

# Public Policy and Criminal Rehabilitation

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HNRS-490-044H

Spring 2010

University Honors in Justice

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## INTRODUCTION

As the numbers of those incarcerated in America's penal system facilities continue to grow with first time offenders as well as reoffenders, there is an unsettling reality that crime may be perceived as the only way of life by a significant number of the incarcerated population. Thus, for the overall quality of life and security of all Americans, society needs to take a stronger proactive role in disrupting crime and recidivism cycles. How to successfully accomplish this feat has not yet been thoroughly ascertained. However, from past to present, the role of intervention and treatment programs have been debated, debunked, and (now) statistically analyzed. The connection between rehabilitation of offenders, reduction of crime, and reduction of recidivism is under contemporary evaluation to determine whether rehabilitation programs do have positive effects on the reduction of offender recidivism and for the betterment of society or merely waste time, money, and resources and instill a false sense of public safety. While this debate goes on, more treatment programs are conducted, reviewed, and evaluated. The result is an expanding base of empirical evidence and scientific knowledge of "what works" and "what doesn't work" that can be drawn upon by policy makers, politicians, correctional administrators, and the public in order to develop a reliable and realistic sense of direction for dealing with the needs of criminal offenders and the needs of society. What appears to be emerging from current reviews and evaluations of criminal rehabilitation programs is that there is evidence that properly designed programs that adhere to certain intervention principles are effective in reducing crime by reducing future re-offending. Thus, rehabilitation programs will very likely become more prominent as public policy measures to avert crime and reform offenders into law-abiding citizens.

## **EVOLVING HISTORY**

Marion and Oliver (2006) point out that public policy has fluctuated in the expressed goals of the penal system and the approach to the correctional means to achieve public safety. As a result of the vacillating dominance of correctional ideologies from the late 18th century through the 21st century, the primary issues of punishment and deterrence of crime have been gradually tempered with concerns for the humane treatment of the offender as well as the alteration of the offender's former lifestyle through personal repentance, reform, rehabilitation, and reintegration into society. However, during the on-going evolution of the American correctional system, the expectation for the punishment of crime has not been minimized and is a paramount component of the American criminal justice system. Still, the realization that punishment alone is insufficient to ensure long-term community safety remains an underlying theme in the search for methods and programs to address the needs of offenders, ex-offenders, and concerned communities (p.405-407). The arrival to a balance of punishment, treatment, and reform is in progress.

During the 18th century, penal facilities were mainly large, temporary holding cells for offenders awaiting their trials or the execution of their sentences. Adults and children, men and women, and serious criminal offenders and lesser crime offenders were all co-mingled in the jails. Communication between prisoners and with guards was commonplace and unrestricted as well as necessary for offenders to secure the basic necessities of food and beverages, clothing, and cold weather heating. Humanitarian concerns for the poor detainment conditions and the widely known prisoner abuse were minimal as they were for the harsh corporal punishments of public hangings, whippings, pillorying, or maiming. Executions were prevalent remedies for crime since many offenses prescribed the death penalty for convicted criminals (Eastern State

Penitentiary Historic Site, 2007, para.3; Johnston, 2009, para.3; New York Correction History Society, 1971, para. 4-8). For the most part, justice was expeditiously imposed upon the offender with punishment for his/her immediate transgression - without long-term concern for recidivism if he/she continued to live. Deterrence of crime was simply achieved through fear, the death penalty and/or the infliction of physical pain, and public ridicule.

As the nation grew, dramatic challenges to the colonial approach to punishment and prisoner treatment gained momentum. Johnston (2009) suggests that William Penn and the Quakers were the earliest reformers. Their efforts to abolish the death penalty as a common punishment for the majority of criminal offenses and to substitute imprisonment with hard labor to attain religious introspection served as important stimuli for societal attention to long-term offender interventions. Likewise, the later movement to reform harsh penal codes by Benjamin Franklin and Benjamin Rush and the formation of the Philadelphia Society for Alleviating the Miseries of Public Prisons (which sought to improve incarceration conditions and focus on offender change as a means to deter crime) furthered the development of a reformatory strategy. This new approach first came into existence with the modifications of Pennsylvania's Walnut Street Jail in 1790. With the construction of a 16 single occupancy cell building, felons were separated from other offenders and the external corruptive world. Solitary confinement and manual labor were imposed and a Bible was provided for scripture reading and personal reflection. The prison environment was designed for prisoner penance and the anticipated positive personal change that would result from the combination of hard work, religious study, and seclusion from corruptive factors. Punishment was not perceived to be the sole purpose of this facility or the notable Eastern State Penitentiary that followed in 1829, but that was what took place in reality. Nevertheless, the public policy rationale was that more humane prisoner

conditions prevailed than in the past and that prisoner reform would be an outcome of the Philadelphia/Pennsylvania System (para. 6-10). However, Siegel (2009) confirms that the solitary confinement of the prisoners was substantial psychological punishment and was as detrimental as corporal methods (p. 576).

The popular penance-reform ideology and protocols of the Philadelphia/Pennsylvania System were exemplified in the Eastern State Penitentiary. The larger size single prisoner cells became the solitary world of the offenders on a 24-hour basis for their entire sentences. Although each inmate had access to an individual small exercise area and a state-of-art bathroom facility of that time period, the prisoner was denied all non-essential amenities. The Bible was the inmate's only source of literature. Human contact with other prisoners was prohibited, minimal guard interactions occurred, and communication with the world outside the prison was eliminated, including most family contacts. The restrictive isolation was further maintained when the prisoner was rarely taken out of the cell with the requirement that a hood or blindfold be worn. All prisoner activity such as meals and work assignments occurred in the cell. Proponents of the Philadelphia /Pennsylvania System or separate system continued to believe that prisoners would repent for their crimes during their solitude and isolation, come to understand their wrong-doing, and reform away from their criminal ways (Johnston, 2009, para.10-11; Eastern State Penitentiary Historic Site, 2007, para. 4-10; New York Correction History Society, 1971, para. 9).

As the Philadelphia/Pennsylvania System gained international recognition, an alternative system of incarceration developed in New York's Auburn State Prison. While the anticipated outcomes for prisoner repentance and reform were similar to the Philadelphia/Pennsylvania System, the Auburn/New York System rejected the total isolation of inmates as cruel, unnatural,

and inhumane. Instead, the Auburn/New York System implemented congregate prisoner hard labor activities and communal meals during the day and nightly single cell confinement for Bible study and rest. Complete silence was expected of each prisoner and all activities were conducted in total silence. While proponents considered this system's approach to incarceration to be representative of improved prisoner treatment, the Auburn/New York System maintained prisoner compliance and discipline with fear of severe corporal punishment and solitary confinement for discipline violations. In addition, the mandated striped prisoner uniforms and the awkward, in tandem, group movement of the lock-step shuffle with heads and eyes downward when moving about the prison were designed to be constant reminders of prior criminal transgressions and the need for redemption (Johnston, 2009, para.11; New York Correction History Society, 1971, para.10-18; Siegel, 2009, p.576). Like the Philadelphia/Pennsylvania System, the Auburn/New York System was also popular among prison officials and viewed as sound public policy. Cullen and Gendreau (2000) comment on the competition between the two incarceration systems as America's experiment to ascertain the best reformatory strategy. Although the reform methods and prison routines of the two models varied, both systems sought to insulate the offenders from the corruptive influence of one another and the harmful elements in society as well as change their criminal tendencies through a daily routine of honest work and with religious study and introspection. Similarly, both systems were still in place to punish criminals for their crimes and maintain public safety (p.114-115). Trivisono and Hawkes (1995) add that the struggle for supremacy between these two systems spanned five decades. However, by 1870, the Auburn/New York System had been implemented by more than 30 states (para.1-2). In addition, the long-term solitary confinement protocol and its detrimental effects on prisoner well being brought considerable criticism of and discredit to the Philadelphia/Pennsylvania

System - causing a loss of popularity and a concern for its effectiveness (Eastern State Penitentiary Historic Site, 2007, para. 13-16).

