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As a President of the International Community Corrections Association and a community corrections practitioner in Ohio, I would like to thank the Charles Colson Task Force on Federal Corrections for inviting testimony on issues and challenges with the federal corrections system in an effort to work toward reform.

The need for reforms in the federal system is clear: The federal prison population has increased by 800% since the enactment of mandatory minimum sentencing laws for drug offenses in the 1980s. More than half of the inmates in federal prison today are there for violating drug laws. Federal prisons are 38% over capacity and are projected to climb to 44% over capacity by 2018.<sup>i</sup> During this period, state incarceration rates have increased at a similarly high rate.

However, the increase in the number of individuals in prison has not resulted in a similar decrease in crime. In fact, there is data does not support that locking people up for a period of time results in reducing the risk of recidivism for those individuals, nor does it deter other individuals from committing crimes in the first place. The current system of mandatory minimums, three strikes laws, etc. is failing miserably – more than 50% of the individuals who are released from prison, return to prison within three years.<sup>ii</sup>

An effective criminal justice system is one that contributes toward a safer society. There is an enormous body of evidence to support specific reforms. Many state corrections systems have already made great strides in reforms. These are based on four principles research has determined are critical to reduce recidivism: 1) Focusing resources on individuals most likely to reoffend; 2) Investing in research-driven, evidence-based programs; 3) Implementing effective community supervision policies and practices; and 4) Applying place-based approaches.<sup>iii</sup> As a result of

implementing these types of reforms, Ohio, Michigan, Kansas, Texas, Mississippi, Oregon, Texas, and Vermont reported reductions in recidivism ranging from 8% to 18%.<sup>iv</sup>

The Whitehouse-Cornyn Substitute Amendment to S. 1675, the Recidivism Reduction and Public Safety Act, supports reforming the federal system in the same manner that has already proven to be effective in reducing recidivism at the state level. These reforms include:

**Risk-Needs Assessment**

First, the federal system needs to embrace and fully utilize a risk needs assessment and base client programming on the criminogenic needs established by the assessment. Social science research over the past several decades has consistently and overwhelmingly demonstrated that effective interventions in community corrections adhere to the principles of risk, need, and responsivity.<sup>v</sup>

A risk needs assessment will identify: 1) Which persons to target for correctional interventions, 2) What characteristics or needs to address, and 3) How to deliver supervision and treatment in a way that optimizes positive outcomes.<sup>vi</sup>

Fully utilizing a risk needs assessment will help inform sentencing decisions and can decrease the use of prison as a sanction for nonviolent offenders. Nonviolent offenders could be safely and effectively sanctioned in a community corrections setting, such as a Residential Reentry Center; Home Confinement; Day Treatment Program; and/or Probation Supervision. This can be done without risk to public safety: States that have rolled back mandatory minimum sentences have continued to see violent and property crime rates drop.<sup>vii</sup> Additionally, individuals in community corrections programs benefit the broader community by earning wages, paying taxes, doing community service, etc. (An example quantifying these benefits is attached, see Ohio Department of Rehabilitation and Correction, Fiscal Year 2014 Community Corrections Program Benefits.)

There is a risk-needs assessment that has already been developed for use in the federal system. In 2009, the Administrative Office employed Dr. Chris Lowenkamp, a nationally

recognized expert in risk assessment and community corrections research, who created the Federal Post Conviction Risk Assessment (PCRA) instrument for the federal probation system.

Unfortunately, it is not in widespread use in US Courts as a tool to inform sentencing practices.

Within the Federal Bureau of Prisons (BOP), it does not appear to be in use at all.

This is a validated tool that provides information about whom to target for intensive supervision and programming (the risk principle), what factors to target for change (the needs principle), and how to remove barriers that hinder the effective delivery of services (the responsibility principle). It can also directly inform the supervision and treatment plan by identifying the necessary level of supervision, the most pressing criminogenic needs, and the possible obstacles to correctional intervention. Finally, it can assist in the understanding the nature of the population of persons under supervision and in strategically directing resources to target the appropriate offenders and needs with the correct services.<sup>viii</sup> We encourage the BOP to adopt the PCRA used by the court system to improve continuity through the system. If the PCRA is not selected for use by the BOP, they should adopt another validated risk needs assessment to ensure precious treatment resources are allocated in an effective manner.

