

What Works in Prison Reentry: A Review of the Evidence

Testimony:

**Subcommittee on Commerce, Justice, Science, and Related Agencies
Alan Mollohan (WV), Chair**

March 12, 2009

Given by:

James M. Byrne, Ph.D.

Professor

Department of Criminal Justice and Criminology

University of Massachusetts, Lowell

Lowell, MA 01854



Highlights of Testimony:

- We need to examine the research on *pre-entry* --focusing on both the decision to incarcerate and what happens in prison-- in conjunction with *reentry*.
- A recent systematic, evidence based review of the research on the effectiveness of *incarceration* compared to other sanctions was inconclusive, due to the small number of quality research studies available for review.
- Systematic, evidence-based reviews of the research on the effectiveness of traditional *probation* have not been completed, because the necessary quality research has not been conducted.
- Systematic, evidence-based reviews of selected *intermediate sanctions*—intensive supervision, electronic monitoring, boot camps—have demonstrated that control-focused sanctions are ineffective(in terms of recidivism reduction).
- Systematic, evidence-based reviews of *prison treatment* and programming have revealed that these programs reduce prison violence and disorder, while also resulting in small, but statistically significant, reductions in subsequent recidivism upon reentry.
- Systematic, evidence-based review of the effectiveness of both traditional *parole* and the new wave of *prison reentry* programs can not be presented, because the necessary evaluation research on the implementation and impact of these programs has not been completed.
- We need to consider new ways of funding reentry programs, which require grantees to allow *independent, external evaluations* of both implementation, and impact. We should not allow jurisdictions to “pick” their evaluator, because it undermines the integrity of the review process.

1. The Current State of Evidence-Based Reviews

Much of the recent discussion of “what works” in corrections has been based on evidence-based reviews of the research on a particular topic of interest (e.g. the use of incarceration, prison-based treatment programs, community-based sanctions, prison reentry). The proliferation of “what works” reviews run the gamut from high quality, well-designed “scientific” reviews on the one hand to low quality, poorly designed unscientific reviews (otherwise known as nonsense) on the other. Before we examine the available evidence of the effectiveness of various institutional and community control strategies, we need to distinguish the “science from nonsense” among the current wave of evidence-based reviews.

Essentially, there are three basic types of evidence-based reviews: (1) the “gold standard” review focuses only on randomized, controlled experiments, following the lead of the hard sciences; (2) the “bronze standard” includes both experimental and (well-designed) quasi-experimental research (that includes comparison groups); and (3) the unscientific (or what I refer to as nonsense) approach of self-selecting a number of studies in an unsystematic manner, including experiments, quasi-experiments, and non-experimental research. The unscientific reviews are typically written by advocates of a particular program or strategy (both liberal and conservative). In the most extreme form, the authors of the review simply allude to an evidence-based review or “best practices”, with no supporting documentation and/or an evidence-based review to support their recommendations. Unfortunately, much of what is currently touted as “evidence-based” research reviews in the field of institutional and community corrections falls into this last category.

The “gold standard” for evidence-based research reviews mandates that at least two randomized field experiments must have been conducted on a particular program/strategy before we can offer an assessment of “what works” (see, e.g. the reviews conducted for the Cochrane Collaboration at

www.campbellcollaboration.org). When applied to institutional corrections, for example, the use of this gold standard results in a simple conclusion: we simply don't know what works (and what doesn't work) with offenders in correctional settings. Since 1980, only fourteen (14) randomized experiments have been conducted in corrections (Farrington and Welsh, 2005), including seven evaluations of *juvenile* corrections programs, [two evaluations of scared straight programs for male juveniles, four evaluations of boot camps for male juveniles, one evaluation of a juvenile treatment facility (Paint Creek)] and seven evaluations of *adult* corrections programs [three evaluations of therapeutic communities for adult drug-involved inmates, and four evaluations targeting male prisoners placed in one of the following four treatment programs: reasoning and rehabilitation, social therapy, moral reconnection therapy, and cognitive behavior treatment]. Obviously, much more rigorous evaluation research will have to be conducted before *gold standard* "evidence-based reviews" can be used to guide corrections practice in either adult or juvenile corrections facilities in the United States.

