

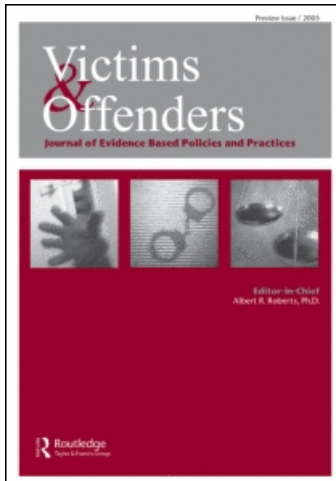
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### From Preentry to Reentry: An Examination of the Effectiveness of Institutional and Community-Based Sanctions

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# From Preentry to Reentry: An Examination of the Effectiveness of Institutional and Community-Based Sanctions

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**Abstract:** The following article examines the results of evidence-based reviews of what works in several areas, including the general and specific impact of prison and jail sentences, sentencing alternatives (or preentry strategies), and the recent proliferation of reentry initiatives. The findings included here underscore three points: (1) we need to greatly expand and improve our research base before evidence-based reviews are used as the basis for policy and practice; (2) given our uncertainty regarding the impact of *individual* offender-based change strategies, we need to consider how individual change may be related to community change; and (3) given the available evidence on general and specific deterrence, we need to rethink the purpose of current sentencing schemes.

**Keywords:** preentry, reentry, evidence-based practice, gold standard, bronze standard, individual offender-based change strategies, community change, specific deterrence, general deterrence, risk reduction, treatment-focused prisons, tipping point, intermediate sanctions, probation

## INTRODUCTION

The following article examines the results of evidence-based reviews of what works in several areas, including the general and specific impact of prison and jail sentences, sentencing alternatives (or preentry strategies), and the recent proliferation of reentry initiatives. Throughout this review, I have attempted to first highlight what we actually know about effectiveness and then offer my assessment of the implications of these findings for research, policy, and practice. The findings included here underscore three points: (1) we need to greatly

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expand and improve our research base before evidence-based reviews are used as the basis for policy and practice; (2) given our uncertainty regarding the impact of *individual* offender-based change strategies, we need to consider how individual change may be related to community change; and (3) given the available evidence on general and specific deterrence, we need to rethink the purpose of current sentencing schemes.

## THE SPECIFIC DETERRENT EFFECTS OF PRISON

When examining the specific deterrent effects of various sanctions—including prison—most researchers compare two or more sanctions directly. Ideally, this would be in a random assignment experiment, or a well designed quasi-experiment. In terms of specific deterrence effects on *individual* offenders, no methodologically rigorous evidence indicates that incarceration reduces an offender's risk of reoffending; in fact, when compared to similar groups of offenders placed in various noncustodial intermediate sanctions, prisoners generally reoffend at a higher rate (Farabee, 2005; Stemen, 2007). Any definitive statements on the comparative effects of incarceration versus nonincarcerative sanctions must await the completion of more—and higher quality—research, preferably using experimental designs.

Villettaz and associates (2006) conducted a systematic evidence-based review of prison versus community-based sanctions in conjunction with the Campbell Collaborative. They identified only five controlled or natural experiments on custodial versus noncustodial sanctions. They concluded that “although a vast majority of the selected studies show non-custodial sanctions to be more beneficial in terms of re-offending than custodial sanctions, no significant difference is found in the meta-analysis based on four controlled and one natural experiments” (Villettaz et al. 2006, p. 3).

This review has limitations. The meta-analysis was conducted with only five studies with different target populations (three adult, two juvenile) and different experimental and control group comparisons. One study comparing prison to probation (Bergman, 1976) showed probationers fared significantly better. However, a second study comparing prison to community service had mixed results (Killias, Aebi, & Ribeaud, 2000), and a third natural experiment comparing the effects of a 14-day prison term to a suspended sentence reported mixed results as well (Van der Werff, 1979).

Systematic, evidence-based reviews are only useful to the field when sufficient numbers of well designed research studies are available for review. Obviously, this is not the case here. Although of poor quality overall, experimental and quasi-experimental research challenges the underlying assumptions of the classical, deterrence-based theories of crime causation. However, the higher recidivism rates generally reported in these quasi-experimental research studies for prisoners (compared to nonprisoners) provide evidence

that the prison typology did, in fact, select a target group of convicted offenders who posed a *greater* risk of reoffending than those sentenced to a community-based sanction. Is it selection bias or an intervention effect? There is no way of knowing for certain. This is the limitation of moving from a gold standard evidence-based review, which focuses only on the results of experimental research, to a less rigorous “bronze” standard, which incorporates the results of experimental—and high quality quasi-experimental—research.

