An Evidence-Based Approach to Corrections

“I will restore the basic principle that government decisions should be based on the best available, scientifically valid evidence and not on ideological predispositions of agency officials or political appointees.”

—President Barack Obama, campaign speech during the Science Debate, 2008

1. Describe how corrections is part of the larger criminal justice system and how decisions made along the way contribute to case dismissals, convictions, and potential disparity.
2. Compare and contrast both diversion and postsentencing options, and institutional- and community-based corrections.
3. Explain the key reasons for the rise in incarceration rates since the 1980s and the overall effect that it has had on individuals, communities, and the crime rate.
4. Analyze the relationships among mass media, public opinion, and the making of correctional policy.
5. Characterize the meaning of evidence-based practices and why it is significant to improving the correctional system.

Source: © Visions of America, LLC/Alamy
In January 2011, Representative Gabrielle Giffords welcomed members of the public at a constituent event held at a local shopping plaza in Tucson, Arizona. That morning, 22-year-old Jared Lee Loughner entered and opened fire using a 9mm handgun. By the time Loughner was apprehended, he had killed 6 people and wounded 13 others. Representative Giffords suffered brain trauma and was severely wounded in the attack. Among those who died were federal judge John Roll, one of Giffords’s staff members, and a 9-year-old community visitor. Investigators said that the incident was a deliberate, planned attempt to murder Giffords. There was also evidence to indicate that Loughner obtained a gun in advance; that he visited Internet websites that encouraged hate, violence, and anti-government extremism; and that he had a mental illness. The horrific shooting tragedy in Arizona reopened the debate not only about gun control laws, but also about the influence of media exposure in certain violent crimes.

In the context of the criminal justice system, corrections is an important component that follows the court process after a defendant has been found guilty or that aids the court during the process prior to the sentence. We begin first by briefly introducing how criminal cases get to court through the police.

Police

When a crime is committed, a victim or witness reports the situation to the police. In serious cases, the police take the report in person and may collect evidence or testimony. In less serious cases, the victim reports by phone or the Internet. Other than traffic enforcement, it is clear that the police rely on citizens to bring most crimes to their attention. Then, based on the quality of this information, police can investigate further and then decide whether there is enough evidence to act. In less serious cases, such as exceeding the speed limit, police can decide to issue a warning or a citation. In more serious cases, such as domestic violence, an officer must arrest one or both defendants if there are visible injuries. When an arrest is made, the police drive the suspect to a city or county jail to be booked. In the most serious felony cases, the reporting officer relies on detectives to spend the time collecting evidence.
The police enforce the law, keep social order, and preserve public safety for their particular jurisdiction. For example, local police have boundaries within a city or county, while state police focus on highways and interstates within the state. A federal law enforcement agency enforces laws in places that are considered federal areas (such as national parks and post offices) or enforces violations of federal law (such as counterfeiting or terrorism) anywhere in the United States. In using their discretion, the police truly are the gatekeepers of the criminal justice system. Following an arrest or a citation, the case moves to the courts, which is the next social control agency.

**Pretrial/Courts**

The courts depend on the police's ability to identify the right suspect and to collect enough quality evidence, if needed, to corroborate the case. There are four main decision points that prosecutors have: initial case screening, charging, plea offers, and case disposition. At the initial case screening, prosecutors will likely dismiss cases if the evidence is weak or inadequately linked to that defendant for a particular offense. Depending on the jurisdiction and the severity of the offense, between one-third and one-half of all cases are dismissed.

Prosecutors will go forward with charging cases in which they believe there is enough evidence to hold the defendant accountable for the crime. A small percent of defendants (between 1 percent and 5 percent) request a criminal trial and enter a plea of “not guilty,” in which case, the decision lies in the hands of a judge or jury. While the average criminal trial lasts only one to three days, the court's docket is typically filled 12 to 18 months out, so a trial may not be decided until 18 months after the initial arrest. During this time, defendants with pending court appearances are out in the community on a bond that secures their reappearance, or they are on some form of pretrial supervision in the community.

The pretrial release decision is made following arrest so that defendants who qualify can be effectively released and supervised in the community prior to their next court date. This allows defendants to return to work or school and to prepare for their defense, and it keeps local jails from becoming too crowded while a criminal case is pending. A risk assessment instrument has been developed for the federal system to predict who would likely pose a threat to the public safety or likely not return for a later court appearance (Lowenkamp & Whetzel 2009).

