

The Effectiveness Of COMMUNITY-BASED SANCTIONS *In Reducing Recidivism*

By Ginger Martin

Community corrections has long been seen as either a legitimate alternative to incarceration in a state prison or local jail or, perhaps more often, a poor substitute for higher levels of punishment and incapacitation. Correctional system decision-makers often feel compelled to increase their use of community-based sanctions, not because they are seen as good or better than incarceration, but because they are less expensive. Complicating the choice are the multiple policy goals inherent to the local criminal justice and correctional systems. Communities want their local correctional system to accomplish many things. They want reduced recidivism, as well as offenders to be punished for breaking the law or violating their supervision conditions, incapacitated so they do not inflict harm on the public and rehabilitated. However, community-based and jail sanctions may or may not be effective in carrying out these various functions.

Given these multiple goals and functions, any analysis of the effectiveness of community-based sanctions must begin with defining the desired outcome. The Oregon Department of Corrections recently completed a review of the effectiveness of community-based sanctions used most often in the state — work crews and community service, electronic monitoring and house arrest, day reporting centers, work release centers and jail. The Legislature asked the department to review effectiveness based on how well community sanctions protected the public and reduced recidivism. In other words, how do community alternatives compare with custody in protecting the public from continued criminal behavior inflicted on them by the offenders who enter the correctional system?

In order to answer this question, the DOC reviewed both national research on the effectiveness of community sanctions, including jail, and the effect sanctions have on recidivism in Oregon. The Oregon system review examines three different kinds of recidivism: reconviction of a felony, resanctioning for a violation and rearrest for any violation or new crime.

Review of the Literature: What Works?

Reducing Recidivism. For reducing recidivism, treatment and rehabilitation are more likely to be successful than surveillance and enforcement. In a meta-analysis involving 53,614 subjects, the addition of a treatment component to a community-based sanction produced a 10 percent reduction in recidivism.¹

Alternative Sanctions. In the absence of treatment services, alternative sanctions result in no worse recidivism than jail for many offenders. Alternative sanctions compare favorably to jail in terms of cost in that they are almost always less expensive to deliver. The selection and assignment of appropriate offenders to appropriate sanctions is key to the effective use of jail and alternative sanctions.

Length of Jail Stay. Brief periods of incarceration are as effective at curbing new violations as more costly prolonged detention.²

Community Service. Community service is the most underused intermediate sanction in the United States. It is inexpensive to administer, produces public value and can be scaled to the seriousness of a crime.³ In national studies, recidivism following a community service sanction is no higher than recidivism following jail.⁴

Restitution/Work Release Centers. Findings on work release centers were mixed in terms of recidivism. The major benefits derived from the use of work centers are in their potential for both incapacitation and rehabilitation, the latter depending on the delivery of appropriate treatment.⁵

Electronic Home Detention. The findings on electronic house arrest were also mixed in terms of recidivism, with most of the outcomes more the result of the selection process than the intervention. It may be that the greatest value of electronic house arrest is its lower cost and its ability to be used as a community-based program in which treatment services can be delivered.⁶

The overall conclusion from a broad reading of the available literature is that for reducing recidivism, treatment and rehabilitation are more likely to be successful than surveillance and enforcement. For this reason, community-based sanctions that involve an appropriate treatment component should be more effective at reducing recidivism than jail sanctions. In the absence of treatment services, multiple studies show that alternative sanctions result in no worse recidivism than jail for many offenders. A number of the studies reported outcomes related to the proper selection and assignment of appropriate offenders to appropriate sanctions.

significant for all groups except medium-risk person offenders (convicted of person-to-person crimes) and high- and medium-risk sex offenders (see Table 1).

- Comparing types of sanctions, all community sanctions have lower rates of reconviction than jail (See Figure 1).
- Work crew/community service has the lowest rates of reconviction for all high/medium-risk offenders (10 percent).
- All high-risk offenders have similar rates of reconviction no matter how long they are in jail (see Figure 2).
- For all medium-risk offenders, the longer the jail stay, the higher the rate of recidivism following jail.
- For all crime types, longer jail stays are associated with higher rates of recidivism following jail.