Despite this caveat, it appears that we are better at identifying *risk level* than at developing strategies that result in *risk reduction*. Nonetheless, it is possible that the *prison experience* increased the risk posed by prisoners after release (Byrne, Hummer, & Stowell, 2008). But it seems obvious that some individuals exhibit behavior that can only be addressed in institutional settings; it is a sad reality that a number of the individuals sent to prison need to be there for the safety of the community.

According to two recent systematic, evidence-based reviews, prisoners who receive treatment in prison have fewer incidents of misbehavior while in prison (Byrne & Hummer, 2008) and fare significantly better after release from prison than prisoners who receive no treatment (MacKenzie, 2006). Although the reported effect sizes for prison treatment and program participation are modest (a 10% reduction in recidivism after release using standard follow-up measures), they are likely to be higher in prison systems designed to focus on offender change rather than offender control (Byrne & Pattavina, 2007; Farrington & Welsh, 2005).

Comprehensive assessment-oriented and intensive treatment-focused prisons are the appropriate classification for some convicted offenders not because the prison experience deters these individuals from future crime; rather, prison is the appropriate location (and control level) for the provision of treatment and services targeted to specific types of offenders (e.g., sex offenders, drug offenders, mentally ill offenders, batterers, violent offenders, etc.). The key is to identify the subgroup that requires this level of intervention; the assumption is that we can reduce the prison population, and provide more services to incarcerated offenders without threatening public safety, a point argued by those in favor of downsizing prisons (Jacobson, 2005) and by advocates of prison reform (or rather, prison transformation) (Deitch, 2004; Gibbons & Katzenbach, 2006; Maruna & Toch, 2005).

## THE GENERAL DETERRENT AND INCAPACITATION EFFECT OF PRISON

Stemen (2007) found that variation in effect sizes across studies of the general deterrent effect of prison could be attributed to how the effectiveness of the prison sentence is determined; the use of comparison groups or comparison policies; the criterion measure employed; the statistical procedures applied; and whether cost effectiveness comparisons were included. Despite these cross-study differences, this body of research can be used to answer the question

of whether prison works as a general deterrent. By focusing on the results of research conducted at different levels of aggregation with appropriate statistical controls for simultaneity, a clearer picture of the general deterrent impact of incarceration begins to emerge (Levitt, 1996; Spelman, 2000, 2005).

At the *national* level, a 10% increase in the rate of incarceration is estimated to result in a 4% decrease in the rate of index crimes, with estimates of the impact on violent crimes between 3.8% and 4.4%. Studies claiming larger reductions in crime (between 9% and 22%) using national level data did not include controls for simultaneity. At the *state* level, a 10% increase in the incarceration rate is associated with a decrease in the crime rate between 0.11% and 4%. At the *county* level, a 10% increase in incarceration is associated with a 4% reduction in the crime rate (Stemen, 2007). Hence, our recent incarceration binge has had—at best—only a modest impact on crime rates at the national, state, and local levels.

Two recent studies provide support for the contention that there is a “tipping point” for incarceration levels at the state and neighborhood level (Clear, Rose, Waring, & Scully, 2003; Liedka, Piehl, & Useem, 2006; Rose & Clear, 1998). Incarceration reduces crime, but only up to a point. Once the incarceration rate hits a certain level (at the state level the tipping point appears to be around 325 inmates per 100,000 population), crime rates actually increase. Although they do not identify a specific neighborhood-level tipping point, Rose and Clear (1998) explain that “high rates of imprisonment break down the social and family bonds that guide individuals away from crime, remove adults who would otherwise nurture children, deprive communities of income, reduce future income potential, and engender a deep resentment toward the legal system” (Rose & Clear, as summarized by Stemen, 2007, p. 6).

Finally, most of the research on general deterrent effects does not include an examination of various “what if” scenarios—what if we spent the same money used to expand our prison capacity on other strategies designed either as a general deterrent (e.g., police) or as a risk reduction strategy (education, treatment, employment, wages)? According to Stemen (2007), Wilson (2008), and others, only about 25% of the major crime drop that occurred in the United States between 1990 and 2005 is linked directly to our increased use of incarceration (Pew Center on the States, 2009). The other 75% of the drop can be attributed to a variety of other factors—fewer “at risk” youth in the general population, a decrease in crack cocaine markets, lower unemployment rates, higher wages, higher graduation rates, the recent influx of Latino immigrants, and changes in police strength and arrest tactics (Levitt, 2004; Sampson & Bean, 2006).

