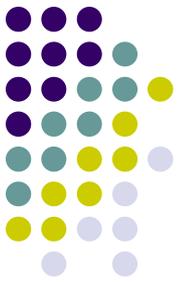
- Estimates place the cost of constructing a maximum security prison at approximately \$80,000 per bed and the annual cost of maintenance and housing inmates at more than \$21,000 (Camp & Camp, 2000)
- Approximately 90% of the cost of running an existing prison is relatively fixed (eg., administrative costs); therefore, a small reduction in prison counts will not produce tremendous cost savings.
- However, if new prisons need to be built to accommodate increasing prison populations, the cost savings of community alternatives would be substantial.
- Similarly, if alternatives to incarceration result in institutional closures, considerable cost savings can be realized.

Alternative sentencing & corrections alternatives



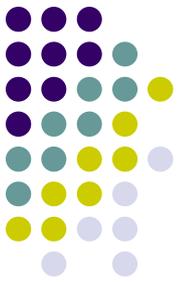
- Virginia, Texas, Minnesota using risk assessment information presentencing
- Virginia conducting risk assessments for all sex offenders before sentencing
- Kansas expanded its continuum to include day reporting
- Washington ended active supervision for many low level felony post releases
- Hawaii mandates treatment instead of incarceration for nonviolent offenders convicted for drug possession
- Colorado legislators provided a community corrections alternative to returning parolees to prison for technical violations. Colorado also limits the time a nonviolent parolee can be revoked to prison or to an alternative to 180 days (SB 252)

Alternative sentencing & corrections alternatives



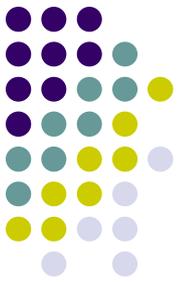
- Oregon adopted a statute requiring that state program funds be used for evidence-based practices. By 2009 75% of program funds are to be used for EBP
- Ohio mandates that programs funded by grant monies through the Bureau of Community Sanction be audited annually
- Ohio uses halfway houses as step-down services from prison

Drug Policy



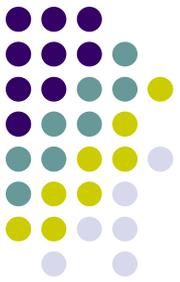
- California amends, manages and funds the now five-year-old Proposition 36, which turned drug policy which mandates that certain drug offenders be diverted to treatment in lieu of incarceration. The 2006 act creates a Substance Abuse Treatment Trust fund to cover county costs for drug treatment programs.
- Lawmakers in Arizona also addressed funding of treatment services for diverted drug offenders, creating the Addiction Reduction and Recovery Fund in an act that provides funds for treatment, enforcement and prevention.
- A new law in Hawaii makes first-time, nonviolent property offenders eligible for probation and treatment if the court determines that the crime was significantly related to substance abuse or addiction. Another action there provides for expungement of records of anyone who, under existing law, completes a drug treatment diversionary sentence.

Drug Policy



- A Louisiana enactment will allow courts to defer proceedings and place defendants on probation, pending completion of a drug diversion program; upon completion, criminal charges will be dismissed. Another Louisiana act will make inmates convicted of certain controlled substances crimes eligible for work release.
- Illinois will allow county fees imposed on defendants found guilty to be used for drug court and mental health courts under one measure, and another enactment authorizes additional county fees in drug court cases. Yet another Illinois measure specifies that proceeds from asset forfeiture can be used for drug enforcement, including security cameras to prevent and detect crime and violence.

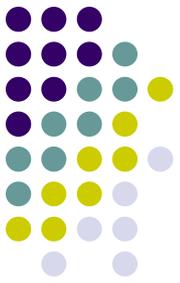
Reentry Data



- At least 95% of all State prisoners will be released from prison at some point; nearly 80% will be released to parole supervision.
- At yearend 2002, 1,440,655 prisoners were under the jurisdiction of State or Federal correctional authorities.
- In 2001, about 592,000 State prison inmates were released to the community after serving time in prison.
- Nearly 33% of State prison releases in 1999 were drug offenders, 25% were violent offenders and 31% were property offenders.
- 670,169 adults were under State parole supervision at yearend 2002.
- By the end of 2000, 16 States had abolished discretionary release from prison by a parole board for all offenders.
- Among State parole discharges in 2000, 41% successfully completed their term of supervision; relatively unchanged since 1990.

