Approved: February 22, 2008
Date

MINUTES OF THE SELECT COMMITTEE ON CORRECTIONS REFORM AND OVERSIGHT

The meeting was called to order by Chairman Thomas C. Owens at 11:00 A.M. on February 15, 2008 in Room 431N of the Capitol.

All members were present except:
Representative Dan Johnson- excused
Representative Delia Garcia- excused
Representative Mitch Holmes- excused

Committee staff present:
Athena Andaya, Kansas Legislative Research Department
Jerry Donaldson, Kansas Legislative Research Department
Jarod Waltner, Kansas Legislative Research Department
Michael Steiner, Kansas Legislative Research Department
Jill Wolters Revisor of Statutes Office
Jason Thompson, Revisor of Statutes Office
Cyndie Rexer, Committee Assistant

Conferees appearing before the committee:
Russell Jennings, Commissioner, Juvenile Justice Authority
Roger Werholtz, Secretary, Kansas Department of Corrections
Helen Pedigo, Executive Director, Kansas Sentencing Commission

Others attending:
See attached list.

Chairman Owens introduced Commissioner Russ Jennings who explained the funding methodology of the Juvenile Justice Authority and on the facilities under the JJA's management. Included was the history, physical makeup, who they serve, and the level of security at each facility. (Attachment 1)

Secretary Roger Werholtz presented a PowerPoint presentation on the theories for changing criminal behavior.(Attachment 2) The Secretary provided the committee with the following handouts:

Evidence-Based Adult Corrections Programs: What Works and What Does Not by the Washington State Institute for Public Policy (Attachment 3)
Index in reference to Statistical Profile FY 2007 Offender Population (copy on file in Legislative Research) (Attachment 4)
Program Outcome Summary Return Rate by Program, Follow-up Period and Level of Program Exposure FY 1992-FY2006 (Attachment 5)

Helen Pedigo spoke regarding the bed impact SB 484 and the DUI provisions of the proposed bill will make in Kansas facilities. (Attachment 6) Ms. Pedigo also reported on the proposed improvements and modifications to Kansas sentencing laws and explained how to read the sentencing grids. (Attachment 7)

A period of questions and answers followed.

The next meeting is Tuesday, February 19, 2008 at 11:30 a.m. in Room 531-N.

The meeting was adjourned at 1:20 p.m.

HOUSE SELECT COMMITTEE ON CORRECTIONS REFORM AND OVERSIGHT

GUEST LIST **DATE** February 15, 2008

Your Name	Representing
Michael Hooper	Kearney & Assoc.
Russ Jennings	JA
Rob Merry	Little Govt. Relations
Jeremy S Barclay	KDOC
Roger Haden	KDOC

Juvenile Justice Authority Overview

Select Committee on Corrections Reform

by J. Russell Jennings

February 15, 2008

J. Russell Jennings
Commissioner
785-296-0042
rjennings@ksjja.org

Heather Morgan
Director of Public and Legislative Affairs
785-296-5543
hmorgan@ksjja.org

Select Committee on
Corrections Reform and Oversight
2-15-08
Attachment 1

From 1997 to today, JJA has distributed funds for core programming a number of ways, though the methodology used for the past five years has remained unchanged. However, through the process of various isolated adjustments and as a result of decreased funding levels, the distribution of funds no longer bears a correlation to the relative workload experienced in communities. In short, the current distribution of funds methodology creates inequities in the level of funding for communities.

To address these inequities JJA will be implementing a new funding methodology. The methodology originated in a committee formed by JJA, on which community Administrative Contacts and members of JJA Central Office have worked collaboratively to develop the proposed funding methodology that considers the workload of the districts in determining the distribution of funding for each district. This methodology has been presented to all JJA Administrative Contacts who have agreed the formula is sound and wholeheartedly support the change in distribution of funds to ensure the process if fair for all districts.

The new funding methodology provides for the:

Use of Reliable Data- Funding decisions will be based upon data provided by the communities through the JJA CASIMS database.

Mitigation of Changing Caseloads/Stability- Utilizes data across years to provide an updated three-year average each year to account for unusual instances of caseload change.

Sustainability- Provides a means to distribute funds in an equitable manner without regard to the actual amount of funds to be allocated.

Specific details on the new funding methodology:

Measurement & Weight of Relevant Data Points- Data points are ascribed weighted values according to the work related to each of the data points measured.

- Data for each county will be aggregated to the judicial district level and weighted as follows:
  **Annual Total Intakes--33% weighted value*
  **New Youth Plans Entered--17% weighted value*
  **Average Daily CM & ISP Population--50% weighted value*

Base Funding Assumption- Providing minimum base funding for the three core program components for each judicial district, without regard to data values, assures a minimum level of services will be funded in all areas. **Base Funding--$107,000 per judicial district*

The funding for core programs has been level or decreasing over the last five years. With over 85% of expenses associated with community program operations being dedicated to personnel costs, decreased and level funding has resulted in fewer people to deliver necessary services. Fewer people to deliver services results in decreased effectiveness of the services provided. To address this issue JJA has included in its FY 2009 budget request $4.5 million. $3.5 million is dedicated to increasing the amount of core funding distributed to communities. $1.0 million would be available as incentive funding.

Local units of government often believe that juvenile justice is exclusively a financial responsibility of the state; though local units do provide many in-kind support services such as financial operations, office space, access to legal services, and IT services. However, when community based agency representatives seek local funding assistance they are often met with a response of "unfunded mandate" or "it is not our responsibility". JJA believes incentive funding would be a way to partner with local communities by creating an environment where local units take some level of ownership in juvenile crime prevention, intervention, and rehabilitation activities.

See the attached tables for breakdowns of the base core funding for graduated sanctions programs, the increased funding to each judicial district if the $3.5 million request is approved, and how the $1.0 million in incentive funds would be available to each district.

Atchison Juvenile Correctional Facility

The Atchison Juvenile Correctional Facility (AJCF) is a minimum-security facility with a bed capacity for 121 male youth. The facility was established in 1887 as a home for orphans of Union veterans of the civil war. Built on a 160-acre tract of land overlooking the Missouri River, the facility opened on July 1, 1887. This facility is very unsecure in juvenile correctional facility standards.

The facility is made up of small cottages. No cottage can house more than 23 youth. These cottages are old and not designed with security in mind. These buildings lack the hardware that is standard for juvenile correctional facilities today. Due to the lack of hardware security youth must be kept secure through staffing patterns. AJCF is very staff intensive with multiple officers supervising and escorting youth at all times. There is also no security perimeter fence. Over the past few years a number of youth have attempted to escape from AJCF.

This facility currently houses the youngest, generally 10-15 year old, low-risk youth in the juvenile correctional facility system. Any youth who have problem behaviors, are violent, or who are believed to be an escape risk are not housed at AJCF.

Beloit Juvenile Correctional Facility

The Beloit Juvenile Correctional Facility is the only JJA facility that serves female youth. The facility was established in 1890 as the Girls Industrial School, and has historically been known as GIS, the Youth Center, and is now known as the Beloit Juvenile Correctional Facility. Overall this facility is very unsecure and located in close proximity to Beloit public school facilities.

The facility is made up of small cottages/floors. No cottage can house more than 24 youth. These facilities are old and not designed with security in mind. These buildings lack the hardware that is standard for juvenile correctional facilities today. Due to the lack of hardware security the youth must be kept secure through staffing patterns. BJCF is very staff intensive with multiple officers supervising and escorting youth at all times. There is also no security perimeter fence. Over the past few years a number of youth have attempted to escape from BJCF.

This facility currently houses all of the female population from 10-22½ years of age. Any youth who have problem behaviors, are violent, or who are believed to be an escape risk are housed in the 18 bed maximum security unit at BJCF.

Larned Juvenile Correctional Facility (LJCF)

The Larned Juvenile Correctional Facility has gone through several changes since its 1971 inception as Larned State Hospital's 30-bed Adolescent Rehabilitation Unit. It separated from LSH in 1982, coming under the direction of the Social and Rehabilitation Services, and with the creation of the Kansas Juvenile Justice Authority in 1997, became one of four juvenile correctional facilities operated under the current system.

LJCF is a relatively new 132,000 sq. ft. facility with a perimeter security fence and is considered medium security. LJCF specializes in treating juveniles with the most severe mental health and alcohol/drug abuse needs. Youth eat, attend classes, receive programming, and live within the confines of one building. Each youth is assigned a separate room, complete with restroom facilities. The facility includes four substance abuse pods of 30 beds each, and two mental health pods of 16 beds each.

This facility currently houses the male population from 10-22½ years of age who are in need of mental health or substance abuse treatment. LJCF also accepts youth in their general population units who are considered medium security for a variety of reasons such as the youth's family would be able to visit more easily because of Larned's location or if the youth needs to be separated from youth at KJCC.

Kansas Juvenile Correctional Complex

The Kansas Juvenile Correctional Complex was opened in 2004 and serves as the states maximum security juvenile correctional facility. KJCC is self confined where most youth live, go to school, and receive treatment. However, 60 new medium security beds were also built at the same time as KJCC and sit just outside of the main KJCC building. When KJCC was constructed a perimeter security fence was built around the new KJCC building, the new 60-bed building, and also around all of the old TJCF campus so that all spaces used by youth at KJCC are within the secure perimeter.

The living units on the old TJCF campus are small cottages. No cottage can house more than 24 youth. These facilities are old and not designed with security in mind. These buildings lack the hardware that is standard for juvenile correctional facilities today. Due to the lack of hardware security the youth must be kept secure through staffing patterns. These buildings would not be suitable to house maximum security youth.

Also on the old TJCF campus is the industries program used by high level youth from KJCC. These youth walk about a quarter mile across campus to these programs each day where they learn trade skills and earn a salary, which they can use upon returning to their community. Also on the old TJCF campus are gym, cafeteria, administrative offices not currently being utilized and maintenance space and storage space which are being used. Also on the old campus is a school building, which is in wonderful shape but not being utilized because a self contained school is located within the KJCC building.

KJCC serves as the agencies reception and diagnostic unit (RDU) where all male youth come into the system and stay for an average of 21 days while undergoing a variety of tests to ensure their needs are met in the juvenile correctional facility. After the RDU process youth may be transferred to either AJCF or LJCF, or may stay at KJCC to receive programming. KJCC serves the most high-risk youth ages 10 to 22½ in the entire juvenile justice system.

ystemwide Designed v. Occupied Capacity

AJCF	Living Unit	Designed Capacity	FY 2007 Average Daily Population	Actual 2/13/08 Population	Current Security Classification
	Maple	10			Minimum
	Cottonwood	14			Minimum
	Sycamore	14			Minimum
	Oak	23			Minimum
	Hickory	23			Minimum
	Redwood	14			Minimum
	Sequoia*	23			Minimum
	ITU**	0			Maximum
AJCF Total:		121	43	41	

* In 2005 an American Correctional Association (ACA) self audit was conducted to review the square footage required in living room areas (ACA standard is 35 square feet per juvenile). It was determined that the possible capacity in the Sequoia living unit must be reduced from 34 to 23. This will allow 36.20 sq. ft. per juvenile in the 1st floor living room and 37.75 sq. ft. per juvenile in the 2nd floor living room. This change reduced the total capacity of AJCF from 132 to 121.

**ITU is the Segregation Unit with 8 segregation rooms and one observation room. Juvenile Offenders are not assigned to this unit, and are only there for a short period of time upon admission, if on suicide watch or for disciplinary reasons.

BJCF	Living Unit	Designed Capacity	FY 2007 Average Daily Population	Actual 2/13/08 Population	Current Security Classification
	Skylark	24			Minimum
	Sunnyside	24			Minimum
	Morningview	18			Maximum
	Grandview	16***			Minimum
	Prairie Vista	18***			Minimum
BJCF Total:		100	28	27	

***Prairie Vista and Grandview were leased to the Mitchell Co. Partnership for Children effective 1-1-2007.

LJCF	Living Unit	Designed Capacity	FY 2007 Average Daily Population	Actual 2/13/08 Population	Current Security Classification
	Harker/Mann	30			Medium
	Zarah/Aubrey	30			Medium
	Wallace/Atkinson	30			Medium
	Scott/Riley	30			Medium
	Hays/Larned	16			Medium
	Dodge/Leavenworth	16			Medium
LJCF Total:		152	108	118	

KJCC	Living Unit	Designed Capacity	FY 2007 Average Daily Population	Actual 2/13/08 Population	Current Security Classification
	A-Max	15			Maximum
	B-Max	15			Maximum
	C-Max	15			Maximum
	D-Max	15			Maximum
	E-Max	15			Maximum
	F-Max	15			Maximum
	G-Max	15			Maximum
	H-Max	15			Maximum
	I-Max	15			Maximum
	J-Max	15			Maximum
	K-RDU	10			Maximum
	L-RDU	10			Maximum
	M-RDU	10			Maximum
	N-Max	10			Maximum
	O-Max	10			Maximum
	P-Max	10			Maximum
	Segregation	15			Maximum
	Q-Medium	15			Medium
	R-Medium	15			Medium
	S-Medium	15			Medium
	T-Medium	15			Medium
	Cherokee	24			Medium
	Comanche	15			Medium
	Kanza	15			Medium
	Kiowa	15			Medium
	Mohawk	15			Medium
	Osage	24			Medium
	Pawnee	24			Medium
	Shawnee	24			Medium
KJCC Total:		441	229	229	

TOTAL CAPACITY

Male Minimums=121 Male Mediums=368 Male Maximums=225	Female Minimums=82 (Includes leased beds) Female Maximums=18
TOTAL Male=714	TOTAL Female=100
TOTAL Systemwide Capacity= 814	

TOTAL Occupancy 2/13/2008

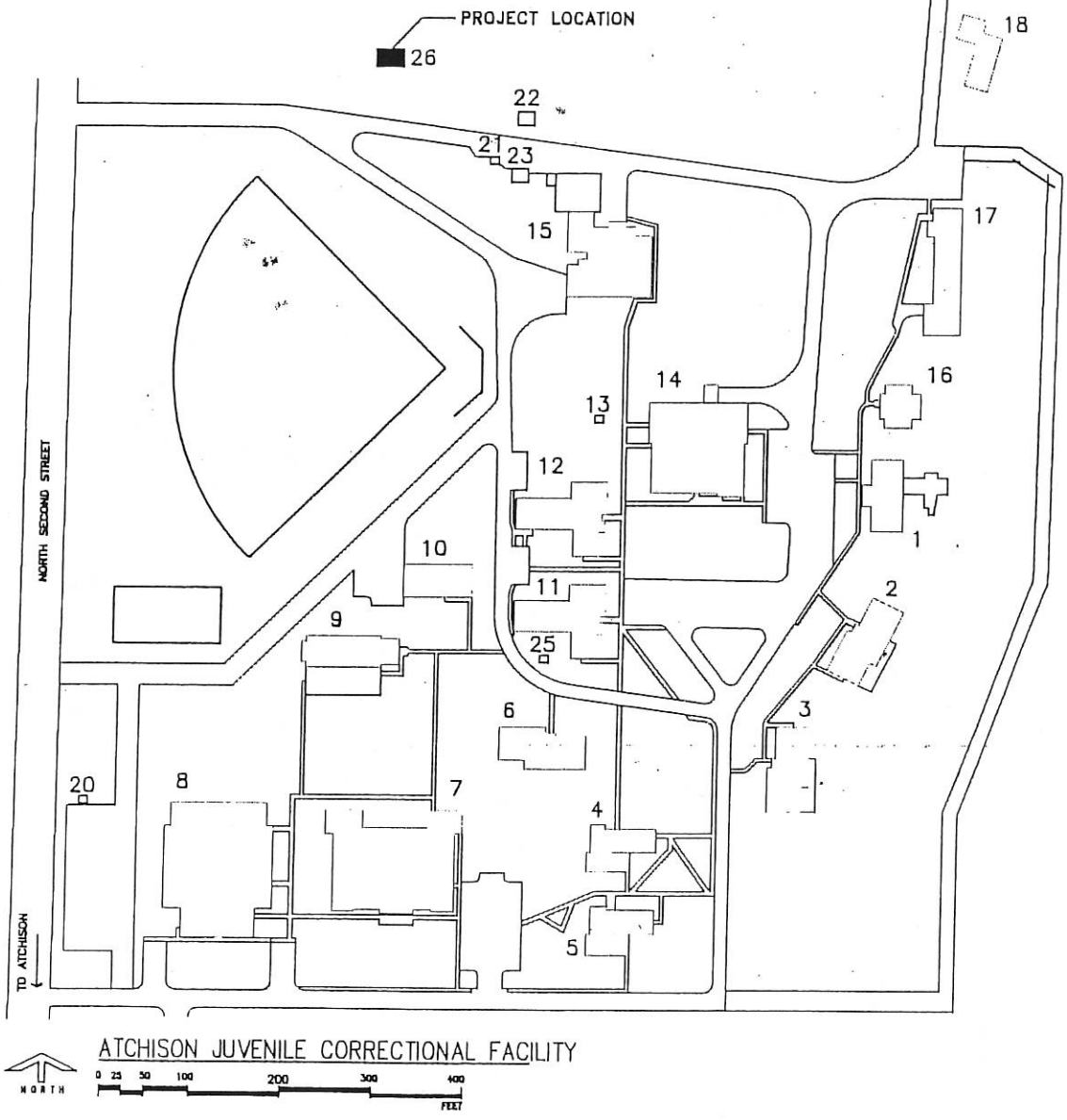
AJCF=41 KJCC=229 LJCF=118	BJCF=27
TOTAL Male=388	TOTAL Female=27
TOTAL Systemwide Occupancy= 415	

AJCF

Building Number	Building Name	Year Built
1.	Activity Center	1918/1994
2.	Redwood Cottage	1955
3.	Cottonwood Cottage	1955
4.	Ivy Cottage (ITU)	1951
5.	Maple Cottage	1951
6.	Sycamore Cottage	1955
7.	Administration Building	1931/1980
8.	Bert Nash School	1971
9.	Swimming Pool	1950
10.	Power Plant	1976
11.	Hickory Cottage	1971
12.	Oak Cottage	1971
13.	Water Tower	1976

