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The Human Experiment in Treatment

A MEANS TO THE END OF OFFENDER RECIDIVISM

Doris Layton MacKenzie and Gaylene Styve Armstrong

Forty years ago, dramatic events combined to create an environment conducive to major social changes in the United States. People began to question the legitimacy of our social institutions. Recognizing the inequities in society for minorities and women led many to support civil and women's rights. Additionally, a movement mostly driven by youthful citizens questioned the mores of the times. They demanded more sexual freedom and insisted on freedom of choice in things such as clothes and hairstyles. The social chaos was further fueled by conflicts over the war in Vietnam. Antiwar advocates displayed their disagreement, demonstrating social disobedience through antiwar marches and draft dodging. Taken as a whole, times were ripe for a change, and major transformations occurred in US social institutions (Cullen and Gilbert 1982).

Along with the general social chaos of the time, corrections faced some additional issues. For one, the experiences of prison inmates led to prison riots where both staff and inmates were injured or killed. Sentencing research revealed extreme discretion and disparity in sentencing and the negative consequences for many minorities. The watershed event was a major research report evaluating the effectiveness of correctional programs by Martinson and his colleagues, which was interpreted to show that "nothing works" to change offenders (Martinson 1974; Lipton, Martinson, and Wilks 1975). The authors did not say that nothing could work. What they did say was that considering the substandard research designs examining poorly implemented programs, it was impossible to tell what could potentially work to reduce future offending. But times were ripe for a change, and "nothing works" became the mantra within corrections. At the same time, crime rates were increasing and illegal drug use was becoming common. These issues led both liberals and conservatives to argue for, and implement, change in the existing correctional policy.

With the philosophical shift from an emphasis on rehabilitation, which had existed for the first seven decades of the twentieth century, to a philosophy of incapacitation and deterrence, policy changes were quickly apparent and had a major

impact on US corrections. Sentencing guidelines and mandatory minimums were designed to limit discretion in sentencing. The “War on Drugs” increased sentence lengths and the number of prison sentences for drug offenders. A philosophical change away from rehabilitation to incapacitation and deterrence meant more retributive sentences were initiated. The idea was that if nothing worked to rehabilitate prisoners then maybe it was better to keep them in prison or give them onerous punishments so they would not continue to commit crimes.

The impact of these correctional policies on the size of the correctional population was also quickly evident. From 1930 until about 1975 incarceration rates remained about 100 for every 100,000 in the population, leading Blumstein and Cohen (1973) to propose a theory of the stability of punishment. Yet by 1985 the incarceration rate had risen to 313 per 100,000, and it continued to grow so that by 2009 there were well over 2 million offenders incarcerated in federal and state prisons and local jails. The incarceration rate at this point had reached 748 per 100,000 US residents. Furthermore, the shift in correctional policies not only impacted the number of persons incarcerated, but also the number of individuals who were on community supervision. In 1980, 1.1 million offenders were on probation and another 220,438 were on parole, but by 2009 these numbers had grown to over 4.2 million on probation and 819,308 on parole.

Correctional programs and policies built upon incapacitation and deterrence became the prevailing perspective. As a result, less time and money were made available for offender programs, which became compounded by budgetary challenges associated with overcrowded prisons. Rehabilitation became a prohibited word. Correctional interventions focused on control (e.g., urine testing, intensive supervision) and punishment (e.g., boot camps). Correctional staff members had more of a policing mentality and were relatively uninterested in supporting the provision of services and treatment, instead being forced to center their attention on basic warehousing and control of incarcerated offenders. Confinement became ruled by a belief that if “nothing works,” the only reason for treatment in prison is to keep prisoners active and healthy.

While many accepted the mantra that nothing worked to change offenders, as well as the changes in correctional policy, others continued to try to understand the causes of crime, how to change offenders, and what research techniques would enable us to successfully identify effective programs and policies. David Farrington was one such voice (Farrington, Ohlin, and Wilson 1986). Addressing the issues found in the Martinson report, he argued that more rigorous research of better-implemented programs would successfully demonstrate what was effective in preventing or reducing the criminal behavior of delinquents and offenders.

Farrington was far ahead of others when he began extolling the benefits of randomized experiments. In an early paper, Farrington identified 35 randomized experiments published between 1957 and 1981 that examined the impact of crime and justice interventions on offending outcomes (Farrington 1983). In concluding his paper, Farrington argued for an increase in the quality of the research used in

criminology, especially stronger methodological designs. Farrington's statements had an important impact on the field. Without doubt, his emphasis on using more rigorous research methods bolstered the quality of research in criminology. A more recent review by Farrington and Welsh (2005) demonstrated this improvement, finding an additional 83 experiments with offending outcomes conducted since Farrington's earlier review.