Reformers continued to address the role of prisons and the status of its prisoners. Realizing that it was in the best interest of society to change incarceration standards, Rev. Enoch Wines initiated a meeting of the prominent practitioners in the prison system, leading reformers, and political leaders to discuss criminal punishment and reformatory treatment. In 1870, the National Congress on Penitentiary and Reformatory Discipline convened for a three-day conference with 237 men and women in attendance. The delegates came from 24 states as well as Canada and South America. One important and major outcome of the forum was the consensus that corporal punishment should be reserved for the most extreme cases and then only applied after great consideration and reservation. In lieu of corporal punishment, the use of a reward system was recommended to effect prisoner reform. In contrast to the functions of prisons up to that point, the National Congress called for improved treatment, education, and training of prisoners during their incarceration period in order to culminate in satisfactory proof that the prisoners had been reformed before their return to the community. Time was not of the essence for release, but proof of reform over time was the key factor for return to society. Indeterminate sentences became essential components of the evolving reform concept to allow ample time for prisoner reform to be achieved (Travisono & Hawkes, 1995, para. 6-8, 22; Siegel, 2009, p.580; New York Correction History, 1998, para.6). Thus, public policy toward the role of prisons and the treatment of prisoners began a significant process of change.

The earliest public policy implementation of the reform concepts expressed by the National Congress on Penitentiary and Reformatory Discipline was found in the Elmira Reformatory for young felons, which was managed by Warden Zebulon Brockway. Starting in



1876 and continuing for about 20 years, Brockway undertook the education and vocational training of the prisoners. Gradually, various levels of academic classes were taught by schoolteachers, college professors, and attorneys to treat the individual needs of those incarcerated. Additionally, instruction in 34 different trades was provided as well as industrial arts classes to prepare the offenders for law-abiding work after release. Order and discipline was maintained by a combination of physical punishment (when necessary) and a three-grade mark system in which promotions and demotions were based on the prisoner's school and work performance and behavior was implemented. Indeterminate sentencing was exemplified in prisoner release at the discretion of a board of managers at any point within a maximum 5-year sentence when the prisoner had earned eligibility. Upon release, the ex-offender was sanctioned with a six-month parole and monthly supervision meetings (Law Library, 2010, para.4; Siegel, 2009, p.498, 580, 622; New York History Society, 1998, para. 1-13).

Cullen and Gendreau (2000) contend that the 1870 meeting of the National Congress on Penitentiary and Reformatory Discipline was instrumental in the development of a 'new penology' which recognized that the protection of society was dependant upon its treatment and reform of those imprisoned - in the absence of prisoner suffering. Prisoner religious training and compulsory work remained strong components of the new penology, but educational measures and indeterminate sentences were essential to the new approach. Prisoner education would function as religious training and hard work would - building moral strength and character as well as increase general knowledge. The introduction of indeterminate sentencing was significant since the undetermined date of release would provide the offender with the incentive and self-interest to make positive behavioral changes. The responsibility for satisfactory reform was placed upon the offender in conjunction with the hope of earning the reward of prison release. As

the development of the social sciences progressed, insight into the causes of criminal activity was beneficial to the penal system. The result of the blending of the new penology and positivist criminology was the philosophy of the rehabilitative ideal. Simplistically stated, the ideal was to change the prisoner for his own benefit and also strengthen the social structure of society (p.116). The influence of the rehabilitative ideal has been evident since that time in prisoner reform efforts.

Cullen and Gendreau (2000) observed that the rehabilitative ideal philosophy offered classical criminologists, penal system practitioners, and humanitarian reformers more than the most basic understanding of criminal behavior. The new correctional paradigm added greater dimension to the contemporary, generalized beliefs that inferior education, lack of diligent work, and the absence of religious faith created moral inadequacies, which prompted criminality. The paradigm asserted criminal behavior was more complex and unique to each perpetrator - that criminality was caused by an adverse merger of factors from a variety of social and psychological conditions. Moreover, to alter an offender's criminal behavior, the penal system practitioners needed to identify the offender's specific cause(s), remove the contributing factors, and develop an individualized treatment plan that would not only reform prior negative tendencies but also rehabilitate the offender for long-term adherence to positive behavioral actions, thoughts, and beliefs which would contradict a return to criminality. Correctional sanctions were to be specific to each offender and address the his/her individual needs and circumstances. Furthermore, a great deal of trust was placed in the discretionary decisions of the correctional system practitioners as to prisoner needs and treatment plans as well as the required proof of prisoner rehabilitation that would be needed for eligibility and release (p.116-117).

With the onset of the social consciousness of the Progressive Era during the early decades of the 1900s and its focus on human reform and betterment of the human condition, the individualized treatment component of the rehabilitative ideal took different forms in the criminal justice system as significant legal changes were made. One of the efforts of the Progressive Era reformers was to save the children from adverse conditions. The lasting result was the creation of the non-adversarial juvenile justice system to separate minors from the adult criminal system. The Progressive Era contributed to the increased use of pre-sentence reports, judicial discretion, and indeterminate sentencing; the rise of parole boards and paroled individuals, and the expansion of probation and offender supervision. All were measures to put the rehabilitative ideal into action in the reality of the penal system. Even with apparent flaws between the ideal and the reality of implementation, rehabilitation of offenders became an expected outcome of the criminal justice process, as was its by-product of safer communities. The appeal of rehabilitation philosophy prompted the introduction of many in-house treatment programs, educational classes, and vocational training as well as work release and furloughs programs in the correctional institutions. In the 1960s, another dimension was added to the correctional philosophy with the community treatment of offenders and strategies for offender reintegration into society (Cullen & Gendreau, 2000, p. 117-118).

From the 1930s until the 1970s, public policy toward the goals of the penal system became more focused on the rehabilitation of offenders than strictly the punishment of them. Many states implemented prison educational and vocational programs as well as treatment programs in efforts to improve the well-being of the inmates and lessen their crime potential when they were released. The Commission on Law Enforcement and Administration of Justice was established by President Johnson in 1965. The Commission reflected the more liberal

attitudes of the times in its investigative report on the societal causes of crime and crime prevention through the correction of social inequalities. The Task Force of Corrections of the Commission explicitly stated that the ultimate goal of corrections was the safety of the community through the reduction of crime and that this goal was best attained with the reduction of recidivism by prisoner rehabilitation. Thus, public policy towards offenders continued to change (as did the criminal justice policy) in support of prisoner treatment. Prisons became more focused on facilitating positive changes in offenders' attitudes and behavior and enabling them with skills to be productive members of society. Rehabilitation became the primary purpose of the penal system and the underlying theory of criminal justice policy. The rehabilitative approach strongly encouraged indeterminate sentencing, the use of discretion by both the courts to sentence offenders and the parole boards to decide upon their rehabilitative status, and the expansion of community-based programs in addition to prison service programs (Marion & Oliver, 2006, p. 406; Cullen & Gendreau, 2000, p.118). By the 1970s, all states, the federal government, and the District of Columbia practiced indeterminate sentencing. The theory behind indeterminate sentencing was that a wide range of time was necessary to allow for individualized treatment of the offender in order to achieve rehabilitation. Some states permitted a great deal of judicial discretion sentencing in that offenders could be imprisoned for a day or a lifetime. However, as time progressed during "The Great Society" of the optimistic early 1960s, indeterminate sentencing and issues with judicial discretion eventually became public and political public policy concerns (Layton-MacKenzie, 2001, p.301- 302).

