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National Institute of Justice

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ADDRESS

BY

THE HONORABLE JAMES K. STEWART, DIRECTOR

NATIONAL INSTITUTE OF JUSTICE

BEFORE

THE DEPARTMENT OF YOUTH AUTHORITY

STATE OF CALIFORNIA YOUTH AND ADULT CORRECTIONAL AGENCY

NCJRS

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ACQUISITIONS

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PACIFIC GROVE, CALIFORNIA

NOTE: Because Mr. Stewart often speaks from notes, the speech as delivered may vary from the text. However, he stands behind this speech as printed.

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Thanks for inviting me. [Personal remarks . . .]

For those of you who don't know me – and I hope to meet all of you today – I have the honor of heading the National Institute of Justice . . . an organization dedicated to criminal justice research . . . the principal research agency of the Department of Justice. And I salute you as our colleagues – and often our contributors – through the splendid work of Elaine Duxbury and her research division here at CYA.

At the National Institute of Justice, we are doing everything we can to work in partnership with you and your criminal justice counterparts throughout the country. We're proud of our balanced program of policy-relevant research, coupled with more long range basic research that is examining fundamental questions for which we all seek answers. We're proud, too, of the way that criminal justice officials have taken new ideas from research and built on them to deal with the urgent challenges we face right now. This kind of partnership solves problems, can help you justify and allocate your budget resources with greater effectiveness, and can aid us in reaching our ultimate goal of protecting the public.

In concentrating on criminal justice priorities, we discovered

that no matter how varied our interests or our specialties, our responsibilities and our day-to-day worries, those of us who work in criminal justice seem fated to share – and eventually to solve together – the same problems.

Several years ago NIJ's National Assessment Program asked several thousand practitioners and policymakers across the country: "What is the most serious problem our justice system faces today?" Not just corrections people but those in law enforcement, prosecution, the courts, parole and probation answered in near unanimity: Crowding of our prisons, jails, detention centers. The big problem was crowding. So a very serious a problem for corrections was serious for all criminal justice agencies.

Clearly neither policymakers nor researchers can yet be said to have solved this problem. But our efforts to deal with the problem itself have stimulated new approaches to the handling of adjudicated offenders, both juvenile and adult -- approaches such as electronic monitoring or intensive supervision probation. These and other new strategies are being studied for their effectiveness in joint efforts by criminal justice agencies and

dedicated researchers.

Research is improving our ability to correct the guilty and protect the innocent – and this in spite of the tendency, at all levels of government, to under-fund research and evaluation programs.

We cannot merely allow the growth of knowledge to simply "coast." Our past modest investment in research has been returned many, many times over – in lives saved and in communities revitalized. We are better prepared than at any time in the last 20 years to meet the challenges we face. But if research stops going forward we cannot be sure that we will be able to confront and overcome those challenges.

Today, all parts of criminal justice face one of those challenges that won't stand still. It's the drug crisis and – most especially – crack cocaine.

Drugs and related crime and violence keep our streets unsafe, our police overworked, our prosecutors frustrated, our courts overloaded. Drug abuse fills our hospitals – and in some neighborhoods, our morgues. And as you certainly know – it fills our correctional beds.

Only 2 weeks ago we learned that in five key measurement States – California, New York, Minnesota, Pennsylvania, and Virginia – drug arrests between 1983 and 1986 rose 52 percent. Drug prosecutions jumped 61 percent, and convictions 71 percent! Drug-involved prison and jail sentences rose by 102 percent.

Whatever gains we may have thought we scored against crowding during this decade pale into insignificance in the face of such an increase. The truth is that although we have a high incarceration rate per capita – about 244 people per every hundred thousand population – our incarceration per crime is actually quite low – only about 125 admitted to prison for each 100,000 serious crimes committed. This, then means that the deterrence value of incarceration in this country is surprisingly low!

The National Institute of Justice is firmly dedicated to increasing our deterrent power by expanding prison capacity where needed in the most timely and cost effective way. At the same time, NIJ research is concentrating on finding new ways to control criminals without further encumbering an overburdened system of

justice. The key part of this research is the effort to learn for which offenders punishments other than incarceration can protect the community and suppress recidivism.

In electronically monitored house arrest, to name one promising approach, we may have a form of supervision, short of incarceration, that may be particularly suited to drug offenders. We can't cure drug addiction, but we think that with treatment and regular testing, we can keep a user clean. House arrest and monitoring can tend to reinforce treatment and testing.