One solution to the problems associated with applying the "gold standard" to the current body of corrections research is offered by the Campbell Collaborative--lower your standards for including studies in your evidence-based reviews. Using what some have called a "bronze standard", members of the Campbell Collaborative have conducted evidence-based reviews of a wide range of criminal justice interventions. Based on this relaxed standard, both experimental and well-designed quasi-experimental research studies (levels 3, 4, 5 on a quality scale ranging from 1 (low) to 5 (high)) would be examined. For a specific program or strategy to be deemed effective, at least two level 3 (or higher) studies would be needed, with supporting research from the majority of lower quality evaluations (levels 1 or 2). Several of the systematic, evidence-based reviews I highlight in the following section use this relaxed standard for study identification and review; as I demonstrate, different review standards will result in different assessments of "what works".

2. A Review of the Research to Date

In the following section, I highlight the results of the available gold and bronze standard evidence-based reviews of what works in each of the following areas: prison, probation, intermediate sanctions, parole, and offender reentry.

2a. The Specific Deterrent Effects of Prison

In terms of specific deterrence effects on *individual* offenders, there is no methodologically rigorous evidence that incarceration reduces an offender's risk of re-offending upon return to the community; in fact, it appears that when compared to similar groups of offenders placed in one of a range of alternative, non-custodial intermediate sanctions, prisoners actually re-offend at a higher rate (Stemen, 2007; Farabee,2005). Unfortunately, any definitive statements on the comparative effects of incarceration versus non-incarcerative 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 vs. community-based sanctions in conjunction with the Campbell Collaborative. Villettaz, et al.(2006), identified only five controlled or natural experiments have ever been conducted on custodial versus non-custodial 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.,2006:3).

When considering the results of this evidence-based review it is important to keep in mind that only three of the five experiments included in the review targeted adult offenders. 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, and Ribeaud, 2000), while 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). Two thoughts come immediately to mind: first, you don't conduct a meta-analysis on just five studies, especially if these studies have different target populations (3 adult,

2 juvenile) and different experimental and control group comparisons (see above); second, systematic, evidence-based reviews are only going to be useful to the field when sufficient numbers of well designed research studies are available for review. Obviously, this is not the case here.

I focus on the findings of this systematic, evidence-based review to highlight the potential dangers inherent in an over-reliance on meta-analysis techniques to analyze studies that are as different as apples and oranges; this problem is compounded by the decision to use the “gold standard” and exclude the quasi-experimental research from this analysis. The conclusions reached in the Villettaz, et al (2006) systematic review focused exclusively on the five experimental studies examined in their meta-analysis, and did not include the other 18 studies they identified meeting the study’s minimum review criteria. Eleven of these 18 studies showed positive effects for a range of non-custodial sanctions, including probation, home confinement, community service, and mandatory alcohol treatment in drunk driving cases. Only two studies showed positive effects for a prison sanction (prison fared better than electronic monitoring , but only for low risk offenders; shock incarceration fared better than probation). The remaining five studies identified no significant differences between experimental (three prison, two shock incarceration) and control (home confinement, probation, community service, and no prison) groups.

In my view, the available experimental and quasi-experimental research findings—although of poor quality overall-- challenge the underlying assumptions of the classical, deterrence-based theories of crime causation that provide the basic foundation for the prison typology we use to justify our reliance on prison for a wide range of offenders. However, I offer one possible caveat: it could be argued that the higher recidivism rates generally reported in these quasi-experimental research studies for prisoners (compared to non-prisoners) do provide evidence that the prison typology did, in fact, select a target group of convicted offenders who posed a *greater* risk of re-offending than those sentenced to some form of 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 to a less rigorous “bronze” standard.

Despite this caveat, it appears that we are better at identifying *risk level* than at developing strategies that result in *risk reduction*. I am not arguing that currently sentencing schemes are accurate, because it is entirely possible that the *prison experience* increased the risk posed by prisoners upon release to the community(Stowell and Byrne, 2008). But it seems obvious that there are some individuals who 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.

Can offenders be changed during their time in prison, or is the most we can hope for a short-term incapacitation effect and relief on the part of victims that these offenders are “out of sight and out of mind”, at least temporarily? The answer appears to be that it depends on whether you design a prison system that focuses on offender control or offender change (in those areas that *can* be changed, such as educational deficits, employment skills, addiction issues, and mental health). According to two recent systematic, evidence-based reviews of prison-based treatment programs, prisoners who receive treatment in prison have fewer incidents of misbehavior while in prison (Byrne, Hummer, and Taxman, 2008), and fare significantly better upon release from prison, than prisoners who don't receive treatment (MacKenzie, 2006). Although the reported effect sizes for prison treatment and program participation are modest (a 10% reduction in recidivism upon release using standard follow-up measures), there is reason to anticipate improvements in these effects in prison systems designed to focus on offender change rather than short-term offender control (Welsh and Farrington, 2006; Byrne and Pattavina, 2007).