From the mid-1960s to the mid-1970s, the rehabilitative ideal was challenged. The challenge, in part, can be attributed to the social and political upheaval of the times. The turmoil was clearly visible and reflected in the civil rights marches and racism, urban unrest and a rise in

crime rates, Viet Nam War protests and the involuntary draft, the Kent State University student protest shootings and deaths by the national guard, the New York Attica Prison and New Mexico State Penitentiary violent, murderous uprisings; the increasing legal demands for prisoner rights, and the Watergate scandal. Trust in the government declined due to the unpopular war and violations of human rights. Additional distrust of the correctional system formed as negative prison conditions were exposed and disparate sentences for similar crimes seemed unreasonable (Cullen & Gendreau, 2001,p. 323; Siegel, 2009,p.581). Pratt (2009) finds that the dramatic rise of crime rates in the late 1960s and the publication of Martinson's 1974 negative summary of correctional treatment programs as well as Martinson's conclusion that "nothing works" led the public to believe the correctional system was at fault and that public policy for the rehabilitation of offenders was unsuccessful, not possible, and a poor use of taxpayer money (p. 20-21). Cullen and Gendreau (2000) criticize criminologists for accepting the "nothing works" doctrine as the unquestionable truth without further meta-analysis research and evaluation. However, Martinson was not alone in his skepticism since there were three prior, smaller reviews of prisoner treatment programs done by Bailey in 1966, Berleman and Steinburn in 1969, and Robison and Smith in 1974, which presented similar findings of the lack of efficacy. Martinson's findings, then, were supported by others, appeared valid, and became widely accepted. The dramatic impact of Martinson's publication caused a significant upheaval in the criminal justice system. Punishment and incapacitation gained higher status among the goals of the criminal justice system and became priorities in achieving public safety (p.120-121). Consequently, the rehabilitative model came under attack by the public, the scholars, and the politicians. Changes of correctional policies were set in motion - somewhat regressing back in time.

Public policy for the correctional system shifted from the rehabilitative model to a more conservative posture that demanded a more punitive approach to crime. Referred to by some scholars as the “penal harm movement”, advocates urged a “no frills”, “no coddling” approach to corrections. Recommendations to implement this philosophy included the removal of prisoner amenities and privileges that law-abiding citizens might not have access to (especially higher education) and a minimal (yet humanitarian) attention to prisoner needs. Since the rehabilitative ideal had been shown to fail, the new rationale was that prisons were appropriate societal measures for the punishment of crime, the incapacitation of criminals, and the ultimate protection of society. Penal harm advocates sought the rekindling of the belief that “doing hard time” would amply serve as a deterrent for new crime and as a deterrent for recidivism - especially if the incarceration period was long enough (Siegel, 2009, p.583; Law Library, 2010, para.6-7). This request for tougher public policy did not go unnoticed by political leaders and conservatives.

Pratt (2009) reports that conservatives and politicians were instrumental in promoting a new “get-tough-on-crime” policy where retribution, deterrence, and incapacitation would prevail over the rehabilitative philosophy. Liberals who promoted the “justice model” were equally influential as they sought to abolish indeterminate sentencing and the rehabilitative model, but for different reasons than the conservatives (p. 21, 53). Conservatives took issue with the leniency of judges and parole boards, their discretionary ability for prisoner release, and the resulting potential for citizen victimization. The conservative solution to control and prevent crime was “law and order” and harsh criminal sanctions. Liberals, on the other hand, faulted judges and parole boards for using their discretionary powers to discriminate against offenders who were poor, minorities, or challenged the prison regime. While justice model liberals

believed in prisoner rights and equal treatment by law, advocates viewed sentencing as strongly as conservatives in that the purpose of sentencing was to impose “just deserts”. Both conservatives and liberals welcomed the use of determinate sentencing and the abolition of parole (Cullen & Gendreau, 2000, p.122-123). Hence, a sentencing reform movement arose which brought about additional criminal justice system changes and adjustments to the prisoner treatment philosophy.

### **THE STATE OF AFFAIRS**

The Law Library (2010) reports that, by 1980, 8 states had instituted determinate sentencing and abandoned the use of parole boards. Other states and the federal government soon followed this trend either with abolishment or by severely limiting the use of these measures (para. 8). Since the mid-1970s, the sentencing reform movement led to the increasing prisoner population - which grew more than 700% between 1970 and year-end 2001. The “get tough” statutes of determinate sentences, mandatory minimum sentences, three strikes laws, and truth-in-sentencing laws have resulted in more incarceration, longer sentences, harsher punishments, and crowded prisons. Reform, rehabilitation, and reintegration were no longer regarded as the primary duties of the correctional system (Petersilia, 2003, p. 13). Layton-MacKenzie (2001) notes that the “war on drugs” has also greatly contributed to the increasing prison population. The incarceration rate for drug offenses went from 15 per 100,000 in 1980 to 148 per 100,000 in 1996 (p. 305). For the same period, Petersilia (2001) confirms that 45% of the growth of inmate population growth was due to drug offense sentencing (p.362). In addition, Congress had a significant role in supporting crime control with the 1995 passage of the Violent Criminal Incarceration Act in which grants were provided to states to build, expand, and operate correctional facilities. Likewise, the Violent Crime Control and Law Enforcement Act of 1994

committed over \$36 billion dollars for prison and police expansion (Marion & Oliver, 2006, p. 410). Thus, a lock-em-up attitude prevailed. Petersilia (2003) further comments that while some states kept their treatment programs, they did so only to manage the inmates and not to reduce their future recidivism (p. 12).

When incarceration data is examined, the number of people in the correctional system is staggering. Spohn (2009) states that the U.S. prison population has grown dramatically in the past three decades. In 1975, there were less than a quarter of a million people incarcerated. At the end of 2006, state and federal prisons housed nearly 1.6 million inmates (p. 258). However, at yearend 2008, there were slightly over 2.4 million inmates in U.S. jails and state and federal prisons (Bureau of Justice Statistics, 2009, Prisoners, p.7). The Pew Center (2008) estimated the U.S. incarceration rate to be 750 per 100,000 or 1 in every 100 residents and higher than any other country in the world (p. 5). The Bureau of Justice Statistics (2009) claimed the 2008 yearend incarceration rate was 754 adults per every 100,000 residents (Prisoners, p.8). King's College London (2010) confirms that the United States does have the highest incarceration rate among the world's nations compared to the Russian Federation - 609, Rwanda - 593, Cuba - 531, China - 433, Iran - 223, Spain - 167, England and Wales - 154, Australia - 134, Canada - 116, France - 96, Germany - 88, or Japan - 63 (p.1). In addition to these figures, consideration needs to be given to offenders under the jurisdiction of community supervision since probationers and parolees numbered about 5.1 million at yearend 2008 (Bureau of Justice Statistics, 2009, Growth, p. 1).

Although there are many other figures that can be used to illustrate the current state of the U.S. criminal justice system, the data presented already shows that America is very likely at a correctional saturation point. America needs to examine its public policies once again. While so



many people are held captive by the correctional system in facilities or monitored through community supervision, their time would be well spent in programs that can be effective in altering their propensity to crime. Get-tough public policies in the absence of effective rehabilitative interventions creates a questionable and negligent public policy.

Knowing that the criminals are behind bars may quell anxiety in many Americans as to their immediate safety, but concerns surge up when it is fully understood that most of the prisoners will eventually come back to the community and possibly re-offend. Petersilia (2003) reports that 93% of all prison inmates will be released (p. 3). Statistics show that 735,454 state and federal prison ex-offenders returned to society during 2008 (Bureau of Justice Statistics, 2009, Prisoners, p. 4). For those who return to society, Lowenkamp and Latessa (2005) report that recidivism statistics of released inmates are also staggering. They refer to a study done by Langan and Levin in 2002 which followed released inmates for a three year period and found a 67.5% rearrest rate, a 25% reincarceration rate for new crime, and a 26% reincarceration rate for technical violations of those under community supervision (p. 75). Petersilia (2003) states that nearly 30% or 1 in 3 released prisoners are rearrested within the first six months of their return to the community (p.11). The Bureau of Justice Statistics (2003) reports that within three years of release, 5.3% of sex offenders who were convicted of rape or sexual assault committed another sex crime and were rearrested. For released child molesters, 3.3% committed another sex crime against a child age 13 or younger within three years and were rearrested. Moreover, child molesters released from state prisons in 1994 had served only 43% of their 7-year sentences (p.1). Regarding the recidivism for sex offenders, it is worthy to note that these statistics represent the reported cases only. Moreover, victimization by such crimes only has to happen once to profoundly devastate the health and mental well-being of the child victim. As with those already incarcerated, the

recidivism rate of released inmates also needs to be addressed with more productive correctional measures in an effort to alter the potential for future reoffending.

