

J U N E 2 0 2 0

Federal PROBATION

*a journal of correctional
philosophy and practice*

The Effectiveness of Prison Programming: A Review of the Research Literature Examining the Impact of Federal, State, and Local Inmate Programming on Post-Release Recidivism

By James M. Byrne

Does Reducing Supervision for Low-risk Probationers Jeopardize Community Safety?

By Haci Duru, Lori Brusman Lovins, Brian Lovins

The Prevalence of Local Criminal Justice Practices

By Pamela K. Lattimore, Stephen Tueller, Alison Levin-Rector, Amanda Witwer

Redemption at a Correctional Turning Point: Public Support for Rehabilitation Ceremonies

By Leah C. Butler, Francis T. Cullen, Alexander L. Burton, Angela J. Thielen, Velmer S. Burton, Jr.

Hawaii Federal Court Restorative Reentry Circle Pilot Project

By Lorenn Walker, Leslie E. Kobayashi

Juvenile Focus

By Alvin W. Cohn

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THIS ISSUE IN BRIEF

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On behalf of the First Step Act Independent Review Committee, the author wrote this review of available research about the recidivism reduction effects of federal, state, and local prison programming in an attempt to determine to what extent such programming can fairly be described as evidence-based. Looking at the available evaluation research on the BOP programming, he focuses on the 18 “national model” prison programs identified by BOP and also examines the much larger body of evaluation research conducted on the recidivism reduction effects of state and local prison programs.

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The articles and reviews that appear in *Federal Probation* express the points of view of the persons who wrote them and not necessarily the points of view of the agencies and organizations with which these persons are affiliated. Moreover, *Federal Probation's* publication of the articles and reviews is not to be taken as an endorsement of the material by the editors, the Administrative Office of the U.S. Courts, or the Federal Probation and Pretrial Services System.

The Effectiveness of Prison Programming: A Review of the Research Literature Examining the Impact of Federal, State, and Local Inmate Programming on Post-Release Recidivism*

James M. Byrne

University of Massachusetts at Lowell

On behalf of the First Step Act Independent Review Committee

Dec. 2019

About the First Step Act Independent Review Committee

Title I §3631-3633 (inclusive) of Public Law 115-391 (December 21, 2018), commonly referred to as the First Step Act (FSA), assigns the Attorney General (AG) of the United States two principal responsibilities. In consultation with the Director of the Bureau of Prisons (BOP), the Director of the Administrative Office of the U.S. Courts, the Director of the Office of Probation and Pretrial Services, the Director of the National Institute of Justice (NIJ), and the Director of the National Institute of Corrections (NIC), the AG is directed to:

- Develop, validate, release for public review (by late July 2019), and implement (through BOP by late January 2020) FSA's "risk and needs assessment system" (RNAS) provisions; and
- Identify "effective evidence-based recidivism-reduction programs" (EBRPs) and "productive activities" for BOP inmates; expand inmate access to such programs and activities (by late January 2020) as

necessary to implement FSA Title I's system of time-credit incentives for inmate participation; and further expand inmate access to such programs and activities such that (by late January 2022) EBRPs and productive activities are available "for all prisoners" in BOP custody.

To assist the AG in the performance of these duties, FSA's Title I §107 provides for the establishment of an Independent Review Committee (IRC) composed of not fewer than six individuals with "expertise in risk and needs assessment systems" (including at least two who have published peer-reviewed scholarship on the subject; two current or former corrections practitioners—one of them with prior work experience inside BOP—who have developed and administered risk and needs assessment tools; and one with particular expertise in evaluating the implementation of such tools). NIJ is to select a "nonpartisan and nonprofit organization with expertise in the study and development of risk and needs assessment tools" that will then select and appoint the IRC's member experts and act as the Committee's "host" until its statutory tenure ends "two years after the date" on which the RNAS is initially released.

For more information, visit www.firststepact-irc.org

About the Author

Dr. James M. Byrne, Ph.D. is Professor and Associate Chair at the School of Criminology and Justice Studies at the University of Massachusetts Lowell, and Director of the Global Community Corrections Initiative. Professor Byrne received his undergraduate degree in Sociology from the University of Massachusetts, Amherst (1977) and his Masters (1980) and Doctoral degree (1983) in Criminal Justice from Rutgers University.

Dr. Byrne has conducted many evaluations of justice initiatives and programs, including over twenty separate process and impact evaluations using a variety of research designs, survey methods, and analytic techniques. His research portfolio includes studies of federal sentencing guidelines, intermediate sanctions, offender reentry, drug testing in federal pretrial systems, domestic violence control, drug treatment, day reporting centers, drunk driving interventions, absconder location/apprehension strategies, sex offender monitoring/location technology, suicide prevention among alleged sex crime defendants, prison violence prevention and control, and the impact of the National Institute of Corrections' Institutional Culture Change Initiative.

His work in the area of evidence-based

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corrections practices has received national and international recognition. In 2011, Professor Byrne was the recipient of both the Distinguished Scholar Award and the Marguerite Q. Warren and Ted Palmer Differential Intervention Award from the American Society of Criminology's Division on Corrections and Sentencing. He has provided testimony on the effectiveness of community sanctions before Congress and the U.S. Sentencing Commission.

Dr. Byrne is the editor-in-chief of the journal, *Victims and Offenders: An International Journal of Evidence-based Research, Policy, and Practice*. He also serves on the editorial boards of *Criminology and Public Policy* and the *European Journal of Probation*, and on National Advisory Committee for *Federal Probation*, a publication of the Administrative Office of the U.S. Courts. Dr. Byrne has served as an expert panelist for the Ministry of Justice UK's Correctional Services Advisory and Accreditation Panel since 2012. He was also the External Inspector of Prisons for the Queensland Correctional Services Office of the Inspector General in 2014, where he conducted an independent review of its prison assault problem across twelve prisons.

Introduction

The First Step Act emphasizes the importance of BOP programming as a recidivism reduction strategy and includes sentence-reduction incentives for eligible inmates who participate in "evidence-based recidivism reduction programs." This memorandum reviews available research about the recidivism reduction effects of federal, state, and local prison programming in an attempt to determine to what extent such programming can fairly be described as evidence-based. There are three distinct types of reviews that can be used to establish evidentiary criteria and determine "what works" in the area of prison programming (Byrne & Lurigio, 2009).

The most rigorous such review would focus narrowly on the results of high quality, well-designed randomized control trials (RCTs) conducted during a specified period. A minimum of two RCTs demonstrating effectiveness (and a preponderance of lower-level research studies producing similar results) would be necessary before a determination could be offered about whether a particular program or strategy "worked." This is the type of review strategy and scientific evidence relied on in the hard sciences.¹ A second review strategy allows identification of

a program as evidence-based (or working) if there are at least two quasi-experimental studies with positive findings, and the majority of lower-quality studies point in the same direction. This is the approach used in the reviews produced by the Campbell Collaborative. A variation on this approach—representing a third type of evidence-based review—is found on the DOJ CrimeSolutions.gov website, where a program will be described as effective based on a rating of each applicable research study by two independent reviewers.² To be rated as effective, at least one high-quality evaluation—RCT or well-designed quasi-experiment—needs to be identified. This article adopts the second standard described above to summarize the research under review (see Appendix B), but we have also examined all studies and reviews of prison programs identified by CrimeSolutions.gov.³

Included in this review is a careful look at the available evaluation research on the BOP programming, focusing on the 18 "national model" prison programs identified by BOP.⁴ Also included in this review is an examination of the much larger body of evaluation research conducted on the recidivism reduction effects of state and local prison programs, offering summary assessments of all relevant evaluation research and corresponding recommendations for DOJ and BOP to consider as they move to implement high-quality, evidence-based programming in the federal prison system.

General Overview and Preliminary Notes About Data Derived from PATTERN

The three major questions addressed in the following review are as follows:

1. What does a review of the available research reveal about the recidivism reduction effects of current BOP programming?
2. What does a broader review of prison programming research conducted in state and/or local prisons reveal about the risk reduction effects of such programming?
3. Can current BOP programs be described as evidence-based?

In the following pages, the five major categories of BOP prison programming are identified and the published evaluation research on the effectiveness of these programs is reviewed, focusing first on research conducted in the federal prison system from 1990 onwards. Unfortunately, there are too few

high-quality evaluations available to offer any firm assessment regarding the impact of BOP programming on inmate success after release to the community. Because of the paucity of evaluation research available to assess the risk reduction effects of BOP programming, the following pages separately review evaluation research on general prison program types—utilizing the results of evaluations of programs operating in state and local correctional systems—in the following areas: substance abuse, employment, education, mental health, other programs and prison-based initiatives (e.g. mentoring and social support). Based on this broader review, estimates of the potential risk reduction effects from current BOP programs are provided, with necessary caveats about program availability, staffing quality, dosage, timing, and, perhaps most importantly, the likely impact of community context—and reentry programming—on individuals after release from prison.

Where implementation of the risk/need classification system required by the First Step Act is concerned, it should be emphasized that the law assumes inmate participation in programs designed to address identified needs will lower their recidivism risks (which then provides a rationale for their early release). Properly testing this assumption will require data on the impact of prison programming on identified need areas, and further data on the impact of improvement in each of these areas—mental health, substance use, education, employment skills, and so forth—on subsequent behavior in the community. Because that data does not currently exist, this memorandum offers several recommendations for BOP and DOJ to consider regarding the need for dynamic performance measurement, accreditation of BOP programs, and support for independent, external evaluations.

In the interim, however, data developed for the validation study conducted during construction of FSA's required risk-assessment instrument, PATTERN, can be used to provide estimates of the recidivism reduction effects of selected types of prison programming. Consider the increased risk of recidivism (any rearrests or technical violations resulting in return to prison during the first three years post-release) associated with each of the following PATTERN program variables when no action is taken by the inmate, compared with the reduced risk of recidivism associated with positive action by the inmate. For all but one program variable (drug education does not appear to be

linked to this outcome measure), there is a significant recidivism reduction effect associated with program participation, while those inmates who do not participate clearly pose a greater risk to the public upon release:

1. Number of programs completed: 0 (55 percent rearrested) vs. 10 or more (30 percent rearrested)
2. Number of technical or vocational courses: 0 (49 percent) vs. 2 or more (36 percent)
3. Drug treatment while incarcerated (if needed): need indicated but no treatment (58 percent) vs. completed residential treatment during incarceration (31 percent) and no need indicated (27 percent)
4. Drug education while incarcerated: no (47 percent) vs. yes (46 percent)
5. Noncompliance with financial responsibilities: no (46 percent) vs. yes (67 percent)
6. Federal industry employment while incarcerated: no (47 percent) vs. yes (42 percent)
7. Education level: no GED and not participating in GED program (58 percent) vs. enrolled in education program (50 percent) or HS degree or GED (43 percent)

While it is the static risk factors—in particular, age at assessment and criminal history score—that have the most predictive power in the current PATTERN risk model, various types of program participation also have statistically significant risk reduction effects. The initial research conducted by BOP's risk model development team provides empirical evidence that program participation can be linked directly to recidivism reduction three years post-release. In the absence of evaluation research, this is the best available evidence that BOP program participation has the intended risk reduction effect.

It will be possible for a federal inmate to significantly reduce her/his initial individual risk score while in prison by addressing the dynamic program-related risk items identified above. This is good for the individual (less time in prison) and good for society (lower overall recidivism among these releases).⁵ PATTERN will ultimately need to be revised so that its dynamic variables can capture inmate participation in all the BOP programs that DOJ formally designates as FSA-qualifying “evidence-based recidivism reduction programs” or “productive activities,” not just the subset of programs included

in the above listing. (The “number of programs completed” variable, for example, now only captures participation in adult continuing education, parenting classes, and technical/vocational programs.) In order to link any and all program participation to recidivism reduction, data will need to be collected on all program participation during incarceration. Such data are not yet routinely collected, so the recidivism reduction effect of overall program participation cannot yet be reliably estimated. (See Appendix B for an overview of BOP's current “national model programs.”)

A full review of the BOP's risk/need assessment and case planning system must await further refinements to the risk model and the development of the companion needs assessment system. In the interim, case planning still goes on, and current FSA-eligible inmates will need to know whether participation in recommended prison programming will reduce their sentences and by how much. Participation in at least some current BOP programs—regardless of quality—does appear to be an effective risk reduction strategy, based on data collected during development of PATTERN. Until the necessary research has been completed on the risk reduction effects of all available prison programming, it makes sense to let inmates know which programs they need to complete to gain the early release credits identified in the First Step Act. Again, DOJ's list of FSA-qualifying programs and activities should be finalized as quickly as possible, and, as new data permits, an expanding “any program” participation variable should then be incorporated into PATTERN's model in order to maximize incentives and opportunities to complete the kind of need-specific rehabilitative programs that the law requires.

Types of Programming in the Federal Bureau of Prisons

BOP currently provides hundreds, if not thousands, of unique programs at individual facilities across the nation.⁶ According to BOP's 2016 *Directory of National Programs*, these programs fall into more than 50 program categories, including 18 programs identified as “national models.” Boston Consulting Group's 2016 review categorized the 18 BOP national model programs as follows: three education models; two occupational/training models; one life skills model; 11 cognitive behavioral models; and one spiritual/religious model. Basic descriptions of each of these model programs are included in the Federal Bureau of Prisons' *Directory of National Programs*, along

with references to supporting research (see Appendix B for a summary).

Do the national model programs developed by BOP represent a close approximation of evidence-based programming, using the review standards earlier described? The answer is that we do not know, because the necessary evaluation research on BOP programs has not been conducted. Similarly, we have no evaluation research with which to assess the myriad other programs available at individual Bureau facilities.

1. Evaluations of the Effectiveness of Federal Bureau of Prisons Programs.

Unfortunately, serious and recent formal evaluations of current BOP programming are too scarce to tell us much about the effectiveness of that programming. The Bureau's *Directory of National Programs* appears to suggest that only 3 of the 18 “national program models” have ever been directly evaluated, and none of them were evaluated during the past two decades (See Appendix B). Boston Consulting Group's 2016 report on BOP programming identified only a single evaluation of the effectiveness of one national model program: a 2000 study of the Bureau's Residential Drug Abuse Program (RDAP) that examined a cohort of federal inmates released between 1992 and 1995.

The above mentioned quasi-experimental study indicated that RDAP had a positive but modest effect on participants' recidivism during a three-year follow-up period.⁷ The multi-site study examined a sample of inmates who were substance abuse treatment participants between 1990 and 1995. Separate analyses examining potential variations in program implementation reached similar conclusions (Pelissier et al., 2001). In addition, BOP researchers, in conjunction with Abt Associates, conducted a quasi-experimental study of RDAP's short-term impact (six months following release) on two different outcomes: subsequent substance abuse and new arrest. The authors were careful to note a number of their study's limitations. Its results reflected (but could not distinguish between) inmate participation in two different versions of RDAP (a high intensity program offered at three sites with 1,000 hours of programming and a lower intensity version offering 500 hours of programming at 17 sites) and processing through two different discharge mechanisms (halfway houses and direct releases). The study's overall results therefore made it impossible to determine

whether either dosage level or community transition procedure played a significant role. The authors further acknowledged that since participation in RDAP was voluntary, it was critical to control for potential selection bias before presenting and interpreting collected study data. Two very different groups were included in their comparison sample: both inmates who were eligible for RDAP but refused to participate and eligible inmates whose institutions did not offer RDAP to begin with. Absent controls for selection bias, an erroneous conclusion might thus be drawn that participation in RDAP had actually *increased* the risk of post-release re-arrest and substance abuse—simply because the RDAP volunteer group was at generally higher risk than the control group. With appropriate controls for selection bias in place, the authors reported that 16.7 percent of untreated inmates were rearrested within 6 months of release, compared to just 3.1 percent of RDAP-participating inmates. Similarly, 36.7 percent of untreated inmates tested positive for drugs or alcohol during the six-month follow-up period, compared to 20.5 percent of RDAP-participating inmates.

These results doubtless appeared promising at the time, but the study's design limitations (a level-3 study using Campbell Collaborative review criteria), and short follow-up period (six months in the subsequent 2001 quasi-experimental test) are not insignificant. More importantly, the datedness of this research—examining a cohort of BOP inmates released between July 1992 and December 1995—make it of questionable utility for purposes of evaluating the Bureau's current RDAP program. A quarter century or more later, inmate demographic and offense/risk profiles have changed, and BOP's RDAP staffing ratio, staffing quality, average program dosage, and program components have changed, as well.

2. A Review of the Available Research on the Impact of Major Types of Programming in State Prisons.

Similar cautions apply to many commonly cited estimates of the recidivism reduction effects of prison programs generally, not just those administered in the federal system. The 2016 Boston Consulting Group report (p. 23) offered the following figures for 10 different categories of inmate rehabilitation efforts:

1. Anger Management: 51 percent reduction in recidivism
2. Therapeutic Community (Hard Drugs): 45 percent reduction in recidivism

3. Sex Offender Treatment (Violent Recidivism): 44 percent reduction in recidivism
4. Moral Reasoning Therapy: 16-35 percent reduction in recidivism
5. Post-Secondary Correctional Education: 27 percent reduction in recidivism
6. Cognitive Behavioral Therapy: 25 percent reduction in recidivism
7. Vocational: 22 percent reduction in recidivism
8. General Drug Treatment: 12-22 percent reduction in recidivism
9. General Vocation/Education: 21 percent reduction in recidivism
10. Mental Health Treatment: 17 percent reduction in recidivism

Here again, however, these very optimistic estimates of prison program effects were based on a series of meta-analyses that were—on average—two decades old (see Appendix A) and cannot be assumed to apply for contemporary prison-system staffing levels, program designs, program availability and delivery, or inmate problems and needs. New federal corrections policy decisions should be made based on high-quality current research about the implementation and impact of current federal prison programs on the current federal inmate population.

Another factor to consider is that our expectations for the positive impact of prison programming on post-release behavior may be set unrealistically high due in part to how the evaluation results are presented to the general public. Study authors not infrequently describe their findings—accurately but sometimes misleadingly—in terms of percent changes, rather than as absolute percentage differences between treatment and control groups.

The most commonly cited review of research on cognitive behavioral treatment (item 6 in the Boston Consulting Group figures, above), for example, suggests that CBT programming in prison produces a 25 percent reduction in recidivism. But the 25 percent reduction in question only represents an absolute difference of .10 between treatment and control groups (from 40 percent to 30 percent), and the fact that such effect sizes are also often presented without emphasizing the short-term scope of the research (six-month, one-year, or two-year follow-ups) may further confuse policymakers and the general public alike.

One additional caveat: reviews of available evaluation research typically do not include

critical information about the impact of these various programs on the *problems/needs being addressed in the program*. In order to meet FSA requirements regarding the provision of programs with known, evidence-based risk-reduction effects, we need to have access to intermediate outcome data about how well these programs perform *before* inmates are released. Do counseling or anger management programs have a measurable effect on program participants in pre-post comparisons of assessed needs? Do TC programs have a measurable pre-post impact on the substance abuse attitudes/behaviors of participants? Basic intermediate performance metrics are necessary in order to provide preliminary, near-term evidence about program quality and, ultimately, refine and calibrate program design for optimal post-release outcomes.

3a. Effectiveness of Residential Drug Abuse Treatment Programs.

What do we know about the effectiveness of residential substance abuse treatment programs, such as the Bureau of Prisons' residential drug abuse program, which currently has a stated capacity of 8,000 inmates? This is a difficult question to answer, because a sufficient body of research does not yet exist—at either the federal level (see Pelissier et al., 2000, 2001) or the state level—to provide an assessment of such programs in operation *during recent past decades* (see Duwe, 2017, and the BSC, 2016, for an overview). However, we can offer estimates based on earlier evaluations (1980-2011) of programs operating in state prisons included in two meta-analyses on incarceration-based therapeutic communities highlighted on the CrimeSolution.gov website (Mitchell, Wilson, & MacKenzie, 2012; Drake, 2012).

The Mitchell et al. (2012) meta-analysis actually included four types of incarceration-based substance abuse treatment: therapeutic communities, counseling, narcotics maintenance programs, and boot camps. Focusing on the review of TC programs, the authors identified 35 evaluations that met minimum review criteria, including 2 randomized control trials (RCTs) and 33 quasi-experiments of varying quality. They reported that 30 of 35 evaluations identified a statistically significant treatment effect, and that “TC programs consistently showed modest reductions in post-release recidivism and drug use” (Mitchell et al., 2012, p. 12). The authors defined “modest” recidivism reductions as reductions in the 17 percent range, which roughly translated into about a 6 percentage-point difference

in recidivism (rearrest) between treatment (29 percent) and control (35 percent) groups during an average follow-up period of one year. The authors found similar reductions in drug relapse in the subgroup of evaluations that included these data; however, these modest reductions were not statistically significant, perhaps due to the smaller number of included studies. It should be noted that PATTERN's operating definition of recidivism is any rearrest during a three-year post-release follow-up period, which makes the Mitchel et al. review only minimally relevant here.

Drake's 2012 meta-analysis focused on 45 adult prison-based drug treatment programs (TC, cognitive behavioral therapy, individual and group counseling, and 12-step programs), which she estimated had recidivism reduction effects ranging from four to nine percent, typically during a two-year follow-up period. The therapeutic community studies in Drake's meta-analysis included 18 separate TC evaluations conducted between 1990 and 2011, with 12 of the 18 published between 2000 and 2011 (see Drake, 2012, appendix, for a full list of these studies). The average recidivism follow-up period was 23 months. Minimal detail was provided in this review regarding the selection criteria and the quality of the TC evaluations conducted, but overall estimates of TC effect sizes were similar to those in the previous meta-analysis by Mitchel and colleagues: an overall effect size of -.118 was reported, indicating a significant but modest TC program effect on subsequent recidivism. No definitive statements were offered by Drake regarding substance abuse outcomes (adjusted effect size was -.012), because only 5 of the 18 studies included in this review provided these data. While this second review provided a longer follow-up and more recent evaluations, we are still left with insufficient research upon which to base a federal prison residential treatment program improvement initiative.

One final comment on residential substance abuse treatment: If the outcome of interest is to be longer-term reductions in recidivism, then we need to be cognizant of the fact that the statistically significant, albeit modest, *short-term* recidivism reduction effects reported in the above two meta-analyses may tell us very little. Indeed, a review of the small number of longer-term outcome evaluations of the impact of prison TC models paints a more pessimistic picture, while reinforcing the importance of follow-up community-based treatment for this target population. For example, a review of nine

published therapeutic community treatment evaluations conducted between 2007 and 2014 revealed that the five studies identifying a positive impact of TC on rearrest had shorter follow-up periods; the longer the follow-up, the less supportive the findings regarding rearrest (Galassi, Mpofu, & Afshanasou, 2015). These findings suggest the need to refine existing prison treatment programs—including BOP's residential drug abuse treatment program—so that they can be better and more seamlessly linked with well-designed and adequately funded community treatment and aftercare components.

3b. Effectiveness of Other Prison-based Substance Abuse and Mental Health Treatment Programs.

There are a wide range of programs available for federal inmates. The Federal Bureau of Prisons *Directory of National Programs* includes the following model treatment programs:

- BRAVE: Bureau Rehabilitation and Value Enhancement program
- Challenge program
- Drug Abuse Education
- FIT: Female Integrated Treatment program
- Mental Health Step Down Unit program
- Nonresidential Drug Abuse program
- Resolve program
- Residential Sex Offender Treatment program
- Nonresidential Sex Offender Treatment program
- Skills program
- STAGES: Steps Toward Awareness, Growth, and Emotional Strength program.

There is a body of evidence that participation in various individual and group treatment programs—similar in design to the 11 programs identified above—results in small but statistically significant changes in the subsequent criminal behavior of adult offenders. The Bureau of Prisons *Directory of National Programs* provides an overview of the empirical support for each of these programs (see Appendix B for a list of these programs and the evidence referenced in the Directory). Since several of BOP's programs employ cognitive behavioral therapy (CBT) strategies, relevant CBT research is summarized below, but it is important to bear in mind that *none of the Bureau's national model programs has been the subject of a systematic and still-current publicly available evaluation*. DOJ will want to be able to demonstrate the specific risk reduction effects of federal

prison programming, and this research gap will therefore need to be filled.

A recent review of available research on the impact of cognitive behavioral therapy programs by Grant Duwe (2017) found that CBT programs were effective in reducing both in-prison misconduct and post-release recidivism. Although much of the research addressed in this review was based on prison treatment programs operating in the 1980s and 1990s,⁸ findings from that research are nevertheless worth considering, because—as Duwe's 2017 review points out—at the present time, *it is all we have available*. One oft-cited research review of CBT programs by Landenberger and Lipsey (2005) reported a .10 absolute difference in recidivism (one-year follow-up, .40 vs. .30) between experimental and control groups in a meta-analysis of 58 studies conducted between 1965 and 2005 (41 targeting adults, including 13 using random assignment designs and 6 "real world" CBT studies). The question as to whether provision of various forms of CBT results in changes in the thinking patterns and/or antisocial lifestyles (e.g., drug use attitudes/behaviors) of these offenders—beyond observed modest, though statistically significant reductions in recidivism—is difficult to answer definitively.⁹ And, again, the fact that those estimated recidivism-reduction effects were obtained from studies of programs administered decades ago at the state and local level, not from current BOP programs, underscores a significant gap in FSA-relevant evaluation research.

3c. Prison Education Programs.

The Bureau of Prisons has identified three education-based programs as national models: literacy programs; English as a Second Language (ESOL) programs; and occupational educational programs.¹⁰ The empirical research support for these three models is summarized in the *Directory of National Programs* (see Appendix B). None of the referenced empirical research involved participants in federal prison education programs, however.¹¹ Turning by necessity to prison education programs operating in state corrections systems, Duwe (2017) reviewed the available research and concluded that various types of prison education program participation do appear to have a modest post-release recidivism reduction effect. He based this assessment on several meta-analyses of prison education programs conducted over the past three decades. A separate assessment by Davis and colleagues (2014, iii) included studies completed between

1980 and 2011. This review found that "correctional education for incarcerated adults reduces the risk of post-release re-incarceration (by 13 points) [during a three-year follow-up period] and does so cost effectively (a savings of five dollars on re-incarceration costs for every dollar spent on correctional education." (These conclusions are consistent with the Pew Charitable Trusts' 2011 national estimate: 43.3 percent of releases who did not receive correctional education are re-incarcerated within three years, compared to 30.4 percent of those who did receive correctional education in prison.) It should be noted that while Davis et al. identified 50 research studies eligible for inclusion in their meta-analysis, they based their impact-on-recidivism estimates only on the subset of seven program evaluations that met minimum (experiments or quasi-experiments) review criteria. And only three of these evaluations were published after 2000 (Lichtenberger et al., 2011; Nally et al., 2011; and Winterfield et al., 2009).

Findings from these three more recent studies identified varying recidivism reduction effects linked to educational programming. In the Lichtenberger study of Virginia's vocational education programs, re-incarceration rates for vocational program completers were 5 percentage points lower than the comparison group (24.9 vs. 29.2 percent reincarcerated after 3 years). Nally and colleagues' study of Indiana's educational programs (all types) identified a 23 percentage-point difference in re-incarceration (27.1 vs. 50 percent) between participants and non-participants. And in the Winterfield study of postsecondary education programs in 41 federal and state minimum and medium security prisons located in 3 states (Massachusetts, New Mexico, and Indiana), program impact (1-year rearrest and 1-year re-incarceration in same state) varied from state to state. In Indiana, the re-incarceration rate difference was 3 percentage points (2.4 vs. 4.3 percent); only one-year rearrest rates were reported for Massachusetts (15.8 vs. 29.7 percent) and New Mexico (39.4 vs. 44.9 percent).

A recent update to the Davis and colleagues 2014 evaluations database by Bozick and colleagues (2018) included 57 studies conducted between 1980 and 2017, adding 7 new studies. Focusing on the 11 studies in the database that qualified for minimum review classification (a level-4 or level-5 quality study using the Maryland Scientific Methods Scale), they estimated that "correctional education would be expected to reduce 3-year re-arrest and reincarceration rates by 8.6 and 9 percentage

points respectively" (Bozick et al., 2018, p. 404). Although the two level-5 RCTs included in this review were conducted three decades ago (Lattimore et al., 1988 and 1990), five of the nine level-4 studies were conducted during the past decade, which increases confidence in the likely significant, albeit modest, recidivism reduction impact of educational programming of all types: adult basic education, high school diploma/GED, postsecondary education, and vocational education. However, it should be emphasized that the research reviews summarized here are only suggestive of what is happening (or has previously happened) at the state level in a handful of jurisdictions. Many of the studies included in these meta-analyses are of relatively poor quality, subject to selection bias, and sufficiently dated (pre-2000) that they may no longer be relevant to current program practices (Bozick et al., 2018; Muhlhausen & Hurwitz, 2019). Conclusions about the recidivism-reduction effects of current federal prison education programs must await new, high-quality evaluation research on those specific programs themselves.