In my assessment, *comprehensive assessment-oriented and intensive treatment-focused prisons* may be the appropriate classification for some convicted offenders, but not because there is evidence that the prison experience will deter these individuals from future involvement in crime; rather, prison may represent the appropriate location (and control level) for the provision of the types of treatment and services targeted to the offender typology being used (e.g. sex offender, drug offender, mentally ill offender, batterer, violent offender, etc.). The key is to identify the subgroup of all convicted offenders that will require this level of intervention; the assumption here is that we can reduce the size of prison population, and provide more services to the group of offenders we do incarcerate, without threatening public safety. This is precisely the point being argued by those in favor of downsizing prisons (Jacobson, 2005) and by advocates of prison reform (or rather prison transformation), who argue that we need to replace “bad” control-oriented prisons with “good” change oriented prisons (Maruna and Toch, 2006; Deitch, 2004; Gibbons and Katzebach, 2006).

2b. The General Deterrent and Incapacitation Effect of Prison

My examination of the research on the general deterrent effect of prison underscores the observation attributed to Mark Twain: “there are three types of lies- lies, damn lies, and statistics.” In his recent, detailed review of the research on the impact of prison on crime, Stemen (2007) found that variation in effect sizes across studies—for the studies looking to demonstrate a general deterrent effect in particular-- could be attributed to such factors as (1) how the effectiveness of the prison sentence is to be determined (e.g. impacts on individuals, impacts on neighborhoods, state or national level effects);(2) the use of comparison groups and/or comparison policies;(3) the criterion measure employed (violent crime, overall crime); (4) the statistical procedures, including controls for simultaneity , that were applied; and (5) whether cost effectiveness comparisons were included(e.g. if you spent the money on such alternative crime reduction strategies as improving treatment, the quality of education, early childhood intervention, or employment/ anti-poverty initiatives that you spent on incarcerating an increased number of offenders, what would be the crime reduction effect?).

Despite these cross-study differences, I agree with Stemen (2007) that it is possible to use this body of research to answer the question that policymakers and the general public continually ask: does prison work as a general deterrent? By focusing on the results of research conducted at different levels of aggregation with—where available-- appropriate statistical controls for simultaneity, a clearer picture of the general deterrent impact of incarceration begins to emerge (Levitt, 1996; Spelman,2000; Spelman,2005). At the *national* level, a 10 percent increase in the rate of incarceration is estimated to result in about a 4 percent decrease in the rate of index crimes, with estimates of the impact on violent crimes between 3.8 and 4.4 percent. Studies claiming larger reductions in crime (between 9 and 22 percent) using national level data did not include controls for simultaneity. Based on *state* level data, a 10 percent increase in the incarceration rate is associated with a decrease in the crime rate between 0.11 and 4 percent. At the *county* level, a 10 percent increase in incarceration is associated with a 4 percent reduction in the crime rate (Stemen, 2007).I agree with Spelman, Levitt and others who have concluded that our recent incarceration binge has had—at best—only a modest impact on crime rates at the national, state, and local level.

One underlying assumption of general deterrence is that the costs of a particular prohibited behavior must outweigh the benefits of the action, but only marginally, for an individual to be deterred. There is no assumption that

more punishment translates into more compliance with the law. Indeed, too much punishment could have the opposite effect. Two recent studies provide support for this contention, suggesting that there is a “tipping point” for incarceration levels that can be demonstrated at both the state level and the neighborhood level (Liedka, Piehl, and Useem, 2006; Rose and Clear, 1998; Clear, Rose, Waring, and Scully, 2003). Incarceration reduces crime, they argue, but only up to a point. Once the incarceration rate hits a certain level (at the state level the tipping (or inflection) 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 why they believe this occurs at the local level: “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. As a result, as communities become less capable of maintaining social order through families or social groups, crime rates go up” (Rose and Clear, as summarized by Stemen, 2007:6).