Building Number	Building Name	Year Built
14.	Dietary–Storeroom	1977
15.	Maintenance Shops	1900
16.	Social Service Building	1920
17.	Sequoia Cottage	1955
18.	Staff Cottage #2 (South)	1956
19.	Staff Cottage #1 (North)	1956
20.	Pump House	1957
21.	Gasoline House	1957
22.	Oil Pump House	1954
23.	Tool Shed	1965
24.	Storage Shed	1956
25.	Transformer House	1965
26.	New Emergency Generator	

Date: January 1, 1998



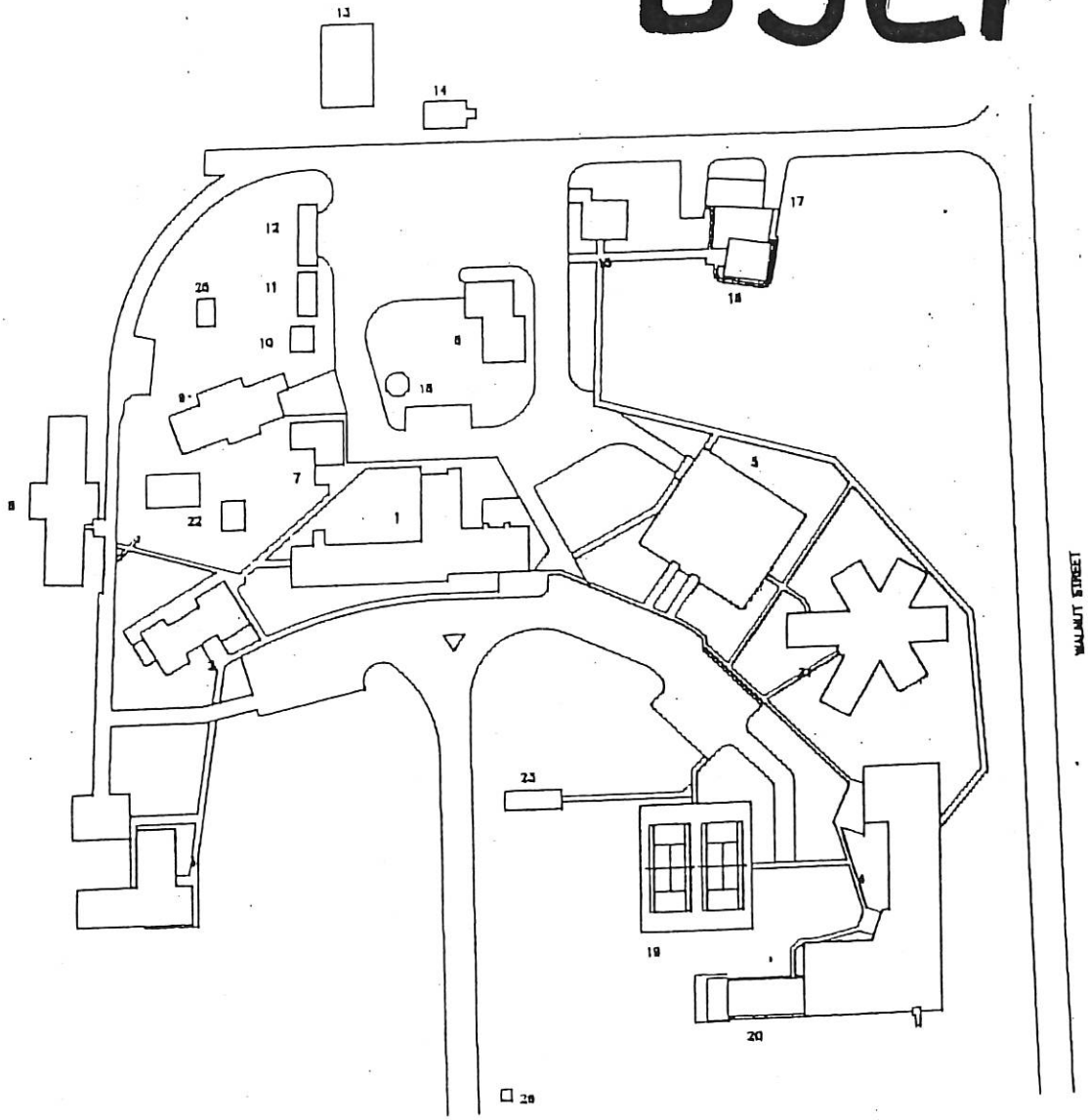
ATCHISON JUVENILE CORRECTIONAL FACILITY

NORTH

0 25 50 100 200 300 400 FEET

1-6

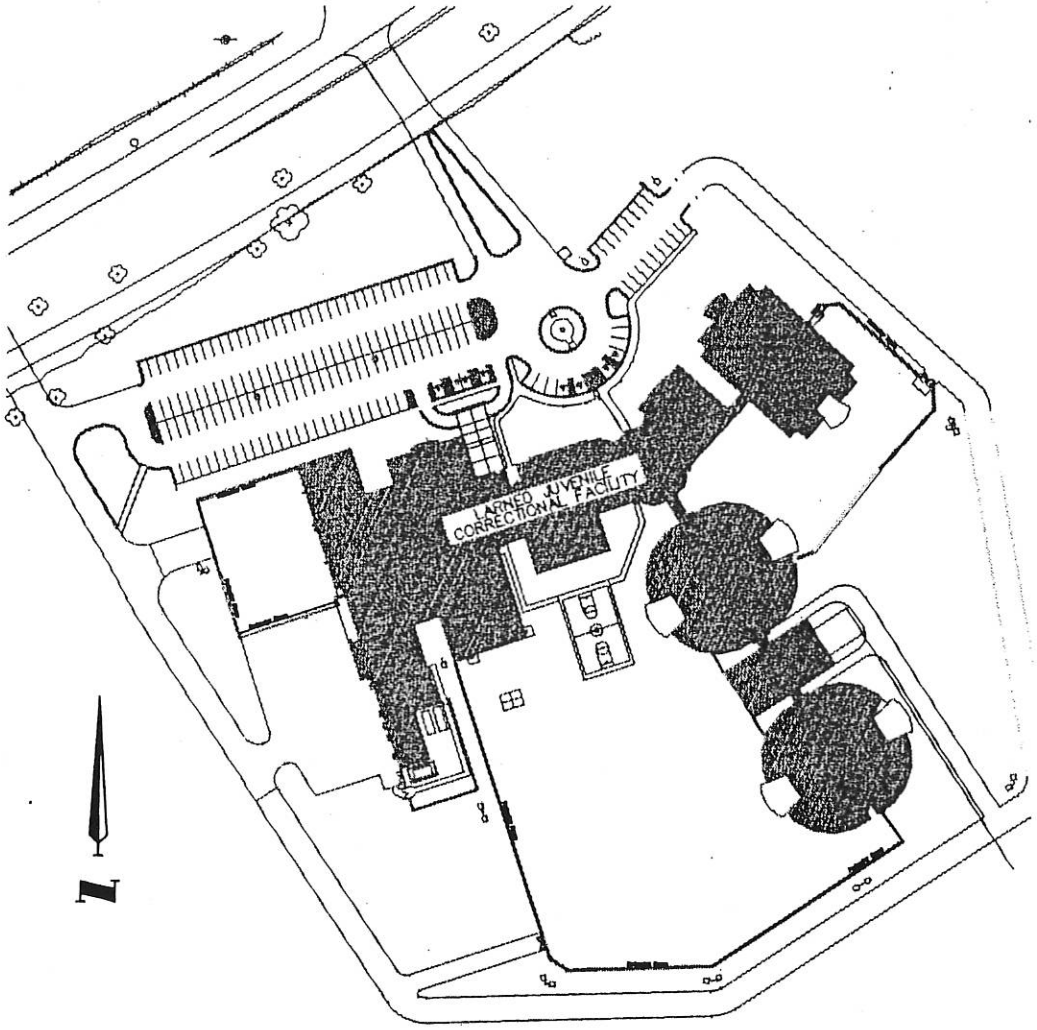
BJCF



BELOIT JUVENILE CORRECTIONAL FACILITY

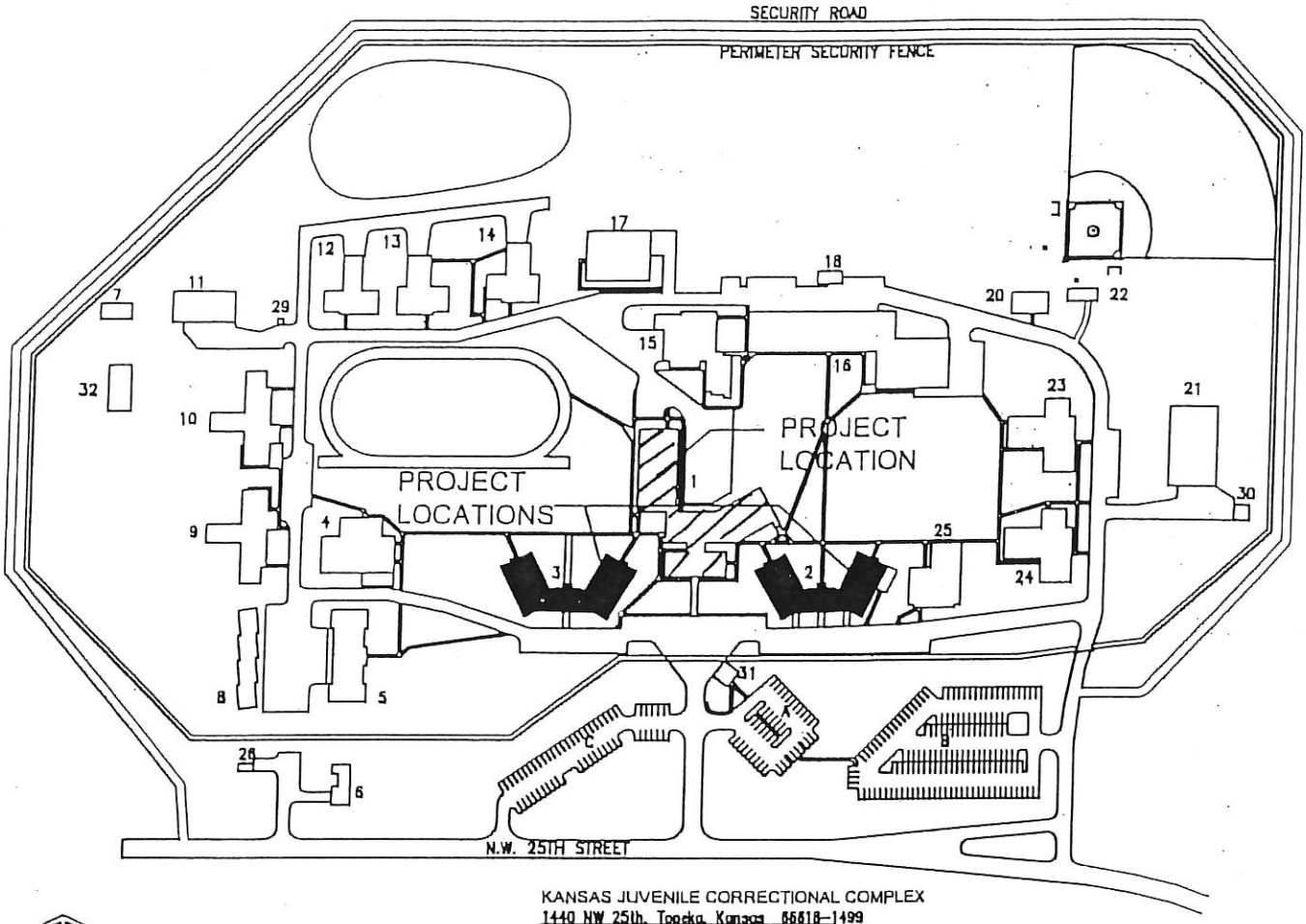
BLDG NO.	BUILDING NAME	YEAR BUILT
1	ADMINISTRATION/SKYLARK & SUNNYSIDE LIVING UNITS	1930
2	SHADYSIDE LIVING UNIT (VACANT)	1910
3	GRANDVIEW LIVING UNIT (VACANT)	1957
4	NORTH BELOIT HIGH SCHOOL	1955
5	CAFETERIA/COMMISSARY	1970
6	POWERHOUSE	1968
7	PAINT ROOM & LAUNDRY ROOM	1922
8	PRAIRIE VISTA LIVING UNIT	1964
9	MAINTENANCE SHOP	1911
10	BRICK GARAGE	1920
11	CARPORT	1910
12	STORAGE SHED	1918
13	BARN	1915
14	ROOT HOUSE	1920
16	GUEST HOUSE	1920
18	SUNSHINE HOUSE	1910
17	GARAGE	1991
18	TRASH STORAGE	1910
19	TENNIS COURT	1980
20	SWIMMING POOL	1978
21	MORNING VIEW LIVING UNIT	1980
22	GREENHOUSE	1983
23	SHELTER HOUSE	1993
24	FARM HOUSE (OFF CAMPUS) RAZED	1988
25	ACTIVITY THERAPY SHED	1927
26	BALL FIELD SHED	1995

LJCF



LARNED JUVENILE CORRECTIONAL FACILITY

TJCF



KANSAS JUVENILE CORRECTIONAL COMPLEX
1440 NW 25th, Topeka, Kansas 66618-1499

BUILDING LEGEND
Agency Code: 31900

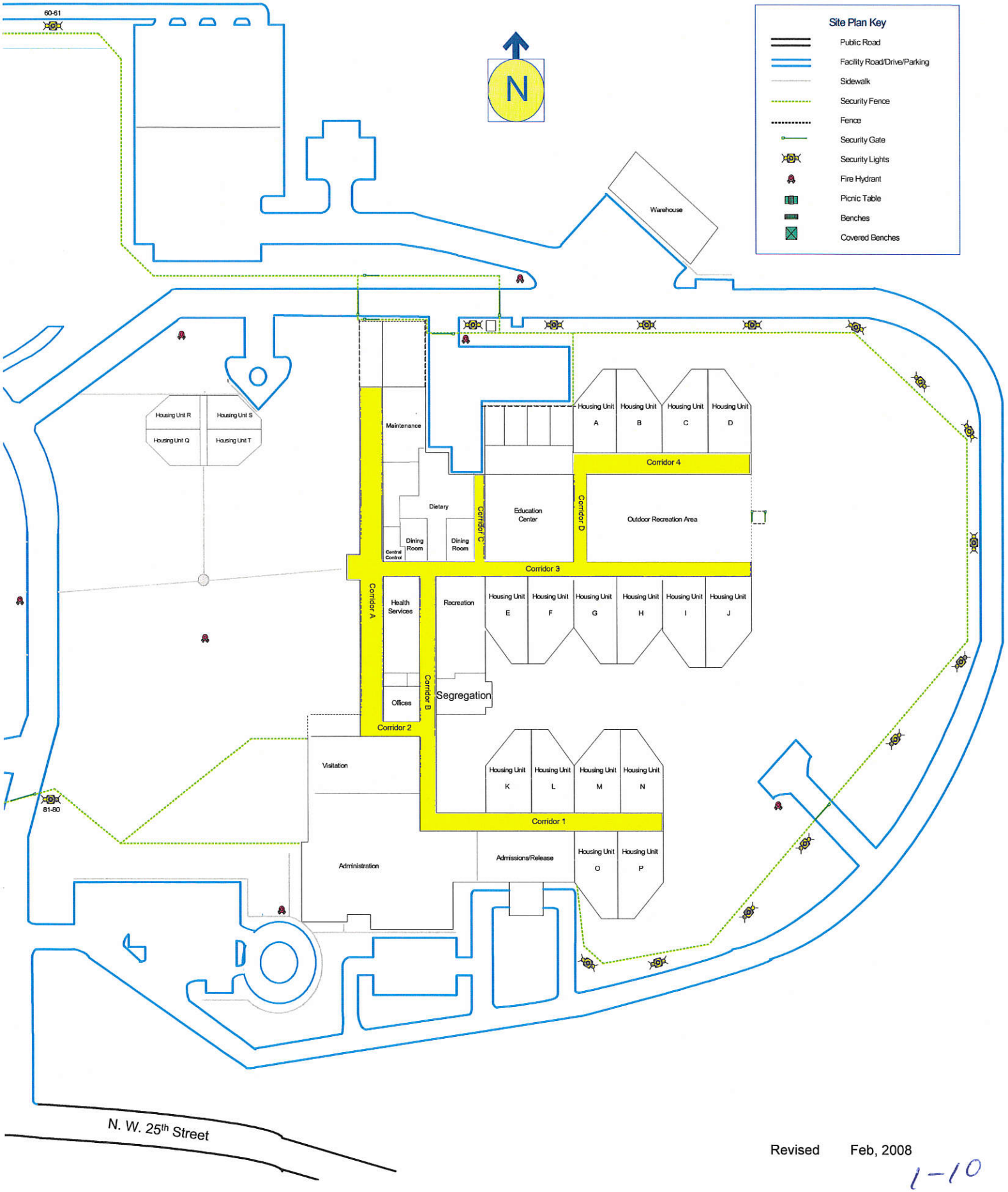
SITE ACREAGE: 56

PROJECT: 1. RAZE ARAPAHO/CHEYENNE (Bldg 2) & CHIPPEWA/JAYHAWK (Bldg 3)
2. REMODEL ADMINISTRATION BUILDING (Bldg 1) to house JJA CENTRAL OFFICE

Building Number	Building Name	Year Built
1.	Administration – Dietary – Gym	1950
2.	Chippewa / Jayhawk Living Units	1924
3.	Arapaho / Cheyenne Living Units	1924
4.	Swimming Pool	1965
5.	Lawrence Gardner High School	1928
6.	Staff House	1951
7.	Greenhouse #1	1986
8.	School Annex (Triplex)	1951
9.	Kiowa Living Unit	1978
10.	Comanche Living Unit	1974
11.	Horticulture / Landscape	1946
12.	Mohawk Living Unit	1964
13.	Cherokee Living Unit	1964
14.	Osage Living Unit	1969
15.	Business Offices / Warehouse	1975
16.	Vocational / Maintenance	1957

