
Wisconsin Family Impact Seminars

Corrections Policy: Can States Cut Costs and Still Curb Crime?



University of Wisconsin-Extension
Center for Excellence in Family Studies
School of Human Ecology
University of Wisconsin-Madison

Corrections Policy: Can States Cut Costs and Still Curb Crime?

First Edition

Wisconsin Family Impact Seminars

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Purpose and Presenters

In 1993, Wisconsin became one of the first states to sponsor Family Impact Seminars modeled after the seminar series for federal policymakers.

Because of the success of the Wisconsin Family Impact Seminars, Wisconsin is now helping other states establish their own seminars through the Policy Institute for Family Impact Seminars at the University of Wisconsin-Madison/Extension.

Family Impact Seminars are a series of seminars, briefing reports, newsletters, and discussion sessions that provide up-to-date, solution-oriented research on current issues for state legislators and their aides, Governor's Office staff, legislative support bureau personnel, and state agency representatives. The seminars provide objective, nonpartisan research on current issues and do not lobby for particular policies. Seminar participants discuss policy options and identify common ground where it exists.

"Corrections Policy: Can States Cut Costs and Still Curb Crime?" is the 19th Family Impact Seminar in a series designed to bring a family focus to policymaking. Family Impact Seminars analyze the consequences an issue, policy, or program may have for families.

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Wisconsin Family Impact Seminar Briefing Reports

Each seminar is accompanied by an indepth briefing report that summarizes the latest research on a topic and identifies policy options from across the political spectrum. Copies are available at:

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Executive Summary

During the last two decades of the twentieth century, expenditures for state and local corrections in the United States increased over 600%. This trend is reflected here in Wisconsin: in the past 13 years, the Badger State has seen its corrections budget grow from \$556 million in the 1992-93 biennium to nearly \$2 billion in the biennial budget adopted for 2004-05—an increase of 257%. Since 1990, Wisconsin’s inmate population has more than tripled.

The good news is that crime rates in Wisconsin are falling. Between 1993 and 2002, total violent crime declined by 8.2% and property crime declined by 14.6%. Wisconsin’s rates of violent crime and property crime are lower than in the Midwest and in the United States. Moreover, Wisconsin residents were less apt to be victims of crime in 2002 than ten years earlier.

Under the Truth in Sentencing law passed in Wisconsin in 1997 and implemented in 1999, prisoners are spending more time behind bars. Taken together, more prisoners and longer sentences have translated into significant costs for the state. In Wisconsin and across the country, state legislators are struggling to balance the rising cost of corrections with the need to protect public safety. This report addresses how state sentencing policies are changing during tough budget times, the costs and benefits of incarceration and other crime control policies, and effective programs to strengthen treatment and reduce recidivism for convicted offenders.

Data on corrections and crime in Wisconsin are summarized in the first chapter of this report. In the second chapter, Daniel Wilhelm discusses how states’ budget shortfalls are playing out against a backdrop of changed public attitudes about crime and incarceration. As an example, in recent polls, about two-thirds of Americans (65%) preferred addressing the root causes of crime, whereas only one-third (32%) preferred more stringent sentencing. Wilhelm explains that, while perhaps immediately cost-effective, prison closings, layoffs, and program eliminations often fail to address the broader issue of how to better manage a state’s fiscal resources. The chapter also provides examples from states that have taken up this broader challenge by effecting systemic change to sentencing and corrections policy as a way to enhance efficiency, predictability, and fairness.

For example, Kansas, North Carolina, and Virginia created state entities to inform sentencing and corrections policy by providing data-based information that can both predict a system’s needs and guide development of responsive laws and policies. In North Carolina, the state’s sentencing commission created a system to use scarce prison space for the most violent and frequent offenders, and to invest in non-prison sanctions for others. Between 1993 and 1997, prison admissions decreased more than half (52%), and from 1994 to 2000, North Carolina’s crime rate fell 12.5%. North Carolina and Kansas designed computer simulation models to alert legislators of growing prison populations, and to project the resources needed to implement proposed policy changes.

Virginia's fiscal notes or impact statements require that any bill that would increase the prison population includes a cost estimate before it can be reported out of committee and takes up valuable time in floor debates. Since implementing fiscal impact statements, Virginia's crime rate has declined 26%, and its incarceration rate has grown just 6%. Lastly, risk assessment at the time of sentencing in Virginia helps conserve corrections dollars by using prison space for the offenders most likely to commit more crime, while identifying low-risk drug and property offenders who might be suitable for non-prison sanctions. An evaluation of the pilot program concluded that diverting 263 low-risk offenders from prison saved \$1.5 million over and beyond the costs of diversion: savings that would have been \$3.7 to \$4.5 million if the program had been implemented statewide. Perhaps most importantly, the innovations in these three states show that such reform-minded responses need not compromise public safety.

In the next chapter, economist Steve Aos provides a cost-benefit analysis of different policies to control crime. His work reveals that policymakers can affect the level of crime by making decisions that influence the rate of incarceration, as well as by making decisions on rehabilitation and prevention strategies. Aos's study finds that a 10% increase in the state incarceration rate leads to a 2% to 4% reduction in the crime rate. Conversely, a 10% decrease in the state incarceration rate leads to a 2% to 4% increase in the crime rate. According to the economic law of diminishing marginal returns, however, the more incarceration rates are increased, the less each additional prison cell will be able to reduce crime. For Washington State, incarcerating more violent and high-volume property offenders continues to generate more benefits than cost, although the net advantage has decreased significantly since 1980. For drug-related offenders, however, it now costs taxpayers more to incarcerate additional offenders than the average value of the crimes avoided.

This analysis also shows that some research-based and well-implemented rehabilitation and prevention programs can produce better returns for taxpayers' dollars than further prison expansion for certain types of offenders. For example, some but not all drug treatment programs for adult offenders, and some but not all family-focused approaches for juvenile offenders have proven to be cost-effective crime-reduction strategies. The Washington State Legislature has recently adopted sentencing policies and treatment programs to implement some of these strategies. The general lesson from this research is this: business-like economic analysis can be used by legislatures to give taxpayers a better return on their crime-fighting dollars.

In the fourth chapter, Professor Edward Latessa discusses effective correctional interventions and examines what works to promote public safety and what doesn't. He explains how researchers in the science of crime and treatment have made major strides over the past two decades in identifying what factors increase the odds that an individual will re-offend. Based on a consistent body of research evidence, Latessa describes the proven link among certain characteristics and conditions, and repeat criminal behavior. Latessa contends that interventions designed for incarcerated populations are most likely to succeed if they target these proven crime-producing factors: 1) Antisocial values; 2) Antisocial peers; 3) Poor self control, self management, and problem solving skills; 4) Family dysfunction; and 5) Past criminality.

Latessa's work shows that policies and programs work only when they are based on a theory that intentionally addresses those characteristics and conditions that cause crime. Programs that work assess offenders' needs and risks, use proven treatment models, understand the principles of effective intervention, and rely on credentialed people and agencies. On the other hand, ineffective programs target low-risk offenders for treatment and seek to change weak predictors of criminal behavior, such as self-esteem. Examples of programs that don't work include "scared straight" programs; boot camps; intensive supervision; wilderness programs; and psychoanalysis.



A Checklist for Assessing the Impact of Policies on Families

The first step in developing family-friendly policies is to ask the right questions:

- What can government and community institutions do to enhance the family's capacity to help itself and others?
- What effect does (or will) this policy (or proposed program) have for families? Will it help or hurt, strengthen or weaken family life?

These questions sound simple, but they can be difficult to answer.

The Family Criteria (Ad Hoc) Task Force of the Consortium of Family Organizations (COFO) developed a checklist to assess the intended and unintended consequences of policies and programs on family stability, family relationships, and family responsibilities. The checklist includes six basic principles that serve as the criteria of how sensitive to and supportive of families policies and programs are. Each principle is accompanied by a series of family impact questions.

The principles are not rank ordered and sometimes they conflict with each other, requiring trade-offs. Cost effectiveness also must be considered. Some questions are value-neutral and others incorporate specific values. People may not always agree on these values, so sometimes the questions will require rephrasing. This tool, however, reflects a broad nonpartisan consensus, and it can be useful to people across the political spectrum.

This checklist can be used to conduct a family impact analysis of policies and programs.

✓ *For the questions that apply to your policy or program, record the impact on family well-being.*

1

Principle 1. Family support and responsibilities.

Policies and programs should aim to support and supplement family functioning and provide substitute services only as a last resort.

Does the proposal or program:

- support and supplement parents' and other family members' ability to carry out their responsibilities?
- provide incentives for other persons to take over family functioning when doing so may not be necessary?
- set unrealistic expectations for families to assume financial and/or caregiving responsibilities for dependent, seriously ill, or disabled family members?
- enforce absent parents' obligations to provide financial support for their children?

2

Principle 2. Family membership and stability.

Whenever possible, policies and programs should encourage and reinforce marital, parental, and family commitment and stability, especially when children are involved. Intervention in family membership and living arrangements is usually justified only to protect family members from serious harm or at the request of the family itself.

Does the policy or program:

- provide incentives or disincentives to marry, separate, or divorce?
- provide incentives or disincentives to give birth to, foster, or adopt children?
- strengthen marital commitment or parental obligations?
- use appropriate criteria to justify removal of a child or adult from the family?
- allocate resources to help keep the marriage or family together when this is the appropriate goal?
- recognize that major changes in family relationships such as divorce or adoption are processes that extend over time and require continuing support and attention?

3**Principle 3. Family involvement and interdependence.**

Policies and programs must recognize the interdependence of family relationships, the strength and persistence of family ties and obligations, and the wealth of resources that families can mobilize to help their members.

To what extent does the policy or program:

- recognize the reciprocal influence of family needs on individual needs, and the influence of individual needs on family needs?
- recognize the complexity and responsibilities involved in caring for family members with special needs (e.g., physically or mentally disabled, or chronically ill)?
- involve immediate and extended family members in working toward a solution?
- acknowledge the power and persistence of family ties, even when they are problematic or destructive?
- build on informal social support networks (such as community/neighborhood organizations, religious communities) that are essential to families' lives?
- respect family decisions about the division of labor?
- address issues of power inequity in families?
- ensure perspectives of all family members are represented?
- assess and balance the competing needs, rights, and interests of various family members?
- protect the rights and safety of families while respecting parents' rights and family integrity?

4**Principle 4. Family partnership and empowerment.**

Policies and programs must encourage individuals and their close family members to collaborate as partners with program professionals in delivery of services to an individual. In addition, parent and family representatives are an essential resource in policy development, program planning, and evaluation.

In what specific ways does the policy or program:

- provide full information and a range of choices to families?
- respect family autonomy and allow families to make their own decisions? On what principles are family autonomy breached and program staff allowed to intervene and make decisions?
- encourage professionals to work in collaboration with the families of their clients, patients, or students?
- take into account the family's need to coordinate the multiple services required? Does it integrate well with other programs and services that the families use?
- make services easily accessible to families in terms of location, operating hours, and easy-to-use application and intake forms?
- prevent participating families from being devalued, stigmatized, or subjected to humiliating circumstances?
- involve parents and family representatives in policy and program development, implementation, and evaluation?

5**Principle 5. Family diversity.**

Families come in many forms and configurations, and policies and programs must take into account their varying effects on different types of families. Policies and programs must acknowledge and value the diversity of family life and not discriminate against or penalize families solely for reasons of structure, roles, cultural values, or life stage.

How does the policy or program:

- affect various types of families?
- acknowledge intergenerational relationships and responsibilities among family members?
- provide good justification for targeting only certain family types, for example, only employed parents or single parents? Does it discriminate against or penalize other types of families for insufficient reason?
- identify and respect the different values, attitudes, and behavior of families from various racial, ethnic, religious, cultural, and geographic backgrounds that are relevant to program effectiveness?

6**Principle 6. Support of vulnerable families.**

Families in greatest economic and social need, as well as those determined to be most vulnerable to breakdown, should be included in government policies and programs.

Does the policy or program:

- identify and publicly support services for families in the most extreme economic or social need?
- give support to families who are most vulnerable to breakdown and have the fewest resources?
- target efforts and resources toward preventing family problems before they become serious crises or chronic situations?

The Policy Institute for Family Impact Seminars aims to connect research and policymaking and to promote a family perspective in research, policy, and practice. The institute has resources for researchers, policymakers, practitioners, and those who work to connect research and policymaking.

- To assist researchers and policy scholars, the institute is building a network to facilitate cross-state dialogue and resource exchange on strategies for bringing research to bear on policymaking.
- To assist policymakers, the institute disseminates research and policy reports that provide a family impact perspective on a wide variety of topics.
- To assist those who implement policies and programs, the institute has available a number of family impact assessment tools for examining how responsive policies, programs, and institutions are to family well-being.
- To assist states who wish to create better dialogue between researchers and policymakers, the institute provides technical assistance on how to establish your own state's Family Impact Seminars.

This checklist was adapted by the institute from Ooms, T. (1995). *Taking families seriously as an essential policy tool*. Paper prepared for an expert meeting on Family Impact in Leuven, Belgium. The first version of this checklist was published by Ooms, T., & Preister, S. (Eds., 1988). *A strategy for strengthening families: Using family criteria in policymaking and program evaluation*. Washington DC: Family Impact Seminar.

The checklist and the papers are available from Director Karen Bogenschneider, Associate Director Bettina Friese, State Coordinator Beth Gross, and Editor Meg Wall-Wild of the Policy Institute for Family Impact Seminars at the University of Wisconsin-Madison/Extension, 130 Human Ecology, 1300 Linden Drive, Madison, WI, 53706; phone (608)263-2353; FAX (608)262-5335; <http://www.familyimpactseminars.org>.

