

Evidence-based correctional practices provide an empirical foundation for preventing crime by known offenders, i.e., recidivism reduction. There is no science to direct the number of years in prison that will promote successful re-entry into the community once a sentence is served. Writing about evidence-based sentencing, Justice Michael Wolff of the Missouri Supreme Court states: "We must acknowledge that the reason for sentencing is to punish, but if we choose the wrong punishments, we make the crime problem worse, punishing ourselves as well as those who offend" (Wolff, 2008:1395). President Emeritus of the National Center for State Courts and retired Superior Court Judge Roger Warren (2008:15) writes that "[t]he research unequivocally demonstrates that in the absence of treatment, neither punishment, nor incarceration, nor any other criminal sanction reduces recidivism--beyond the period of confinement, restraint, or surveillance."

Studies included here are those that meet the standard of evidence defined in What Works (Przybylski, 2008), are Colorado-specific, or are single studies using complex and robust statistical methods. In the studies cited below, recidivism is defined in various ways but refers to the reduction of criminal behavior by known offenders.

Incarceration and crime prevention

1. Incarceration is estimated to avert an average of 15 non-drug crimes per offender per year, using data from the 1980s and 1990s.¹ The majority of these crimes would not be reported to the police.²
2. Studies looking at the impact of incarceration on declining crime rates provide findings ranging from no impact to one-third. Several studies suggest that a reasonable estimate is 10 percent; the majority of the drop in crime is attributed to factors other than incarceration.³
3. The crime reduction benefit of incarceration declines as more people are incarcerated, resulting in "diminishing returns" of the incapacitation effect of prison.⁴ This is because expanding the number of individuals in prison results in locking up less serious offenders.
4. Incarceration has a greater impact and return on investment when it is used for violent and high frequency offenders.⁵
5. The use of incarceration for low-rate, non-violent offenders prevents and deters few crimes.⁶
6. Prison does not reduce drug crime rates.⁷
7. Prison appears to have criminogenic properties in that it mixes less serious (and more pro-social) offenders with more serious (and anti-social) offenders.⁸
8. The stigma and legal restrictions associated with incarceration often make it difficult for former prisoners to secure employment,⁹ and when they do find jobs, they tend to earn less than employees with similar background characteristics who have not been in prison.¹⁰
9. Studies of offenders in Texas, Georgia and Baltimore found that increases in income were linked to reductions in property crime.¹¹
10. Both education and reduced drug consumption promote recidivism reduction. Programs addressing these areas should therefore be made available to inmates who are objectively assessed as needing these interventions.¹²
11. Individuals convicted of sex offenses who participated in prison treatment in Colorado had a significantly lower rate of parole technical violations and new violent crime arrests upon release; longer participation in treatment led to better outcomes.¹³

12. In Colorado, participation in the therapeutic community for drug offenders reduced recidivism when those offenders transitioned into a community-based therapeutic community (Peer 1).¹⁴
13. **Parole.** The time period immediately following institutional release is the riskiest for the offender and the public. In a study of over 240,000 offenders from 13 states, the probability of arrest was almost twice as high in the first month of supervision as it was in the 15th month, and arrest probabilities were equal between months 15 and 36, suggesting that longer periods of supervision had only marginal effects on offending.¹⁵