## **REAFFIRMING REHABILITATION**

The issues of crime and public safety are rightfully paramount concerns of modern society. Like it or not - the American public is very much aware of these issues through the instantaneous media coverage of domestic and foreign events and the through the political discourse of government leaders, interest groups, and references to government laws. While the news media is often accused of sensationalizing crime events and public safety incidents, the fact still remains that such things did happen somewhere and to someone and, therefore, should be of concern to everyone. Moreover, public opinion can and does continue to play an important role in bringing issues of concern and discontent to the political forefront for review, discussion, evaluation, and (possibly) resolution. With the issues of recidivism and rehabilitation, the inevitable release of inmates back into society should occur with some type of assurances for public safety. In other words, both the public agenda and the government agenda equally share in the expectation for and responsibility that effective correctional programs that do work to change negative behavior and promote positive living and citizenry skills are given to all offenders and that such programs become a mainstay of the correctional system.

As Cullen (2006) points out, while it is true that an incarcerated offender is one less perpetrator in society and (as a result) cannot commit crimes against the citizen population, the fact remains that most prisoners do not remain in prison in perpetuity. To deal with this, there needs to be a change in current correctional approaches and the prevailing “culture of control”. With the high incarceration rate and inevitable reentry of ex-offenders, the time has come to reaffirm rehabilitation. Cullen bases this premise on a trinity of factors - public support, effective

programming, and cost effectiveness. There are two national surveys that illustrate the public desire for prisoner rehabilitation. In 2001, a survey showed that 80% of the respondents believed that the goal of juvenile incarceration should be rehabilitation. In the 2006 poll sponsored by the National Council on Crime and Delinquency, there was almost an 8 to 1 margin in favor of providing prisoners with rehabilitative services as opposed to a punishment-only correctional option. In addition, significant research done by Nagin et al. in 2006 revealed that Americans were willing to fund not only juvenile rehabilitation but also early intervention programs. Moreover, Cullen contends that it is also time to reject Martinson's findings that "nothing works" in rehabilitation since there is now evidence that treatment programs that adhere to the "principles of effective intervention" are successful in producing meaningful reductions in high-risk juvenile and adult recidivism. Further research evidence also indicates that well-designed rehabilitation programs for youthful offenders and early prevention strategies for youths not yet in the correctional system are cost effective. Such programs can be presented to policy makers for consideration as a reduction in budget expenditures as well as a more beneficial policy choice for society's young as well as society at large (p. 665-672).

Cullen (2007) urges that rehabilitation become the guiding paradigm of correctional policy and practice in order for offenders to more productively redesign their thoughts and lifestyles for the exclusion of involvement in crime. The current punitive nature of public policy has not and will not remedy the crime problem. Moreover, rehabilitation is the morally responsible action to take. The policy choice to reject the rehabilitation ideal was an error in that it brought about unanticipated consequences that are responsible for America's current incarceration levels and recidivism rates as well as the reentry of thousands of ill-prepared and non-reformed offenders into the community. Determinate sentencing with mandatory terms and

the removal of parole release mechanisms has resulted in longer and harsher prison terms for repeat and violent offenders and also for first-time and nonviolent offenders. The additional impact of rejecting the rehabilitative ideal was the scarcity and/or elimination of inmate education, training, and drug treatment programs as incarceration numbers continued to increase and as inmates needed the services even more. Moreover, the punishment paradigm doesn't provide lasting crime control or reduce offender recidivism and can lead to higher recidivism rates as studies have begun to demonstrate. Since the initial shock of Martinson's premise that "nothing works" in rehabilitative treatments, there is a resurgence of interest in evaluating and improving rehabilitation measures and for the development of programs that will achieve significant reductions in recidivism by targeting the risk factors for offending. Study results that relate the effectiveness of early intervention programs are worthy to note in the consideration of life-long intervention measures. In sum, public policy is irresponsible when it directs correctional policy to reject the good faith effort to "save" an offender who will eventually return to society (p. 717-722). Public policy makers are also irresponsible when they ignore public opinion regarding the current attitudes on rehabilitation measures.

As Pratt (2009) discusses the multi-faceted, complex public attitudes toward punishment and rehabilitation, he suggests that policy makers have given more attention to the general "global" opinions on punishment rather than the more qualifying "specific attitudes" on rehabilitation. Thus, the current public policy is much more reflective of the punitive nature of the global American public. However, there are clear indications from empirical literature that a rehabilitative rationale also exists and should be reflected in public policy as well. When an Ohio statewide survey was conducted in 1997, the duality of American attitudes was illustrated. When asked to rate the importance of goals of the correctional system, 90% selected "protection and

punishment” and 80% selected “rehabilitation”. The majority of Americans do want to be protected from crime, see incarceration as an option for criminal behavior, and accept the death penalty, but they also support correctional rehabilitation measures, early intervention measures for juveniles, and incarceration alternatives for nonviolent offenders; nonviolent, first-time drug offenders, and property offenders. Americans appear to want a “hybrid” correctional system in which there is a coexistence of punishment and rehabilitation. In addition, policy makers need to be attentive to a 2006 nationally representative study by Cohen et al. in which the respondents were asked to rank their tax dollar spending priorities. The findings showed that nearly 60% favored spending for the prevention of youth crime and drug treatment while only 8.4% ranked building more prisons as the best priority (p.48-53). Thus, it could be said that Americans want “more-bang-for-the-buck” from public policy measures and the correctional system in forward moving offender programs rather than stationary prison structures.

## **NEEDS AND OBSTACLES**

In addition to the public desire to provide rehabilitation programs to those in custody, there is the urgent need to develop and implement effective reentry programs for those who are to be released back into society. Petersilia (2001) takes issue with the fact that most of a prison’s budget is allocated to general operating expenses while treatment programs and reentry programs can suffer from minimal funding or lack of funding - leaving the needs of the inmates unmet. Many inmates will leave their correctional institutions without any benefits from educational, substance abuse, or vocational programs and may not be referred to a support network within the community. Many inmates will leave custodial care with the same problems they came in with and possibly more issues depending on the level of jail or prison victimization they encountered and the type of custody they were assigned to. When they return to society, they come back with

little to no money, may be dealing with health and/or mental issues, have limited employment opportunities, function at a low levels of educational literacy, may be alienated from family and friends, may have difficulty finding housing, may be disfranchised from the political process and entitlement benefits, and have the social stigma associated with a criminal record and the criminal labeling that accompanies it (p.365-369).

A particular area of concern is that of employment since the lack of funds to economically survive will affect all aspects of life and intentions not to recidivate. For example, a 1996 survey of employers in five major cities revealed that they were more likely to hire someone on welfare or someone with little work experience over an ex-convict. Regardless of the offense, 65% of the employers surveyed stated they would not knowingly hire an ex-offender. There is little doubt that returning offenders face any significant obstacles in their reintegration into society that can challenge their potential to re-offend. Public policy needs to address the reentry issue more fully from both a humanitarian perspective and a criminal perspective. The longer policy makers do not have a systematic, comprehensive plan to assist offenders after they are released from prison, the greater the risk of offenders returning to their prior lifestyles. Furthermore, the success or failure of the reintegration process cannot be measured by the offender's reduced recidivism alone since their return also affects their family, children, and community (Petersilia, 2001, p.365-360).

Visher (2006) raises the issue of whether the currently existing reentry programs are effective in light of the knowledge of "the principles of effective intervention" and the call for the implementation of only "evidence-based" programs. Unfortunately, there is no consensus that such programs reduced recidivism since researchers have found mixed evaluation results thus far. For instance, the 2006 meta-analysis completed by Aos et al. did find programs that

effectively reduced recidivism. In 2001, Weisbard et al. and in 2005, Farabee as well as Farrington and Welsh were disappointed with well-designed experiments in which effect sizes were very small if and when recidivism reductions were found. Further disappointment came with Project Greenlight Reentry Program when it was evaluated. However, there are still hundreds of reentry programs that are in operation and which have not yet been evaluated for effectiveness and may have followed the criteria for reducing recidivism (p. 299-301).

The concept of rehabilitation programs and their implementation during and after incarceration is nothing new to America's penal system. Many states have had and still have programs to reform inmates and alter the recidivism cycle. The overall idea to encourage and promote offender redemption and change has existed for decades even though there have been periods when their availability has waxed and waned and their credibility has been questioned. Although tougher laws have been formulated and applied as the answers to crime concerns, contemporary knowledge shows that relevant laws and rehabilitation are not exclusive of one another. Moreover laws and programs should function with reciprocity to achieve a higher caliber of released inmates and continue to support them in their reintegration process.