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Appreciation is extended to the Wisconsin Family Impact Seminars Legislative Advisory Committee:

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Corrections and Crime In Wisconsin

**Data Provided by
The Wisconsin Department of Corrections
and
The State of Wisconsin Office of Justice Assistance**

In the past 13 years, the Badger state has seen its corrections budget grow from \$566 million in the 1992-93 biennium to nearly \$2 billion in the biennial budget adopted for 2004-05, an increase of 257%. Since 1990, Wisconsin's inmate population has more than tripled. The good news is that crime rates in Wisconsin are falling. Between 1993 and 2002, total violent crime declined by 8.2% and property crime declined by 14.6%. Wisconsin's rates of violent crime and property crime are lower than in the Midwest and the United States. Moreover, Wisconsin residents were less apt to be victims of crime in 2002 than ten years earlier. Under the Truth in Sentencing Legislation passed in Wisconsin in 1997 and implemented in 1999, prisoners are spending more time behind bars. Taken together, more prisoners and longer time served translates into significant costs for the state. A newly-established Sentencing Commission will review current sentencing practices and their costs, and develop sentencing guidelines that judges will be required to consider.

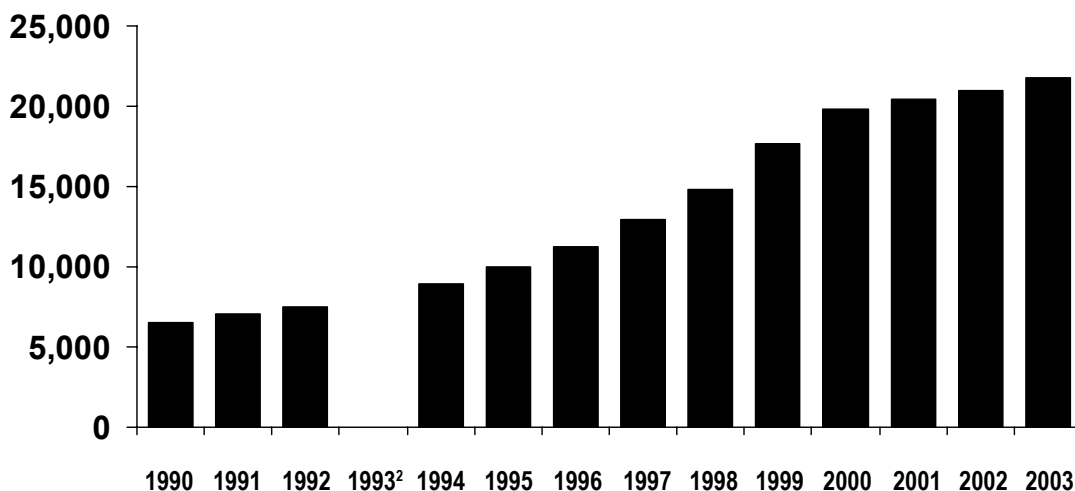
During the last two decades of the twentieth century, expenditures for local and state corrections in the United States have increased over 600%. State legislators across the country and in Wisconsin are struggling to balance the rising cost of corrections with the need to protect public safety.

Using figures from the Wisconsin Department of Corrections, this chapter begins by reviewing the size of the prison population and how much corrections costs in Wisconsin. The chapter also describes Truth in Sentencing legislation, which was passed in Wisconsin in 1997. Using data from the State of Wisconsin Office of Justice Assistance, rates of violent and property crimes in Wisconsin are described and compared to other states in the Midwest and across the United States. The chapter concludes by detailing how many offenders have been sentenced under Truth in Sentencing, what types of offenses they have committed, and how the new legislation has affected the length of sentences in the state.

Has the Wisconsin Prison Population Increased?

Yes. Over the last 13 years (1990–2003), the adult prison population in Wisconsin has more than tripled from 6,533 in 1990 to 21,825 in 2003. Based on data provided by the Department of Corrections, the average daily adult population from 1990-2003 is displayed in Figure 1.

**Figure 1. Wisconsin Department of Corrections
Average Daily Populations (ADPs)¹ of Adults:
Fiscal Years 1990-2003**



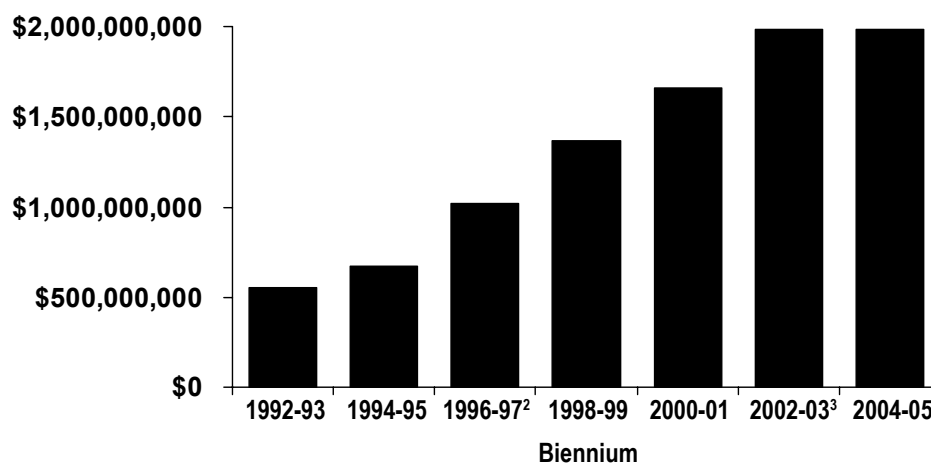
¹ADPs based on 366 days in operation, including the Wisconsin Resource Center; Division of Intensive Sanctions, and Community Residential Confinement are excluded.

²Data for Fiscal Year 1993 are not available.

Has the Cost of Wisconsin Corrections Increased?

Yes. Just like the prison population, the Department of Corrections budget has steadily increased. In the 1992-93 biennium, the Department of Corrections budget was \$556,061,400 and in the 2004-05 biennium is estimated to be \$1,985,727,200, an increase of 257%. For the biennial corrections budgets from 1992–2005, see Figure 2.

Figure 2. Department of Corrections Approved Biennial Budget Acts¹



¹Approved final biennial budgets approved by the Legislature including vetoes. Does not include subsequent budget increases/decreases or funding in Joint Committee on Finance appropriations.

²The Division of Juvenile Corrections was transferred from the Department of Health & Family Services (DHFS) to Department of Corrections (DOC).

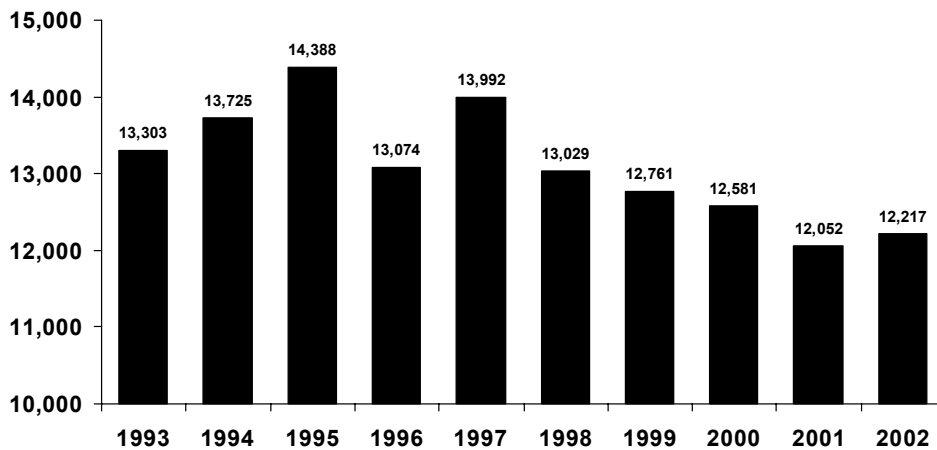
³Does not include all-fund decreases of \$7,422,900 in FY2002 and \$28,543,000 in FY2003 included in 2001 Budget Reform Bill (Act 109).

What Has Happened to Crime Rates in Wisconsin?

The good news is that crime rates in Wisconsin are falling. Between 1993 and 2002, according to the State of Wisconsin Office of Justice Assistance, total violent crime declined by 8.2%, as shown in Figure 3. In the same time period, property crime declined by 14.6%, as shown in Figure 4.

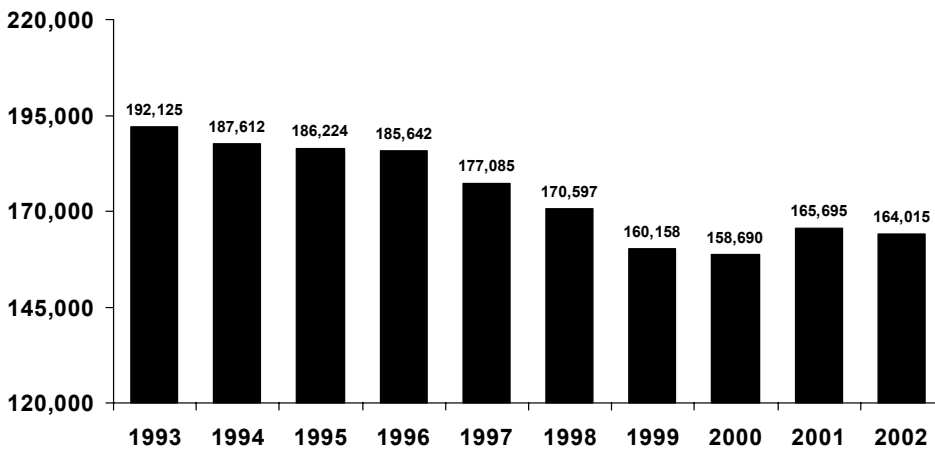
Moreover, Wisconsin's rates of crimes are lower than in the Midwest and the rest of the United States. In 2002, Wisconsin's violent crime rate was 48.5% less than the Midwest rate and 55.9% less than the U.S. rate. Wisconsin's rate of property crime was also lower than in the Midwest (15.3% less) and in the U.S. (17.8% less). What's more, the odds of a Wisconsin resident being a victim of crime declined from 1 in 377 in 1993 to 1 in 446 in 2002.

Figure 3. Wisconsin Violent Index Offenses, 1993-2002
(Includes murder, forcible rape, robbery, and aggravated assault)



Source: State of Wisconsin Office of Justice Assistance, 2002 Preliminary Report (http://oja.state.wi.us/docs_view2.asp?docid=1523).

Figure 4. Wisconsin Property Offenses, 1993-2002



Source: State of Wisconsin Office of Justice Assistance, 2002 Preliminary Report (http://oja.state.wi.us/docs_view2.asp?docid=1523).

What Is Wisconsin Truth in Sentencing?

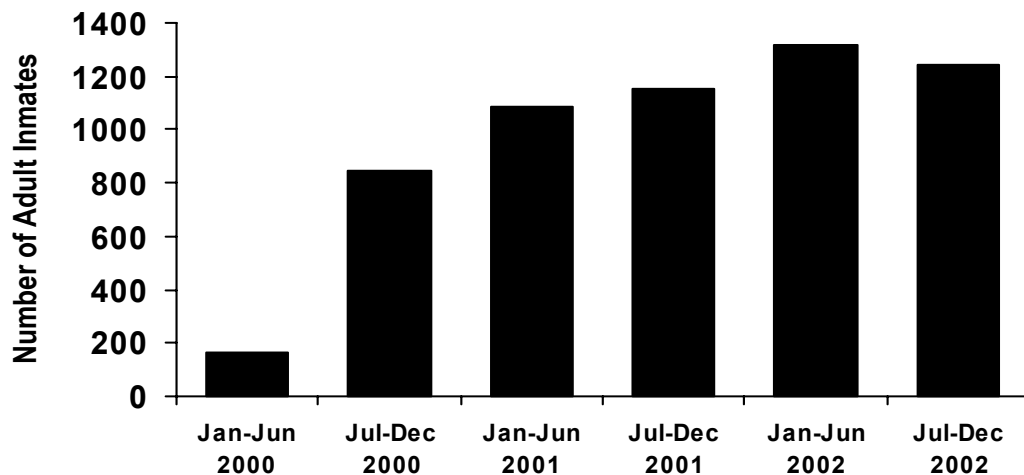
Based on legislation passed in the Badger State in 1997, Wisconsin judges have been sentencing convicted felons according to the guidelines of “truth in sentencing.” Truth in Sentencing (TIS) requirements apply to offenses committed on or after December 31, 1999, under which the court must impose a sentence consisting of a specified period of confinement in prison and a specified period of extended supervision (Wisconsin Legislative Council, 2003-04). Under “indeterminate sentencing,” the court sets the maximum sentence, which can be reduced by good-time or earned-time credits, or by paroling the prisoner. In contrast, truth in sentencing eliminates parole eligibility and good-time credits.

Most charts below represent a review of a sample of fewer than 2,600 offenders with only a Truth in Sentencing (TIS) sentence. This sample represents about 12% of the incarcerated population.

How Many New Adult Offenders Have Been Admitted with at Least One “Truth in Sentencing” Sentence?

Between January 2000 and December 2002, a total of 5,801 new adult offenders were admitted with at least one Truth in Sentencing (TIS) sentence. As can be seen in Figure 5, this number was relatively low during the first six months of TIS, but has remained fairly steady since then.

Figure 5. Number of New Adult Offenders Admitted With At Least One TIS Sentence¹ (January 1, 2000 through December 31, 2002)



¹Does not include probation or parole violators.