The implication of this new research on possible tipping points is not that we should abandon prison as a sanction, but that we need to be parsimonious in its application. When viewed in the context of a typology, it is apparent that definitions of the “in-prison” group were expanded in the 1980’s to include “large numbers of nonviolent marginal offenders” (Stemen, 2007: 8). Since there is no evidence that this expanded definition had an added effect on crime rates (Zimring and Hawkins, 1997), it makes sense to consider our earlier, more restricted definitions of who should be considered for prison, which focused primarily on the identification of serious, violent offenders.

Finally, it is worth noting that much 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), Blumstein(2008), Wilson(2008), and others, only about 25 percent of the major crime drop that occurred in the United States between 1990 and 2005 appears to be linked directly to our increased use of incarceration(Pew Center on the States, 2008,Pew Center on the States, 2009). The other 75 percent of the drop can be linked to a variety of other factors, including fewer “at risk” youth in the general population, decrease in crack cocaine markets, lower unemployment rates,

higher wages, higher graduation rates, the recent influx of Latino immigrants, and of course, changes in police strength and arrest tactics (Leavitt, 2004; Sampson and Bean, 2006) According to Stemen (2007), a review of the research on several of these factors suggests that they offer more crime reduction benefits than prison expansion, at much less cost.

Consider the following:

(1) a 10 percent increase in the size of a city's *police force* was associated with an 11 percent lower violent crime rate and a 3 percent lower property crime rate (using county level data);

(2) a 10 percent decrease in the state's *unemployment* rate corresponded with a 16 percent reduction in property crime, but had no effect on violent crime(state and county level data);

(3) a 10 percent increase in *real wages* was associated with a 13 percent lower index crime rate, a 12 percent lower property crime rate and a 25 percent lower crime rate at the national level; state level analyses identified a 16 percent lower violent crime rate; and individual-level analyses reveal that a 10 percent increase in real wages is associated with a 10 percent decrease in crime participation; and

(4) a one year increase in the average *education* level of citizens resulted in a 1.7 percent lower index crime rate, while a 10 percent increase in graduation rates resulting in a 9.4 percent reduction in the index crime rate and a 5-10 percent reduction in arrest rates, through the increased wages associated with graduation (as summarized by Stemen, 2007: 9-12).

While the link between police strength (more police per capita), arrest levels (more arrests, especially for public order offenses) and subsequent reductions in crime is certainly consistent with deterrence-based strategies, few research studies have compared the crime reduction effects of both strategies. And perhaps more importantly, it seems clear from my brief review that research on the general deterrent effect of incarceration should always be examined in the broader context of non-deterrence based social policy changes that may achieve the greater crime reduction effects at a fraction of the cost.

2b. Probation and Parole

Despite the fact that probation is the sanction of choice in this country, there are very few quality research studies that have been conducted on the effectiveness of traditional 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, and Wilks, 1975). Similarly, we know very little 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 (see, e.g. National Research Council, 2007 for an overview). We do know that traditional probation and parole programs are not as effective today as they were thirty years ago; we just don't 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 and/or a technical violation (Byrne, 2008). Any serious discussion of new strategies for addressing the prison reentry problem must begin with an examination of the reasons why these programs—the core of our correctional control strategy—are ineffective. As my colleague, Faye Taxman, has suggested, we spend too much time and evaluation effort focusing on small, boutique programs and not enough on traditional programming.

2c. 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" (2006:323). Similarly, negative findings were reported in a recent evidence-based review by Wilson, MacKenzie, and Mitchell (2003 study; 2008 update), which was based on a review of 14 adult boot camp programs.

However, recent reanalysis of the research on intensive probation supervision suggests a more nuanced view of the effectiveness of each of this sanction. In those intensive supervision programs that placed an emphasis on 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; the one study that measured level of implementation found that effectiveness varied by level of implementation. These findings point to the need for reentry program evaluators to measure implementation as well as impact, while also underscoring the need for reentry program developers to design community supervision programs with significant treatment components.

2d. Prison Reentry

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). At this point, we have several interesting reentry program models available for review (see Travis and Waul, 2003; Byrne, et. al, 2002 for an overview), along with the results of implementation reviews at selected reentry programs across the country. However, Mackenzie’s recent evidence-based review of a wide range of prison and community-based cognitive behavioral interventions, drug treatment programs, vocational programs, and offender employment programs is certainly worthy of careful consideration by reentry program developers. According to MacKenzie:

“ As reentry programs are developed and implemented, there will be a temptation to focus on programs that increase opportunities for work, reunite families, and provide housing...However, my “what works” review suggests that an emphasis on these opportunities for ties with the community will not be effective if there is not also a focus on individual-level transformation. The results from my review suggest that such opportunities should be preceded by programs focusing on changing the individual through cognitive change, education, or drug treatment” (MacKenzie, 2006:339). I would venture that whether the focus of offender reentry programs is on employment, housing, or the types of individual” transformation” just

mentioned, 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.