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**Corrections as Community-Based or Institutional**

Misdemeanor or first-time felony offenders may be offered diversion. Upon successful completion of diversionary supervision, the offender’s charge is dropped and the individual does not have a formal record of conviction. If the offender on diversion supervision does not comply with the conditions, a formal execution of the sentence ensues and a record of the conviction remains.

The last two decision points for prosecutors are plea offers that lead to a recommendation to the judge for case disposition. Most defendants plead guilty, after which they are formally sentenced by the court. A wide variety of sentencing options are available within the correctional system continuum of sanctions. The continuum of sanctions means that correctional supervision typically involves combining one or more options within the community or an institutional setting to achieve more than one goal. In cases of petty offenses and misdemeanors, a citation may be issued for the payment of a fine. For nonviolent felony offenses, community-based supervision may be an option, while for predatory felony cases, the focus may be achieving public safety.
Community Corrections

Community corrections programs depend on correctional resources available in the community to assist the offender in seeking help and abiding by certain conditions. The philosophy behind community corrections assumes that most offenders have made poor decisions along the way, but their need to retain responsibility and/or change overrides their threat to public safety and therefore they do not require incarceration. Community correctional programs are more likely than jails and prisons to offer rehabilitation programs that meet the offender's court-ordered conditions. In addition, the offender can enlist the help of his or her family for support. Forms of community corrections include probation, restitution, electronic monitoring, and day-reporting centers. At times, all of these add-on alternatives may be used to excess and thus offenders on probation are required to do too much or to do more than they need for adequate punishment. Had these programs not been available, judges would have used straight probation anyway, but sometimes they have a tendency to use a sanction just because it's there—not because it truly benefits an offender. This principle is called net widening.

Institutional Corrections

Institutional corrections house offenders in an institutional environment, apart from their community, friends, and family. Visits are restricted to weekends if at all. Institutional corrections operate under the philosophy that some people need to be separated from the elements of daily life to protect others' safety or to pay for their crimes by having their freedom taken away. Jails are primarily for pretrial detainees who have not been convicted of a crime. Jails also detain people convicted of misdemeanors who are serving less than one year of time. Prisons are long-term institutions designed to house convicted felons who are serving more than one year of time. Furthermore, about 95 percent of incarcerated prisoners will be released someday, so we must consider their reentry back into the community. Only a very small number of offenders are locked up permanently. Some of the programs pictured in the orange boxes in Figure 1.3 can be used during stays of incarceration, on a case-by-case basis.

95% about 95 percent of incarcerated prisoners will be released someday, so we must consider their reentry back into the community.
Incarceration Rates

Despite recent declines in the use of prison, the U.S. incarceration rate per 100,000 men and women remains the highest in the world, surpassing all other countries. While other countries have been relatively steady, U.S. rates were similar to other European countries until the 1970s, but beginning in the 1980s, the United States began to increase incarceration for drug offenders and lengthy sentences for repeat and violent offenders. The war on drugs had a pronounced negative effect on increasing the percent of incarcerated women—who now comprise nearly 7 percent of the overall prisoner population in the United States. Tonry (2004) provided evidence that severe punishment has had little effect on decreases in crime. Over the last 40 years, the United States reached a high of over 700 people per 100,000. This number is more pronounced and deeply affects Latino and African-American communities.

Using arrest and incarceration as a control mechanism dates back to the end of the Civil War. Although slavery ended, many people of color were incarcerated for minor offenses and treated differently than Caucasians. Historians contend that dehumanization and differential treatment was simply transferred from slavery on plantation farms to prisons. Then it took a different form with regard to the southern states’ use of the convict leasing system. By the 1950s, African-Americans constituted about one-third of inmates admitted to prison (Mauer 1999). People of Hispanic descent have also experienced hardships with the criminal justice system on account of their heritage.

One perspective on why this is the case is that police may target people of a certain race/ethnic group more often than Caucasians and that increased police contact results in a greater likelihood of an arrest for some people because of their race or ethnicity. Studies investigating the “driving while black” (or “driving while brown”) phenomenon and various points in the criminal justice system, such as the charging decision or sentencing, support a view of racial bias in some jurisdictions. Another view suggests that while young males across all racial groups engage in criminal offenses in their teens and early 20s (as suggested by self-report data), African-American males engage in more violent felony offenses and continue offending behavior for a longer duration than males of other racial groups (Walker, Spohn, & Delone 2012). A third observation suggests that the war on drugs has worsened racial disparities in that it has affected both men and women from low-income, urban communities. These views by themselves clearly do not explain all cases, nor are they limited to African-Americans. History shows that arrest and incarceration has long been a tool to control and limit the lives of Native Americans, Latinos, and, most recently, undocumented immigrants (Walker, Spohn, & Delone 2012).