3d. Prison Work/Employment Programs.

The federal system has long experience with prison work and employment programs. According to BOP's 2016 *Directory of National Programs* (see Appendix B) research associated with the Bureau's Post-Release Employment Project (PREP) "revealed inmates who worked in prison industries were 24 percent less likely to recidivate than non-program participants and 14 percent more likely to be gainfully employed." PREP evaluated post-release data from a 7,000-inmate sample from 1983 to 1987, however, and the most recent follow-up study of that data appears to have been completed in 1996, 23 years ago.¹² A more recent review of the available research on prison employment programming—including UNICOR and state-level programs—by Duwe (2017) concluded that while such programming does reduce prison misconduct, its effects on subsequent recidivism are minimal. A 2014 study of female inmate participation in UNICOR found no recidivism reduction effects (Richmond, 2014). Data collected and analyzed in connection with DOJ's new PATTERN risk assessment tool, on the other hand, appears to suggest that UNICOR may produce a significant, if modest, recidivism reduction effect: a 5 percentage point difference between participants and nonparticipants, using any recidivism or technical violation during a 3-year post-release

review period as the criterion (42 percent vs. 47 percent). The possibility that these differences are a function of selection bias must be considered, however, and a full-scale, formal reevaluation of BOP work/employment programs is long overdue.

3e. Mentoring and Social Support Strategies.

One of the 18 national model programs identified by the BOP is the Life Connections program, which is designed to support value change among participants. No evaluation of this federal program's impact on recidivism is publicly available.¹³ The Life Connections program appears to resemble a strategy that is certainly worth consideration here: the provision of in-prison, prosocial support in the form of mentoring, faith-based programming, and visitation programs. While formal evaluations in this area are minimal, Duwe (2017) has identified research linking participation in faith-based programs and various forms of visitation (by parents, clergy, and mentors) to recidivism reduction (Duwe and Clark, 2013).

Summary of Findings

Our review provides answers to each of the following questions:

- 1. What does a review of the available evaluation research reveal about the recidivism reduction effects of current BOP programming?** Serious, formal evaluations of current BOP programming are too scarce to tell us much about the effectiveness of that programming. The Bureau's *Directory of National Programs* appears to suggest that only 3 of the 18 "national program models" have ever been directly evaluated, and only one of them during the past two decades (See Appendix B). Based on the research evidence currently available, no reliable judgment can be made about the recidivism reduction effects of particular BOP programs now in operation. Using Campbell Collaborative review criteria, the effects of current BOP programs are most accurately described as "unknown."
- 2. What does a broader review of prison programming research conducted in state and/or local prisons reveal about the risk reduction effects of prison programming?** Our review focused on evaluations of state and/or local prison programs conducted from

2000-present, but also included the results of meta-analyses with broader study inclusion time frames. Based on our review of this body of recent evaluation research, we can offer estimates of the likely recidivism reduction effects of five types of prison programming:

A. Residential substance abuse treatment: Meta-analyses of residential substance abuse treatment programs that used a therapeutic community model by Mitchell et al. (2012) and Drake (2012) identified statistically significant though modest differences between treatment and control groups, using rearrest during either a 1-year (Mitchell et al., 2012) or 2-year follow-up period (Drake, 2012). The Mitchell study identified modest reductions in recidivism of 6 percentage points using rearrest during the first year after release (35 percent vs. 29 percent). Similar findings were obtained by Drake using a longer follow-up period, but there is evidence from a more recent review (Galassi, Mpofu, & Afshanasou, 2015) that the longer the follow-up period, the smaller the differences between treatment and control groups.

B. Other types of substance abuse and mental health treatment. The Drake (2012) meta-analysis of other types of prison-based substance abuse and mental health treatment programs (utilizing cognitive behavioral therapy, individual and group counseling, and 12-step programs) revealed recidivism reduction effects ranging from 4 to 9 percent, typically using a 2-year rearrest criterion. Other frequently cited meta-analyses include the results of prison treatment programs operating in the 1980s and 1990s (see Wilson, Bouffard, & MacKenzie, 2005; Mitchel, Wilson, & MacKenzie, 2007; and Landenbarger & Lipsey, 2005). According to Duwe's 2017 summary, CBT programs included in these reviews reduced recidivism by 20 to 30 percent (note: this is a percentage change, not the absolute difference between the participants and non-participants). Landenbarger and Lipsey (2005) reported a 10-percentage point

difference in recidivism between treatment and control groups during a 1-year follow-up period (40 percent vs. 30 percent). Evaluations of the longer-term impact of CBT programs were not identified.

C. Prison education and vocational training: Meta-analyses of various prison education programs have linked completion of prison education programs to modest reductions in recidivism (Wilson, Gallagher, & MacKenzie, 2000; Aos, Miller, & Drake, 2006). Duwe (2017, p. 7) noted that the Wilson meta-analysis found that prison education programs "reduced recidivism by 11 percent," while the Aos meta-analysis "found that basic adult education programs in prison lowered recidivism by more than 5 percent, and prison-based vocational programs reduced recidivism by more than 12 percent." Neither of these meta-analyses included evaluations of programs completed during the past two decades, however. More recent meta-analyses by Davis et al. (2014) and Bozick et al. (2018) do include studies conducted since 2000. The results of these more recent program evaluations vary, but estimates of the modest recidivism reduction effects were typically in the 5-10 percentage range, with follow-up periods ranging from 1-3 years.

D. Prison work/employment programs: It is difficult to provide an accurate estimate of the impact of various types of prison employment and/or work release programs because much of the evaluation research included in the reviewed meta-analyses is seriously dated (Wilson, Gallagher, & MacKenzie, 2000). The small number of recent program evaluations we reviewed, including the recent study of UNICOR for female inmates (Richmond, 2014), did not find that prison work/employment programs had either a short- or long-term recidivism reduction effect. Such programs do appear to have an impact on in-prison behavior (French & Gendreau, 2006; Saylor & Gaes, 1997). One program model that did show positive recidivism reduction

effects was the EMPLOY program, which linked inmates to post-prison employment (Duwe, 2015).

E. Mentoring and social support in prison: There is insufficient evaluation research on which to base a reliable estimate of potential recidivism reduction effects for programs and initiatives that would fall under this heading.

3. Can current BOP programs be described as evidence-based? As described above, data collected during analyses performed on the inmate sample used to construct PATTERN inferentially suggest that certain of BOP's current programs do indeed have a positive effect on post-release recidivism. But that data—and any inference that may provisionally be drawn from it—is not the same as solid evidence derived from rigorous research studies specifically designed to evaluate BOP programs themselves. As also described above, few if any such research studies have been conducted during the past two decades. The empirical evidence cited in BOP's 2017 *Directory of National Programs* (see Appendix B) is an attempt to align current federal programming with "best practices" in—and results generally obtained from—non-federal correctional systems. BOP's own programs need to be carefully studied and accredited before they can be responsibly described "evidence-based" (or genuine "national models").¹⁴

4. Is BOP Program Participation a Signal of Desistance? One question that deserves attention here is whether voluntary participation in prison programming is a signal that an individual wants to change. The data used to develop the PATTERN risk instrument includes a cohort of inmates who made decisions to participate in prison programs voluntarily, without the new sentence reduction incentives provided by FSA. Again, the recidivism data collected in connection with PATTERN's design and construction appears to indicate that inmates who participate in most (but not all) of the current BOP programs included in the PATTERN model do significantly better than inmates who do not. The question is to what extent this

result can be attributed to the programs themselves and how much, in the alternative, is the product of individual program participants' motivation to change. Without a body of evaluation research to review, we cannot answer this critically important question. FSA's inclusion of incentives for program participation may well alter the profile of participating inmates and attract a new group of prisoners with an equally compelling but fundamentally different motivation: to secure an earlier-than-scheduled release. Additional evaluation research on the impact of FSA's program participation incentives will also be necessary, because if "motivation to change" proves to be a significant driver of post-release success, program effectiveness—as reflected in recidivism data—may, somewhat counterintuitively, appear to decline. Ongoing evaluation of the relative predictive power of the dynamic risk variables included in PATTERN is critical: evaluate as you innovate is perhaps the best course of action here, especially given the potential confounding effect of changes in incentives to participate in programming.

It seems safe to assume that inmates will take advantage of the new sentence reduction incentives by participating in programs at a higher rate than in the past. As recently highlighted in the report on FSA implementation (Office of the Attorney General, 2019), voluntary program participation rates for the types of programs identified as dynamic program variables is currently quite low:

- 49 percent of inmates had not completed even one of the three programs included in the "any programs" variable.
- 82 percent had not completed a single technical or vocational course.
- 92 percent had not been involved in federal industry employment.
- 73 percent of inmates who needed substance abuse treatment had not received it.

The Boston Consulting Group provided data on program participation rates across 122 BOP facilities, based on a 2015 BOP survey. They found the following voluntary inmate program participation rates: education (30 percent), occupational training (20

percent), cognitive behavioral programs (18 percent), reentry preparation (12 percent), and life skills (5 percent). No estimates on participation were provided for spiritual/religious programs. It is unclear from the BCG report whether participation rates are a function of program availability. However, the BCG report does document variation in the percentages of inmates participating in BOP's national model programs on the one hand and local, facility-specific programs, on the other, and their findings suggest that the 11 national-model cognitive behavioral programs are underutilized. Once inmates learn which federal programs they can participate in to reduce their sentence, we suspect that participation rates in those FSA-qualifying programs will increase significantly. Without access to much more detailed data than we have so far seen on current program availability, we are unable to offer reliable estimates about how and where programming should be expanded. However, the Boston Consulting Group identified what programs *should* be included in each of the five major program category listings based on their review of available research (see Appendix A). BCG's listing identified significant gaps in program availability that likely still need to be addressed.

Conclusion

Completion of prison programming by federal prisoners does appear to provide an important signal that these individuals have begun to address—via BOP programming—problems that we know are linked to criminality: substance abuse, mental health deficits, and lack of education and/or employment skills. However, a careful review of the evaluation research strongly suggests that the likely effects of participation in current prison programming on both treatment outcomes (i.e., improvement in identified need areas) and post-release behavior are—statistically speaking—significant but marginal (i.e., about a .10 absolute difference between treatment and control groups is the likely result were these programs rigorously evaluated). While prison programming is certainly one piece of the desistance puzzle, it appears that *individuals will desist from crime upon release from prison based on a variety of individual and community level factors not directly related to the availability and/or quality of prison programming*. For this reason, accurate prison-based risk/need classification that links inmates at different risk/need levels to appropriate evidence-based prison programming should

be followed by evidence-based reentry programming (Cullen, 2013). While this report focuses on prison programming, we recognize the critical role of reentry programming and community context (e.g., structure, support, resources, location) in the desistance process.¹⁵

Next Steps: Recommendations

A review of the available evaluation research on the recidivism reduction effects of prison programming underscores a major potential impediment to the successful implementation of the First Step Act: evidence-based programs cannot yet be accurately identified, because the necessary evaluation research on the effectiveness of current BOP programs has not been conducted. It is possible that FSA may be based on overly optimistic expectations about the impact of prison programs on post-release behavior, but we will not know until these programs are formally evaluated.¹⁶ A review of the available state-level research conducted over the past three decades suggests that the overall recidivism reduction effects of prison program participation will likely be significant but modest (an estimated 5–10 percentage point difference between participants and nonparticipants). Stated simply, the dynamic program variables included in the current risk model may not reduce risk all that much, but it is critical to include these dynamic program variables in order to establish the foundation for long-term recidivism reduction via programming. To achieve the critical risk reduction/public safety goal of the First Step Act, it will be necessary to link evidence-based prison programming to evidence-based community programming in new and innovative ways, including the utilization of what has been called the new technology of offender change (Pattavina & Corbett, 2019; Lerch et al., 2017; Byrne & Pattavina, 2013). The following recommendations should be understood with this caveat in mind.

1. Risk/Need Assessment and Case Planning.

DOJ will want to address several issues involving PATTERN's current design in the immediate short-run. The first issue to be addressed is how to expand the number of programs included in the *any programs* variable. The current risk variable counts participation in only three programs (adult continuing education, parenting, and technical/vocational programs). Once the Department's provisional list of FSA-qualifying programs is finalized and approved, PATTERN will need

to include an expanded count of any program participation. Researchers will then need to determine how this newly defined variable performs as a predictor and adjust the weights for each category as needed.

It would also be helpful for the BOP to develop a tool that simulates the impact of various types of program participation on each individual's risk score.¹⁷ This information can be provided to inmates at the case planning stage. It would perform much like the tools used by credit monitoring companies like Experian to show consumers how to improve their credit scores. Examination of the points that can be earned through various types of program participation could be presented to inmates as follows:

- Number of programs completed: male inmates can reduce their overall risk score by up to 12 points by completing designated programs; women can reduce their risk scores by up to 8 points by completing one or more of these programs.
- Number of technical or vocational courses: male inmates can reduce their overall risk score by up to 2 points; females can reduce their overall risk score by up to 4 points.
- Federal industry employment: female inmates can reduce their overall risk score by 1 point; no reduction for male UNICOR participants.
- Drug treatment while incarcerated: male inmates with drug problems can reduce their overall risk score by up to 4 points by participation; females with drug problems can reduce their risk scores by up to 6 points.
- Drug education while incarcerated: males can reduce their overall risk score by 1 point; no reduction for females who participate.
- Financial responsibility: females who address their financial responsibility requirements (e.g., restitution) can reduce their overall risk score by 3 points through compliance; no reduction for men through compliance.
- Education: females who address education deficits can reduce their overall risk score by up to 2 points; no reduction for male participants in GED programming.

By linking program participation to reduction in risk scores, it will be possible to demonstrate to inmates how they can move from a medium risk (34–45 initial risk score for males; 30–45 for women) to a low risk (11–33 for men; 10–29 for women) classification and thus become eligible for the early release time credits provided by FSA.

2. Independent, External Evaluations of BOP Programs.

Each of BOP's 18 "national model" programs should be the subject of a new, independent and external evaluation in order to responsibly calibrate expenditures on prison programming and improve public and stakeholder confidence in the Bureau's rehabilitation services. A plan for funding these critical evaluations should be developed in conjunction with NIJ. Because of the paucity of evaluations conducted over the past two decades, it would be a major mistake to solicit impact evaluations without first conducting process/formative evaluations of several of these national model programs¹⁸ that are currently operating in each region. Once this initial evaluability assessment phase is completed, sites can be identified for the impact assessment, utilizing high-quality research designs.

3. Performance Measurement in BOP.

BOP should undertake to collect systematic program performance data that will be detailed enough to identify both high-performance and low-performance prison programs, utilizing measures of system efficiency and effectiveness. Other countries (e.g., Australia and the United Kingdom) have developed such performance review criteria, and they use these performance indicators to gauge the overall effectiveness of their prison systems and identify critical gaps in service delivery and performance of individual programs.¹⁹ A task force should be established to assist in the implementation of the risk/need assessment system, and in the process, to develop performance measures that capture the intermediate outcomes addressed in programs and social support initiatives (improvement in mental health, substance abuse, criminal thinking, education, vocational training, and employment skills) linked to recidivism reduction upon release.

4. Accreditation of BOP Programs by an Independent Panel of Experts.

A critical step in the implementation of the First Step Act involves the development of evidence-based prison programming. In order to establish a program as evidence-based, DOJ will first need to establish what constitutes evidence of a particular program's effectiveness, based on a systematic review of the available research. DOJ will then need to review current programs in order to establish whether they meet evidence-based review criteria. The United Kingdom's National

Offender Management Service (NOMS) utilizes an international panel of corrections scholars to establish what constitutes the evidence base supporting each of the prison programs NOMS operates (NOMS, 2016). This Accreditation Panel must approve new programs proposed by individual prison managers before such programs are fully implemented, while current programs are subject to biannual accreditation review.

5. The Link Between Prison Programming and Community Programming.

If risk reduction is the ultimate goal of FSA, then what happens in prison (in terms of programming) must not happen *only* in prison: community-based programming should be linked to prison programming in meaningful ways (Lipsey, 2019). This is particularly important in the following three areas: substance abuse, mental health, and employment. The current strategic focus of the BOP on prison programming should include an effort to enhance necessary linkages with community programming and social support services provided in its Residential Reentry Management Centers (RRCs)—and improve collaboration with U.S. probation offices that assume responsibility for such services once offenders leave an RRC. Recent audits of the federal prison system's programming by GAO (2013) and the Inspector General (2017) have highlighted the need for improved program delivery in prison and in the community.

Endnotes

¹ This first review strategy is often described as the "gold standard" for evidence-based reviews (see for example Sherman et al., 1998, and Farrington & Welsh, 2005). Using such a strategy—there being too few RCTs available for review—the effects of prison programming on post-release recidivism would be classified as "unknown" across all program categories.

² For more detail, see https://www.crimesolutions.gov/about_practicereview.aspx.

³ In some cases, policymakers may only be interested in recent research conducted in a particular area, rather than all research studies across several decades. These types of reviews are called Rapid Evidence Assessments (REAs). The United Kingdom's Accreditation Panel conducts these types of reviews for the National Offender Management Service (NOMS). We have highlighted the results of recent research in this review, but we have also reported the findings from meta-analyses identified on the CrimeSolutions.gov website that identify studies completed up to 50 years ago.

⁴ The proposed risk/need assessment system currently being developed for the Bureau of Prisons includes both a risk assessment instrument and

a needs assessment instrument. Focusing on the risk assessment instrument, several variables have been identified that are directly related to subsequent offender success or failure upon release from prison. These variables include both "static" risk predictors that the inmate cannot change while incarcerated and a subset of "dynamic" predictor variables that can and likely will change during incarceration. Static predictors include such factors as prior convictions, age at conviction, and history of violence. There are two types of dynamic variables included in BOP's risk model: program variables—designed to reflect steps an inmate may take during incarceration to address educational, financial, substance abuse, employment, and skills deficits, for example—and infraction variables, which provide summary measures of current and past behavior in prison.

⁵ As currently designed, a total of 21 points can be subtracted from your risk score (for males) due to program participation (22 points for females), which could move an inmate from medium to low risk. Once at this risk level, the inmate is eligible for earlier release based on FSA provisions.

⁶ DOJ has created and made available a preliminary list of what they currently define as either evidence-based recidivism reduction programs or productive activities. Eleven of the 18 national programs reviewed here are currently designated as evidence-based recidivism reduction programs, 5 were designated as productive activities, and 2 were not classified. For details, see Appendix and link below: https://www.bop.gov/inmates/fsa/docs/evidence_based_recidivism_reduction_programs.pdf

⁷ It should be noted that when any arrest during the three-year follow-up period was used as the outcome measure, gender-specific differences were reported. For males the difference was 30.6 percent (treated) versus 37.6 percent (untreated); for females, the arrest probability was 16 percent regardless of prior program participation. When technical violations were included in the outcome measure, arrest probability differences between treated and untreated groups were reported for both males and females (Pelissier et al., 2000).

⁸ See, for example, French & Gendreau (2005); Wilson, Bouffard, & MacKenzie, 2005; and Landenberger & Lipsey (2005).

⁹ In one study of cognitive behavioral treatment in a community setting using a randomized control trial (RCT) design, baseline and outcome comparisons were made in dimensions that may be considered measures of lifestyle change, such as drug and alcohol use, social functioning, social problem-solving, and violent attitudes (Davidson et al., 2009). No reported improvements in these areas that could be attributed to participation in the cognitive skills program were identified.

¹⁰ For an overview and recent summary of available research, see Muhlhausen and Hurwitz, First Step Act: Best practices for academic and vocational education for offenders (National Institute of Justice, 2019).

¹¹ Winterfield & colleagues (2009) did include federal program participants in their multisite review of postsecondary education programs, but they did not present findings separately for federal inmates.

¹² See William G. Saylor & Gerald G. Gaes, PREP: Training inmates through industrial work

participation, and vocational and apprenticeship instruction, U.S. Federal Bureau of Prisons, 1996 (also published in *Corrections Management Quarterly*, vol. 1, no. 2, spring 1997).

¹³ For an overview of BOP's faith-based prison program, see Camp et al. (2006), An exploration into participation in a faith-based prison program, Office of Research and Evaluation, Federal Bureau of Prisons.

¹⁴ This also applies to the recently developed listing of 21 EBRR programs and 40 plus "productive activity" programs.

¹⁵ While beyond the scope of this review, one recent development in the design of risk instruments is the inclusion of both individual level and community level predictors in the model. For a full discussion of this development, see Byrne & Pattavina, 2017.

¹⁶ For estimates of the likely risk reduction effects that can be expected due to increased prison programming and treatment availability using simulation modeling techniques, see Taxman & Pattavina (2013).

¹⁷ The Urban Institute's simulation tool is one such example: <https://apps.urban.org/features/risk-assessment/>

¹⁸ The recommendation also applies to the evidence-based recidivism reduction programs identified recently by BOP.

¹⁹ For an overview, see the National Offender Management Service (2016) report describing the prison program accreditation process in the United Kingdom.

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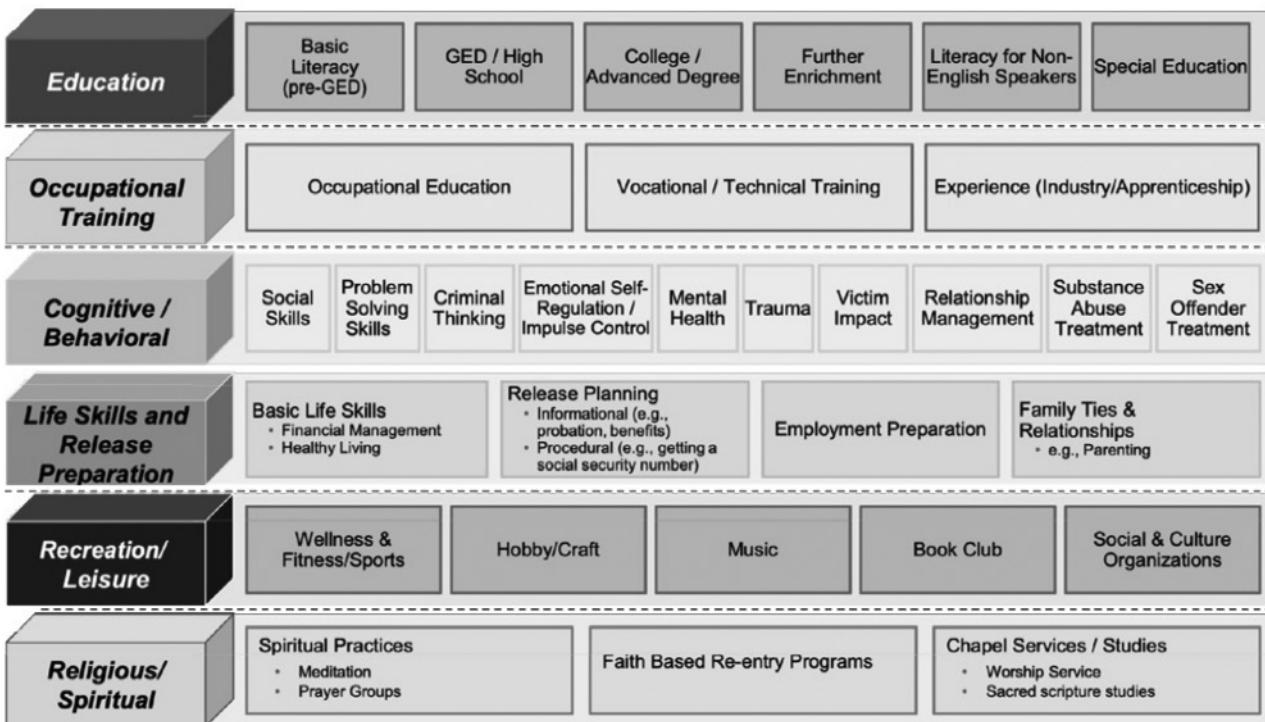
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APPENDIX A:
SELECTED SUPPORTING TABLES FROM THE BOSTON CONSULTING GROUP'S 2016 REVIEW OF BOP PROGRAMMING

Review of the literature & expert opinion suggests a prison system should offer programs that span multiple categories



Source: Petersilia, Joan, "What Works in Prisoner Reentry? Reviewing and Questioning the Evidence," September 2004. MacKenzie, D.L. and L.J. Hickman, "What works in corrections? An Examination of the Effectiveness of the Type of Rehabilitation Programs Offered by Washington State Department of Corrections." College Park, Maryland, 1998. Seiter, R. and K. Kadela, "Prisoner Reentry: What Works, What Doesn't, and What's Promising." Expert interviews, June-August 2016.

Evidence Base: Some evidence exists for national programs; however, much is outdated or not independent

Program category	National Programs	Evidence Base	
		Study conducted	Other support
Education	Bureau Literacy Program		✓
	English as a Second Language		✓
	Adult Continuing Education		✓
Occupational Training	Occupational Education		✓
	Federal Prison Industries	✓ Study conducted in 1998	✓
Cognitive / Behavioral	Skills Program	✓ Study conducted in 2000	✓
	BRAVE		✓
	STAGES		✓
	Step Down		✓
	Drug Abuse Education		✓
	Residential Drug Abuse Program (RDAP)	✓ Study conducted in 2000	✓
	Non-Residential Drug Abuse Program (NRDAP)		✓
	Sex offender treatment group (residential)		✓
	Sex offender treatment group (non-residential)		✓
Life Skills and Release Preparation	Resolve		✓
	Challenge		✓
Life Skills and Release Preparation	Parenting Program	This gap already identified	✓
	Release Preparation Program (RPP)	X	X

Source: BOP National Program Catalogue (May 2015)

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Growing body of evidence suggests well-designed programs can meaningfully encourage rehabilitation & reduce recidivism

Selected examples

Rehabilitative Intervention	Meta-analysis source	Reduction in recidivism 12-51%
Anger Management	Beck and Fernandez, 1998	51%
Therapeutic Community (Hard Drugs)	Holloway, Bennett and Farrington, 2006	45%
Sex Offender Treatment (Violent Recidivism)	Schmucker and Losel, 2008	44%
Moral Reasoning Therapy	Little, 2005; Wilson, Bouffard, and MacKenzie, 2005	16-35%
Post-Secondary Correctional Education	Wilson, Gallagher and MacKenzie, 2000	27%
Cognitive Behavioral Therapy	Lipsey, Landenberger and Wilson, 2007	25%
Vocational	Wilson, Gallagher and MacKenzie, 2000	22%
General Drug Treatment	Holloway, Bennett and Farrington, 2006; Prendergast, Podus, Chang, and Urada, 2002	12-22%
General Vocation/Education	Wilson, Gallagher, and MacKenzie, 2000	21%
Mental Health Treatment	Martin, Dorken, Wamboldt, and Wooten, 2001	17%

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APPENDIX B:**RESEARCH SUPPORT AND EVALUATION REVIEW OF 18 NATIONAL PROGRAM MODELS INCLUDED IN THE *DIRECTORY OF NATIONAL PROGRAMS***

(Note: For BOP's updated online listing of evidence-based programs, see

https://www.bop.gov/inmates/fsa/docs/evidence_based_recidivism_reduction_programs.pdf)

* Tentative DOJ designation as an FSA "evidence-based recidivism reduction program"

**Tentative DOJ designation as an FSA "productive activity"

NAME OF PRISON PROGRAM	PROGRAM DESCRIPTION	EMPIRICAL SUPPORT: BOP RESEARCH SUMMARY AND IRC REVIEW FINDINGS
<i>Bureau Literacy Program*</i>	The Literacy Program is designed to help inmates develop foundational knowledge and skill in reading, math, and written expression, and to prepare inmates to earn a General Educational Development (GED) credential. Completion of the Literacy Program is often only the first step towards adequate preparation for successful post-release reintegration into society.	BOP Research Summary: "Research has shown that passing the GED Test increases earnings for some dropouts, but labor market payoffs take time (Murnane, Willett, & Tyler, 2000; Tyler, 2004; Tyler & Berk, 2008; Tyler, Murnane, & Willett, 2000, 2003). GED credentials provide a pathway into postsecondary education, and finishing even a short-term program offers important economic benefits to GED credential recipients (Patterson, Zhang, Song, & Guison-Dowdy, 2010)." Our Review: No evaluation of BOP's literacy program has been conducted to date.
<i>English-as-a-Second Language Program**</i>	The English-as-a-Second Language (ESL) Program is designed to help inmates with limited English proficiency improve their English until they function at the equivalency of the eighth-grade level in listening and reading comprehension.	BOP Research Summary: "Research has shown that individuals who are literate only in a language other than English are more likely to have non-continuous employment and earn less than those literate in English (Greenberg, Macas, Rhodes, & Chan, 2001). Data from the 2000 U.S. Census on immigrant earnings revealed a positive relation between earnings and English skill ability (Chiswick & Miller, 2002). An analysis of higher quality research studies has shown, on average, inmates who participated in correctional education programs (to include ESL instruction) had a 43% lower recidivism rate than those inmates who did not participate (Davis et al., 2014). The same research study also demonstrated correctional education is cost effective (i.e., a savings of \$5 on re-incarceration costs for every \$1 spent on correctional education)." Our Review: No evaluation of BOP's English as a second language program has been conducted to date.
<i>Occupational Education Programs*</i>	The Occupational Education Program is designed to help inmates acquire marketable skills in a wide variety of trades. Programs, which vary from institution to institution, are provided by career civil-service vocational training instructors or through contracts with colleges and technical schools. Many institutions also provide registered apprenticeships through the U.S. Department of Labor's Office of Apprenticeship. The Inmate Occupational Training Directory outlines the specifics for programs offered at each institution.	BOP Research Summary: "Evidence shows a relationship between correctional education program participation before release and lower odds of recidivating after release (Davis et al., 2014; Saylor & Gaes, 1996; Aos, Phipps, Barnoski, & Lieb, 2001). In a study conducted in Maryland, Minnesota and Ohio, correctional education participants had lower recidivism rates in the categories of re-arrest, re-conviction, and re-incarceration (Steurer, Smith, & Tracy, 2001). There is some evidence that in-prison vocational education is effective in improving the likelihood of post-release employment (Davis et al., 2014)." Our Review: No evaluation of BOP's occupational education program has been conducted to date.
<i>Federal Prison Industries Program*</i>	The mission of Federal Prison Industries, Inc. (FPI) is to protect society and reduce crime by preparing inmates for successful reentry through job training. FPI (also known by its trade name UNICOR) is a critical component of the Bureau's comprehensive efforts to improve inmate reentry. By providing inmates the skills needed to join the workforce upon release, FPI reduces recidivism and helps curb the rising costs of corrections. FPI was established in 1934 by statute and executive order to provide opportunities for training and work experience to federal inmates (18 U.S.C. § 4121, et seq.). FPI does not rely on tax dollars for support; its operations are completely self-sustaining. FPI is overseen by a presidentially-appointed Board of Directors. It is one of the Bureau's most critical programs in support of reentry and recidivism reduction.	BOP Research Summary: "Rigorous research, as outlined in the Post-Release Employment Project (PREP Study), demonstrates participation in prison industries and vocational training programs as a positive effect on post-release employment and recidivism. The research revealed inmates who worked in prison industries were 24% less likely to recidivate than non-program participants and 14% more likely to be gainfully employed. These programs had an even greater positive impact on minority inmates who are at a greater risk of recidivism." Our Review: No evaluation of BOP's Prison Industries program has been conducted in over 25 years. The PREP Study was completed in 1996.