3. A Modest Strategy to Improve Correctional Research

For a variety of reasons, institutional corrections managers have not typically supported the use of independent, external evaluations of corrections programs (and strategies) in their facilities and programs; a similar situation exists in our community corrections system. As a result, only a small number of external, independent evaluations have been conducted; and with only a few exceptions, these evaluations are often of such poor quality that they would not be included in the systematic reviews of “evidence-based practice” that legislators and policymakers are now using as a blueprint for organizational change in corrections systems across the country. Because of this longstanding resistance to external, independent evaluation, today’s corrections managers are at a distinct disadvantage, because they are unable to cite “best practices” (or evidence-based reviews) either to support their request for new resources, (and programs) or to bolster their claim of organizational effectiveness (and, of course, good management).

Given the dearth of quality evaluation research, not only on prison reentry, but also on the full range of institutional and community corrections programs in this country, an obvious question must be asked: what can we do? My recommendation would be to require agencies (receiving reentry or other special funding) to allow external independent evaluations of both levels of program implementation and impact. In those programs where implementation levels are found to be high, randomized field experiments and/or high quality quasi-experimental evaluations should be conducted as well. I would not mandate an impact evaluation in the first year of a new program, because it takes time for a new program to be fully implemented. However, assuming full implementation by the end of year one, researchers should be allowed to proceed to the impact evaluation phase.

In the past, solicitations for evaluation funding often required researchers to obtain letters of support from the programs/ jurisdictions they propose to evaluate. This could potentially result in a situation where evaluators may directly or indirectly be pressured to

“promise” a positive, non-critical review in exchange for access/support. Over time, this will result in good evaluators being locked out of the review process, because the program managers fear a critical review. One way to address this potential problem is to allow the funding agency to (1) mandate cooperation from sites receiving funds,(2) select the evaluation sites and then(3) send out a solicitation for competitive grant applications.

4. Evaluating the next generation of correctional treatment and reentry programs: Opportunities and constraints

In a recent article in *Criminology and Public Policy* (Byrne, 2008:263-274), I offered the following assessment of “what works” in corrections:

There is no reason to doubt the claim that rehabilitation is back in vogue in the United States; for many critics of current correctional policies, this rediscovery of individual offender rehabilitation is long overdue (Cullen, 2007; Jacobson, 2005, MacKenzie, 2006). However, it certainly appears that there is something fundamentally different about the current policy debate about the need to infuse corrections programs with a healthy dose of rehabilitation. Individual offender rehabilitation is being presented to the public at large—and to federal and state policymakers in particular—as the single most effective crime control strategy currently available. The argument is simple, seductive, and not all that offender friendly: don’t provide convicted offenders with treatment because it will *help* them as individuals. After all, better education, better mental and physical health, better personal relationships, better housing, and better job skills are all laudable features of individual offender transformation, but doesn’t everyone deserve these opportunities for personal improvement? We need to provide rehabilitation to these individuals, not because it is the right thing to do, but rather because the provision of rehabilitation has been demonstrated to significantly reduce the likelihood of re-offending, which makes us--and our communities --safer. We are not doing it for them; we are doing it for ourselves and our communities.

Of course, some would argue that this represents one of the **big lies** of individual offender rehabilitation, because even significant reductions in the recidivism of the seven million offenders currently under correctional control in this country will not likely change the crime rates of most communities, because offenders do not live—in large numbers-- in *most*

communities. They live in a small number of high crime/ poverty pocket neighborhoods in a handful of states. For example, California and Texas alone account for almost a quarter of all offenders under correctional control in this country today; and within both states, offenders are clustered in a small number of high risk neighborhoods (Byrne, 2008). While crime rates have been steadily dropping across the country over the past thirty years, these high crime/ poverty pocket areas have not changed for the better; in fact, just the opposite is true (Sampson and Bean, 2006). Since residents of these communities do not have the social capital to adequately address the long-standing problems found in high risk, poverty pocket areas, the prospects for community change are bleak, with some arguing that *relocation* may be the only viable strategy at this time; even here, the research on the impact of large scale relocation experiments offers—at best—a mixed bag of positive and negative consequences (Sampson, Sharkey, and Raudenbush, 2008).. The fact that these poverty pocket, high crime areas are areas with very large concentrations of minority—mostly black—residents suggests that racial disparity continues to play a central role in the creation—and control—of this country’s crime problem(Sampson, 2004).