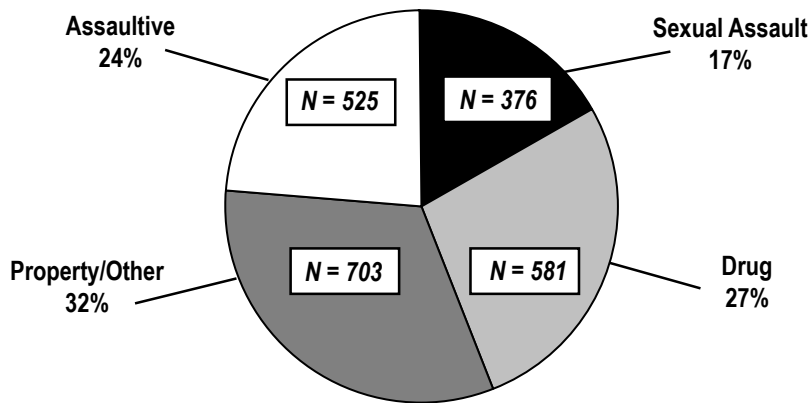
Source: Corrections Integrated Program Information System (CIPIS) Monthly Report File (month ending 12/31/02) and CIPIS DB2 table; Report date, March 26, 2003.

What Types of Offenses Have Been Committed by Truth in Sentencing Offenders Since the Truth in Sentencing Legislation Has Been Enacted?

Considering this sample of only Truth in Sentencing (TIS) cases, offenders admitted for property/other crimes and those committed for drug-related offenses comprise almost 60% of admissions between January 1, 2000 and December 31,

2002. As indicated in Figure 6, during that time period, 32% of offenders who were admitted under TIS (new sentence, not a violation) were admitted for property/other crimes, 27% for drug-related offenses, 24% on assaultive charges and 17% for sexual assault.

**Figure 6. Truth in Sentencing by Offense Type Admissions
(January 1, 2000 through December 31, 2002)
(Offenders Admitted as a "New Sentence, Not a Violation" with a Single Offense)**

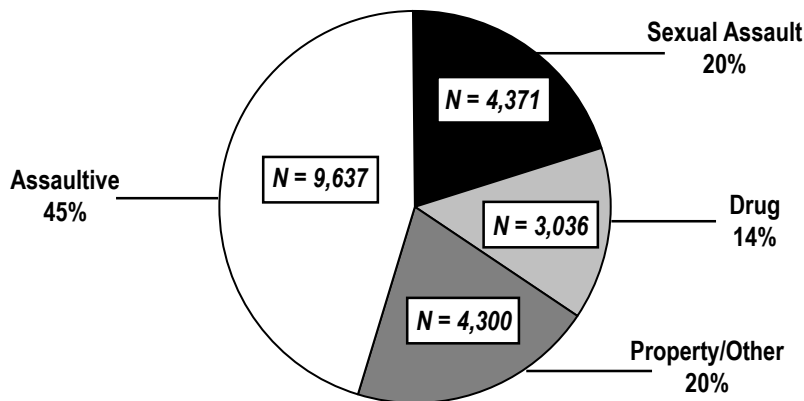


Source: Corrections Integrated Program Information System (CIPIS) Monthly Report File (month ending 12/31/02) and CIPIS DB2 table; Report date, March 26, 2003.

What Types of Offenses Have Been Committed by the Entire Prison Population?

Any subset of convicted offenders will always differ from the overall prison population. As of December 31, 2002, the Wisconsin prison population was 21,025. The largest percentage of offenders were admitted for assaultive offenses (45%) followed by sexual assault (20%), property and other offenses (20%), and drug offenses (14%).

**Figure 7. Offenses Committed by the Entire Prison Population
(As of December 31, 2002)**



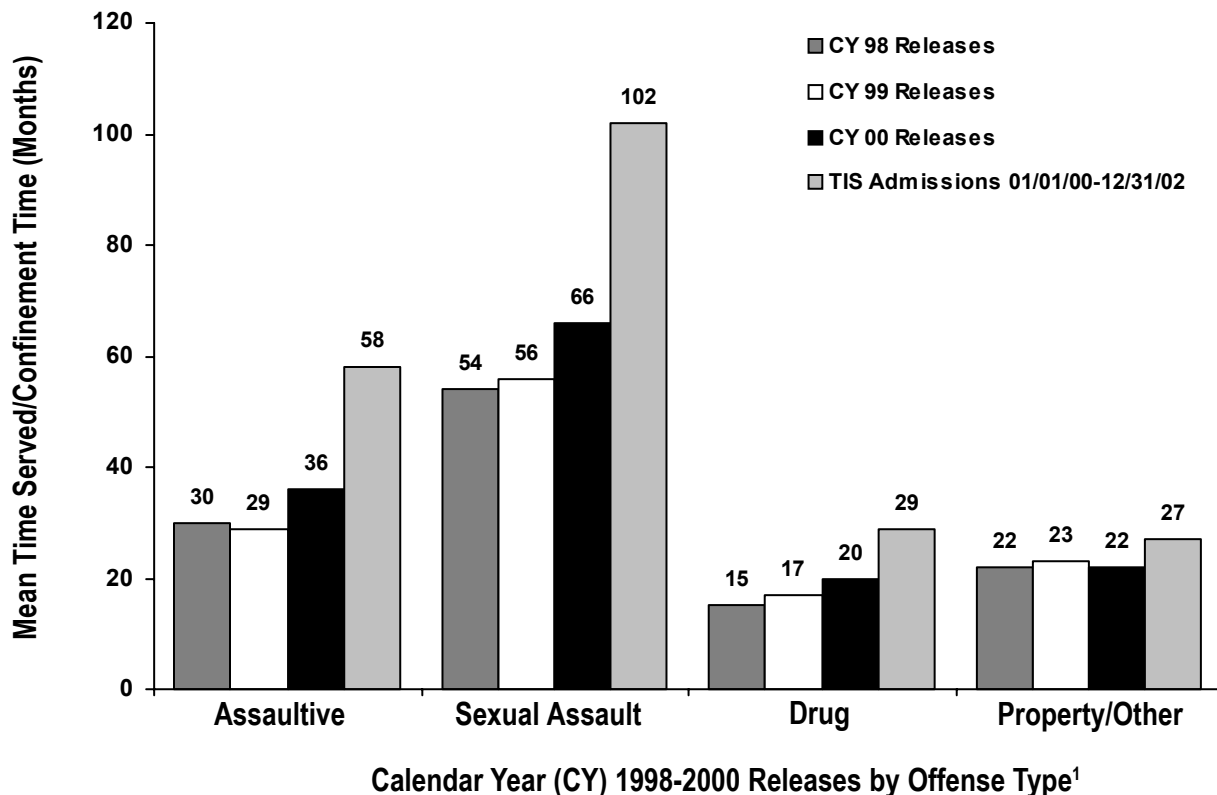
Source: Based on data provided by the Department of Corrections of the prison population as of 12/31/2002 excluding 814 offenders without sentence information (e.g., Alternative to Revocation, Temporary Probation, and Parole Placement)

What Is the Average Confinement Time of Truth in Sentencing Admissions?

Under the new Truth in Sentencing (TIS) law, prisoners are spending more time behind bars than before the legislation was passed. The mean confinement time for different types of crime (assaultive, sexual assault, drug-related, and property offenses) has increased since January 2000, as shown in Figure 8. For example, using this sample of about 2,600 inmates, the mean confinement time for prisoners convicted of assault and who were released in 2000 was 36 months. By comparison, those with a new TIS sentence served 58 months, a 61% increase. For sexual assault, sentences have increased by almost 55% in this sample of inmates with a TIS sentence only. Those sentenced under TIS will serve an average of 102 months, compared to 66 months for those who were released in 2000.

These numbers suggest that there is a trend toward prisoners spending more time in prison. Taken together, more prisoners and longer time served translate into significant costs for the state.

Figure 8. Mean Confinement Time of Truth in Sentencing Admissions (January 1, 2000 - December 31, 2002) and Mean Time Served of



¹Includes offenders admitted as a "New Sentence, Not a Violation" with a single offense.
 Source: Corrections Integrated Program Information System (CIPIS) Monthly Report File (month ending 12/31/02) and CIPIS DB2 table; Report date, March 26, 2003.

The Establishment of a Sentencing Commission

Truth in Sentencing (TIS) and its cost to taxpayers is being further investigated by a recently-established 18-member Sentencing Commission. Because little is known at this point about the TIS sentences being handed down by judges, the commission will review TIS sentences and develop sentencing guidelines that judges will be required to consider when sentencing felons.

This chapter is drawn from the following articles:

State of Wisconsin Office of Justice Assistance. *2002 Preliminary Report* (http://oja.state.wi.us/docs_view2.asp?docid=1523).

Wisconsin Department of Corrections. *Truth in Sentencing: January 1, 2000 through December 31, 2002*.

Wisconsin Department of Corrections. September 10, 2001. *Offenders Admitted Under Truth in Sentencing: January 1, 2000 through June 30, 2001*. Prepared by Department of Corrections Truth in Sentencing Workgroup.

Wisconsin Legislative Council, *Wisconsin Legislator Briefing Book, 2003-04*.

Sentencing Policy in Tough Budget Times: What Are States Doing?

Daniel F. Wilhelm
Vera Institute of Justice

This chapter discusses how states' budget shortfalls are playing out against a backdrop of changed public attitudes about crime and incarceration. The author explains that, while perhaps immediately cost effective, prison closings, layoffs, and program eliminations often fail to address the broader issue of how to better manage a state's fiscal resources. The chapter also provides examples of states that have taken up this broader challenge by effecting systemic change to sentencing and corrections policy as a way to enhance efficiency, predictability, and fairness. For example, Kansas, North Carolina, and Virginia created state entities to inform sentencing and corrections policy by providing data-based information that can both predict a system's needs and guide the development of responsive laws and policies. Perhaps most importantly, the innovations in these three states show that such reform-minded responses need not compromise public safety.

Economists across the country agree that the U.S. is facing its most serious economic downturn in decades. Fiscal Year (FY) 2004 is the third consecutive year of significant budget shortfalls in all but a few states—the result of lower-than-expected revenues in an economic recession and increasing expenses. According to the National Conference of State Legislatures (NCSL), states faced aggregate shortfalls of \$75 billion for FY 2003 and \$78 billion for FY 2004. Moreover, 34 of 40 states responding to an NCSL survey reported that FY 2004 shortfalls would exceed 5% of their general fund budgets and 18 reported shortfalls exceeding 10%. Aggregate year-end balances, an important barometer of fiscal health, fell from \$22.4 billion (6% of general fund spending) at the end of FY 2002 to \$11.6 billion (3% of the general fund) at the end of FY 2003.

During the same period, the growth of state general fund spending, which averaged nearly 7% during the 1990s, will decline to 1% in FY 2004. At the same time, many states have faced mid-year or mid-biennium gaps totaling 10% to 15% of their general fund budgets and have had to make repeated cutbacks to keep pace with the revenue shortfalls.

As a result, cuts are on the table in most states, and at least fourteen states reduced their corrections budgets for FY 2004. In the words of one Oregon corrections official, "Budget problems are making people ask fundamental questions about whether we can afford to keep doing what we've been doing."

During the last two decades of the twentieth century, expenditures for state and local corrections increased over 600%. In large part, this change came from the growth in economically-costly measures such as mandatory minimum sentences, three-strikes legislation, and truth in sentencing laws. Meanwhile, as carcera-

tion rates climbed, crime rates across the country began to fall. Although violent crime rates fluctuated in the 20 years between 1970 and 1990, between 1993 and 2000 they declined dramatically. According to the Bureau of Justice Statistics, violent crimes fell by almost half (44%); homicides (not included in the previous figure) dropped 61%; and property crimes fell 44%.

At the same time that economic shifts have begun to influence thinking about sentencing and incarceration policy, public attitudes toward crime underwent a change of their own. In a 1994 survey by the Pew Research Center for the People and the Press, nearly one third (29%) of respondents thought that crime was the most important problem facing their community. By 2001, only 12% gave the same response. Public attitudes toward incarceration appear to be changing as well. In 1994, an opinion poll by Peter D. Hart Associates found that 48% of Americans surveyed said they favored addressing the underlying causes of crime, while 42% preferred deterrence through stricter sentencing. In 2001, the same poll found a substantial change in these sentiments, with 65% of respondents preferring to address the root causes of crime and only 32% opting for more stringent sentencing. The survey specifically found a change in attitudes toward mandatory sentencing. In 1995, 55% of those surveyed said that mandatory sentences were a good idea, while 38% said that judges should be able to determine a defendant's appropriate sentence. In 2001, those numbers had reversed: only 38% responded that mandatory sentences were a good idea, whereas 45% said they preferred judicial discretion. These changes in attitude may be due to the precipitous drop in the crime rate that occurred during this time period.

In recent polls, 65% preferred addressing the root causes of crime, whereas 32% preferred more stringent sentencing.

How Are State Corrections Programs Responding to the Budget Crisis?

State legislatures are responding to the effects of current fiscal downturn on corrections in a number of ways (see Table 1). The nature and breadth of the challenges each state faces are different and the political cultures each must work in are unique, yet some common cost-cutting strategies have emerged.

Prison closings. Eleven states, including Illinois, Massachusetts, and Ohio are shutting down correctional facilities or reducing beds. Seven others are delaying or aborting the opening of similar facilities.

Cuts to corrections staff. Prison closings and program cuts have resulted in staff reductions in 14 states, including Illinois, Minnesota, and Wisconsin. Fifteen states have instituted freezes or purposely have allowed staff vacancies to go unfilled.

Cutting programs considered nonessential. These cuts have primarily affected educational, substance abuse, and vocational treatment programs. For example, nine states, including Florida, Illinois, and Oregon are eliminating programs to help save costs.

Notes for Table 1: Page 11

¹ Correction figures providing the basis for this table include only expenditures for adult incarceration, except where noted. All figures are general fund, non-capital expenses only.