NAME OF PRISON PROGRAM	PROGRAM DESCRIPTION	EMPIRICAL SUPPORT: BOP RESEARCH SUMMARY AND IRC REVIEW FINDINGS
<i>Parenting Program*</i>	The Parenting Program provides inmates information through directed classes on how to enhance their relationship with their children even while incarcerated. All parenting programs include a classroom component and relationship-building visitation activities. Additionally, social services outreach contacts are often established to facilitate the provision of services to the inmate parent, visiting custodial parent, and children.	<p>BOP Research Summary: "Research has shown parenting programs for incarcerated parents can improve their self-esteem, parenting attitudes, and institutional adjustment."</p> <p>Our Review: No evaluation of BOP's parenting program has been conducted to date.</p>
<i>Bureau Rehabilitation and Values Enhancement Program*</i>	The Bureau Rehabilitation and Values Enhancement (BRAVE) Program is a cognitive-behavioral, residential treatment program for young males serving their first federal sentence. Programming is delivered within a modified therapeutic community environment; inmates participate in interactive groups and attend community meetings while living in a housing unit separate from the general population. The BRAVE Program is designed to facilitate favorable institutional adjustment and reduce incidents of misconduct. In addition, the program encourages inmates to interact positively with staff members and take advantage of opportunities to engage in self-improvement activities throughout their incarceration.	<p>BOP Research Summary: "Research found BRAVE Program participants had a misconduct rate lower than a comparison group and BRAVE Program graduates also had a lower misconduct rate. The BRAVE Program utilizes cognitive-behavioral treatment within a modified therapeutic community; these interventions have been found to be effective with an incarcerated population in the reduction of recidivism."</p> <p>Our Review: One evaluation of BOP's BRAVE program has been conducted since 2000; this evaluation focused on in-prison behavior rather than on recidivism.</p>
<i>Challenge Program*</i>	The Challenge Program is a cognitive-behavioral, residential treatment program developed for male inmates in penitentiary settings. The Challenge Program provides treatment to high security inmates with substance abuse problems and/or mental illness. Programming is delivered within a modified therapeutic community environment; inmates participate in interactive groups and attend community meetings while living in a housing unit separate from the general population. In addition to treating substance use disorders and mental illnesses, the program addresses criminality via cognitive-behavioral challenges to criminal thinking errors. The Challenge Program is available in most high security institutions.	<p>BOP Research Summary: "Interventions used in the Challenge Program (i.e., cognitive-behavioral protocols and a modified therapeutic community model) have been demonstrated to be effective in other treatment programs, such as the Bureau's Residential Drug Abuse Program and BRAVE Program. Specifically, they have been noted to reduce misconduct, substance abuse/dependence, and recidivism. The mental health interventions selected for the Challenge Program also have strong empirical support and appear in multiple evidence-based programs (EBPs) registries."</p> <p>Our Review: No evaluation of BOP's Challenge program has been conducted to date.</p>
<i>Drug Abuse Education**</i>	Drug Abuse Education is designed to encourage inmates with a history of drug use to review the consequences of their choice to use drugs and its physical, social, and psychological effects. Drug Abuse Education is designed to motivate inmates to participate in drug abuse treatment as needed; Drug Abuse Education is not drug treatment.	<p>BOP Research Summary: "Research has demonstrated psycho-educational techniques are effective motivational strategies, particularly in moving individuals toward seriously considering a significant life change"</p> <p>Our Review: No evaluation of BOP's drug abuse education program has been conducted to date.</p>
<i>Female Integrated Treatment Program*</i>	The Female Integrated Treatment (FIT) Program is an institution-wide residential treatment program that offers integrated cognitive-behavioral treatment for substance use disorder, mental illness, and trauma-related disorders to female inmates. Inmates who would otherwise qualify for RDAP and whose treatment plan addresses substance use in this residential program may qualify for the early release benefit associated with RDAP. FIT is jointly offered by Psychology Services and the Female Offender Branch.	<p>BOP Research Summary: "The mental health and trauma interventions selected for this program have strong empirical support and appear in multiple evidence-based programs (EBPs) registries. In coordination with the National Institute on Drug Abuse (NIDA), the Bureau conducted a rigorous three-year outcome study of the RDAP, which was published in 2000. The analysis also found that female inmates who participate in RDAP are 18% less likely to recidivate than similarly situated female inmates who do not participate in treatment."</p> <p>Our Review: No evaluation of BOP's RDAP program—focusing on female inmates—has been conducted since 2000 (a study that examined a cohort of releasees from 1992-1995).</p>

NAME OF PRISON PROGRAM	PROGRAM DESCRIPTION	EMPIRICAL SUPPORT: BOP RESEARCH SUMMARY AND IRC REVIEW FINDINGS
<i>Mental Health Step Down Unit Program</i>	<p>The Mental Health Step Down Unit Program is a residential treatment program offering an intermediate level of care for inmates with serious mental illnesses. The program is specifically designed to serve inmates who do not require inpatient treatment but lack the skills to function in a general population prison setting.</p> <p>The program uses an integrative model that includes an emphasis on a modified therapeutic community, cognitive-behavioral therapies, and skills training. The goal of the Mental Health Step Down Unit Program is to provide evidence-based treatment to seriously mentally ill inmates in order to maximize their ability to function and minimize relapse and the need for inpatient hospitalization.</p>	<p>BOP Research Summary: "The mental health interventions selected for this program have strong empirical support and appear in multiple evidence-based programs (EBPs) registries."</p> <p>Our Review: No evaluation of BOP's Mental Health Step Down Unit program has been conducted to date.</p>
<i>Nonresidential Drug Abuse Program**</i>	<p>The Nonresidential Drug Abuse Program is a flexible, moderate intensity cognitive-behavioral treatment program. The program is designed to meet the needs of a variety of inmates, including inmates waiting to enter the Residential Drug Abuse Program (RDAP); inmates who do not meet admission criteria for the RDAP but who wish to benefit from less intensive drug abuse treatment services; and inmates who have been referred by other Psychology Services or institution staff for drug abuse treatment.</p>	<p>BOP Research Summary: "The Nonresidential Drug Abuse Program utilizes cognitive-behavioral interventions, which have been proven to be effective in the treatment of substance use disorders. The group treatment format used in this program also offers empirically supported benefits from pro-social peer interaction among participants."</p> <p>Our Review: No evaluation of BOP's nonresidential drug abuse program has been conducted to date.</p>
<i>Residential Drug Abuse Program*</i>	<p>The Residential Drug Abuse Program (RDAP) provides intensive cognitive-behavioral, residential drug abuse treatment. Programming is delivered within a modified therapeutic community environment; inmates participate in interactive groups and attend community meetings while living in a housing unit separate from the general population. The RDAP is currently available to Spanish-speaking inmates at two facilities.</p> <p>In addition, Dual Diagnosis RDAPs provide specialized treatment services for inmates with co-occurring substance abuse and mental illness and/or medical problems. Inmates who successfully complete the RDAP and meet other criteria (e.g., sufficient time remaining on their sentence, no precluding offense convictions) may be eligible for up to a 12-month sentence reduction.</p>	<p>BOP Research Summary: "In coordination with the National Institute on Drug Abuse (NIDA), the Bureau conducted a rigorous three-year outcome study of RDAP, which was published in 2000. The study revealed that male participants were 16% less likely to recidivate and 15% less likely to relapse than similarly situated inmates who do not participate in residential drug abuse treatment for up to three years after release. The analysis also found that female inmates who participate in RDAP are 18% less likely to recidivate than similarly situated female inmates who do not participate in treatment."</p> <p>Our Review: The above-mentioned evaluation of BOP's RDAP program was conducted over 20 years ago, examining cohorts of releasees from 1992-1995. Federal offender profiles, the program model, and staffing levels have likely changed since the mid-90s, rendering these findings inapplicable to the current RDAP program.</p>
<i>Resolve Program*</i>	<p>The Resolve Program is a cognitive-behavioral program designed to address the trauma-related mental health needs of inmates. Specifically, the program seeks to decrease the incidence of trauma-related psychological disorders and improve inmates' level of functioning. In addition, the program aims to increase the effectiveness of other treatments, such as drug treatment and healthcare.</p> <p>The program uses a standardized treatment protocol consisting of three components: an initial psychoeducational workshop (Trauma in Life/Traumatic Stress & Resilience); a brief, skills-based treatment group (Seeking Safety); and Dialectical Behavioral Therapy (DBT), Cognitive Processing Therapy (CPT), and/or a Skills Maintenance Group which are intensive, cognitive-behavioral treatment groups to address persistent psychological and interpersonal difficulties. The Resolve Program is currently available in many female institutions and a limited number of male institutions.</p>	<p>BOP Research Summary: "Empirical support for the interventions utilized in the Resolve Program is well-established. Seeking Safety, CPT, and DBT appear in multiple evidence-based programs (EBPs) registries. These protocols are also used in the Veterans Administration, the country's largest provider of trauma-related treatment."</p> <p>Our Review: No evaluation of BOP's Resolve program has been conducted to date.</p>

NAME OF PRISON PROGRAM	PROGRAM DESCRIPTION	EMPIRICAL SUPPORT: BOP RESEARCH SUMMARY AND IRC REVIEW FINDINGS
<i>Sex Offender Treatment Program – Nonresidential**</i>	<p>The Sex Offender Treatment Program - Nonresidential (SOTP-NR) is a moderate intensity program designed for low to moderate risk sexual offenders. The program consists of cognitive-behaviorally based psychotherapy groups, totaling 4-6 hours per week.</p>	<p>BOP Research Summary: "The SOTP-NR is designed to conform to the characteristics of sex offender treatment programs with proven effectiveness in reducing re-offense as demonstrated by outcome research. These characteristics include: 1) stratification of treatment into separate tracks for high and low/ moderate risk inmates; 2) targeting empirically demonstrated dynamic risk factors; and 3) training and oversight to ensure fidelity with the program model."</p> <p>Our Review: No evaluation of BOP's nonresidential sex offender treatment program has been conducted to date.</p>
<i>Sex Offender Treatment Program – Residential**</i>	<p>The Sex Offender Treatment Program - Residential (SOTP-R) is a high intensity program designed for high risk sexual offenders. The program consists of cognitive-behaviorally based psychotherapy groups, totaling 10-12 hours per week, on a residential treatment unit employing a modified therapeutic community model.</p>	<p>BOP Research Summary: "The SOTP-R is designed to conform to the characteristics of sex offender treatment programs with proven effectiveness in reducing re-offense as demonstrated by outcome research. These characteristics include: 1) stratification of treatment into separate tracks for high and low/moderate risk inmates; 2) targeting empirically demonstrated dynamic risk factors; and 3) training and oversight to ensure fidelity with the program model."</p> <p>Our Review: No evaluation of BOP's residential sex offender treatment program has been conducted to date.</p>
<i>Skills Program*</i>	<p>The Skills Program is a residential treatment program designed to improve the institutional adjustment of inmates with intellectual disabilities and social deficiencies. The program uses an integrative model which includes a modified therapeutic community, cognitive-behavioral therapies, and skills training. The goal of the program is to increase the academic achievement and adaptive behavior of socially and cognitively impaired inmates, thereby improving their institutional adjustment and likelihood for successful community reentry.</p>	<p>BOP Research Summary: "The cognitive-behavioral therapy, cognitive rehabilitation, skills training, and modified therapeutic community interventions selected for this program have sound empirical support and consistently appear in evidence-based programs (EBPs) registries".</p> <p>Our Review: No evaluation of BOP's Skills program has been conducted to date.</p>
<i>Steps Toward Awareness, Growth, and Emotional Strength Program</i>	<p>The Steps Toward Awareness, Growth, and Emotional Strength (STAGES) Program is a residential treatment program for inmates with serious mental illnesses and a primary diagnosis of Borderline Personality Disorder. The program uses an integrative model which includes a modified therapeutic community, cognitive-behavioral therapies, and skills training. The program is designed to increase the time between disruptive behaviors, foster living within the general population or community setting, and increase pro-social skills.</p>	<p>BOP Research Summary: "DBT is an evidence-based practice for the treatment of Borderline Personality Disorder, with strong empirical support. In addition, the cognitive-behavioral interventions and modified therapeutic community model employed in the program are well supported in the professional literature. These interventions appear in a number of evidence-based programs (EBPs) registries."</p> <p>Our Review: No evaluation of BOP's STAGES program has been conducted to date.</p>
<i>Life Connections Program*</i>	<p>The Life Connections Program (LCP) is a residential faith-based program offered to inmates of all faith traditions, including those who do not hold a religious preference. This program is available to inmates at low, medium, and high security facilities. The goal of LCP is to provide opportunities for the development and maturation of the participants' commitment to normative values and responsibilities, resulting in overall changed behavior and better institutional adjustments. In addition, the participants receive life skills and practical tools and strategies to assist them in transitioning back to society once released from federal custody.</p>	<p>BOP Research Summary: "The LCP materials and workbooks are based on interactive journaling which was listed on SAMHSA's National Registry of Evidence-based Programs and Practices (NREPP)."</p> <p>Our Review: No evaluation of BOP's Life Connections program has been conducted to date.</p>

APPENDIX C:**PROGRAMMATIC INFORMATION FOR NATIONAL "MODEL" PROGRAMS**

(For the BOP's updated list of programs, see

https://www.bop.gov/inmates/fsa/docs/evidence_based_recidivism_reduction_programs.pdf)

MODEL PROGRAM	DURATION	FREQUENCY	HOURS	PROGRAM LOCATION	NEED(S) ADDRESSED
Bureau Literacy Program (Reading, math, and writing skills leading to high school equivalency)	Dependent on Inmate Progress	1.5 hours per day	240	All BOP institutions	Education/ Vocation
Occupational Education Programs (Vocational training and marketable skills in a wide variety of trades)	Varies	Varies	500	All BOP Institutions	Education/ Vocation
Federal Prison Industries (Trade name UNICOR, a job skills program)	Indefinite Duration	Full or shared half time	500	57 factories and 2 farms located at 51 facilities	Education/ Vocation
National Parenting from Prison Program (2 phase program focused on family engagement and parenting skills)	Phase 1: 4 weeks; Phase 2: varies from 5 to 10 weeks	2 hours per week	40	All BOP institutions	Social/Family
Brave (CBT for young males with first offense)	6 months	20 hours per week	500	Beckley; Victorville-Medium	Cognitions, Social/Family
Challenge (CBT for high security males focused on substance use and mental illness intervention)	Minimum of 9 months	20 hours per week	500	High Security Facilities (17)	Substance Abuse, Social/Family, Cognitions
Female Integrated Treatment (CBT program for women addressing mental illness, trauma, substance use and vocational needs)	Varies based on individual need	20 hours per week	500	Danbury - female	Substance Abuse, Cognitions, Mental Health, Social/Family
Mental Health Step Down Program (CBT for SMI inmates)	12-19 months	20 hours per week	500	Allenwood-High; Atlanta; Butner-Medium	Mental Health, Cognitions
Residential Drug Treatment (CBT for inmates with diagnosed substance use disorders)	9 months	20 hours per week	500	88 locations	Substance Abuse, Cognitions
Resolve Program	40 weeks	Varies based on program phase	80	All female sites except satellites; Florence and Danbury - male	Cognitions, Mental Health
Stages Program (high intensity CBT for SMI and PD inmates)	12-18 months	20 hours per week	500	Florence High; Terre Haute Medium	Mental Health; Cognitions
Skills Program (CBT and educational residential programs with inmates with cognitive impairments)	12-18 months	20 hours per week	500	Danbury; Coleman - Medium	Cognitions, Mental Health
Life Connections Programs (faith-based values and life skills program)	18 months	20 hours per week	500	Petersburg Low; Leavenworth; Milan; Terre Haute High; Carswell	Social/Family, Cognitions
English-as-a-Second Language	Dependent on inmate progress	Minimum of 1.5 hours per day	500	All BOP institutions	Education/ Vocation
Drug Education	Varies based on institutional setting	Varies based on institutional setting	15	All BOP institutions	Substance Abuse
Non-Residential Drug Treatment Program	3-6 months	1.5-2 hours per week	24	All BOP institutions	Substance Abuse, Cognitions
Sex Offender Treatment Program (Residential and Non)	9-12 months	12 hours per week	500	Carswell, Devens, Elkton, Englewood, Petersburg-Medium, Marianna, Marion, Seagoville, Tucson-High	Cognitions

Does Reducing Supervision for Low-risk Probationers Jeopardize Community Safety?

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THE NUMBER OF individuals on community supervision in the U.S. far surpasses those incarcerated. Of the 6.6 million adults in 2016 under correctional control, more than 4.5 million (68 percent) were serving a term of community supervision (Kaebel & Cowhig, 2018). Eighty-one percent of the individuals placed on community supervision were probationers (Kaebel, 2018). With large numbers of individuals supervised on probation, agencies must explore how to allocate resources more wisely, all while meeting the mandate for enhanced public safety.

One model used to guide effective decision-making in corrections is the risk-need-responsivity (RNR) model (Bonta & Andrews, 2017). Within the RNR model, the risk principle states that supervision and treatment intensity should match the level of offender risk (Andrews & Dowden, 2006; Andrews, Zinger, Hoge, Bonta, Gendreau, & Cullen, 1990; Lowenkamp, Latessa, & Holsinger, 2006). Intensive supervision and treatment services should be reserved for high-risk offenders, as low-risk individuals undergoing these same interventions tend to recidivate at higher rates (Lowenkamp & Latessa, 2004; Brusman-Lovins, Lowenkamp, Latessa, & Smith, 2007). Because of this, some argue that low-risk individuals should receive minimal community supervision or no supervision at all (Cullen & Jonson, 2014).

Although empirical studies have shown support for the risk principle, these studies tend to focus on either high-intensity supervision programs (e.g., Petersilia & Turner, 1993) or high-risk offenders (e.g., Paparozzi

& Gendreau, 2005). Research on low-intensity supervision and low-risk offenders is sparse (e.g., Barnes, Ahlman, Gill, Sherman, Kurtz, & Malvestuto, 2010; Cohen, Cook, & Lowenkamp, 2016; Viglione & Taxman, 2018). Since all individuals sentenced to probation or released on parole have been convicted of a criminal offense, this leaves supervision agencies questioning what to do with low-risk individuals.

The need for devising specific strategies for low-risk supervisees is not conjectural. Texas, for example, has the second-largest probation population in the country (Kaebel, 2018). A validation study of the Texas Risk Assessment System (TRAS) found that the majority of Texas probationers sampled scored in the low to low-moderate range (Lovins, Latessa, May, & Lux, 2017). Nationally, a validation study of the risk instrument used by federal probation found that 37 percent of offenders fell into the low-risk category, and almost half the study sample fell into the low-moderate risk category (Johnson, Lowenkamp, VanBenschoten, & Robinson, 2011). Despite lower risk individuals representing a sizable portion of those on probation, differentiation in supervision typically focuses on what to do for higher risk probationers. Intermediate sanctions, such as Intensive Supervision Probation (ISP), specialty courts, and electronic monitoring, are designed to provide an additional layer of surveillance, particularly for those at higher risk for recidivism (Latessa & Lovins, 2019). On the contrary, little attention is given to alternative supervision strategies for low-risk offenders (Viglione & Taxman, 2018).

Two important policy implications related to the supervision of low-risk offenders are community safety and the efficient use of criminal justice resources. Legislators, and even officers (Viglione & Taxman, 2018), fear that decreasing supervision of probationers may result in increased crime, despite being a more efficient use of agency resources. If true, less supervision poses a great burden on society by increasing the risk of victimization. However, if not true, then sparse taxpayer resources could either be saved or reallocated where they are needed—treatment and supervision for higher risk individuals. More research is needed on low-intensity supervision of low-risk offenders to answer this question.

The following study examines the relationship between supervision intensity and supervision outcomes (i.e., revocations for technical violations, rearrest, and new charges) among low-risk offenders. The goal of this article is to contribute to the limited literature on the impact of low-intensity supervision on low-risk offenders. Data from a large probation department in the United States are used to examine the effectiveness of a low-risk caseload program on recidivism. Supervision outcomes are compared between offenders placed on low-intensity caseloads and low-risk probationers maintained on regular supervision caseloads.

Literature review

By definition, low-risk offenders possess few criminogenic needs to target via community supervision (Cullen, Jonson, & Mears, 2017).

Yet these offenders have been convicted of a crime; hence, probation officers and agencies are reticent to pull back on the level of supervision they receive. Using qualitative data, Viglione and Taxman (2018) examined probation officer perception of a telephone monitoring system developed for low-risk probationers. They examined officer use of the telephone monitoring protocol and found that officer perception of risk and concern about liability led to the over-supervision of low-risk individuals.

Research in support of the risk principle finds that low-risk individuals subject to intensive treatment and supervision tend to fare worse than low-risk individuals that are given minimal supervision (Lipsey, 2009; Lowenkamp & Latessa, 2004). For low-risk offenders, intensive supervision strategies tend to either have no effect or have criminogenic effects, especially if the intervention is punitive (Cullen & Johnson, 2014). Cullen, Jonson, and Mears (2017) propose a plan for reinventing community corrections. Among their recommendations are to "do less harm" (p. 71) by "leaving low risk offenders alone whenever possible" (p. 72). They argue that probation has been the default response of courts towards lower risk individuals, believing some punitive response to a law violation is necessary. These authors favor the use of fines and restitution for low-risk individuals to avoid failed terms of supervision that often result in jail or prison confinement. They also argue that conditions of supervision should be "criminologically defensible" (p. 74); that is, a condition imposed by the court must be linked to recidivism reduction. This departs from the common practice of courts issuing standardized conditions that all probationers must follow.

Lowenkamp and Latessa (2004) argue that intensive correctional interventions are iatrogenic for low-risk offenders for two primary reasons. First, placing low-risk offenders in intensive programs (e.g., residential programs) can disrupt their prosocial networks (e.g., ties to family and friends) as well as opportunities necessary for a law-abiding lifestyle (e.g., employment, education). These networks and opportunities are the very factors that make low-risk offenders low risk. Second, intensive supervision may expose low-risk offenders to higher risk individuals from whom they learn antisocial beliefs, attitudes, and behaviors (Lowenkamp & Latessa, 2004; Lovins, Lowenkamp, & Latessa, 2009; Barnes et al., 2010).

In addition to their criminogenic effects, intensive supervision of low-risk offenders also imposes an unnecessary burden on the criminal justice system. If supervised intensively, low-risk offenders may fail to comply with their supervision conditions and get revoked (Cullen et al., 2017). Revoking offenders for technical violations is not only costly to taxpayers, but it contributes to elevating rather than mitigating the risk factors of justice-involved individuals. The limited relationship between technical violations and new law violations (Petersilia & Turner, 1993) indicates that locking individuals up for supervision noncompliance is doing little to increase community safety.

Many empirical studies, including meta-analyses, lend support to the risk principle (Sperber, Latessa, & Makarios, 2013; Lowenkamp et al., 2006; Lovins et al., 2009; Brusman-Lovins, Lowenkamp, Latessa, & Smith, 2007; Dowden & Andrews, 2003; Hanson, Bourgon, Helmus, & Hodgson, 2009; Lipsey, Landenberger, & Wilson, 2007). However, outcome studies that specifically examine the impact of *less* intensive supervision for low-risk offenders are limited. Does the recidivism rate of low-risk offenders increase, decrease, or stay the same when minimal intervention is applied?

To address this question, Wilson, Naro, and Austin (2007) evaluated an automated reporting system used by the New York City (NYC) probation department. Since the 1990s, the NYC probation department has used kiosks to supervise probationers, expanding the system to include all low-risk offenders in 2003. Wilson et al. (2007) found that after the expansion, caseload sizes changed substantially for both officers who supervised low-risk offenders and officers who supervised high-risk offenders, with caseload sizes increasing for low risk, and decreasing for those supervising high-risk probationers. Wilson et al. (2007) found that rearrest rates declined for the low-risk offenders as well as the high-risk offenders after the expansion of the automated reporting system.

Barnes et al. (2010) also examined the relationship between supervision intensity and recidivism among low-risk offenders, this time using a randomized controlled trial. Data from the Adult Probation and Parole Department of the First Judicial District of Pennsylvania in Philadelphia were used. They randomly assigned a nearly equal number of low-risk offenders into low-intensity versus regular supervision conditions. Barnes and

colleagues found that, although supervision intensity was substantively lower in the low-intensity condition, recidivism rates were almost the same in both conditions.

A more recent study by Cohen et al. (2016) evaluated a low-risk policy by federal probation and pretrial services. The low-risk policy recommended the application of minimal levels of supervision intensity for low-risk offenders. Cohen et al. (2016) found that recidivism rates among low-risk offenders were similar pre- and post-implementation of this policy. Like Barnes et al. (2010), Cohen et al. (2016) found that pulling supervision back for low-risk offenders had no negative impact on recidivism.

Wilson et al. (2007), Barnes et al. (2010), and Cohen et al. (2016) found improved or similar rates of recidivism when community supervision was limited for low-risk offenders, indicating that the goals of both efficient use of resources and community safety could be met. However, two of these studies used data from two large metropolitan areas in northeastern states, limiting the generalizability of the findings to other jurisdictions; the low-risk study with federal probationers may also be difficult to generalize due to differences in federal offender populations. Our goal is to contribute to the literature on effective supervision practices for low-risk offenders using data from another large metropolitan area.

Methods

Low-risk Caseloads

In an effort to improve evidence-based practices and to decrease the size of high-risk and special needs caseloads, this agency adopted a two-tier process. First, they created compliance caseloads for existing individuals performing well on community supervision. Compliance caseloads were designed to manage large volumes of individuals on supervision who had demonstrated a pattern of compliance and did not pose a risk to the community. The second tier was to create low-risk caseloads for individuals identified as low risk on the agency's validated risk assessment.

