Criminal Justice Reform: Issues and Recommendations for Corrections

September 2011 Electronic Issue of
The Prison Journal

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November 2011
Purpose of *The Prison Journal* Special Issue

- Highlight **key issues** of the National Criminal Justice Commission (NCJC)*

- Summarize current criminal justice research and evidence-based policy and programmatic models to **inform** NCJC deliberations

- Direct scholarly research findings of US leading criminologists to criminal justice institutional and systemic reform at the state and federal level

*Senator James Webb Bill pending in Congress to create the NCJC to undertake a comprehensive review of the criminal justice system*
The role of 30 years of ‘tough on crime’ policies and laws has led to the unprecedented **US incarceration growth** rates from 1980 – 2010.

Drug offense and **mandatory sentencing** laws increased the rate of drug offending imprisonment by a **factor of 10**.
Article 1: Bringing Down the US Prison Population
By Alfred Blumstein (continued)

Dr. Blumstein Recommendations

• Repeal draconian mandatory and drug sentencing laws

• Provide parole opportunities for low-risk offenders sentenced such laws

• Review policies regarding technical parole violators and drug testing

• Develop public health approaches for drug-dependent offenders
• How to incorporate evidence-based principles into:
  • sentencing laws,
  • correctional practices, and
  • treatment interventions for drug involved offenders?

• How to use differential dispositions for better outcomes for different types of drug-involved offenders?
Dr. Marlowe Recommendations: Evidence – Based Programs that Work

- **Contingency Management (CM)** – behavioral interventions with rewards for treatment attendance and negative urine samples
- **Cognitive-behavioral Treatment (CBT)** – well-trained clinicians provide treatment to address dysfunctional thought patterns
- **Medically Assisted Treatment (MAT)** for addicted offenders
- **Correctional setting Therapeutic Communities (TCs)**
- **Performance contracting** for re-entry treatment programs
• There is little research evidence that prisons reduce recidivism and at least some evidence that they have a criminogenic effect

• We can conclude with some confidence that, across all offenders, prisons do not have a specific deterrent effect

• The evidence is very limited – but it is likely that low-risk offenders are most likely to experience increased recidivism due to incarceration
From a policy perspective, it is essential to screen offenders for their risk level.

For high-risk serious offenders, sound policy warrants subjecting them to evidence-based rehabilitation programs shown to reduce recidivism.

The extraordinary investment in mass imprisonment should be reversed to invest in:
- crime prevention programs,
- problem-oriented policing, and
- early intervention efforts for at-risk youth and their families and schools.
Article 4: *People with Serious Mental Illness in the Criminal Justice System: Causes, Consequences, and Correctives* By Arthur J. Lurigio

- People with serious mental illness (PSMI) have, for more than four decades, been ‘landing in the criminal justice system at an alarming rate’

- **Mental illness is not the primary cause of criminal behavior** nor are US deinstitutionalization policies the major cause of the disproportionate PSMI population in the criminal justice system

- **Harsh crime control policies and drug laws** account for the large numbers of PSMI who are arrested and incarcerated in US jails and prisons
Article 4: People with Serious Mental Illness in the Criminal Justice System: Causes, Consequences, and Correctives By Arthur J. Lurigio (continued)

Lurigio Recommendations:

• The criminalization of PSMI should be ended through investment in police, court, and jail-based diversionary programs.

• Specialized tools should be administered consistently and by trained professionals to screen and assess:
  • distress,
  • basic symptoms, and
  • functional impairment in criminal justice populations.

• Case management is the most effective treatment strategy, particularly for offenders with co-occurring disorders.
The War on Drugs and mandatory sentencing laws have resulted in racial disparities in arrests, prosecutions, and prison sentences of minorities – particularly African Americans.

Major racial disparities in the use of imprisonment in communities of color result in:
- family stress and dissolution,
- high resident mobility, and
- limited employment prospects
Mauer Recommendations:

• **Level the playing field** by addressing minority lack of legal and treatment resources and options and by providing credible sentencing options

• Invest in **high school completion** – 68% of African American male high school dropouts have served prison time by the age of 34

• Reorient the **War on Drugs** through the adoption of less costly harm reduction models
Article 6: *Life on the Outside: Returning Home After Incarceration* By Christy A. Visher and Jeremy Travis

- Nearly $\frac{2}{3}$ of released prisoners will be **rearrested** and more than **half** will be re-*incarcerated* within *3 years* of release

- Returning prisoners have **poor educational** attainment and **employment** histories, as well as poor **physical and mental health**, and **alcohol** and **drug** misuse
Local and state practitioners and policymakers need to adopt evidence-based policies and programs to reduce offender recidivism.

The most promising re-entry models involve community-based re-entry interventions, mobilizing family, community, and formerly incarcerated positive networks in combination with traditional criminal justice and service delivery systems.
• The highest quality research – a growing body of economic analyses – support **early crime prevention** as a sound **investment of public resources** – an economically viable alternative to prison

• **Prison expenditures** have caused a substantial drain on state and local budgets, diverting scarce resources from education, health, and welfare
Evidence-based risk-focused programs like the Perry Preschool Project significantly reduced lifetime arrests for violent and drug crimes and effected:

- higher graduation rates,
- better employment, and
- higher income

Nurse-Family Partnership programs found more than half of the benefits were caused by reduced welfare costs, with another 23% due to tax revenue from increased employment income.
• Several states have recently reduced their prison populations through **sentencing reforms** or **sped-up release mechanisms**

• The methods include:
  • Create **fiscal incentives** for community corrections (California)
  • Reduce technical violations/revocation to prison (Hawaii)
  • Increase the amount of **earned release time** – ‘good time’ (Washington)
  • Reform ‘**truth in sentencing laws**’ for nonviolent offenders (Mississippi)
Clear and Schrantz Recommendations

• Reduce prison admissions with diversion programs for low risk and non-violent offenses and increase treat substance abuse programs

• Reduce prisoners’ length of stay through sentencing reform and sped-up release mechanisms

• Eliminate mandatory minimum sentencing laws and recidivism enhancements and more prison rehab programs for high risk offenders
The Psychological Effects of Imprisonment in the Age of Mass Incarceration By Craig Haney*

- The stress of prison confinement results in a set of problematic habits, values, and perspectives that make prisoner re-entry difficult and a hindrance to seeking counseling or treatment.

- Prison overcrowding and solitary confinement result in prisoner retraumatization.

*Dr. Haney’s excellent article was not included in The Prison Journal due to page limitations.
Haney Recommendations: Psychologically Informed Prison Reform

- Implement **effective prison programs** that create opportunities for improving Post-prison success

- Provide prison programming for **trauma recovery** and to address ‘criminogenic needs’
The US crime problem has been **politicized** since the 1960s.

This politicization and the public’s exaggerated fear of crime led to the enactment of **punitive laws and policies**.

The **War on Drugs** fueled the **incarceration upsurge** since the 1980s with very **little effect on illicit drug use**.

**Prisons do not reduce recidivism**.
Summary Points (continued)

Consensus Reforms and Reform Strategies:
- Repeal harsh drug laws and mandatory sentences
- Introduce differential sanction costs at sentencing
- Deal with technical violations in the community
- Use diversion and effective drug treatment
- Use valid risk assessment tools to tailor interventions
- CJ policies and programs must be data driven and evidence-based

Reinvestment Initiative (Data Driven Prison Reform)
- BJA, Council of State Gov. Justice Center, PEW, Urban Institute, Ver…
- Recidivism reduction policy uses baseline and outcomes
- Reinvests recidivism savings into offender generating areas
- Fifteen states are participating