Racial disparities in corrections continue to widen and affect entire communities, many of which are poor communities that lack political influence. The corrections system, especially incarceration, hinders economic mobility of individuals and their children and thus hinders their ability to move up the economic ladder (The Pew Charitable Trusts 2010). These disparities, in turn, reinforce stereotypes that some people hold about dangerousness and who is perceived to be a criminal. It is precisely for these reasons that in this book, one common underlying theme that runs throughout is drawing attention to the history and contemporary situation of racial disparity and socioeconomic differences in the correctional system, where applicable.

7% women now comprise nearly 7 percent of the overall prisoner population in the United States.

Think About It...

About 7.3 million people are currently under some form of correctional supervision in the United States. Of this number, 2.3 million are serving time in local, state, and federal institutions, like the women pictured here. These numbers don’t even count the estimated 20 million people with felony records and the millions of people who have misdemeanors criminal records but are not currently in the system. The grand total could be as many as 100 million people nationwide with a criminal record of some kind (Cassidy 2010). Does knowing this change your perception of offenders?
A dubious distinction

In 2007, the U.S. had about 723,000 inmates in jails and 1.6 million in prisons, more prisoners than any other country.

U.S. vs. all other nations
Nations with the largest prison populations, latest available data (rate per 100,000 residents)

| Country   | Rate per 100,000
<table>
<thead>
<tr>
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<th></th>
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<tbody>
<tr>
<td>U.S.</td>
<td>2.3 million (751)</td>
</tr>
<tr>
<td>China</td>
<td>1.6 million (119)</td>
</tr>
<tr>
<td>Russia</td>
<td>888,200 (628)</td>
</tr>
<tr>
<td>Brazil</td>
<td>419,600 (219)</td>
</tr>
<tr>
<td>India</td>
<td>358,400 (32)</td>
</tr>
<tr>
<td>Mexico</td>
<td>217,400 (198)</td>
</tr>
<tr>
<td>Thailand</td>
<td>165,300 (253)</td>
</tr>
<tr>
<td>S. Africa</td>
<td>163,000 (341)</td>
</tr>
<tr>
<td>Ukraine</td>
<td>160,000 (345)</td>
</tr>
<tr>
<td>Iran</td>
<td>159,400 (222)</td>
</tr>
</tbody>
</table>

*Countries (in order of incarceration rate): Russia, Belarus, Georgia, Ukraine, Estonia, Latvia, Moldova, Poland, Lithuania, Azerbaijan, Czech Rep., Hungary, Slovenia, Romania, England & Wales, Bulgaria, Spain, Scotland, Albania, Netherlands, Portugal, Serbia, Turkey, Austria, Armenia, Germany, Croatia, Greece, Switzerland, Norway, Finland, Italy, Denmark.

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FIGURE 1.4 Incarceration Rates between the United States and Europe.
Source: Carr/MCT/Newscom

Media Influence on Public Opinion and Correctional Policy

The mass media provide us with global news, entertainment, and education and has perhaps the greatest influence on how most people learn and develop opinions about various social issues. The media also play a significant role in influencing public opinion and encouraging political involvement in the punishment of offenders. Public opinion on crime and punishment issues remain deeply rooted in television programs depicting crime scene investigations, courtroom dramas, and scenes of the agitated, difficult prisoner. News programs and newspapers remain wedded to headlining only the most horrific crimes that have occurred that particular day, while at the same time ignoring more common crimes (Dowler, Fleming, & Muzzatti 2006). This creates a public perception that violence is random and frequent, while ignoring the true likelihood of victimization of violence and its contributing factors.