Eleven probation officers (POs) were assigned to supervise these caseloads as an initial pilot. Given the number of low-risk individuals placed on supervision, not all low-risk probationers could be assigned to a low-risk caseload. Many remained on regular caseloads. While the assignment process of the probationers into the low-risk versus the regular caseloads was not random, there was not a systematic selection process either.

Once the initial caseloads were established, through the process of attrition, the next low-risk probationer was placed onto a low-risk caseload if there was an open slot. If no space was available, the individual was placed onto a regular caseload.

Initially, POs assigned to low-risk caseloads supervised as many probationers as the POs assigned to regular caseloads. Upon program inception, POs in both the low-risk and the regular caseloads supervised an average of 120 individuals. Gradually the number of people supervised by POs assigned to low-risk caseloads increased, while the number of probationers supervised by POs in the regular caseloads continued to average roughly 120 clients. By July 2015, POs of low-risk caseloads supervised approximately 220 individuals. Figure 1 below shows the median number of clients supervised by CSOs in the low-risk versus the regular caseloads from September 2013 to July 2016.

Research Design

The research design for this project is a quasi-experimental cross-sectional study. The study is cross-sectional because we observe the predictor (i.e., supervision intensity) and the outcome variables (recidivism) simultaneously. The unit of analysis is the individual probationer. The units are not assigned into conditions randomly; rather, low-risk probationers (according to the risk assessment) assigned to low-risk caseloads are compared to low-risk individuals assigned to regular caseloads during the same period. Although such a design is weaker than one that uses

random assignment, there was no known selection process during the assignment of the cases (i.e., probationers) into conditions (i.e., regular vs. low-risk caseload), which would have led to selection bias. Nevertheless, we still control for known factors that may influence the results by using multivariate statistical techniques. Specifically, multiple logistic regression is to determine the impact of low-risk caseload assignment on recidivism.

Data and Variables

Data on background characteristics, measures of supervision intensity and revocation come from the probation department with recidivism data provided through a statewide database. While low-risk caseloads were initiated by the department in September of 2013, it is apparent from Figure 1 that this project was not fully implemented until July 2015, with clear discrepancies in caseload size between low-risk and regular caseloads. Therefore, the study sample consists of low-risk probationers who were placed on community supervision from July 2015 to June 2016 (inclusive), comparing those who were placed onto regular versus low-risk caseloads during this same period.

Several groups of probationers were excluded from the sample, including individuals who were placed on bond supervision ($n=183$) or on the Interstate Compact Unit ($n=24$), as conditions for these specialized caseloads are different from that of traditional community supervision caseloads. Also excluded were low-risk individuals whose assessment results required referral to

a treatment program ($n=60$); those in need of treatment were automatically placed on a regular caseload so that treatment progress could be more closely monitored. Since those who fail treatment are more likely to face technical violations, outcomes would be skewed in favor of the low-risk caseload. Finally, seven cases were excluded due to missing data. For the low-risk caseload sample, the individual had to be placed on a low-risk caseload within the first 12 months of supervision. This resulted in a final sample of 2,999 low-risk probationers, 665 who were placed on a low-risk caseload, and 2,334 who were supervised on a regular caseload. The following variables were used in the analyses:

Independent Variables

Caseload placement (0=regular, 1=low risk)

Measures designed to ascertain the level of supervision intensity within the first 12 months of placement: (1) number of case notes PO recorded for the probationer, (2) number of face-to-face office visits with PO, (3) number of face-to-face group visits with PO, (4) number of urinalysis tests.

Control Variables

Gender (0=female, 1=male); race (0=White, 1=all other races)*; age (in years) or as a binary (0=below median age; 1=above median age); criminal history: total number of prior arrests; number of prior felony arrests (using statewide data)

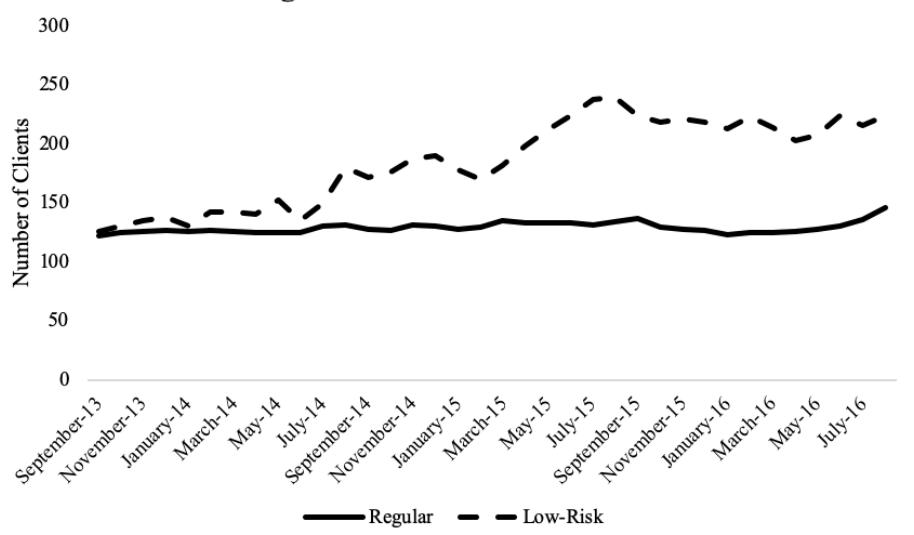
Dependent Variables

Increase in supervision level: date (or month) that the supervision level increased for the client and binary variable where 0=no increase in supervision level; 1=increased supervision level. For those on regular supervision, an increase in level was signified by (1) new referral to a treatment program or (2) placement into a program other than a regular caseload (e.g., residential facility, specialized caseload). For those on the low-risk caseload, a supervision level increase is signified by (1) referral to a treatment program or (2) placement on any caseload/program other than the low-risk program.

Rearrest within 18 months of probation/caseload start date based on statewide data: (1)

* More than 69 percent of the offenders were White, and 24 percent were African American. Therefore, we recode race as a dummy variable. Ethnicity was missing for nearly 67 percent of the cases. Therefore, we excluded ethnicity from the study.

Figure 1. Median number of offenders supervised on regular vs. low-risk caseloads



rearrest for any level of offense (1=yes; 0=no), and (2) rearrest for a felony-level offense (1=yes, 0=no).

Revocation within 18 months of probation/caseload start date: (0=not revoked, 1=revoiced for a technical violation, and 2=revoiced for a new law violation).

Analytical strategy

The first research question examined was whether supervision intensity was, in fact, lower on the low-risk caseloads versus the regular caseloads. Bivariate t-test statistics were used to answer this question. The second research question was the impact low-risk caseloads had on supervision outcomes, specifically increased level of supervision intensity, as well as recidivism, as measured by rearrest and revocation. To answer these questions, multiple logistic regression statistics were used, controlling for gender, age, race, and number of prior arrests. All outcome variables are binary, except for revocation, which is ordinal; the ordinal logistic regression technique was used for that model. We also use chi-square and t-test statistics to assess differences in background characteristics between the two samples.

Results

The descriptive statistics for probationers assigned to the regular and the low-risk caseloads are in Table 1. The last column of the table shows statistically significant differences between the two groups. Table 1 indicates that 33 percent of the individuals on regular caseloads and 44 percent of those on low-risk caseloads were females, a statistically significant difference ($p<.001$). Twenty-seven percent of the probationers on regular caseloads and 32 percent of those on low-risk caseloads were White; this difference is statistically significant ($p<.05$). The samples are similar in terms of age, with the mean age 34 for probationers assigned to both a regular caseload and low-risk caseload. Individuals assigned to a regular caseload were significantly more likely to have two or more prior arrests (49 percent versus 42 percent; $p<.01$), but significantly less likely to have one or more past felony arrests (26 percent versus 50 percent; $p<.001$).

The first research question examines implementation of the low-risk caseload, specifically whether the intensity of supervision varies by caseload type. The expectation is that supervision intensity will be lower for the low-risk versus regular caseloads.

Findings from Table 1 show that the level of supervision intensity was quite different by group. The mean number of case notes was 33.4 for individuals on regular caseloads and 19.9 for those on low-risk caseloads, a significant difference ($p<.001$). The mean number of face-to-face contacts was 12.1 for probationers on regular caseloads and significantly lower (6.3) for probationers assigned to low-risk caseloads ($p<.001$). Finally, the mean number of UAs was 3.2 for individuals on regular caseloads, which was significantly higher than the mean number of UAs for individuals on low-risk caseloads ($\bar{x}=1.1$; $p<.001$). Thus, the bivariate statistics demonstrate that probationers assigned to low-risk caseloads were supervised less intensively than those on regular caseloads.

Our second research question was what effect the caseload assignment had on the supervision outcomes. The last three rows of Table 1 offer some insight into this question. The first question centers on whether the individual's supervision level was increased during the course of community supervision. Those on regular supervision were significantly more likely to experience movement to a more intensive intervention compared to the low-risk caseload (22 percent versus 10 percent respectively; $p<.001$). Next, the impact of caseload on recidivism was examined. Those on a regular caseload were significantly more likely to be rearrested within 18 months of placement (10 percent versus 7 percent; $p<.05$). Three percent of those on a regular caseload had supervision revoked for a technical violation versus just one percent of those on a low-risk caseload; similarly, those on a regular caseload were also more likely to be revoked for new law violation (3 percent versus 1 percent; $p<.01$).

Since individuals were not randomly assigned to regular versus low-risk caseloads, differences in the supervision outcomes between the two groups may be due to the differences identified in their background characteristics (i.e., gender, race, and criminal history). To control for the influences of these factors, we conducted multiple logistic regression analyses. The results of these analyses are found in Table 2.

Table 2 offers multivariate analyses using three outcome variables: increase in supervision level, revocation, and rearrest. Our primary research question is the impact of supervision intensity on supervision outcomes for low-risk individuals. Hence, the primary independent variable of interest is

low-risk (versus regular) caseload. The control variables are male (versus female), Non-White (versus White), age, and the number of prior criminal charges. Both age and the number of prior arrests variables had skewed distributions. These were therefore recoded as ordinal level variables (age: 0=below median; 1=above median; prior arrests: 0=1 prior arrest, 1=2 or more prior arrests). There are three logistic regression models in Table 2 (see page 26).

Concerning the control variables, Table 2 shows that males were more likely to have their probation revoked for technical and law violations, but gender had no significant impact on supervision level increase or rearrest. Younger probationers had a significantly higher likelihood of revocation and rearrest ($p<.001$), but not of an increase in supervision level. Race does not have a significant effect on revocation or rearrest, but non-White individuals are significantly more likely to experience an increase in supervision level ($p<.01$). Number of prior criminal charges significantly increases the likelihood of increased supervision, revocation, and rearrest ($p<.001$). Findings related to gender, age, and prior criminal history are consistent with the literature on common predictors of recidivism (Bonta & Andrews, 2017).

The primary independent variable of interest is low-risk caseload. Table 2 shows that the likelihood of movement to a more intensive supervision caseload is significantly lower for individuals assigned to low-risk caseloads ($p<.001$). The likelihood of experiencing an increase in supervision level is nearly 60 percent lower for those placed on low-risk versus regular caseloads. Similarly, those placed on a low-risk caseload are significantly less likely to be revoked from supervision ($p<.001$). The likelihood of revocation is again close to 60 percent lower for probationers on low-risk caseloads versus regular caseloads. Finally, the rate of rearrest is lower for those placed on a low-risk caseload, but the difference in rates of rearrest is not statistically significant after controlling for sample differences in demographics and criminal history ($p=.09$).

Discussion and Conclusion

This study explored the impact of decreasing the intensity of community supervision for low-risk probationers. Data came from one of the largest probation departments in the United States. The first research question explores whether creating low-risk caseloads leads to a decrease in supervision intensity. Viglione & Taxman (2018) found that officers

Table 1.
Descriptive and Bivariate Statistics

	Regular		Low-risk		Total		
	N	%	N	%	N	%	
Gender							
Male	1,569	67	375	56	1,944	65 ***	
Female	765	33	290	44	1,055	35	
Race							
Non-White	1,695	73	449	68	2,144	71 *	
White	639	27	216	32	855	29	
Age							
Below median	1,164	50	344	52	1,508	50	
Above median	1,170	50	321	48	1,491	50	
# of prior arrests							
One	1,202	51	384	58	1,586	53 **	
Two or more	1,132	49	281	42	1,413	47	
# of prior felony arrests							
None	1,725	74	335	50	2,060	69 ***	
One or more	609	26	330	50	939	31	
		mean	SD	mean	SD	mean	SD
# of case notes		33.4	12.0	19.9	10.2	30.5	12.9 ***
# of face-to-face contacts		12.1	4.2	6.3	4.3	10.9	4.8 ***
# of urine-analysis tests		3.2	2.3	1.1	1.5	2.8	2.3 ***
		N	%	N	%	N	%
Increase in supervision level^t							
No	1,813	78	601	90	2,414	80 ***	
Yes	521	22	64	10	585	20	
Rearrested^t							
No	2,107	90	618	93	2,725	91 *	
Yes	227	10	47	7	274	9	
Revocation^t							
No	2,191	94	649	98	2,840	95 **	
Yes, technical violation	81	3	7	1	88	3	
Yes, law violation	62	3	9	1	71	2	

Age-Regular: mean=34, SD=11, median=32. Low-risk: mean=34, SD=12, median=31

* p < .05, ** p < .01, *** p < .001, t within the first 18 months after placement.

given new, low-intensity standards for low-risk probationers had concerns about the reduced monitoring, despite the probationers' low-risk status. They found that officers would deviate from the protocol that limited their supervision practices. To test the impact of creating low-risk caseloads on levels of monitoring, we examined variation in supervision intensity between low-risk caseloads and low-risk probationers supervised on regular caseloads. Study findings supported that individuals placed on low-risk caseloads were supervised

less intensively than low-risk probationers placed on regular caseloads. Indicators of less intensive monitoring included significantly fewer face-to-face contacts, case notes, and urinalysis tests.

Why did the caseload placement make a difference? Variation in supervision practices may be attributable to clear differences in agency standards for low-risk versus regular caseloads. It may also be attributable to the higher caseload size of low-risk caseloads (220 versus 120 cases); high caseload numbers may

have left officers with no choice but to limit supervision intensity so that even the low-risk contact standards could be met. Finally, officers assigned to low-risk caseloads were informed about why this initiative was taking place, and how it aligned with evidence-based practices. This may have motivated officers to follow the new practice standards. Regardless of the reason, homogenous, low-risk caseloads with low-intensity standards appeared successful in creating variation in supervision practices for low-risk probationers.

The second research question examined the impact of low-risk caseload assignment on supervision outcomes. This study found that individuals placed on a low-risk caseload were significantly less likely to have their supervision level increased. Increased supervision might include movement to a regular or specialized caseload, or referral to a treatment or residential program. Low-risk individuals placed on regular caseloads were significantly more likely to be referred to a more intensive caseload or treatment program. It may be that the level of monitoring on regular caseload resulted in detection of more problem behaviors, initiating an officer response to increase the supervision intensity. It may also be the risk principle at work—that low-risk individuals can self-correct, and can do so as long as we stay out of their way.

Previous studies on the impact of decreased supervision intensity for low-risk individuals on recidivism are limited. Those that have been conducted found that decreasing monitoring for low-risk probationers resulted in either similar rates of reoffending as individuals monitored more intensively (Barnes et al., 2010; Cohen et al., 2016), or it resulted in reductions in recidivism (Wilson et al., 2007). This study found that rates of rearrest were similar among low risk individuals placed on low risk or regular caseloads. Rates of revocation, however, were significantly lower for those placed on a low-risk caseload. Even the finding from this study that there was not a significant reduction in the rate of rearrest demonstrates that criminal behavior did not increase as a result of less intensive supervision. Hence, community safety is at worst preserved and at best improved when probation agencies employ strategies to reduce surveillance and supervision requirements for low-risk individuals.

One explanation for why low-intensity supervision might decrease the likelihood of revocations for technical violations is that individuals who are supervised less intensively

TABLE 2.
Multiple logistic regression results

	Increase in supervision level			Revocation†			Re-arrest		
	Odds ratio	Std. Err.	p-value	Odds ratio	Std. Err.	p-value	Odds ratio	Std. Err.	p-value
Constant	0.23	0.03	0.00 ***				0.07	0.01	0.00 ***
Gender (ref=female)	1.15	0.12	0.18	1.64	0.32	0.01 **	1.27	0.18	0.09
Age (ref=below median)	1.01	0.09	0.90	0.49	0.08	0.00 ***	0.39	0.05	0.00 ***
Race (ref=White)	0.73	0.08	0.01 **	1.11	0.20	0.58	1.15	0.16	0.32
# of prior arrests (ordinal\$)	1.46	0.14	0.00 ***	2.64	0.47	0.00 ***	2.62	0.36	0.00 ***
Low-risk program (ref=regular caseload)	0.39	0.05	0.00 ***	0.41	0.11	0.00 ***	0.75	0.13	0.09
Pseudo R squared	0.03			0.05			0.06		

* $p < .05$, ** $p < .01$, *** $p < .001$ † Ordinal logistic regression, 0 = not revoked, 1 = revoked, technical violation, 2 = revoked, law violation § 0 = one, 1 = two or more

are less likely to be caught violating their conditions of supervision. Every time a PO arranges a meeting with a probationer, there is a risk that he or she does not come to the meeting. Every time a PO inquires about the behavior of a probationer since the last meeting, there is a risk that he or she reveals a violation in the conditions of supervision. When a probationer submits a UA, there is a risk that the UA is positive for drugs. That is, every supervision activity increases the risk of a probationer being caught violating some condition of supervision, resulting in a possible revocation for technical violations.

Another explanation is that low-risk individuals, by definition, have many attributes that serve as protective factors against future criminal behavior. They tend to be educated and employed, have family support, have limited problems with drugs or alcohol, have prosocial peer networks and healthy leisure activities. Imposing strict conditions related to community supervision can disrupt these protective factors, resulting in violations of community supervision. For example, mandated weekly treatment or surveillance programs may disrupt their job schedule, resulting in loss of employment. Engagement in supervision meetings or groups also exposes probationers to other probationers (i.e., criminal peers). Hence, not only could probationers be caught more often violating the conditions of supervision, but supervision requirements might also create risk factors for low-risk individuals that otherwise did not exist.

Policy Implications

The provision of low-intensity supervision for

low-risk probationers has important policy implications. First, decreased supervision of low-risk probationers saves taxpayer dollars. The higher the intensity of supervision (e.g., intensive treatment probation, electronic monitoring, specialty caseloads), the higher the cost. Likewise, every person revoked for a technical violation or a new crime is an additional burden for the criminal justice system. Individuals revoked of community supervision occupy beds in jails and prisons, and incarceration is much more expensive than community supervision (Petersilia, 2011). Second, every incarceration represents another dent on the person's identity. Incarceration impairs the ties that the individual has to society and often to his or her family or other community supports. Low-intensity supervision of low-risk individuals reduces the harmful effects of incarceration and probation. Third, low-intensity supervision of the low risk does not pose a threat to community safety. Findings from this study show no significant difference in rearrest rates for those placed on low-intensity versus regular caseloads. This suggests that fewer resources can be spent supervising low-risk probationers without jeopardizing the community.

The department found that 11 POs assigned to low-risk caseloads were able to supervise as many probationers as 16 POs supervising regular caseloads. The low-risk caseload program enabled the department to reallocate 5 POs to other caseload types. Note that the low-risk caseload program was partially implemented; at the conclusion of the study, most low-risk probationers were still supervised on regular caseloads. If

fully implemented, more POs could be used to decrease caseload size on higher need caseloads or to expand programming for specialized caseloads targeting high risk/need individuals (e.g., those with chronic mental health or significant substance abuse issues). Such a policy aligns with the RNR principles and serves to allocate resources more wisely.

Finally, now that the United States is seeing a reduction in the rate of incarceration, increased attention is being paid to the impact of mass probation (Phelps, 2017). Ideas for changing the face of probation and parole have started to circulate (see Lovins, Cullen, Latessa, & Jonson, 2018). While the current study does not address the role of the probation officer, findings from this study do assert that probation agencies must explore new mechanisms for reducing the harm of community supervision. Adjusting how low-risk probationers are supervised is one step in this direction.

Study Limitations and Conclusions

There are limitations to this study that should be noted. First, the boundary between the low-risk versus regular caseloads was very porous. In this study, many individuals on the low-risk caseloads spent some time previously on a regular caseload. This may have diluted the results or caused differences between the caseload groups to be less pronounced. Therefore, although this is a study limitation, it has a limited impact on the significant findings on recidivism. Second, the probationer population of our study is in a southern state and from only one county, impacting generalizability. The findings may be different for different jurisdictions.

Despite these limitations, this study contributes to the growing literature on effective supervision practices. This study should help support the efforts of probation agencies with evidence-based decision making on caseload organization. Findings from this study that agencies can allocate fewer resources toward low-risk probationers with either similar or an improved impact on community safety appear to offer a win-win. Agencies with the resources to do so should consider creating specific low-risk caseloads (or for smaller jurisdictions, assigning all low-risk probationers to a single officer, with specific standards for those individuals). This takes a step beyond simply having different standards of supervision by risk. Specialized low-risk caseloads may help combat the natural tendency for officers to over-supervise low-risk individuals, rather than allowing these individuals to self-correct, getting their lives back on track.

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The Prevalence of Local Criminal Justice Practices

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THE LOCAL CRIMINAL justice system includes law enforcement agencies, prosecutors and defenders, courts, jails, and pretrial services and is the gateway to justice in the United States. On an average day, approximately 725,000 individuals are held in county or city jails, accounting for 1 in 3 individuals behind bars (Zeng, 2019; Bronson & Carson, 2019). While local jail and state prison populations have grown at similarly high rates over the last few decades, the relative impact of local jails has expanded enormously due to the large number of jail admissions—currently about 10.6 million admissions each year, which is more than 17 times the number of admissions to state and federal prisons (Zeng, 2019; Bronson & Carson, 2019).

To date, efforts to evaluate and improve criminal justice systems have concentrated on state and federal justice systems, but recent years have witnessed increasing interest in local criminal justice systems as critical points of intervention (Copp & Bales, 2018; John Jay College of Criminal Justice, 2015). Collaborative initiatives aimed at reducing the use of jails and improving the operation of local justice systems—including, for example, the MacArthur Foundation's Safety and Justice Challenge Initiative and Arnold Ventures'

National Partnership for Pretrial Justice—have spurred interest in local justice reform across the country, pushed pretrial reform to the forefront of criminal justice agendas, and generated growing support from policymakers, practitioners, and the general public (Doyle, Bains, & Hopkins, 2019; Horowitz, Schuster, & Catalano, 2018; PJI, 2018).

In spite of rising momentum for front-end improvements to local criminal justice systems, nationally representative data on the use of the large number of possible pretrial practices and policies across local jurisdictions have not been available. Instead, research to date has largely focused on a single practice (e.g., risk assessment) or domain (e.g., pretrial services programs). Moreover, small, non-representative samples and low response rates have muddied the interpretation of findings and have thus far precluded a rigorous national-level examination of the spread of local justice practices.

A limited body of literature examines the use of select, high-profile policing practices. In a report published in 2017, the Council of State Governments (CSG) presented the findings of a survey of officials in 50 states and 3 territories on mental health and crisis de-escalation training for law enforcement. The report found that almost all of the responding 42 states had codified standards for the provision of mental health and de-escalation training to local and state law enforcement (CSG, 2017). A nationally representative survey of 1,489

randomly selected local law enforcement agencies conducted in 2016 concluded that approximately 1 in 3 law enforcement agencies nationwide employ diversion practices, many of which are designed to divert juveniles, individuals with mental illnesses, and first-time offenders. The report further observed that larger agencies more commonly engage in diversion than their smaller counterparts (Tallon et al., 2016).

Interest in understanding pretrial reform—although recently gaining heightened urgency—has a lengthy history stretching back to an early National Institute of Justice study. This study was the first systematic effort to characterize pretrial processes through the examination of the pretrial experiences of 6,000 cases in twelve jurisdictions (Toborg, 1981). Subsequent studies have included efforts to broadly characterize the pretrial landscape (The Toborg study was followed by surveys of pretrial services programs in 1989, 2001, and 2009) (Segebarth, 1991; Clark & Henry, 2003; Pretrial Justice Institute, 2009); Vetter and Clark (2013) also conducted a survey to assess pretrial services in rural counties. Overall, study reports suggest that recommended practices, such as providing pretrial supervision and obtaining written consent to interview pretrial dependents, have risen significantly over the last few decades as pretrial services programs have grown in size and sophistication (Segebarth, 1991; Clark & Henry, 2003; PJI, 2009).

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In 2019, the Pretrial Justice Institute completed the most recent scan of pretrial practices across a sample of 91 jurisdictions. The sample was a combination of randomly sampled and convenience-sampled jurisdictions that reflected a mix of low-, medium-, and high-density jurisdictions. Results suggested that while some pretrial practices like the use of pretrial risk assessment tools and the provision of pretrial supervision have proliferated, others, such as pre-arrest or booking diversion and defendant contact with defense attorneys prior to first appearance hearings, are far less common; furthermore, low-density jurisdictions were less likely to have access to pretrial services (PJI, 2019).

Local diversion and problem-solving courts have also been the subject of surveys. A 2013 survey of 33 diversion programs and interventions highlighted common designs and approaches to diversion at three stages: arrest, pretrial/prosecution, and adjudication (Center for Health & Justice at TASC, 2013); other surveys have focused more narrowly on one of these stages, studying police-, pretrial-, or prosecutor-led diversion programs (Tallon, Labriola, & Spadafore, 2016; NAPSA, 2009; Lowry & Kerodal, 2019). Numerous studies have surveyed the use of problem-solving courts (e.g., drug court, mental health court, domestic violence court) and related practices in jurisdictions across the country (Farole et al., 2008; Strong & Kyckelhahn, 2016; Labriola et al., 2009; Marlowe et al., 2016). A handful of studies spotlight mental health and substance use screening and treatment practices in local jails (Taxman et al., 2007; AbuDagga et al., 2016), while another examines the role of jails in pretrial release (Ortiz, 2015).

While these studies offer valuable information about aspects of local justice pretrial practices, none have generated nationally representative estimates of the uptake of various pretrial practices across the spectrum of agencies involved in the management of pretrial justice. Results from the survey reported here seek to remedy this knowledge gap—reporting the results of a local criminal justice practices survey that was administered to multiple stakeholders in a nationally representative sample of United States counties. Sampling strata included four geographic regions and four population sizes, providing an opportunity to examine whether the use of practices varies across these strata. Results provide the most comprehensive portrait of local criminal justice system practices to date.

Methods

Sampling

United States counties with populations at or above 25,000 based on the 2013-2018 American Community Survey ($n=1,600$) were eligible to be selected. Counties with populations below 25,000 were considered unlikely to have criminal justice systems large enough to justify their inclusion and were excluded from the sampling frame.

To ensure adequate coverage and representation, counties were stratified by population size and four geographical census regions. Four population size strata were defined: 500,001+, 250,001-500,000, 100,001-250,000, and 25,000-100,000. The four major U.S. Census Geographic regions (Northeast, South, Midwest, and West) were used for the geographic strata. Table 1 shows the sampling frame by strata, and Table 2 shows the

distribution of population by strata.

The sampling strategy balanced precision with resources available for conducting the survey. To ensure good coverage of the population in the sampling frame, the largest counties (those with over 500,000 population) were selected with certainty. We hypothesize that these counties ($n=128$) are more likely to have the resources to implement practices and interventions than smaller counties. Resources available dictated a maximum of 400 to 500 counties in the final sample; therefore, in addition to the 128 largest counties sampled with certainty, 25 counties in the smaller three population strata from each of the four census regions were randomly selected, for a total of 428 U.S. counties. The sampled counties included 69 percent of the U.S. population that resides in counties with a population of at least 25,000 (Table 3).