² Includes probation and parole.

³ Includes aid to local jails.

⁴ Includes Department of Corrections and Community Corrections.

⁵ Includes parole.

⁶ Includes community services and parole board expenses.

⁷ Includes probation and parole.

⁸ Includes probation.

⁹ Includes parole.

¹⁰ Includes juvenile corrections and parole.

¹¹ Includes juvenile corrections and programming, parole services, and community corrections.

¹² Includes probation and parole.

¹³ Includes probation, parole, and aid to local jails.

¹⁴ Includes juvenile corrections, probation, and parole.

¹⁵ Includes parole, felony probation, and state community corrections.

¹⁶ Includes probation and parole.

¹⁷ Includes probation and parole.

¹⁸ Includes juvenile institutions, probation, and parole.

¹⁹ Includes probation, parole, and community corrections.

²⁰ Includes juvenile corrections, probation, and parole. North Dakota corrections budgets are biennial; FY 2003 percent change reflects percent change from FY 2002-2003 biennial budgeted appropriations and FY 2002-2003 actual expenditures.

²¹ Includes juvenile corrections.

²² Includes probation and parole.

²³ Includes probation and parole.

²⁴ Vermont's FY 2004 budget reduced general fund appropriations to corrections by \$50 million and supplemented the budget with a one-time federal grant of \$50 million.

²⁵ Includes parole.

²⁶ Includes juvenile institutions, probation, and parole.

²⁷ Unconfirmed.

**Table 1. Changes in State Corrections Budgets and Cost-Saving Efforts
in Fiscal Year (FY) 2002, 2003, and 2004¹**

State	FY 2002 Change in Corrections Budget in Millions of Dollars	FY 2003 Percent Change in Corrections Budget	FY 2004 Percent Change in Corrections Budget	Closed Facilities/ Reduced Beds	Delayed/ Aborted/ Openings	Staff Reductions	Staff Vacancies/ Freezes	Program Elimination
AL								
AK ²		4.4	-4.2					
AZ	\$22.2	-0.2	4.4				■	■
AR ³	\$22.5 ⁴	-3.9	10.4		■		■	
CA ⁵	\$37.4		4.5	■			■	■
CO ⁶	\$23	2.9	3.2		■	■	■	
CT		-0.6	6.1					
DE ⁷		3.3	1.4				■	
FL	\$2.8	1.0	6.0	■	■	■		■
GA ⁸	\$30	1.4	-1.2		■		■	
HI ⁹	\$1.4	1.2	6.4		■		■	■
ID	\$3.6	-12.3	2.4			■	■	
IL ¹⁰	\$35.4		6.3	■		■	■	■
IN ¹¹		0.5	3.5	■	■		■	
IA ¹²	\$2.6	1.1	5.1		■	■	■	■
KS		0.1	-0.4		■			■
KY ¹³	\$9.0	-6.0	8.2			■	■	
LA	\$2.2	5.3	1.5			■		
ME ¹⁴		5.1	12.4					
MD		4.2	-1.5					
MA	\$2.7			■	■	■	■	■
MI ¹⁵	\$54.9	0	2.1	■	■	■	■	■
MN		4.7	1.2			■		
MS ¹⁶		1.4	-7.7					
MO ¹⁷	No change	7.1	2.5		■	■	■	
MT ¹⁸		0.7	10.0					
NE	\$2.7	12.2	5.8	■	■	■		
NV		3.4	0.9			■		
NH								
NJ		-1.5	6.4					
NM ¹⁹		4.5	4.3				■	
NY	No change	0.4	-1.1	■		■		
NC	\$44.6	-4.8	6.8				■	
ND ²⁰		-2.3	6.4				■	
OH ²¹	\$18.9	2.3	3.7	■	■	■	■	■
OK ²²	\$8.5	1.2	-4.8	■			■	■
OR	\$36.86	8.3	-10.2				■	■
PA		10.0	2.5					
RI	\$1.8	3.6	2.9	■				
SC	\$53.7	-3.6	-6.1	■		■	■	■
SD								
TN		5.0	-1.9			■	■	
TX		0.8	-5.3					
UT	\$9	-4.0	-0.2	■	■	■	■	
VT ²³	\$2.2	3.6	-52.1 ²⁴	■		■	■	
VA	\$25.5			■		■	■	
WA		6.7	-3.7					
WV ²⁵		16.6	1.3					
WI ²⁶	\$1.7 ²⁷	2.4	0.7		■	■	■	
WY								

Source: Telephone interviews with state budget offices and state departments of correction; media reports; state legislative archives.

While these strategies may save money in the short term, it is difficult to predict their effects on long-term costs and the ability of corrections systems to maintain public safety. Unlike these immediate responses, a more imposing challenge confronting legislators, governors, and other public officials responsible for criminal justice policy is to create systems that automatically incorporate consideration of cost and impact into the policymaking process.

Reexamining sentencing schemes. In a number of states, lawmakers have reacted to concern about the spiraling cost of incarcerating offenders by re-examining sentencing schemes. In some cases, this has resulted in the repeal of mandatory minimum sentences now perceived as too harsh and financially burdensome. In others, it has led to the reclassification of certain offenses so that they no longer automatically result in prison sentences.

Between 2001 and 2003, a significant number of states took legislative action to change sentencing laws, often repealing or reducing mandatory sentences. In general, this legislation targeted low-level drug possession and property offenses, often coupled with increased penalties for violent offenses. The net effect was a significant drop in prison populations. For example, in recent legislative sessions, Colorado, Connecticut, Delaware, Illinois, Indiana, Maine, Michigan, North Dakota, Texas, and Washington repealed mandatory minimum sentences relating to some nonviolent offenses. Iowa, Mississippi, and Wisconsin have pared back truth in sentencing requirements, and in 2003, another eight states eased truth in sentencing or otherwise made it possible to earn earlier releases. Iowa granted judges greater discretion in sentencing felony offenders. Alabama and New Mexico eased habitual offender laws.

As part of these reforms, a number of states (e.g., Alabama, Idaho, Indiana, Kansas, Louisiana, Missouri, Oregon, Texas, and Washington) enacted legislation to enhance treatment options for nonviolent drug offenders or otherwise shift penalties from incarceration to community corrections. As one potential cost-saving program for prison-bound offenders, six states established or enhanced the resources available to support drug courts, an alternative court that combines judicial supervision and community-based treatment. In 2003, seven states expanded transition programs to make it easier for offenders to be successful in reentering the community. Because one-third of new prison admissions are estimated to be parole violations, in 2003 five states invested dollars in non-prison alternatives to reduce recidivism. Arizona and Nebraska developed mechanisms to facilitate emergency releases of nonviolent offenders. In addition, 11 states enacted legislation to shift correction costs to localities or to the offenders themselves. In many of these states, rising prison populations and the costs of incarceration were responsible, in part, for passage of legislation.

Establishing sentencing commissions. Since 1979, some 30 states and the federal government have created sentencing commissions or implemented sentencing guidelines of varying durability. For example, in recent sessions, Arizona, Indiana, Nebraska, New Mexico and Wisconsin all have established sentencing or study commissions to look at sentencing practices. Historically, guidelines have served a range of functions, from correcting disparity in sentencing to ensuring greater consistency and truthfulness. These guidelines are often referred to as structured sentencing.

Since 1979, 30 states and the federal government have created sentencing commissions or implemented sentencing guidelines.

How Has North Carolina's Sentencing Commission Changed the State's Sentencing Guidelines?

Among states that have pursued structured sentencing, North Carolina is frequently cited as a strong example. When the state passed structured sentencing in 1994, it sought to combine truth in sentencing policy with other policies designed to efficiently use correctional resources. Under the previous system, the prison population was controlled through a set of early release mechanisms, such as parole and good time; discretion lay predominantly with the parole board and corrections officials. Critics argued that this arrangement undermined the integrity of punishment and eroded public confidence in courts and corrections. By the early 1990s, convicted felons were serving only 18% of their sentences, and those convicted of misdemeanors were serving only 12%. Part of the problem was that more than 20,000 offenders were entering the prison system each year and there were not enough beds to accommodate them.

The Sentencing and Policy Advisory Commission, created by the legislature in 1990, was convened to examine the system's structure and to recommend improvements. After three years of study, North Carolina established a system that required offenders to serve 100% of sentenced time, abolished parole, reserved prison beds for the most dangerous, and invested in non-prison sanctions for others. Because so many nonviolent offenders who had previously been going to prison were now being diverted, the state not only managed to enact tough-on-crime reforms, but it also saw admissions decrease dramatically. In 1994, the first year under the new policy, admissions fell 7%. Between 1993 and 1997, admissions decreased more than half (52%). From 1994 to 2000, North Carolina's crime rate fell 12.5%. In 1980, North Carolina had the highest incarceration rate in the country. Now it ranks 31st in the nation, and has the second lowest incarceration rate in the South.

Between 1993 and 1997, prison admissions in North Carolina fell by 52%; from 1994 to 2000, the state's crime rate fell 12.5%.

How Effective Has Computer Simulation of Corrections Populations Been in North Carolina?

One of the most important elements of the North Carolina example is that the legislature required the state to develop a computerized corrections population simulation model to project the resources needed to implement recommendations and policy changes. The commission responded by building a database containing information on offenders' criminal histories, sentences, time they were expected to serve, and other important characteristics. Information from the database could then be fed into the simulation model to project future prison populations. North Carolina is not alone in using simulation models to help predict prison population growth; similar models are in place in Pennsylvania, Texas, Florida, Kansas, and Virginia.

In formulating its recommendations, the North Carolina commission was able to navigate contentious debates by relying on the simulation model to assess the costs of various possible sentencing proposals. In fact, with the help of the model, the commission produced two plans for the legislature to choose from: one with more severe sentences, and another with slightly less severe sentences that would forestall the need to build new prisons for a few more years. The legislature selected the latter.

The simulation model has been very accurate. For example, the commission's projections showed that the prison population for June 2001 would be 32,154. The actual average population for June 2001 was 31,971: a difference of less than 1%. The projection model is essential to more effective planning for future resources. Since structured sentencing went into effect, the commission's projections have shown that North Carolina will need 7,000 new prison beds by 2010. In 2002, when the state faced a \$1.5 billion budget shortfall, the legislature asked the commission to formulate alternatives to the current sentencing guidelines that could alleviate the need to construct thousands of new beds in the next eight years. The commission responded with six alternative plans, including one that would shorten sentences for nonviolent habitual felons who commit property and lesser drug offenses, and another that would reduce the weight accorded to prior criminal history at sentencing.

How Has Kansas Used Their Sentencing Commission to Reform Their Corrections System?

Like North Carolina, Kansas also formed a sentencing commission in the early 1990s to reform a similarly troubled system. Since then, the state's prison population has grown at a rate of 38%, far slower than the national average of 54%. While Kansas has had to expand the number of prison beds at several facilities, it has not had to build any new prisons. One reason for this may be a statute in the commission's enabling legislation that provides for an early warning system to alert the legislature when the state's prison population will exceed capacity. If projections show that this is likely to occur, the commission is directed to "identify and analyze the impact of specific options to reduce prison population." In addition to making legislators aware of impending population crises, the system also makes the difficult political task of advancing reform slightly easier. Thus, elected officials are not put in the position of having to request options to curb prison population growth, or having to formulate those options themselves.

What Other Strategies Can Help Address the Rising Cost of Corrections?

1. Impact statements: The experience of Virginia. Another method to include fiscal considerations in legislative discussions of sentencing and corrections policy is the requirement that fiscal notes or impact statements be attached to every bill that would change sentencing law. These impact statements would examine the economic effects of any proposed legislation. Many states require fiscal notes to be completed before a legislature votes on a bill. For example, in Virginia, the sentencing commission must prepare an impact statement that examines operating costs and appropriations necessary for any bill that would result in an increase in the length of prison sentences. This includes all bills that:

- ❖ add new crimes punishable by imprisonment;
- ❖ expand the period of incarceration for existing offenses;
- ❖ impose minimum or mandatory terms of incarceration; or

Fiscal impact statements examine the economic effects of legislation that would increase the prison population.

- ❖ modify the law governing the release of offenders in any way that increases prison time.

Each bill has its fiscal impact statement printed on the face of the legislation. A bill that is supported by a majority of the committee considering it is referred to the proper finance subcommittee. The subcommittee then determines if there is funding to support the bill. If not, the bill dies without reaching the floor for consideration. Most important to this process is that a bill's sponsor must identify the source of revenue to fund the bill before it can be reported out of the subcommittee.

This requirement has not been made at the expense of protecting public safety in Virginia. It is part of a comprehensive approach to sentencing policy development that focuses on reserving expensive prison space for violent and repeat offenders. In the eight years since the fiscal note has been in place, Virginia's crime rate has declined 26%, compared with a 24% drop across the country. At the same time, the state's incarceration rate has grown just 6%, well below the national rate of 22%.

- 2. Risk assessment at sentencing: The experience of Virginia.** Another tool put in place by the Virginia legislature to ensure efficient use of scarce prison space was the development of a risk assessment tool. The purpose of this tool is so that judges can identify low-risk drug and property offenders who might be suitable for non-prison sanctions. The legislature set as a target that 25% of this group should be diverted from prison.

Taking up this charge, the sentencing commission analyzed characteristics like criminal history, substance abuse, education, employment history, family background, and recidivism patterns in a sample of 1,500 fraud, larceny, and drug felons. The factors they found relevant to an offender's risk of reconviction included the following:

- ❖ Age;
- ❖ Prior record;
- ❖ Prior juvenile incarceration;
- ❖ History of incarceration within the past 12 months; and
- ❖ Whether the offender had acted alone.