To develop more effective reentry programs that meet the specific needs of the individual returning offender, Pinard (2007) envisions an approach that involves those who are excluded from the current reentry process but who possess detailed knowledge about the offender. The defense attorney, prosecutor, and judge involved with the offender's case would, from the beginning, be included in the planning for the offender's eventual release. This approach would involve their attention to the collateral effects the offender will encounter as a result of the charges and sentence as well as require them to focus on the offender's return to society. With the expansion of their roles in this manner, a full perspective of the offender's life will be

considered in the judicial process. That full perspective will also address the effects imprisonment will have on the offender as well as the offender's family and also project the obstacles that be faced with future reintegration. This forward-looking, pro-active approach involves the creation and use of reentry courts, legislative reform, and the use of judicial discretion in applying the law. Policy change has occurred in some parts of the U.S. since reentry courts have already been established. (p. 103-107). This comprehensive, responsive approach is very interesting since there is the potential for reentry courts to apply a humanitarian approach to the law and conceivably change offender behavior, protect family interests, and reduce repeat offending.

## **NATIONAL SUPPORT FOR REHABILITATION AND REENTRY**

A humanitarian and responsive approach to the needs of reentry offenders has been realized in the passage of the Second Chance Act. The Council of State Governments (2008) indicates that President G.W. Bush signed the act into law in April 2008. The purpose of the legislation is to improve the reentry and reintegration outcomes of America's ex-convicts as they restart their lives within society. The legislation is the first if its kind and focuses on developing and supporting programs and services that will help reduce recidivism and facilitate transition back into the community. The law provides federal grants to government agencies and nonprofit organizations for the delivery of employment assistance an training, substance abuse treatment, family programming, mentoring, victim support, and other programs designed to reduce recidivism such as reentry courts, in-prison offender education, and reentry research. For the fiscal year 2009, a total of \$25 million was appropriated for state and reentry demonstration projects, nonprofit organizations programs and services, and other transitional services. For the fiscal 2010, President Obama requested \$212 million for reentry programs including those



administered by the U.S. Department of Justice and the U.S. Department of Labor (p.1).

According to the Council of State Governments (2010), \$114 million was appropriated for Department of Justice prisoner reentry programs - allocating \$14 million to Federal Bureau of Prisons initiatives and \$100 million to Second Chance Act programs. An additional sum of approximately \$108.5 million was appropriated to Department of Labor reentry programs, which include transitional work activity (p. 1). With about \$222.5 million committed to the facilitation of successful prisoner reentry and reintegration efforts, the current administration is strongly supportive of offender rehabilitation measures and the anticipated benefits of recidivism reduction and improved safety of society.

McMillion (2007) reports the law to be a commendable commitment on the part of the federal government to ex-convicts, their families, and society. The government's assistance in the reduction of recidivism is a significant endeavor since many experts point to the lack of effective transitional programs as one cause of the high recidivism rate. Through this law, reentry courts will be established and a more comprehensive and continuous support system will be provided to the returning ex-offenders and their families and children (p.1). With the passage of this law, a great opportunity has been given to ex-offenders to remain crime-free and start a new, productive life. When one looks at the dollar value in terms of today's economic conditions, one can only hope that the grants will fund programs and services that meet the standards that are currently known to be effective in the reduction of recidivism and that there will be strong participation in the programs. Beyond those considerations, the money may still be well spent when the ex-offenders' children and families can benefit from support programs and services.

Linton (2009) reports that the on-going federal policy dedication to the Second Chance Act and the increased funding to address reentry and reintegration issues are very much

supported by the Correctional Education Association. From an educational standpoint, the increased appropriations from \$25 million in the fiscal year 2009 to \$100 million in the fiscal year 2010 will allow for further development and improvement of existing programs and services for both adults and juvenile offenders. Moreover, this national commitment provides more opportunity to implement new programs and services that are reflective of the technological savvy of the 21st century and better prepare those under the care of the prison system with competitive, modern job market skills, training, and work attitudes. Linton recognizes that education is only one of the obstacles that must be overcome for successful reentry and reintegration. However, education as well as vocational preparation are important remedies to reduce recidivism (p. 92-95).

### **COMPONENTS OF EFFECTIVE INTERVENTIONS**

Rehabilitation programs in America have been both successful and unsuccessful due to program integrity, implementation methods, staff training, evaluation measures, and funding. Among the programs that are successful in reducing recidivism, the principles of effective intervention are inherent in the programs. In addition, the development of evidence-based practice, which is based on empirical evidence, has set standards for program development and implementation. The development of effective programming is essential if any meaningful and lasting reductions in recidivism are to occur.

Cullen and Gendreau (2001) concur with many scholars who report that Martinson played a major role in the rejection of the rehabilitation model due to his negative assessment of the effectiveness of numerous correctional program evaluation studies. Martinson claimed to have assessed 231 studies that were conducted between 1945 and 1967. In addition to claiming that “nothing works”, Martinson indicated that criminologists and practitioners didn’t know how

to rehabilitate offenders or reduce recidivism. While some skepticism was applied to his findings by his colleagues, his report was widely accepted and influential nonetheless. A generalized mantra of “nothing works” permeated the correctional system, public policy, and public opinion for many years. When Martinson’s assessment was finally evaluated, it became evident that he had reviewed 138 studies rather than 231. Of the 138 studies, less than 75 were treatment interventions. In addition, he did not review any behaviorally oriented programs that, even at that time, presented positive effects in correctional settings (p. 321-332). Layton-McKenzie (2001) explains that Martinson’s conclusions weren’t entirely erroneous based on research standards. From a research design perspective, many of the studies he examined were poorly implemented and the outcomes were not clearly discernable. Moreover, many of the correctional programs lacked program integrity and prevented any determination of their effectiveness (p.55-56).

From the aftermath of Martinson’s report, positive concepts emerged from the field of research. Law Library (2009) reports that Canadian psychologists Andrews, Bonta, and Gendreau did not readily accept Martinson’s premise. Instead, they continued on with their own meta-analysis research evaluations of treatment studies and discovered that effective rehabilitation programs shared common characteristics. When these characteristics were present in the program, recidivism was approximately 25% lower in the treatment group in comparison with the control group. The Canadians called these program characteristics “the principles of effective intervention”. The principles are as follows: target the known predictors of recidivism for change, use cognitive-behavioral treatments that reinforce prosocial attitudes and behavior, seek to challenge and extinguish criminal thinking patterns and provide alternative prosocial ways of acting, focus treatment interventions on high-risk offenders, take into account offender traits that might affect their responsivity to treatment, employ well-trained and interpersonally

sensitive staff, and provide offenders with aftercare once they leave the program. In their abridged form, the criteria are known as the risk principle, the need principle, the responsivity principle, and treatment principle. When adhered to in program development and implementation, program effectiveness in the reduction of recidivism is an expected outcome (p. 1). In their study of community-based residential parole and post-release offenders, Lowenkamp, Latessa, and Smith (2006) confirmed the importance of the core principles of risk, need, and responsivity and their relationship to program integrity and program effectiveness (p. 589-591).