Both in his emphasis on the quality of research and support for the importance of evaluating correctional programming, David Farrington was a driving force in bringing about changes in the field of criminology and criminal justice. In his words, "evaluation research has tended to be a 'poor relation' in criminology" (2006, 335). As Farrington goes on to note, evaluation has never had high status within criminology: traditional criminology has valued more academic, theoretical studies of the causes of crime. Applied, policy-oriented research was looked down upon. Reflecting this viewpoint is the fact that until the founding of the *Journal of Experimental Criminology* in 2005 no journal focused on criminological evaluation, although *Criminal Justice and Behavior* and more recently *Criminology and Public Policy* have published interesting policy-relevant studies.

In addition to the lack of outlets for evaluation research, no criminological organization focused on evaluations until the relatively new Campbell Collaboration, the Academy of Experimental Criminology, and the Division on Experimental Criminology in the American Society of Criminology. The existence of these groups enabled Farrington and colleagues to create additional awareness of, and advocate for, the need for an increased quantity of *quality* research in criminology. These recent developments also indicate a dramatic change in the prominence and value placed on evaluation research in criminology.

The emphasis on increased evaluations and the quality of these evaluations had several valuable outcomes. First, the existing incapacitation and deterrence interventions were submitted to rigorous tests to determine whether programs operating under these philosophies were effective. Evaluations of the popular correctional interventions, such as boot camp prisons, intensive probation and parole supervision, and drug testing, found they were not effective in reducing criminal behavior. Some programs, such as Scared Straight, even appeared to increase future criminality (MacKenzie 2006). Existing policies such as long prison sentences also were found to do little to deter criminal behavior and were suggested to even be criminogenic (Nagin, Cullen, and Jonson 2009). Additionally, studies discovered many unintended consequences of existing policies in that the large number of youth being sent to prison decimated some urban communities, and further had unintended consequences on many living in the devastated communities. Moreover, it was determined that a large proportion of those suffering under these draconian policies were young minorities from inner cities.

Improved statistical techniques along with systematic reviews and meta-analyses provided evidence of what was effective in preventing and reducing criminal behavior (MacKenzie 2006). As had been argued by Farrington

and many others working in criminology from a psychological perspective, individual-level differences in attitudes and thinking are important determinants of criminal activity. Effective programs must follow certain principles of effective practice (Andrews and Bonta 2003). In a summary of her examination of correctional treatment programs, management strategies, and interventions, MacKenzie found programs such as cognitive skills, vocational and academic education, and drug treatment are effective in reducing later recidivism, while incapacitation and deterrence-based programs (e.g. supervision, boot camps) were not. According to her, effective programs are those that address cognitive change as a component of the program. From this perspective, effective programs must bring about a transformation in individuals' thinking before they are ready to take advantage of services and opportunities. The disappointing research findings of the ineffectiveness of many reentry programs may be because the interventions seldom combine the focus on work opportunities with programs to address the criminogenic thinking of the participants.

We are now on the brink of another major paradigm change in corrections. Again, a combination of factors has impinged on corrections, and these factors appear to be leading to a major transformation in correctional policy and practice. Research evidence has demonstrated the failure of incapacitation and deterrence policies while increasing evidence shows rehabilitation and services that create cognitive change in criminal thinking can effectively prevent or reduce criminal behavior. Policymakers, correctional administrators, and researchers search for ways to use this scientific knowledge to reduce correctional populations without producing a corresponding increase in crime. There is a new emphasis on "evidence-based" interventions, interventions that have been shown to be effective when tested with rigorous research designs and advanced statistical techniques (MacKenzie 2001; 2005).

Many other factors are also aligning to prime this shift in correctional philosophy. A growth in research that demonstrates programs that follow treatment protocols are effective is evident. Broad-based awareness of the "revolving door" as well as the impact of deinstitutionalization of the mentally ill on the correctional population, especially jails, is now commonplace. Recognition of specialized needs for subpopulations such as female offenders and those with co-occurring disorders has developed, along with an understanding of challenges posed by sentencing guidelines that provide little flexibility and do not consider how to integrate treatment into guidelines so some can be diverted from prison. Numerous methodological and statistical advancements also accompany these areas of substantive growth, such as an emphasis on measuring fidelity and on appropriate modeling of myriad services now provided to some offenders.