### **Evidence-Based Recidivism Reduction Programming**

Second, the risk-needs assessment must be used to guide programming to individual clients; and programming must have a proven, evidence-based track record of reducing recidivism. At present, Chapter 10 of the Federal Statement of Work (SOW) dictates a range of programming that is to be offered to federal clients in a Residential Reentry Center (RRC). But it is laid out in a cookie-cutter style to be applied to any client, regardless of that client's individual needs. Addressing criminogenic needs must be a priority over providing generic life skills classes. Specifically, we encourage the BOP to require RRCs to use proven cognitive behavioral treatment programs.

There is also an emphasis on employment over correctional treatment. Clients at the RRC are expected to obtain full time employment within approximately two weeks of arrival at the RRC,

regardless of their criminogenic needs, mental health status, etc. This is not realistically possible, or even desirable, for each client at a RRC.

### **Incentives to Participate in Programming**

Third, incentives are needed to encourage clients to participate in recidivism reduction programming at various levels of the federal system. These incentives could include earning “good-time credit” toward getting out of an institution earlier than scheduled, or to be moved to home confinement at an accelerated pace, etc.

At present, inmates participating in CTS (Community Treatment Services, formerly known as Transitional Drug Abuse Treatment or TDAT) have the opportunity to reduce their sentence as a result of being in the program. CTS is an example of a federal program that is working well. It provides continuity of care for offenders for a specific, assessed need as they transition from an institution to a RRC and Home Confinement. CTS is grounded in research that demonstrates continued treatment and supervision is an essential element to the offender's success.

In addition to reforms supported in the Whitehouse-Cornyn, the federal system would benefit by developing standards that support effective, evidence based programming. All of the performance standards used by the Ohio Department of Rehabilitation and Correction to evaluate residential and related community reentry programs are based on the Correctional Profile Checklist (formerly known as the Correctional Program Assessment Inventory, or CPAI).

Recidivism reduction checklists have been developed by the National Reentry Resource Center, a project of the Council of State Governments (CSG) Justice Center. These are a user-friendly source of information on the many policies and practices that go into a comprehensive, effective reentry initiative. (A CSG recidivism reduction checklist for legislative and executive policymakers is attached.) The checklists include actions related to measuring recidivism and setting reduction targets; policies and practices that research has shown to reduce recidivism; and administrative practices that are necessary for ensuring data-driven accountability for results.<sup>ix</sup>

Finally, a true collaborative partnership needs to be developed between the BOP and the agencies and organizations with whom it relies on to provide community treatment services and supervision. All too often, the organizations operating RRCs and similar programs are seen as vendors, not as partners in the provision of treatment services designed to turn lives around as well as increase public safety.

At the 2012 Denver BOP conference, much was said about partnership between the BOP and the contractors; but that has not been the experience of many practitioners since that time. Instead of helping to facilitate better recidivism reduction practices and coordinate services, monitorings seem to have become an opportunity to issue lists of deficiencies – some even citing issues approved by previous BOP oversight staff. It feels like some BOP staff place more emphasis on ensuring forms are properly filled out instead of finding ways to work together to implement and support programming proven to help the clients we both serve to successfully reenter the community.

The federal system seems to be consumed by the need for safety, security, control and accountability. These are not bad objectives, but achieving a 100% compliance rating with each of these elements does not reduce recidivism. Public safety is not achieved by counting the number of home visits or the number of years someone is in prison – it just provides a tally sheet of accountability without having provided any evidence-based programming that can change a person's behavior.

In the future, we hope that everyone working in the criminal justice system – whether at the federal, state, or local level, in the public or private sector - sees their job as working together to reduce recidivism and contribute over the long term to public safety.

## Endnotes

<sup>i</sup> The Heritage Foundation, Factsheet #147 on Legal Issues, June 24, 2014.