Sentencing and recidivism reduction

14. Comparing offenders at equivalent risk levels, persons who serve longer prison sentences are slightly more likely to recidivate than offenders serving shorter sentences.¹⁶
15. Mandatory minimum prison sentences are inconsistent with the consideration of individual circumstances¹⁷ and contribute to the disproportionate incarceration of minority defendants, particularly where the mandatory minimums apply to drug crimes.¹⁸
16. Diversion and similar options relating to criminal record retention help the offender avoid the lifetime of difficulties associated with having a criminal record.¹⁹
17. Young offenders have higher recidivism rates than older offenders.²⁰ Research on Colorado prisoners shows that the probability of obtaining a new felony filing upon release from prison declines when an individual reaches the age of 40, and declines again at age 47.²¹
18. First time offenders who are 25 or younger tend to have criminal careers of 4-10 years, depending on the study.²²
19. Low risk offenders do not benefit from criminal justice programming and such interventions can increase recidivism.²³
20. Evidence-based sentencing begins with an assessment of each offender's recidivism risk level and needs for services.²⁴
21. Sentencing requires judicial discretion to focus on individual offender needs.²⁵
22. Evidence-based sentencing practices include making information from objective risk assessment and needs assessment instruments available to judges.²⁶
23. Important areas of needs assessment include substance use, family support, peer groups, educational and employment history, medical, and mental health.²⁷
24. The criminogenic²⁸ factors most predictive of criminal behavior are the following:
 - a. Low self-control (impulsive behavior)
 - b. Anti-social personality
 - c. Anti-social values

- d. Criminal peers²⁹
 - e. Substance abuse
 - f. Dysfunctional family³⁰
25. Strong marital ties and stable employment can reduce recidivism; prison sentences often break family ties and make employment more difficult.³¹
 26. Enhancing offender motivation is important to recidivism reduction; excellent programs will not reduce recidivism if offenders do not participate in them.³²
 27. Meaningful rewards of positive behavior can motivate offenders to comply with conditions of supervision.³³
 28. The value of education, employment and vocational training in reducing recidivism is supported by research.³⁴ Acquiring job satisfaction is associated with recidivism reduction, and time spent and connections made at school and work likely serve as informal social controls that prevent criminal behavior.³⁵
 29. Studies show that treatment can cut drug abuse in half, reduce criminal activity by up to 80 percent and reduce arrests up to 64 percent.³⁶
 30. Substance abusing behavior indicates the need for treatment, or more frequent or intense treatment. Returning offenders to treatment with more frequent or more intense programming is an appropriate criminal justice response to relapse into drug use.^{37, 38}
 31. For those addicted to substances, outpatient treatment³⁹ and residential therapeutic communities with continuing community-based care have good outcomes.⁴⁰ In-prison programs must be followed with aftercare in the community.⁴¹
 32. Substance abuse treatment is cost beneficial (see Table 1).

Table 1: Benefit to taxpayers and crime victims per dollar spent on programs



Source: Aos (May 2001). *The Comparative Costs and Benefits of Programs to Reduce Crime*. Olympia, Washington: The Washington Institute for Public Policy. As cited in Justice Policy Institute (2007) Fact Sheet on Effective Investments in Public Safety: Drug Treatment, available at <http://www.justicepolicy.org/content-hmID=1811&smID=1588&ssmID=52.htm>.

33. Correctional supervision and surveillance alone leads to higher return to prison rates; many studies have found that supervision combined with treatment can reduce recidivism by an average of 17 percent.⁴² In Colorado in 2005, 22 percent of individuals who discharged their prison sentence and released without parole returned to prison within 3 years compared to 64 percent for those released on mandatory parole and 48 percent for those released on discretionary parole.⁴³
34. Skill-training on evidence-based practices for all professionals working with offenders is an important component of efforts to reduce recidivism rates.⁴⁴

Zero offending or less offending?

35. Longitudinal studies of those who engage in criminal behavior suggest that desistance from crime is a process in which the frequency of crime decelerates and exhibits less variety over time.⁴⁵ Understanding this deceleration process may have value to decision makers targeting scarce correctional resources.

¹ Drug crimes are not averted due to the phenomenon of replacement. In the drug trade, individuals sent to prison are immediately replaced. See summary of research by Przybylski (2008).

² Levitt (2004). Understanding why crime fell in the 1990s: Four factors that explain the decline and six that do not. *Journal of Economic Perspectives* 18: 163-190; Levitt (1996). The effect of prison population size on crime rates: Evidence from prison overcrowding litigation. *Quarterly Journal of Economics* 111, 319-351. According to data from the National Crime Victimization Survey, in 2008 47 percent of violent crimes and 40 percent of property crimes were reported to the police (see M. Rand [September 2009]. *Criminal Victimization, 2008*. Washington, D.C.: Bureau of Justice Statistics, U.S. Department of Justice. NCJ 227777).