Because these factors were found to be statistically significant in predicting recidivism, judges were given a worksheet with this list to be used at the time of sentencing. A higher total score indicated an increased likelihood that an offender would be at greater risk to commit a new crime within three years. On the other hand, commission research showed that an offender who scored nine points or fewer would have only a one in eight chance of being reconvicted. Therefore, judges could recommend alternative sanctions for offenders who scored nine or below, with the exception of those with a violent felony conviction. In keeping with the state's voluntary guidelines, the decision to sentence an offender to prison or to alternative sanctions was left to the judge's discretion, regardless of the worksheet score.

Since implementing fiscal impact statements, Virginia's crime rate has declined 26%, and its incarceration rate has grown just 6%.

In a pilot program, diverting low-risk offenders saved Virginia \$1.5 million in 2000: savings that would have been \$3.7 to \$4.5 million if implemented statewide.

From 1997-2001, Virginia pilot-tested the risk assessment tool in six of its 31 judicial circuits. Of the more than 13,000 offenders processed in these courts, the tool deemed roughly one quarter (24%) appropriate for alternative sanctions. Of these, judges sentenced half to traditional incarceration and half to alternative sanctions.

The use of the risk assessment tool in Virginia is a novel approach. No other state currently uses a similar instrument. In 2000, the National Center for State Courts evaluated the pilot program and concluded that by diverting 263 low-risk offenders from prison and 192 from jail, the state saved \$8.7 million. When total diversion costs of \$7.2 million were considered, the instrument still yielded a net benefit of \$1.5 million. The evaluators estimated that if the instrument had been in use statewide, the net benefit would have been between \$3.7 and \$4.5 million.

Conclusion: Is the Budget Crisis Changing the Way We Look at Sentencing and Incarceration?

The budget traumas of the current economic crisis are playing out against a backdrop of changed public attitudes about crime and incarceration. While perhaps immediately cost effective, prison closings, layoffs, and program eliminations often fail to address the broader issue of how to better manage a state's fiscal resources.

As this chapter shows, several states have seized on the importance of creating governmental organizations and arming them with appropriate instruments to take up this systemic change. In North Carolina, the state's sentencing commission sought to create a system that would use scarce prison space for the most violent and frequent offenders, and to invest in non-prison sanctions for others. The state's reform efforts also included use of a computer simulation model that was able to accurately predict growth in prison population, and to project the resources needed to implement proposed policy changes. In Kansas, a similar plan was put in place to alert legislators of growing prison populations and the need to address strain on corrections budgets before problems could arise. Similarly, Virginia uses fiscal notes or impact statements that require any bill that would increase the prison population to include a cost estimate before it is reported out of committee and takes up valuable time in floor debates. Lastly, risk assessment at the time of sentencing in Virginia helps conserve corrections dollars by using prison space for the offenders most likely to commit more crimes, and by identifying low-risk drug and property offenders who might be suitable for non-prison sanctions.

The experiences of Kansas, North Carolina, and Virginia illustrate the importance of creating a state entity that can inform the creation of sentencing and corrections policy by providing data-based information that can both predict a system's needs and guide development of policies that respond to those needs. As the innovations in these three states show, such reform-minded responses need not compromise public safety.

This chapter is based on the following two publications:

Vera Institute of Justice (2003). *Corrections policy and budget actions in the states: 2003*. New York: Author.

Wilhelm, D. F. & Turner, N. R. (2002, June). *Is the budget crisis changing the way we look at sentencing and incarceration?* New York: Vera Institute of Justice.

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Using Taxpayer Dollars Wisely: The Costs and Benefits of Incarceration and Other Crime Control Policies

Steve Aos
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This cost benefit analysis reveals that policymakers can affect the level of crime by making decisions that influence the rate of incarceration, as well as by making decisions on rehabilitation and prevention strategies. This study finds that a 10% increase in the state incarceration rate leads to a 2% to 4% reduction in the crime rate. Conversely, a 10% decrease in the state incarceration rate leads to a 2% to 4% increase in the crime rate. According to the economic law of diminishing marginal returns, however, the more incarceration rates are increased, the less each additional prison cell will be able to reduce crime. For Washington State, incarcerating more violent and high-volume property offenders continues to generate more benefits than cost, although the net advantage has decreased significantly since 1980. For drug-related offenders, however, it now costs taxpayers more to incarcerate additional offenders than the average value of the crimes avoided. This analysis also shows that some research-based and well-implemented rehabilitation and prevention programs can produce better returns for taxpayers' dollars than further prison expansion for certain types of offenders. For example, some but not all drug treatment programs for adult offenders and some but not all family-focused approaches for juvenile offenders have proven to be cost-effective crime reduction strategies. The Washington State Legislature has recently adopted sentencing policies and treatment programs to implement some of these strategies. The general lesson from the research is this: business-like economic analysis can be used by legislatures to give taxpayers a better return on their crime-fighting dollars.

In the past twenty years, the United States has seen a 220% increase in the incarceration rate. That is, incarceration rates, defined as the percent of the total adult population incarcerated on an average day, have more than doubled in the last two decades. During this same time period, violent crime rates have declined 15% nationally, and property crime rates are down almost a third (32%). For years, academic experts have argued about whether incarceration rates and crime rates are related to one another. While some argue that there is no relation between imprisonment and the number of crimes committed each year, others believe that the two are closely linked.

This chapter provides a summary of a cost-benefit analysis of a wide array of different public policies that attempt to control crime—from prevention programs to prison. Using data from Washington State, this chapter addresses three main questions. First, does prison affect crime rates for different types of crimes? Second, will further increases in the incarceration rate continue to have the same effect on crime as they have in the past? Answers to these two questions provide some of the information needed to address yet a third question: What are the

costs and benefits of various policies for controlling crime? The study presents comparative economic “bottom lines” for a number of public crime control policies—from prevention to prison—and concludes that, in Washington State, policymakers can modify some existing policies to give taxpayers a better overall return on their crime-fighting dollars.

How Do State Sentencing Laws Affect Incarceration Rates?

Each of the 50 states has developed its own system for sentencing adults and juveniles convicted of felonies. The main sentencing decisions that must be made in each state include determining which offenders will be incarcerated and for how long. In more than half of the states, the judicial branch of government (judges and juries) has considerable flexibility in making these decisions. Also, executive branch agencies, such as parole boards and correctional agencies, in these states typically have significant influence over how long offenders remain in prison.

In contrast, Washington’s legislature has asserted the primary role in making decisions about punishments for felony offenses. As a result of bills passed in 1977 and 1981, Washington has a form of “determinate” sentencing. These laws require judges to use standard legislatively-adopted “sentencing grids” when they sentence convicted offenders. Judges can make exceptions to the statewide standards, but the grids are expected to determine the sentences for nearly all offenses. Currently, 14 other states in the U.S. have determinate sentencing systems for adult offenders, although Washington remains the only state with a form of determinate sentencing for juvenile offenders.

Does State Sentencing Policy Affect Crime Rates?

Since the 1980s, many state policymakers have turned to incarceration as the primary public policy to combat crime and administer justice. Adult incarceration rates in Washington State between 1980 and 2000 increased more than 125%, after remaining relatively stable from 1925-1980. Washington was not alone in this dramatic increase; nationally, incarceration rates during this time jumped 220%.

Crime rates have also changed significantly since 1980. In Washington, the rate of violent crime between 1980 and 2000 dropped 22%, and the rate of property crime by 28%. These numbers reflect the national trend of falling crime rates: over the same period of time, national rates of violent crime have gone down by 15%, and property crimes have declined by 32%.

Are these two trends—incarceration rates and crime rates—related? After studying these factors statistically by controlling for economic, demographic, and other criminal justice trends, our analysis indicates that Washington policymakers do affect the crime rate by influencing the incarceration rate. We found that a 10% increase in the state incarceration rate leads to a 2% to 4% reduction in the crime rate. This same relationship works in reverse: a 10% decrease in state imprisonment results in a 2% to 4% increase in crime. This finding for Washington State is quite similar to the results that other analysts have obtained using data from other states. Furthermore, we found that this basic relationship varies for different types of offenders (that is, violent, property, and drug offenders) and for different types of crimes.

A 10% increase in the state incarceration rate leads to a 2%-4% decrease in the crime rate.

What Are the Costs of Increasing Incarceration?

The decline in crime rates comes at a cost to taxpayers, as data from Washington State can attest. Rising costs associated with corrections fall into four main areas:

- ❖ Police;
- ❖ Criminal courts and prosecutors;
- ❖ Local government sanctions for adults and juveniles, including jail, juvenile detention, and local community supervision; and
- ❖ State government sanctions for adults and juveniles, including the department of corrections and the juvenile rehabilitation administration.

When all of these factors are examined together, it is clear that there has been a substantial increase in the level of public spending on Washington's criminal justice system. Today, the average household in Washington spends about \$1,062 in taxes per year to fund the state's crime-fighting budget. Twenty-five years ago, after adjusting for inflation, the typical household spent \$539 per year. This means that inflation-adjusted taxpayer spending on the criminal justice system has nearly doubled since 1975.

While the police employment rate (officers per 1,000 residents) has grown about 13% in the past 20 years in Washington, the main factor driving criminal justice system spending has been the increased use of incarceration in county jails and state prisons. Over the period for which data are available, total criminal justice system spending has increased in step with changes in the rate of incarceration. Thus, while prison reduces crime, prisons also cost a lot of money. The analytical question is: What is the cost-benefit balancing point?

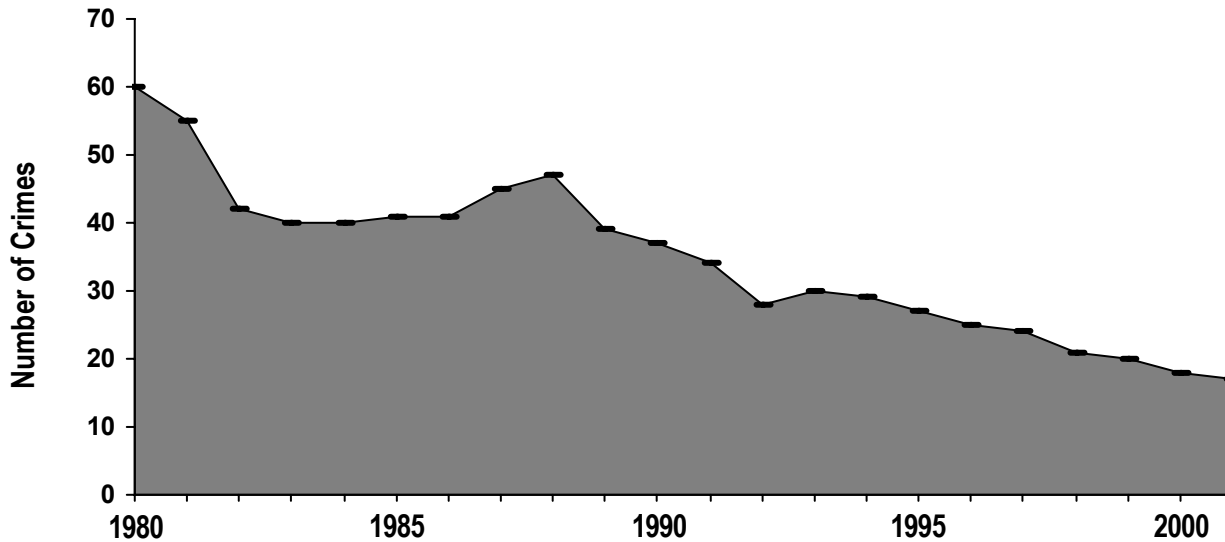
Will Increasing Incarceration Continue to Keep Crime Rates Down?

The key to understanding the costs and benefits of prison as a crime-control strategy is the economic concept of diminishing marginal returns—widely regarded as one of the “iron laws” of economics. When applied to prison policy, this means that as the state of Washington increased the incarceration rate significantly in the last two decades, the ability of the additional prison beds to reduce crime has declined. In 1980, the state had about two people per 1,000 behind bars; today the rate is over five people per 1,000. Diminishing returns means that locking up the fifth person per 1,000 did not, on average, reduce as many crimes as did incarcerating the second, third, or fourth person per 1,000.

For example, when the state incarceration rate first began to expand in the early 1980s, there were, on average, 50 to 60 crimes avoided per year by imprisoning one more offender per 1,000 Washingtonians. As the prison system continued to expand, however, the number of crimes avoided per average new prisoner declined. By 2001, we estimate that 18 crimes were avoided per year by adding a new prison bed. Therefore, as shown in Figure 1, we found that an increase in the incarceration rate today avoids considerably fewer crimes than it did just a decade or two ago.

An increase in the incarceration rate today avoids fewer crimes than it did a decade ago.

Figure 1. Crimes Avoided Per Year, Per Average Inmate Added in the State of Washington's Prisons: 1980 to 2001



Source: <http://www.wsipp.wa.gov/crime/pdf/SentReport2002.pdf>

Are the Costs and Benefits of Incarceration the Same for All Types of Offenders?

To be more useful for policy purposes, the costs and benefits of incarceration were analyzed separately for violent, property, and drug offenders. The following cost-benefit ratios were computed by: (1) adding the victimization and taxpayer costs avoided for each type of crime, and (2) dividing by the estimated costs of the criminal justice system. (The 1980 figure for drug offenders is not meaningful because so few drug offenders were in prison in that year.)

**Table 1. Incarceration Rates: Benefit to Cost (B/C) Ratios¹
(Dollar of Benefit Received per Dollar Invested)
for Various Types of Offenders in Washington State**

Type of Offender	Year	Benefit/ Cost Ratio
Violent	1980	\$10.70
	1990	\$6.60
	2001	\$2.74
Property	1980	\$4.19
	1990	\$5.03
	2001	\$2.84
Drug	1980	\$9.22
	1990	\$0.98
	2001	\$0.37

¹The benefit-to-cost ratios for each type of offender are computed by summing the products of avoided crimes for each crime type by the victimization and taxpayer cost per crime. This sum is then divided by the estimate total costs of a year in prison. Few drug offenders were in prison in 1980; the benefit-cost ratio is not meaningful for that year.