While much of the current debate about offender surveillance vs. offender treatment has centered on offender risk level and individual risk reduction, an equally important dimension of the problem has been drawing much less attention: community risk level and community risk reduction. As we consider how and where to target correctional resources, offender location—and community context—represents a critical issue to consider, along with offender risk level, and the timing, location, and quality of service/treatment provision.

A number of jurisdictions are now considering the development of a concentrated community supervision strategy that incorporates the following three risk dimensions: (1) high risk offenders, (2) high risk locations, and (3) high risk times for re-offending (Pew Center on the States, 2009;Byrne,*in press*). The Maryland Proactive Community Supervision model that Faye Taxman has evaluated represents one of the best examples of how to operationally define this multi-dimensional view of risk (Taxman, 2008).

The “new” underlying assumption of rehabilitation advocates is that individuals convicted of both violent and property crimes should be given a “second chance” to transform their lives, but this must occur under the watchful eye of our surveillance-oriented corrections system. While the hoped for transformation process will likely vary from offender to offender,

rehabilitation programs designed to “treat” individual problems in such areas as mental health, substance abuse, educational deficits, and lack of employment/vocational skills represent the core technology of offender change(Byrne and Pattavina, 2007). However, even the most ardent supporters of rehabilitation recognize that the criminal behavior of offenders is not likely to change dramatically unless we also address the underlying community context of criminal behavior (Mears and Avinash, 2006; Kubrin, Squires, and Stewart, 2007). Based on the research evidence highlighted in several evidence-based reviews and meta-analyses conducted in recent years, the provision of “treatment” has been directly linked to statistically significant, but marginal reductions—about 10 percent—in criminal behavior (MacKenzie, 2006, Cullen, 2008).

I suspect that the general public—already wary of the prospects for individual offender change—will be expecting a bit more for their investment in rehabilitation than marginal reductions in offender recidivism. If we can not demonstrate the link between participation in the next generation of individual offender rehabilitation programs and community protection, then support for rehabilitation—tenuous at best—will quickly dissipate. While the general public appears to believe in the *possibility* of individual offender change, I think you will find that most of us are skeptical about the *probability* of individual offender change, particularly among individuals with serious substance abuse and/or mental health problems.

References

- Austin, J. (2006). "How much risk can we take? The misuse of risk assessment in corrections". *Federal Probation*, 70(3): 58-63.
- Bergman, G.R. (1976). *The evaluation of an experimental program designed to reduce recidivism among second felony criminal offenders*. Unpublished doctoral dissertation, Wayne State University, Detroit, Michigan (77-9368).
- Berk, R.A., B. Kriegler and J. Baek (2006). *Forecasting Dangerous Inmate Misconduct*. Berkeley, CA: University of California, California Policy Research Center.
- Byrne, J. (2008). The social ecology of community corrections: Understanding the link between individual and community change" *Criminology and Public Policy* 7(2):263-274.
- Byrne, J. , Hummer, D., and Stowell, J. (2008). " Prison violence, prison culture, and offender change: New Directions in theory, research, and policy" in Byrne, Taxman, and Hummer, *The Culture of Prison Violence*. Boston, Ma: Allyn & Bacon.
- Byrne, James M. and Don Hummer 2007 "Myths and Realities of Prison Violence: A Review of the Evidence" *Victims and Offenders* 2: 77-90.
- Byrne J., &Taxman, F. (2006). Crime control strategies and community change. *Federal Probation*, 70(3), 3-12.
- Byrne, J. &Taxman, F. (2005). Crime (control) is a choice: divergent perspectives on the role of treatment in the adult corrections system. *Criminology & Public Policy*, 4(2), 291-310.
- Byrne, J.M. and A. Pattavina (2007) "Institutional Corrections and Soft Technology" in J.M. Byrne and D.J. Rebovich (eds.) *The New Technology of Crime, Law and Social Control*. Monsey, NY: Criminal Justice Press.