The downturn in the economy is perhaps the most significant factor generating an interest in changing corrections. Various levels of governments are searching for ways to reduce expenditures, and the correctional system is an appealing target. Policymakers are recognizing the high cost associated with a large incarcerated

population and are seeking politically palatable methods of reducing the populations without appearing “soft” on crime, even utilizing the mantra “smart on crime.”

The motivating forces in corrections today appear to be “evidence-based” interventions and being “smart on crime.” This new perspective will require close working relationships among policymakers, practitioners, and researchers if the goals of more successful and cost-effective correctional interventions are to be realized. Decisions must be made about which offenders will benefit most from treatments, which are appropriate candidates for alternative correctional strategies, and who can safely be released from prisons or jails without jeopardizing public safety.

In our opinion, some of the most pressing issues are the identification and management of special populations such as the mentally ill, women, those with dual diagnoses, and drug-involved offenders. Furthermore, these interventions must be done “smartly” so recommended programs and management of offenders become neither prohibitively expensive nor a threat to public safety. Decision-making will require valid and reliable tools to guide evidence-based decisions about the risks offenders present to the community and their treatment needs. Research clearly demonstrates that these tools substantially improve predictions when compared to clinical judgment alone in predicting reoffending and violent crime. In an effort to reduce costs, some jurisdictions are examining how to incorporate risk and needs assessments into all phases of justice decision-making from pretrial through sentencing and release. These instruments will assist decision-makers in determining appropriate candidates for alternative treatment or management with the benefit of reducing the costly use of incarceration when more effective evidence-based alternatives are possible.

Another pressing issue for correctional research is the determination of effective treatment models for offenders with mental illness. In both prisons and jails, there are staggering numbers of people who struggle with mental health issues. While some screening processes are in place, many inmates are still not appropriately diagnosed or treated for their conditions. Upon release, many of these same individuals experience ongoing challenges in the reentry process, including maintaining compliance with medication and meeting their own basic needs. Pioneering work in the area of offenders with mental illness has led to an important distinction regarding the offenders themselves. Contrary to previous opinion, a fundamental assumption growing in the literature is that mental illness is not necessarily the cause of criminal behaviors resulting in incarceration. Instead, the same risk factors for the perpetuation of violence and other criminal acts such as an established criminal history, antisocial personality, antisocial cognitions, and a tendency toward antisocial associates are shared by both those with and those without mental illness. Moreover, these factors are generally stronger predictors of recidivism than mental illness diagnoses themselves, although psychological conditions appear to be related to the poor functioning of the mentally ill in the community (Skeem, Manchak, and Peterson 2011). Correctional agencies must recognize that these offenders are working with two deficits—criminal and

mental health components. Accordingly, agencies, therapists, and program developers must work to address the treatment of underlying criminogenic needs of offenders, along with mental illness in order to facilitate successful reintegration into their community. While offenders with mental health or other issues have been used as an example here, the message from the literature clearly indicates the need to work within a multidimensional treatment environment, which may require improved planning and coordination efforts.

While research has successfully identified therapeutic programs that are effective in reducing recidivism, much less is known about how to ensure these programs are delivered with fidelity and therapeutic integrity, or the extent to which interventions conform to the manner of service intended by the developers of the service. Criminology in general has been criticized by Petersilia (2003) for its lack of focus on what goes on inside corrections programs. Despite increasing knowledge and statistical precision, correctional research continues to fail to question the “black box” itself. The lack of precision in understanding program content and processes has been noted within correctional approaches in general (see Bonta et al. 2008). When programs appropriately adhere to the principles of risk, need, and responsivity, they can effectively reduce recidivism, but many do not follow these principles (Andrews and Bonta 2006). Consequently, an ideal component of any correctional program evaluation is a relatively thorough, yet unobtrusive assessment of program delivery, especially when a program is adopted from another jurisdiction or population, since portability of a promising program does not always follow (see Armstrong 2003). The next generation of correctional programs and related policies is poised to include a careful, rigorous evaluation of both content and outcome, given the increased interest of policy-makers and practitioners alike in evidence-based practices that hold promise for increased economic efficiency.

In summary, we are on the cusp of a new age in corrections. At this point, we do not know what the future will bring. What is clear is that the old paradigm has failed and changes are on the way. Certainly, we must address the problems created by the old philosophy as we move toward smarter ways to address crime problems with evidence-based solutions.

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