Despite concerns about the economy, employment, education, health care, and dwindling social security, violent crime in the urban core dominates local news stations’ aims to increase ratings for a specific target audience (Yanich 2004). When it comes to discussing punishments for particular crimes, the media are not privy to attorney conversations about the lack of evidence that lead to possible dismissals, charge reductions, and plea bargaining, so only the maximum possible penalty is reported. When the actual sentence is later publicized, it is not surprising that citizens feel angered or disconnected with what they perceive as injustice. Being that crimes are rarely followed through the entire justice process, people rely on what they see on the latest episode of Law and Order or read on the latest blog and personal website page as representative of the “real” judicial process. Few people actually understand the realities of sentencing options and the correctional process. Yanich warns that viewers think that they are getting information about public issues when, more often than not, they are simply gathering factoids that have no useful purpose in public debate…. But, the news system communicates them to make us think that they do. Who among us can take the time to deconstruct a news story about a violent crime when we are bombarded by images of victims, suspects, and yellow crime scene tape? To understand that the reality that we are being shown is designed to hold us as consumers until the next commercial break and not to inform us as citizens? The danger is that we think that we are being informed, when in fact, we are only being sold. (2004, 560)

Research on media influence and crime indicates support for cultivation theory, otherwise known as the “mean world syndrome.” Cultivation theory suggests that violence in the media, by itself, does not cause individuals to become violent. Rather, repeated and cumulative exposure to violence eventually creates a sense of insecurity and irrational fear of violent victimization and anxiety about certain types of people (Gorham 2006). This leads to a potential for widespread “moral panic” about child abductions, child molestations, and homicide (Zgoba 2007).

The relationship between media and crime has other uses as well, such as criminals who directly contact the media themselves to use writers and reporters to convey a specific message. Another way criminals may use mass media is to create or visit websites to network with like-minded people. It is no wonder why repeated exposure to extreme crimes leads the average person to become confused and fearful about crime in general. When it comes to public opinion on punishments and treatment for people who break the law, the public seems to recognize that violence in the media, by itself, does not cause individuals to become violent. Rather, repeated and cumulative exposure to violence eventually creates a sense of insecurity and irrational fear of violent victimization.
Evidence-Based Practices

The Bureau of Justice Assistance (BJA) started the Justice Reinvestment Initiative in 2006 to address these budgetary concerns. In 2010 a National Summit was held and BJA was joined by nonprofit organizations such as the Pew Center on the States, the Council of State Governments Justice Center, and the Public Welfare Foundation. In February 2011 the report from the National Summit was released. The report concluded that incarceration is a very high cost response with very low positive returns on investment. Included in its recommendations were that correctional programs become more cost effective by using objective assessments to separate the offenders that pose the greatest risk to public safety from offenders who should be in community corrections programs that work. Technical assistance and financial grants were provided to states that used collected data to identify strategies to reduce costs and support the data analysis, policy recommendations, implementation, and measurement phases of the project.

The four-step Justice Reinvestment Initiative process is as follows:

1. Analyze trends to understand factors driving jail and prison population growth.
2. Develop and implement policy options to generate savings—examples include respond to offender risks and needs based on sustainable, evidence-based approaches; develop new approaches to promote successful offender reintegration.

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**TABLE 1.1**

<table>
<thead>
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<tbody>
<tr>
<td><strong>United States</strong></td>
</tr>
<tr>
<td>Judges and Prosecutors</td>
</tr>
<tr>
<td>Vulnerable to voting according to party lines or</td>
</tr>
<tr>
<td>according to what other states are doing</td>
</tr>
<tr>
<td>Reliance on federal funding; vulnerable to loss of</td>
</tr>
<tr>
<td>federal funding; 50 state systems</td>
</tr>
<tr>
<td>Micromanaged by legislators</td>
</tr>
<tr>
<td>Political action committees; lobbyists; appeal to</td>
</tr>
<tr>
<td>human emotions</td>
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</tbody>
</table>

POSSIBLE OUTCOMES OF EBP IN CORRECTIONS

An outcome is a way to measure whether a program or practice works. Outcomes will differ for each program, and there may be separate outcomes for various segments of a single program. Goals are typically focused on the offender and may include the following:

- Reduced number of new crimes committed while on supervision
- Reduced number of new crimes after supervision
- Reduction in the number of people who stay out of jail and/or prison
- Offender change in thinking patterns
- Increased number of drug-free days
- Increased number of days offender is working or employed while on supervision
- More effective assessments—matching risk and need with supervision levels

3. Reinvest money saved back into selected high-risk communities and other prevention-oriented strategies.

4. Measure the impact of policy changes and reinvestment resources.

At about the same time as the Justice Reinvestment Initiative began, the term evidence-based practices (EBP) also surfaced on the criminal justice scene. EBP is used in fields such as medicine, education, social work, and mental health. EBP allows academics and practitioners to come together with programs that work and make a difference on intended outcomes. In corrections, the chief concerns (and thus the intended outcomes) are achieving public safety through no new crimes while on supervision and reducing offender recidivism after supervision.