Another important concept that is prominent in the field of research is evidence-based practice. Lowenkamp and Latessa (2005) describe this to be a decision-making process in which the correctional practitioner is required to make decisions solely based on empirical evidence. The decision process involves assessment and profiling which is then followed by a review of available scientific research in order to determine the most effective action (p. 73). Warren (2007) notes that evidence-based practice is comprised of six principles. The first three guide program designers in who to target (the risk principle), what to target (the need principle), and how to target (the treatment and responsivity principles). The remaining three principles deal with the use of a risk/needs assessment instrument, offender motivation and trust, and integration of treatment and community-based sanctions. The concept of evidence-based practice is applicable to many levels of the judicial and correctional systems to improve effectiveness of programming, to reduce recidivism, to deliver fair and appropriate treatment measures, and to evaluate and improve upon program features. Evidence-based practice is based on sophisticated research that was not available in the past decades and provides the opportunity to effect positive change in offender behavior (p.ix-5). Cullen and Gendreau (2000) support the application of the evidence-based paradigm to the correctional system to yield an evidence-based corrections

philosophy. Evidence-based corrections have the advantageous combination of knowledge from empirical criminology literature, behavioral psychology, and correctional evaluation. The approach is not rigid or static. A major element in evidence-based corrections or practice is accountability and continuous quality improvement to attain better treatment /intervention effectiveness. Since scientific research has produced guiding concepts and principles that can effect change, the correctional practitioners should not ignore the positive corrections potential that can result (p. 158)

According to Lowenkamp, Latessa, and Holsinger (2006), the risk principle states that the level of supervision and treatment that an offender receives should be matched to his/her level of recidivism risk. From the analyzed data of two separate Ohio residential and non-residential programs, Lowenkamp et al. found considerable empirical data that programs that target higher risk offenders are more effective in reducing recidivism than programs that do not. Higher risk offenders must receive more services and be kept in the program longer to achieve appreciable reductions in recidivism. To the contrary, they found that low risk offenders are better served in traditional methods of supervision since placement in structured treatment can increase recidivism (p. 78-88).

Lowenkamp and Latessa (2005) reported that the Ohio halfway house reentry programs that they studied were successful in reducing recidivism for high-risk offenders. The evidence-based programs and the adherence to the principles of effective intervention were important factors in the program's integrity and implementation. High-risk offender recidivism was reduced by 9% while low/moderate risk offenders' recidivism was reduced by 1%. Programs that had services that targeted 4 or more criminogenic needs reduced recidivism by 7%, but when only one criminogenic need was targeted a 17% increase in recidivism was observed. Programs

that employed cognitive-behavioral measures showed a 10% reduction in recidivism while other types of treatment showed no change (p. 73-74).

Latessa (2004) discusses the importance of evidence-based correctional programs and scientific evaluation of their integrity in order to address program deficiencies and improve upon the program effectiveness. Using the evaluative tool Correctional Program Assessment Inventory (CPAI) to assess rehabilitative programs in Oklahoma, Oregon, and Ohio, each state was able to make the necessary changes to deficient programs and deliver better services to their inmates. Latessa makes a very important point regarding the success of correctional programs that is not directly related to scientific evidence. In each of the states, the accomplishment of the necessary changes resulted from the strong leadership and commitment of administrators and staff. Without that significant factor of professional support, program changes might not have been implemented and resulted in continued program ineffectiveness and program closure (p.550-557).

Rossum and Rossum (2003) add depth to Latessa's relevant point with a negative example. When prison administrators at Ironwood State Prison in California wanted to begin a secondary educational program with the local community college for the benefit of the inmates, the California Correctional Peace Officers Association attempted to stop the program. The Association took the stance that the program would cost the taxpayers too much money and that state-funded inmate education was politically incorrect. However, prison administrators believed the hidden agenda behind the opposition was the jealousy of inmates advancing their educational status beyond that required for a prison guard (high school diploma) as well as concerns for job stability. Being aware that higher education helps reduce recidivism, the Association was anticipating the long-term offender benefits and the resulting negative effects on

their membership (para. 30-31). The professionalism of correction officers and the unions and the persuasive political power that can be generated cannot be overlooked when the success or failure of correctional programs are at stake. An effective treatment might never be implemented and/or be properly implemented if prison personnel do not support prisoner rehabilitation and the reform efforts of the administrators.

## **INTERVENTION EVALUATIONS**

The application of evidence-based protocols in community supervision programs is one of the newest innovations to advance community corrections. Taxman (2008) reports that Maryland's Proactive Community Supervision (PCS) model is one of the first modified intensive-supervision programs to implement evidence-based supervision (EBS). Based on current "what works" literature findings, evidence-based supervision employs the risk-need-responsivity model of effective intervention. Since the goal of EBS is to empower the offender to take an active, positive role in the management of the probation process, the cognitive behavioral and social learning theories form the basis of this approach. In addition, the quality of the interaction between the offender and the parole officer are important in creating a correctional milieu that is supportive of pro-social offender changes. In this EBS model, supervision officers have a vital role in affecting offender change (p. 275-280, 296). Therefore, the implementors of EBS programs need to be supportive of the underlying concepts as well as the offender benefits that can be gained.

In the implementation of EBS to the new community supervision program, the Maryland model uses a valid assessment tool (LSI-R) to identify criminogenic risks and needs of high and moderate-risk offenders, develops case plans specific to those criminogenic needs - using gradual goal progression, provides appropriate services and controls based on social learning or

cognitive-behavioral interventions, and creates an environment for pro-social behavior learning and successful offender program completion. In addition, the state provides its community supervision officials with behavioral skills training in the underlying theories and practice sessions in the implementation of the necessary strategies. The case loads of participating parole officers are reduced to accommodate the increased time and contacts that are expected for the attainment of positive offender outcomes and to allow for ample communication between the offender and parole officer in the joint case monitoring, evaluations, and goal revisions. Since Maryland brokers offender services to the community, more than 100 community service partnerships were formed under the program. Of these partnerships, drug abuse treatment was the most difficult for offender placement due to the high volume of need and long waiting lists (Taxman, 2008, p.283-294).

Beginning in 1994, Maryland conducted the Proactive Community Supervision (PCS) Program in 4 different locations. The results of the PCS model were considered promising when compared to traditional supervision methods. The findings were that offender participation in the PCS program reduced the likelihood of arrest by 42%. PCS program involvement also appeared to reduce technical violations by 20%. As to results for offenders with mandated drug testing, there was no significant difference between the positive drug tests of traditional supervision and the PCS groups. A possible reason was that (when evaluations were done) less than 40% of the probationers had been able to participate in community drug treatment services. Since millions of offenders are involved in either probation or parole, preliminary results from Maryland's PCS model are encouraging for the strengthening of community supervision and a reduction in recidivism. Positive offender outcomes are attainable through a behavioral management approach and will facilitate more successful reentry cases (Taxman, 2008, p.293-294, 297).



The Drug Treatment Alternative To Prison Program (DTAP) in New York has also shown positive results in the reduction of recidivism since its inception in 1990. The program addresses the prominent need for non-prison correction alternatives for repeat, non-violent drug felony offenders and the need to change drug-offending behavior. The residential treatment program provides up to 2 years of drug treatment to selected high-risk offenders. In addition to substance abuse intervention, the program provides individual counseling, educational courses, vocational training, and social, mental health, and family services. When DTAP graduates were compared to offenders in traditional incarceration, DTAP participants had a 26% lower re-arrest rate, a 36% lower conviction rate, and were 67% less likely to return to prison. An additional benefit for DTAP participants is the program's employment counselor. With the employment guidance and the job skills development gained from the program, graduates are 3 times more likely to be employed after program graduation when compared to their employability prior to program participation. Of the graduates who were able to work, 91% had jobs. With the successful completion of the program, an additional participant benefit was the expungement of charges (Siegel, 2009, p 558- 559). Those who successfully completed the program were given a clean record and the opportunity for a drug-free, crime-free life.

Wilson and Davis (2006) discuss the disappointing and surprising evaluation results of New York's Project Greenlight Reentry Program in which slightly more than 31% of the participants were rearrested within the first year after release while two comparable groups were at 22% and 24%. Project Greenlight Reentry was an evidence-based practice program that provided cognitive-behavioral skills training to moderate and high-risk offenders to bring about prosocial behavior change. Part of the program focused on key issues such as employment, housing, drug relapse prevention, and substance abuse. In addition, participants were provided

links to community-based services and had access to counseling. They were assigned to field parole officers for supervision. Since the cost of the program was an issue for the prison administration, the program was prison-based, of short duration, and enrolled large numbers (349) of offenders (p. 303,307, 308, 316).