- Byrne, J. and Pattavina, A. (1992). "The Effectiveness Issue: Assessing What Works in the Adult Community Corrections System," pp. 281-306 in Byrne, Lurigio and Petersilia (editors), *Smart Sentencing: The Emergence of Intermediate Sanctions*. Newbury Park, California: Sage Publications.
- Clear, T. (2008). "Forward: The culture of prison violence", in Byrne, J., Hummer, D., Taxman, F., *The Culture of Prison Violence*. Boston, Ma: Allyn & Bacon.
- Clear, Todd R., Rose, Dina R., Waring, Elin, & Scully, Kristen. 2003. "Coercive Mobility and Crime: A Preliminary Examination of Concentrated Incarceration and Social Disorganization." *Justice Quarterly* 20 (1):33-64.
- Cullen, F. (2008). "Prologue: Reaffirming Rehabilitation in the 21st Century" in Roberts, A. R., editor, *Correctional Counseling and Treatment*. Upper Saddle River, N.J.: Prentice-Hall, Inc.
- Dietch, M. 2004. "Thinking outside the cell: prison reform litigation and the vision of prison reform". *Pace Law Review* 24,(2): 847-855
- Farabee, David (2005) *Rethinking Rehabilitation: Why Can't We Reform Our Criminals?* Washington, D.C.: AEI Press, American Enterprise Institute.
- Farrington, David and Brandon Welsh (2005) "Randomized Experiments in Criminology: What Have We Learned in the Last Two Decades?" *Journal of Experimental Criminology* 1:1-29.
- Farrington, D. and Welsh, B. (2007). *Saving Children from a Life of Crime: Early Risk Factors and Effective Interventions*. Oxford: Oxford University Press.
- Gendreau, Paul, T. Little, and C. Goggin (1996) "A Meta-Analysis of the Predictions of Adult Offender Recidivism: What Works!" *Criminology* 34,575-607.
- Gibbons, John J. and Nicholas de B. Katzenbach. (2006) "Confronting Confinement: A Report of the Commission on Safety and Abuse in America's Prisons." Vera Institute of Justice, New York, NY. Available at URL: http://www.prisoncommission.org/pdfs/Confronting_Confinement.pdf
- Gilligan, James. 1996. *Violence: Reflections on a National Epidemic*. New York: Random House.
- Gottfredson, Don. M. and Tonry, Michael, 1987. *Prediction and Classification: Criminal Justice Decision Making. Crime and Justice, A Review of Research*, Volume 9. University of Chicago Press: Chicago, IL.

- Jacobson, M. (2005). *Downsizing Prisons*. New York: New York University Press.
- Killias, M., Aebi, M., & Ribeaud, D. (2000). "Does community service rehabilitate better than shorter-term imprisonment?: Results of a controlled experiment", *Howard Journal of Criminal Justice*, 39(1): 40-57.
- Levitt, S. (2004). "Understanding why crime rates fell in the 1990's: Four factors that explain the decline and six that do not". *Journal of Economic Perspectives*, 18(1): 163-190.
- Levitt, Stephen D. (2004) "Deterrence" pp.435-450 in James Q. Wilson and Joan Petersilia, editors, *Crime: Public Policies For Crime Control* Oakland, California: Institute for Contemporary Studies.
- Levitt, S. (1996). "The effect of prison population size on crime rates: Evidence from prison overcrowding litigation". *Quarterly Journal of Economics*. 11(2): 319-352.
- Liedka, R., Piehl, A., and Useem, B. (2006). The crime control effect of incarceration: Does scale matter? *Criminology and Public Policy*, 5(2):245-276.
- Lynch, J. and Sabol, W. (2004). "Assessing the effects of mass incarceration on informal social control in communities" *Criminology and Public Policy*, 3(1): 267-294.
- MacKenzie, D. L. (2006). *What Works in Corrections: Reducing the Criminal Activities of Offenders and Delinquents*. Cambridge: Cambridge University Press.
- Maruna, S. and H. Toch. (2005). "The Impact of Incarceration on the Desistance Process" In J. Travis and C. Visser, editors, *Prisoner Reentry and Public Safety in America*. New York: Cambridge University Press.
- Mears, D. and Bhati, A. (2006). "No community is an island: The effects of resource deprivation on urban violence in spatially and socially proximate communities". *Criminology*, 44(3):509-547.
- National Research Council(2007) *Parole, Desistance from crime and community reintegration*. Committee on community supervision and desistance from crime. Washington, D.C: National Academy Press.
- Pattavina, April, James M. Byrne and Luis Garcia. 2006. "An Examination of Citizen Involvement in Crime Prevention in High-Risk Versus Low-to-Moderate-Risk Neighborhoods." *Crime and Delinquency* 52: 203-231
- Pew Center on the States (2009) *One in 31: The long reach of American corrections*. Washington, D.C. : Pew Charitable Trusts, March, 2009)
- Rose, Dina R. and Todd R. Clear. 1998. "Incarceration, Social Capital, and Crime: Implications for Social Disorganization Theory." *Criminology* 36: 441-480.