Looking back to 1980, there was a substantial benefit to taxpayers and crime victims to expand the prison system, especially for violent offenders. As incarceration rates increased over the next two decades, however, diminishing returns began to erode the benefits of prison expansion.

Today, even given diminishing returns, incarcerating more violent and high-volume property offenders continues to generate more benefits than costs. During the 1990s, however, the economic bottom line for increasing the incarceration rate for drug offenders turned negative. That is, it now costs Washington taxpayers more to incarcerate additional drug-involved offenders than the average value of the crimes avoided.

What Are Cost-Effective Alternatives to Incarceration?

Our research has shown that some research-based and well-implemented rehabilitation and prevention programs can produce better returns for the taxpayer's dollar than prison expansion. We determined these results by systematically reviewing over 400 evaluations of programs conducted anywhere in the United States over the last 25 years. We then estimated the economics of these programs, asking the question: Would Washington taxpayers be better or worse off if they were to implement any of these programs?

This approach is similar to that used by a financial advisor to study rates of return on mutual funds, bonds, or other investments. A financial advisor compares these different options using the rate of return on investment as the common yardstick. Similarly, our cost benefit analysis focuses on the comparative economic bottom line. That is, given existing research evidence, which programs and policy options are likely to yield better returns than others to Washington taxpayers?

Table 2 lists the type of programs reviewed (Early Childhood Programs; Middle Childhood and Adolescent Programs; Juvenile Offender Programs; and Adult Offender Programs) as well as their costs and benefits. Column 3 is an estimate of the cost of the program per participant. Columns 4 and 5 show the estimated net economics of the program—that is, the benefits that a program is expected to produce in terms of future crime reduction, minus the costs of the program. Column 4 shows the bottom line from the “taxpayer-only” perspective—for every dollar of taxpayer money spent on a program, can rates of future criminal activity be reduced to avoid at least that amount in later taxpayer-financed criminal justice costs? A negative number means that the program does not provide a positive return on taxpayer investment. Column 5 provides an estimate that includes a broader perspective: the benefits of the avoided crime are those that not only accrue to taxpayers but, since fewer crimes mean fewer crime victims, we also include estimates of the victimization costs avoided. The costs to crime victims are obtained from national sources which include: (1) victim out-of-pocket costs for medical spending, property damage, and reductions in future earnings, and (2) quality of life costs calculated from jury awards for pain, suffering, and loss of quality of life. The results are also summarized graphically in Figure 1, which plots each type of program on a graph with three points: 1) the lower end of the range is the net value to taxpayers; 2) the higher value includes benefits to taxpayers and crime victims; and 3) the mid-point is the average.

***Today,
incarcerating
drug-involved
offenders costs
taxpayers more
than the value of
crime avoided.***

Table 2: Summary of Program Economics (All Monetary Values in 2000 Dollars)

	(1) Number of Program Effects in the Statistical Summary	(2) Average Size of the Crime Reduction Effect* & (Standard Error) note that a negative effect size means lower crime	(3) Net Direct Cost of the Program, Per Participant	(4) Lower End of Range: Includes Taxpayer Benefits Only	(5) Upper End of Range: Includes Taxpayer and Crime Victim Benefits
Early Childhood Programs					
Nurse Home Visitation (for low income single mothers)	2	-0.29 (0.21)	\$7,733	-\$2,067	to \$15,918
Early Childhood Education for Disadvantaged Youth	6	-0.10 (0.04)	\$8,936	-\$4,754	to \$6,972
Middle Childhood & Adolescent (Non-Juvenile Offender) Programs					
Seattle Social Development Project	1	-0.13 (0.11)	\$4,355	-\$456	to \$14,169
Quantum Opportunities Program	1	-0.31 (0.20)	\$18,964	-\$8,855	to \$16,428
Mentoring	2	-0.04 (0.05)	\$1,054	\$225	to \$4,524
National Job Corps	1	-0.08 (0.03)	\$6,123	-\$3,818	to \$1,719
Job Training Partnership Act	1	0.10 (0.05)	\$1,431	-\$4,562	to -\$12,082
Juvenile Offender Programs					
Specific "Off the Shelf" Programs					
Multi-Systemic Therapy	3	-0.31 (0.10)	\$4,743	\$31,661	to \$131,918
Functional Family Therapy	7	-0.25 (0.10)	\$2,161	\$14,149	to \$59,067
Aggression Replacement Therapy	4	-0.18 (0.14)	\$738	\$8,287	to \$33,143
Multidimensional Treatment Foster Care	2	-0.37 (0.19)	\$2,052	\$21,836	to \$87,622
Adolescent Diversion Project	5	-0.27 (0.07)	\$1,138	\$5,720	to \$27,212
General Types of Treatment Programs					
Diversion with Services (vs. regular juvenile court processing)	13	-0.05 (0.02)	-\$127	\$1,470	to \$5,679
Intensive Probation (vs. regular probation caseloads)	7	-0.05 (0.06)	\$2,234	\$176	to \$6,812
Intensive Probation (as alternative to incarceration)	6	0.00 (0.05)	-\$18,478	\$18,586	to \$18,854
Intensive Parole Supervision (vs. regular parole caseloads)	7	-0.04 (0.06)	\$2,635	-\$117	to \$6,128
Coordinated Services	4	-0.14 (0.10)	\$603	\$3,131	to \$14,831
Scared Straight Type Programs	8	0.13 (0.06)	\$51	-\$6,572	to -\$24,531
Other Family-Based Therapy Approaches	6	-0.17 (0.04)	\$1,537	\$7,113	to \$30,936
Juvenile Sex Offender Treatment	5	-0.12 (0.10)	\$9,920	-\$3,119	to \$23,602
Juvenile Boot Camps	10	0.10 (0.04)	-\$15,424	\$10,360	to -\$3,587

	Number of Program Effects in the Statistical Summary (1)	Average Size of the Crime Reduction (Standard Error) (2) <small>note that a negative effect size means lower crime</small>	Net Direct Cost of the Program, Per Participant (3)	Net Benefits Per Participant (i.e., Benefits minus Costs)	
				Lower End of Range: Includes Taxpayer Benefits Only (4)	Upper End of Range: Includes Taxpayer and Crime Victim Benefits (5)
Adult Offender Programs					
Adult Offender Drug Treatment Programs (compared to no treatment)					
In-Prison Therapeutic Community, No Community Aftercare	5	-0.05 (0.05)	\$2,604	-\$899 to	\$2,365 to
In-Prison Therapeutic Community, With Community Aftercare	11	-0.08 (0.02)	\$3,100	-\$243 to	\$5,230 to
Non-Prison TC (as addition to an existing community residential facility)	2	-0.17 (0.10)	\$2,013	\$4,110 to	\$15,836 to
In-Prison Non-Residential Substance Abuse Treatment	5	-0.09 (0.03)	\$1,500	\$1,672 to	\$7,748 to
Drug Courts	27	-0.08 (0.02)	\$2,562	-\$109 to	\$4,691 to
Case Management Substance Abuse Programs	12	-0.03 (0.03)	\$2,204	-\$1,050 to	\$1,230 to
Community-Based Substance Abuse Programs	3	-0.07 (0.05)	\$2,198	\$237 to	\$5,048 to
Drug Treatment Programs in Jails	7	-0.05 (0.05)	\$1,172	\$373 to	\$3,361 to
Adult Sex Offender Treatment Programs (compared to no treatment)					
Cognitive-Behavioral Sex Offender Treatment	7	-0.11 (0.05)	\$6,246	-\$778 to	\$19,534 to
Adult Offender Intermediate Sanctions (compared to regular programs)					
Intensive Supervision (Surveillance-Oriented)	19	-0.03 (0.03)	\$3,296	-\$2,250 to	-\$384 to
Intensive Supervision (Treatment-Oriented)	6	-0.10 (0.06)	\$3,811	-\$459 to	\$5,520 to
Intensive Supervision: Diversion from Prison	3	0.00 (0.08)	-\$5,925	\$6,083 to	\$6,386 to
Adult Boot Camps	11	0.00 (0.03)	-\$9,725	\$9,822 to	\$10,011 to
Adult Boot Camps - As partial diversion from Prison	11	0.00 (0.03)	-\$3,380	\$3,477 to	\$3,666 to
Cognitive-Behavioral Programs (compared to no treatment)					
Moral Reconciliation Therapy	8	-0.08 (0.05)	\$310	\$2,471 to	\$7,797 to
Reasoning and Rehabilitation	6	-0.07 (0.04)	\$308	\$2,202 to	\$7,104 to
Other Programs (compared to no treatment or regular programs)					
Work Release Programs (vs. in-prison incarceration)	2	-0.03 (0.11)	\$456	\$507 to	\$2,351 to
Job Counseling/Search for Inmates Leaving Prison	6	-0.04 (0.02)	\$772	\$625 to	\$3,300 to
In-Prison Adult Basic Education	3	-0.11 (0.05)	\$1,972	\$1,852 to	\$9,176 to
In-Prison Vocational Education	2	-0.13 (0.04)	\$1,960	\$2,835 to	\$12,017 to
Correctional Industries Programs	3	-0.08 (0.02)	\$1,800	\$1,147 to	\$9,413 to

*The summary effect size shown on this table for each area is the weighted average standardized mean difference effect size. For those studies with bi-variate outcome measures, the mean difference effect sizes are approximated using the arcsine transformation as described in Lipsey & Wilson (2000), Table B10, Formula 22. The individual study effect sizes are adjusted using the Hedges correction for small sample sizes as described in Lipsey & Wilson (2000), page 49, Equation 3.22. The weights are the inverse variance weights as described in Lipsey & Wilson (2000), page 49, Equations 3.23 and 3.24.

Early childhood programs: What works and what doesn't? The cost-benefit analysis examines the effectiveness of nurse home visitation and early childhood educational programs for disadvantaged youth. From a taxpayer-only perspective, the benefits of reductions in future criminality do not pay back the up-front costs of the programs. When the crime victim benefits are factored in, however, the programs provide a return of \$3.06 and \$1.78 respectively for every dollar spent. Of course, the cost effectiveness of these programs would be higher if our analysis took into account other documented benefits, such as better school performance, fewer births, and less time on welfare. The 2003 Washington Legislature directed the Institute to undertake an economic analysis of these other benefits (that report will be completed by March 2004).

Middle childhood and adolescent (non-juvenile offender programs): What works and what doesn't? Mentoring programs and a social development program for high risk schools for this age group are designed to promote students' bonding to the family and the school. From a taxpayer's perspective, this analysis found that these programs break even and that they earn positive returns when considering the crime victim costs avoided. However, the National Job Corps, the Job Training Partnership Act, and the Quantum Opportunities Program which provide education, services, and development activities to disadvantaged adolescents were not cost effective from the taxpayer's perspective only, although the Quantum Opportunities Program produced positive returns when considering victimization benefits.

Programs for juvenile offenders: What works and what doesn't? According to our estimates on Table 2, the economics of these programs are the most attractive of any of the programs reviewed in the cost-benefit analysis. Those with a prescribed curriculum were more effective than those without. The benefits to taxpayers for the juvenile programs with a prescribed curriculum ranged from \$5,720 to \$31,661 per participant. When victim costs are considered, taxpayers receive a return of \$28 to \$46 for every dollar spent (see Figure 2). Most of these programs are designed for youthful offenders in a juvenile court setting, or as an alternative to juvenile court processing. Three of the five most cost-effective programs are approaches that deliberately work with families, which has the potential not only to benefit the young offender, as these analyses indicate, but also siblings growing up in the family.

Although the effects are not as strong as those above, taxpayers also benefit from programs such as diversion with services (compared to regular juvenile court processing), intensive probation (as alternative to incarceration), coordinated services, and other family-based therapy programs.

On the other hand, "Scared Straight" type programs apparently generate no net benefit. These programs typically take young juvenile offenders to an adult prison where they are lectured by adult offenders about how their life will turn out if they do not change their ways. Additionally, studies of juvenile boot camps actually show that the average camp increases recidivism rates by 10% compared to regular juvenile institutional facilities. Our evaluation of Washington's juvenile boot camp, however, reached the opposite conclusion.