Bureau of Justice Statistics retrieved from <http://www.ojp.usdoj.gov/bjs/reentry/reentry.htm>

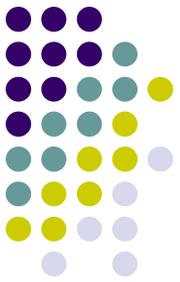
Importance of Offender Reentry



- All activities and programming conducted to prepare prisoners to return safely to the community and to live as law abiding citizens
- Informal social controls, notably family, peer group and other community factors have a more direct influence on offender behavior than formal social controls
- It seeks to develop partnerships with both community groups and other criminal justice agencies
- It is committed to evidence-based practice meaning it bases programming on empirical research about what works and what doesn't
- However, without major changes in public thinking about crime and criminals, and accompanying changes in spending and programming, prisoner reentry programs will not reduce crime (Walker, 2006)

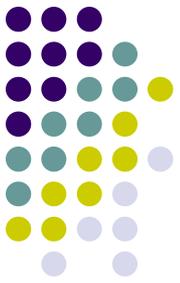
Walker, S. (2006). Sense and Nonsense about Crime and Drugs: A Policy Guide.

“Brick Walls”



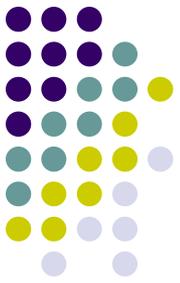
- All states prohibit convicted felons from working as barbers, beauticians, or nurses, yet hair care vocational programs are popular in corrections. Six states permanently deny public employment to felons.
- 1992 federal law requires states to revoke the driver’s license of convicted drug offenders or lose 10 percent of their federal highway funds. Lack of a driver’s license means that a person cannot look for a job.
- Laws limit the ability of ex-felons to find housing. Public housing agencies are required to refuse housing to certain categories of offenders (mainly drug or sex offenders)
- 1994 welfare reform law, Personal Responsibility and Work Opportunity Reconciliation Act) requires states to permanently bar drug offenders from receiving federal welfare or public assistance funds (9 states opted out)
- Every state has some form of voting denial. The Sentencing Project estimates that 4.7 million Americans cannot vote because of a criminal record. This includes an estimated 7 percent of all African Americans.
- “Essentially, we take people with very limited education, significant histories of drug and alcohol abuse, criminal records, and mental and physical disabilities and proceed to bar them from many jobs, keep them from getting a driver’s license so they could find a job, deny them any possibility of public assistance until they find a job, and bar them from public housing. By denying them the right to vote, we tell them they are not full members of society.” (Walker, 2006).

Reentry Trends 2006



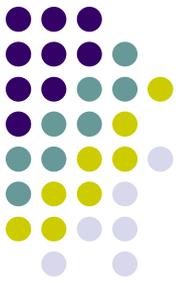
- More than a dozen states added to or expanded laws to address “Brick Walls” in 2006
- Delaware law addressed the difficult issue of ex-offender employment, allowing many specified occupational boards to waive convictions for which the offender completed or discharged all sentence requirements at least five years previously, if the applicant is deemed capable of competent practice of the occupation.
- Illinois lawmakers amended the state’s procurement code to require in vendor contracts the encouragement that they hire qualified veterans or state residents who have been discharged from a correctional facility. The act creates a tax credit for hiring veterans or ex-offenders within one year of their release. Another Illinois act allows for halfway houses for those released from state corrections facilities.

Reentry Trends

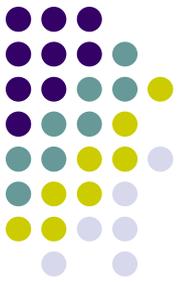


- Virginia addressed employability of and housing for ex-offenders. Legislation requires the Department of Corrections to provide to inmates, upon discharge, documentation of work, education and treatment programs completed while in prison. Another act requires the Department of Housing and Community Development to create and implement housing programs for offenders who are returning to the community from prison.
- New York law added to purpose of penal law to ensure the public safety through promotion of successful and productive reentry and reintegration of those who have been convicted of crimes. Washington lawmakers established a joint legislative task force to examine prison-based training and education and recommend how community supervision and work release can be improved to benefit public safety and reduce recidivism.
- California expanded pre-release programs to additional jurisdictions. Another enactment requires the Department of Corrections to establish a Reentry Advisory Committee to advise on planning, implementation and outcomes of department reentry programs.

Pulling it All Together



Guiding Principles



- The most effective strategy for reducing recidivism is through a systematic approach to the application of evidence-based practices.
- Reducing recidivism through EBP is the key to enhancing public safety and reducing harm to the victims and community.
- Correctional alternatives should be viewed as part of a permanent, continuum services system use to reduce recidivism.
- A responsive system keeps abreast of the research.
- The organization/system that is most successful in initiating interventions and supervision practices consistent with the principles will achieve the greatest recidivism reduction.

What Does an EBP System Look Like



- Includes reduction/risk management as key objectives in state sentencing policy
- Promotes the use of actuarial risk assessment instruments in assessing the suitability of sentencing options and correctional alternatives
- Guides the development of community based programs that address criminogenic needs of offenders
- Provides sentencing judges access to information about the offender, availability of corrections programs and potential sentencing dispositions
- Teaches criminal justice stakeholders and community members about EBP and how it relates to public safety and the prevention of further victims
- Promotes collaboration
- Promotes shared planning, decision-making and shared funding