<sup>ii</sup> Bureau of Justice Statistics national study of 1994 releasees

<sup>iii</sup> 1. Marshall Clement, Matthew Schwarzfeld, and Michael Thompson, *The National Summit on Justice Reinvestment and Public Safety: Addressing Recidivism, Crime, and Corrections Spending* (New York: Council of State Governments Justice Center, 2011).

<sup>iv</sup> Council of State Governments, September 2012.

<sup>v</sup> 5 See D.A. Andrews et al., Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-Analysis, 28 *Criminology*, no. 3, 1990 at 369; P. Gendreau et al., Does "Punishing Smarter" Work? An Assessment of the New Generation of Alternative Sanctions in Probation, 5 *Forum on Corrections Research*, no. 3, 1993 at 31; L. Simourd & D.A. Andrews, Correlates of Delinquency: A Look at Gender Differences, 6 *Forum on Corrections Research*, no. 1, 1994 at 26; M.W. Lipsey, What Do We Learn From 400 Research Studies on the Effectiveness of Treatment with Juvenile Delinquents (1995), in *What works? Reducing Reoffending – Guidelines from Research and Practice* 63-78 (James McGuire ed., 1995); P. Gendreau et al., A Meta-Analysis of the Predictors of Adult Offender Recidivism: What Works!, 34 *Criminology*, no. 4, 1996 at 48; M.W. Lipsey & D.B. Wilson, Effective Intervention for Serious Juvenile Offenders: A Synthesis of Research (1998), in *Serious and Violent Juvenile offenders: Risk Factors and Successful Interventions* 313-345 (R. Loeber & D.R. Farrington eds., 1998); C. Dowden & D.A. Andrews, What Works in Young Offender Treatment: A Meta-Analysis, 11 *Forum on Corrections Research*, no. 2, 1999 at 21; C. Dowden & D.A. Andrews, What Works for Female Offenders: A Meta-Analytic Review, 45 *Crime and Delinquency*, no. 4, 1999 at 438; S. Redondo et al., The Influence of Treatment Programmes on the Recidivism of Juvenile and Adult Offenders: A European Meta-Analytic Review, 5 *Psychology, Crime and Law* 251 (1999); Frank S. Pearson & Douglas S. Lipton, A Meta-Analytic Review of the Effectiveness of Corrections-Based Treatment for Drug Abuse, 79 *The Prison Journal*, no. 4, 1999 at 384; F.T. Cullen & P. Gendreau, Assessing Correctional Rehabilitation: Policy Practice and Prospects (2000), in *3 Policies, Processes, and Decisions of the Criminal Justice System* 109-175 (J. Horney et al. eds., 2000); P. Gendreau et al., The Effects of Community Sanctions and Incarceration on Recidivism, 12 *Forum on Corrections Research*, no. 2, 2000 at 10; M.W. Lipsey et al., Cognitive Behavioral Programs for Offenders, 578 *The Annals for the American Academy of Political and Social Science* 144 (2001); F.S. Pearson et al., The Effects of Behavioral/Cognitive Behavioral Programs on Recidivism, 48 *Crime and Delinquency*, no. 3, 2002 at 476; P. Gendreau et al., What Works (What Doesn't Work) Revised 2002: The Principles of Effective Correctional Treatment (2002) (unpublished manuscript) (on file with the International Community Corrections Association); C. Dowden et al., The Effectiveness of Relapse Prevention with Offenders: A Meta-Analysis, 47 *International Journal of Offender Therapy and Comparative Criminology*, no. 5, 2003 at 516; C. Dowden & D.A. Andrews, The Importance of Staff Practices in Delivering Effective Correctional Treatment: A Meta-Analytic Review of Core Correctional Practices, 48 *International Journal of Offender Therapy and Comparative Criminology* 203 (2004); D.B. Wilson et al., Quantitative Review of Structured, Group-Oriented, Cognitive-Behavior Programs for Offenders, 32 *Criminal Justice and Behavior*, no. 2, 2005 at 172; C.T. Lowenkamp et al., The Risk Principle in Action: What Have We Learned From 13,676 Offenders and 97 Correctional Programs?, 51 *Crime and Delinquency*, no. 2, 2006 at 1; D. Wilson et al., A Systematic Review of Drug Court Effects on Recidivism, 2 *Journal of experimental Criminology*, no. 4, 2006 at 459; M.W. Lipsey & F.T. Cullen, The Effectiveness of Correctional Rehabilitation: A Review of Systematic Reviews, 3 *Annual Review of Law and Social Science* 297 (2007); O. Mitchell et al., Does Incarceration-Based Drug Treatment Reduce Recidivism? A Meta-Analytic Synthesis of the Research, 3 *Journal of Experimental Criminology*, no. 4, 2007 at 353; D.A. Andrews & James Bonta, *The Psychology of Criminal Conduct* 279 (4th ed. 2007); M. Nrdecka et al., A Meta-Analysis on the Effectiveness of Juvenile Cognitive Behavioral Programs (2008), in *Cognitive Behavioral Interventions for At Risk Youth* 14-1 (B. Glick ed., 2008).