Building Number	Building Name	Year Built
17.	Power Plant	1984
18.	Storage (Annex)	1890
20.	Volunteer Building	1931
21.	Groundskeeping Building	1928
22.	Activity Therapy Building	1951
23.	Shawnee Living Unit	1961
24.	Pawnee Living Unit	1960
25.	Kanza Living Unit	1957
26.	Staff Garage	1910
27.	Staff House (Office Campus)(Bldg. Sold)	1995
28.	Staff Garage (Office Campus)(Bldg. Sold)	1995
29.	Equipment Building	1990
30.	Sewer Separator	1987
31.	Control Building	1990
32.	Greenhouse #2	1998

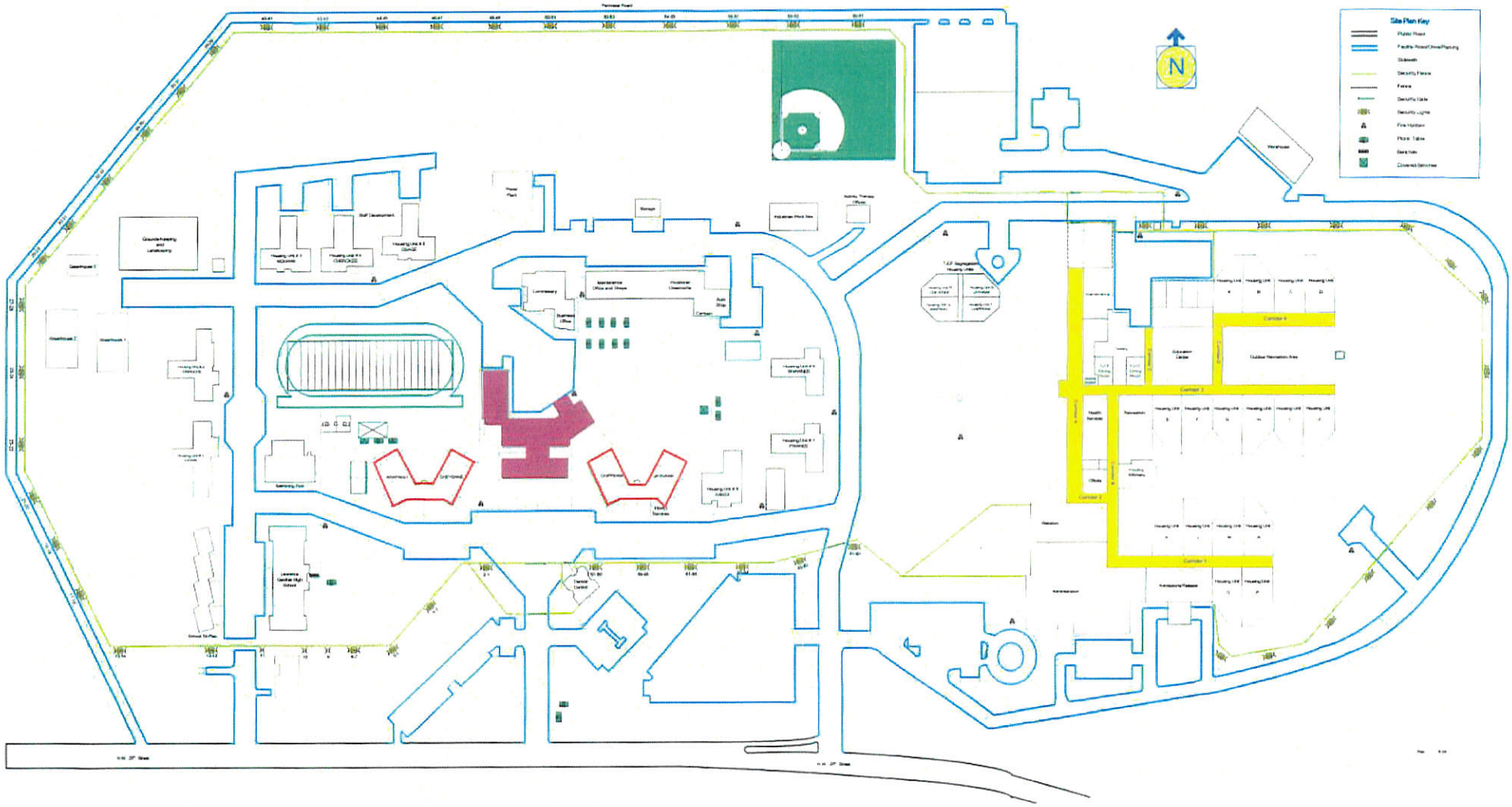
Kansas Juvenile Correctional Complex



Revised Feb, 2008

1-10

Kansas Juvenile Correctional Complex and Topeka Juvenile Correctional Facility
Complex Site Plan



Select Committee on Corrections Reform and Oversight

Presented by:
Roger Werholtz, Secretary of Corrections
February 15, 2008

1

Theories for changing criminal behavior:

- Deterrence – Works on people who generally don't need it. Not very effective with criminals.
- Punishment – Effective on people who are not punished very much. Not very effective with most criminals. They become the victims in their own minds.
- Incapacitation – Effective while the offender is incapacitated. No long term effect.

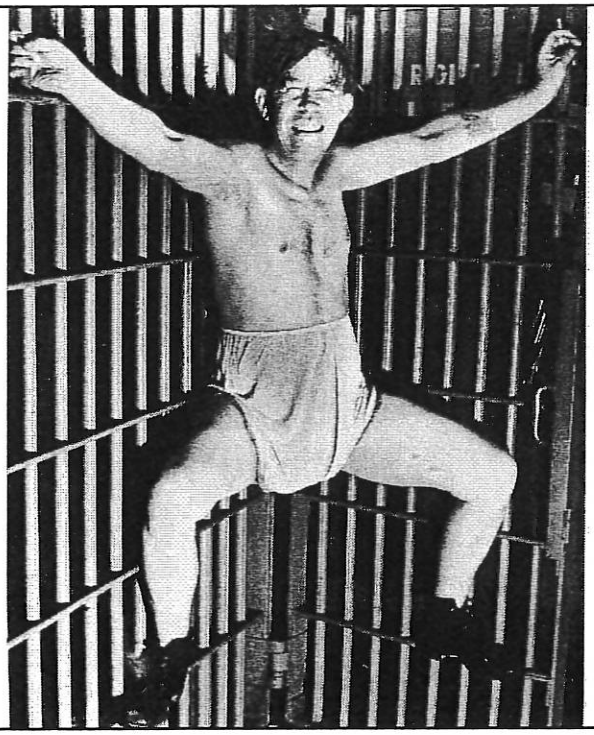
2

We Get So Mad We Shoot Ourselves in the Foot

*We are so **angry** at offenders that we refuse to provide them with some of the tools, skills and experiences that will make them less likely to stop committing crimes when they are released, because we feel **they don't deserve it**...*

And we adopt policies that sound or feel good but make us less safe.

3



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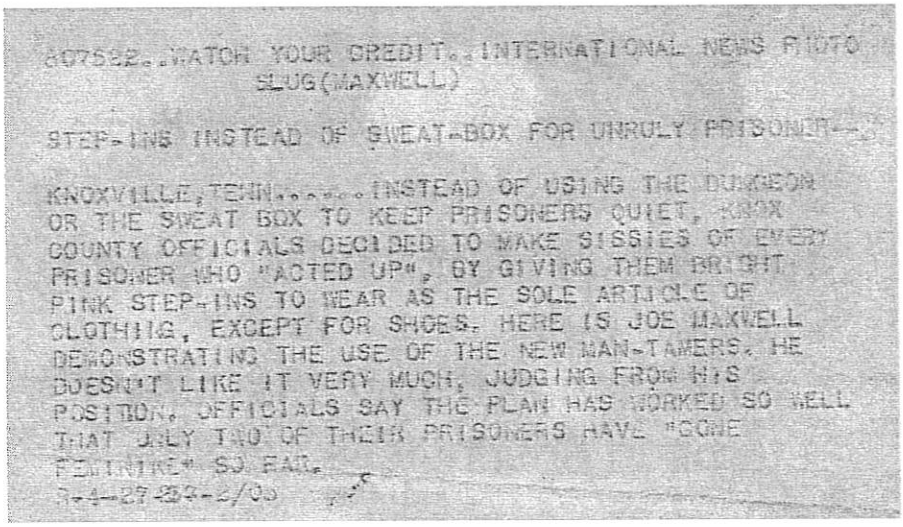


607582..WATCH YOUR CREDIT..INTERNATIONAL NEWS P1070
SLUG(MAXWELL)

STEP-INS INSTEAD OF SWEAT-BOX FOR UNRULY PRISONER

KNOXVILLE,TENN.....INSTEAD OF USING THE DUNGEON OR THE SWEAT BOX TO KEEP PRISONERS QUIET, KNOX COUNTY OFFICIALS DECIDED TO MAKE SISSIES OF EVERY PRISONER WHO "ACTED UP", BY GIVING THEM BRIGHT PINK STEP-INS TO WEAR AS THE SOLE ARTICLE OF CLOTHING, EXCEPT FOR SHOES. HERE IS JOE MAXWELL DEMONSTRATING THE USE OF THE NEW MAN-TAMERS. HE DOESN'T LIKE IT VERY MUCH, JUDGING FROM HIS POSITION. OFFICIALS SAY THE PLAN HAS WORKED SO WELL THAT ONLY TWO OF THEIR PRISONERS HAVE "GONE FEMININE" SO FAR.
3-4-27-234-2/03

5

We're asking the wrong questions!

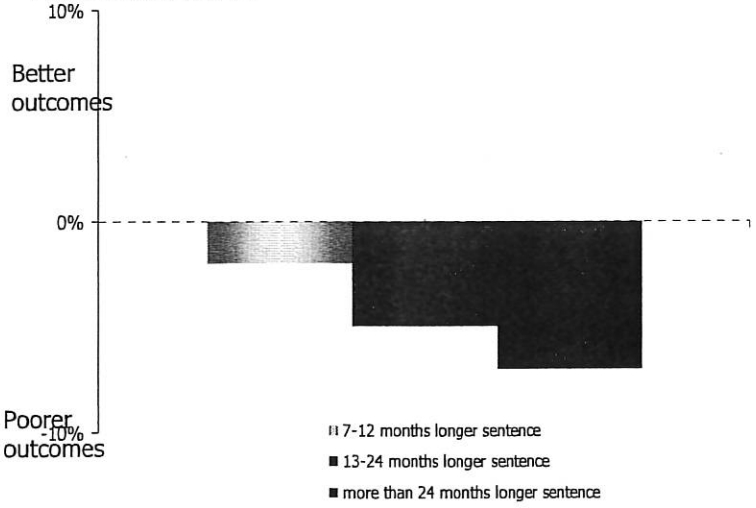
- What do we deserve?
- What is it worth to us to get what we want?
- What are we willing to do to reach the goal of no new victims?

6

Evidence-based practices

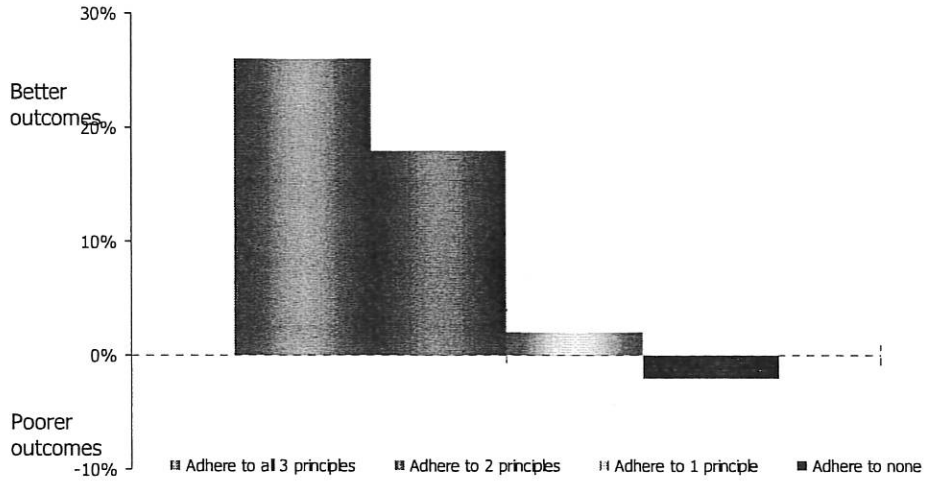
There is a growing evidence base that suggests that some interventions and strategies lead to better outcomes – more compliance and success, less returns to prison, less criminal behavior

Impact of Sentence Length on Recidivism



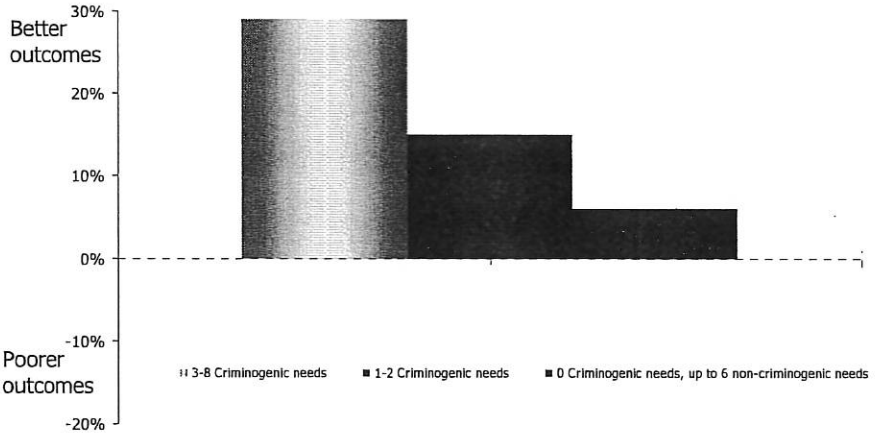
(Smith, Goggin, & Gendreau, 2002)

Impact of Adhering to the Core Principles of Effective Intervention: Risk, Needs, and Responsivity*



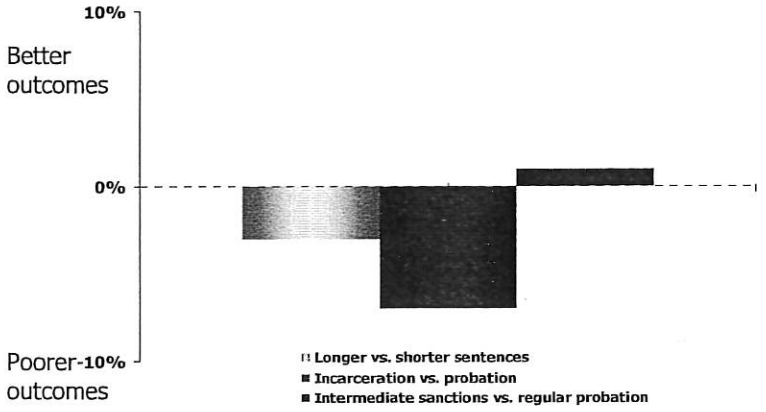
* meta-analysis of 230 studies (Andrews et al., 1999)

Prison Misconduct Reductions as a Function of Targeting ***Multiple*** Criminogenic Needs*



* Meta-analyses including over 13,000 offenders (French & Gendreau, 2003

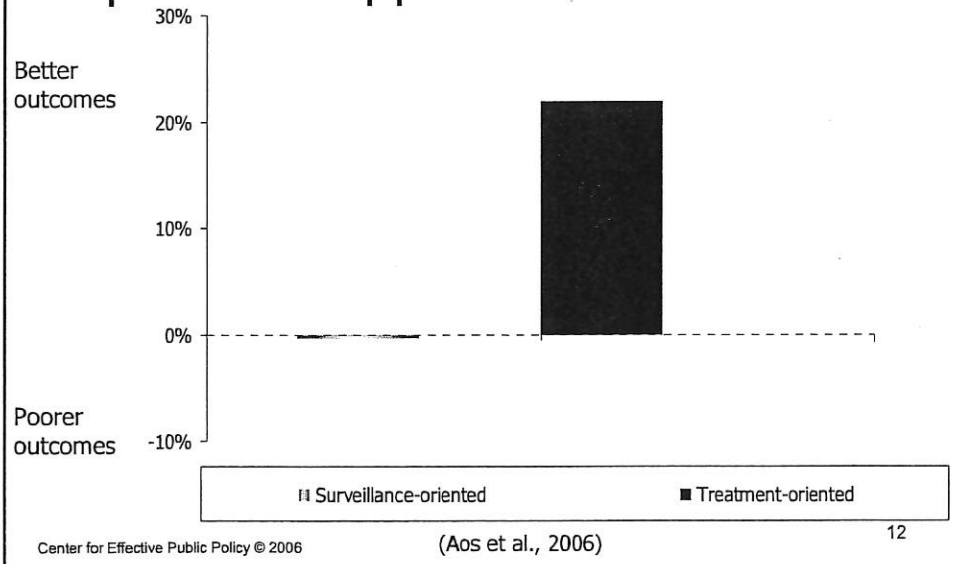
Impact of Punishment-Driven Strategies on Recidivism



(Smith, Goggin, & Gendreau, 2002)

11

Intervention Effects by Supervision Approach



(Aos et al., 2006)

12

Intervention Effects for Adult Offenders: Cognitive Skills/Cognitive-Behavioral Programs

(Aos et al., 2001, 2006)

13

Why Are We Doing This Again?

KDOC vision statement :

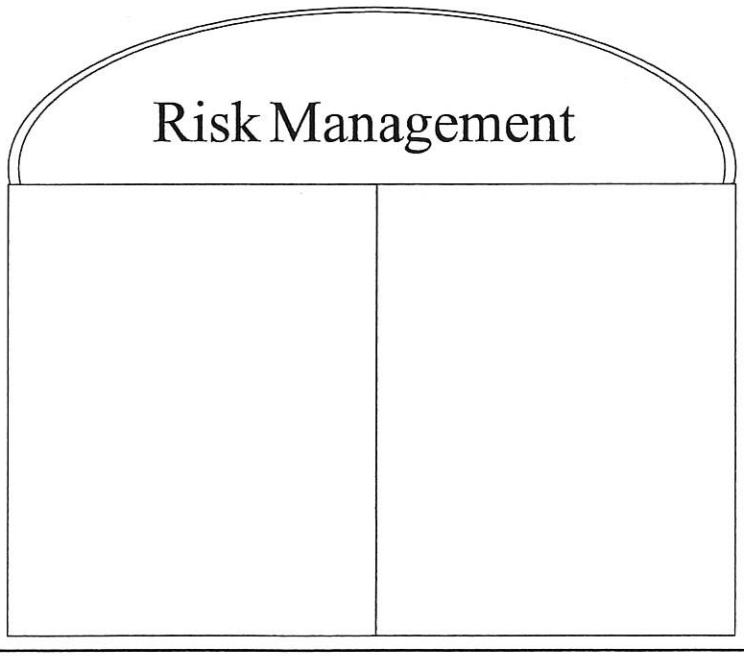
A safer Kansas through effective correctional services.