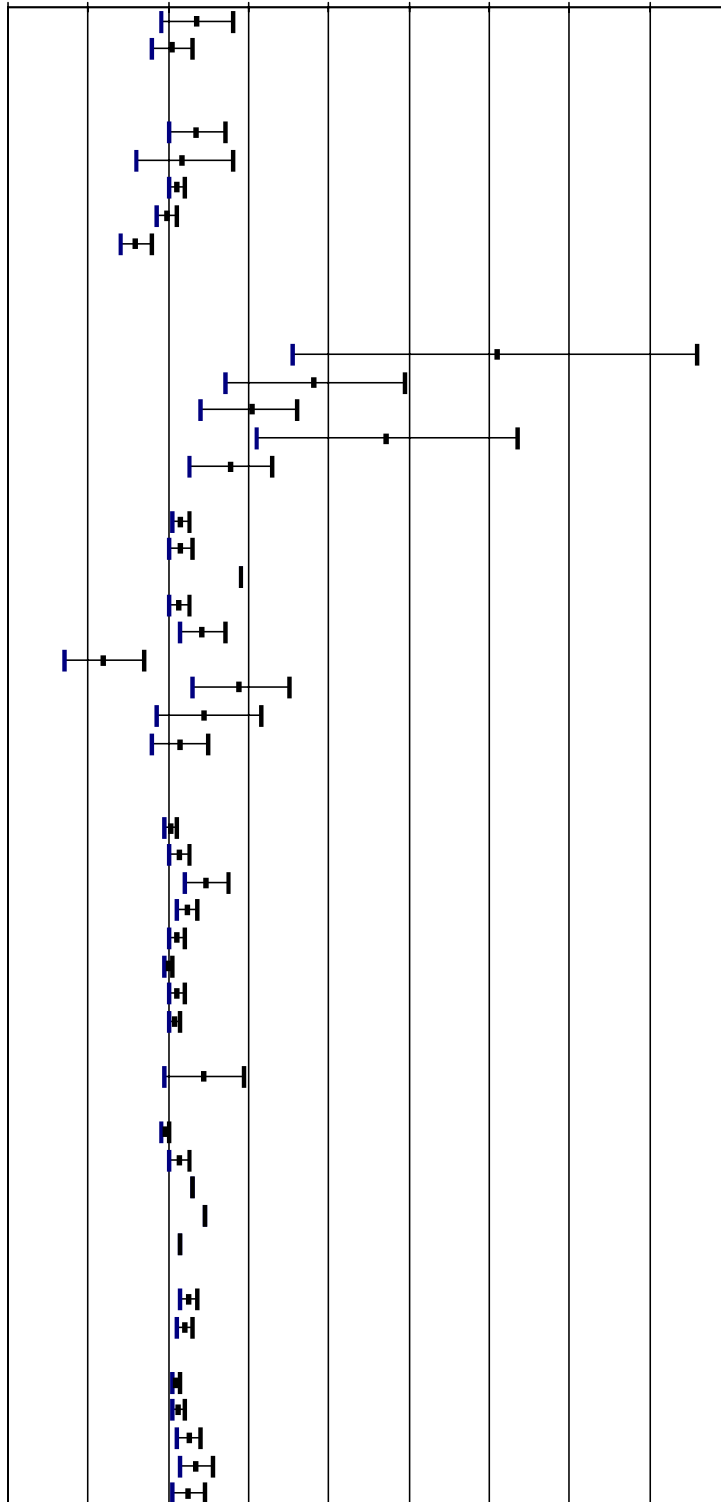
Programs for juveniles are economically the most attractive; three of the five that are most cost-effective deliberately work with families.

**Figure 2. Net Economic Benefits of Programs Designed to Reduce Crime,
Monetary Values in 2000 Dollars**

Net economic benefit (cost) per participant, thousands of dollars

The lower value in the range is the taxpayer estimate, the higher value includes crime victim benefits, the point in the middle is the average.

-\$40 -\$20 \$0 \$20 \$40 \$60 \$80 \$100 \$120 \$140



Early Childhood Programs

- Nurse Home Visitation (for low income single mothers)
- Early Childhood Education for Disadvantaged Youth

Middle Childhood & Adolescent (Non-Juvenile Offender) Programs

- Seattle Social Development Project
- Quantum Opportunities Program
- Mentoring
- National Job Corps
- Job Training Partnership Act

Juvenile Offender Programs

Specific "Off the Shelf" Programs

- Multi-Systemic Therapy
- Functional Family Therapy
- Aggression Replacement Training
- Multidimensional Treatment Foster Care
- Adolescent Diversion Project

General Types of Community-Based Programs

- Diversion with Services (vs. regular juvenile court processing)
- Intensive Probation (vs. regular probation caseloads)
- Intensive Probation (as alternative to incarceration)
- Intensive Parole Supervision (vs. regular parole caseloads)
- Coordinated Services
- Scared Straight Type Programs
- Other Family-Based Therapy Approaches
- Juvenile Sex Offender Treatment
- Juvenile Boot Camps

Adult Offender Programs

Adult Offender Drug Treatment Programs

- In-Prison Therapeutic Community, No Community Aftercare
- In-Prison Therapeutic Community, With Community Aftercare
- Non-Prison TC (as addition to an existing community residential facilities)
- In-Prison Non-Residential Substance Abuse Treatment
- Drug Courts
- Case Management Substance Abuse Programs
- Community-Based Substance Abuse Treatment
- Drug Treatment Programs in Jails

Adult Sex-Offender Treatment Programs

- Cognitive-Behavioral Sex Offender Treatment

Adult Offender Intermediate Sanctions

- Intensive Supervision (Surveillance-Oriented)
- Intensive Supervision (Treatment-Oriented)
- Intensive Supervision: Diversion from Prison
- Adult Boot Camps
- Adult Boot Camps (as partial diversion from prison)

Cognitive-Behavioral Programs

- Moral Reconation Therapy
- Reasoning and Rehabilitation

Other Programs

- Work Release Programs (vs. in-prison incarceration)
- Job Counseling/Search for Inmates Leaving Prison
- In-Prison Adult Basic Education
- In-Prison Vocational Education
- Correctional Industries Program

Programs for adult offenders: What works and what doesn't? Generally, drug treatment for adult offenders works to lower recidivism rates. The reductions are not large, but are still cost-effective given that treatment costs are moderate at about \$2,500 per participant. The average cognitive-behavioral sex offender treatment program saves more than it costs, although this finding depends on the specific type of program implemented.

Programs such as work release, job counseling, in-prison adult and vocational education, and correctional industries provided a return greater than the taxpayer investment. Intensive supervision and adult boot camps were cheaper than prison, but neither was successful in deterring future crime.

One of the least cost effective adult offender interventions is surveillance-oriented intensive supervision. The economics of surveillance-oriented intensive supervision are not attractive: taxpayers lose \$2,250 per participant and the losses are still evident even when the crime victim perspective is included.

Conclusion: What Are the Lessons Learned from a Cost-Benefit Analysis of Incarceration and Other Programs to Reduce Crime?

In the last two decades, research has advanced on what works and what doesn't to reduce crime. Now that information can be used to help policymakers direct resources toward programs that are cost effective and away from those that are not. Thus, even in the absence of new funding sources, policymakers can make "portfolio" adjustment decisions that will provide taxpayers with a better return on their investment. The major lessons learned for Washington State are:

- ❖ A 10% increase in the state incarceration rate leads to a 2% to 4% reduction in the crime rate.
- ❖ Due to diminishing marginal returns, and as a result of significant increases in incarceration rates in recent years, an increase in the incarceration rate today avoids considerably fewer crimes than it did just a decade ago.
- ❖ Incarcerating more violent and high-volume property offenders continues to generate more benefits than costs, although the net advantage of increasing incarceration rates for these offenders has diminished.
- ❖ Since the early 1990s, however, incarcerating drug offenders has generated more costs than benefits. That is, today it costs taxpayers more to incarcerate additional drug-involved offenders than the average value of the crimes avoided.
- ❖ Some research-based and well-implemented rehabilitation and prevention programs can produce better returns for the taxpayer's dollar than prison expansion for certain types of offenders. Several research-based interventions, particularly family-based approaches for juvenile offenders and drug treatment for drug-related adult offenders, have returns well in excess of their costs.

Incarcerating violent and high-volume property offenders continues to generate more benefits than costs.

The Washington State Legislature has recently adopted sentencing policies and treatment programs to implement some of these strategies. The general lesson from this research is this: business-like economic analysis can be used by legislatures to give taxpayers a better return on their crime fighting dollars.

This paper is based on the following three publications which are available in full on the Washington State Institute for Public Policy's web page at the following locations.

Aos, S., Phipps, P., Barnoski, R. and Lieb, R. (May, 2001). The Comparative Costs and Benefits of Programs to Reduce Crime. Washington State Institute for Public Policy. <http://www.wsipp.wa.gov/crime/pdf/costbenefit.pdf>

Aos, S. (January, 2003). The Criminal Justice System in Washington State: Incarceration Rates, Taxpayer Costs, Crime Rates, and Prison Economics. Washington State Institute for Public Policy. <http://www.wsipp.wa.gov/crime/pdf/SentReport2002.pdf>

Aos, S., & Barnoski, R. (October, 2002). The Juvenile Justice System in Washington State: Recommendations to Improve Cost-Effectiveness. Washington State Institute for Public Policy. <http://www.wsipp.wa.gov/crime/pdf/WhatWorksJuv.pdf>

Steve Aos is an economist and is the Interim Director of the Washington State Institute for Public Policy. He has 25 years of experience in conducting cost-benefit analyses in a wide range of public policy areas, as well as in the private sector. His current work focuses on identifying and evaluating the costs and benefits of programs and policies for reducing crime in Washington State. Mr. Aos is also involved in evaluating Washington's foster care system and has many years of experience in energy and telecommunications policies. He has worked for the Washington State Budget Office, Seattle City Light, The Northwest Power Planning Council, the Washington Utilities and Transportation Commission, and he has run his own consulting firm where he wrote a newsletter on Washington State's economy. He received his BA from California State University and his MS from the University of California, Irvine

Promoting Public Safety Through Effective Correctional Interventions: What Works and What Doesn't?

Edward J. Latessa
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This chapter reviews the strides that science has made in the past two decades in identifying factors that can predict the odds that an individual will re-offend. The five key predictors of recidivism are antisocial values; antisocial peers; poor self control, self management, and problem solving skills; family dysfunction; and past criminality. Programs and policies work only when they are based on a theory that addresses those characteristics and conditions that cause crime. Programs that do work assess offenders' needs and risks, use proven treatment models, understand the principles of effective interventions, and rely on credentialed people and agencies. On the other hand, ineffective programs target low-risk offenders for treatment and seek to change weak predictors of criminal behavior, such as self-esteem. Examples of programs that don't work include "scared straight" programs, boot camps, intensive supervision, wilderness programs, and psychoanalysis.

State legislatures and correctional agencies must make decisions about what programs they will use with offenders under state supervision. But how do we know that the interventions we offer prisoners will help them avoid returning to a life of crime once they are released? What assurance do we have that treatment will work well enough to keep the public safe? As recently as twenty years ago, the science of crime and treatment was relatively undeveloped when it came to determining the characteristics that would lead to recidivism, or repeat offenses. However, over the past two decades, researchers in this field have made major strides in identifying what factors predict whether or not an individual will re-offend.

Unfortunately, many policymakers and policy implementers make decisions about interventions based on outdated practices inherited from previous administrations. Alternatively, programs to treat offenders may be added in a piecemeal fashion to target specific concerns about incarcerated populations, but pay less attention to designing a coherent overall treatment strategy. Lastly, agencies can be influenced by untested "fads" in corrections that receive national attention, but fail to target the critical characteristics that make offenders likely to repeat their crimes.

What Makes a Repeat Offender?

Because of the proven link among certain characteristics and conditions and repeat criminal behavior, interventions designed for incarcerated populations are most likely to succeed if they target the following factors for change. Based on a consistent body of research evidence, the five key predictors of recidivism are:

1. Antisocial values;
2. Antisocial peers;
3. Poor self control, self management, and problem solving skills;
4. Family dysfunction; and
5. Past criminality.

Where Do Ideas for Interventions Come From?

When policymakers and corrections agencies make decisions about programs for prisoners, they often lack a theory about how the program is expected to work and end up promoting policies and programs that have no evidence of effectiveness. Alternatively, policymakers and corrections officials may rely on theories about crime and criminals that do not take into account established crime-producing factors. In many cases, these ‘theories’ would be amusing except that they can lead to missed opportunities to intervene with offenders and ineffective use of corrections budgets.

Policies and programs succeed only when they are based on a theory that intentionally addresses those characteristics and conditions that cause crime. Yet in our work we have found programs based on theories that can seem ludicrous:

- ❖ “Offenders lack creativity” theory.
- ❖ “Offenders need to get back to nature” theory.
- ❖ “Offenders have low self-esteem” theory.
- ❖ “We just want them to be happy” theory.
- ❖ “Female offenders need to learn to put on makeup and dress better” theory.
- ❖ “Male offenders need to get in touch with their feminine side” theory.

While these ideas sound laughable when written down, too often they underlie the design and implementation of programs for incarcerated populations.

A prominent example is the recent “boot camp” fad in corrections. The theory behind boot camps is one based on a vague, often unstated, idea of crime and behavioral change: namely, “offenders need to be broken down”—through a good deal of humiliation and threats—and then “built back up.” In fact, we know of no major psychological theory that would logically suggest that such treatment is a component of effective therapeutic intervention. Even so, boot camps were put into place across the nation without a shred of empirical evidence as to their effectiveness, and only now has their appeal been tarnished after years of negative evaluation studies.

Boot camps were put into place across the U.S. without any evidence of effectiveness.

Effective Interventions: What Doesn't Work?

As the example above shows, many programs designed for offenders are based on ineffective theories about what can help reduce the likelihood that they will commit future crimes. Ineffective programs also target low-risk offenders for treatment and seek to change weak predictors of criminal behavior, such as self-esteem.

A growing literature outlines what does not work in offender treatment. Such programs include:

- ❖ Punishment-oriented programs (e.g., “scared straight” programs; boot camps);
- ❖ Control-oriented programs (e.g., intensive supervision);
- ❖ Wilderness programs;
- ❖ Psychological interventions that are non-directive or insight-oriented (e.g., psychoanalysis);
- ❖ Offender-centered approaches; and
- ❖ Non-intervention.

Unfortunately, many programs do not rely on treatment models that research has shown to be effective. In a study of 240 programs (161 for adults and 79 for juveniles) assessed across 30 states, two thirds of adult programs and over half of juvenile programs did not use a treatment model that was empirically proven to work. In another study of 230 program evaluations, only 13% of the interventions were classified as following the “most appropriate” principles of effective intervention.

Effective Interventions: What Works?

Given this disheartening evidence of ineffective programs, policymakers and corrections leaders may wonder what does work to prevent offender recidivism. A growing body of research now shows how to make offender treatment effective.