TABLE 1.
Distribution of 1,600 U.S. Counties by Strata
(excludes counties with population less than 25,000)

Population Size Category	Geographic Region				Total
	Northeast	South	Midwest	West	
500,001+	34	40	22	32	128
250,001-500,000	27	52	27	27	133
100,001-250,000	49	140	88	40	317
25,000-100,000	92	505	315	110	1022
Total	202	737	452	209	1600

TABLE 2.
Distribution of Populations in 1,600 U.S. Counties by Strata
(excludes counties with population less than 25,000)

Population Size Category	Geographic Region				Total
	Northeast	South	Midwest	West	
500,001+	32,582,162	41,322,452	23,043,874	48,170,030	145,118,518
250,001-500,000	9,853,119	17,674,784	9,365,418	9,371,966	46,265,287
100,001-250,000	7,547,076	21,602,252	13,342,643	6,364,571	48,856,542
25,000-100,000	5,135,277	24,784,328	14,742,096	5,823,177	50,484,878
Total	55,117,634	105,383,816	60,494,031	69,729,744	290,725,225

TABLE 3.
Sample Population Counts (for 428 Sampled Counties)

Population Size Category	Geographic Region				Total
	Northeast	South	Midwest	West	
500,001+	32,582,162	41,322,452	23,043,874	48,170,030	145,118,518
250,001-500,000	9,136,285	8,297,200	8,733,487	8,525,196	34,692,168
100,001-250,000	3,826,412	4,051,020	3,734,392	3,748,745	15,360,569
25,000-100,000	1,313,960	1,158,604	1,138,737	1,196,579	4,807,880
Total	46,858,819	54,829,276	36,650,490	61,640,550	199,979,135

To produce reliable estimates of target population parameters, the survey data were weighted to reflect the different probabilities of selection during sampling and to address differential nonresponse. Weights were developed using three steps. First, design weights were computed to account for the unequal probabilities of selection of the counties across the strata. The design weight was computed as the inverse of the probability of selection. With each of four U.S. regions, combined with four population size strata, there are a total of 16 strata in this design. The calculation of the design weight is given by:

$$\frac{N_i}{n_i}$$

Where, for the i^{th} stratum, $i=1, 2, \dots, 16$, N_i is the number of counties in the stratum and n_i is the number of counties selected from that stratum.

Second, the design weights for the counties were spread equally across the responding informants (police chiefs, judges, etc.) by dividing the weights for each responding county, that is, a county with at least one responding informant, by the number of responding informants for that county. For example, if a county had one police chief and one judge respond to the survey, then the design weight from the first step was divided by two. Within a particular county, all respondents had equal weight.

Third, the informant-level weights were adjusted for non-responding informants. The final weights for the survey sum to the number of U.S. counties (1600 such counties) with populations greater than 25,000, from which the sample of counties for this survey were drawn. The final weighting step consisted of moving the design weights associated with nonresponding counties (none of the five selected informants responded) to the responding informants. This weight adjustment was accomplished by creating an adjustment factor as follows:

$$\frac{\text{Total of weights for all counties in stratum}_i}{\text{Total of weights for responding counties in stratum}_i}$$

Where, again, $i = 1, 2, \dots, 16$, representing the strata.

Each respondent's weight was multiplied by its corresponding nonresponse weighting adjustment factor for its particular stratum. This product resulted in a final nonresponse adjusted weight for each of the Spread of Reform Survey respondents.

Survey Design and Response

The survey was developed after a review of

previous surveys and a series of web-based focus groups conducted in Fall 2018 with jail administrators, prosecutors, judges, sheriffs, and police chiefs. In addition, a series of telephone interviews were conducted with representatives of a variety of stakeholder groups.

The two-page survey included a list of common practices for the following domains: police/law enforcement, pretrial, jail, prosecution and defender, and courts. Respondents were asked to indicate which was true with respect to each practice in their jurisdiction: "Not Planned," "Planning," "Implementing," or "Implemented (Year)"; "Don't Know" was also provided as an option. A total of 58 practices were listed (although a few, such as court reminders, were listed in multiple domains as these are done at various parts of the system).

Within each sampled county, paper surveys were mailed to the sheriff, clerk of court, district attorney/prosecutor, and the police chiefs of the largest two police departments (one if there was only a single department). Although judges represent an important constituency group, identifying appropriate samples of judges and assuring adequate response rates was a daunting challenge that foreclosed the possibility of including judges in the survey; clerks of court were selected as proxies for the activities and practices of the courts. The initial mailing was conducted in March 2019; additional mailings to non-respondents were conducted in April and May. Telephone reminders to all non-respondents were conducted between the second and third mailings. To encourage responses, respondents were able to select one of four charities to receive a \$25 contribution for each completed survey. The options were the Officer Down Memorial Page, the Fallen Officers Fund, the American Red Cross, and the American Humane Society. A total of 481 individual responses were received (23 percent response rate). At least one response was received from 302 of the 428 counties (70.6 percent county-level response).

In generating the results and because there were multiple respondents (potentially) from each county, we assumed that if any respondent in a jurisdiction indicated that a practice was being implemented, then it was being implemented. In other words, we kept the highest numeric response for each item on the instrument from any respondent within a jurisdiction where 1 = "Not Planned," 2 = "Planning," 3 = "Implementing," and 4 = "Implemented." "Planning" and

"Implementing" were combined into a single category for analyses and reporting.

Analytic Strategy

After generating the weighted values and 95 percent confidence intervals for each justice practice, exploratory factor analysis (EFA) was used as a data reduction technique. In the current study, it was used to assess whether jurisdiction-level indicators could be grouped together. These groupings are assumed to have a common putative latent factor underlying the observed items. The EFA models were fit using Mplus version 8 and adjusted for population and nonresponse weights and stratification (Muthén, L.K., & Muthén, 1998-2017). EFA models with 1 to 10 factors were fit to the data. The two-factor model had good fit indices with the root mean square error of approximation (RMSEA) equal to 0.019, 90% CI = (.012, .025), and the probability that RMSEA $\leq .05$ was equal to 1 (a RMSEA $< .05$ indicates good fit). The Tucker-Lewis Index (TLI) was 0.969 (TLI $> .95$ indicates good fit). Models with three or more factors fit slightly better but had disorganized factor-loading patterns, large cross-loadings, and large-negative cross-loadings, all of which are indicators of over-fitting. Hence, the two-factor model was selected for interpretation.

The relationship between the latent factor and the binary implementation indicators is indicated by factor loadings. Factor loadings near 0 indicate that the latent factor is unrelated to a give item. Large positive values indicate that a higher score on the latent factor is associated with a large probability that the practice has been implemented, while negative loadings indicate the opposite. In practice, if a set of items were under consideration for a psychometrically validated instrument, items with large negative loadings should be dropped. This was not done in the current work, as EFA was being used as a descriptive technique rather than for instrument development.

Results

Tables 4 and 5 (next two pages) shows the distribution of responses for each survey item. For 12 of the 58 items, more than half of jurisdictions reported that they had implemented the practice. The most reported police practices were having a crisis intervention team, using cite and release in lieu of arrest, community engagement activities, and implicit bias training—all of which were identified as implemented by more than half of

TABLE 4.
Results of the Local Criminal Justice Practices Survey for Police, Jail, and Pretrial Practices

Item	Implemented	Weighted Percentages		
		Planning/ Implemented	Not Planning	Don't Know
Police Practices				
Crisis Intervention Team (CIT)	62.87	16.78	12.99	5.4
Cite & Release	58.19	11.56	20.87	7.62
Community Engagement	54.95	16.57	18.08	8.64
Implicit Bias Training	52.47	12.74	18.18	12.09
Other (than LEAD) Deflection/Diversion	30.81	22.49	36.63	7.36
Procedural Justice	30.67	15.58	32.69	16.89
Pearrest Risk Assessment or Screening	29.9	8.79	45.4	14.2
Co-responder Strategies	25.62	11.59	39.73	17.7
Law Enforcement Assisted Diversion (LEAD)	17.27	10.19	56.76	13.43
287(g) Participant	3.22	1.78	49.73	42.18
Pretrial Practices				
Electronic Monitoring	52.04	12.68	24.78	7.69
Pretrial Risk Assessment	47.93	8.3	23.48	17.32
Pretrial Supervision	47.19	8.52	29.71	11.58
Indigency Assessment	44.69	7.66	24.84	18.68
House Arrest	42.48	10.13	34.28	10.34
Automated Data Sharing	37.02	19.61	21.62	17.61
Bail/Bond Reform	33.94	13.5	29.14	20.05
Other Jail Alternatives	26.27	6.65	34.54	25.5
Court Reminders ^a	33.38	15.95	36.0	12.60
Consolidated Court Appearances	21.9	7.16	38.53	29.45
Better Designed Documents	18.97	11.91	39.57	26.56
Warrant Resolution	9.17	8.45	49.93	29.18
Jail Practices				
Mental Health or Substance Use Intake Assessment ^b	55.13	7.97	7.2	26.38
Video Conferencing	53.46	4.13	16.91	21.57
Behavioral Health Stabilization	39.66	10.46	16.35	29.65
Jail Diversion to Treatment	33.44	15.49	21.74	23.37
Jail Population Management Tools	33.02	6.78	24.47	31.36
Implicit Bias Training	30.85	6.6	20.35	38.8
Population Coordinator/Team	30.83	5.18	29.4	30.81
Non-Treatment Jail Diversion	13.74	9.15	29.02	43.35
State Criminal Alien Assistance Program (SCAAP)	8.62	0.56	34.54	52.4
Heavy User Identification & Response	7.11	8.95	35.23	42.18

^a Multiple items were combined to form single indicator that the jurisdiction has court reminders; Pretrial Practices indicated 23.28% implemented, 13.94% planning/implementing, 41.61% not planned, and 17.72% don't know; Prosecution/Defender Practices indicated 3.76% implemented, 53.2% planning/implemented, and Court Practices indicated 24.36% implemented, 14.08% planning/implementing, 30.37% not planned, and 28.65% don't know.

^b Mental health intake assessment and substance use intake assessments were combined. Results for jail mental health intake assessment was 53.61% implemented, 8.34% planning/implementing, 7.88% not planned, and 26.76% don't know; a jail substance use intake assessment was reported as 49.16% implemented, 6.13% planning/implementing, 11.82% not planned, and 29.57% don't know.

Note: Percentages may not sum to 1 due to item being missing.

the jurisdictions. The most reported pretrial practice was use of electronic monitoring (52 percent), while 48 percent of jurisdictions reported the use of pretrial risk assessment. About half of jurisdictions reported having mental health and substance use intake assessments in their jails.

More than half of jurisdictions reported having prosecutorial diversion programs and having a defender present pretrial (either at arraignment, pre-charge, at bail hearings, or otherwise pretrial, Table 5, next page). Most jurisdictions reported having language assistance (e.g., translators) and problem-solving courts. The least implemented practices were participating in the 287(g) program (3.2 percent), having a warrant resolution program (9.2 percent), participating in SCAAP, the State Criminal Alien Assistance Program, (8.6 percent), and having programs in the jail to identify and respond to heavy users ("frequent flyers," 7.1 percent).

As described in the methods section, sampling was stratified by geographic region and population size, allowing us to generate estimates for these strata. Given the focus on pretrial risk assessment, these results are presented first. Figure 1 (page 33) shows jurisdictional response by population size to the use of pretrial risk assessment tools. As can be seen, larger jurisdictions are more likely to indicate that these tools are being used or are in the process of being implemented if they have not already done so. Thus, for example, more than 50

percent of jurisdictions larger than 100,000 population have implemented pretrial risk assessment, compared to only 44 percent of smaller jurisdictions. Nearly three-quarters (72 percent) of jurisdictions with populations larger than 500,000 indicated that pretrial risk assessment was implemented or in the planning/implementing stage, in contrast to only 49 percent of jurisdictions smaller than 100,000 (and larger than 25,000).

There are similarly regional differences in the percentage of jurisdictions reporting that pretrial risk assessment has been or is planned to be implemented (Figure 2, next page). Most northeastern counties (63 percent) and western counties (67 percent) indicated that they had or planned for pretrial risk assessment, compared with only about one-half of midwestern (56 percent) and southern counties (49 percent).

Figure 3 (next page) shows differences across different jurisdiction sizes for some of the most commonly reported practices. Overall, the smallest jurisdictions were less likely to report common police practices such as having crisis intervention teams or using cite and release policies than larger jurisdictions. Similarly, prosecutorial diversion was less likely to be reported as implemented in the smallest jurisdictions. Interestingly, video conference and problem-solving courts were most widely reported among mid-size (100,001-250,000) jurisdictions rather than among the smallest or largest jurisdictions.

The percentages of jurisdictions by geographical region reporting having implemented these practices are shown in Figure 4 (page 34). While crisis intervention teams are widely reported as implemented across the regions, the use of cite-and-release policies was much more widely reported in the midwestern and western jurisdictions. Prosecutorial diversion programs are less likely to be implemented in southern jurisdictions and video conferencing is more prevalent in midwestern jurisdictions. Problem-solving courts were reported as implemented by about 60 percent of jurisdictions across the geographic regions.

Results from the EFA yielded two latent factors (see Table A1 in the Appendix). The first latent factor was associated primarily with trial, defense, and court practices, such that a higher score on the latent factor indicated a higher likelihood of having implemented these types of practices. The second factor was associated with pretrial practices and jail practices. On each factor, the factor loadings ranged from small (~.3) to large (>1.0) indicating varying

TABLE 5.
Results of the Local Criminal Justice Practices Survey for Prosecutor, Defender, and Court Practices

Item	Weighted Percentages			
	Implemented	Planning/ Implemented	Not Planning	Don't Know
Prosecution and Defender Practices				
Defender @ Pretrial ^a	53.69	4.9	14.08	23.56
Prosecution Diversion	52.96	7.88	18.1	16.61
Reduce Low-Level Drug Charging	36.7	6.65	25.54	26.2
Expedited Processing ^b	36.63	6.49	25.35	27.74
Restorative Justice	25.66	10.19	35.41	24.95
Non-Jail for Low-Level Warrants	25.31	7.91	32.57	30.08
Increased Prosecutorial Discretion	25.01	3.84	31.33	33.79
Case Navigators	9.45	4.92	42.15	39.6
Court Practices				
Language Access	65.02	1.84	8.64	21.37
Problem-Solving Courts	61.55	5.51	15.27	13.7
Speedy Trial Requirement	52.04	4.62	17.6	22.08
Sentencing Alternatives to Jail	45.71	15.69	12.58	22.4
Early Bail Review	34.05	5.82	24.17	33.14
Attorney E-Filing	28.63	16.24	18.72	31.89
Special Dockets/Courts	26.44	8.83	32.83	27.66
Improve Case Management	22.2	16.44	20.66	34.67
Fees/Fines Reform	15.2	14.6	30.17	35.23
Cite in Lieu of Warrants	15.15	7.48	42.77	26.07
Non-Jail for FTA	13.62	9.21	46.35	27.5

^aSeveral items were combined to form single indicator that jurisdiction has a defender present at any pretrial phase. For the item of a defender present at bail hearing, 51.01% indicated implemented, 3.13% reported planning/implementing, 16.87% reported not planned, and 24.73% reported don't know; for the item of having a defender present precharge, 42.86% reported implemented, 14.29% reported planning/implementing, 23.81% reported not planned, and 19.055% don't know; combined metric shows 53.69% implemented, 4.9% planning/implementing, 14.08% not planned, and 23.56% don't know; and for the item of a defender present/available pretrial, 20.67% reported implemented, 4.43% reported planning/implementing, 36.19% reported not planned, and 34.87% reported don't know.

^bSeveral items were combined to form single indicator of expedited processing that jurisdiction uses any expediting case processing measures. For the item Expedited Plea, 31.2% reported implemented, 6.83% reported planning/implementing, 27.78% reported not planned, and 30.4% don't know; for the item Expedited Case Processing 27.91% implemented, 9.65% planning/implementing, 26.97% not planned, and 31.62% don't know; and for the item Expedited Case Disposition, 25.69% implemented, 9.56% planning/implementing, 27.32% not planned, and 33.57% don't know.

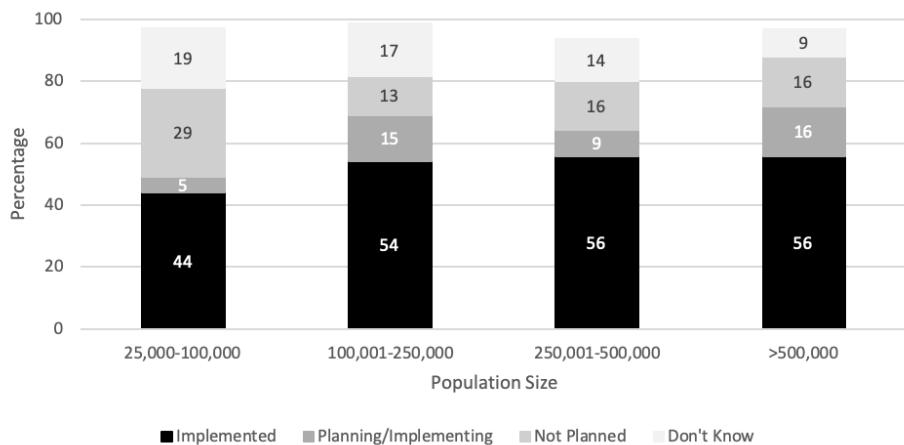
Note: Percentages may not sum to 1 due to item missingness.

likelihoods of implementing practices. The correlation between the two factors was $r = 0.517$, indicating a moderate relationship between the two. Overall, these results indicate that trial, defense, and court practices tended to be implemented together while pretrial and jail practices tended to be implemented together,

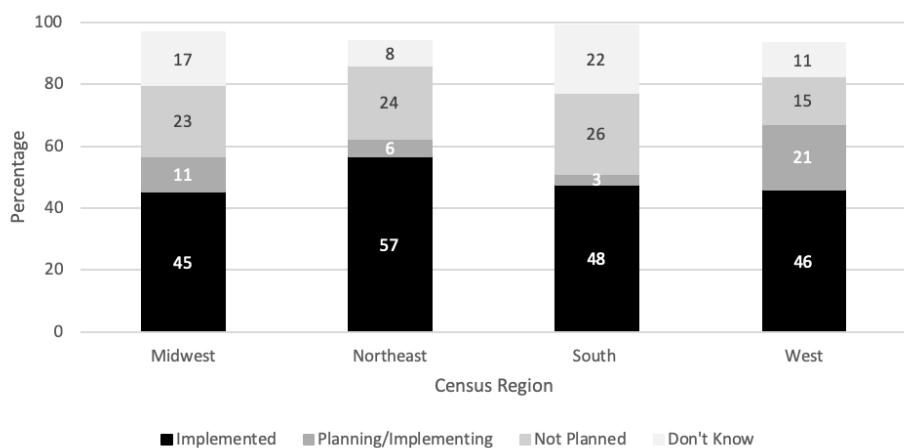
with only a few individual practices being associated with both factors (as indicated by factor loadings $> .3$ on both factors, a condition known as cross-loading). Tests for regional differences and population size differences in the means of the latent factors indicated that there were no significant differences.

FIGURE 1.

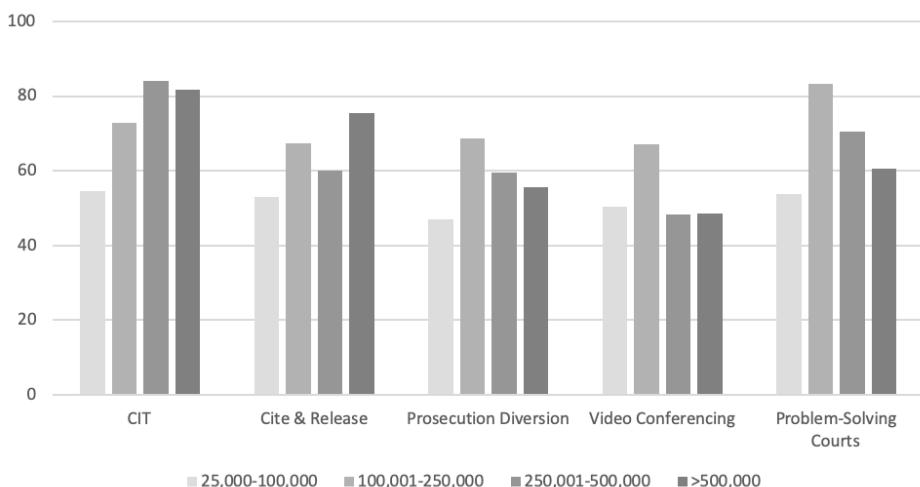
Percentages of counties indicating position with respect to implementation of pretrial risk assessment tools by population size

**FIGURE 2.**

Percentages of counties indicating position with respect to implementation of pretrial risk assessment tools by geographic region

**FIGURE 3.**

Percentages of counties indicating they have implemented common pretrial practices by population size

**Discussion and Conclusions**

The focus on local criminal justice reform has emerged as a continuation of efforts to reform the justice system that began with a focus on sentencing and prison reentry. The extent to which a variety of local practices has been adopted nationally has been largely unknown—with efforts to date focused on single practices or single types of agencies, often relying on convenience samples. As a result, a comprehensive picture of which practices are being used in jurisdictions across the country has not been available.

The results of this national survey of a stratified random sample of the largest 1,600 counties in the United States address this deficiency, providing insight into what practices are most and least common and how the adoption of practices has varied by geographic region and jurisdiction size. Among the most common practices reported are some that have been the focus of intense efforts for many years. For example, crisis intervention teams, which seek to improve outcomes in police calls for service for those with mental illness, were reported as implemented by 63 percent of counties with populations larger than 25,000. Problem-solving courts, which began with the implementation of drug courts during the last decade of the 20th century, were also widely reported (62 percent).

Deflection or diversion programs and practices were reported by jurisdictions among police agencies (LEAD, 17 percent; other diversion/deflection, 31 percent), jails (jail diversion to treatment, 33 percent; non-treatment jail diversion, 14 percent), and prosecutors (53 percent). Jails were also somewhat likely to report using jail population management tools such as dashboards (33 percent) or to have jail population coordinators or teams (31 percent). Pretrial risk assessment was reported by about 50 percent of jurisdictions, with risk assessment more common in larger jurisdictions and in the northeast and west.

Results are largely consistent with the findings of previous more limited and less representative data collections that have focused on small numbers of practices or convenience samples of targeted agencies or organizations. As with any survey data collection, this survey has limitations. The response rate for individual respondents was less than had been hoped; this was addressed by consolidating responses across respondents within a jurisdiction to generate a jurisdiction-level response. To the extent that stakeholders are unaware

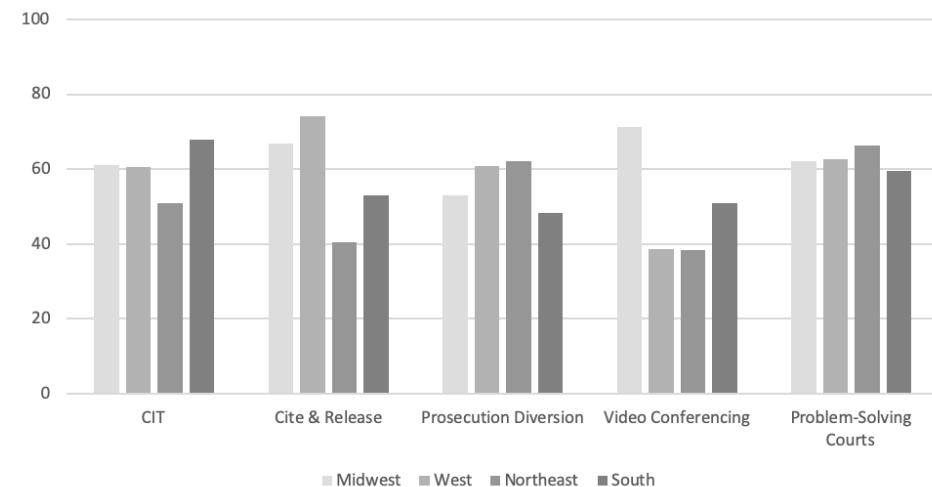
of activities being conducted elsewhere in the system, this approach may have resulted in the undercounting of some practices. The results do provide an estimation of current practice against which future assessments may be compared. For example, it is unknown what effect the COVID-19 pandemic will have on pretrial practices, although it is likely to have differential impacts on different parts of the system. The results of this survey will provide a baseline for assessing impacts once the crisis is over.

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FIGURE 4.

Percentages of counties indicating they have implemented common pretrial practices by geographic region



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TABLE A1.
Geomin Rotated Loadings from Exploratory Factor Analysis (EFA)

Strategy	Factor		Pretrial & Jail Practices
	Trial, Defense, & Court Practices		
Law Enforcement Assisted Diversion (LEAD) program	0.25	a	0.35 a, c
Other pre-arrest or post-booking deflection or diversion (e.g., to treatment or sober centers)	0.27	a	0.45 a, c
Crisis Intervention Team (CIT) or training	-0.44	a, d	0.72 a, d
Co-responder strategies	-0.06		0.76 a, c
Pre-arrest risk assessment or screening	0.34	a	0.38 a, c
Cite and release for low-level offenses	-0.04		0.59 a, c
Procedural justice training	-0.05		0.61 a, c
Implicit bias training	-0.61	a, d	0.88 a, d
Community engagement strategies	-0.26		0.80 a, c
287(g) program	0.07		0.69 a, c
Pretrial risk assessment tool(s)	0.65	a, b	0.15
Indigency assessment	0.55	a, b	0.29 a
Bail/bond reform (including second look, bond mitigation)	0.57	a, b	0.13
Pretrial supervision	0.67	a, b	0.22 a
Electronic monitoring in lieu of pretrial detention	1.09	a, b	-0.18
House arrest in lieu of pretrial detention	1.06	a, b	-0.29 a
Other alternatives to jail during pretrial period,	0.50	a, b	0.26 a
Consolidate pretrial court appearances	0.57	a, b	0.23 a
Automated data sharing between agencies	0.31	a, d	0.43 a, d
Better designed (worded) subpoena, summons, or warrants	0.56	a, b	0.00
Warrant resolution programs	0.49	a, b	0.30 a
Jail population coordinator or review team	0.07		0.75 a, c
Dashboards or reports for jail population management	0.17		0.81 a, c
Crisis (mental health, substance use) stabilization in jail	0.01		0.96 a, c
Diversion from jail to treatment	0.51	a, d	0.50 a, d
Other diversion by sheriff or jail administrator:	0.11		0.74 a, c
Identification and response for heavy utilizers	0.16		0.76 a, c
Use of video conferencing	0.31	a	0.53 a, c
Implicit bias training	0.09		0.75 a, c
State Criminal Alien Assistance Program (SCAAP)	-0.22		0.85 a, c
Prosecution diversion programs	0.86	a, b	0.07
Restorative justice practices (e.g., victim/offender mediation)	0.44	a, d	0.37 a, d
Case navigators to resolve warrants and facilitate release at first appearance	0.60	a, b	0.20
Increase in prosecutorial charging discretion	0.63	a, b	0.28 a
Reduction in low-level drug charging (e.g., citations)	0.62	a, b	0.26 a
Non-jail response for low-level arrest warrants	0.52	a, d	0.32 a, d
Early bail review	0.73	a, b	0.06
Problem-solving and specialty courts (e.g., drug treatment, veterans, mental health treatment, or domestic violence)	0.94	a, b	-0.05

Strategy	Factor		
	Trial, Defense, & Court Practices	Pretrial & Jail Practices	
Special dockets or courts to reduce case backlogs	0.67	a, b	0.13
Speedy trial requirements	0.78	a, b	-0.01
Citations in lieu of warrants for failure to appear	0.70	a, b	0.19
Non-jail response for failure to appear	0.55	a, b	-0.03
Fees and fines reform	0.62	a, b	0.06
Sentencing alternatives to jail confinement	0.85	a, b	-0.00
E-filing system for attorneys to submit briefs electronically	0.56	a, b	0.01
Improvements to case management (e.g., case consolidation)	0.62	a, b	0.16
Language access (e.g., translator availability)	0.90	a, b	0.00
Court reminders	0.45	a, b	0.05
Mental health/substance abuse intake assessment	0.05		0.96 a, c
Expedited case processing, disposition, or plea offers	0.77	a, b	0.10
Defender presence	0.94	a, b	-0.08

^a Significantly different from 0 at the .05 level.

^b Loads primarily onto the Trial, Defense, & Court Practices factor

^c Loads primarily onto the Pretrial & Jail Practices factor

^d Cross-loads onto both factors

Redemption at a Correctional Turning Point: Public Support for Rehabilitation Ceremonies

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NEARLY TWO DECADES ago, Shadd Maruna (2001) transformed the study of life-course criminology with his classic *Making Good: How Ex-Convicts Reform and Rebuild Their Lives*. For most of its existence, American criminology had focused on juvenile delinquency (Cullen, 2011), assuming that crime peaked during the teen years and that most youths then experienced “maturational reform” as they aged out of crime (Matza, 1964). Starting in the 1990s, however, criminology experienced a major shift as understanding grew that a smaller but consequential group of chronic or career criminals continued to offend deep into adulthood (Laub, 2004). Crime across the life course became a central criminological concern, as major works focused on criminal persistence and desistance during this stage in life. Prominent scholars debated the causal importance of adult social bonds (Sampson & Laub, 1993), the existence of distinct developmental pathways (Moffitt, 1993), and the effects of stable individual propensities (Gottfredson & Hirschi, 1990). The intellectual ferment thus was already high when Maruna added another insight: What offenders thought about themselves and their future shaped their capacity to avoid crime and “make good” in life (see also Giordano, Cernkovich, & Rudolph, 2002; Paternoster & Bushway, 2009).