14

Mission Statement

The Department of Corrections, as part of the criminal justice system, contributes to public safety and supports victims of crime by exercising safe and effective containment and supervision of inmates, by managing offenders in the community, and by actively encouraging and assisting offenders to become law-abiding citizens.

15



16


Risk Management
Risk Containment
Risk Reduction
17


Risk Management
Risk Containment
Limits the environment in which negative offender behavior can occur.
Risk Reduction
Reduces the likelihood of negative offender behavior regardless of the environment.
18

Risk Management

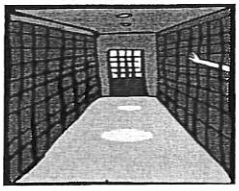
Risk Containment

- Walls and wire
- Surveillance Equipment – Cameras, telephone monitors, heartbeat monitors, etc.
- Lethal and less-lethal weapons
- Restraints
- SORT teams
- Uniformed personnel
- Offender classification

Risk Reduction

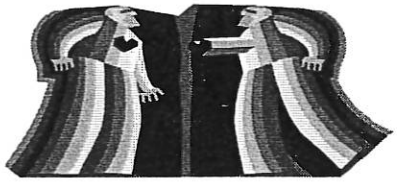
- Treatment and education programs
- Privileges and Incentives
- Self help, volunteer and faith based programs
- Release planning
- Cognitive interventions
- Relapse prevention
- Risk-Needs classification (LSI-R)
- Non-uniformed personnel (Corrections Counselors & Parole Officers)
- Other agency and community partners
- Families and advocacy groups

19



Containment

- Highly effective as an immediate strategy
- Not future oriented
- Expensive - $24,160 to house one person for one year (FY 2008)
- 15 escapes in FY 2004, 2 escapes from max. or med. Custody (99.998% probability of no escape. 99.9998% from higher custody)
- Regardless of the amount of additional resources expended, it will be difficult to significantly improve performance – Our goal will be maintenance of effort.

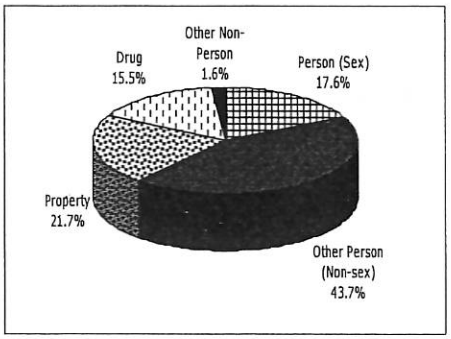


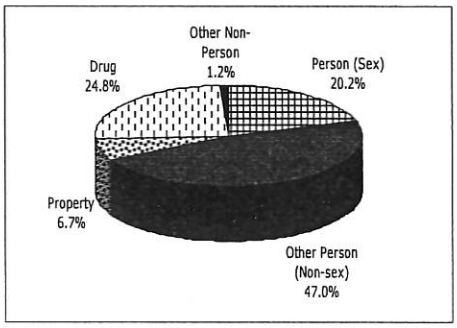
Risk Reduction

- More effective long term strategy – 95 –98% of all KDOC inmates will be released.
- What we really want offenders to do when they are released is to **stop victimizing the rest of us!**
- The five year return rate for offenders convicted of a new crime was about 14 – 16%.
- The five year return rate for offenders who violated a condition of release was about 41 – 47%.
- There is much **more opportunity to improve** these numbers. This is where we need to concentrate our efforts to improve.

20

Inmate Population by Most Serious Offense June 30, 1993 compared to Dec. 31, 2005





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Mental Impairment

- **Nationally,** 11% of the inmate population has a learning disability compared to 3% of the general population.
- **In Kansas,** that figure is approximately 6%.

- **Nationally,** 3% of the inmate population is MR/DD.
- **In Kansas,** that figure is 2.4%.

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Few Have Marketable Skills

- **Nationally,** one third of all prisoners were unemployed at the time of their most recent arrest.
- **In Kansas,** at least half lack solid job history or skills.
- **Nationally** only 60% of all inmates have a GED or high school diploma compared to 85% of the adult US population.
- **In Kansas**, 60% of all inmates have at least a GED or high school diploma.

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Who is coming home?

Most inmates released from prison have serious social and medical problems.

- **Nationally**, about 75% of all prisoners have a history of substance abuse.
- **In Kansas**, 60-70% have a substance abuse history or an addiction.

- **Nationally**, one in six suffers from mental illness.
- **In Kansas**, one in five has mental health needs and one in ten has a severe and persistent mental illness.

24

How will we know we are doing a good job?

•**No New Victims** - The number of offenders convicted of new crimes will decline.

•The percentage of offenders returning to Kansas prisons will decrease because they were better prepared prior to release; entered the community with a real job, safe housing, effective relapse prevention plans; **and they received active parole supervision targeted at their specific risks and needs**.

•Likewise, individual plans are constructed that are **as responsive as possible to victims' needs.**

•Jail days expressed as a ratio to the parole population will decline because they will not be required.

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KDOC Success with Risk Reduction

- We reduced annual jail per diem expenditures by $220,000.00
- Monthly Revocation Rates:
  - FY 2003 203/month
  - FY 2004 191/month
  - FY 2005 178/month
  - FY 2006 136/month
  - FY 2007 103/month
  - FY 2008 109/month to date
- 50% reduction target = 90/month

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Parole absconders – end of year (KDOC Statistical Profile,2007)

- FY 1996 – 459
- FY 1997 – 503
- FY 1998 - 530
- FY 1999 – 587
- FY 2000 – 739
- FY 2001 – 446
- FY 2002 – 491
- FY 2003 – 467
- FY 2004 – 389
- FY 2005 – 396
- FY 2006 – 351
- FY 2007 - 303

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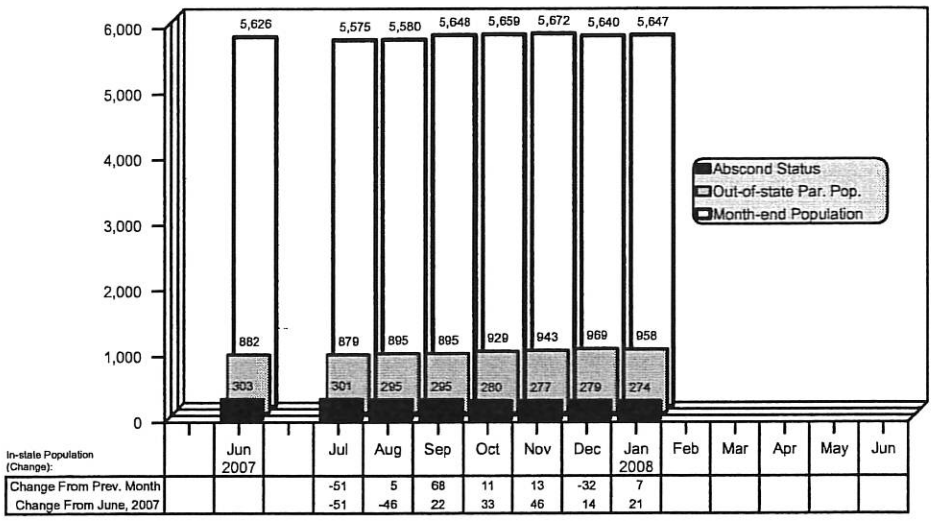
Kansas Department of Corrections
Graphic Highlights -- Monthly Offender Population Report (January 2008)

Components of the End-of-month Population Under Post-incarceration Management: FY 2008 to Date*



In-state Population (Change):		Jun 2007		Jul	Aug	Sep	Oct	Nov	Dec	Jan 2008	Feb	Mar	Apr	May	Jun
Change From Prev. Month				-51	5	68	11	13	-32	7					
Change From June, 2007				-51	-46	22	33	46	14	21					

**In-state population is comprised of Kansas offenders supervised in Kansas and out-of-state offenders supervised in Kansas. Out-of-state population is comprised of Kansas offenders supervised out-of-state. Those on abscond status have active warrants (whereabouts unknown).*

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KANSAS DEPARTMENT OF CORRECTIONS

Offenders Committing New Felony Offenses While on Supervised Release

Fiscal Year	Total Offenses Committed in Each Year	Total Offenses While on Supervision For That Year	Total Offenders Committing Offenses in Year	Total Offenders Committing Offenses While on Supervision in Year	Average Number of Offenders on Supervision (2)	Percentage of Offenders Readmitted for Committing New Felony Offenses While on Supervision
FY98	7933	934	4047	427	7812	5.47%
FY99	7745	786	4020	426	7757	5.49%
FY00	7280	785	3902	418	7470	5.60%
FY01	7465	396	3990	227	6203	3.66%
FY02	8809	466	4788	268	5300	5.06%
FY03	8948	579	4777	275	5525	4.98%
FY04	8276	483	4515	267	5739	4.65%
FY05	8014	502	4272	282	6129	4.60%
FY06	5440	494	3129	292	6578	4.44%
FY07(1)	2142	263	1301	150	6793	2.21%

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How will we know we are doing a good job?

•It is a statistical certainty that some offenders supervised in the community will commit new crimes, and some of those crimes will be very serious. Field Services effectiveness should be evaluated on the changes in the trends listed previously, rather than on specific events.

•There will be more interaction and meaningful partnerships between KDOC and other state agencies, local agencies, victims groups, advocacy groups and families.

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What is our responsibility as KDOC employees?

- Use what works based on scientific evidence.
- Discard what doesn't.

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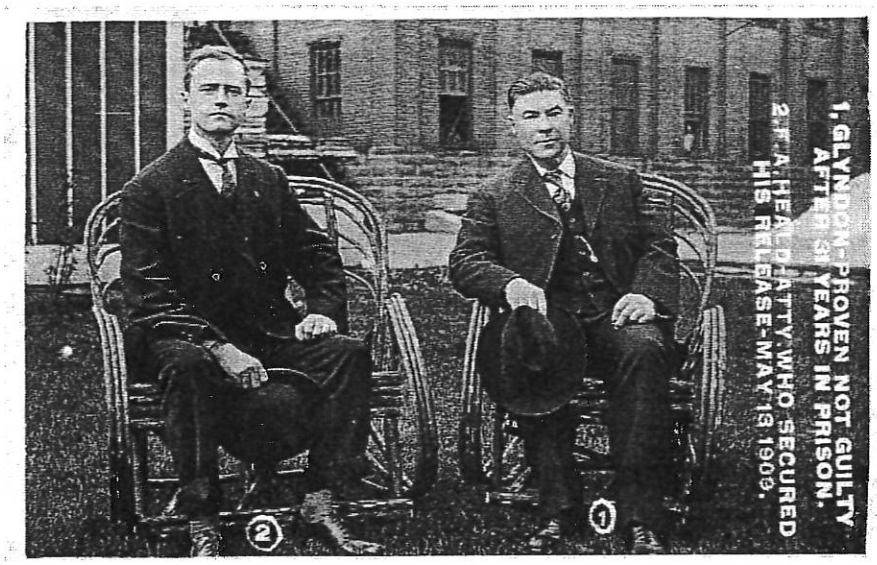

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Washington State
Institute for
Public Policy

110 Fifth Avenue Southeast, Suite 214 • PO Box 40999 • Olympia, WA 98504-0999 • (360) 586-2677 • www.wsipp.wa.gov

January 2006

EVIDENCE-BASED ADULT CORRECTIONS PROGRAMS: WHAT WORKS AND WHAT DOES NOT‡

In recent years, public policy decision-makers throughout the United States have expressed interest in adopting "evidence-based" criminal justice programs. Similar to the pursuit of evidence-based medicine, the goal is to improve the criminal justice system by implementing programs and policies that have been shown to work. Just as important, research findings can be used to eliminate programs that have failed to produce desired outcomes. Whether for medicine, criminal justice, or other areas, the watchwords of the evidence-based approach to public policy include: outcome-based performance, rigorous evaluation, and a positive return on taxpayer investment.

This report to the Washington State Legislature summarizes our latest review of evidence-based adult corrections programs. We previously published a review on this topic in 2001. [1] In this study, we update and significantly extend our earlier effort.

The overall goal of this research is to provide Washington State policymakers with a comprehensive assessment of adult corrections programs and policies that have a proven ability to affect crime rates.

We are publishing our findings in two installments. In this preliminary report, we provide a systematic review of the evidence on what works (and what does not) to reduce crime. In a subsequent final report, to be published in October 2006, we will extend this analysis to include a benefit-cost estimate for each option.

‡Suggested citation: Steve Aos, Marna Miller, and Elizabeth Drake. (2006). *Evidence-Based Adult Corrections Programs: What Works and What Does Not.* Olympia: Washington State Institute for Public Policy.

[1] S. Aos, P. Phipps, R. Barnoski, and R. Lieb (2001). *The Comparative Costs and Benefits of Programs to Reduce Crime* Olympia: Washington State Institute for Public Policy.

Summary

This study provides a comprehensive review of evidence-based programs for adult offenders. We asked a simple question: What works, if anything, to lower the criminal recidivism rates of adult offenders? To provide an answer, we systematically reviewed the evidence from 291 rigorous evaluations conducted throughout the United States and other English-speaking countries during the last 35 years.

We find that some types of adult corrections programs have a demonstrated ability to reduce crime, but other types do not. The implication is clear: Washington's adult corrections system will be more successful in reducing recidivism rates if policy focuses on proven evidence-based approaches.

Washington's Offender Accountability Act

This research was undertaken as part of our evaluation of Washington's Offender Accountability Act (OAA). Passed in 1999, the OAA affects how the state provides community supervision to adult felony offenders. In broad terms, the OAA directs the Washington State Department of Corrections to do two things:

1) Classify felony offenders according to their risk for future offending as well as the amount of harm they have caused society in the past; and
2) Deploy more staff and rehabilitative resources to higher-classified offenders and—because budgets are limited—spend correspondingly fewer dollars on lower-classified offenders.

When the Legislature enacted the OAA, it defined a straight-forward goal for the Act: to "reduce the risk of reoffending by offenders in the community."[2] To determine whether the OAA results in lower recidivism rates, the Legislature also directed the Washington State Institute for Public Policy (Institute) to evaluate the impact of the Act.[3]

Whether the OAA is able to affect crime rates will depend, in part, on the policy and programming choices made to implement the Act. As we show in this report, there are some adult corrections programs that have a demonstrated ability to reduce crime, but there are other types of programs that fail to affect crime rates. Given these mixed results, it is reasonable to conclude that the OAA (or any other adult corrections policy initiative) will be successful in reducing crime only if it encourages the implementation of effective approaches and discourages the use of ineffective programs. The purpose of this report is to assist policymakers in sorting through the many evidence-based choices.

The Evidence-Based Review: The Basic Question

The goal of the present study is to answer a simple question: Are there any adult corrections programs that work? Additionally, in order to estimate costs and benefits, we seek to estimate the magnitude of the crime reduction effect of each option.

To answer these fundamental questions, we conducted a comprehensive statistical review of all program evaluations conducted over the last 40 years in the United States and other English-speaking countries. As we describe, we found 291 evaluations of individual adult corrections programs with sufficiently rigorous research to be included in our analysis. These evaluations were of many types of programs—drug courts, boot camps, sex offender treatment programs, and correctional industries employment programs, to name a few.

It is important to note that only a few of these 291 evaluations were of Washington State adult corrections programs; rather, almost all of the evaluations in our review were of programs conducted in other locations. A primary purpose of our study is to take advantage of all these rigorous evaluations and, thereby, learn whether there are conclusions that can allow policymakers in Washington to improve this state's adult criminal justice system.

Research Methods

The research approach we employ in this report is called a "systematic" review of the evidence. In a systematic review, the results of *all* rigorous evaluation studies are analyzed to determine if, on average, it can be stated scientifically that a program achieves an outcome. A systematic review can be contrasted with a so-called "narrative" review of the literature where a writer selectively cites studies to tell a story about a topic, such as crime prevention. Both types of reviews have their place, but systematic reviews are generally regarded as more rigorous and, because they assess all available studies and employ statistical hypotheses tests, they have less potential for drawing biased or inaccurate conclusions. Systematic reviews are being used with increased frequency in medicine, education, criminal justice, and many other policy areas.[4]

For this report, the outcome of legislative interest is crime reduction. In particular, since the programs we consider in this review are intended for adult offenders already in the criminal justice system, the specific outcome of interest is reduction in recidivism rates. Therefore, the research question is straightforward: *What works, if anything, to lower the recidivism rates of adult offenders?*

As we describe in the Appendix, we only include rigorous evaluation studies in our review. To be included, an evaluation must have a non-treatment comparison group that is well matched to the treatment group.

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[2] RCW 9.94A.010.

[3] The Institute's first five publicatons on the Offender Accountability Act are available for downloading at the Institute's website: www.wsipp.wa.gov. The final OAA report is due in 2010.

[4] An international effort aimed at organizing systematic reviews is the Campbell Collaborative—a non-profit organization that supports systematic reviews in the social, behavioral, and educational arenas. See: http://www.campbellcollaboration.org.

Researchers have developed a set of statistical tools to facilitate systematic reviews of the evidence. The set of procedures is called "meta-analysis," and we employ that methodology in this study.[5] In the Technical Appendix to this report (beginning on page 9) we list the specific coding rules and statistical formulas we use to conduct the analysis—technical readers can find a full description of our methods and detailed results.

Findings

The findings from our systematic review of the adult corrections evaluation literature are summarized on Exhibit 1.[6] We show the expected percentage change in recidivism rates for many types of evaluated adult corrections programs. A zero percent change means that, based on our review, a program does not achieve a statistically significant change in recidivism rates compared with treatment as usual.

