

CCTF Written Testimony

Brief Historical Perspective

During the early 1990s, the National Institute of Corrections (NIC), an independent federal agency attached to the Federal Bureau of Prisons for administrative support, began importing Canadian correctional research. The body of knowledge was the result of the Canadian investment in research of most notably Doctors Don Andrews, Jim Bonta and Paul Gendreau. These psychologists were documenting the risk factors that allowed correctional practitioners to disaggregate correctional populations into cohorts representing different levels risk to commit future crime. Risk assessment in and of itself was not new. For example, the US Parole Commission had already established the Salient Risk Factors for the US federal correctional population. This prediction of risk to commit new, future crime was based on historical, unchanging factors such as age at first arrest. What was new about the Canadian research was that in addition to the use of static historical artifacts they were identifying dynamic risk factor which, if altered, could increase or decrease the risk of new, future crime. The "altering" could be a result of life experience or could be influenced by deliberate, disciplined intervention.

David Dillingham, a staff member at NIC, working primarily with the International Community Corrections Association (a private professional membership organization composed of private and public community corrections administrators) began crisscrossing the US building an awareness of these research findings. This introduction of research labeled "What Works," began with correctional administrators and expanded to include members of the criminal justice system making key sanctioning decisions for

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offender populations. This expanded population included, judges, prosecutors as well as county and state legislators.

By late in the 1990s, the body of knowledge was being more fully developed not only by the Canadians but also by US correctional researchers, most notably Doctors Ed Latessa and his colleague Chris Lowenkamp. The contributions of Dr Latessa and his colleagues at the University of Cincinnati along with research from Canada, the United Kingdom, Western Europe and Australia became known as Evidence-Based Practice (EBP), a term increasingly being used at the time by various human sciences. During this period of time NIC ceased to exist as an independent federal agency, but its establishing legislative language and operational mission was absorbed as a unit within the Federal Bureau of Prisons.

By the beginning of the new Millennium, NIC working with the Crime and Justice Institute (CJI), a division of Community Resources for Justice (CRJ), was attempting to apply the knowledge gained through this research to daily correctional operations. This effort led by Dorothy Faust at NIC, focused initially on state and local public sector community corrections agencies responsible for managing offenders under dispositions of probation or parole. It later became adopted by correctional administrators responsible for the management of jails or prisons. **These administrators recognized this research was not about the sanctioning disposition imposed (jail, probation, prison or parole) but was instead about changing human behavior.** Because EBP is about changing human behavior, it is not a question of can it be done and where, but

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it is the question of how can positive behavior change be most effectively influenced where the person is currently, physically, mentally and emotionally?

Probably the most important thing learned from NIC's initial implementation effort is that systematically influencing the behavior of offenders requires a change in the culture of the organization working with them. Staffs commonly have to change their behavior to comport to what the research documents is most effective. With EBP, effectiveness is measured in outcomes and not merely compliance with regulations that have no direct impact on outcome. These meant bodies of knowledge from research on organizational or system development, substance abuse or mental health intervention and implementation science were also very relevant to achieving success with criminal justice populations.

While the work of attempting implementation was taking place within agencies, NIC began looking at the interaction of agencies loosely defined as the criminal justice system. NIC considered the "common knowledge" members of the various agencies brought to the process and that impacted the working of the system. Was the experience collaborative or more commonly conflict? Did one agency frustrate another without any awareness of the impact? This work under the direction of Phyllis Modley at NIC led to a joint venture with the Center for Effective Public Policy (CEPP) called Evidence-Based Decision Making (EBDM). Their work pointed out the importance of defining public policy in the terms of intended measurable outcomes prior to agencies

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creating agency policy, which in some cases, inadvertently derailed the achieving of the agreed upon intended outcomes.

This brief history points out there is a great deal known because of documented research findings about the most effective ways to influence the change of offender behavior, organizational behavior and system behavior. Much of this knowledge informs a wide variety of human service delivery, including public education and the practice of medicine for example. The NIC website (nicic.gov) is a source of monographs that describe the bodies of knowledge and effective ways to implement them.

What are implications for federal corrections?

The federal corrections system is really the responsibility of all three branches of federal government. There are operational corrections units in both the judicial branch (Federal Probation - FP) and in the executive branch (Federal Bureau of Prisons - BOP). The legislative branch owns the responsibility for articulating public policy and the financing of effective policy implementation.

While Federal Probation initially lagged behind their state and local counterparts in the early adoption of EBP, during the past decade they have seriously committed to EBP. They employed Dr Chris Lowenkamp to develop actuarial assessment tools based on and validated against the extensive federal offender data bases maintained by FP and BOP. FP is using these tools to inform recommendations for pre-trial release and for case planning of people under a disposition of probation or post institution supervision.

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The Administrative Office of the US Courts has also employed individuals with experience of implementing EBP at state and local government levels to assist Chief Probation Officers (CPOs) in the Districts of the US Courts to adopt EBP. In addition, having a few CPOs who had also been involved in implementation at the state and local government provided "modeling" for other CPOs.

At the same time BOP focused on static risk assessment tools and tools focused on life skills for its own internal use. It has not adopted a actuarial based dynamic assessment tool to determine the level and nature of risk for future crime posed by the person entering one of their institutions or the level and nature of risk posed by people leaving an institution on some form of community placement. This latter decision related to community placement is particularly troubling. During 2014 the BOP spent almost \$400 million on the reentry services through contractual agreements with residential providers. The decisions for release are made exclusively by the BOP without the benefit of an actuarial tool that could inform the nature of release and expectations for a residential provider to manage the person based on EBP. The vast majority of these people released by BOP will, if they successfully complete their residential placement, move under community supervision of the FP. At that late date, an actuarial assessment will be used to determine how to supervise this case in a manner that reduces the likelihood of reoffending. While FP and BOP have had some joint work groups, there has limited systemic impact particularly at the BOP.

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The BOP needs to seriously commit to a culture change that sees the ultimate goal being the measurable reduction of new crime, new victims at the hands of people who have been through the BOP. They cannot be expected to stop all new crime committed by former BOP inmates. Many state Departments of Corrections do recognize they can influence the reduction however. They are employing interventions intended to achieve that goal and measure results over time.

The first step would be the adoption of an actuarial based dynamic assessment tool. The obvious question is why wouldn't that be the tool FP developed and validated on a federal offender population? Secondly, ongoing EBP work groups between FP and BOP with the authority and expectation to lead to implementation should be instituted.

Pilot Federal Judicial Districts need to be identified to test the NIC Model for EBDM. The federal corrections system needs a more robust use of EBP at the front end of the system to inform initial sentencing decisions. At present sentences default to confinement rather than a focus on behavior change and whether that can be accomplished with prudent risk management in the community as a disposition of probation.