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Criminal Justice Reform and Recidivism Reduction

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Across the country, the rate of offender recidivism is high, the costs of incarceration are rising, and the money to fund the criminal justice system is shrinking. The call for criminal justice reform is being heard nationwide and in Alaska. Our state, in particular, is facing a funding crisis for all programs due to the dramatic decrease in oil prices and the resulting decline in state revenues, and Alaska's leaders are responding to the urgency of the situation. Initiatives have been launched in Alaska to reduce correctional populations, lower recidivism rates, and decrease costs while holding offenders accountable for harm to victims and the community, and keeping the public safe. (An earlier *Alaska Justice Forum* article, "Smart Justice in Alaska" (Summer/Fall 2015), described the Justice Reinvestment Initiative and the Results First Initiative in Alaska and their evidence-based approaches to criminal justice reform.) Exploding expenditures coupled with persistently high recidivism rates have created dual criminal justice crises in Alaska: a cost crisis related to the operation of the criminal justice system in general, and the Department of Corrections (DOC) in particular, as well as a crisis in confidence that the criminal justice system can achieve its public safety objectives.

This current situation provides a tremendous opportunity to critically examine existing policies and practices and to explore

INSIDE THIS ISSUE

- The Informed Alaskans Initiative makes public health data available online (page 2).
- Recommendations from the Alaska Criminal Justice Commission's Justice Reinvestment Report (page 4).
- Sexual misconduct as understood by students at University of Alaska Anchorage (page 7).

Table 1. Pew-MacArthur Results First Initiative: States and Counties

Since 2011 the following states and counties have joined the Pew-MacArthur Results First Initiative:

States				Counties
Alaska	Idaho	Mississippi	Texas	Santa Cruz, CA
California	Illinois	New Mexico	Vermont	Santa Barbara, CA
Colorado	Iowa	New York	West Virginia	Kern, CA
Connecticut	Kansas	Nevada	Wisconsin	Fresno, CA
Delaware	Massachusetts	Oregon		
Florida	Minnesota	Rhode Island		

innovative solutions to the problems of cost and confidence confronting Alaska's criminal justice system. The state is demonstrating an unprecedented commitment to *evidence-based policymaking* in criminal justice through the establishment of the Alaska Criminal Justice Commission (Commission) and other efforts. The *Justice Reinvestment Report* released by the Commission in December 2015 contains 21 recommendations for criminal justice reform that are based on peer-reviewed research (see "Justice Reinvestment Report," page 4). As of this writing, SB 91, Omnibus Criminal Law & Procedure; Corrections, has been introduced in the Alaska Legislature and addresses many of the criminal justice reform issues in the Commission's recommendations. This article briefly examines the evidence-based approach to policymaking in criminal justice and the two conceptual pillars that serve as the foundation of this strategy: *effectiveness* and *efficiency*. There is also a description of the Pew-MacArthur Results First Initiative, a "smart justice" approach to reducing recidivism under the auspices of The Pew Charitable Trusts and the John D. and Catherine T. MacArthur Foundation, that is being led in our state by the Alaska Justice Information Center (AJIC), housed in the UAA Justice Center.

Pillars of Effective Recidivism Reduction

The two conceptual pillars anchoring the state's evidence-based policymaking efforts

are: (1) *effectiveness* and (2) *efficiency*. Effectiveness refers to the ability of the criminal justice system to achieve its stated objectives, not the means used to get there. Rather than focusing on criminal justice outputs—for example, the number of arrests, number of admissions to prison, or the number of program participants—effectiveness emphasizes outcomes of criminal justice policies, programs, and practices.

Beyond the issue of effectiveness are questions pertaining to the efficiency with which criminal justice policies and programs achieve their objectives. When we speak of efficiency, we are referring to the relationship between policy/program outcomes and the costs associated with achieving them. For the mathematically inclined, this translates to the ratio of outcomes for each unit of budgetary input. The benefit of focusing on efficiency, rather than focusing only on effectiveness, is that it provides additional—and important—information that allows for a direct comparison of two (or more) effective policies or programs.