Maruna’s novel perspective was based on his work as the co-director of the Liverpool

Desistance Study in which he interviewed 65 persistent offenders. The members of his sample all had multiple criminogenic risk factors that predicted a destiny of continued law-breaking. Maruna observed, however, that despite similar backgrounds, some of his interviewees continued to offend whereas others did not. As he probed their lives in more detail, he discovered that a key distinguishing factor was their narrative identity—or the biographical stories they told about who they were and what their future might hold (McAdams, 2001). Maruna used the term of “scripts” to capture these self-stories.

Thus, those who seemed trapped in a criminal life embraced what Maruna called a “condemnation script.” They saw themselves as “doomed to deviance” and “condemned” to a criminal life course by circumstances beyond their control. By contrast, those who embraced a “redemption script” believed that, although they had done bad things, they were not at their core a permanently bad person. “Deep down they were good people,” so being a criminal was not their “real me” (Maruna, 2001, pp. 88-89). They would be made stronger by their past waywardness, becoming more resilient and being in a position to help others (e.g., juveniles) avoid their mistakes. This sense of self-efficacy and prosocial identity motivated them to surmount life’s difficulties and to strive to “make good” in society.

Importantly, Maruna’s (2001)

criminological theory of desistance led him to an important recommendation for *correctional policy*. As labeling theory had long pointed out (Cullen & Cullen, 1978), stigmatization and exclusion from society made offender reform especially challenging (see also Braithwaite, 1989). More recently, attention has been paid to how a criminal record, now “eternally” available on the internet, exposes offenders to scores of collateral consequences that bar them from economic, social, and civic participation (see, e.g., Alexander, 2010; Burton, Fisher, Jonson, & Cullen, 2014; Jacobs, 2015; Pager, 2009). Those convicted of a crime thus face daunting challenges in escaping their past from policies that, in effect, manifest a condemnation script for them.

Maruna’s (2001) views on redemption scripts led him to reject condemnation—what Garfinkle (1956) famously called “degradation ceremonies”—to offer a competing correctional policy: the implementation of formal rituals or ceremonies that would recognize offender redemption (pp. 155-165). At the core of this policy is the premise that “not only must a person accept conventional society in order to go straight, but conventional society must accept that person as well.” True redemption—full acceptance back into society—thus requires more than the wayward being rehabilitated. As noted, even the most prosocial face many barriers to

reintegration, whether formal collateral consequences or informal discrimination (Pager, 2009; Western, 2018). Unless “we” agree to forgive past transgressions and wipe their slate clean, they will always remain “ex-offenders” and never escape their eternal criminal status (Cullen, Lee, Butler, & Thielen, 2020). Such a transformation of offenders’ legal status and public identity from a criminal to a citizen can only be achieved through an official legal act—again, preferably marked by a public ceremony (Maruna, 2001).

Following *Making Good*, Maruna (2011a, 2011b) built on these initial insights to map out in more detail what a formal rehabilitation or redemption ceremony might entail. Note that expungement offers one means of cancelling a criminal record (Love, Gaines, & Osborne, 2018; Love & Schlussel, 2019). However valuable, this legal mechanism has the disadvantage of asking society not to forgive offenders but to forget that a crime has occurred. Rather than affirming that a person has moved beyond his or her criminal past, expungement seeks to hide that past and pretend it never existed. Redemption is more public and aims at transforming an offender’s status. Much like the Catholic Church’s practice of confession where sins are admitted and absolved, the purpose is to use forgiveness to wipe the slate clean.

For Maruna, a rehabilitation ceremony should manifest four key elements. First, such ceremonies should involve a formal ritual—much like a graduation ceremony—which would serve as a rite of passage (Maruna, 2011b). Rather than imposing status degradation as court hearings that end with conviction, these events would be status affirming. The state would “acknowledge and formally recognize that people can change, that good people can do bad things, and that all individuals should be able to move on from past convictions” (Maruna, 2011a, p. 97; see also Maruna, 2001). Second, similar to a diploma, graduating offenders should be given a “certificate of rehabilitation”—a formal document that advertises their reform and restores all rights and privileges of full citizenship (Maruna, 2011a, p. 111). Offenders “need a ‘rehabilitation credential,’ observes Maruna (2011a, p. 106), “to counter their criminal stigma.”

Third, redemption would not be automatic but merited—earned through actions that show an effort to “make good” (2011b, p. 19) and deserving of a place on an “honor roll” (2001, p. 163). These acts “might include

immediate efforts to apologize or make amends to one’s victims, a period of ‘good behavior’ on the outside, and efforts to recover from addiction, find productive work, ‘give something back’ to one’s community, or contribute to one’s family responsibilities” (2011b, p. 19). Fourth and more generally, a rehabilitation ceremony fosters a “rebiographing” of an offender. “In this liberating model,” observes Maruna (2001, p. 164), “an ex-offender is therefore legally enabled to rewrite his or her history to make it more in line with his or her present, reformed identity.”

In this context, the current project explores the extent to which the American public would support the implementation of rehabilitation ceremonies, including certificates. We address this issue using a national-level survey that we commissioned YouGov to undertake. In addition, we examine public views about the redeemability of offenders—whether they believe that offenders are intractably criminal or have the potential to change for the better. As we show, the data reveal substantial belief in offender redeemability and support for rehabilitation ceremonies and certificates.

As a prelude to presenting the survey data, we place this issue within the prevailing American correctional context, arguing that the nation is in the midst of a historic turning point in correctional policy, politics, and rhetoric. We also examine extant practices that have similarities to rehabilitation ceremonies and imply general acceptance of this policy reform.

A Correctional Turning Point

From the early-1970s until 2010, the United States was mired in what Clear and Frost (2014) termed “the punishment imperative” or what Garland (2001) called “the culture of control.” The centerpiece of this correctional era was the nation’s embrace of “mass incarceration,” with the daily count of inmates behind bars multiplying several times over and eventually surpassing 2.3 million (Cullen & Jonson, 2017). Beyond being “addicted to incarceration” (Pratt, 2009), however, this period was marked by harsh rhetoric and policies. Rehabilitation was attacked as ineffective and overly lenient (Allen, 1981; Cullen & Gilbert, 1982), and punitive public attitudes grew steadily (Enns, 2016; Pickett, 2019). Politicians embraced a range of get-tough policies, including three-strikes and truth-in-sentencing laws, mandatory-minimum sentences, harsh penalties for drug offenses, boot camps and scared straight programs,

control-oriented community corrections (e.g., electronic monitoring, house arrest), and austere prison conditions (Cullen & Jonson, 2017; Pfaff, 2017; Tonry, 2019). Statutes increasing the number and variety of collateral consequences attached to criminal convictions became ubiquitous, which proved a social disability to more than 20 million Americans whose felony records were now “eternally” available on the internet (Alexander, 2010; Chin, 2017; Jacobs, 2015; Whittle, 2018). Equally disquieting, offenders were often portrayed as beyond redemption—as wicked, super-predators, or unpredictably risky (Dilulio, 1995; Simon, 2014; Wilson, 1975).

A decade ago, however, the United States experienced a sudden turning point—away from mass incarceration and policies used to exclude offenders from civil society (Petersilia & Cullen, 2015; Pickett, 2016). A library of books has been written on the mass incarceration era, and rightfully so given its enduring effects on the nation (see, e.g., Alexander, 2010; Clear & Frost, 2014; Garland, 2001; Gottschalk, 2006; Hinton, 2016; Kohler-Hausman, 2017; Pfaff, 2017; Simon, 2007; Tonry, 2004). But few works have explained why this four-decades’ experiment with imprisonment and get-tough policies ended with few defenders (for exceptions, see Avram, 2015; Petersilia & Cullen, 2015; Simon, 2014). What had been hegemonic lost its legitimacy. Regardless of the reasons, a correctional turning point is under way that is characterized by at least five developments.

First, growth in state and federal prison populations has reversed or, in the least, slowed (Petersilia & Cullen, 2015). As Bronson and Carson (2019, p. 1) show in their Bureau of Justice Statistics report, “the imprisonment rate for sentenced prisoners [in 2017] was the lowest since 1997.” Between 2007 and 2017, “prisoners under jurisdiction of state or federal correctional authorities” declined by 6.7 percent (Bronson & Carson, 2019, p. 1). Second, the public “mood” or “sensibility” about crime has shifted (Tonry, 2004). As noted, punitive attitudes have declined in recent years (Enns, 2016; Pickett, 2019), and public support for rehabilitation and alternatives to incarceration, including in Red States, is extensive (Sundt, Cullen, Thielen, & Jonson, 2015; Thielen, Cullen, Cohen, & Chouhy, 2016). Third, criminal justice reform has become bipartisan, as seen most visibly by President Trump’s signing into law the First Step Act (Cohen, 2019). Reforms aimed at limiting prison populations have been particularly

notable in southern Red States (Cohen, 2017; Warnberg & Olsen, 2019). Instructive as well is the recent action taken by two Republican governors—the commutation of the sentences of 527 inmates by Kevin Stitt of Oklahoma and the pardon of 428 inmates by Matt Bevin in Kentucky (Casiano, 2019; Maxouris, 2019). Bevin justified his action by arguing that “America is a nation that supports redemption” (Craig, 2019). Fourth, efforts have been made to reduce barriers to offenders’ inclusion in the community. These include the extensive growth of prisoner reentry programs, ban-the-box laws, therapeutic-justice specialty courts (e.g., drug courts), and statutes facilitating criminal record expungement and reducing collateral consequences (Cullen et al., 2020; Jonson & Cullen, 2015; Love et al., 2018; Love & Schlussel, 2019; Mears & Cochran, 2015; Thielen, Cullen, Burton, Moon, & Burton, 2019). Fifth, rhetoric about law-breakers has shifted dramatically. As Simon (2014, p. 23) notes, the prevailing “mind-set” was that “most criminals have a high and unchanging potential for criminal activity, including violence, even if their present offense is not violent.” This view justified “total incapacitation” to protect public safety. Now, however, policymakers disaggregate criminals into categories, including the non-violent drug and low-risk offenders who “do not belong in prison” (Obama, 2018; Simon, 2014).

In short, the correctional turning point over the past decade has created a context in which policymakers increasingly have turned away from punitive, exclusionary practices and toward supportive, inclusionary practices. This politically bipartisan development raises the possibility that new innovations—including rehabilitation ceremonies and certificates seeking offender redemption—might be possible. Remnants of the get-tough era certainly exist, but opportunities for reform are palpable (Goshe, 2017; Petersilia & Cullen, 2015). Indeed, as the next section details, beginning efforts at correctional ceremonies already have been undertaken.

Correctional Ceremonies

Formal ceremonies that embody the four central elements of rehabilitation ceremonies identified by Maruna (2011b) have been implemented in courts and correctional systems throughout the United States. A comprehensive record of such ceremonies does not exist, because their implementation is often limited to specific municipalities or even to specific persons who have committed particular

offenses or who have certain criminogenic needs. However, examples of rehabilitation ceremonies can be documented throughout some of the thousands of problem-solving courts in the United States.

Problem-solving courts (also known as specialty courts or problem-oriented courts) are specialized courts developed to address the unique risks and criminogenic needs of subsets of persons who come into contact with the criminal justice system, such as those who abuse drugs or alcohol, trafficking victims arrested for prostitution, those with mental illness, and veterans (Kulig & Butler, 2019; Thielen et al., 2019). One of the key recommendations for these courts is that they have specific outcomes for participants to achieve (Office for Victims of Crime, n.d.), and many courts hold formal, celebratory ceremonies for participants who achieve the required outcomes and successfully “graduate” from the court.

For example, the drug court (Court) in the District of Columbia holds a graduation ceremony for those who successfully complete court requirements. The ceremony begins with remarks from guest speakers who were past graduates of the Court (Adams, n.d.). New graduates of the drug court then receive a certificate of completion and have a few moments to speak about how the Court has impacted them personally before the prosecutor states before the Court that their charges are dismissed and the judge “embrace[s] each graduate” (Adams, n.d.). One pretrial services officer wrote in an account of the ceremony that she was “so happy for everyone having another chance at living the life they deserve, having a fresh start” (Adams, n.d.).

Twin Falls Drug Court—located in Twin Falls, Idaho—holds a similar graduation ceremony in which new graduates hear speeches from former graduates and receive a diploma. One graduate also “received a book stipend to further his education” from the court, and another received “two bunches of roses from her supporters” (Ferraro, 2019). The judge who oversees the court praised the graduates for their accomplishments and “also praised those in the audience,” stating “it truly takes a community effort” (Ferraro, 2019). Both the D.C. ceremony and the Twin Falls ceremony contain each of the four elements Maruna (2011b) described as key to rehabilitation ceremonies in that they are formal ceremonies, individuals earn the right to participate in them through their achievements in the Court, graduates receive a formal certificate, and the

court conveys the message that graduates have reoriented themselves toward desistance.

Similar ceremonies exist throughout the United States, such as in the drug treatment court in Frederick County, Maryland, which requires participants to “undergo uncomfortable periods of self-examination and intense scrutiny of their lives and mistakes” but culminates with a celebratory ceremony for graduates (Arias, 2019). Although the elements of the ceremonies performed by courts vary, they are all comparable in that they are formal rituals merited by the participants’ completion of goals that are expected to facilitate their desistance from crime (e.g., finding a job, undergoing drug treatment, remaining sober) (Adams, n.d.; Arias, 2019; Ferraro, 2019).

Human trafficking problem-solving courts also hold formal ceremonies celebrating participants’ completion of court requirements. Changing Actions to Change Habits (CATCH) Court is a problem-solving court in Columbus, Ohio, that serves victims of human trafficking who have been arrested for prostitution or other related crimes. The goal of CATCH Court and others like it is to treat those who have been trafficked as victims rather than as offenders (Kulig & Butler, 2019). Those who successfully complete the two-year program participate in a graduation ceremony, and charges against them can be expunged (Pfleger, 2019; Sukosd, 2019).

Another human trafficking problem-solving court, Michigan’s Washtenaw County Human Trafficking Court, not only honors graduates of the court program with a ceremony (Weir, 2015) but also allows graduates to become certified as a “peer support specialist and drug recovery coach” working with the current court participants (Atherton, 2016). Thus, the court allows graduates to “give back” to their court and community, another element Maruna (2011b) suggests should be incorporated into rehabilitation ceremonies. In addition to the ceremonies described above, ceremonies that contain the elements Maruna (2011b) describes can be found in veterans’ treatment courts (see, e.g., Pilger, 2019) and mental health courts (see, e.g., Geibel, 2019).

In addition to problem-solving courts, other programs intended to facilitate desistance from crime also incorporate formal ceremonies to mark successes. Some boot camps for juvenile offenders also may hold formal ceremonies (Office of Justice Programs, n.d.). For example, Camp Roulston, was “an

intensive, quasi-military residential program” for juveniles located in Cuyahoga County, Ohio (Institute for Criminological Research, 1992, p. 20). Although the program is now closed, an evaluation of Camp Roulston indicates that the last month of the 90-day boot camp was “focus[ed] on reintegration of the youth in his community” and includes a “graduation ceremony attended by parents and court officials...offering an opportunity for the participants to demonstrate and achieve recognition for their progress” (p. 24). According to the evaluation, both friends and family members of the graduates and the graduates themselves “treated the graduation as an extremely important occasion” (p. 34). This example demonstrates that formal ceremonies that involve elements similar to those in rehabilitation ceremonies have been embraced by the criminal justice system for decades, though the scope of this embrace is unclear.

As noted by Love et al. (2018, p. 15), some jurisdictions throughout the United States also provide individuals with “certificates of relief” that “avoid or mitigate collateral consequences and provide some reassurance about a person’s rehabilitation.” They explain that certificates of relief are “available from the courts in ten states, and from administrative agencies in a handful of others” (2018, p. 15; see also Jacobs, 2015). Although it is unclear whether these certificates are handed out during a rehabilitation ceremony, the existence of such certificates suggests that they are embraced by officials and members of the public. That rehabilitation ceremonies are ongoing in problem-solving courts throughout the country also indicates that court officials are optimistic about the potential for ceremonies to be part of the process of successful reintegration for those who have committed crimes.

However, rehabilitation ceremonies are expected to impact desistance not only because they reorient the former offender toward a life free of crime but also because they mark a formal removal of collateral consequences that may impede full reintegration. This includes changing the public’s perception of those who participate in such ceremonies from *offenders* condemned to a life of crime to *citizens* whose slate has been wiped clean. Thus, it is important to establish not only whether criminal justice practitioners are willing to implement rehabilitation ceremonies and certificates, but also whether members of the public support doing so. There is increasing recognition of the robust connection between popular public

attitudes and criminal justice policy and practice (Enns, 2016; Pickett, 2019). As noted, the current study provides estimates of public belief in the redeemability of offenders and the degree to which the public supports rehabilitation ceremonies and certificates.

Methods

Sample

To assess whether the public supports the use of rehabilitation ceremonies and certificates of rehabilitation, we commissioned YouGov to interview a national sample of 1,000 American adults (18 and older). The survey was administered between March 3–7, 2017. YouGov is considered a reliable source of survey data and, as a result, has been used by criminal justice scholars to study a variety of topics. For example, YouGov data have been used to examine public punitiveness (Lehmann & Pickett, 2017), support for private prisons (Enns & Ramirez, 2018) and problem-solving courts (Thielo, Cullen, Burton, Moon, & Burton, 2019), attitudes toward the police (McManus, Cullen, Jonson, Burton, & Burton, 2019), and gun control (Haner, Cullen, Jonson, Burton, & Kulig, 2019).

YouGov uses a two-stage, sample-matching design when fielding the survey. To begin, YouGov selects a matched (on the joint distribution of a large number of covariates, e.g., political party affiliation, voter registration status) sample of respondents from its online panel (over two million adult U.S. panelists), using distance matching with a synthetic sampling frame (constructed from probability samples, including the American Community Survey [ACS]). It then uses propensity score matching to weight the sample to resemble the U.S. population on the matched covariates (Anscombe & Rivers, 2013; Vavreck & Rivers, 2008). Evidence exists showing that findings from YouGov surveys generalize to the U.S. population (Anscombe & Schaffner, 2014; Sanders, Clark, Stewart, & Whiteley, 2007; Simmons & Bobo, 2015). Moreover, several studies find YouGov’s sampling design may outperform probability sampling strategies (Kennedy et al., 2016; Vavreck & Rivers, 2008). Weighted data are reported for all data analyses.

When compared to estimates from the U.S. Census and the ACS (in parentheses), our weighted sample looks much like the U.S. population: non-Hispanic White, 66.8% (64.5%); male, 48.5% (48.7%); bachelor’s degree, 26.5% (28.4%); married, 44.1% (48.2%); Northeast, 18.7% (17.2%); Midwest,

20.1% (20.9%); South, 36.0% (38.1%); West, 25.3% (23.8%). When compared to the Pew Research Center’s estimates of party identification among registered voters (in parentheses), our weighted sample also looks like the U.S. population: lean Republican or Republican, 34.5% (42%); lean Democrat or Democrat, 43.9% (50%). Given these similarities in major population demographics, we have greater confidence that the sample generalizes to all American adults.

Note that we used the 2017 data for our main policy-related questions in the study (on rehabilitation ceremonies and certificates). However, we later conducted a 2019 YouGov survey, between June 7–10, that contained items assessing belief in various aspects of offender redemption (see Table 1). These results, which provide a context for the policy questions, are included in Table 1. The sample characteristics were similar to those reported for the 2017 sample and compared favorably to the U.S. Census and Pew Research Center estimates (see above). This information is available upon request.

Measures

Belief in Offender Redemption. As just noted, in a 2019 YouGov survey, we asked a battery of questions to assess whether the respondents agreed or disagreed (1 = strongly disagree, 5 = strongly agree) that offenders are capable of making positive and lasting change in their lives (i.e., whether their criminality is malleable or fixed). Seven items tapped three orientations: the belief that offenders, despite committing a crime, should have the opportunity to be included in society; the belief that offenders can become law-abiding; and the belief that efforts should be made to support offenders who are in the community. See Table 1 for the full set of items asked in the 2019 YouGov survey. All the measures described below are drawn from our 2017 survey.

To further assess belief in offender redemption, we included a measure to gauge the percentage of offenders the respondents perceived could lead law-abiding lives after they are released into their community. Specifically, we asked:

If an effort is made to provide specialized rehabilitation services in prison, what percentage of prison inmates do you think can lead a law-abiding life after they are released to their community?

Then, the respondents were directed to choose between the following eight options: under 20 percent, 21–30 percent, 31–40 percent, 41–50 percent, 51–60 percent, 61–70 percent, 71–80 percent, and over 80 percent.

Rehabilitation Ceremonies. To assess support for the policy of rehabilitation ceremonies for offenders, we asked respondents to read the following introductory paragraph:

Some courts hold “rehabilitation ceremonies” for ex-offenders who have done certain things to prove to the community that they have left behind a life of crime—such as completing rehabilitation programs and community service activities, taking responsibility and apologizing for their past crimes, and/or staying crime-free for a certain period of time (such as five years). At these public rehabilitation ceremonies, ex-offenders are declared “rehabilitated” and free from all legal penalties and other collateral sanctions of their crimes.

The respondents were then asked how much they agreed or disagreed (1 = strongly disagree, 6 = strongly agree) that rehabilitation ceremonies for ex-offenders would help them reintegrate back into the community and stay out of crime.

Certificates of Rehabilitation. To assess support for the policy of providing offenders with certificates of rehabilitation, we asked respondents to read the following introductory paragraph:

At some rehabilitation ceremonies, ex-offenders are given “certificates of rehabilitation.” These certificates are like letters of recommendation, which state that an ex-offender has been formally “rehabilitated.” Ex-offenders can give these certificates to licensing agencies, employers, and state officials to show that they have paid their debt to society for their crimes.

The respondents were then asked whether they agreed or disagreed (1 = strongly disagree, 6 = strongly agree) that certificates of rehabilitation would help ex-offenders be reintegrated into their communities and stay out of crime.

Results

The data in Table 1 probe the extent to which the American public supports the general idea of offender redemption. Are criminals seen as intractably wayward or capable of reform? Three issues are examined: whether offenders merit the opportunity to be included in society, their potential for change, and whether efforts should be made to support offenders. The “TA” category is the total percentage of the respondents who agreed with the items.

As can be seen, substantial percentages of the respondents agreed that those who commit crimes should have the opportunity to regain their status as valued and respected members of the community (Items 1 and 2). Item 3 is instructive because it shows that more than half the sample (51.3 percent) agreed that offenders should be able to “wipe

the slate clean” and “move on with their life,” whereas only 17.8 percent disagreed. The large middle category—30.8 percent choosing “neither agree nor disagree”—suggests that this segment of the sample might support wiping the slate clean but only for some offenders (e.g., nonviolent, those completing treatment programs). This is an issue future research can explore.

It is equally clear that the public believes that offenders have the potential to change. Nearly 8 in 10 respondents (78.9 percent) agreed that “it is possible” for criminals “to change and lead a law-abiding life.” By contrast, only 1 in 10 (10.4 percent) agreed with the dictum, “once a criminal always a criminal” (Items 4 and 5). Similarly, more than 3 in 4 respondents (74.8 percent) agreed that “it is a good idea to provide treatment for offenders” in the community, whereas only 1 in 10 (10.1 percent) favored avoiding prisoners who return to society (Items 6 and 7). Taken together, these opinions drawn from our 2019 survey show robust support for the concept of offender redemption. Americans believe that offenders merit access to rehabilitation programs, have the potential to change, and warrant the possibility of gaining genuine acceptance.

Table 2 approaches the issue of redeemability in a different, more numeric way, asking what percentage of prison inmates receiving rehabilitation services can lead law-abiding lives upon reentry. The respondents reject the idea that a high proportion of returning prisoners will avoid recidivism, with only

TABLE 1.
Public Support for Offender Redemption (percentages reported)

Items	TA	SA	A	NAND	D	SD
Being Included						
1. Having committed a crime should be no obstacle to becoming a valued member of society again.	64.9	25.9	39.0	24.7	7.9	2.5
2. People who have committed crimes deserve the opportunity to regain the respect of the community.	78.1	33.0	45.1	17.5	2.5	1.9
3. After time served, an offender should have a clean slate and be able to move on with their life.	51.3	18.5	32.8	30.	13.5	4.3
Potential for Change						
4. In general, it is possible for people who commit crime to change and lead a law-abiding life.	78.9	36.9	42.0	16.3	2.6	2.3
5. Once a criminal, always a criminal.	10.4	3.8	6.6	21.6	33.7	34.3
Supporting Offenders						
6. It is a good idea to provide treatment for offenders who are supervised by the courts and live in the community.	74.8	29.5	45.3	21.6	2.6	1.0
7. When prisoners return to society, we should avoid them and let them try to make it on their own.	10.1	4.7	5.4	21.3	37.0	31.5

Abbreviations: TA = total agree; SA = strongly agree; A = agree; NAND = neither agree nor disagree; D = disagree; SD = strongly disagree

9.1 percent saying that more than 70 percent will fall into that category. Nearly half the sample (47 percent) places the reformed group of offenders at least in the 41–50 percent category, whereas two-thirds (65.8 percent) believe that at least 31–40 percent of released offenders will go straight. These responses suggest that the American public refrains from a Pollyannaish view of offenders. Given that studies show that about two-thirds of released prisoners are arrested within three years of reentry (Jonson & Cullen, 2015), the public seems to have a generally realistic picture of the challenges of inmate reform (see also Western, 2018). These views, however, potentially make evidence signaling offender reform all the more important (Bushway & Appel, 2012). Citizens believe that offender redemption is possible, and they favor efforts to support it. At the same time, they face the daunting prospect of separating the wheat from the chaff—of trying to discern which offenders merit acceptance and a clean slate.

Notably, Table 3 shows widespread support—about 8 in 10 respondents—for both rehabilitation ceremonies (81.9 percent agree) and certificates of rehabilitation (79.4 percent agree). Note that, in the reform presented, eligibility for a ceremony requires that offenders earn this honor by completing rehabilitation programs and community service, assuming accountability for their transgressions, and staying crime-free for a period of time. In exchange, the public is willing to grant them the possibility of being declared rehabilitated and of recapturing all rights and privileges

attached to full-fledged citizenship. Again, most respondents endorsed this reform as a means of offender reintegration and helping them “stay out of crime.” Similarly, the public expressed the belief that rehabilitation certificates should be awarded at rehabilitation ceremonies. These might be used by ex-offenders to show “licensing agencies, employers, and state officials” that “they have paid their debt to society for their crimes.” Having this document was viewed as a means of assisting offender reintegration.

Although the percentage opposing rehabilitation ceremonies and certificates was limited (around 1 in 5 respondents), about half of those favoring these reforms chose the “agree somewhat” category. This finding suggests that these views, although generally supportive, might vary depending on other considerations. For example, they might become more robust if evaluation evidence confirmed high success rates among ceremony graduates. They also might be more optimistic

about ceremonies and certificates “working” depending on the portfolio of prosocial activities engaged in by those seeking the honor of a certificate. Again, future research needs to explore these contingencies. Still, the national-level data presented here demonstrate that the American public is open to experimentation with this proposed reform.