- Sampson, Robert J.; Jeffrey Morenoff, and Stephen Raudenbush (2005) "Social Anatomy of Racial and Ethnic Disparities in Violence" *American Journal of Public Health* 95(2):224-232.
- Sampson, Robert J. and Stephen W. Raudenbush (2004) "Seeing Disorder: Neighborhood Stigma and the Social Construction of 'Broken Windows'" *Social Psychology Quarterly* 67(4):319-342.
- Sampson, Robert J. and Lydia Bean. 2006. "[Cultural Mechanisms and Killings Fields: A Revised Theory of Community-Level Racial Inequality.](#)" Pp. 8-36 in *The Many Colors of Crime: Inequalities of Race, Ethnicity, and Crime in America*, edited by Ruth Peterson, Laurie Krivo, and John Hagan. New York: New York University Press.
- Spelman, W. (2000). "What recent studies do (and don't) tell us about imprisonment and crime". *Crime and Justice*, 27: 419-.
- Spelman, W. (2005) "Jobs or jails? The crime drop in Texas" *Journal of Policy Analysis and Management*, 24: 133-165.
- Stemen, D. 2007. *Reconsidering Incarceration: New Directions for Reducing Crime*. New York: Vera Institute of Justice.
- Taxman, F. (2008) "No illusions: Offender and Organizational Change in Maryland's Proactive Community Supervision Efforts" *Criminology and Public Policy* 7(2): 275-302.
- Travis, J. and Waul, M. (2003) *Prisoners Once Removed: The impact on incarceration and reentry on children, families, and communities*. Washington, D.C. Urban Institute Press.
- Van der Werff, C. (1979). *Speciale Preventie*, Den Haag, NL: WODC.
- Villetez, P., Killias, M., and Zoder, I. (2006). *The Effects of Custodial vs. Non-custodial Sentences on Re-Offending: A Systematic Review of the State of the Evidence*. Available from the Campbell Collaborative URL: <http://www.campbellcollaboration.org/doc-pdf/Campbell-report-30.09.06.pdf>
- Wilson DB, MacKenzie DL, Mitchell FN. (2008, update) Effects of correctional boot camps on offending. *Campbell Systematic Reviews* 2003:1
- Wilson, J. Q. (2007). "Forward: Saving Children from a Life Of Crime" in Farrington, D. and Welsh, B. *Saving Children from a Life of Crime: Early Risk Factors and Effective Interventions*. Oxford: Oxford University Press.

Zimring, F. and Hawkins, G. (1997). *Crime is Not the Problem: Lethal Violence in America*, New York, Oxford University Press.

Subcommittee on Commerce, Justice, Science and Related Agencies

Witness Disclosure Form

Clause 2(g) of rule XI of the Rules of the House of Representatives requires non-governmental witnesses to disclose to the Committee the following information. A non-governmental witness is any witness appearing on behalf of himself/herself or on behalf of an organization other than a federal agency, or a state, local or tribal government.

Your Name, Business Address, and Telephone Number: 978-934-3992 James M. Byrne, Professor Department of Criminal Justice and Criminology University of Massachusetts, Lowell
1. Are you appearing on behalf of yourself or a non-governmental organization? Please list organization(s) you are representing. I am appearing on my own behalf.
2. Have you or any organization you are representing received any Federal grants or contracts (including any subgrants or subcontracts) since October 1, 2006? Yes <input type="radio"/> No <input checked="" type="radio"/>
3. If your response to question #2 is "Yes", please list the amount and source (by agency and program) of each grant or contract, and indicate whether the recipient of such grant or contract was you or the organization(s) you are representing.

Signature: James M. Byrne Date: March 10, 2009

Please attach a copy of this form, along with your curriculum vitae (resume) to your written testimony.