Before EBP, academic research may have been passed over as not necessary because practitioners may have felt that they could tell what works based on years of experience and anecdotal evidence. Some agencies had been reluctant to try anything new or better because “this is what we’ve always done.” EBP challenges anecdotal evidence by requiring programs to prove with statistical evidence that what they do works. If it doesn’t work, agencies are required to change to a curriculum or technique that has been shown in another jurisdiction to work with the offender population or risk funds going elsewhere to agencies that are adhering to performance-based outcomes.

How to Determine What Works

Evidence-based practice encourages academics to engage in policy-relevant research, while at the same time, requires agency practitioners to use programs that have been empirically shown through methodologically sound academic research to meet the intended outcome. So, only studies conducted with a strong methodology and those that have found a true difference are counted. This is harder to find than it sounds as only a small percent of published studies meet all the criteria for a quality study.

Does It Work?

- General academic focus on rigorous and well-thought-out program evaluations
- Determines what programs work, what is promising, what does not work, and what is unknown

Applying the Techniques

- The specific application of the most effective techniques within a program
- The most effective ways for staff members to relate to offenders

FIGURE 1.5

- Reduced number of new crimes committed while on supervision
- Reduced number of new crimes after supervision
- Reduction in the number of people who stay out of jail and/or prison
- Offender change in thinking patterns
- Increased number of drug-free days
- Increased number of days offender is working or employed while on supervision
- More effective assessments—matching risk and need with supervision levels

POSSIBLE OUTCOMES OF EBP IN CORRECTIONS

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Once a published study has been judged to be of high quality, or “rigorous,” it is considered to be part of the overall score card kept on the results of each correctional program or intervention. From there, a program needs a certain number of valid studies to be placed into one of four categories: what works, what’s promising, what doesn’t work, and what we need to know more about.

**EBP Techniques**

The “what works” literature is more general in terms of correctional philosophies achieved (such as deterrence, rehabilitation, and incapacitation), but it can also be targeted toward a specific outcome (such as recidivism reduction). Using EBP techniques, however, is more specific to how treatment interventions are implemented by practitioners when time and resources are limited. Agencies are increasingly required to continue to add to the body of knowledge by measuring what they do and having an evaluator statistically examine their data.

The basis of applying EBP techniques in corrections (pretrial or postconviction) begins with a valid assessment instrument to measure the level of risk the offender poses and

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**FIGURE 1.6** How to Identify RIGOROUS Studies Used in EBP.

<table>
<thead>
<tr>
<th>Inadequate for Evidence-Based Research if One or More Conditions Exist</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of quantitative statistical analysis</td>
</tr>
<tr>
<td>Sample size fewer than 40</td>
</tr>
<tr>
<td>No comparison group</td>
</tr>
<tr>
<td>Comparison group is too different from treatment group</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RIGOROUS Study if ALL of These Exist</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use of bivariate and multivariate statistical significance tests</td>
</tr>
<tr>
<td>Sample can be generalized to a larger population</td>
</tr>
<tr>
<td>Adequate sample size for each group</td>
</tr>
<tr>
<td>Random assignment*</td>
</tr>
<tr>
<td>Treatment group and an equivalent comparison group that has not been exposed to the program</td>
</tr>
<tr>
<td>Significant difference was found between treatment and control group that can be attributed to the program</td>
</tr>
<tr>
<td>Valid and reliable measuring instrument</td>
</tr>
</tbody>
</table>

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* True random assignment is rare in the social sciences, so there are plenty of quasi-experimental and matched group designs that are still considered rigorous.
Chapter 1
An Evidence-Based Approach to Corrections

...the problem areas (needs) that should be emphasized with the offender during his or her sentence. One of the most effective assessment instruments at the current time is the Level of Service Inventory-Revised (LSI-R). Once the risk and needs are accurately measured, correctional supervision and treatment can commence. Risk and needs assessments are also used to make decisions about prison custody level, housing, and institutional release.

Another technique of EBP is that intervention should be based on social learning and/or cognitive behavioral approaches. Treatment interventions should also match the learning styles, abilities, and demographics of the offender. For example, treatment interventions that are gender focused seem to be more effective than developing programs to help both men and women simultaneously.

Treatment interventions should target risk factors that are most closely associated with criminal behavior for the greatest gains in recidivism reduction. These factors include the following:

- Antisocial attitudes, values, beliefs, and emotional states (criminal thinking)
- Pro-criminal associates and isolation from pro-social associates
- Egocentrism, weak problem-solving and self-regulation skills
- Criminal history
- Familial factors (low levels of affection and cohesiveness, poor parental supervision and discipline practices, neglect and abuse)
- Low levels of personal, vocational, and educational achievement
- Substance abuse

Correctional treatment should actually target higher-risk offenders. Intensive treatment for lower-risk offenders can increase recidivism.