We found a number of adult corrections programs that have a demonstrated ability to achieve reductions in recidivism rates. We also found other approaches that do not reduce recidivism. Thus, the first basic lesson from our evidence-based review is that some adult corrections programs work and some do not. A direct implication from these mixed findings is that a corrections policy that reduces recidivism will be one that focuses resources on effective evidence-based programming and avoids ineffective approaches.

As an example of the information on Exhibit 1, we analyzed the findings

Exhibit 1

Adult Corrections: What Works?

Estimated Percentage Change in Recidivism Rates (and the number of studies on which the estimate is based)

Example of how to read the table: an analysis of 56 adult drug court evaluations indicates that drug courts achieve, on average, a statistically significant 10.7 percent reduction in the recidivism rates of program participants compared with a treatment-as-usual group.

Programs for Drug-Involved Offenders		
Adult drug courts	-10.7%	(56)
In-prison "therapeutic communities" with community aftercare	-6.9%	(6)
In-prison "therapeutic communities" without community aftercare	-5.3%	(7)
Cognitive-behavioral drug treatment in prison	-6.8%	(8)
Drug treatment in the community	-12.4%	(5)
Drug treatment in jail	-6.0%	(9)
Programs for Offenders With Co-Occurring Disorders		
Jail diversion (pre- and post-booking programs)	0.0%	(11)
Programs for the General Offender Population		
General and specific cognitive-behavioral treatment programs	-8.2%	(25)
Programs for Domestic Violence Offenders		
Education/cognitive-behavioral treatment	0.0%	(9)
Programs for Sex Offenders		
Psychotherapy for sex offenders	0.0%	(3)
Cognitive-behavioral treatment in prison	-14.9%	(5)
Cognitive-behavioral treatment in the community	-31.2%	(6)
Behavioral therapy for sex offenders	0.0%	(2)
Intermediate Sanctions		
Intensive supervision: surveillance-oriented programs	0.0%	(24)
Intensive supervision: treatment-oriented programs	-21.9%	(10)
Adult boot camps	0.0%	(22)
Electronic monitoring	0.0%	(12)
Restorative justice programs for lower-risk adult offenders	0.0%	(6)
Work and Education Programs for the General Offender Population		
Correctional industries programs in prison	-7.8%	(4)
Basic adult education programs in prison	-5.1%	(7)
Employment training and job assistance in the community	-4.8%	(16)
Vocational education in prison	-12.6%	(3)
Program Areas in Need of Additional Research & Development		
(The following types of programs require additional research before it can be concluded that they do or do not reduce adult recidivism rates)		
Case management in the community for drug offenders	0.0%	(12)
"Therapeutic community" programs for mentally ill offenders	-27.4%	(2)
Faith-based programs	0.0%	(5)
Domestic violence courts	0.0%	(2)
Intensive supervision of sex offenders in the community	0.0%	(4)
Mixed treatment of sex offenders in the community	0.0%	(2)
Medical treatment of sex offenders	0.0%	(1)
COSA (Faith-based supervision of sex offenders)	-31.6%	(1)
Regular parole supervision vs. no parole supervision	0.0%	(1)
Day fines (compared to standard probation)	0.0%	(1)
Work release programs	-5.6%	(4)

[5] We follow the meta-analytic methods described in: M. W. Lipsey and D. Wilson (2001). *Practical meta-analysis*. Thousand Oaks: Sage Publications.
[6] Technical meta-analytical results are presented in Exhibit 2.

from 25 well-researched cognitive-behavioral treatment programs for general adult offenders. We found that, on average, these programs can be expected to reduce recidivism rates by 8.2 percent. That is, without a cognitive-behavioral program we expect that about 49 percent of these offenders will recidivate with a new felony conviction after an eight-year follow-up. With a cognitive-behavioral treatment program, we expect the recidivism probability to drop four points to 45 percent—an 8.2 percent reduction in recidivism rates.

It is important to note that even relatively small reductions in recidivism rates can be quite cost-beneficial. For example, a 5 percent reduction in the reconviction rates of high risk offenders can generate significant benefits for taxpayers and crime victims. Moreover, a program that has no statistically significant effect on recidivism rates can be cost-beneficial if the cost of the program is less than the cost of the alternative. Jail diversion programs are examples of this; even if research demonstrates that diversion programs have no effect on recidivism, the programs may still be economically attractive if they cost less than avoided jail costs. In the final version of this report, to be delivered to the Legislature in October 2006, we will present full benefit-cost estimates for each of the programs shown in Exhibit 1. [7]

Findings by Type of Program

We organized our review of the adult corrections evidence base into eight categories of correctional programming (as shown in Exhibit 1). A brief discussion of our findings for each of these categories follows.

Programs for Drug-Involved Offenders. We analyzed 92 rigorous evaluations of drug treatment programs. These programs are for drug-involved adult offenders in a variety of prison and community settings. We found that, on average, drug treatment leads to a statistically significant reduction in criminal recidivism rates. We examined adult drug courts, in-prison therapeutic communities, and other types of drug treatment including cognitive-behavioral approaches.

[7] An overview of what will be included in the October 2006 report can be found at www.wsipp.wa.gov/ Steve Aos (2006).*Options to Stabilize Prison Populations in Washington State, Interim Report*, Olympia: Washington State Institute for Public Policy.

Adult Drug Courts. Specialized courts for drug-involved offenders have proliferated throughout the United States, and there are several adult drug courts in Washington. We found 56 evaluations with sufficient rigor to be included in our statistical review. We conclude that drug courts achieve, on average, a statistically significant 10.7 percent reduction in the recidivism rates of program participants relative to treatment-as-usual comparison groups.

In-Prison Therapeutic Communities. Programs for drug offenders in a prison or jail setting are typically called "therapeutic communities" when they contain separate residential units for the offenders and when they follow group-run principles of organizing and operating the drug-free unit. Some evaluations of the effectiveness of in-prison therapeutic community programs have also included community-based aftercare for offenders once they leave incarceration. Based on our review of the evaluation literature, we found that the average therapeutic community reduces recidivism by 5.3 percent. The community aftercare component, however, produces only a modest additional boost to program effectiveness—to a 6.9 percent reduction. Thus, most of the recidivism reduction effect appears to stem from the prison-based therapeutic community experience for these offenders.

Other Types of Drug Treatment. As shown in Exhibit 1, we also studied the effects of three other types of drug treatment modalities: prison-based drug treatment that employs a cognitive-behavioral approach, general drug treatment approaches in the community, and general drug treatment programs in local jails. We found that each of these approaches achieve, on average, a statistically significant reduction in recidivism.

Jail Diversion Programs for Offenders With Mental Illness and Co-Occurring Disorders. There is young but growing research literature testing the effectiveness of jail diversion programs for mentally ill adults and for offenders with co-occurring mental health and substance abuse disorders. Some of these are pre-booking programs implemented by the police, and some are post-booking programs implemented by court personnel, such as mental health courts. We found 11 evaluations with sufficient research rigor to be included in our review. Eight of these programs were part of a recent federally-funded

effort (Broner et al., 2004). On average, these approaches have not demonstrated a statistically significant reduction in the recidivism rates of program participants. This null finding does not mean the programs are not valuable; since they are typically designed to divert offenders from costly sentences in local jails, they may save more money than the programs cost. As mentioned earlier, we will review the economics of all programs in the present study in our October 2006 final report.

Treatment Programs for the General Offender Population.

Cognitive-Behavioral Treatment. We found 25 rigorous evaluations of programs for the general offender population that employ cognitive-behavioral treatment. This type of group therapy addresses the irrational thoughts and beliefs that lead to anti-social behavior. The programs are designed to help offenders correct their thinking and provide opportunities to model and practice problem-solving and pro-social skills. On average, we found these programs significantly reduce recidivism by 8.2 percent. We identified three well-defined programs that provide manuals and staff training regimens: *Reasoning and Rehabilitation (R&R), Moral Reconation Therapy (MRT)*, and *Thinking for a Change (T4C)*. Effects of *R&R* and *MRT* are significant and similar to each other and to the other cognitive-behavioral treatment programs in our review. Only a single evaluation of *T4C* is currently available. Since, on average, all of these programs produce similar results, we recommend the state choose any of the three well-defined programs for implementation in Washington.

Programs for Domestic-Violence Offenders

Education/Cognitive-Behavioral Treatment. Treatment programs for domestic violence offenders most frequently involve an educational component focusing on the historical oppression of women and cognitive-behavioral treatment emphasizing alternatives to violence. Treatment is commonly mandated by the court. Based on our review of nine rigorous evaluations, domestic violence treatment programs have yet, on average, to demonstrate reductions in recidivism.

Programs for Sex Offenders.[8] We found 18 well-designed evaluations of treatment programs for sex offenders. Some of these programs are located in a prison setting and some are in the community. Sex offenders sentenced to prison are typically convicted of more serious crimes than those sentenced to probation. We found that cognitive-behavioral treatments are, on average, effective at reducing recidivism, but other types of sex offender treatment fail to demonstrate significant effects on further criminal behavior.

Psychotherapy/Counseling for Sex Offenders.[9] These programs involve insight-oriented individual or group therapy or counseling. We found only three rigorous studies of this approach to treatment. The results indicate that this approach does not reduce recidivism in sex offenders.

Cognitive-Behavioral Treatment of Sex Offenders in Prison. Sex offenders sentenced to prison are typically convicted of more serious crimes than those sentenced to probation. We examined five rigorous studies of these specialized cognitive-behavioral programs that may also include behavioral reconditioning to discourage deviant arousal, and modules addressing relapse prevention. Among the five programs in this category was a randomized trial[10] with an eight-year follow-up showing small but non-significant effects on recidivism. On average across all five studies, however, we found that cognitive-behavioral therapy for sex offenders in prison significantly reduces recidivism by 14.9 percent.

Cognitive-Behavioral Treatment of Sex Offenders on Probation. Offenders sentenced to probation have usually been convicted of less serious crimes than sex offenders sentenced to prison. Cognitive-behavioral programs for sex offenders on probation are similar to the programs in prisons, and may also incorporate behavioral reconditioning and relapse prevention. We found

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[8] The categories of sex offender treatment listed here are based on those outlined in two recent reviews of sex offender treatment literature: R. K. Hanson, A. Gordon, A. J. Harris, J. K. Marques, W. Murphy, V. L. Quinsey, and M. C. Seto (2002). First report of the collaborative outcome data project on the effectiveness of psychological treatment for sex offenders, *Sexual Abuse: A Journal of Research and Treatment*, 14(2): 169-194; F. Losel, and M. Schmucker (2005). The effectiveness of treatment for sexual offenders: A comprehensive meta-analysis, *Journal of Experimental Criminology*, 1: 117-146

[9] Psychotherapy and counseling are not currently used as stand-alone treatment for sex offenders (Hanson, et al., 2002).

[10] J. K. Marques, M. Wiederanders, D. M. Day, C. Nelson, and A. van Ommeren (2005). Effects of a relapse prevention program on sexual recidivism: Final results from California's Sex Offender Treatment and Evaluation Project (SOTEP), *Sexual Abuse: A Journal of Research and Treatment*, 17(1): 79-107.

six rigorous studies and conclude that cognitive-behavioral therapy for sex offenders on probation significantly reduces recidivism. As a group, these programs demonstrated the largest effects observed in our analysis.

Behavioral Treatment of Sex Offenders. Behavioral treatments focus on reducing deviant arousal (using biofeedback or other conditioning) and increasing skills necessary for social interaction with age appropriate individuals. The two rigorous studies of programs using only behavioral treatment failed to show reductions in recidivism.

Intermediate Sanctions. In the 1980s and 1990s a number of sanctioning and sentencing alternatives were proposed and evaluated. Interest in developing additional alternatives continues. We found studies that center on five types of these "intermediate" sanctions.

Intensive Supervision With and Without a Focus on Treatment. We found 24 evaluations of intensive community supervision programs where the focus was on offender monitoring and surveillance. These programs are usually implemented by lowering the caseload size of the community supervision officer. This approach to offender management has not, on average, produced statistically significant reductions in recidivism rates. On the other hand, intensive supervision programs where the focus is on providing treatment services for the offenders have produced significant reductions; we found 10 well-researched evaluations of treatment-oriented intensive supervision programs that on average produced considerable recidivism reductions. The lesson from this research is that it is the treatment—not the intensive monitoring—that results in recidivism reduction.

Adult Boot Camps. Boot camps are intensive regimens of training, drilling, and some treatment. We found 24 rigorous evaluations of adult boot camps and, on average, they do not produce a statistically significant reduction in re-offense rates. As with our comment on jail diversion programs, however, it is possible that boot camps are economically attractive if they cost less to run than the alternative. Our October 2006 report will analyze the economics of adult boot camps.

Electronic Monitoring. Supervision of offenders in the community that is aided with electronic monitoring devices has been the focus of some rigorous evaluation efforts. We found 12 control-group studies; on average they indicate that electronic monitoring does not reduce recidivism.

Restorative Justice for Lower-Risk Adult Offenders. Restorative justice approaches have been tried for both juvenile and adult offenders. Offenders placed in restorative justice programs are often, but not always, lower risk compared with offenders processed through the usual court procedures. Restorative justice typically involves a form of victim-offender mediation, family group conferences, or restitution. We found six rigorous evaluations of these programs for adult offenders. On average, they did not result in lower recidivism rates. Our October 2006 report will also report on restorative justice programs for juvenile offenders. Unlike our findings for the restorative justice programs for adult offenders, our preliminary findings indicate that restorative justice programs do achieve significant reductions in recidivism rates of lower-risk juvenile offenders.

Work and Education Programs for General Offenders. We found 30 rigorous evaluations of programs that attempt to augment the educational, vocational, and job skills of adult offenders. Some of these programs are for offenders in prison and some are in community settings. On average, we found that employment- and education-related programs lead to modest but statistically significant reductions in criminal recidivism rates. We examined the following five categories of these programs.

In-prison Correctional Industries Program. Most states run in-prison correctional industries programs, yet only a few have been evaluated rigorously. We located only four outcome evaluations of correctional industries programs. On average, these programs produce a statistically significant reduction in recidivism rates. Our updated economic analysis of this finding will be presented in October 2006.

Basic Adult Education Programs in Prison. We found seven rigorous evaluations of programs that teach remedial educational skills to adult offenders when they are in prison. On average, these programs reduce the recidivism rates of program participants.

Employment Training and Job Assistance Programs in the Community. We analyzed the results of 16 rigorous evaluations of community-based employment training, job search, and job assistance programs for adult offenders. These programs produce a modest but statistically significant reduction in recidivism.

Vocational Education Programs in Prison. We found only three quality studies of vocational training programs for offenders while they are in prison. On average, the programs appear to reduce recidivism, but additional tests of this tentative finding is necessary.

Programs Requiring Further Study. In our review of the adult corrections literature, we were unable to draw conclusions about recidivism reduction for a number of programs. In Exhibit 1, we list these inconclusive findings at the bottom of the table. For each of these approaches, further research is required before even tentative conclusions can be drawn. [11]

Case Management in the Community for Drug Offenders. These types of programs typically involve an outside third-party agency that provides case coordination services and drug testing. The goal is to provide the coordination of other existing monitoring and treatment services for offenders in the community. We found 12 rigorous tests of this approach. Our statistical tests reveal that while, on average, these programs have no significant effect on recidivism, some case management programs do have an effect and some do not. This inconclusive result means that additional research is required on this class of programming in order to identify the aspects of case management that are effective or ineffective. In other words, additional research may indicate that some forms of case management reduce recidivism. [12]

"Therapeutic Community" Programs for Mentally Ill Offenders. A relatively new approach to providing treatment to mentally-ill offenders follows a modified version of the therapeutic community approach to drug offenders described earlier. This approach appears to show promise in reducing recidivism rates. However, this is based on only two rigorous studies, and they involved small samples of offenders. Thus, this is an approach that requires additional research.

Faith-Based Programs. These Christian-based programs provide religious ministry, including bible study, to offenders in prison and/or when offenders re-enter the community. The faith-based offender programs that have been evaluated to date do not significantly reduce recidivism. [13] Rigorous evaluations of faith-based programs are still relatively rare—we found only five thorough evaluations—and future studies may provide evidence of better outcomes.

Domestic Violence Courts. These specialized courts are designed to provide effective coordinated response to domestic violence. Domestic violence courts commonly bring together criminal justice and social service agencies and may mandate treatment for offenders. The two courts included here differed—one was exclusively for felony cases and the other for misdemeanors. In the misdemeanor court, recidivism was lowered, while the felony court observed increased recidivism. Thus, this is an area that requires additional research.

Intensive Supervision of Sex Offenders in the Community. The programs included in the analysis were all developed in Illinois and varied by county. All involve a specialized probation caseload, frequent face-to-face meetings with offenders, and home visits and inspections. Supervision programs may also include treatment. The recidivism results in the four counties vary widely, suggesting that some of the programs may be effective while others are not. Additional research is needed to identify these characteristics.

Mixed Treatment of Sex Offenders. Two rigorous studies evaluated community sex offender treatments employed across geographic areas (Washington State and British Columbia). In each case, the individual treatment programs varied widely. On average, these mixtures of treatments significantly reduced recidivism; however, while the treatments in Washington were significant and large, those in British Columbia were very small and non-significant. Controlling for the variation, the overall effect was zero.

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[11] Technical Note. As we explain in the technical appendix, we employ "fixed effects" and "random effects" modeling to derive meta-analytic estimates of program effectiveness. Sometimes, a collection of evaluations of similar programs has significant recidivism when judged with fixed effects modeling, but the same set of programs has insignificant findings when a random effects model is used. This situation provides an indication that additional meta-analytic research is needed to identify the factors that produced the heterogeneity in the outcomes. Several of the programs listed here fall into this category. For more information, see the technical appendices.

[12] As a technical note, Exhibit 2 shows that case management services produce a marginally significant (p=.114) effect on recidivism in a fixed effects model but the model indicates significant (p=.000) heterogeneity. The random effects model indicates non significance (p=.48). Thus, a multivariate meta-analysis of this literature may isolate the factors that were associated with successful approaches among the 12 studies.

[13] Similar findings were recently published in a review of faith-based prison programs: J. Burnside, N. Loucks, J. R. Addler, and G. Rose (2005). *My brother's keeper: Faith-based units in prison,* Cullompton, Devon, U.K.: Willan Publishing, p. 314.