As fellow researchers examined the Project Greenlight Reentry outcomes, there was much speculation about why the program was ineffective in reducing recidivism. Marlowe (2006) believes the program failed because it was based on unproven and unstandardized interventions. In addition, offender inattentiveness during cognitive-behavioral counseling was prevalent. There was also a lack of offender follow-through with community-based services (p. 342-343). Rhine, Mawhorr, and Parks (2006) think that prison administrators may have compromised the program with too many participants, limited funding, and too short of a program duration. Thus, the program was poorly implemented and lacked program integrity (p. 349, 352). While the program was a failure and waste of funds, the project was not a total loss.

Visher (2006) addresses the lessons learned from the Project Greenlight Reentry Program. While the program did not reduce recidivism, the results were still beneficial in that other researchers and practitioners would learn from the errors. For a program to be successful, it is essential to follow the principles of effective intervention. High-quality evaluations of programs are needed for a scientific collection of “what works” to occur. Programs must be based on evaluated empirical evidence to ensure a sound basis for the program design integrity. Programs must be properly implemented to help ensure effectiveness. A working relationship between researchers and practitioners needs to occur to ensure the development and testing of new evidence-based programs. Additionally, offender responsiveness to the program must be present (300-301). Thus, with the knowledge currently available from evaluations of effective

programs and the reviews of ineffective treatments, past errors can be avoided in the design and implementation of new programs that are likely to have successful outcomes.

Among the goals of rehabilitation programs are the reduction of recidivism and the reduction of crime. Studies have shown that it is possible for certain programs to effectively reduce repeat offending and benefit the inmate as well as society. Since developing successful rehabilitation programs is not an easy task, critical evaluation of what already exists is essential. Moreover, it is important to share the findings so that the quality of treatment programs can increase and recidivism can be reduced even further. Poorly designed programs waste time and money and produce no desirable results. Moreover, confidence in the professionals and practitioners who design and implement the programs is shaken. As a result, there is no behavioral improvement in the prison population or in reducing crime rates. With money being wasted by ineffective programs, the public and policymakers will be less eager to support and fund future programs - some of which might have substantial recidivism reduction potential.

In his speech to the House of Representatives Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies hearing on “What Works” for Successful Prisoner Reentry, Jeremy Travis stressed the point that an ample body of impressive, contemporary studies now exists to direct policy makers toward the selection and funding of effective interventions. Referencing the 2006 Washington State Institute for Public Policy review of a variety of 85 intervention programs offered in correction facilities or as community-based reentry programs, he advised the lawmakers that the programs that were evaluated had a range of recidivism reductions between 6% and 22%. The interventions involved in-prison, in-jail, and in-community drug treatment; cognitive behavioral therapy, correctional industries, vocational education and training, in-community employment training and job assistance, adult basic

education, and intensive supervision based on a treatment program. While these effective programs focused on individual-level interventions for positive behavioral change, he advised the subcommittee that there is a new area of innovative initiatives that also focus on the community to which the offender returns and the resources that can be supportive to the offender's reintegration. In Chicago's Offender Notification Forum, the Boston Reentry Initiative, the Maryland (Baltimore) Reentry Partnership, and the New York City Justice Corps, interaction between the offender and community resource groups and agencies takes place to enable a successful reentry and to positively change the offender's involvement with the community environment. Rather than possibly facing reentry alone and in the same conditions that encouraged crime, a community coalition intervenes to assist in the offender's successful, crime-free reconnection with the neighborhood and the larger community and, as a consequence, also promotes public safety. (Travis, 2009, p.5-8). Thus, offender rehabilitation can take place inside the correctional system as well as outside the correctional institution - in the community to which the offender will return. Since offender rehabilitation can and should be perceived as an on-going process, successful outcomes are equally dependent upon the offender's commitment and the community's endeavors.

Travis (2009) stressed the relevance of these new reentry approaches by describing program functions and the potential mutual benefits gained by the offender and the community. The Offender Notification Forum is part of the larger Project Safe Neighborhood (PSN) Initiative that focuses on recent parolees and probationers who have a history of gun violence and gang affiliation within a targeted neighborhood. The community is represented in the forums by representatives from law enforcement, community ex-offenders, and community service providers. Law enforcement personnel relate the legal consequences of gun crime for the

offender and the impact of gun violence on neighborhood morale and safety. Ex-offenders discuss the obstacles faced in their own reentries, methods to overcome recidivism and avoid violence, and the pro-social behavior needed to move beyond the criminal lifestyle. Offenders are also informed of the programs that the community offers in the areas of drug treatment, education programs, job training, counseling, and temporary housing. Proponents of the outreach forums state that this type of community intervention has been very effective in reducing neighborhood crime rates. As a result of the forums, supporters cite a 37% reduction in homicide rates when compared to the prior years (p. 7).

A published evaluation of the Boston Reentry Initiative (BRI) cited remarkable 30% reductions in overall and violent arrest rates. The initiative features an interagency approach of law enforcement, social service agencies, and faith institutions that targets high-risk offenders within 45 days of their admission to the local jail. Between 15 and 20 offenders are selected by the interagency team each month. Caseworkers of social service agencies directly assist the offenders with the needed public services for positive transition back into the community. Law enforcement officials and community supervision personnel advise the offenders of their parole and probation requirements and the consequences of any violations and/or re-offending. Faith-based mentors become involved with the offenders for encouragement and spiritual support as they are processed through the correctional system and after they are released. The initiative further encourages released offenders to continue using the comprehensive services previously provided (Travis, 2009, p.7).

Travis (2009) further contends that community-based interventions are necessary developments for communities that experience high rates of incarceration and reentry. In such areas, a high concentration of returning offenders expands community concerns beyond the

single offender to a larger societal phenomenon that must be addressed for immediate and long-term public safety. Programs such as the Maryland (Baltimore) Reentry Partnership and the New York City Justice Corps take measures to address this larger reentry phenomenon. Each program attempts to create a community environment that is conducive to successful reintegration through offender support from a coalition of community resources. With the combined efforts, neighborhoods seek to maintain a positive community condition as large numbers of returning offenders take up residence and resume their lives. When the Urban Institute evaluated the Maryland (Baltimore) Reentry Partnership, positive results were noted since significant homicide reductions were observed in the treatment group. The treatment group had not committed any homicides or attempted homicides while the control group was responsible for 2 homicides and 11 attempted homicides. The New York City Justice Corps seeks to develop and maintain a beneficial community atmosphere in the South Bronx and the Bedford Stuyvesant neighborhood in Brooklyn. Through a facilitator (a local organizing group), transitional work opportunities are provided to the youth of these boroughs via community benefit projects that are designed to improve the immediate physical conditions of the neighborhoods. The consequential results are the long-term betterment of the social conditions and positive commitment of the participants to those improved social conditions (p. 8).

## **WHAT WORKS AND WHAT DOES NOT WORK**

The prior discussion of the currently accepted criteria to develop and implement effective offender intervention/treatment programs and the implemented programs that show promising reductions in recidivism confirms that the potential to successfully rehabilitate offenders and improve public safety is a reality rather than a myth. Layton-MacKenzie (2006) offers further confirmation from literature reviews and a meta-analysis study of 284 programs. Of the various

programs under evaluation, effective reductions in recidivism came from programs utilizing academic education, vocational education, moral recondition therapy (MRT), reasoning and rehabilitation (R&R), cognitive restructuring, cognitive behavior treatment for sex offenders, behavioral treatment for sex offenders, hormonal/surgical treatment of sex offenders, multi-systemic therapy for juveniles, drug courts, drug treatment in the community, and incarceration-based drug treatment. Except for the hormonal/surgical sex offender treatment programs, all of the programs had human service components. Many of the programs targeted dynamic criminogenic factors. Additionally, the programs were skill oriented and provided multimodal treatment of offender deficits. The effective programs were based on cognitive-behavior/behavior models and focused on individual-level changes (p.331-333, 335).

The programs in the Layton-MacKenzie (2006) review that were ineffective in the reduction of recidivism were also identifiable. Life skills education, correctional industries, multicomponent work programs, psychosocial sex offender treatment, juvenile residential treatment, juvenile community supervision, domestic violence treatment using a feminist perspective, domestic violence programs using cognitive-behavioral treatment, domestic violence programs using arrest interventions, adult and juvenile boot camps, intermediate sanctions of intensive supervision and electronic monitoring, and Scared Straight did not produce measures of effectiveness in decreasing recidivism. The explanations for the ineffectiveness of these programs vary but include the following reasons: poor or no theoretical basis, poor implementation; focus on punishment, deterrence, or control rather than rehabilitation or human service; failure to first change the offender's thought process before emphasizing the formation of bonds, and the focus on taking advantage of environmental opportunities rather than changing the individual (p. 333-335).