<sup>vi</sup> Administrative Office of the United States Courts Office of Probation and Pretrial Services, *An Overview of the Federal Post Conviction Risk Assessment* September 2011

<sup>vii</sup> The Heritage Foundation, Factsheet #147 on Legal Issues, June 24, 2014.

<sup>viii</sup> Administrative Office of the United States Courts Office of Probation and Pretrial Services, *An Overview of the Federal Post Conviction Risk Assessment (PCRA)* September 2011

<sup>ix</sup> <http://csgjusticecenter.org/reentry/reentry-checklists>

## Ohio Department of Rehabilitation and Correction Funded Community Corrections

<u>Fiscal Years 2010-2015 ODRC Total Budget Appropriations</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>FY 2014</u>	<u>FY 2015</u>
<u>Residential Community</u>						
Halfway Houses	\$41.1 million	\$42.3 million	\$43.6 million	\$43.6 million	\$48.0 million	\$51.2 million
Community-Based Correctional Facilities	\$62.5 million	\$64.3 million	\$62.7 million	\$62.5 million	\$65.2 million	\$69.4 million
<u>Nonresidential Community</u>						
Jail Diversion Programs	\$11.1 million	\$11.4 million	\$12.4 million	\$12.4 million	\$12.8 million	\$12.8 million
Prison Diversion Programs	\$21.9 million	\$22.4 million	\$27.4 million	\$28.3 million	\$34.1 million	\$34.3 million
Adult Parole Authority (supervision costs)	\$52.1 million	\$51.5 million	\$50.1 million	\$51.4 million	\$53.8 million	\$58.3 million

### FISCAL YEAR 2014 ANNUAL PROGRAM INFORMATION AND COSTS

<u>Residential</u>	<u>Number</u>	<u>Total Offenders</u>	<u>State Funded Cost per Day</u>	<u>Ave Length of Stay</u>	<u>State Funded Cost per Offender</u>
Prisons (all offenders)	27	50,504 (avg.)	\$67.90	785 days	\$53,301
Prisons (Felony Levels 3,4,5)*	27	18,041 (1/1/14)	\$67.90	434 days	\$29,469
Halfway Houses	12	7,535	\$62.83	87 days	\$6,372
Community-Based Correctional Facilities	18	6,883	\$77.69	122 days	\$9,203
<u>Nonresidential</u>	<u>Number</u>	<u>Total Offenders</u>	<u>State Funded Cost per Day</u>	<u>Ave Length of Stay</u>	<u>State Funded Cost per Offender</u>
Jail Diversion Programs	123	20,988	\$3.72	164 days	\$610
Prison Diversion Programs	74	11,495	\$9.75	305 days	\$2,974
Adult Parole Authority Regions	6	33,557 (avg.)	\$2.30	778 days	\$1,789