Medical Treatment of Sex Offenders. Several medical approaches to treating sex offenders have been tried. These include castration and two types of hormonal therapy. Ethical considerations have made it difficult to conduct rigorous evaluations of these types of treatment. The single study we used in our analysis compared men who volunteered for castration to another group who volunteered but did not receive the surgery. Recidivism was significantly less among castrated offenders.

Circles of Support and Accountability (COSA/ Faith-Based Supervision of Sex Offenders). This program originated among members of the Mennonite church in Canada. Volunteers provide support to sex offenders being released from prison. Five lay volunteers visit or contact the offender every week. The volunteers are supported by community-based professionals, typically psychologists, law enforcement, correctional officers, or social service workers; the full circle meets weekly. The single evaluation of this program showed a significant reduction in recidivism of 31.6 percent.

Regular Parole Supervision vs. No Parole Supervision. The Urban Institute recently reported the results of a study that compared the recidivism rates of adult prisoners released from prison with parole to those released from prison without parole. The study used a large national database covering 15 states. It found no statistically significant effect of parole on recidivism. This null result is consistent with our results for surveillance-oriented intensive supervision programs versus regular levels of supervision (reported above). We would like to see additional treatment and comparison group tests of the parole vs. no-parole question before drawing firm conclusions.

Day Fines (compared with standard probation). We found one rigorous study of "day fines." These fines, which are more common in Europe than the United States, allow judges to impose fines that are commensurate with an offender's ability to pay and the seriousness of the offence. This approach has been evaluated for low-risk felony offenders and was used to divert these offenders from regular parole supervision. The approach had no effect on recidivism rates but additional research is needed to estimate whether this sentencing alternative is cost-beneficial.

Work Release Programs. We found only four quality studies of work release programs. While, on average, these programs appear to reduce recidivism, more rigorous outcome research is needed on this type of adult corrections program.

Technical Appendices

Appendix 1: Meta-Analysis Coding Criteria
Appendix 2: Procedures for Calculating Effect Sizes
Appendix 3: Institute Adjustments to Effect Sizes for Methodological Quality, Outcome Measure Relevance, and Researcher Involvement
Appendix 4: Meta-Analytic Results—Estimated Effect Sizes and Citations to Studies Used in the Analyses

Appendix 1: Meta-Analysis Coding Criteria

A meta-analysis is only as good as the selection and coding criteria used to conduct the study. The following are the key choices we made and implemented for this meta-analysis of adult corrections programs.

1. **Study Search and Identification Procedures.** We searched for all adult corrections evaluation studies conducted since 1970. The studies had to be written in English. We used three primary means to identify and locate these studies: a) we consulted the study lists of other systematic and narrative reviews of the adult corrections research literature—there have been a number of recent reviews on particular topics; b) we examined the citations in the individual studies; and c) we conducted independent literature searches of research databases using search engines such as Google, Proquest, Ebsco, ERIC, and SAGE. As we describe, the most important inclusion criteria in our study was that an evaluation have a control or comparison group. Therefore, after first identifying all possible studies using these search methods, we attempted to determine whether the study was an outcome evaluation that had a comparison group. If a study met these criteria, we then secured a paper copy of the study for our review.

2. **Peer-Reviewed and Other Studies.** We examined all program evaluation studies we could locate with these search procedures. Many of these studies were published in peer-reviewed academic journals, while many others were from government reports obtained from the agencies themselves. It is important to include non-peer reviewed studies, because it has been suggested that peer-reviewed publications may be biased to show positive program effects. Therefore, our meta-analysis included all available studies regardless of published source.

3. **Control and Comparison Group Studies.** We only included studies in our analysis if they had a control or comparison group. That is, we did not include studies with a single-group, pre-post research design. This choice was made because we believe that it is only through rigorous comparison group studies that average treatment effects can be reliably estimated.

4. **Exclusion of Studies of Program Completers Only.** We did not include a comparison study in our meta-analytic review if the treatment group was made up solely of program completers. We adopted this rule, because we believe there are too many significant unobserved self-selection factors that distinguish a program completer from a program dropout, and that these unobserved factors are likely to significantly bias estimated treatment effects. Some comparison group studies of program completers, however, contain information on program dropouts in addition to a comparison group. In these situations, we included the study if sufficient information was provided to allow us to reconstruct an intent-to-treat group that included both completers and non-completers, or if the demonstrated rate of program non-completion was very small (e.g. under 10 percent). In these cases, the study still needed to meet the other inclusion requirements listed here.

5. **Random Assignment and Quasi- Experiments.** Random assignment studies were preferred for inclusion in our review, but we also included non-randomly assigned control groups. We only included quasi-experimental studies if, and only if, sufficient information was provided to demonstrate comparability between the treatment and comparison groups on important pre-existing conditions such as age, gender, and prior criminal history. Of the 291 individual studies in our review, about 20 percent were effects estimated from well implemented random assignment studies.

6. **Enough information to Calculate an Effect Size.** Following the statistical procedures in Lipsey and Wilson (2001), a study had to provide the necessary information to calculate an effect size. If the necessary information was not provided, the study was not included in our review.

7. **Mean-Difference Effect Sizes.** For this study we coded mean-difference effect sizes following the procedures in Lipsey and Wilson (2001). For dichotomous crime measures, we used the arcsine transformation to approximate the mean difference effect size, again following Lipsey and Wilson. We chose to use the mean-difference effect size rather than the odds ratio effect size because we frequently coded both dichotomous and continuous outcomes (odds ratio effect sizes could also have been used with appropriate transformations).

8. **Unit of Analysis.** Our unit of analysis for this study was an independent test of a treatment in a particular site. Some studies reported outcome evaluation information for multiple sites; we included each site as an independent observation if a unique and independent comparison group was also used at each site.

9. **Multivariate Results Preferred.** Some studies presented two types of analyses: raw outcomes that were not adjusted for covariates such as age, gender, criminal history; and those that had been adjusted with multivariate statistical methods. In these situations, we coded the multivariate outcomes.

10. **Broadest Measure of Criminal Activity.** Some studies presented several types of crime-related outcomes. For example, studies frequently measured one or more of the following outcomes: total arrests, total convictions, felony arrests, misdemeanor arrests, violent arrests, and so on. In these situations, we coded the broadest crime outcome measure. Thus, most of the crime outcome measures that we coded in this analysis were total arrests and total convictions.

11. **Averaging Effect Sizes for Arrests and Convictions.** When a study reported both total arrests and total convictions, we calculated an effect size for each measure then took a simple average of the two effect sizes.

12. **Dichotomous Measures Preferred Over Continuous Measures.** Some studies included two types of measures for the same outcome: a dichotomous (yes/no) outcome and a continuous (mean number) measure. In these situations, we coded an effect size for the dichotomous measure. Our rationale for this choice is that in small or relatively small sample studies, continuous measures of crime outcomes can be unduly influenced by a small number of outliers, while dichotomous measures can avoid this problem. Of course, if a study only presented a continuous measure, then we coded the continuous measure.

13. **Longest Follow-Up Times.** When a study presented outcomes with varying follow-up periods, we generally coded the effect size for the longest follow-up period. The reason for this is that our intention for this analysis is to compute the long-run benefits and costs of different programs. The longest follow-up period allows us to gain the most insight into the long-run effect of these programs on criminality. Occasionally, we did not use the longest follow-up period if it was clear that a longer reported follow-up period adversely affected the attrition rate of the treatment and comparison group samples.

14. **Measures of New Criminal Activity.** Whenever possible, we excluded outcome measures that did not report on new criminal activity. For example, we avoided coding measure of technical violations of probation or parole. We do not think that technical violations are unimportant, but our purpose in this meta-analysis is to ascertain whether these programs affect new criminal activity.

15. **Some Special Coding Rules for Effect Sizes.** Most studies in our review had sufficient information to code exact mean-difference effect sizes. Some studies, however, reported some, but not all of the information required. The rules we followed for these situations are these:

    a. **Two-Tail P-Values.** Some studies only reported p-values for significance testing of program outcomes. When we had to rely on these results, if the study reported a one-tail p-value, we converted it to a two-tail test.

    b. **Declaration of Significance by Category.** Some studies reported results of statistical significance tests in terms of categories of p-values. Examples include: p<=.01, p<=.05, or "non-significant at the p=.05 level." We calculated effect sizes for these categories by using the highest p-value in the category. Thus if a study reported significance at "p<=.05," we calculated the effect size at p=.05. This is the most conservative strategy. If the study simply stated a result was "non-significant," we computed the effect size assuming a p-value of .50 (i.e. p=.50).

Appendix 2: Procedures for Calculating Effect Sizes

Effect sizes measure the degree to which a program has been shown to change an outcome for program participants relative to a comparison group. There are several methods used by meta-analysts to calculate effect sizes, as described in Lipsey and Wilson (2001). In this, we use statistical procedures to calculate the *mean difference effect sizes* of programs. We did not use the odds-ratio effect size because many of the outcomes measured in this study are continuously measured. Thus, the mean difference effect size was a natural choice.

Many of the outcomes we record, however, are measured as dichotomies. For these yes/no outcomes, Lipsey and Wilson (2001) show that the mean difference effect size calculation can be approximated using the arcsine transformation of the difference between proportions.[14]

(A1) $$ES_{m(p)} = 2 \times \arcsin\sqrt{P_e} - 2 \times \arcsin\sqrt{P_c}$$

In this formula, $ES_{m(p)}$ is the estimated effect size for the difference between proportions from the research information; P_e is the percentage of the population that had an outcome such as re-arrest rates for the experimental or treatment group; and P_c is the percentage of the population that was re-arrested for the control or comparison group.

A second effect size calculation involves continuous data where the differences are in the means of an outcome. When an evaluation reports this type of information, we use the standard mean difference effect size statistic.[15]

[14] Lipsey and Wilson, *Practical meta-analysis* Table B10, formula (22).
[15] Ibid., Table B10, formula (1).

(A2) $$ES_m = \frac{M_e - M_c}{\sqrt{\frac{SD_e^2 + SD_c^2}{2}}}$$

In this formula, ES_m is the estimated effect size for the difference between means from the research information; M_e is the mean number of an outcome for the experimental group; M_c is the mean number of an outcome for the control group; SD_e is the standard deviation of the mean number for the experimental group; and SD_c is the standard deviation of the mean number for the control group.

Often, research studies report the mean values needed to compute ES_m in (A2), but they fail to report the standard deviations. Sometimes, however, the research will report information about statistical tests or confidence intervals that can then allow the pooled standard deviation to be estimated. These procedures are also described in Lipsey and Wilson (2001).

Adjusting Effect Sizes for Small Sample Sizes

Since some studies have very small sample sizes, we follow the recommendation of many meta-analysts and adjust for this. Small sample sizes have been shown to upwardly bias effect sizes, especially when samples are less than 20. Following Hedges (1981),[16] Lipsey and Wilson (2001)[17] report the "Hedges correction factor," which we use to adjust all mean difference effect sizes (N is the total sample size of the combined treatment and comparison groups):

(A3) $$ES'_m = \left[1 - \frac{3}{4N - 9}\right] \times \left[ES_m, or, ES_{m(p)}\right]$$

Computing Weighted Average Effect Sizes, Confidence Intervals, and Homogeneity Tests

Once effect sizes are calculated for each program effect, the individual measures are summed to produce a weighted average effect size for a program area. We calculate the inverse variance weight for each program effect, and these weights are used to compute the average. These calculations involve three steps. First, the standard error, SE_m of each mean effect size is computed with:[18]

(A4) $$SE_m = \sqrt{\frac{n_e + n_c}{n_e n_c} + \frac{(ES'_m)^2}{2(n_e + n_c)}}$$

In equation (A4), n_e and n_c are the number of participants in the experimental and control groups and ES'_m is from equation (A3).

Next, the inverse variance weight w_m is computed for each mean effect size with:[19]

(A5) $$w_m = \frac{1}{SE_m^2}$$

The weighted mean effect size for a group of studies in program area i is then computed with:[20]

(A6) $$\overline{ES} = \frac{\sum(w_{m_i} ES'_{m_i})}{\sum w_{m_i}}$$

Confidence intervals around this mean are then computed by first calculating the standard error of the mean with:[21]

(A7) $$SE_{\overline{ES}} = \sqrt{\frac{1}{\sum w_{m_i}}}$$

Next, the lower, $ES_{l.}$, and upper limits, $ES_{l\prime}$, of the confidence interval are computed with:[22]

(A8) $$\overline{ES_{l.}} = \overline{ES} - z_{(1-\alpha)}(SE_{\overline{ES}})$$

(A9) $$\overline{ES_{l\prime}} = \overline{ES} + z_{(1-\alpha)}(SE_{\overline{ES}})$$

In equations (A8) and (A9), $z_{(1-\alpha)}$ is the critical value for the z-distribution (1.96 for α = .05).

The test for homogeneity, which provides a measure of the dispersion of the effect sizes around their mean, is given by:[23]

(A10) $$Q_i = (\sum w_i ES_i^2) - \frac{(\sum w_i ES_i)^2}{\sum w_i}$$

The Q-test is distributed as a chi-square with k-1 degrees of freedom (where k is the number of effect sizes).

Computing Random Effects Weighted Average Effect Sizes and Confidence Intervals

When the p-value on the Q-test indicates significance at values of p less than or equal to .05, a random effects model is performed to calculate the weighted average effect size. This is accomplished by first calculating the random effects variance component, v.[24]

(A11) $$v = \frac{Q_i - (k-1)}{\sum w_i - (\sum wsq_i / \sum w_i)}$$

This random variance factor is then added to the variance of each effect size and then all inverse variance weights are recomputed, as are the other meta-analytic test statistics.

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[16] L. V. Hedges (1981). Distribution theory for Glass's estimator of effect size and related estimators. *Journal of Educational Statistics*, 6: 107-128.
[17] Lipsey and Wilson, *Practical meta-analysis*, 49, formula 3.22.
[18] Ibid., 49, equation 3.23.
[19] Ibid., 49, equation 3.24.
[20] Ibid., 114.
[21] Ibid., 114.
[22] Ibid., 114.
[23] Ibid., 116.
[24] Ibid., 134.

Appendix 3: Institute Adjustments to Effect Sizes for Methodological Quality, Outcome Measure Relevance, and Researcher Involvement

In Exhibit 2 we show the results of our meta-analyses calculated with the standard meta-analytic formulas described in Appendix 2. In the last column in Exhibit 2, however, we list "Adjusted Effect Sizes" that we actually use in our benefit-cost analysis of each of the programs we review. These adjusted effect sizes, which are derived from the unadjusted results, are always smaller than or equal to the unadjusted effect sizes we report in the other columns in Exhibit 2.

In Appendix 3, we describe our rationale for making these downward adjustments. In particular, we make three types of adjustments that we believe are necessary to better estimate the results that we think each program is likely to actually achieve in real-world settings. We make adjustments for: a) the methodological quality of each of the studies we include in the meta-analyses; b) the relevance or quality of the outcome measure that individual studies use; and c) the degree to which the researcher(s) who conducted a study were invested in the program's design and implementation.

3a. Methodological Quality. Not all research is of equal quality, and this, we believe, greatly influences the confidence that can be placed in the results from a study. Some studies are well designed and implemented, and the results can be viewed as accurate representations of whether the program itself worked. Other studies are not designed as well and less confidence can be placed in any reported differences. In particular, studies of inferior research design cannot completely control for sample selection bias or other unobserved threats to the validity of reported research results. This does not mean that results from these studies are of no value, but it does mean that less confidence can be placed in any cause-and-effect conclusions drawn from the results.

To account for the differences in the quality of research designs, we use a 5-point scale as a way to adjust the reported results. The scale is based closely on the 5-point scale developed by researchers at the University of Maryland.[25] On this 5-point scale, a rating of "5" reflects an evaluation in which the most confidence can be placed. As the evaluation ranking gets lower, less confidence can be placed in any reported differences (or lack of differences) between the program and comparison or control groups.

On the 5-point scale, as interpreted by the Institute, each study is rated with the following numerical ratings.

- A **"5"** is assigned to an evaluation with well-implemented random assignment of subjects to a treatment group and a control group that does not receive the treatment/program. A good random assignment study should also indicate how well the random assignment actually occurred by reporting values for pre-existing characteristics for the program and control groups.
- A **"4"** is assigned to a study that employs a rigorous quasi-experimental research design with a program and matched comparison group, controlling with statistical methods for self-selection bias that might otherwise influence outcomes. These quasi-experimental methods may include estimates made with a convincing instrumental variables modeling approach, or a Heckman approach to modeling self-selection.[26] A level 4 study may also be used to "downgrade" an experimental random assignment design that had problems in implementation, perhaps with significant attrition rates.
- A **"3"** indicates a non-experimental evaluation where the program and comparison groups were reasonably well matched on pre-existing differences in key variables. There must be evidence presented in the evaluation that indicates few, if any, significant differences were observed in these salient pre-existing variables. Alternatively, if an evaluation employs sound multivariate statistical techniques (e.g. logistic regression) to control for pre-existing differences, and if the analysis is successfully completed, then a study with some differences in pre-existing variables can qualify as a level 3.
- A **"2"** involves a study with a program and matched comparison group where the two groups lack comparability on pre-existing variables and no attempt was made to control for these differences in the study.
- A **"1"** involves a study where no comparison group is utilized. Instead, the relationship between a program and an outcome, i.e., recidivism, is analyzed before and after the program.

We do not use the results from program evaluations rated as a "1" on this scale, because they do not include a comparison group and we believe that there is no context to judge program effectiveness. We also regard evaluations with a rating of "2" as highly problematic and, as a result, we do not consider their findings in the calculations of effect. In this study, we only consider evaluations that rate at least a 3 on this 5-point scale.

An explicit adjustment factor is assigned to the results of individual effect sizes based on the Institute's judgment concerning research design quality. We believe this adjustment is critical and is the only practical way to combine the results of a high quality study (i.e., a level 5 study) with those of lesser design quality. The specific adjustments made for these studies depend on the topic area being considered. In some areas, such as criminal justice program evaluations, there is strong evidence that less-than-random assignment studies (i.e., less than level 5 studies) have, on average, smaller effect

[25] L. W. Sherman, D. Gottfredson, D. MacKenzie, J. Eck, P. Reuter, and S. Bushway (1998). *Preventing crime: What works, what doesn't, what's promising*. Prepared for the National Institute of Justice. Department of Criminology and Criminal Justice, University of Maryland. Chapter 2.