La Vigne (2010) confirms that research findings can produce mixed results for specific program's effectiveness, but offender exposure to specific reentry practices are associated with better outcomes for these individuals. Based upon the Urban Institute's unpublished study of released offenders with progress monitoring for a year after their return to society, important observations have been made. In-prison education of the offender is associated with higher rates of employment - especially with the achievement of a GED. Employment is a deterrent to recidivism. Ex-offenders who earn \$10 to \$12 per hour are two times as likely to remain crime-free when compared to ex-inmates earning minimum wage. In-prison drug treatment is associated with lower relapse after release. Family support greatly affects reentry outcomes. With strong family support (emotional and financial), the ex-offender is less likely to recidivate and less likely to be re-incarcerated (p. 1).

## **INFORMATION GATHERING AND SHARING**

What is important to remember is that meta-analysis studies focus on the specific programs and interventions that have already been in progress. The review is after-the-fact and for those particular programs. Care should be taken when generalizing from a specific program type to other programs of the same classification since (as seen in Layton-MacKenzie's review) most of the sex offender intervention programs were effective in reducing recidivism - but not all. The funding of one ineffective program is an unfortunate error, but to fund others like it would be an irresponsible, mismanagement of funds. Thus, when policy makers attempt to discern whether a certain program will be effective and worth the appropriations, they need to look beyond the past effectiveness of other similar programs. Policy makers need to consult with the experts and focus on the concurred information from research and correctional professionals for the program under consideration. Policy makers, then, have a responsibility to learn before



they vote. The public has the responsibility to make sure they do. However, that process is not as easy as it appears.

Since the era of “nothing works”, a great deal of research and evaluation has taken place to bring rehabilitation back to a “what works” philosophy. Several organizations are attempting to consolidate and share the knowledge that has been acquired. The National Institute of Corrections of the U. S. Department of Justice sponsors a multi-state initiative targeting evidence-based programs and practices for managing offenders in the community. The American Correctional Association, Administration of State Correctional Agencies, American Probation and Parole Association, International Community Corrections Association, and International Association of Reentry provide publications and networks for sharing evidence-based practices within and across memberships (Rhine, Mawhorr, & Parks, 2006, p. 352). The Campbell Collaboration provides systematic reviews, which describe research design and methods of the effective studies. The Academy of Experimental Criminology acknowledges and supports rigorous scientific research, recognizes successful criminologist researchers, and publishes a journal of significant experiments (Layton-Mackenzie, 2006, p.345). Thus, efforts have been made to compile information, share expertise, and give exposure to promising and effective programs.

### **COST VERSUS BENEFITS**

No discussion of public policy and rehabilitation is complete without the consideration of the financial expenditure and the resulting benefits. Arriving at an all-inclusive expense figure for the variety of effective intervention programs is impossible. Each program needs to be examined alone and on its own merits of cost verses benefits and in relationship to the funding resources of the jurisdiction. As La Vigne (2010) points out, the correctional system is at a

critical crossroads. There is an increasing correctional and political acceptance of the need to prepare returning offenders for a productive life and to protect public safety. At odds with that recognition is the current economy in which there is an imperative need to lower correctional expenses in response to decreased state and local budgets. Thus, policy makers have difficult decisions to make when weighing prison facility expenses against the costs of offender programs and community safety (p.1). Nevertheless, such decisions are made and may be based solely on immediate economic reasons. However, the cost of a program and the benefits the program provides should both be crucial factors in the determination of whether the program remains operational or not.

The New York City Justice Corps (2010) targets youth offenders aged 18 to 24 who are either on probation or parole or have participated in an alternative to incarceration program. The cost to enroll and graduate one youth is approximately \$16,300. The benefits to the community youth entails job readiness training, life skills and obstacle management, community service, employment internships, stipends, job and school placement assistance, and after graduation work and education support. When compared to the Bureau of Justice's estimate of \$37,000 per year cost to imprison one offender, proponents of the Corps believe the program's immediate and long-term benefits outweigh the expenses (Investing, p.1; NYC, p.1).

The Drug Treatment Alternative to Prison (DTAP) program in Brooklyn which has been in operation since 1990 is regarded as highly cost effective. When savings from convictions, healthcare, public assistance, and recidivism costs were analyzed and combined with tax revenues from the productive employment of program graduates, an economic benefit of \$42.4 million per 1,065 graduates was calculated. Moreover, 91% of the graduates were gainfully employed with expunged criminal records (Siegel, 2009, p.558).

Roman, Brooks, Lagerson, Chalfin, and Tereshchenko (2007) reported that the Maryland (Baltimore) Reentry Partnership was cost-beneficial in returning \$3 in benefits per each dollar of cost associated with transitional housing, substance abuse treatment, physical and mental health care, training and employment assistance, educational programs, and life skills training. The total net benefit to Baltimore taxpayers was \$7.2 million or \$21,500 per program participant. In addition, participants committed fewer crimes (p.1).

## **CONCLUSIONS**

Setting aside the calculable financial gains, the overall benefits to the participating offenders and the cumulative benefits to society cannot be converted into dollars. The non-monetary benefits of a productive lifestyle and a safer neighborhood carry on for years and ripple through time - reflecting the invaluable gains from programs that reduce recidivism and crime. Effective programs can advance the participants and their families to higher levels of positive functioning and involvement in the community. Policy makers can no longer ignore or refute the value of the such humanitarian gains.

Lawmakers are aware that a reduction in recidivism is an important measure of a program's effectiveness, but they should also recognize that it is just one of the considerations for responsible public policy development and government funding. The commitment of the offender to stay crime-free for the benefit the community and the commitment of the community to support the offender's successful reintegration suggests another important criteria for evaluating the effectiveness of rehabilitation programs. The old clique that "It takes a village to raise a child" can be appropriately expanded to "It takes a community to rehabilitate an offender".

There is no doubt that there is a strong interest in providing effective rehabilitation programs to those incarcerated and those reentering society. Government funding illustrates a profound financial investment in prisoner rehabilitation. Since there is a growing body of scientific evidence that has identified the components of effective programming, it would be unconscionable to ignore the opportunity to decrease the prison population and increase the quality of life for reentry offenders and their families. With the passage of the Second Chance Act, funding is more readily available for the development and implementation of rehabilitation programs and services. Thus, it is important that the funds not be wasted on poorly designed and inadequately managed treatments.

The times are encouraging in that there is an on-going correctional movement back to the rehabilitation philosophy. It seems reasonable that public policy can and should develop measures that will achieve a much lower incarceration rate and a reduced recidivism rate. While there have been major advances in the research field's understanding of recidivism reduction, one has to understand that researchers and practitioners cannot guarantee successful program results. Many factors determine the effectiveness of an intervention - especially the offender. However, when known indicators of program success are adhered to, there has been ample documentation that positive offender change can and has occurred for many and can be strengthened further through community support.

Scholars, researchers, practitioners, and other professionals from a variety of disciplines should continue to address "what works" in criminal rehabilitation and share their knowledge for the betterment of the offender and the society. Likewise, it is essential that corrections professionals and policy makers devote the time and effort to study the current scientific evidence to more effectively manage and allocate funding for intervention programs that can

reduce recidivism. Tough economic times does not necessarily mean offender programs have to be shut down, but the programs do need to be carefully selected in accordance with the desired outcomes.

It is important that a “nothing works “ philosophy does not take precedence again. Rehabilitative programs can and do work to reduce recidivism. Those seeking to reduce offender recidivism and crime need to have perseverance and commitment to perfect what is known to be effective. The principles of effective intervention and evidence-based corrections should become commonplace within research and program development fields so that poorly designed and improperly executed programs are weeded out. The societal benefits that will occur will be well worth the effort, time, and money. When the offenders return to the community, they should be prepared to lead law-abiding, productive lives. Society should not be fearful of their return.

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