Finally, Table 4 (next page) explores whether Americans generally found to be more punitive—political conservatives, Republicans, and Whites—oppose these reforms (Chiricos, Welch, & Gertz, 2004; Ramirez, 2013). Similar to research drawn from Texas regarding progressive reforms (Thielo et al., 2016), this does not appear to be the case. The results are presented for the three groups separately and then, in the last column on the table, for those respondents who are conservative, Republican, and White. As can be seen, although a few percentage points lower than the general sample (see Table 3), the support for both rehabilitation ceremonies and

TABLE 3.
Public Support for Rehabilitation Ceremonies

Questions/Replies	Percent
1. Some courts hold “rehabilitation ceremonies” for ex-offenders who have done certain things to prove to the community that they have left behind a life of crime—such as completing rehabilitation programs and community service activities, taking responsibility and apologizing for their past crimes, and/or staying crime-free for a certain period of time (such as five years). At these public rehabilitation ceremonies, ex-offenders are declared “rehabilitated” and free from all legal penalties and other collateral sanctions of their crimes.	
How much would you agree or disagree that rehabilitation ceremonies for ex-offenders will help them reintegrate back into the community and stay out of crime?	
Total Agree	81.9
Agree Strongly	17.7
Agree	24.1
Agree Somewhat	40.2
Disagree Somewhat	11.9
Disagree	3.2
Disagree Strongly	3.0
2. At some rehabilitation ceremonies, ex-offenders are given “certificates of rehabilitation.” These certificates are like letters of recommendation, which state that an ex-offender has been formally “rehabilitated.” Ex-offenders can give these certificates to licensing agencies, employers, and state officials to show that they have paid their debt to society for their crimes.	
How much would you agree or disagree that “certificates of rehabilitation” will help ex-offenders be reintegrated into their communities and stay out of crime?	
Total Agree	79.4
Agree Strongly	14.8
Agree	25.9
Agree Somewhat	38.6
Disagree Somewhat	14.5
Disagree	4.1
Disagree Strongly	2.0

TABLE 2.
Public Belief in Offender Redemption, by Percentage Redeemable

Question: If an effort is made to provide specialized rehabilitation services in prison, what percentage of prison inmates do you think can lead a law-abiding life after they are released to their community?

Answer	Percent	Cumulative Percent
Over 80%	3.6	3.6
71-80%	5.5	9.1
61-70%	7.3	16.4
51-60%	14.9	31.3
41-50%	15.7	47.0
31-40%	18.8	65.8
21-30%	17.5	83.3
Under 20%	16.7	100.0

certificates is high, upwards of three-fourths of the respondents. Even for the combined group (Cons/Rep/White), more than 7 in 10 favored both policies. These results indicate that there is a widespread consensus among the American public supportive of providing a formal means of offender redemption.

Discussion

Contact with the criminal justice system plays a significant role in the lives of many Americans and has a disparate impact on African Americans and other minorities (Alexander, 2010). Research shows that 45 percent of Americans, including 63 percent for Blacks, have had a family member

incarcerated (Enns et al., 2019). By age 23, 49 percent of Black males and 39 percent of White males have been arrested (Brame, Bushway, Paternoster, & Turner, 2014). The Sentencing Project (2019, p. 1) estimates that “between 70 and 100 million—or as many as one in three Americans—have some type of criminal record.” Most concerning are felony convictions, which often result in incarceration and come with a range of collateral consequences. As noted, Jacobs (2015) calculates the number of Americans with felony records as surpassing 20 million. Felony convictions grew in past decades. As Shannon et al. (2017, p. 1795) show in a sophisticated study tracking justice involvement from 1948 to 2010, “people with

felony convictions account for 8 percent of all adults and 33 percent of the African American adult male population.”

Even after completing their sentences—“paying their debt to society”—offenders are never fully free of their criminal record. As labeling theorists pointed out decades ago, these individuals must serve what amounts to a life sentence as a stigmatized “ex-offender” (Cullen & Cullen, 1978; Pager, 2009). Again, legally stipulated collateral consequences are part of this life sentence in which a range of civil, economic, and social disabilities are imposed daily (Burton, Cullen, & Travis, 1987). Even if offenders work diligently at their rehabilitation and stay crime free, there

TABLE 4.
Public Support for Rehabilitation Ceremonies, by Conservatives, Republicans, and Whites

Questions	Conservatives	Republicans	Whites	Con/Rep/White
<i>Percent Supporting Rehabilitation Ceremonies</i>				
1. How much would you agree or disagree that rehabilitation ceremonies for ex-offenders will help them reintegrate back into the community and stay out of crime?				
Total Agree	78.4	76.1	79.9	71.6
Agree Strongly	12.4	13.3	17.4	9.3
Agree	22.1	24.3	22.0	21.8
Somewhat Agree	43.9	38.5	40.5	40.5
Disagree Somewhat	14.7	18.2	12.8	21.2
Disagree	4.7	3.2	3.5	4.9
Disagree Strongly	2.2	2.5	3.8	2.3
<i>Percent Supporting Certificates of Rehabilitation</i>				
2. How much would you agree or disagree that “certificates of rehabilitation” will help ex-offenders be reintegrated into their communities and stay out of crime?				
Total Agree	76.8	77.0	77.1	73.4
Agree Strongly	9.6	10.0	13.5	7.8
Agree	24.0	29.4	27.4	27.0
Somewhat Agree	42.8	37.6	36.2	38.6
Disagree Somewhat	16.2	17.0	15.9	19.0
Disagree	4.3	3.1	4.4	3.5
Disagree Strongly	3.0	3.0	2.6	4.0

Abbreviations: “Con/Rep/White” refers to all respondents that reported being conservative, Republican, and White ($n = 153$).

are few avenues to escape their criminal status. Expungement offers one possibility, but this requires legal knowledge and the capacity to hire a lawyer; it also is an option unavailable in many states to those with a serious felony conviction (Love et al., 2018).

Bushway and Apel (2012) have illuminated the problem reformed offenders face when lumped together with all others sharing the same criminal record—including the nonreformed. They note that offenders capable of a prosocial life must be granted some means to “signal” that they are no longer criminogenic and are capable of “making good.” Building on the economics literature, they note that in the labor market, employers often use a college degree as a signal that applicants possess the personal traits (e.g., persistence, reliability) to merit hiring. In a similar way, they argue that for offenders, completion of a job-training program might be used as a “desistance signal” that will give them preference in employment decisions. Importantly, Bushway and Apel recognize the broader policy implications of their signaling framework. “Policies such as certificates of rehabilitation, like those offered by New York State,” they note, have the potential to improve life outcomes drastically for a growing class of individuals at little cost” (2012, p. 45). That is, rehabilitation ceremonies that come with a certificate would offer official “signals” for the state that offenders are now “just like the rest of us.”

The broader point of this line of argument is that true offender reintegration will remain incomplete if the burden is placed solely on offenders not only to be rehabilitated but also to overcome the stigmatizing, life-long barriers potentially faced by all “ex-offenders.” As Cullen et al. (2020) have recently argued in proposing their R&R Model (Rehabilitation and Redemption Model), redemption is the missing component of corrections. To remove labeling effects and to give offenders incentives, the state needs to offer a realistic way to regain moral and legal status. Again, redemption is not simply handed out but must be earned through good deeds, the completion of treatment programs, stable employment, and staying crime free. Empirically, research shows that after about 7 to 10 years of remaining crime-free, the risk of reoffending falls below that of the general public or declines to near zero (Blumstein & Nakamura, 2009; Bushway, Niewbeerta, & Blokland, 2001). Given the prosocial activities of those seeking redemption, risk instruments (e.g., Level of Service Inventory-Revised) are likely to place them

in a low-risk category, perhaps shortening the time they must stay crime free to be eligible for a rehabilitation ceremony (see Bonta & Andrews, 2017).

Rehabilitation ceremonies are not being proposed as a panacea for all that ails the problem of recidivism by correctional populations. As Western's (2018) compelling study of reentering prisoners shows, many offenders suffer an array of disabilities—substance addiction, chronic mental and physical illness, low employability, and homelessness—that makes their ability to avoid crime, let alone qualify for a rehabilitation ceremony, problematic. It is likely that such ceremonies will be most helpful to those offenders who are healthy, possess job skills, receive strong family support, and are free from illness (Western, 2018). Ceremonies also are likely to be accessed more often by those who are not incarcerated but serve sentences in the community. Still, the argument that a reform has inequities is a poor reason not to make it available to those who can benefit from it. Further, once in place and shown to be effective, special wrap-round reentry programs can be developed to assist all offenders, including those with special challenges, to take steps toward earning a rehabilitation ceremony graduation (see Cullen et al., 2020).

The current study is important precisely because it presents compelling national-level opinion data showing that the public supports the reforms of rehabilitation ceremonies and certificates that restore offenders officially to full citizenship. In short, for those who are meritorious, Americans are willing to offer them *true redemption*. The generosity is widespread and cuts across political lines, demonstrating that Americans believe in the opportunity for a second chance. The details of this reform, of course, will have to be worked out and likely will vary across states. For example, it remains to be known if some categories of offenders (e.g., sex or violent offenders) will be excluded, and what criteria will have to be met to warrant a ceremony and certificate. At this stage, experimentation in a few jurisdictions would be a major step forward in modeling the implementation process and evaluating the reform's effects. The good news is that the American public is on board in undertaking these first steps.

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Hawaii Federal Court Restorative Reentry Circle Pilot Project

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IN 2015, THE United States District Court for the District of Hawaii commenced its Restorative Justice Circle Pilot Project (RJ Circle Pilot Project). The RJ Circle Pilot Project is administered through the United States Pretrial Services for the District of Hawaii (Pretrial Services). Any person who has pled guilty to or has been sentenced for a federal felony offense in the District of Hawaii is eligible to apply to have a circle with loved ones moderated by an experienced facilitator. The RJ Circle Pilot Program's first circle was held in August of 2015. Since then 19 circles have been held with federal defendants and their loved ones. One of these circles involved Cher, a young woman who pled guilty to a felony drug offense.* She heard about the RJ Circle Pilot Program while incarcerated and pending her sentencing. Author Leslie Kobayashi was the judge, and author Lorenn Walker was the facilitator who worked with Cher as described here.

At 18, Cher was in her senior year of high school and living in a small coastal community on the East Coast of the United States with her parents and younger brother. She was well liked, and everyone, including herself, assumed she would do well after high school. Cher wanted to go away to school and was

thrilled to be accepted by a college in Hawaii. However, her first year of college turned out to be a lonely and difficult time. At the end of her first year of college, things changed when Cher was invited to a rave. It was a giant party where she spent the night dancing and used, for the first time, the synthetic drug methylenedioxy-methamphetamine (MDMA), more commonly known as "ecstasy" or "molly."

Raves as well as ecstasy and other drugs—cocaine and ketamine, also known as "Special K"—became a regular part of Cher's life. Eventually, she hosted raves as a disc jockey that hundreds of people attended. Along the way, she unfortunately suffered a painful ligament injury for which she was prescribed opioids. This prescription ignited a decade-long addiction and substance abuse. She eventually turned to heroin, which was cheaper and more easily accessible. Eventually, to support her drug use, Cher started selling illegal drugs. She ultimately was arrested and charged with a federal drug offense to which she pled guilty and was sentenced to three years in federal prison.

But before the judge would determine her sentence, Cher was incarcerated at Federal Detention Center-Honolulu (FDC). It was there she first learned about reentry planning circles (Walker & Greening, 2010). The federal court in the District of Hawaii had recently started the RJ Circle Pilot Project, which consisted of offering reentry planning circles (*circles*) to federal defendants who were either

waiting to have their sentencing hearings or had been sentenced and were waiting to be designated to a Bureau of Prisons facility. The circles provide incarcerated individuals with a process to make amends to their loved ones and plan for meeting their goals and a law-abiding future.

While at FDC, two women told Cher about their RJ Circle Pilot Project experiences. They explained how each met with their families, their United States pretrial services officer (federal pretrial officer), and a facilitator and that there was a person responsible for writing everyone's comments on large sheets of paper. The women described how the facilitator helped everyone talk about the harm caused by the women's past criminal behavior and the hurt caused by their incarceration as well as how the harm could be repaired, and what the women's goals for their futures were and their specific plans as how they would reach their goals. Their circles lasted about three hours and food was shared at the conclusion. A few days after their circles, each of the women received a typed written plan based on what was said during the circle. The plan listed specific and concrete steps that each of them would take while imprisoned and after they were released to reenter her community, including reconciling with loved ones.

Cher decided she wanted a circle with her family. She felt deeply remorseful about the pain she had caused. Showing remorse is important in healing harm for victims and

* This is a pseudonym for a person who gave the authors permission to write about her experiences. The significant facts reported here are true, but some details have been altered to protect her identification.

offenders alike (Wellikoff, 2003). An incarcerated person's loved ones are often directly harmed by that person's actions long before incarceration (such as from addiction, criminality, or violence) and, after the person is incarcerated, the loved ones suffer the loss of separation.

About six weeks after applying for a reentry circle, a facilitator went to the FDC and interviewed Cher, and her responses convinced both her federal pretrial officer and the facilitator that Cher was sincere in her desire to hold a circle. Her application was approved. Because Cher's loved ones lived on the continental United States and Cher was incarcerated in Honolulu, her reentry circle was scheduled for the same day as her sentencing hearing was to be held in federal court.

Cher's parents flew to Honolulu from the East Coast to attend both the circle and her sentencing hearing. Cher's brother was unable to attend but sent his thoughts in writing. He was represented by his comments, which were placed on an empty chair and read during the circle. Cher's circle was held at the federal courthouse with her parents and federal pretrial officer attending in person, and her brother participating via his written statement. Because Cher was in custody, her parents had to be pre-approved to enter the FDC to visit her. (See bop.gov/inmates/visiting.jsp). Cher's parents were not granted approval and the circle could not be held at the FDC. Instead, Cher's federal pretrial officer submitted a written request to the judge for permission to have Cher temporarily released from pretrial detention and into the federal pretrial officer's custody. The request specifically was to have Cher restricted to a conference room in the federal courthouse for four hours where the reentry circle would take place and, once the circle was completed, to have Cher surrender to the custody of the United States Marshal's Service (U.S. Marshal). The judge approved the request. Other than approving the application and, in Cher's case, approving a request for temporary release from custody to hold the reentry circle in the courthouse, the judge is not directly involved in the reentry circle. The RJ Circle Pilot Program rules are clear. The judge is not given information about what was discussed or decided during the reentry circle, and the fact that the individual has completed a reentry circle is not considered by the judge as a factor for sentencing purposes.

The circle was held in the morning; in the afternoon, Cher was taken to her court hearing for her sentencing. When Cher and her

parents appeared at the hearing, they were all visibly elated. During her allocution at the sentencing hearing, Cher directly addressed the judge and explained how the circle affected her and made her feel at peace with any sentence that the judge decided to impose. When asked by the judge if she would like to say anything in court to her parents, Cher turned to thank them for what they told her during the circle and apologized again for alienating them. Her parents were openly emotional in response. They too conveyed gratitude for being able to participate in the circle.

District of Hawaii, Federal Reentry Circle Pilot Project

In 2015, the RJ Circle Pilot Project was created through the collaboration of a federal district judge, the District of Hawaii's United States Pretrial Services Office (Pretrial Services), and the Hawai'i Friends of Restorative Justice (HFRJ), a small Honolulu non-profit organization that designed and provides circles. The purpose was to create a pilot project that would provide reentry planning circles for individuals who had been or would be sentenced to prison in federal court. The RJ Circle Pilot Project was expanded in 2017 to include formerly incarcerated individuals on federal supervision with the District of Hawaii's United States Probation Office (Probation). As of September 2019, nineteen persons have received reentry circles. Of these, eighteen circles were for incarcerated individuals and one circle was held for a formerly incarcerated individual on federal supervision. Two of the incarcerated individuals, one of whom was Cher, have had a follow-up circle in addition to an initial one.

Pilot Planning Phase

At the onset, stakeholders in the District of Hawaii were identified and consulted. Pretrial Services, the District of Hawaii's judges, the United States Attorney's Office, the Federal Public Defender's Office, the United States Attorney's Victim Witness coordinator, and Bureau of Prisons (BOP) representatives at FDC participated. This consultation process resulted in a written procedure for the RJ Circle Pilot Project approved by the stakeholders and encapsulated in a Memorandum of Agreement (MOU). Providing reentry services before sentencing or shortly thereafter was important to the stakeholders.

Optimally, reentry planning should begin when a person is initially incarcerated or convicted (Taxman et al., 2002). The earlier that

reentry planning is initiated, the more beneficial it is to the incarcerated individual to define their goals, make plans, and begin prosocial behavior (i.e., social behavior that is beneficial to one's community). Reentry is not a specific program but a process which includes "reentry planning," "family involvement," and "community justice partnerships" (Petersilia, 2004, p. 5, citing Reggie Wilkinson).

Developing the Written Procedures and Application Process

In developing the written procedure for the RJ Circle Pilot Program, the stakeholders first identified who would be eligible to participate. The program initially was limited to individuals who were under Pretrial Services' supervision, who had entered a guilty plea or were adjudicated guilty after a trial, and who were waiting to receive their sentence or had been sentenced and were waiting to be transported to a BOP facility for incarceration.

Next, the program's purposes were identified: to provide an opportunity for the individual to make amends and address any harm that his or her past behavior and incarceration has caused; and to give the individual an opportunity to establish goals and a plan for successful reentry into the community after imprisonment (Walker & Greening, 2013).

To accomplish the first purpose, the circle was designed so that loved ones are given the opportunity to talk about how they have been harmed and affected by the individual's conduct in the past and by her or his incarceration, and to consider what could be done to repair the harm. For the second purpose, the individual is encouraged in the circle to state his or her specific goals and needs, such as housing, identification documents, transportation, employment, maintaining physical and emotion health, use of leisure time, and identifying his or her support group. These needs correspond with those identified by La Vigne, et al., 2008, as being necessary for successful reentry.

The Process for Applying for a Circle

The following describes the application process for participation in the RJ Circle Pilot Program:

For incarcerated defendants, applications can be obtained from the Reentry Coordinator at the Federal Detention Center—Honolulu. Otherwise, applications can be obtained from the U.S. Pretrial Services Office. The application is completed

by the defendant and forwarded/returned to the Pretrial Services Office for the initial review.

The Pretrial Services Office will contact the defendant's attorney to obtain his/her consent to proceed.

The Pretrial Services Office will obtain the approval of the judge when defendants are pending sentencing or on pretrial release. If the defendant has already been sentenced and remanded to custody, the Pretrial Services Office will provide notice to the judge.

The Pretrial Services Office will contact the Assistant U.S. Attorney to provide notice of the request. If the circle potentially includes a named victim, the Victim-Witness Coordinator will be consulted.

Depending on the timing and location of the circle, the Pretrial Services Office will provide notice to the Federal Detention Center (FDC), U.S. Marshals Service (USMS), and/or any other agency or person as needed.

If approved for participation in the circle, the application is forwarded to the Hawai'i Friends of Restorative Justice (HFRJ) for review (Unpublished Pretrial Restorative Justice Circles MOU, April, 2016, pp. 2-3).

For those who are post-sentencing and on federal supervision, the individual submits the application to his or her probation officer who, in turn, provides a recommendation with the application for Probation's approval. For all applications, the criteria for approval include a commitment from the applicant to: (1) be held accountable for his or her past and present behavior; (2) want to repair harm which he or she caused to others; (3) create a plan for a successful life which addresses how to stop reoffending. To date, only two applications have been denied (with one of the denials involving a crime victim who felt too emotional to be able to participate).

Implementation and Training

Once the MOU was completed, but before the RJ Circle Pilot Program was launched, HFRJ conducted a two-day reentry circle facilitator training for representatives from the stakeholders. An additional half-day training was provided to pretrial services and probation officers to address the RJ Circle Pilot Program's procedures as well as to educate the officers about the background and effectiveness of restorative justice. These trainings were well received, as the participants reported the sessions to be highly interactive and engaging.

Current Applications and Experiences

Since its inception, the RJ Circle Pilot Project circles usually have been held either at the FDC or at the federal courthouse in a small conference room. Circle participants are sometimes unable to enter the FDC for a variety of reasons: Some are formerly incarcerated individuals and are precluded from entering; others may be the biological children of the incarcerated person but, because parental rights have been terminated, are not considered to be family members eligible to enter the FDC; others may be precluded because there is insufficient time to process an application and obtain BOP clearance. In these instances, as with Cher, the federal pretrial officer can request the judge to release the incarcerated person for a short time into the federal pretrial officer's custody to remain in a conference room at the federal courthouse for the circle. Once the circle is completed, the incarcerated person surrenders into the Marshal's custody at the federal courthouse and is transported back to FDC. For those who are on pretrial release (not incarcerated before being sentenced) or are post-incarceration (that is, have completed their prison term and are serving a term of federal supervised release), the circles have been held at a variety of locations convenient for them and their loved ones.

"Breaking of bread" is an RJ ritual (Acorn, 2004, p. 53), and is also a cultural practice in Hawaii. Food is often an especially comforting part of the RJ Circle Pilot Project. Loved ones attending circles held at the federal courthouse are permitted to bring food to share during the circles. For those circles held at the FDC, snacks from FDC vending machines are bought and shared.

Description of Reentry Circle Process

Facilitator Interviews the Applicant

When an application is received, it is transmitted from the Pretrial Services Office to HFRJ. A facilitator is assigned. The facilitator is the person who will convene the circle. Convening the circle requires extensive preparation. In advance of the circle, the facilitator interviews the applicant and contacts the applicant's supporters listed on the application. Convening also includes working with Pretrial Services or Probation on the logistics of where and when the circle will be held.

The interview of the applicant is an important component and is done in person. The facilitator conducts a solution-focused

interview to assess the applicant's strengths and goals (Walker, 2013). Typically, the interview lasts about 45 minutes. The length of time of the interviews of the other potential circle participants (that is, people identified by the incarcerated individual as supporters who hopefully will attend) varies from 15 minutes to well over an hour. The primary purposes for the interview are to describe the circle process and to prepare participants by reviewing the circle agenda.

Shuttling Information When a Loved One Cannot Attend a Circle in Person

When a participant wants to but cannot attend a circle, like Cher's brother, he or she is invited to answer the questions normally asked during the circle. These interviews can take 20 minutes to over an hour. The loved ones answer questions including: "How were you affected by any past behavior of your loved one and their incarceration? What could your loved one do to help repair any harm you have suffered?" Some have many things to say in response to these questions. The facilitator patiently listens, compliments the responder for their strengths, and writes down the responses, which are then shuttled or brought to the circle and read as each question is asked throughout the circle. Recent research examining circles where people provided shuttled information, as opposed to attending circles in person, shows no cultural differences and overall positive responses. For most, participation via shuttled information at the circle has been their first and only opportunity to describe and share how they were affected by their loved one's involvement with the criminal justice system (Walker & Bilmes Goldstein, in press).

Identifying Strengths and Encouraging Self-reflection

During the interview (as well as later in the circle), the facilitator compliments the individual on strengths observed and encourages the individual to acknowledge his or her good qualities (i.e., self-compliment). Common facilitator statements include: "Wow, it's so great you want to make amends with your family, what makes you want to do that?" In answering, the individual may say something positive about himself or herself, e.g., "I want to make amends because I am sorry for what I did and want my family to know that." This is reflective of self-compliment and is more effective in building self-confidence than hearing the same compliment from another person

(Berg & De Jong, 2005). The solution-focused approach presumes each person is the best expert of his or her life, and the reentry circle approach does too. (Walker & Greening, 2013).

Explaining What to Expect at Circles

Additionally, the facilitator and the applicant review *What to Expect at a Reentry Planning Circle*, a brochure written by HFRJ, which discusses each of the circle's steps and what the individual is responsible for during the process. Preparation involves explaining what will happen during the circle. This is helpful to make the applicant less anxious and to understand the meaning of the process. Understandably, many individuals report being nervous about the circle process beforehand. Participants invited to a circle are given the brochure to help them prepare as well.

Circle Opening

The facilitator will help the applicant prepare for how she or he will open the circle. The applicant develops her or his unique opening. Cher's opening, for instance, started with an apology to her parents for her past behavior and addiction, and to her pretrial services officer whom she felt she had disappointed when she violated her bail conditions.

Allowing the individual to open the circle in the manner chosen by him or her solidifies that the process is granting them *human agency* (Bandura, 1999) to make plans and decisions for themselves. “[A]gency is rooted in belief in the power to make things happen” (Bandura, 1999, p. 174). This belief is especially important if individuals are to be successful in changing their lifestyles and desisting from criminal behavior and substance abuse (Maruna, 2008). While invited loved ones and participating professionals contribute to the individual's plan on how to change, the control and power reside firmly with the individual: It is the individual who chooses whom to invite to the circle, how to open it, what the goals are, and what the individual will do to attain his or her goals.

Individuals have opened circles in varied and highly individualistic ways, including with accountability statements, prayers, songs, or poems. A powerful Maori “haka” (a ceremonial dance) was once performed by an individual and his several friends to open a reentry circle.

Circle Purpose, Ground Rules, and Role of the Facilitator

Once the preparation is completed, the circle

is held. It begins with the planned opening by the individual. After the opening, the facilitator explains to the participants that the purpose of the circle is to explore making amends and reconciliation, and to help create a reentry plan according to goals and needs identified by the individual. The facilitator also asks the participants to speak one at a time and to respect confidentiality.

The facilitator is responsible for ensuring that everyone in the circle has an opportunity to speak and that the discussion is held in a positive, respectful, and fair manner. Handwritten records of the discussion are made throughout the circle by a trained recorder who writes on large sheets of paper contemporaneously with the discussion. These notes assist the participants in keeping track of what is being stated and are used later by the facilitator to prepare the written plan for the individual outlining the goals and decisions made at the circle. A goal expressed in a circle, for instance, could be to obtain a General Education Diploma (GED), employment, or substance abuse treatment. The written plan reflects this information. The plan usually consists of six to seven pages of information for the individual. A plan is also provided to the households of each loved one. Participants are reminded that the plan can change and take a different direction in the future. In the state prison system, some incarcerated individuals developed behavioral agreements (in addition to the written plans) during the circles to use when, after release from prison, they returned to live in their parents' homes. These agreements set out specific conditions such as household chores, yard work, maintaining sobriety, and other conditions that the individual and the parents agreed were important for them to live together successfully.

Individual's Proudest Accomplishments Since Arrest or Imprisonment?

Using the solution-focused approach, which is goal-oriented and seeks to identify a person's strengths (De Jong & Berg, 2008), the facilitator asks the individual what accomplishment she or he is most proud of since being detained or arrested. For the individual on federal supervision, she or he is asked what is his or her best accomplishment since being released from prison. This question helps the individual tell loved ones what she or he has done and learned since being incarcerated or while on federal supervision. Some accomplishments shared are having jobs in prison; taking educational, self-improvement,

and drug treatment classes; being sober for specified lengths of time; paying restitution; becoming accountable and responsible for their decisions and lives; and developing self-awareness and insight about their behaviors, thoughts, and feelings. It is valuable for individuals to articulate how they have changed. According to Doris MacKenzie (2006), a highly respected corrections researcher (Petersilia, 2004), describing positive changes is vital to achieving desistance from crime.

Listing the Individual's Strengths

After the individual has articulated his or her accomplishments, each person in the circle is asked to identify the individual's strengths. For instance, the facilitator will ask: “What do you like about Cher? What do you think her strengths are?” Cher's family and her pretrial services officer stated her strengths include:

Always fun with people. Very outgoing, Very spontaneous, Has a lot of friends. She has friends everywhere (has a friend around every airport), Really smart, Could do anything if she applied herself, Very caring, Anytime anyone needs anything she is there for them, Very generous, Very funny, Definitely has a strong loving family, Family supports her, Dad loves her, Parents not taking responsibility for her choices anymore, She is willing to take responsibility for her life.

A slight but important variation is employed when children and teens participate in a reentry circle. In such situations, the facilitator tells the group: “The children here are strengths to [name of person having circle] so we will list all their strengths before we consider [name of person having circle] other strengths.” It is often the first time that the child or young person experiences others identifying their strengths and saying positive things about them, which can be deeply inspiring. Many get emotional when they hear their strengths said aloud; others cry as they name the child or teen's strengths.

Making Amends: Circle's Reconciliation Phase

Once strengths have been recognized, the facilitator transitions the discussion to reconciliation and identifying what is needed to heal harm. The facilitator usually says something along the lines of, “As Cher's father mentioned she is willingly taking responsibility

for her life. She is having this circle because she is responsible and accountable, which brings us to the reconciliation stage of the circle."

Reentry circles apply Howard Zehr's restorative justice principles. First, Zehr believes that restorative justice and its practices must be guided by the values of respect, responsibility, and relationship (van Wormer & Walker, 2013). Second, he believes it is the nature of a practice that makes it restorative.

Zehr (2002) advises:

Ultimately, restorative justice boils down to a set of questions, which we need to ask when a wrong occurs. **These guiding questions are, in fact, the essence of restorative justice.**

Guiding Questions of Restorative Justice

1. Who has been hurt?
2. What are their needs?
3. Whose obligations are these?
4. Who has a stake in this situation?
5. What is the appropriate process to involve stakeholders in an effort to make things right? (p. 58, emphasis added)

The reconciliation stage of the reentry circle process asks three questions based on Zehr's principles: *Who was affected by any wrongdoing and/or incarceration? How were they affected? What could be done to repair the harm?* Circle participants reflect on and openly discuss these questions. The discussion helps everyone understand each other's perceptions and experiences, which can in turn create empathy, understanding, healing, and transformation.