[26] For a discussion of these methods, see W. Rhodes, B. Pelissier, G. Gaes, W. Saylor, S. Camp, and S. Wallace (2001).*Alternative solutions to the problem of selection bias in an analysis of federal residential drug treatment programs.* Evaluation Review, 25(3): 331-369.

sizes than weaker-designed studies.[27] Thus, for the typical criminal justice evaluation, we use the following "default" adjustments to account for studies of different research design quality:

- A level 5 study carries a factor of 1.0 (that is, there is no discounting of the study's evaluation outcomes).
- A level 4 study carries a factor of .75 (effect sizes discounted by 25 percent).
- A level 3 study carries a factor of .50 (effect sizes discounted by 50 percent).
- We do not include level 2 and level 1 studies in our analyses.

These factors are subjective to a degree; they are based on the Institute's general impressions of the confidence that can be placed in the predictive power of criminal justice studies of different quality.

The effect of the adjustment is to multiply the effect size for any study, ES'_m, in equation (A3) by the appropriate research design factor. For example, if a study has an effect size of -.20 and it is deemed a level 4 study, then the -.20 effect size would be multiplied by .75 to produce a -.15 adjusted effect size for use in the benefit-cost analysis.

3b. Adjusting Effect Sizes for Relevance or Quality of the Outcome Measure. As noted in Appendix 1, our focus in this analysis is whether adult corrections programs reduce new criminal activity. We prefer measures such as arrests or convictions and avoid measures such as technical violations of parole or probation, since these may or may not be related to the commission of new crimes. In addition, we require that all studies have at least a six-month follow up period. For those studies that had a follow-up period of under 12 months, but greater than six months, and for those studies that only reported weak measures of new criminal activity, we reduced effects sizes by 25 percent. This adjustment multiplies the effect size for any study with a short follow-up or weak measure by .75.

3c. Adjusting Effect Sizes for Research Involvement in the Program's Design and Implementation. The purpose of the Institute's work is to identify and evaluate programs that can make cost-beneficial improvements to Washington's actual service delivery system. There is some evidence that programs that are closely controlled by researchers or program developers have better results than those that operate in "real world" administrative structures.[28] In our own evaluation of a real-world implementation of a research-based juvenile justice program in Washington, we found that the actual results were considerably lower than the results obtained when the intervention was conducted by the originators of the program.[29] Therefore, we make an adjustment to effect sizes ES_m to reflect this distinction. As a parameter for all studies deemed not to be "real world" trials, the Institute discounts ES'_m by .5, although this can be modified on a study-by-study basis.

Appendix 4: Meta-Analytic Results—Estimated Effect Sizes and Citations to Studies Used in the Analyses

Exhibit 2 provides technical meta-analytic results for the effect sizes computed for these groupings of programs, including the results of the adjustments described above. Exhibit 3 lists the citations for all the studies used in the meta-analyses, arranged by program area.

[27] M. W. Lipsey (2003). Those confounded moderators in meta-analysis: Good, bad, and ugly. *The Annals of the American Academy of Political and Social Science,* 587(1): 69-81. Lipsey found that, for juvenile delinquency evaluations, random assignment studies produced effect sizes only 56 percent as large as nonrandom assignment studies.

[28] Ibid. Lipsey found that, for juvenile delinquency evaluations, programs in routine practice (i.e., "real world" programs) produced effect sizes only 61 percent as large as research/demonstration projects. See also: A. Petrosino, & H. Soydan (2005). The impact of program developers as evaluators on criminal recidivism: Results from meta-analyses of experimental and quasi-experimental research. *Journal of Experimental Criminology*, 1(4): 435-450.

[29] R. Barnoski (2004). *Outcome evaluation of Washington State's research-based programs for juvenile offenders.* Olympia: Washington State Institute for Public Policy, available at <http://www.wsipp.wa.gov/rptfiles/04-01-1201.pdf>.

Exhibit 2
Estimated Effect Sizes on Crime Outcomes
(A Negative Effect Size Indicates the Program Achieves Less Crime)

Program listed in italics require, in our judgment, additional research fore it can be concluded that they do or do not reduce recidivism.	Number of Studies Included in the Review (total number of subjects in the treatment groups in the studies in parenthses)	Meta-Analytic Results Before Applying Institute Adjustments					Adjusted Effect Size Used in the Benefit-Cost Analysis (estmated effect after downward adjustments for the methodological qualtity of the evidence, outcome measurement relevance, and researcher involvement)
		Fixed Effects Model			Random Effects Model		
		Weighted Mean Effect Size		Homo-geneity Test	Weighted Mean Effect Size		
		ES	p-value	p-value	ES	p-value	ES
Adult Offenders							
Programs for Drug-Involved Offenders							
Adult drug courts	56 (18957)	-.160	.000	.000	-.183	.000	**-.094**
In-prison therapeutic communities with community aftercare	6 (1989)	-.152	.000	.735	na	na	**-.077**
In-prison therapeutic communities without community aftercare	7 (1582)	-.119	.001	.079	na	na	**-.059**
Cognitive-behavioral therapy in prison	8 (3788)	-.130	.000	.905	na	na	**-.077**
Case management in the community	12 (2572)	-.046	.114	.000	-.039	.480	**.000**
Drug treatment in the community	5 (54334)	-.137	.000	.000	-.221	.007	**-.109**
Drug treatment in jail	9 (1436)	-.110	.008	.025	-.106	094	**-.052**
Programs for Mentally Ill and Co-Occurring Offenders							
Jail diversion (pre & post booking programs)	11 (1243)	.060	.141	682	na	na	**.000**
Therapeutic community programs	2 (145)	-.361	.004	.542	na	na	**-.230**
Treatment Programs for General Offenders							
Cognitive-behavioral for the general population	25 (6546)	-.147	.000	.000	-.164	.000	**-.081**
Faith-based programs	5 (630)	-.015	.767	.043	-.028	.728	**.000**
Programs for Domestic Violence Offenders							
Education/cognitive-behavioral treatment	9 (1254)	-.025	.523	.120	na	na	**.000**
Domestic violence courts	2 (327)	-.086	.309	.009	-.013	.956	**.000**
Programs for Sex Offenders							
Psychotherapy, sex offenders	3 (313)	.134	.179	.038	.027	.892	**.000**
Cognitive-behavioral treatment in prison	5 (894)	-.144	.005	.173	na	na	**-.087**
Cognitive-behavioral treatment in the community	6 (359)	-.391	.000	.438	na	na	**-.195**
Cognitive-behavioral treatment in prison (sex offense outcomes)	4 (705)	-.119	.027	.080	na	na	**-.069**
Cognitive-behavioral treatment in the community (sex off. outcomes)	5 (262)	-.357	.001	.846	na	na	**-.177**
Intensive supervision of sex offenders in the communty	4 (392)	.207	.003	.000	.202	.359	**.000**
Behavioral Therapy - Sex Offenders.	2 (130)	-.190	.126	.635	na	na	**.000**
Mixed Treatment-Sex Offenders in the Community	2 (724)	-.176	.001	.015	-.184	.169	**.000**
Circles of Support & Accountability (Faith-based supervision of sex offenders)	1 (60)	-.388	.035	na	na	na	**-.193**
Medical Treatment of Sex Offenders	1 (99)	-.372	.060	na	na	na	**-.185**
Intermediate Sanctions							
Intensive supervision: surveillance-oriented approaches	24 (2699)	-.033	244	.146	na	na	**.000**
Intensive supervision: treatment-oriented approaches	10 (2156)	-.287	.000	.000	-.291	.041	**-.190**
Regular supervision compared to no supervision	1 (22016)	-.010	.591	na	na	na	**.000**
Day fines (compared to standard probation)	1 (191)	-.084	.411	na	na	na	**.000**
Adult boot camps	22 (5910)	-.030	.103	.000	-.017	.632	**.000**
Electronic monitoring	12 (2175)	.025	.411	.025	.015	.765	**.000**
Restorative justice programs for lower risk adult offenders	6 (783)	-.077	.130	.013	-.125	.165	**.000**
Work and Education Programs for General Offenders							
Correctional industries programs in prison	4 (7178)	-.119	.000	.174	na	na	**-.077**
Basic adult education programs in prison	7 (2399)	-.094	.001	.006	-.114	.034	**-.050**
Employment training & job assistance programs in the community	16 (9217)	-.047	.003	.017	-.061	.021	**-.047**
Work release programs from prison	4 (621)	-.122	.045	.285	na	na	**-.055**
Vocatonal education in prison	3 (1950)	-.189	.000	.868	na	na	**-.124**

Notes to the Table:
Appendices 1, 2, and 3 describe the meta-analytic methods and decision criteria used to produce these estimates. Briefly, to be included in this review: 1) a study had to be published in English between 1970 and 2005; 2) the study could be published in any format—peer-reviewed journals, government reports, or other unpublished results; 3) the study had to have a randomly-assigned or demonstrably well-matched comparison group; 4) the study had to have intent-to-treat groups that included both completers and program dropouts, or sufficient information that the combined effects could be tallied; 5) the study had to provide sufficient information to code effect sizes; and 6) the study had to have at least a six-month follow-up period and include a measure of criminal recidivism as an outcome.

Exhibit 3
Citations to the Studies Used in the Meta-Analyses
(Some studies contributed independent effect sizes from more than one location)

Program Grouping	Study
Adult Boot Camps	Austin, J., Jones, M., & Bolyard, M. (1993). *Assessing the impact of a county operated boot camp: Evaluation of the Los Angeles County regimented inmate diversion program.* San Francisco: National Council on Crime and Delinquency.
	Burns, J. C., & Vito, G. F. (1995). An impact analysis of the Alabama boot camp program. *Federal Probation*, 59(1): 63-67.
	Camp, D. A., & Sandhu, H. S. (1995). Evaluation of female offender regimented treatment program (FORT). *Journal of the Oklahoma Criminal Justice Research Consortium*, 2: 50-77.
	Colorado Department of Corrections. (1993). *Colorado regimented inmate training program: A legislative report.*
	Farrington, D. P., Ditchfield, J., Hancock, G., Howard, P., Jolliffe, D., Livingston, M. S., & Painter, K. (2002). *Evaluation of two intensive regimes for young offenders.* Home Office Research Study 239. London, UK: Home Office
	Gransky, L. A. & Jones, R. J. (1995). *Evaluation of the post-release status of substance abuse program participants: The impact incarceration program at Dixon Springs and the Gateway substance abuse program at Dwight Correctional Center.* Chicago: Illinois Criminal Justice Authority Report.
	Harer, M. D., & Klein-Saffran, J. (1996). *Lewisburg ICC evaluation.* Washington DC: Bureau of Prisons, Office of Research and Evaluation, memo.
	Jones, M., & Ross, D. L. (1997). Is less better? Boot camp, regular probation and rearrest in North Carolina. *American Journal of Criminal Justice*, 21(2): 147-161.
	Kempinen, C. A., & Kurlychek, M. C. (2003). An outcome evaluation of Pennsylvania's boot camp: Does rehabilitative programming within a disciplinary setting reduce recidivism? *Crime and Delinquency*, 49(4): 581:602.
	MacKenzie, D. L. & Souryal, C. (1994). *Multisite evaluation of shock incarceration: Executive summary.* Washington, DC: U.S. Department of Justice/NIJ.
	Smith, R. P. (1998). Evaluation of the work ethic camp. Olympia: Washington State Department of Corrections.
	Stinchcomb, J. B., & Terry, W. C. (2001). Predicting the likelihood of rearrest among shock incarceration graduates: Moving beyond another nail in the boot camp coffin. *Crime and Delinquency*, 47(2): 221-242.
	Wright, D. T., & Mays, G. L. (1998). Correctional boot camps, attitudes, and recidivism: The Oklahoma experience. *Journal of Offender Rehabilitation*, 28(1/2): 71-87.
Adult Drug Courts	Barnoski, R., & Aos, S., (2003). *Washington State's drug courts for adult defendants: Outcome evaluation and cost-benefit analysis* (Document No. 03-03-1201). Olympia: Washington State Institute for Public Policy.
	Bavon, A. (2001). The effect of the Tarrant County drug court project on recidivism. *Evaluation and Program Planning*, 24: 13–24.
	Bell, M. M. (1998). *King County drug court evaluation: Final report.* Seattle, WA: M. M. Bell, Inc.
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	Brewster, M. P. (2001). An evaluation of the Chester County (PA) drug court program. *Journal of Drug Issues*, 31(1): 177-206.
	Carey, S. M., & Finigan, M. W. (2004). A detailed cost-analysis in a mature drug court setting: A cost-benefit evaluation of the Multnomah County drug court. *Journal of Contemporary Criminal Justice*, 20(3): 315-338.
	Craddock, A. (2002). *North Carolina drug treatment court evaluation: Final report.* Raleigh: North Carolina Court System.
	Crumpton, D., Brekhus, J., Weller, J., & Finigan, M. (2003). *Cost analysis of Baltimore City, Maryland drug treatment court.* Portland, OR: NPC Research, Inc.
	Deschenes, E. P., Cresswell, L., Emami, V., Moreno, K., Klein, Z., & Condon, C. (2001). *Success of drug courts: Process and outcome evaluations in Orange County, California, final report.* Submitted to the Superior Court of Orange County, CA.
	Ericson, R., Welter, S., & Johnson, T. L. (1999). *Evaluation of the Hennepin County drug court.* Minneapolis: Minnesota Citizens Council on Crime and Justice.
	Spokane County Drug Court. (1999). *Evaluation: Spokane County drug court program.* Spokane, WA: Spokane County Drug Court.
	Fielding, J. E., Tye, G., Ogawa, P. L., Imam, I. J., & Long, A. M. (2002). Los Angeles County drug court programs: Initial results. *Journal of Substance Abuse Treatment*, 23(3): 217-224.
	Finigan, M. W. (1998). *An outcome program evaluation of the Multnomah County S.T.O.P. drug diversion program.* Portland, OR: NPC Research, Inc.
	Godley, M. D., Dennis, M. L., Funk, R., Siekmann, M., & Weisheit, R. (1998). *An evaluation of the Madison County assessment and treatment alternative court.* Chicago: Illinois Criminal Justice Information Authority.
	Goldkamp, J. S. & Weiland, D. (1993). *Assessing the impact of Dade County's felony drug court. Final report.* Philadelphia: Crime and Justice Research Institute.
	Goldkamp, J. S., Weiland, D., & Moore, J. (2001). *The Philadelphia treatment court, its development and impact: The second phase (1998-2000).* Philadelphia: Crime and Justice Research Institute.
	Goldkamp, J. S., White, M. D., & Robinson, J. B. (2001). Do drug courts work? Getting inside the drug court black box. *Journal of Drug Issues*, 31(1): 27-72.
	Gottfredson, D. C., Najaka, S. S., & Kearley, B. (2002 November). *A randomized study of the Baltimore City drug treatment court: Results from the three-year follow-up.* Paper presented at the annual meeting of the American Society of Criminology, Chicago.
	Gottfredson, D. C., Coblentz, K., & Harmon, M. A. (1997). A short-term outcome evaluation of the Baltimore City drug treatment court program. *Perspectives*, Winter: 33–38.
	Granfield, R., Eby, C., & Brewster, T. (1998). An examination of the Denver drug court: The impact of a treatment-oriented drug-offender system. *Law & Policy*, 20: 183-202.
	Harrell, A., Roman, J., & Sack, E. (2001). *Drug court services for female offenders, 1996–1999: Evaluation of the Brooklyn treatment court.* Washington, DC: Urban Institute.
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	Latessa, E. J., Shaffer, D. K., & Lowenkamp C. (2002). *Outcome evaluation of Ohio's drug court efforts: Final report.* Cincinnati: Center for Criminal Justice Research, Division of Criminal Justice, University of Cincinnati.
	Listwan, S. J., & Latessa, E. J. (2003). *The Kootenai and Ada County drug courts: Outcome evaluation findings, final report.* Cincinnati: Center for Criminal Justice Research, University of Cincinnati.
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Program Grouping	Study
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Case Management in the Community for Drug Involved Offenders	Anglin, M. D., Longshore, D., & Turner, S. (1999). Treatment alternatives to street crime: An evaluation of five programs. *Criminal Justice and Behavior*, 26(2): 168-195. California Department of Corrections. (1996). *Parolee partnership program: A parole outcome evaluation.* Sacramento: California Department of Corrections. Hanlon, T. E., Nurco, D. N., Bateman, R. W., & O'Grady, K. E. (1999). The relative effects of three approaches to the parole supervision of narcotic addicts and cocaine abusers. *The Prison Journal*, 79(2): 163-181. Longshore, D., Turner, S., & Fain. T. (2005) Effects of case management on parolee misconduct. *Criminal Justice and Behavior*, 32(2): 205-222. Owens, S., Klebe, K., Arens, S., Durham, R., Hughes, J., Moor, C., O'Keefe, M., Phillips, J., Sarno, J., & Stommel, J. (1997). The effectiveness of Colorado's TASC programs. *Journal of Offender Rehabilitation*, 26: 161-176. Rhodes, W., & Gross, M. (1997). *Case management reduces drug use and criminality among drug-involved arrestees: An experimental study of an HIV prevention intervention.* Final report to the National Institute of Justice/National Institute on Drug Abuse. Cambridge, MA: Abt Associates Inc.
Circles of Support and Accountability (faith-based supervision of sex offenders)	Wilson, R. J., Picheca, J. E., & Prinzo, M. (2005). *Circles of support & accountability: An evaluation of the pilot project in South Central Ontario.* Draft report to Correctional Service of Canada, R-168, e-mailed to M. Miller Oct 20, 2005.
Cognitive-Behavioral Therapy for General Population	Armstrong, T. (2003). The effect of moral reconation therapy on the recidivism of youthful offenders. *Criminal Justice and Behavior*, 30(6): 668-687. Burnett, W. (1997). Treating post-incarcerated offenders with moral reconation therapy: A one-year recidivism study. *Cognitive Behavioral Treatment Review*, 6(3/4): 2. Culver, H. E. (1993). Intentional skill development as an intervention tool. (Doctoral dissertation. University of Massachusetts, 1993, UMI No. 9329590). Falshaw, L., Friendship, C., Travers, R., & Nugent, F. (2004). Searching for 'what works': HM Prison Service accredited cognitive skills programmes. *British Journal of Forensic Practice*, 6(2): 3-13. Friendship, C., Blud, L., Erikson, M., Travers, R., Thornton, D. (2003). Cognitive-behavioural treatment for imprisoned offenders: An evaluation of HM Prison Service's cognitive skills programmes. *Legal and Criminological Psychology*, 8: 103-114. Golden, L. (2002). *Evaluation of the efficacy of a cognitive behavioral program for offenders on probation: Thinking for a change.* Dallas: University of Texas Southwestern Medical Center at Dallas. Retrieved on December 22, 2005 from http://www.nicic.org/pubs/2002/018190.pdf. Grandberry, G. (1998). *Moral reconation therapy evaluation, final report.* Olympia: Washington State Department of Corrections. Henning, K. R., & Frueh, B. C. (1996). Cognitive-behavioral treatment of incarcerated offenders: An evaluation of the Vermont Department of Corrections' cognitive self-change program. *Criminal Justice and Behavior*, 23(4): 523-541.