³ Crime rates are most affected by changing demographics, fluctuating economic conditions, changes in the drug trade, the availability of firearms, and changes in law enforcement practices. See also Blumstein and Wallman (2000). *The crime drop in America*. New York: Cambridge University Press; Gainsborough and Mauer (2000). *Diminishing returns: Crime and incarceration in the 1990s*. New York: The Sentencing Project. See summary of research by Przybylski (2008). *What works: Effective recidivism reduction and risk-focused prevention programs*. Lakewood, CO: RKC Group.

⁴ Aos (2003). *The criminal justice system in Washington State: Incarceration rates, taxpayer costs, crime rates, and prison economics*. Olympia, WA., available at <http://www.wsipp.wa.gov/pub>.

⁵ See summary of research by Przybylski (2008). *What works: Effective recidivism reduction and risk-focused prevention programs*. Lakewood, CO: RKC Group.

⁶ Liedka, Piehl, and Useem (2006). The crime control effect of incarceration: Does scale matter? *Criminology and Public Policy* 6, 245-276; Piehl, Useem, Dilulio, Jr. (1999). *Right-sizing justice: A cost-benefit analysis of imprisonment in three states*. New York: Center for Civic Innovation at the Manhattan Institute. See also Washington State Institute on Public Policy, *The criminal justice system in Washington State: Incarceration rates, taxpayer costs, crime rates, and prison economics*. Olympia, WA., available at <http://www.wsipp.wa.gov/pub>, and American Bar Association (2004). *Justice Kennedy Commission Report to the House of Delegates*, page 21, available at <http://www.abanet.org/media/kencomm/rep121a.pdf>.

⁷ Przybylski (2008).

⁸ For a review of the research, see Lowenkamp and Latessa (2004). *Understanding the risk principle: How and why correctional interventions can harm low risk offenders*. Topics in Community Corrections. Longmont, CO: National Institute of Corrections. Available at <http://www.nicic.org/pubs/2004/period266.pdf>. See also Lowenkamp and Latessa (2002). *Evaluation of Ohio's halfway house and community based correctional facilities*. Cincinnati, Ohio: University of Cincinnati, and Andrews and Bonta (1998). *The Psychology of Criminal Conduct*. Cincinnati: Anderson Publishing Co.

⁹ Holtzer, Raphael and Stoll (2001). *Will employers hire ex-offenders? Employer preferences, background checks, and their determinants*. (JCPR Working Paper #238). Chicago: Northwestern University/University of Chicago Joint Center for Poverty Research. Also see National Research Council (2008:43).

¹⁰ Bushway and Reuter (2002). Labor markets and crime. In Wilson and Petersilia (Eds.) *Crime: Public policies for crime control*. Oakland, CA: ICS Press. Also see National Research Council (2008:43).

¹¹ Berk, Lenihan, and Rossi (1980). Crime and poverty: Some experimental evidence from ex-offenders. *American Sociology Review* 45: 766-786. Also see National Research Council (2008:43).

¹² National Research Council (2008).

¹³ Lowden, Hetz, Patrick, Pasini-Hill, Harrison, and English (2003). *Evaluation of Colorado's prison therapeutic community for sex offenders: A report of findings*. Denver, CO: Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

¹⁴ O'Keefe, Klebe, Robeken, and Fisher (2004). *Effectiveness of Arrowhead and Peer 1 Therapeutic Communities*. Colorado Department of Corrections/University of Colorado at Colorado Springs. Available at https://exdoc.state.co.us/userfiles/Treatment/pdf/acc_&_peer_i_outcome.pdf.

¹⁵ Analysis by Richard Rosenfeld and Robert Fornango for the National Research Council (2008).