Finally, how staff members relate to offenders is extremely important to achieving lasting behavioral change. Staff should be well trained in criminal thinking errors, establishing rapport, increasing offender motivation, and using positive reinforcement with rewards and incentives over the use of instilling fear through negative reinforcement. The quality of the visit or appointment is more important than the quantity.

An EBP would also favor graduated sanctions over incarcerating someone for violating his or her probation or parole. At least six states—California, Florida, Kansas, New Hampshire, Pennsylvania, South Carolina—implemented evidence-based practices for offender supervision in 2010. An additional six states—Indiana, Iowa, Louisiana, Nevada, Oregon, and...

Glossary

Justice Reinvestment Initiative
A data-driven approach to encourage states to reduce correctional spending and reinvest savings in strategies designed to prevent crime. States and localities collect and analyze data on factors related to prison population growth and costs, implement changes to increase efficiencies, and measure both the fiscal and public safety impacts of those changes.

evidence-based practices
Correctional interventions for which there is consistent and solid scientific evidence showing that they work to meet the intended outcomes, such as recidivism reduction.

social learning
Changing old behavior through modeling new skills and desirable behavior.

cognitive behavioral approaches
Changing thinking patterns and habits that lead to criminal behavior, such as self-control, anger management, social perspective taking, moral reasoning, problem solving, and attitudinal change.

What Works
- Must have two or more RIGOROUS evaluations showing significant difference on the outcome between the group exposed to the program and the group not exposed

What’s Promising
- At least one rigorous study showing effectiveness or a significant difference between two groups

What Doesn’t Work
- At least two rigorous studies that have reported no significant difference on the outcome between the group exposed to the program and the group not exposed

What We Need to Know More About
- Not enough research conducted to draw any conclusions

Uniform Criteria for Classifying Correctional Practices.
Applying EBP techniques in corrections begins with a valid assessment instrument to measure the risk the offender poses and the problem areas (needs) that should be emphasized with the offender during his or her sentence.

Principles of Evidence-Based Practices.

Aid in Community Reentry and Positive Social Networks

Provide Feedback to Offenders, Staff, and the Public

Use Motivational Interviewing to Build Rapport

Make Intervention Specific to Gender, Culture, and Learning Styles

Use Cognitive-Behavioral Treatment

Assess Risk & Needs and Link to Treatment

Focus on High-Risk Offenders for 3–9 Months

Routinely Collect and Measure Outcomes

Rewards and Incentives—Use More Positive Reinforcement

Virginia—are considering the use of evidence-based or best practices in the future.

In conclusion, the complexity of public opinion, the interests of the media, and the factors that influence passing or not passing crime control legislation is indeed an important consideration as you read this book. Further, understanding the importance of using programs and strategies that work are a part of the evidence-based approach. We will refer to the two parts to EBP in this book as “does it work?” and “applying EBP techniques.” A final goal of this book is to provide a base for that knowledge so you can intelligently engage in a discussion of both philosophies of punishment as well as effective and salient correctional strategies.
Chapter 1: An Evidence-Based Approach to Corrections

THE CASE

Using EBP to Address Racial Disparities

Cases that are brought into the corrections system depend on decision making that occurs beforehand. No one knows that better than Milwaukee County district attorney John Chisholm. Chisholm was interested in collecting and analyzing evidence-based data to identify possible racial or ethnic bias in cases originating out of his Wisconsin county between arrest and sentencing. The ultimate goal was to build public confidence in the criminal justice process and to explain case outcomes from the courts to the corrections system. This was quite challenging because most case information in his office was maintained as hard copy files, and none of it was kept at any one agency. A team of experts listed key data that were necessary to assemble for each individual defendant to determine how a system operated during key discretion points in the process: arrest, initial case screening, charging, plea offers, and sentencing. Data were entered in a single computerized database, not only by individual defendant, but also including multiple charges, some of which were dismissed and others that were charged. The database also accounted for the various charges that may lead to different plea agreements and different sentences.