Focusing on Effectiveness: The RNR Model

Criminal justice reform has become synonymous with one specific criminal justice policy outcome: *recidivism reduction*. Guiding the criminal justice reform efforts in Alaska and in other states is what is referred to as the RNR Model (Risk-Need-

Please see *Criminal justice reform*, page 10

Sexual misconduct (continued from page 9)

majority of students indicated that they would *not* report to anyone the behaviors described in the vignettes if a peer told them about it. The students were very clear that it was up to the victim to report, and they did not feel comfortable intervening. In addition, when asked *who* they would report to, the majority said law enforcement. There was little to no understanding about what Title IX is or does, that students with knowledge of

sexual misconduct could report it, and that there are a number of entities, besides law enforcement, available to receive reports.

Implications

These findings, while preliminary, suggest that students do not define behaviors or consent in the same way that the UAA policy defines it. Students' definitions and classifications of sexual violence are not consistent with what UAA has outlined. This creates a significant problem. In order

for UAA policies to be truly effective, they must resonate with the student body. Students will not report sexual misconduct if they do not see it as such, and UAA policies will be unsuccessful at changing the campus culture and reducing these incidents on the UAA campus. In addition, it is clear that students are not comfortable reporting these incidents as a bystander. While UAA has begun to implement a Bystander Intervention Program on the Anchorage campus, it is going to be difficult to know if this program is having an actual impact on prevention. We have no pretest data that can be used to evaluate this program, and it seems clear from these focus group conversations that students may not be willing to intervene as a bystander.

In order for UAA's policies and prevention and intervention efforts to be successful we must all have the same understanding of the definitions. Either we at UAA must do a better job of educating our students on issues of consent and sexual violence, or we must change our definitions to be more in line with students' views. However, this leads to a larger conversation. If UAA students do not believe that certain sexual exchanges are considered sexual violence, are we doing them a disservice by redefining their experiences as victimizations? What are the impacts on students who are told that they were in fact victims of sexual violence? Given that there is no one accepted definition of consent, has UAA created a definition that is clear and understandable? In order for us to truly understand these implications, there must be more in-depth research done on this subject. It is critical that future research focus in greater detail on issues of consent.

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Criminal justice reform (continued from page 1)

Responsivity). The RNR Model sets forth three core propositions or principles.

First among these is the notion that criminal justice resources should be prioritized according to *recidivism risk*. According to this risk principle, the level of criminal justice programming should match (or be proportional with) recidivism risk so that high intensity services are reserved for moderate- or high-risk offenders.

Second, the *criminogenic need principle* asserts that criminal justice interventions should specifically address those factors that have been shown to impact the likelihood of reoffending. These are dynamic risk and protective factors that can change over time

and are therefore amenable to programmatic treatment/intervention.

The third principle, *responsivity*, calls attention to personal, cognitive, and social factors that impede or enhance the effectiveness of criminal justice interventions. According to this responsivity principle, criminal justice interventions should be tailored to take into account these factors. Taken together, the RNR Model helps criminal justice practitioners identify *who* should receive treatment (risk principle), *what* should be treated (the criminogenic need principle), and *how* the treatment should be administered (responsivity principle). Effective criminal justice programs follow this comprehensive model.

The RNR model calls for using appropriate assessment tools to measure recidivism

risk of individual offenders, identifying offenders with moderate to high risk of offending, determining individual risk factors and types of programs that would be most effective, and implementing those programs and treatments. There is no "one-size-fits-all" program or treatment for reducing recidivism. A key factor in effective programs was noted by James Bonta and D.A. Andrews in their 2007 study in Canada; they stress the need to "maximize the offender's ability to learn from rehabilitative intervention by providing cognitive behavioral treatment and tailoring the intervention to the learning style, motivation, abilities and strengths of the offender." They underscore that it is unrealistic to assume that recidivism can be totally eradicated, but by using a collaborative approach, training staff involved

Defining Effectiveness: Levels of Evidence

One of the goals of the Results First Initiative is to determine which criminal justice programs or practices are effective in reducing recidivism by looking at evidence-based research. In reviewing programs and assigning a level of effectiveness, it is important to define the terms used to describe programs. The following is excerpted from The Pew Charitable Trusts Research & Analysis fact sheet “Defining Levels of Evidence” available at <http://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2015/11/defining-levels-of-evidence>.

Defining Levels of Evidence

The Pew-MacArthur Results First Initiative reviewed states’ legislative and administrative language related to levels of evidence, identified the best examples, and created the following definitions based on them.