San Diego will be evaluating this kind of monitoring with a work furlough program in the near future. Programs are also being tested in Oklahoma and Indiana – the latter, a program particularly for juvenile burglars. Another Indiana program is comparing different ways of monitoring nonviolent felons who are not incarcerated.

In another proposed research effort to start this year, researchers from Southern Cal, collaborating with the Los Angeles County Probation Department, will study drug offenders who receive house arrest along with electronic surveillance.

Until now, these offenders might go to already crowded jails

or be sentenced to probation with little supervision. It's no surprise that, under the previous choices, these offenders had the highest recidivism rates of any major offense group. Most probation sentences in Los Angeles drug cases are combined with short jail sentences. And resources of the Probation Department permit only a very few cases of house arrest backed up with electronic monitoring and drug testing. Thus, we have a rare opportunity to compare users under monitoring and testing with users under traditional supervision.

The experiment will take place in three diverse areas of Los Angeles County: one Black, one Hispanic, and one Anglo. It will show the relative effectiveness of house arrest contrasted with unrestricted probation, contrast active with passive types of monitoring, and explore which type of monitoring permits faster response.

NIJ has not neglected research on incarcerated populations. In Washington State, we have good preliminary results from a 2-year study of a structured prisoner classification system that attempts to identify more closely the violence prone, the escape risks, the problem inmates – and separate them from others



through use of different assignment methods at two separate prison facilities.

This research concerns mainly adult populations. The California Youth Authority not only has long been among the more thoughtful and imaginative users of research, it also has in its research component been a worthy and useful contributor to research in juvenile populations.

My staff back in Washington is reviewing an application from your research division for support in the replication of NIJ's in-house study analyzing the cases of 2,200 releases to CYA parole in 1981 and 1982.

The new proposal has not yet reached my desk with a staff recommendation, but if approved, this study of a similar number of 1986-87 releases would examine several rather important things:

-- The average length of stay for first commitment to CYA has increased from 14 to 23 months since 1981, and technical revocations of parole have risen from 34 percent to 58 percent of total removals. How have these changes affected recidivism and public protection?

-- Is the growing use of "crack" linked to increased recidivism, parolee violence, and gang activity?

-- Your Parolee Risk Assessment Scale was derived from the 1981-82 data set. Is it necessary to revise it in 1990 to reflect the changes that occurred in the CYA population?

-- Has actual recidivism increased in 7 years? How, if at all, do the actual post-release histories of those released 7 years ago reflect increased gang membership, drug trafficking, and the use of crack?

These are the sorts of questions that are invaluable to us in determining whether we're on the right track.

CYA often leads the way for others – as it did at the time of the prison industries initiative that the National Institute of Justice funded in the mid-1980s. Our study reported that the California experience was unique – both because the inmate workers were juveniles and because of the extensive, thorough

planning that preceded CYA's participation.

We see a great future for the type of program CYA helped pioneer. For lots of correctional industries programs, it would seem downright futuristic to collect taxes, restitution payments, and room and board from people who otherwise were potentially unproductive--and at the same time teach them productive skills for their futures. But it happened here with at least two programs.

Research -- the sound, profitable, policy-relevant research we're talking about -- requires a special kind of cooperative effort between operating agencies and research professionals.

-- You have to start with an open mind toward the effectiveness of a particular treatment and a real interest in finding out the answer.

-- You may have to give up some discretionary authority. In the Minneapolis spouse abuse experiment, police had to give up their choice of how to treat each case and leave the decision to random chance -- but they demonstrated that arrest was the treatment that worked best!

-- Whether a research project consists of an experiment or a quasi-experiment -- and even after the basic experiment is concluded -- you must systematically examine the outcomes of the policy innovations and the various options they may take.

We all know that of the young people you work with there are some who will be back -- either to the CYA or to an adult prison -- and there's little we can do about it. We know there's another group who, for reasons we don't totally understand, will NOT be back, never be in trouble again. But the largest group is there in the middle. They can go either way. If we learn to classify them better, we improve their chances.

Research can help us learn what we need to know. It's worth doing. It's in the finest traditions of the California Youth Authority. And I thank you and congratulate you for your contributions -- past and future -- in helping us learn what works in criminal justice.