Starting with the individual first, the facilitator asked Cher, "Who was affected by your past behavior and imprisonment?" She replied that her parents, the community at large, and she had been affected. After Cher explained, from her viewpoint, how each of these groups were affected, her parents were asked about how Cher's behavior and incarceration affected them. As her parents spoke, Cher listened intensely with tears welling in her eyes. Her mother also became teary-eyed. Her brother's responses about how he was affected were read from the sheets in an empty chair symbolizing his presence. His comments too made Cher cry.

After her parents and brother identified what Cher could do to help repair the harm they suffered, the facilitator asked Cher whether she could do what her family

asked. Mostly, they wanted her to stay clean and sober, and she readily agreed to this. The facilitator followed up by using the solution-focused approach and asked Cher: "What gives you hope you can stay clean and sober?" Cher replied that one way she believed she could stay clean would be to "stay away from people who use drugs." The facilitator followed up by asking Cher a scaling question, a technique common in the solution-focused approach:

F: I want to ask you a question on how you are committed to staying clean. On a scale of ten to one, where ten is one hundred percent you'll do it, and one is about ten percent sure you'll stay clean, what number do you honestly believe your motivation is as you sit here today?

C: In all honesty I am about an eight.

F: Wow, an eight! That's great, what makes you an eight?

C: Well, I feel so much better clean, I don't want to go back to that life.

F: What else makes you an eight?

C: I'm in a drug treatment learning a lot of new tools.

F: What kind of tools are you learning?

C: One thing is to stay around positive people.

F: Oh great, so what makes a person positive, Cher?

C: They don't do drugs, are trying to better themselves, aren't all negative about everything.

F: Ok great, so if we do the scale again, one to ten, say you see some cool person, but one who is not so positive compared to a person who maybe isn't quite so cool, but not doing drugs, what number would you give yourself on the scale for hanging out with the less cool non-drug user person?

C: I am doing that right now and hanging around the positive people so I am a ten.

F: Wow great! You are a hundred percent sure you will be around positive people. Where do you get that willingness to be around positive people?

C: I am sick and tired of the old life I had, and I gotta do this for my family too. I can't let them down again.

As demonstrated by dialogue between the facilitator and Cher, scaling questions can be asked more than once to assist the individual in clarifying goals and concrete steps to achieve those goals.

Identifying Goals and Addressing Other Needs for Successful Life

In addition to reconciliation and making amends with her loved ones and the community at large, Cher's goals and basic needs necessary for her transition back into the community were also addressed at the circle. Needs such as housing, employment, transportation, identification, physical and emotional health, education, leisure time use, and any other unique needs, e.g., divorce, immigration status, dealing with outstanding traffic tickets, etc., are discussed and planned for during the circle process (Walker & Greening, 2013).

Feedback Since Implementation of the RJ Circle Pilot Program

Sydney Fleming, a United States probation officer in the District of Hawaii, attended the two-day facilitator training and, a few years later, was the facilitator for a circle. Ms. Fleming finds the RJ Circle Pilot Program to be valuable:

I just think the circle is so powerful for all of those involved. It really helps bridge the gap between the client and his/her family members and loved ones. It is a non-judgmental environment that allows for those difficult conversations centering around so much hurt and loss and raw emotions (on behalf of all parties). It truly facilitates healing and creates a pathway for all parties to move forward in life with clear, targeted goals; accountability; and support (Personal communication with Lorenn Walker September 24, 2019).

Shawn Manini, Reentry Affairs Coordinator at FDC believes the value of the reentry circles include:

In my opinion, these circles help our inmates in several ways. First, they help our inmates with taking responsibility for their actions. Many inmates end up in prison without truly taking an honest inventory of who they are, where they come from, and how they contributed to the consequences they face with incarceration. [Reentry Circles] RCs provide a supportive environment in which inmates can learn from their mistakes and begin to make amends with their past.

Second, RCs help inmates prepare for their term of incarceration. By

gathering available family members and community partners, inmates realize the importance of having a strong support system. This support team gives inmates the assurance that they will be there when the inmate is released. Thus, alleviating much of the distress inmates encounter when faced with doing time in prison.

Finally, RJC's provide inmates with hope. By constantly reviewing/revising their RC release plan while incarcerated, inmates feel more confident as their release date approaches. Connections with family members and other healthy support systems are maintained, thus providing inmates with hope for a more successful future after prison.

In preparing this article, the authors asked Cher to share her opinion about the RJ Circle Pilot Project:

I wish everyone in prison could have a circle. Most people in prison don't have good relationships with their families. And a circle is a chance for them to make amends and rebuild their relationships. Even if someone only wants a circle for selfish reasons like looking good to the judge or wanting a lunch with their family, during the circle they will learn something that can help them. The circle helps them understand how their behavior affects the people they love (Personal correspondence with Lorenn Walker September 1, 2019).

After each circle ends, surveys are completed by all participants regarding their experiences. The District of Hawaii is compiling the survey results and plans to compare these results with the post-incarceration outcomes of each person who completed a circle before being incarcerated to document the effect, if any, on recidivism and successful supervised release completion.

Theoretical Basis of the Reentry Circle Process

Public Health Approach

The reentry circle process is based on public health learning principles established by the World Health Organization (WHO) in 1954. (Walker & Greening, 2008). Research conducted by WHO observed that: "All through

their life-span, individuals can learn and change their behavior to ways more satisfactory to themselves" (1954, p. 8). WHO describes learning as an "active process" (p. 9); that an individual's motivation to learn arises from her or his "goals and interests"; that each individual has a unique background and experiences that should be acknowledged; that the "group" is an important element for learning; that "real life experiences and understanding" is a more effective vehicle for learning than "academic discussions or lectures" (p. 10); and that the individual must have visible paths and personal goals:

A person will change his behaviour in a prescribed manner, i.e., learn, only when he understands what to do, and when he sees the action as a means to an end which he himself desires (p. 11).

Solution-focused and Restorative Approach

The circles apply restorative justice and solution-focused approaches for individuals to direct their own reentry planning (Walker & Greening, 2013). "Strengths-based or restorative approaches ask not what a person's deficits are, but rather what positive contribution the person can make" (Maruna & LeBel, 2003, p. 97). The solution-focused approach is an evidence-based practice shown to increase positive behavioral changes for successful reentry (Pettus-Davis et al., 2019). The individual drives the reentry planning process rather than a professional, e.g., case manager. He or she decides what goals are important and what is the best course for his or her life.

Social Cognitive Theory

Albert Bandura's *social cognitive theory* (1999) supports the reentry circle process. "In social cognitive theory, people are agentic operators in their life course not just onlooking hosts of internal mechanisms orchestrated by environmental events" (p. 156). An individual exercising human agency is one who is "consciously producing given experiences" (p. 155). This is especially important for individuals (such as those who are or were incarcerated) learning new behavioral, cognitive, and emotional skills to help them desist from criminality. The circles give an individual the opportunity to articulate a new life course with her or his support group. Albert Bandura is aware of the reentry planning model and has said he was "impressed" with

the approach (A. Bandura, personal communication February 6, 2020).

Desistance Theory

The value of being able to choose one's new life course has been shown to be vital to resisting crime and substance abuse (Maruna, 2008). The circle itself can be transformative by facilitating an individual and his or her loved ones to acknowledge and make amends for past harm, and to articulate behavioral changes. Doris MacKenzie (2006) found that individuals must transform their thinking if they are to desist from crime and live law-abiding lives. The circle provides the opportunity for transformed thinking. Cher, for instance, reported that she valued her circle experience because she learned that: "I had so many strengths. . . I really appreciate the impact [the circle] made on my life" (Cher's survey completed after her 2015 circle).

"Learning to Plan, Planning to Learn"

The importance of incarcerated individuals making plans specifically addressing how they will reenter the community is apparent from the late planning expert Donald N. Michael's 1973 book titled: *Learning to Plan and Planning to Learn: The Social Psychology of Changing Toward Future-Responsive Societal Learning*.^{**} Planning is a survival endeavor. Michael states:

Social survival requires that we give self-conscious, systematic, reiterative attention to "learning" about where we want to go, how we might try getting there, what getting there means, and whether we still want to get there (emphasis in the original) (1997, p. 2).

Planning is a necessary skill for effective problem solving and essential for human cognitive development (Sternberg & Sternberg, 2012). It is especially beneficial for people who are involved with the justice system. As Howard Zehr states: "Many people believe that things happen to them rather than that they control their future" (Zehr, 1995, p. 54). Self-efficacy is one's belief in his or her ability to succeed in specific situations or accomplish a task (Bandura, 1982). The circles help people increase self-efficacy to see that they can make decisions to improve their lives. Circle discussions assist individuals with focusing on

^{**} The book's title was shortened to simply *Learning to Plan—and Planning to Learn* in 1997.

identifying their goals and developing plans for successful and positive outcomes. As a result, individuals understand that they have the power to make positive choices, rather than be resigned to fate and repeating failure.

Evidence-Based Outcomes from Reentry Circles

An independent evaluation of quantitative research results, controlled for self-selection, demonstrates that the reentry circle process also helps to reduce recidivism (Walker & Davidson, 2018). Controlling for self-selection is important when researching restorative justice (RJ) interventions. Because RJ is always a voluntary process, there is a risk for positive outcomes from RJ interventions simply to reflect the bias of those who choose RJ because they are predisposed to being responsible and accountable for their harmful behavior (Government of Canada Department of Justice, 2018). In the evaluation conducted by Walker and Davidson, however, self-selection bias was accounted for by comparing a test group (individuals who wanted and received a circle) with a control group (individuals who wanted, but did not receive, a circle because most had been released from prison before a circle could be provided). The test group had a significantly lower recidivism rate than the control group. Currently, HFRJ is conducting research examining the economic costs and benefits of providing the circles. The research results are expected to be complete by 2020.

Participating in circles can result in positive outcomes for more than the incarcerated individual. Having a parent incarcerated is a well-documented disruptive life experience and an adverse childhood event that has far-reaching consequences, including heightened risk for poor physical and mental health into adulthood (Gjelsvik et al., 2014). Children and youth whose parents had reentry circles have been studied (Walker, Tarutani, & McKibben, 2013). After an incarcerated parent participates in a circle, their children report increased optimism and less rumination from the trauma of losing a parent to prison. This remained true even in cases where the child or youth did not participate in the circle with the parent.

To date, HFRJ has provided 168 circles for men and women and for 10 incarcerated juveniles.^{***} Most circles were held in Hawaii, but the model has been replicated in whole

or part in other states and countries. Around a dozen circles have been provided by HFRJ in New York, California, Washington, D.C., North Carolina, Vermont, Japan, Finland, and Brazil. HFRJ also consulted with programs in Hungary and France, and provided training in Nepal and Spain. In September 2019, HFRJ trained a group of Maori restorative justice facilitators who traveled to Honolulu to enable them to provide reentry circles in New Zealand.

For each HFRJ-facilitated circle, written surveys are given to and completed by the participants immediately after the circle is held. To date, 749 reentry circle participants have completed surveys which asked for their opinions of the process. All but one (99.37 percent of the total participants) reported that the process was a positive experience. The one participant reported that it was a neutral, not positive, experience.

Conclusion

Reentry circles offer an encouraging process for individual human agency, which opens the way to transformative experiences for an incarcerated or justice-involved person. These circles promote healing for an individual's loved ones. Including circles as part of an ongoing strategy (whether as part of a diversion program, in preparation for incarceration, or at the commencement of supervision) will enhance the individual's self-efficacy. The circles are a proactive approach for successfully reentering the community and for making time served in prison more productive. The research demonstrates that circles are powerful tools to reduce recidivism (Walker & Davidson, 2018) and for providing healing opportunities for children (Walker, Tarutani, & McKibben, 2013). For the District of Hawaii, the RJ Circle Pilot Program has resulted in initial benefits that far exceed its costs. The authors recommend implementation of a reentry circle program to other federal district courts.

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*** HFRJ conducted a pilot project for 10 juveniles incarcerated at the Hawaii Youth Correctional Facility in 2012-2014.

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JUVENILE FOCUS

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Arrests of Girls

Arrests involving girls decreased by more than half (53 percent) between 2006 and 2015, reaching their lowest point in three decades. Delinquency cases and petitioned status cases involving girls also reached their lowest points since the early 1990s, decreasing 43 percent and 44 percent, respectively, from 2006 through 2015. After falling 47 percent since 2006, the number of females in placement in 2015 was at its lowest level since at least 1997. Since 2006, the proportion of females remained relatively constant for arrests, delinquency cases, petitioned status cases, and youth in placement. Larceny-theft, simple assault, and disorderly conduct accounted for 50 percent of arrests and 56 percent of delinquency cases involving girls in 2015. Truancy offenses accounted for more than half (55 percent) of petitioned status offense cases involving females. In 2015, delinquency cases involving girls were less likely to be petitioned, adjudicated, or result in out-of-home placement than cases involving boys.

Strategies for Policing Innovation Guides

In 2013, the Bureau of Justice Assistance (BJA) funded CNA to work with the Center for Problem-Oriented Policing to develop a series of Strategies for Policing Innovation (SPI) Problem Oriented Guides for Police. The purpose of these guides is to provide the law enforcement community with useful guidance, knowledge, and best practices related to key problem-oriented policing and Strategic Policing principles and practices. These guides add to the existing collection of Problem-Oriented Guides for Police. SPI is a BJA-sponsored initiative that supports law enforcement agencies in building evidence-based and data-driven law enforcement tactics and strategies that are effective, efficient, and economical. Strategic Policing brings more

“science” into police operations by leveraging innovative applications of analysis, technology, and evidence-based practices. The goal of SPI is to improve policing performance and effectiveness while containing costs, an important consideration in today’s fiscal environment. The SPI is a collaborative effort of BJA, CNA (the SPI training and technical assistance provider), and local law enforcement agencies that are testing innovative, evidence-based solutions to serious crime problems. For more information about SPI, visit www.strategiesforpolicinginnovation.com.

Victimization in Juvenile Corrections

In 2018, an estimated 7.1 percent of youth in juvenile correctional facilities reported being sexually victimized during the prior 12 months, down from 9.5 percent in 2012, according to the Bureau of Justice Statistics. From 2012 to 2018, the percentage of youth who reported forced or coerced sexual victimization involving another youth declined from 2.5 percent to 1.9 percent, and the percentage of youth who reported sexual misconduct by facility staff declined from 7.7 percent to 5.8 percent.

BJS defines sexual victimization in a juvenile facility as any sexual activity with facility staff, or any forced or coerced sexual activity with another youth. Force or coercion includes physical force, threat of force, or other forms of pressure or coercion, such as threatening to get the youth in trouble; giving the youth money, favors, protection, or special treatment; or repeatedly asking the youth to engage in sexual activity. The findings are based on a survey that was completed by 6,049 youth in 327 juvenile facilities, including at least one juvenile facility in every state and the District of Columbia.

In all, 4.0 percent of youth in juvenile facilities reported experiencing sexual victimization involving force or coercion. About

half of these youth reported forced or coerced sexual victimization by youth (1.9 percent of all youth in juvenile facilities) and about half reported forced or coerced sexual victimization by staff (2.1 percent).

Among the 1.9 percent of youth in juvenile facilities who reported sexual victimization involving force or coercion by another youth, about two-thirds (1.2 percent of all youth in juvenile facilities) reported that the victimization involved sexual acts—sexual activity involving touching or penetrating of sexual body parts. An estimated 0.5 percent reported being forced or coerced into other sexual activity with another youth, such as kissing, looking at private body parts, or being shown something sexual. About 0.2 percent of youth who reported forced or coerced sexual activity with another youth did not provide information about the type of activity.

About 2.1 percent of all youth in juvenile facilities reported that the staff sexual misconduct involved force or coercion, while about two-thirds (3.9 percent) did not include a report of force or coercion.

Pregnant Women Prisoners

Prison Policy Initiative, in a briefing on its website titled “Prisons neglect pregnant women in their healthcare policies,” states that the lack of codified protocols for the care of pregnant women in state prisons is a widespread issue, and even policies that do exist frequently do not include adequate provisions for basic medical needs.

Although a majority of state prison systems require some form of medically provided prenatal care, 12 states failed to provide any policy on this vital component of a healthy pregnancy. This helps to explain why the Bureau of Justice Statistics, in the 2004 survey, found that only half (54 percent) of pregnant women in prison reported receiving prenatal care while incarcerated.

Incarcerated pregnant women are particularly vulnerable to pregnancy complications related to substance use disorders, poor nutrition, and sexually-transmitted infections, because they often come from precarious social and economic environments that exacerbate these risk factors. Their pregnancies are often designated as “high risk,” requiring special treatment to ensure their children are born in good health. We found that the federal BOP and 22 states have not provided any guidelines for specialized care for “high risk” pregnancies.

Suicide Prevention Resource Guide

The National Commission on Correctional Health Care and the American Foundation for Suicide Prevention have created an authoritative resource on preventing suicide in correctional facilities. The Suicide Prevention Resource Guide is free and available to the public at ncchc.org/suicide-prevention-plan. The guide provides a road map, tools, and resources for navigating the complexities of suicide prevention within correctional facilities—a serious problem in the United States. The guide focuses on three key areas, with the goal to educate people who work in jails and prisons on how to better identify and help inmates at risk for suicide, safely manage those identified as high risk, and provide consistent, comprehensive training to all involved personnel. The guide includes suicide risk assessment principles, approaches to intervention and treatment, a training curriculum guide, real-life case studies, and facility design considerations common. In addition to reducing uncertainty and anxiety, hospital births provide a clean environment and adequate care in the event of complications. Illuminating the shortcomings of health care for pregnant women in prison, 24 states fail to codify any pre-existing arrangements for deliveries.

Missing and Murdered Native Americans

U.S. Attorney General William Barr announced the Missing & Murdered Indigenous Persons Initiative—a national plan to increase the federal government’s role in reducing the number of Native Americans who are murdered or reported missing every year. An estimated 1.5 million Native American women have experienced violence in their lifetimes. According to the Associated Press, federal studies have found that women are killed at a rate of

more than 10 times the national average on some reservations. The new initiative would invest \$1.5 million for coordinators who are responsible for developing protocols for improved law enforcement response in 11 U.S. Attorney’s offices with sizable caseloads affecting Native Americans, as well as an intensive data analysis

Youth Confinement

As reported by Prison Policy Initiative, on any given day, over 48,000 youth in the United States are confined in facilities away from home as a result of juvenile justice or criminal justice involvement. Most are held in restrictive, correctional-style facilities, and thousands are held without even having had a trial. But even these high figures represent astonishing progress: Since 2000, the number of youth in confinement has fallen by 60 percent, a trend that shows no sign of slowing down.

The report begins with a snapshot of how many justice-involved youth are confined, where they are held, under what conditions, and for what offenses. It offers a starting point for people new to the issue to consider the ways that the problems of the criminal justice system are mirrored in the juvenile system: racial disparities, punitive conditions, pretrial detention, and overcriminalization. While acknowledging the philosophical, cultural, and procedural differences between the adult and juvenile justice systems, the report highlights these issues as areas ripe for reform for youth as well as adults.

This updated and expanded version of the original 2018 report also examines the dramatic reduction in the confined youth population. These racial disparities are particularly pronounced when it comes to Black boys and American Indian girls. While 14 percent of all youth under 18 in the U.S. are Black, 42 percent of boys and 35 percent of girls in juvenile facilities are Black. And even excluding youth held in Indian country facilities, American Indians make up 3 percent of girls and 1.5 percent of boys in juvenile facilities, despite comprising less than 1 percent of all youth nationally.

Judicial Transfers of Juveniles

Prison Insider reports that racial disparities are evident in decisions to transfer youth from juvenile to adult court. In 2017, Black youth made up 35 percent of delinquency cases, but over half (54 percent) of youth judicially transferred from juvenile court to adult court. Meanwhile, white youth accounted for 44

percent of all delinquency cases, but made up only 31 percent of judicial transfers to adult court. And although the total number of youth judicially transferred in 2017 was less than half what it was in 2005, the racial disproportionality among these transfers has actually increased over time. Reports also show that in California, prosecutors send Hispanic youth to adult court via “direct file” at 3.4 times the rate of white youth, and that American Indian youth are 1.8 times more likely than white youth to receive an adult prison sentence.

Research tells us that youth who are prosecuted in the adult system are 34 percent more likely to recidivate and with more violent offenses than those handled by the juvenile system. Youth sentenced as adults carry their criminal records their whole lives, diminishing their chances to find jobs, access decent housing, obtain student loans, go to college, join the military, or even vote. Since 2007, 37 states and Washington, DC, have enacted approximately 90 pieces of legislation to remove youth from adult jails and prisons, limit the prosecution of youth in adult court, or revise sentencing laws. Comprehensive and age-appropriate approaches receive wide support across the political spectrum.

Life Without Parole

According to a report of the Sentencing Project, there were 2,310 people serving life-without-parole sentences for crimes committed as juveniles (known as JLWOP) at year end 2016. In its 2017 ruling in *Montgomery v. Louisiana*, the Supreme Court invalidated all existing JLWOP sentences that had been imposed by mandatory statute. As a result, youth sentenced to parole-ineligible life sentences in 29 states and the federal government are now in the process of having their original sentences reviewed or have been granted a new sentence. In a small fraction of cases, individuals have been released from prison. The post-*Montgomery* years have seen a decline in the juvenile life without parole population, though there is not an exact count as of yet. Pennsylvania, Louisiana, and Michigan hold the greatest number of people serving JLWOP, comprising half of the national total.

Jail Population

As reported by the Vera Institute, at mid-year 2019, there were an estimated 758,400 people in local jails, up 13,200 (1.8 percent increase) from mid-year 2017, which is the most recently available BJS data. This is the

highest number of people in jail since mid-year 2009, and the number is up 31,000 since the recent trough in 2015 (a 4.3 percent increase). Most people in jail have not been convicted of the charges they are facing, and many are being detained in civil matters, such as people incarcerated pretrial for immigration cases or those incarcerated due to unpaid child support or fines and fees.

Family Visitation

Research suggests that prison visitation is beneficial and may be especially so for children and their incarcerated parents. However, economically disadvantaged families face unique challenges during incarceration, which may include greater difficulties visiting incarcerated family members. An article by Rubenstein, Toman, and Cochran in *Justice Quarterly* uses survey data from a nationally representative sample of state prison inmates to explore how economic disadvantage impacts children visiting their parents in prison. Analyses suggest that lower income parents are less likely to be visited by their children. Results are similar for fathers and mothers. The authors also find that economic disadvantage may condition impacts of other practical barriers, such as distance from home.

The Prison Policy Initiative

A report by the Prison Policy Initiative states that the American criminal justice system holds almost 2.3 million people in 1,719 state prisons, 109 federal prisons, 1,772 juvenile correctional facilities, 3,163 local jails, and 80 Indian Country jails as well as military prisons and detention facilities.

- *Prison Mortality*—Prison systems have shown they are unprepared and unwilling to care for an aging prison population, whether by improving healthcare or expanding compassionate release. A new Bureau of Justice Statistics report released recently shows that from 2015 to 2016, the number of deaths in U.S. state prisons increased from 296 to 303 per 100,000 people. Chronic illnesses continue to be the leading cause of death in state prisons, according to the report—far outpacing drug- and alcohol-related deaths, accidents, suicides, and homicides *combined*. The number of deaths from chronic illness—including a growing number of deaths from cancer in prison, at a time when overall deaths from cancer are going down—is a testament to the extremely poor healthcare incarcerated people receive. It

also highlights the ways that prisons are unable and unwilling to care for their elderly residents, who comprise a growing share of the prison population. Prison ages incarcerated people by 10 to 15 years on average, which in turn makes them more vulnerable to chronic health problems.

- *Preventable Deaths in Local Jails*—In 2016, over 1,000 people died in local jails. A new Bureau of Justice Statistics report reveals that over 1,000 people died in local jails in 2016. Most troubling, the report finds at least half of these deaths are preventable, with suicide remaining the leading cause of death. The new report reveals that half of all deaths in jails are due to suicide, accident, homicide, and drug or alcohol intoxication, all of which are largely preventable. Once again, suicide was the leading cause of death in jails. The jail suicide rate is far higher than that of state prisons or among the American population in general.

People in jail often have serious physical and mental health needs. They are five times more likely than the general population to have a serious mental illness, and two-thirds have a substance use disorder. They also are more likely to have had chronic health conditions and infectious diseases. Moreover, many people experience serious medical and mental health crises after they are booked into jail, including withdrawal, psychological distress, and the “shock of confinement.”

Solitary Confinement

A recent article in the *Criminal Justice Policy Review* concerned a study on solitary confinement. Solitary confinement is a harsh form of custody involving isolation from the general prison population and highly restricted access to visitation and programs. Using detailed prison records covering three decades of confinement practices in Kansas, the authors found that solitary confinement is a normal event during imprisonment. Long stays in solitary confinement were rare in Kansas in the late 1980s, with no detectable racial disparities, but a sharp increase in capacity after a new prison opening began an era of long-term isolation most heavily affecting Black young adults. A decomposition analysis indicates that increases in the length of stay in solitary confinement almost entirely explain growth in the proportion of people held in solitary confinement. Our results provide new evidence of increasingly harsh prison conditions and disparities that unfolded during the prison boom.

Community-Oriented Policing

An article by Cortright et al. in the *Criminal Justice Policy Review* notes that police officer roles are typically divided into either crime control or peacekeeping/order maintenance functions. With the prevalence of community-oriented policing (COP), the majority of an officer’s duties are ostensibly more related to order maintenance, but in the post-Ferguson world, the crime-fighting, warrior cop mentality still holds firm, which is in conflict with the tenets of COP. State statutes dictate the legal role of police officers, and prior analyses demonstrated a shift over time toward including more order maintenance tasks following the emergence of COP. The authors reexamine these statutes to determine if this shift continued. Their findings indicate a counterintuitive reversal in the trend, with more states removing order maintenance and peacekeeping duties from their statutes despite the wide dominance of COP.

Life Sentences

Nationwide more people are serving life sentences today (206,000) than made up the entire prison population in 1970 (196,000), according to a new fact sheet released by The Sentencing Project’s Campaign to End Life Imprisonment. Starting in the 1970s, the United States’ prison population began its steady upward climb to the overcrowded system we have today. While recent reforms have decreased the overall prison population by 0.5 percent between 2003 and 2016, there has been a 30 percent increase in life sentences during this period. The expansion of life imprisonment is a key component in the structure of mass incarceration. In 24 states, there are more people serving life sentences than there were making up the state’s entire prison population in 1970, found Senior Research Analyst Ashley Nellis. In an additional 9 states, the life imprisonment total is within 100 people of those states’ 1970 prison populations. In particular, Nevada and Utah have life-sentenced populations more than four times the states’ entire prison population in 1970. The next two most dramatic shifts are in Louisiana and Alaska, where the life-sentenced populations are more than double their overall prison populations in 1970.

Life sentences have been shown to have little effect on crime rates, since most people “age out” of crime—meaning that we’re spending a fortune on geriatric care to keep people in prison who pose little threat to public safety. As states pass more reforms to address

40 years of prison expansion, it is clearly important to adopt sentencing reforms to dramatically reduce the scale of punishment for people serving life sentences.

Mass Shootings

There were 78 mass shootings between January 1, 2014, and December 31, 2017, with a total of 498 fatal and 589 non-fatally injured victims. There were 89 known shooters for the 73 cases in which the shooters were identified; in 5 cases the shooters were unknown. A total

of 54 percent of the cases involved domestic situations. Shooters committed suicide in 31 percent of the cases.

Reform Laws

In 2018, a total of 32 states enacted 57 new reform laws. In terms of the number of new laws enacted and their importance, 2019 breaks every record set in 2018. Lawmakers across the country took major actions to restore voting and other civil rights; authorize expungement and other forms of record

relief; expand diversion programs to avoid conviction; limit the use of criminal records in occupational licensing, employment, and housing; alleviate immigration consequences; and curb driver's license penalties unrelated to driving offenses. Approaches to relief varied widely from state to state with respect to the type of relief, the specifics of who is eligible for it, the mechanics of delivery, and its overall effects.

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Federal Probation Author Style Sheet

A Journal of Correctional Philosophy and Practice

Federal Probation—published three times a year by the Probation and Pretrial Services Office, Administrative Office of the U.S. Courts—has been in print for more than 80 years. Articles published in the journal reflect current thought, practice, and research in the community supervision, corrections, and criminal justice fields. Authors include criminologists, academicians, researchers, and legal specialists, but also “front-line” probation, pretrial services, and corrections officers.

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- Keep explanatory notes to a minimum. For non-legal articles, *Federal Probation* accepts manuscripts prepared either in common citation style or in American Psychological Association style.
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