### FISCAL YEAR 2014 COMMUNITY CORRECTION PROGRAM BENEFITS

<u>Residential</u>	<u>Court Costs/Fines</u>	<u>Restitution</u>	<u>Child Support</u>	<u>Income Earned</u>	<u>Taxes Paid **</u>	<u>Community Work Service</u>	<u>Est. Value of CWS</u>
Halfway Houses	\$510,591	\$1,261,060	\$103,221	\$6,452,847	\$645,285	52,356 hrs	\$1,120,418
Community-Based Correctional Facilities	\$184,305	\$11,637	\$32,512	\$1,302,575	\$130,258	223,700 hrs	\$4,787,180
<u>Nonresidential</u>							
Jail Diversion Programs	\$2,196,903	\$391,548	\$514,858	\$31,673,803	\$3,167,380	143,019 hrs	\$3,060,607
Prison Diversion Programs	\$2,224,644	\$940,634	\$583,828	\$24,518,817	\$2,451,882	140,250 hrs	\$3,001,350
<b>Total</b>	<b>\$5,116,443</b>	<b>\$2,604,879</b>	<b>\$1,234,419</b>	<b>\$63,948,042</b>	<b>\$6,394,805</b>	<b>559,325 hrs</b>	<b>\$11,969,555***</b>

\* 91% of offenders in community correction programs are felony levels 3, 4 and 5 or misdemeanors.

\*\* Taxes paid based on 10% tax bracket \*\*\* Estimated based on Independent Sector's valuation of volunteer time for Ohio 2013 Data

# REDUCING STATEWIDE RECIDIVISM:

## CHECKLIST FOR LEGISLATIVE AND EXECUTIVE POLICYMAKERS



### WHY SHOULD RECIDIVISM REDUCTION BE A STATE PRIORITY?

All across the country, states have recognized that in order to advance public safety it is critical to break the cycle of reincarceration for the thousands of individuals returning home from prisons every year. Many states are tracking recidivism rates, setting reduction targets, and implementing policies that have been shown to reduce reoffense rates and supervision violations.<sup>1</sup> The potential benefits of these bipartisan efforts are clear—communities are safer and the growth in state prison populations and related costs are slowing.

### WHAT ARE THE KEY STEPS STATE POLICYMAKERS CAN TAKE TO REDUCE RECIDIVISM?

#### 1. Make recidivism reduction a state priority and a key measure of successful corrections and reentry policy.

- Identify key stakeholders from the different agencies and organizations that impact the reentry process in your state and hold them responsible for their role in advancing recidivism reduction goals
- Set a clear definition of recidivism, measure current recidivism rates within your state, and set reduction targets related to specific programs or policy changes
- Support the collection and reporting of recidivism and revocation data on a monthly basis to track progress and drive policy changes

#### 2. Develop a plan to implement policies and practices that research has shown to reduce recidivism.

- Ensure corrections and reentry-related resources are focused on the individuals who are most likely to reoffend
- Fund evidence-based programs and services at levels that meet the needs of high-risk offenders and ensure that they are implemented effectively
- Authorize the adoption of community supervision policies and practices that reduce the risk of individuals reoffending or violating the terms of their release
- Review laws and policies to determine if they undermine the goals and benefits of recidivism-reduction efforts and make modifications as necessary

#### 3. Track progress and ensure accountability for results

- Review recidivism data on a regular basis and hold agencies and programs responsible for progress toward meeting targets
- Provide incentives to agencies or jurisdictions for implementing practices that reduce recidivism and revocations
- Require that program quality assessments be conducted at least annually to determine the programs' recidivism reduction impact, and use that information to inform budget decisions

### Policy in Practice

#### Prioritizing recidivism reduction: Kansas

In 2007, Kansas policymakers invested \$7.9 million to increase the capacity of treatment programs and strengthen probation and parole. Between 2007 and 2009, state recidivism rates decreased more than 20 percent.

#### Implementing evidence-based practices: Wisconsin

In 2009, policymakers signed a law requiring that a validated risk assessment tool be used for triaging community supervision resources. The law resulted in a 25-percent reduction in community supervision officers' workload as resources were reallocated to individuals that were most likely to reoffend or violate the terms of their release.

#### Promoting accountability: Ohio

Ohio policymakers have demonstrated their commitment to implementing evidence-based practices by evaluating correctional and community reentry programs' impact on recidivism reduction. Based on recent studies, Ohio is canceling contracts with low-performing programs and restructuring other programs to produce better outcomes.

<sup>1</sup> This conclusion is based on results from a survey of state corrections departments conducted by the Council of State Governments Justice Center and the Association of State Correctional Administrators in January 2012.