¹⁶ Gendreau and colleagues conducted a meta-analysis of 50 studies involving more than 300,000 prisoners and found a strong connection between longer prison stays and increased recidivism (see Gendreau, Goggin and Cullen [1999]. *The effects of prison sentences on recidivism*. Ottawa, Canada: Solicitor General of Canada). A few years later, Gendreau again found that incarceration was associated with increased recidivism compared with community-based samples, and longer periods of recidivism were associated with higher recidivism rates (see Smith, Goggin, and Gendreau [2002]. *The effects of prison sanctions on recidivism: General effects and individual differences*. Ottawa, Canada: Public Works and Government Services), available at www.sgc.dc.ca. See also Lipsey and Cullen (2007). The effectiveness of correctional rehabilitation: A review of systematic reviews. *Annual Review of Law and Social Science* 3.

¹⁷ American Bar Association (2004). *Justice Kennedy Commission Report to the House of Delegates*, available at <http://www.abanet.org/media/kencomm/rep121a.pdf>; Wolff (2008).

¹⁸ Ehlers, Schiraldi and Jason (March 2004). *Still striking out: Ten years of California's three strikes*. Washington, DC: Justice Policy Institute.

¹⁹ Wolff (2008) recommends diversion-like sentences when possible. Also see Blumstein and Nakamura (2009). Redemption in the presence of widespread criminal background checks. *Criminology* 47; Holzer, Raphael, and Stoll (2006). Perceived criminality, criminal Background checks, and the racial hiring practices of employers, *Journal of Law and Economics* 49, 451-480; Kurlychek, Brame, and Bushway (2006). Scarlet letters and recidivism: Does an old criminal record predict future offending? *Criminology & Public Policy* 5: 483-504; a Kurlychek, Brame, and Bushway (2007). Enduring Risk? Old criminal records and predictions of future criminal involvement. *Crime & Delinquency* 53, 64-83.

²⁰ National Research Council (2008).

²¹ See the Colorado Actuarial Risk Assessment Scale, at http://dcj.state.co.us/ors/pdf/docs/CARAS_descriptionMay20.pdf.

²² Blumstein and Nakamura (June 2009). 'Redemption' in an Era of Widespread Criminal Background Checks. *NIJ Journal*, Washington, DC: National Institute of Justice, Office of Justice Programs, US Department of Justice. NCJ 226872. See also Kurlychek, Brame and Bushway (2006). Scarlet letters and recidivism: Does an old criminal record predict future offending? *Criminology and Public Policy* 5, 483-504.

²³ For an early review of this literature, see Andrews, Bonta and Hoge. 1990. Classification for effective rehabilitation: Rediscovering psychology. *Criminal Justice and Behavior* 17, 19-52. See also Gendreau, French and Taylor (2002). *What works (what doesn't work): The principles of effective correctional treatment*. Unpublished manuscript. University of New Brunswick at Saint John; Gendreau and Goggin (1996). Principles of effective correctional programming. *Forum on Corrections* 8, 38-41. Lowenkamp and Latessa (2002). *Evaluation of Ohio's halfway house and community based correctional facilities*. Cincinnati, Ohio: University of Cincinnati; Bonta, Wallace-Capretta, and Rooney (2000). A quasi-experimental evaluation of an intensive rehabilitation supervision program. *Criminal Justice and Behavior* 27, 312-329. Lowenkamp and Latessa (2002) studied thousands of offenders in dozens of Ohio halfway houses and found that the same programs that decreased recidivism by 30 percent for high risk offenders actually increased recidivism by the same amount for low risk offenders.

²⁴ See Colorado Commission on Criminal and Juvenile Justice binder, Tab 9, *Evidence Based Correctional Practices*, prepared by the Division of Criminal Justice, Office of Research and Statistics, based in part on material available from the National Institute of Corrections (www.nicic.org), August 2007. See also Andrews, Bonta and Hoge (1990). Classification for effective rehabilitation: Rediscovering psychology. *Criminal Justice and Behavior* 17:19-52; Andrews and Bonta (1998). *The Psychology of Criminal Conduct*. Cincinnati: Anderson Publishing Co.; Clements (1996). Offender classification: Two decades of progress. *Criminal Justice and Behavior* 23, 121-143.