Figure 1

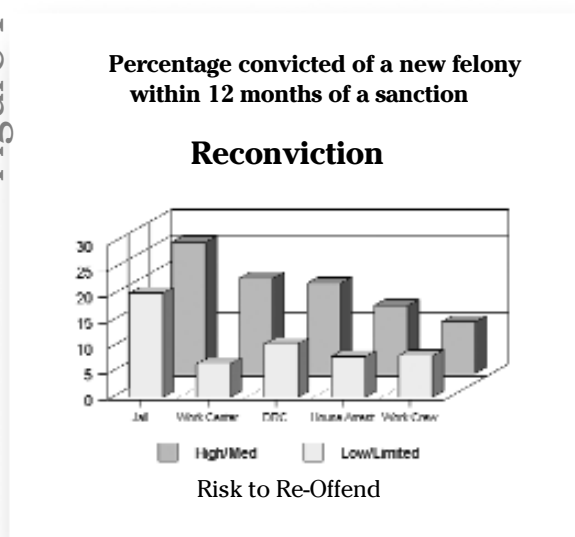
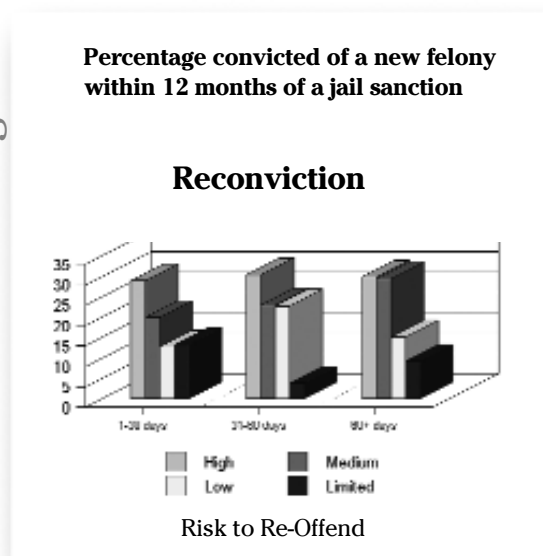


Figure 2



The Oregon Review

All offenders receiving their first-ever sanction following a violation of the conditions of either felony probation or parole between Jan. 1, 1999, and Dec. 31, 2001, were included in the study. These offenders were then followed for 12 months after that first sanction to determine its outcome on several types of recidivism. The study group totaled 13,219 offenders from throughout the state. What follows are the results based on the type of recidivism.

Criminal Activity

Reconviction rates are based on the conviction of a felony crime within the study year. This indicator measures involvement in criminal behavior leading to conviction.

- Comparing groups of offenders who have committed the same type of crime and who have the same risk to re-offend, for every group, the reconviction rate is higher following a jail sanction than it is following a community-alternative sanction. The differences are

Violating Supervision Conditions

This measure of recidivism is based on whether the offender was again sanctioned for a violation during the year following the original sanction. The indicator measures compliance with the conditions of supervision.

- There is no clear indication that either jail or community sanctions compel future compliance. Comparing groups of offenders who have the same crime type and same risk to re-offend, the differences are not statistically significant.
- There is no clear pattern relating length of jail stay to rates of resanctioning. In other words, longer jail stays do not result in better compliance than shorter jail stays.

Rearrest

This measure of recidivism reflects any arrest in the study year, without distinguishing between misdemeanors, felonies or violations.

- There is no clear indication that either jail or community sanctions affect arrest rates. Comparing groups of offenders who have the same crime type and same risk to re-offend, the differences are not statistically significant.
- Restitution/work centers have the highest rates of rearrest for high- and medium-risk offenders. This is likely a function of the close supervision and opportunity for noncompliance inherent to these settings.
- For high- and medium-risk offenders, assignment to work crew or community service as an alternative to jail has the lowest rearrest rate.
- No community sanction is more effective at reducing the rearrest rate for low- and limited-risk offenders.
- There is no pattern relating length of jail stay to rates of rearrest. In other words, longer prison terms do not reduce arrests more than shorter ones.

Discussion

The way that community alternative sanctions are being used in Oregon results in lower recidivism than using jail as a sanction. To understand the results, the role of professional judgment in choosing a sanction must be taken into account. Since offenders are not randomly assigned to sanctions, some difference in outcome may be the result of the professional judgment about which sanction to use or which offender to place in which type of sanction. One could assume that jail sanctions have higher rates of recidivism because the correct choice has been made regarding which offenders should go to jail, and that they are most likely to re-offend. There is some support for this assumption: In the study group, 84 percent of high- and medium-risk offenders were sanctioned to jail compared with 76 percent of those at low or limited risk to re-offend. Thus, 8 percent more of the higher-risk group were sanctioned to jail. However, the vast majority of all the offenders in the study group were sanctioned to jail, so there may be factors other than risk to re-offend influencing the choice of sanction.

Some jurisdictions use a variety of sanctions, while others do not. In fact, some smaller counties do not have alternatives to jail. The choice of jail as a sanction ranges from 50 percent to 100 percent, depending on the county. The choice of sanction can be more reflective of county practices and the resources available than it is to the choice about which particular sanction to impose on which particular offender.

The judgment used by an individual judge or officer in imposing a particular type of sanction could not be determined from the data available for this study. Instead, offenders with similar crime types and similar risks to re-offend were grouped together to find patterns in outcomes within similar groups. For every like group of offenders, i.e. same crime type and risk to re-offend, community alternative sanctions have lower rates of recidivism than jail sanctions.