The data revealed a disparity in misdemeanor possession of drug paraphernalia cases. About 73 percent of non-white defendants charged with possession of drug paraphernalia were prosecuted, compared to only 59 percent of white defendants. Upon closer examination of the data, the disparity originated with differences in perceptions between prosecutors. Prosecutors with less experience aggressively prosecuted individuals arrested for possession of crack pipes but not individuals in possession of other forms of paraphernalia. More experienced prosecutors decided against pursuing most drug paraphernalia cases, seeing them as too minor and not worth the effort. Once the source of the disparity was identified, District Attorney Chisholm encouraged his junior prosecutors to view possession of paraphernalia as a treatment issue that qualified for dismissal or diversion rather than prosecution. He also implemented a policy that required prosecutors to seek a supervisor’s approval if they wanted to prosecute such charges.

Following that change in policy and practice, racial disparities in possession of drug paraphernalia disappeared.


The case in Milwaukee County raises several interesting questions:

1. Given that district attorneys like Chisholm are elected to their position, what are the potential ramifications for one’s political career of doing a study such as this? Is Chisholm a change agent or is he destined to end his D.A. career prematurely?

2. Decisions made by prosecutors are considered to be one of the most influential in the system, yet these decisions are rarely scrutinized. Should the scrutiny held to Milwaukee County prosecutors be expanded to other counties and even other states?

3. When it comes to issues of racial/ethnic disparity, how important is it that the public has confidence in our criminal justice system?
Describe how corrections is part of the larger criminal justice system and how decisions made along the way contribute to case dismissals, convictions, and potential disparity.

The three main social control agencies of the criminal justice system are the police, the courts, and the corrections system.

The police are the gatekeepers of the system. The courts depend on the efficiency and professionalism of the police to determine whether the suspected lawbreaker is the right suspect and whether this suspect broke the law in the manner that he or she is being accused. Corrections serve to carry out the sentence of the court.

1. What role do local police play, if any, in racial and economic disparity in jails and prisons?
2. How can prosecutors and/or judges correct racial and economic disparities that exist in their jurisdiction?
3. Do gender disparities exist in the corrections system? If so, where and how can these disparities be corrected?
4. If a case is dismissed, can the same case be brought up for prosecution at a later time? If so, how? If not, why not?
5. What circumstances about an offender’s past might make him or her a good candidate for pretrial community supervision?

Corrections programs involve not only individuals who have not yet been sentenced, but also misdemeanants and felons who have been formally convicted or have pled guilty.

Offenders who are in jail or prison are separated from the elements of daily life to protect the safety of others or to pay for their crimes by having their freedom taken away.

1. What factors determine if a case or an offender is qualified for diversion and who makes the decision?
2. Which crimes and/or offender situations would be best suited for community supervision, and why?
3. What crimes and/or offender situations would best qualify for institutional corrections, and why?

Compare and contrast both diversion and postsentencing options, and institutional- and community-based corrections.

diversion A form of community supervision for individuals who have not been formally sentenced, but who agree to complete stipulations such as treatment or community service in exchange for having their charges dropped.
continuum of sanctions One or more sentencing options within the community or an institution that can be combined with one another to achieve a range of sentencing goals.
community corrections Court-ordered supervision and treatment while the offender remains at liberty in the community.
net widening When offenders receive a level of correctional control or punishment that is greater than what they really require, resulting in bringing more people into the system.
institutional corrections Incarceration of offenders in a jail or prison, apart from the community.
Explain the key reasons for the rise in incarceration rates since the 1980s and the overall effect that it has had on individuals, communities, and the crime rate.

The U.S. incarceration rate per 100,000 men and women remains the highest in the world, yet incarceration is the most expensive option and yields only a small impact on the crime rate.

Incarceration negatively affects the emotional mobility of individuals and can impact entire communities, especially those areas that are underserved and are composed primarily of families of Latino and African-American heritage.

Increases in the prison population since 1980 are related to politicization of criminal behavior based on emotions, changes in sentencing laws for drugs and violent offenses, decreased rates of release on discretionary parole, and decisions made about responding to parole and probation violators.

LEARNING OUTCOMES

1. How much of the correctional system is a response to earlier decisions made by legislators, police, and courts?

2. If the United States has the highest incarceration rates in the world, is it because Americans are just more violent or criminal than the rest of the world, or are there other reasons? If so, what?

3. Why do incarceration rates have such a small impact on crime rates?

4. Can we build our way out of the crime problem enough to make a significant decrease in the crime rate? If so, how many people would need to be incarcerated to make this difference and at what cost? If not, what are other options?

INCARCERATION RATE The proportion of people in jail and prison per 100,000 residents in a given area.