²⁵ Michael Wolff (2008). Evidence-based judicial discretion: Promoting public safety through state sentencing reform. *The New York University Law Review* 83, 1389-1419.

²⁶ Wolff (2008:1405). Wolff acknowledges that prediction is inherent in sentencing decisions and thus should be determined systematically. He notes, however, that "the severity of a punishment should not be based on a risk assessment prediction" and cites John Monahan (2006:428): "Past criminal behavior is the only scientifically valid risk factor for violence that unambiguously implicates blameworthiness, and therefore the only one that should enter the jurisprudential calculus in criminal sentencing." Monahan (2006). A jurisprudence of risk assessment: Forecasting harm among prisoners, predators, and patients. *Virginia Law Review* 291.

²⁷ Latessa (2005). Developing successful reentry programs: Lessons learned from the "what works" research. *Corrections Today*; Andrews, Bonta and Hoge (1990). Classification for effective rehabilitation: Rediscovering psychology. *Criminal Justice and Behavior* 17, 19-52; Andrews and Bonta (1998). *The Psychology of Criminal Conduct*. Cincinnati: Anderson Publishing Co.; Clements (1996). Offender classification: Two decades of progress. *Criminal Justice and Behavior* 23, 121-143.

²⁸ Criminogenic refers to factors associated with criminal activity that can be changed with appropriate interventions, thereby reducing the likelihood of future criminal behavior.

²⁹ Andrews and Bonta (1998). *The Psychology of Criminal Conduct*. Cincinnati: Anderson Publishing Co.

³⁰ Gendreau, Little, and Goggin (1996). A meta-analysis of the predictors of adult offender recidivism: What works! *Criminology* 34, 575-607.

³¹ National Research Council (2008). *Parole, desistance from crime, and community integration*. Washington, DC: National Academy of Sciences.

³² Miller and Rollnick (2002). *Motivational interviewing: Preparing people for change*. New York: Guilford Press; Harper and Hardy (2000). An evaluation of motivational interviewing as a method of intervention with clients in a probation setting. *British Journal of Social Work* 30, 393-400; Ryan and Deci (2000). Self determination theory and the facilitation of intrinsic motivation, social development, and well-being. *American Psychologist* 55, 68-78; Clark (2005). Motivational interviewing for probation staff: Increasing the readiness to change. *Federal Probation* 69, 22-24.

³³ See Trotter's (2006). *Working with involuntary clients*. London: Sage; Andrews, Keissling, Russell, and Grant (1979). *Volunteers and one-to-one supervision of adult probationers*. Ontario Ministry of Correctional Services, Toronto; Miller, Herson, Eisler, and Watts (1974). Contingent reinforcement of lowered blood/alcohol levels in an outpatient chronic alcoholic. *Behavior Research and Therapy* 1, 261-263. Also, Dowden and Andrews's (2004) meta-analysis found that effective modeling by corrections staff in a range of situations was strongly and significantly related

to reduced reoffense rates. See also Andrews and Bonta (1998). *Psychology of criminal conduct, second edition*. Cincinnati, OH: Anderson; Taxman 2006). *A behavioral management approach to supervision: Preliminary findings from Maryland's Proactive Community Supervision (PCS) pilot program*. Prepared for the Workshop on Community supervision and Desistance from Crime, Committee on Law and Justice, National Research Council. National Research Council (2008:39). See also Bandura (1977). Self-efficacy: towards a unifying theory of behavioral change. *Psychological Review* 84: 191-215, and Petry, Tedford, Austin, Nich, Carroll, Rounsaville (2004). Prize reinforcement contingency management for treating cocaine users: how low can we go, and with whom? *Addiction* 99, 349-360.