Based on the evidence found in Oregon and consistent with national studies of the effectiveness of community sanctions, community-based sanctions used as alternatives to incarceration are a good investment to public safety. Compared with incarceration, they do not result in higher

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TABLE 3
RECIDIVISM AND SANCTION TYPE:
COMPARISON OF RISK LEVEL AND CRIME TYPE

High Risk Offenders						
Percentage convicted of a new felony within 12 months of the first sanction ¹						
Crime Type	Sanction Type		Sanction Type		z	Probability
	Jail	Alternative	Jail	Alternative		
	%	Total	%	Total		
Person	31.5	607	22.3	103	2.00**	.0419
Property	32.5	1,072	21.0	156	2.50*	.0121
Sex Offense	29.2	111	14.3	21	1.26	.2160
Statutory	27.5	905	20.1	169	2.17**	.0316
Medium-Risk Offenders						
Percentage convicted of a new felony within 12 months of the first sanction ¹						
Crime Type	Sanction Type		Sanction Type		z	Probability
	Jail	Alternative	Jail	Alternative		
	%	Total	%	Total		
Person	21.1	483	15.1	117	1.49	.1376
Property	27.2	762	18.8	193	3.40***	.0003
Sex Offense	14.9	154	11.9	42	0.52	.5054
Statutory	20.8	814	8.6	221	7.45***	.0000
Low-Risk Offenders						
Percentage convicted of a new felony within 12 months of the first sanction ¹						
Crime Type	Sanction Type		Sanction Type		z	Probability
	Jail	Alternative	Jail	Alternative		
	%	Total	%	Total		
Person	18.7	403	4.4	137	5.54***	.0000
Property	10.1	616	10.3	181	3.31***	.0010
Sex Offense	14.2	190	4.4	59	2.77***	.0062
Statutory	10.0	694	12.2	279	2.66***	.0081

Notes:

¹ Recidivism is defined as the total percentage of a sanctioned group that was convicted of any felony at any time within 12 months following the end of the first sanction. The recidivism pool consists of those who received their first sanction between Jan. 1, 1999 and Dec. 31, 2000.

*p< .05, **p< .01, ***p<.001

Source: DOC Research and Evaluation • Monroe

rates of criminal behavior and, thus, public harm; in fact, they were clearly associated with lower recidivism rates for matched groups of offenders. Community-based sanctions are an effective and even preferred option in responding to supervision violations, and they are usually less expensive than incarceration. The following are recommendations based on the research:

- Local jurisdictions should include a range of sanctions including but not limited to jail to be both effective and cost-effective in their response to violations.
- To reduce recidivism over the long term, the response to violations should also include services aimed at rehabilitation. Pair sanctions with treatment interventions when possible.
- Include the use of community service and/or work crews as an available sanction. This sanction had the lowest rates of reconviction for high- and medium-risk offenders in Oregon and is less expensive than residential or custody sanctions. In addition, community service work provides something of value to the community.
- Review length of stay in jail and adjust to improve the cost-effectiveness of this more/most expensive sanction. Shorter jail stays cost less than longer ones and have the same or better results in terms of recidivism.

Criminal justice sanctions have multiple purposes beyond the reduction of recidivism. For example, Oregon's Community Corrections Act directs community corrections to "promote the use of the most effective criminal sanctions necessary to protect public safety, administer punishment to the offender, and rehabilitate the offender." Thus, sanctions are used to incapacitate and to punish offenders, as well as to rehabilitate.

Jail is most often the preferred setting for providing both incapacitation and punishment. This analysis shows that longer jail stays either have no effect on recidivism or result in increasing recidivism. Length of a jail sanction does not affect either future compliance or future arrest. It would appear that carrying out the functions of punishment and incapacitation with shorter (and thus, less expensive) jail sanctions could be accomplished without putting the public at greater risk.

It seems clear, then, that local criminal justice systems should include sanctions other than jail in order to be both efficient and cost-effective. At the same time, jail remains an important part of the sanctioning continuum. There is anecdotal evidence from jurisdictions throughout Oregon that having a jail bed as a back-up improves compliance with alternative sanctions, making them more successful. If reducing recidivism is one of the primary goals of the correctional system, then the national research provides overwhelming evidence that sanctions paired with rehabilitation would probably have the greatest effect on reducing it.

ENDNOTES

¹ Cullen, F.T. and P. Gendreau. 2000. Assessing correctional rehabilitation: Policy, practice and prospects. In *NIJ criminal justice 2000: Vol. 3, Changes in decision making and discretion in the criminal justice system*, ed. J. Horney, 109-173. Washington, D.C.: U.S. Department of Justice.

² Clear, T.R., P.M. Harris and S.C. Baird. 1992. Probationer violations and officer response. *Journal of Criminal Justice*, 20:1-12.

³ Tonry, M. 1997. *Intermediate sanctions in sentencing guidelines*. U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

⁴ McDonald, D.C. 1989. *Punishment without walls: Community service sentences in New York City*. Rutgers, N.J.: Rutgers University Press.

⁵ Parent, D. 1990. *Residential community corrections: Developing an integrated corrections policy*. U.S. Department of Justice, National Institute of Corrections.

⁶ Cullen, F.T., J.P. Wright and B.K. Applegate. 1996. Control in the community: The limits of reform? In *Choosing correctional options that work: Defining the demand and evaluating the supply*, ed. F.X. Hartman. Thousand Oaks, Calif.: Sage Publications.

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