1. An evidence-based program or practice offers a high level of research on effectiveness, determined as a result of multiple rigorous evaluations, such as randomized controlled trials and evaluations that incorporate strong comparison group designs, or a single large multisite randomized study. These programs typically have specified procedures that allow for successful replication.
2. A promising program or practice has some research demonstrating effectiveness, such as a single randomized controlled trial or evaluation with a comparison group design, but does not meet the full criteria for an evidence-based designation.
3. A theory-based program or practice has been tested using less rigorous research designs that do not meet the evidence-based or promising standards. These programs and practices typically have a well-constructed logic model or theory of change.

These definitions can create a shared understanding of evidence across agencies and branches of government and, over time, increase the use of evidence in the budget and policymaking processes.

in the process, and committing to resources to provide services, a level of success can be achieved.

Effectiveness and Efficiency: The Results First Cost-Benefit Model

Getting results in the most cost-effective way possible helps states to prioritize investments in criminal justice programs. Investing in programs that work is just the first step; it is not the only step. Once effective programs have been identified, the next step is to examine how cost-effective these criminal justice programs are. That is, what are the expected returns on the investments states are making?

This approach allows states such as Alaska to identify criminal justice programs that work, calculate costs and benefits for each program, provide side-by-side comparisons of programs according to projected cost and benefits, and then use this information to assist with funding prioritization. In this way, funding decisions incorporate knowledge of both programs’ relative effectiveness and efficiency. The rewards of the Results First method of cost-benefit analyses go well beyond simply arriving at a cost-benefit ratio. Once programs have been thoroughly inventoried, their effectiveness (as reported in scientific literature) documented, their costs

and benefits calculated, and their respective returns on investment (ROIs) estimated, policymakers have the ability to better understand the policy and funding options available to them. Importantly, the Results First framework is not intended to be merely a cost-cutting exercise. It is intended to be a decision-making tool, not a decision-making rule. The goal is to provide policymakers with additional information on which to base decisions about resource allocation.

AJiC’s Mission

The mission of the Alaska Justice Information Center (AJiC) is to compile, analyze, and report on criminal justice topics to policymakers and practitioners in order to improve public safety, to increase criminal justice system accountability, and to reduce recidivism.



Return on Investment: Alaska’s Adult Criminal Justice Programs

As noted earlier, the Pew-MacArthur Results First Initiative (RFI) is being led by AJiC. Alaska’s Results First Initiative is examining both the effectiveness and the efficiency of the state’s adult criminal justice programs by conducting a comprehensive review of the full array of programs funded by the state. The review includes a thorough inventory of state-funded programs, determining the proportion of those programs that are evidence-based, and detailing both the costs of operating those programs, as well as the benefits derived from them via reductions in offender recidivism.

AJiC and its state agency partners are engaged in collecting and compiling all of this detailed programmatic, budgetary, and recidivism information. The data gathered in the coming months will be used to develop specific cost-benefit estimates for the state’s adult criminal justice programs. Once completed, the results of this work will be disseminated to criminal justice policymakers in each branch of government to assist them in their continued efforts to reform and improve Alaska’s criminal justice system.

*Please see **Criminal justice reform**, page 12*

Resources on Criminal Justice Reform

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Criminal justice reform *(continued from page 11)*

Since 2011, 22 other states and 4 counties have joined the Pew-MacArthur Results First Initiative (Alaska was the 19th state to do so). Nationwide since 2007, a total of 31 states have been engaged in some aspect of evidence-based criminal justice reform. And these states are seeing tremendous results. They have been able to identify and better understand which of their adult criminal justice programs are evidence-based, and calculate the costs and benefits of each program. This information has enabled states to make important decisions about which programs to invest in to reduce recidivism and improve public safety.

Conclusion

The State of Alaska has made a significant commitment to criminal justice reform that maintains public safety while reducing

recidivism and costs related to incarceration. As Alaska legislators and policymakers grapple with the difficult issues of resource allocation in a world with oil at ever-lower prices, evidence-based research can assist with prioritizing resources.

As Alaskans, we are engaging for the first time in a process that enumerates the type and number of criminal justice programs, explores the extent to which these programs are evidence-based, and identifies the amount of state funds allocated to these programs. By engaging in this process, policymakers will be able to assess the benefits the state expects to achieve in terms of reduced reoffending and revictimization; reduced costs of criminal justice administration, especially incarceration; as well as the reduced costs of victimization. The current fiscal crisis presents Alaska with both challenge and opportunity. The challenge is how to bring criminal justice expenditures in line with fiscal realities. The opportunity presented to Alaska is to use an evidence-based pro-

cess to inform the difficult decisions that lie ahead.

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