³⁴ One study by an economist found that a ten percent increase in wages would reduce crime participation by 6-9 percent (Grogger [1998]. Market wages and youth crime. *Journal of Labor Economics* 16, 756-791; National Research Council (2008:42).

³⁵ Sampson and Laub (1993), *Crime in the making: Pathways and turning points through life*. Cambridge: MA: Harvard University Press. Shover (1996). *Great pretenders: Pursuits and careers of persistent thieves*. Boulder, CO: Westview Press. See also National Research Council (2008:24).

³⁶ Center for Substance Abuse Treatment (1997). *The National Treatment Improvement Evaluation Study (NTIES)*. Substance Abuse and Mental Health Services Publication Number SMA-97-3156.

³⁷ The National Institute on Drug Abuse, *Principles of Drug Abuse Treatment for Criminal Justice Populations* (no date), states the following: "Detected use can present opportunities for therapeutic intervention. Monitoring drug use through urinalysis or other objective methods, as part of treatment or criminal justice supervision, provides a basis for assessing and providing feedback on the participant's treatment progress. It also provides opportunities to intervene to change unconstructive behavior—determining rewards and sanctions to facilitate change, and modifying treatment plans according to progress." Available at http://www.nida.nih.gov/PODAT_CJ/principles.

³⁸ The National Institute on Drug Abuse, *Principles of Drug Abuse Treatment for Criminal Justice Populations* (no date), states the following: "Drug addiction is a serious problem that can be treated and managed throughout its course. Effective drug abuse treatment engages participants in a therapeutic process, retains them in treatment for an appropriate length of time, and helps them learn to maintain abstinence over time. Multiple episodes of treatment may be required. Outcomes for drug abusing offenders in the community can be improved by monitoring drug use and by encouraging continued participation in treatment." Available at http://www.nida.nih.gov/PODAT_CJ/principles.

³⁹ MacKenzie (2006). *What Works in Corrections: Reducing the Criminal Activities of Offenders and Delinquents*. New York: Cambridge University Press.

⁴⁰ Tims, DeLeon, and Jainchill (1994). *Therapeutic Community: Advances in Research and Application*, National Institute on Drug Abuse Research Monograph 144, NIH Pub. No. 94-3633, U.S. Government Printing Office; Inciardi, Tims, and Fletcher (eds.) (1993). *Innovative Approaches in the Treatment of Drug Abuse*, Westport, CT: Greenwood Press; Institute of Medicine (1990). *Treating Drug Problems*. Washington, D.C.: National Academy Press.

⁴¹ MacKenzie (2006). *What Works in Corrections: Reducing the Criminal Activities of Offenders and Delinquents*. New York: Cambridge University Press.

⁴² Aos et al. reviewed 11 studies of supervision to reach the conclusion that supervision without treatment does not reduce recidivism. See Aos, Miller and Drake (2006). *Evidence-based public policy options to reduce future prison construction, criminal justice costs, and crime rates*. Olympia: Washington State Institute for Public Policy.

⁴³ O'Keefe and Barr (June 2009). *Statistical Report: Fiscal Year 2008*. Colorado Springs, CO: Colorado Department of Corrections. Page 51-52.

⁴⁴ Latessa, Cullen and Gendreau (2004). Beyond correctional quackery—Professionalism and the possibility of effective treatment. *Federal Probation* 66, 43-49; Mihalic and Irwin (2003). *Blueprints for violence prevention: From research to real world settings—factors influencing the successful replication of model programs*. Boulder, CO: Center for the Study and Prevention of Violence. Also, Miller and Mount (2001). *A small study of training in Motivational Interviewing: Does one workshop change clinician and client behavior?* Albuquerque, NM. Available at www.nicic.org; Andrews, Keissling, Russell, and Grant (1979). *Volunteers and one-to-one supervision of adult probationers*. Ontario Ministry of Correctional Services, Toronto, and Andrews and Bonta (2004). *The psychology of criminal conduct*. Cincinnati: Anderson Publishing, as cited in Trotter (2006).

⁴⁵ National Research Council (2008:20).