ECONOMIC MOBILITY The likelihood at which individuals can rise and maintain a higher socioeconomic status than they were born into, through employment and earnings.

3. If citizens are in support of alternatives to prison, why haven’t we developed more programs and options in this direction?

4. What other ways exist to develop rational crime policies?

5. If we continue down the same path of prison expansion, how might other societal institutions be affected?

Analyzing the relationships among mass media, public opinion, and the making of correctional policy.

Media sources inform public opinion of crime and responses to it more often than learning experiences at school, home, or other settings.

Citizens are generally in favor of rehabilitation and prevention programs and support alternatives to incarceration when available.

U.S. crime policy making is unique compared to other Westernized countries, due to its system of electing or appointing state/local judges and prosecutors, legislative micromanagement of sentencing/parole, and state reliance on federal funding.

Correctional policy trends may not be representative of public opinion in the long-term, but they have affected the overall expansion of the corrections system, the growth of women under correctional supervision, the incarceration rate, and the burgeoning cost.

LEARNING OUTCOMES

1. What other ways do the media inform public opinion on social issues?

2. How have legislators been major definers of the “crime problem”?

3. What other ways exist to develop rational crime policies?

4. If citizens are in support of alternatives to prison, why haven’t we developed more programs and options in this direction?

5. If we continue down the same path of prison expansion, how might other societal institutions be affected?

Mass media Broadcast and print forms of expression for consumer news, education, and entertainment, such as television, movies, internet, DVDs, video games, radio, books, newspapers, and magazines.

Cultivation theory Repeated viewing and cumulative exposure to violence in the media eventually creates a sense of insecurity and irrational fear of violent victimization and about people in the world in general.

Crime control policy A course of action to respond to criminal behavior in the best interest of the public.
Characterize the meaning of evidence-based practices and why it is significant to improving the correctional system.

EBP requires agencies to use programs that have been empirically shown through methodologically sound academic research to work, thus becoming more effective over time at reducing recidivism.

Specific EBP techniques for lasting behavior change include assessing risk/needs, using cognitive behavioral approaches, having a program duration between three and nine months, targeting high-risk offenders, being responsive to demographics of the population, using motivational interviewing, and using rewards/incentives.

It is important that EBPs are continually measured through data collection, evaluation, and dissemination of that EBP practice or intervention so that minor adjustments may be made.

1. How does EBP help achieve public safety?
2. How is EBP different from correctional supervision used two decades ago?
3. Is EBP applicable to correctional officers in prison who are tasked with supervision of inmates but not treatment? If so, how? If not, why not?
4. Is EBP seen as more demanding for offenders overall or as an intervention that is less punitive?
5. How is EBP different from the Justice Reinvestment Initiative?

Justice Reinvestment Initiative A data-driven approach to encourage states to reduce correctional spending and reinvest savings in strategies designed to prevent crime. States and localities collect and analyze data on factors related to prison population growth and costs, implement changes to increase efficiencies, and measure both the fiscal and public safety impacts of those changes.

evidence-based practices Correctional interventions for which there is consistent and solid scientific evidence showing that they work to meet the intended outcomes, such as recidivism reduction.

social learning Changing old behavior through modeling new skills and desirable behavior.

cognitive behavioral approaches Changing thinking patterns and habits that lead to criminal behavior, such as self-control, anger management, social perspective taking, moral reasoning, problem solving, and attitudinal change.

Additional Links

Visit the National Conference of State Legislature website and click on the "bookstore" tab to learn what criminal justice books legislative staff members are reading: www.ncsl.org.

Check to see what correctional policies were a part of the 2010 legislative session in your state: www.ncsl.org/default.aspx?tabid=20763.

Visit the VERA Institute of Justice, Center on Sentencing and Corrections to review recent legislative trends in reducing prison populations: www.vera.org/content/continuing-fiscal-crisis-in-corrections.

View The Mean World Syndrome—a video by George Gerbner and Michael Morgan, about the effect of media violence on perceptions of the world using cultivation theory: www.youtube.com/watch?v=ylhqasb1chl&feature=related. A shortened explanation of this video is entitled Media as Storytellers: Nothing to Tell, but a Lot to Sell.

Watch a short video explaining evidence-based practices from George Keiser, the division chief of the National Institute of Corrections: http://nicic.gov/EvidenceBasedPractices.

Listen to how EBP can be applied in community corrections and to treatment programs by scrolling down to the list of previous podcasts from July 6, 2009: www.corrections.com/podcasts.