- 1. Assess offenders' needs and risks.** The steady flow of offenders into correctional agencies not only strains resources, but also creates a continuing need to allocate treatment resources in the most efficient way possible. This problem is not dissimilar to a hospital that must process a steady flow of patients. In a hospital or doctor's office, the crucial first step to delivering effective treatment is diagnosing the patient's condition and its severity. Without such a diagnosis—which might involve a battery of tests—the treatment prescribed would have no clear foundation.

In this same vein, the first step in effectively treating offenders is to assess the risks and needs of each individual. Recently, researchers have developed effective instruments to classify offenders for their risk of recidivism. These instruments work by assessing a combination of “static” factors (such as criminal history) and “dynamic” factors (such as antisocial behaviors and peer associations) that have been shown to predict repeat criminal offenses.

Interventions that don't work include “scared straight” programs, intensive supervision, wilderness programs, and psychoanalysis.

Treatment models proven to work target factors such as family dysfunction, social skills, criminal thinking, and problem-solving skills.

At present, many states do not require agencies to assess offenders, or if they do, they do not ensure that the assessments are based on high-quality instruments. For example, a study of 240 programs (161 for adults and 79 for juveniles) assessed across 30 states found that 64% did not use a standardized and objective assessment tool that could distinguish offenders' levels of risks and needs.

2. **Use treatment models that are proven effective.** A growing number of treatment models for different offender populations have shown demonstrated success at reducing the odds that an individual will re-offend. Some of the more prominent models include:
 - a) *Functional Family Therapy*: a model that promotes family cohesion and affection.
 - b) *Multisystemic therapy*: an integrated behavioral approach that targets family, school, peers, and other social systems.
 - c) *The Equip Program*: a program that uses a positive peer culture to teach youths to think and act responsibly by targeting distorted thinking and poor problem solving skills.
 - d) *The Prepare Curriculum Program*: a program that helps offenders learn new social skills and prepares them for reentry back into the community.
 - e) *Integrated Service Delivery*: a model that targets criminal thinking, anger, and substance abuse.
 - f) *Cognitive Behavioral Treatment*: interventions that target criminal thinking and lack of social skills (e.g. Thinking for a Change, Reasoning and Rehabilitation, Aggression Replacement Therapy).
3. **Employ the “3 C’s” of effective corrections:**
 - a) Employ credentialed people.
 - b) Ensure that the agency is credentialed by seeing to it that it is founded on the principles of fairness and the improvement of lives.
 - c) Base treatment decisions on credentialed knowledge, that is, high-quality, research-based information.
4. **Understand the principles of effective intervention.** As listed in Table 1, programs that adhere to the principles listed below have been found to achieve meaningful reductions in recidivism.

Table 1.

Eight Principles of Effective Correctional Intervention

- 1. Create a positive environment:** Treatment facilities for offenders need to have well-defined goals for both service providers and the population they care for. This also means having ethical principles and a plan to respond efficiently to issues that affect the facility as a whole. Facility staff need to be cohesive and well-trained and have access to adequate outside resources.
- 2. Design a strong program:** Programs need to reflect a consistent set of values. The program should be based on thorough reviews of the literature on what works, and should be pilot tested for effectiveness. In order to be sustainable, programs also need to be fiscally responsible.
- 3. Build a high-quality staff:** The program director and treatment staff are professionally trained and experienced. Staff are selected based on their belief in rehabilitation and their understanding of effective therapies for offenders.
- 4. Understand offenders' needs:** Offenders are evaluated for their level of risk with a tested assessment instrument. The assessment also looks at how offenders respond to different styles and modes of service, and is repeated over time to determine if changes in treatment routine are needed.
- 5. Target what works:** Treatment plans target the factors that research shows prevent recidivism. Therapies should include more rewards than punishments, and should strategize ways to prevent relapse once offenders complete the formal treatment phase.
- 6. Demonstrate good practice:** Program therapists help offenders by practicing effective reinforcement and disapproval. Treatment includes exercises in problem-solving techniques, skill-building, appropriate use of authority, and relationship-building.
- 7. Communicate with others:** The treatment agency makes referrals and, where necessary, advocates for its offenders to help them receive high-quality services in the community.
- 8. Evaluate progress:** The program routinely conducts evaluations of its effectiveness with both staff and clients, and follows up to determine whether offenders succeed in staying away from crime.

What is the risk to public safety of releasing offenders without having effectively treated them so they don't commit crimes again?

Conclusion: What Is the Effect of Ineffective Treatment?

The recent “boot camp” fad in corrections can serve as an important cautionary tale to those interested in understanding the importance of effective treatment. Boot camps were used for years despite a flood of negative evaluations. In the meantime, how many millions of dollars have been squandered? How many opportunities to rehabilitate offenders have been forfeited? What is the risk to public safety of releasing offenders without having effectively treated them so that they do not commit crimes once again?

Thus, there is a growing movement among criminologists to do our part in discovering the principles of effective intervention and in determining which interventions work. Accordingly, policymakers and corrections leaders can stop promoting treatments that cannot possibly be effective and instead seek out the emerging information on “best bets” for intervening with offenders. In so doing, crime-fighting dollars will be better spent to rehabilitate offenders and keep the public safe.

This chapter is drawn from the following article:

Latessa, Edward J., Cullen, Frances T., and Gendreau, Paul. (September 2002). Beyond Correctional Quackery—Professionalism and the Possibility of Effective Treatment. *Federal Probation* 66(2), pp. 43-49.

Edward J. Latessa is a Professor and Head of the Division of Criminal Justice at the University of Cincinnati. Dr. Latessa has published over 75 works in the area of criminal justice, corrections, and juvenile justice. He is co-author of seven books including *Corrections in the Community*, which is now in its third edition, and *Corrections in America*, which is in its 10th edition. Professor Latessa has directed over 60 funded research projects, including studies of day reporting centers, juvenile justice programs, drug courts, intensive supervision programs, halfway houses, and drug programs. He and his staff have also assessed over 350 correctional programs throughout the United States. Dr. Latessa is a consultant with the National Institute of Corrections, and he has provided assistance and workshops in over 35 states. Dr. Latessa served as President of the Academy of Criminal Justice Sciences (ACJS) from 1989-90. He has also received several awards, including the Simon Dinitz Criminal Justice Research Award from the Ohio Department of Rehabilitation and Correction (2002), the Margaret Mead Award for dedicated service to the causes of social justice and humanitarian advancement by the International Community Corrections Association (2001), the Peter P. Lejins Award for Research from the American Correctional Association (1999), ACJS Fellow Award (1998), ACJS Founders Award (1992), and the Simon Dinitz award by the Ohio Community Corrections Organization.

Glossary

Crime Index Offenses¹

These uniform crime definitions and reporting procedures were developed to be used by law enforcement agencies in every state. Crime Index Offenses are murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, theft, motor vehicle theft, and arson. Attempts are included (an attempted murder is classified as an aggravated assault).

Determinate Sentencing²

Sentences of incarceration in which an offender is given a fixed term. Truth in sentencing is a type of determinate sentencing under which the term imposed cannot be reduced by good-time or earned-time credits, or parole.

Drug Court³

Drug courts are alternative courts that combine judicial supervision and community-based treatment. Typically, drug courts manage cases quickly and make provisions for the intervention to occur as soon as possible to capitalize on the crisis of arrest.

Felony⁴

A criminal offense that is punishable by imprisonment of one year or longer.

Incarceration Rate⁵

The percent of the total population incarcerated on an average day.

Indeterminate Sentence⁶

Under indeterminate sentencing, the court sets the maximum sentence which can be reduced by good-time or earned-time credits, and by paroling the prisoner.

Jail⁷

A county or city facility for incarceration of sentenced and unsentenced persons.

Mandatory Minimum Sentence⁶

A minimum sentence that is specified by statute and that may be applied for all convictions of a particular crime or a crime with special circumstances.

Parole⁸

Process of being granted release from prison by the appointed paroling authority prior to the completion of a sentence. Parole imposes supervision and other stipulations such as prohibitions on certain activities.

Prison⁷

A state correctional facility where persons are confined following conviction of a felony offense.

Property Offenses¹

Four Crime Index Offenses that do not involve face-to-face confrontation between victim and perpetrator are referred to as property offenses. These offenses are burglary, theft, motor vehicle theft, and arson.

Recidivism⁹

Repeat criminal behavior after serving time.

Violent Offenses¹

Four Crime Index Offenses involve face-to-face confrontation between victim and perpetrator, and are referred to as violent offenses. These are murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault.

Wisconsin Truth in Sentencing⁴

Wisconsin's Truth in Sentencing law was adopted in 1997. Truth in Sentencing requirements apply to offenses committed on or after December 31, 1999, under which the court must impose a sentence consisting of a specified period of confinement in prison followed by a specified period of extended supervision.

¹State of Wisconsin Office of Justice Assistance.

²Anne Sappenfield, Legislative Council.

³Johnson, S., Hubbard, D. J., & Latessa, E., J. (2000). Drug Courts and Treatment: Lessons to be Learned from the "What Works" Literature, *Corrections Management Quarterly*, 2000, 4(4), 70 -77.

⁴Wisconsin Legislative Council, *Wisconsin Legislator Briefing Book*, 2003-04.

⁵Aos, S. (January, 2003). *The Criminal Justice System in Washington State: Incarceration Rates, Taxpayer Costs, Crime Rates, and Prison Economics*. Washington State Institute for Public Policy. <http://www.wsipp.wa.gov/crime/pdf/SentReport2002.pdf>

⁶Bureau of Justice Assistance, *National Assessment of Structured Sentencing Monograph*, <http://www.ncjrs.org/pdffiles/strsent.pdf>.

⁷www.pls.lib.ca.us/healthysmc/12/glossary.html

⁸National Institute of Corrections, U.S. Department of Justice.

⁹Criminal Justice Profile. <http://www.pls.lib.ca.us/healthysmc/12/glossary.html>

Selected Resources in Corrections and Family Policy

By Ross Collin

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Interests: Assembly corrections and criminal justice policy

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Interests: Senate corrections and criminal justice policy

State Agencies

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deirdre.morgan@doc.state.wi.us

Gary Radloff, Legislative Liaison

Wisconsin Department of Health and Family Services
1 West Wilson Street
Madison WI 53703
(608) 266-3262
Fax: (608) 266-7882

Interests: Alcohol and other drug abuse treatment, mental health, and placement issues for convicted offenders.

Myrna Toney, Title I Coordinator

Wisconsin Department of Public Instruction
125 South Webster Street
PO Box 7841
Madison WI 53707-7841
(608) 266-2690
Fax: (608) 267-0364
myrna.toney@dpi.state.wi.us

Interests: Grants manager for federally-funded Title I programs serving Wisconsin school districts, juvenile correctional institutions, and migrant education projects.

Paul Guequierre, Public and Media Relations Officer

Wisconsin Office of Justice Assistance
131 West Wilson Street, Suite 202
Madison WI 53702
(608) 266-6476
paul.guequierre@oja.state.wi.us

Interests: Incidence of different crime rates in Wisconsin.

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Donald Downs

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Interests: Criminal law and justice, domestic violence, and criminal defense law.

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Interests: Children of incarcerated parents.

Local and National Organizations

Family Corrections Network

32 Oak Grove Road
Palmyra VA 22963
(434) 589-3036
Fax: (434) 589-6520
<http://www.fcnetwork.org/>

Reports:

Responding to Children and Families of Prisoners: A Community Guide (2003).

Ordering information available online at:

<http://www.fcnetwork.org/guide/responding.html>

The Family and Corrections Network Report: a national periodical publication on families of prisoners. Ordering information available online at:

<http://www.fcnetwork.org/join.html>

National Conference of State Legislatures

Donna Lyons
7700 East First Place
Denver CO 80230
(303) 364-7700
Fax: (303) 364-7800
<http://www.ncsl.org/programs/cj/crime.htm>

Reports:

Dollars and Sentences: Legislators' Views on Prisons, Punishment, and the Budget Crisis (July, 2003): produced jointly with the Vera Institute of Justice; available at:

http://www.vera.org/publication_pdf/204_398.pdf

State Crimes Legislation in 2002 (January 2003): available at:

<http://www.ncsl.org/programs/cj/slr283.htm>

The Urban Institute

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tdunwort@ui.urban.org
<http://www.urban.org/content/PolicyCenters/Justice/Overview.htm>

Reports:

The Practice and Promise of Prison Programming (May 2002): available online at:

<http://www.urban.org/url.cfm?ID=410493>

The Influences of Truth-in-Sentencing Reforms on Changes in States' Sentencing Practices and Prison Populations (April 2002): available online at:

<http://www.urban.org/url.cfm?ID=410470>

The Center for Children of Incarcerated Parents

P.O. Box 41-286
Eagle Rock CA 90041
(626) 449-2470
<http://www.e-ccip.org/index.html>

Reports:

Monthly Reports on Intergenerational Crime and Incarceration are available online at:

<http://www.e-ccip.org/publication.html>

National Institute of Corrections

Morris Thigpen, Director DIC
320 First Street NW
Washington DC 20534
(202) 514-4202
Fax: (202) 305-2185
mthigpen@bop.gov
<http://www.nicic.org/>

Reports:

Services for families of prison inmates (available online in .pdf format at:
<http://www.nicic.org/Resources/SupplementalPubDetails.aspx?recordID=140>)

The Federal Resource Center for Children of Prisoners

Arlene Lee, Director
440 First Street NW
Washington DC 20001
(202) 638-2952
alee@cwla.org
http://www.cwla.org/programs/incarcerated/cop_03.htm

Reports:

Incarcerated Parents and their Children is available online at:
<http://www.ojp.usdoj.gov/bjs/abstract/iptc.htm>

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