## PROBATION

No systematic, evidence-based review of probation research has been conducted since the release of Martinson’s now famous “nothing works” review

(Lipton, Martinson, & Wilks, 1975). Similarly, very little is known about the effectiveness of our parole system, apart from a few studies that highlight the high return to prison rates for different cohorts of parolees over the past three decades (e.g., National Research Council, 2007); there are few independent, external evaluations of the effectiveness of our federal probation system.

We do know that traditional probation and parole programs are not as effective today as they were 30 years ago; we just do not know why, because the necessary research has not been done. In 2005, only 59% of probationers and 45% of all parolees successfully completed their supervision terms; the failures were due to rearrest or technical violation (Byrne, 2008). Any serious discussion of new strategies for addressing the offender recidivism problem must begin with an examination of the reasons why these programs—the core of our correctional control strategy—are ineffective.

## INTERMEDIATE SANCTIONS

A wide range of programs can be examined under the general heading of intermediate sanctions, but systematic evidence-based reviews can only be identified for three sanction types at this time: intensive supervision, electronic monitoring programs, and boot camps. MacKenzie (2006) reviewed the research on the effectiveness of both intensive supervision and electronic monitoring programs. She identified 16 separate intensive supervision programs and 9 electronic monitoring programs that met her minimum review criteria. She reported that “a large body of research, including random assignment studies, consistently shows the failure of ISP and EM to lower recidivism” (2006, p. 323). Similarly, negative findings were reported in a recent evidence-based review by Wilson, MacKenzie, and Mitchel (2008), which was based on a review of 14 adult boot camp programs. However, much of the research on intermediate sanctions compares cohorts of offenders placed in an intermediate sanction program to a comparison group of offenders placed under probation supervision. We don’t know how intermediate sanctions stack up against prison/jail sanctions, because the necessary research addressing this critical question has yet to be conducted.

Recent reanalysis of the research on intensive probation supervision suggests a more nuanced view of its effectiveness (Byrne, 2009a). In intensive supervision programs developed in the mid-1980s that emphasized treatment (in Massachusetts and California), significant reductions in recidivism were reported. In addition, many of the evaluations included in the original review did not include an implementation assessment; one study that measured implementation found that effectiveness varied by level of implementation. These findings suggest the need for program evaluators to measure implementation as well as impact and for program developers to design community supervision programs with significant treatment components. Finally,

new-generation proactive community supervision programs—designed to target high risk offenders, high risk times, and high risk places—have yet to be fully implemented, and as a consequence the necessary empirical research has yet to be conducted on the effectiveness of this strategy.

## **PRISON REENTRY**

Despite the proliferation of evidence-based reentry guides found on federal agency Web sites in recent years, no systematic, evidence-based review of prison reentry programs has been completed to date. The lack of quality research on prison reentry was highlighted in the recent review of parole and the desistance process by the National Research Council (2007). However, several interesting state-level reentry program models are available for review (for an overview see Byrne et al. 2002; Travis & Waul, 2003), along with the results of implementation reviews of selected reentry programs across the country. In terms of specific intervention strategies, it appears that whether the focus of offender reentry programs is on employment, housing, or individual transformation, we should not anticipate significant reductions in recidivism and community-level crime unless we also address the need to transform the high risk communities in which offenders reside (Byrne, 2009b).

## **CONCLUDING COMMENTS: THE LIMITS OF REFORM**

A careful review of the available evidence-based reviews on the effectiveness of current sentencing and corrections strategies suggests that we are much better at controlling offenders than we are at changing their behavior. This leads to a broader question: why do we criminalize certain behaviors—drug use in particular—in the first place? The answer will not be found in an evidence-based review, but it is a question that needs to be answered. In my view, it is difficult to understand our continued reliance on mandatory prison terms for drug offenders, and for offenders—many of whom with substance abuse and mental health problems—convicted of nonviolent crimes. If our goal is to change the behavior of offenders with drug problems, then the system will need to move away from deterrence-based approaches and incorporate evidence-based treatment-driven strategies at all levels (federal, state, and local). In developing these strategies, it is critical to address the underlying community context in which this behavior (drug use) occurs. Expanding the availability of treatment for offenders in our probation and prison system is a necessary first step, but individual offender rehabilitation programs represent only a partial answer to a complex problem.

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