Program Grouping	Study
Cognitive-Behavioral Therapy for General Population, continued	Hubbard, D. J., & Latessa, E. J. (2004). *Evaluation of cognitive-behavioral programs for offenders: A look at outcome and responsivity in five treatment programs, final report.* Cincinnati: Division of Criminal Justice, University of Cincinnati.
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	Wexler, H. K., Falkin, G. P., Lipton, D. S., & Rosenblum, A. B. (1992). Outcome evaluation of a prison therapeutic community for substance abuse treatment. In C. G. Leukefeld & F. M. Tims (Eds.), *Drug abuse treatment in prisons and jails.* NIDA research Monograph 118, Rockville, MD: NIDA (pp. 156-174).
Cognitive-Behavioral Treatment in Prison for Sex Offenders	Bakker, L., Hudson, S. Wales, D. & Riley, D. (1999). *...And there was light: An evaluation of the Kia Marama treatment programme for New Zealand sex offenders against children.* Unpublished report.
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Cognitive-Behavioral Treatment in the Community for Sex Offenders	Allam, J. (1999). *Sex offender re-conviction: Treated vs. untreated offenders.* West Midlands Probation Service Sex Offender Treatment Programme.
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Drug Treatment in the Community	Baird, C., Wagner, D., Decomo, B., & Aleman, T. (1994). *Evaluation of the effectiveness of supervision and community rehabilitation programs in Oregon.* Oakland, CA: National Council on Crime and Delinquency.
	California Department of Corrections. (1997). *Los Angeles prison parole network: An evaluation report.* Sacramento: State of California.
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Education/Cognitive-Behavioral Treatment for Domestic Violence Offenders	Chen, H., Bersani, C., Myers, S. C., & Denton, R. (1989). Evaluating the effectiveness of a court sponsored abuser treatment program. *Journal of Family Violence,* 4(4): 309-322.
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Employment Training and Job Assistance Programs in the Community	Anderson, D. B. & Schumacker, R. E. (1986). Assessment of job training programs. *Journal of Offender Counseling, Services, & Rehabilitation,* (10): 41-49.
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Program Grouping	Study
Employment Training and Job Assistance Programs in the Community, continued	Uggen, C. (2000). Work as a turning point in the life course of criminals: A duration model of age, employment, and recidivism. *American Sociological Review*, 67(4): 529–546.
Faith-Based Programs for General Offenders	Burnside, J., Adler, J., Loucks, N., & Rose, G. (2001). Kainos community in prisons: Report of an evaluation. RDS OLR 11/01. Presented to Research Development and Statistics Directorate, Home Office, HM Prison Service England and Wales and Kainos Community. Retrieved December 27, 2005, from http://www.homeoffice.gov.uk/rds/pdfs/kainos_finalrep.pdf
	Johnson, B.R. (2004). Religious programs and recidivism among former inmates in prison fellowship programs: A long-term follow-up study. *Justice Quarterly*, 21(2): 329-354.
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	Trusty, B., & Eisenberg, M. (2003). *Initial process and outcome evaluation of the innerchange freedom initiative: The faith-based prison program in TDCJ.* Austin, TX: Criminal Justice Policy Council. Retrieved December 27, 2005, from http://www.cjpc.state.tx.us/reports/adltrehab/IFIInitiative.pdf
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In-Prison Therapeutic Communities With Community Aftercare for Drug Involved Offenders	Field, G. (1985). The cornerstone program: A client outcome study. *Federal Probation*, 49: 50-55.
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In-Prison Therapeutic Communities Without Community Aftercare for Drug Involved Offenders	Belenko, S., Foltz, C., Lang, M. A., & Sun, H. (2004). Recidivism among high-risk drug felons: A longitudinal analysis following residential treatment. *Journal of Offender Rehabilitation*, 40(1/2): 105-132.
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Intensive Supervision Of Sex Offenders in the Community	Stalans, L.J., Seng, M., Yarnold, P., Lavery, T., & Swartz, J. (2001). *Process and initial evaluation of the Cook County adult probation department's sex offender program: Final and summary report for the period of June, 1997 to June, 2000.* Chicago: Illinois Criminal Justice Information Authority. Retrieved on December 28, 2005 from http://www.icjia.state.il.us/public/pdf/researchreports/An%20Implementation_Project%20in%20Cook%20County.pdf
	Stalans, L.J., Seng, M., & Yarnold, P.R. (2002). *Long-term impact evaluation of specialized sex offender probation programs in Lake, DuPage and Winnebago Counties.* Chicago: Illinois Criminal Justice Information Authority. Retrieved on December 28, 2005, from http://www.icjia.state.il.us/public/pdf/ResearchReports/Long-termDuPageWinnebago.pdf
Intensive Supervision: Surveillance-Oriented Approaches	Bagdon, W. & Ryan, J. E. (1993). Intensive supervision of offenders on prerelease furlough: An evaluation of the Vermont experience. *Forum on Corrections Research*, 5(2). Retrieved on December 28, 2005, from http://www.csc-scc.gc.ca/text/pblct/forum/e052/e052j_e.shtml
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	Stichman, A., Fulton, B., Latessa, E., & Lawrence, T. (1998). *Evaluating the prototypical ISP, Hartford intensive supervision unit Connecticut office of adult probation administrative office of the courts.* Final Report. Cincinnati: Division of Criminal Justice, University of Cincinnati.
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Program Grouping	Study
Intensive Supervision: Treatment-Oriented Approaches	Deschenes, E. P., Turner, S., & Petersilia, J. (1995). A dual experiment in intensive community supervision: Minnesota's prison diversion and enhanced supervised release programs. *Prison Journal*, 75(3): 330-357.
	Hanley, D. (2002). Risk differentiation and intensive supervision: A meaningful union? (Doctoral dissertation, University of Cincinnati, 2002, UMI No. 3062606).
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	Paparozzi, M. A. (1994). A comparison of the effectiveness of an intensive parole supervision program with traditional parole supervision. (Doctoral Dissertation. Rutgers the State University of New Jersey – New Brunswick, 1994, UMI No. 9431121).
	Petersilia, J. & Turner, S. (1990). *Intensive supervision for high-risk probationers: Findings from three California experiments.* Santa Monica, CA: RAND.
Jail Diversion: Pre- and Post-Booking Programs for MICA Offenders	Broner, N., Lattimore, P. K., Cowell, A. J., & Schlenger, W. E. (2004). Effects of diversion on adults with co-occurring mental illness with substance use: Outcomes from a national multi-site study. *Behavioral Sciences and the Law*, (22): 519-541
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Medical Treatment of Sex Offenders	Wille, R., & Beier, K. M. (1989). Castration in Germany. *Annals of Sex Research*, 2: 103-133.
Psychotherapy for Sex Offenders	Hanson, R. K., Steffy, R. A. & Gauthier, R. (1993). Long-term recidivism of child molesters. *Journal of Consulting and Clinical Psychology*, 61: 646-652.
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	Romero, J. J. & Williams, L. M. (1983). Group psychotherapy and intensive probation supervision with sex offenders: A comparative study. *Federal Probation*, 47: 36-42.
Regular Supervision Compared to No Supervision	Solomon, A. L., Kachnowski, V., Bhati, A. (2005). *Does parole work? Analyzing the impact of postprison supervision on rearrest outcomes.* Washington, DC: Urban Institute.
Restorative Justice Programs for Lower Risk Adult Offenders	Bonta, J., Wallace-Capretta, S., & Rooney, J. (2000). A quasi-experimental evaluation of an intensive rehabilitation supervision program. *Criminal Justice and Behavior*, 27(3): 312-329.
	Dignan, J. (1990). *Repairing the damage: An evaluation of an experimental adult reparation scheme in Kettering, Northamptonshire.* Sheffield, UK: Centre for Criminological and Legal Research, Faculty of Law, University of Sheffield.
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	Paulin, J., Kingi, V., Lash, B. (2005). *The Rotorua second chance community-managed restorative justice programme: An evaluation.* Wellington, New Zealand: Ministry of Justice. Retrieved on December 27, 2005, from http://www.justice.govt.nz/pubs/reports/2005/rotorua-second-chance-community-managed-restorative-justice/index.html
	Paulin, J., Kingi, V., Lash, B. (2005). *The Wanganui community-managed restorative justice programme: An evaluation.* Wellington, New Zealand: Ministry of Justice. Retrieved on December 27, 2005, from http://www.justice.govt.nz/pubs/reports/2005/wanganui-community-managed-restorative-justice
	Rugge, T., Bonta, J., & Wallace-Capretta, S. (2005). *Evaluation of the collaborative justice project: A restorative justice program for serious crime.* Ottawa, Ontario, Canada: Public Safety and Emergency Preparedness Canada.
Therapeutic Community Programs for MICA Offenders	Sacks, S., Sacks, J. Y., McKendrick, K., Banks, S., & Stommel, J. (2004). Modified TC for MICA offenders: Crime outcomes. *Behavioral Sciences and the Law*, 22(4): 477-501.
	Van Stelle, K. R., & Moberg, D. P. (2004). Outcome data for MICA clients after participation in an institutional therapeutic community. *Journal of Offender Rehabilitation*, 39(1): 37-62.
Vocational Education in Prison	Callan, V. & Gardner, J. (2005). *Vocational education and training provision and recidivism in Queensland correctional institutions.* Queensland, Australia: National Center for Vocational Education Research (NCVER).
	Lattimore, P. K., Witte, A. D., & Baker, J. R. (1990). Experimental assessment of the effect of vocational training on youthful property offenders. *Evaluation Review*, 14(2): 115-133.
	Saylor, W. G., & Gaes, G. G. (1996). *PREP: A study of "rehabilitating" inmates through industrial work participation, and vocational and apprenticeship training.* Washington, DC: U.S. Federal Bureau of Prisons.
Work Release Programs From Prison	Jeffrey, R. & Woolpert, S. (1974). Work furlough as an alternative to incarceration. *The Journal of Criminology*, 65(3): 405-415.
	LeClair, D. P. & Guarino-Ghezzi, S. (1991). Does incapacitation guarantee public safety? Lessons from the Massachusetts furlough and prerelease program. *Justice Quarterly*, (8)1: 9-36
	Turner, S. M. & Petersilia, J. (1996). Work release in Washington: Effects on recidivism and corrections costs. *Prison Journal*, 76(2): 138-164.
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Correctional Industries Programs in Prison	Maguire, K. E., Flanagan, T. J., & Thornberry, T. P. (1988). Prison labor and recidivism. *Journal of Quantitative Criminology*, 4(1): 3-18.
	Smith, C. J., Bechtel, J., Patricky, A., & Wilson-Gentry, L. (2005). *Correctional industries preparing inmates for re-entry: Recidivism & post-release employment.* Final draft report. Email from author.
Day Fines (Compared to Standard Probation)	Turner, S. & Greene, J. (1999). The FARE probation experiment: implementation and outcomes of day fines for felony offenders in Maricopa County. *The Justice System Journal*, 21(1): 1-21.

Pg. vii - location of Kansas Correctional Facilities

Pg. 12 - demographics of inmate population (gender, age, race, education level)

Pg. 13 - inmate population by offense type with gender breakdown

Pg. 34 - Court commitments by county of conviction

Pg. 37 - Releases to supervision by county

Pg. 40 - Recidivism rates

Pg. 46 - Distribution of population by most serious offense type

Pg. 49 - Summary of Inmate Characteristics

Pg. 60 - Criminal Histories of Inmate Population by Gender, Duration of Sentences by Gender

Pgs. 63-65 - Inmate Population by Most Serious Offense (specific crime) by Gender

Select Committee on
Corrections Reform and Oversight
2-15-08
Attachment 4

Program Outcome Summary
Return Rate by Program, Follow-up Period and Level of Program Exposure
FY 1992 - FY 2006

Program		1-year follow-up			2-year follow-up			3-year follow-up		
		Need but No Program	Program Completions	Percent Difference in Return Rate	Need but No Program	Program Completions	Percent Difference in Return Rate	Need but No Program	Program Completions	Percent Difference in Return Rate
Sex Offender Program	% Returned	40.5%	20.0%	50.6%	48.9%	31.2%	36.2%	56.1%	37.5%	33.2%
	# Returned	440	218		495	303		540	333	
Substance Abuse Treatment Program: CDRP	% Returned	30.8%	20.1%	34.7%	37.7%	26.8%	28.9%	42.9%	30.7%	28.4%
	# Returned	1017	368		1135	475		1218	531	
Substance Abuse Treatment Program: TC	% Returned	30.8%	21.9%	28.9%	37.7%	27.0%	28.4%	42.9%	31.4%	26.8%
	# Returned	1017	57		1135	67		1218	76	
Vocational Education Program	% Returned	28.4%	23.0%	19.0%	34.6%	32.1%	7.2%	38.5%	39.0%	-1.3%
	# Returned	1808	395		2157	510		2372	573	
Pre-Release Program	% Returned	26.8%	27.4%	-2.2%	36.9%	38.5%	-4.3%	44.8%	46.1%	-2.9%
	# Returned	95	204		111	242		121	259	
Work Release Program*	% Returned	26.5%	19.8%	25.3%	32.6%	26.8%	17.8%	37.0%	32.6%	11.9%
	# Returned	4020	323		4681	392		5092	432	
ge Freedom Initiative	% Returned	26.1%	18.3%	29.9%	32.3%	23.4%	27.6%	37.0%	28.1%	24.1%
	# Returned	4451	13		5198	15		5657	16	

k Release program is now treated as a "service-based" program. Ideally, all offenders would participate in the program if it were feasible (if enough program slots were available). Therefore, the
on is that essentially all offenders "need" work release experience before release. So the "Need but No Program" actually means "No Program Exposure".

iis table is a modification of the table on page 12 in the Offender's Program Evaluation Report, Vol. VII, January, 2006.

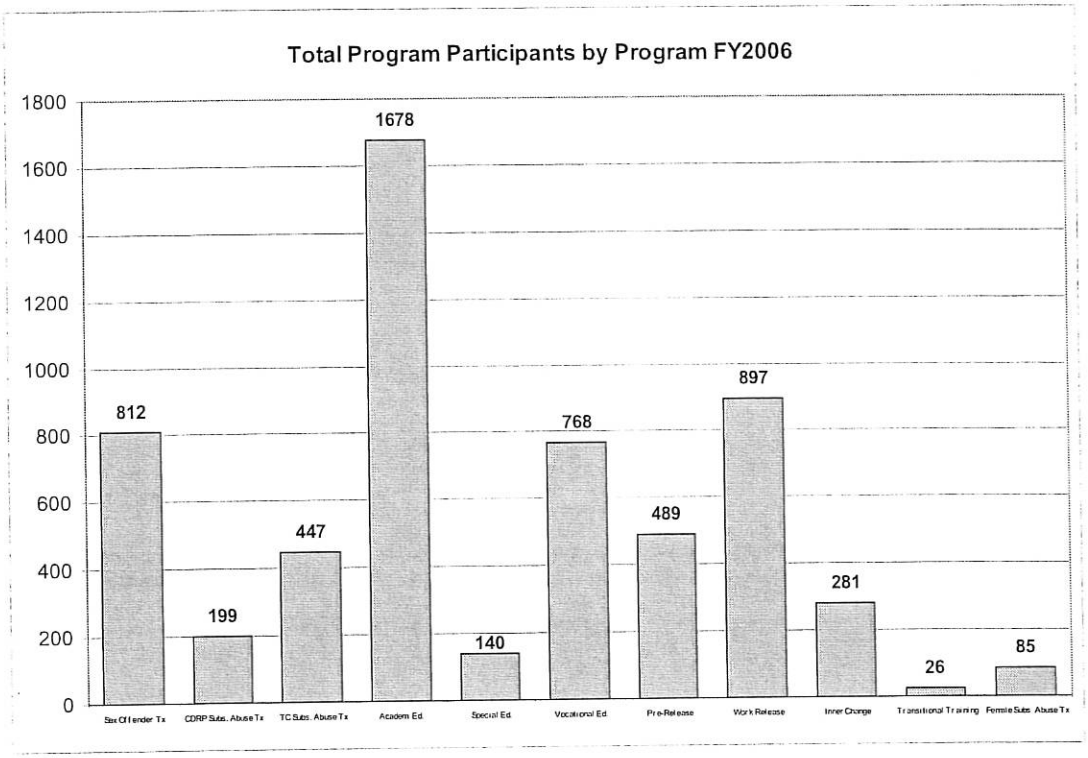
EXECUTIVE SUMMARY

PROGRAM ACTIVITY & EFFICIENCY MEASUREMENTS: OVERVIEW OF FY 2006

The programs described in this report have different curricula, different program durations, different objectives, different offender target groups, and different contractors. This set of differences makes program-to-program comparisons not "apples-to-apples." Nonetheless, below we present a summary of some of the FY 2006 program results. Please keep in mind that these comparisons are not direct and that final interpretation and meaning must occur within the context of each individual program. Detailed data for each program is reported in subsequent sections of this report.

Total Program Participants

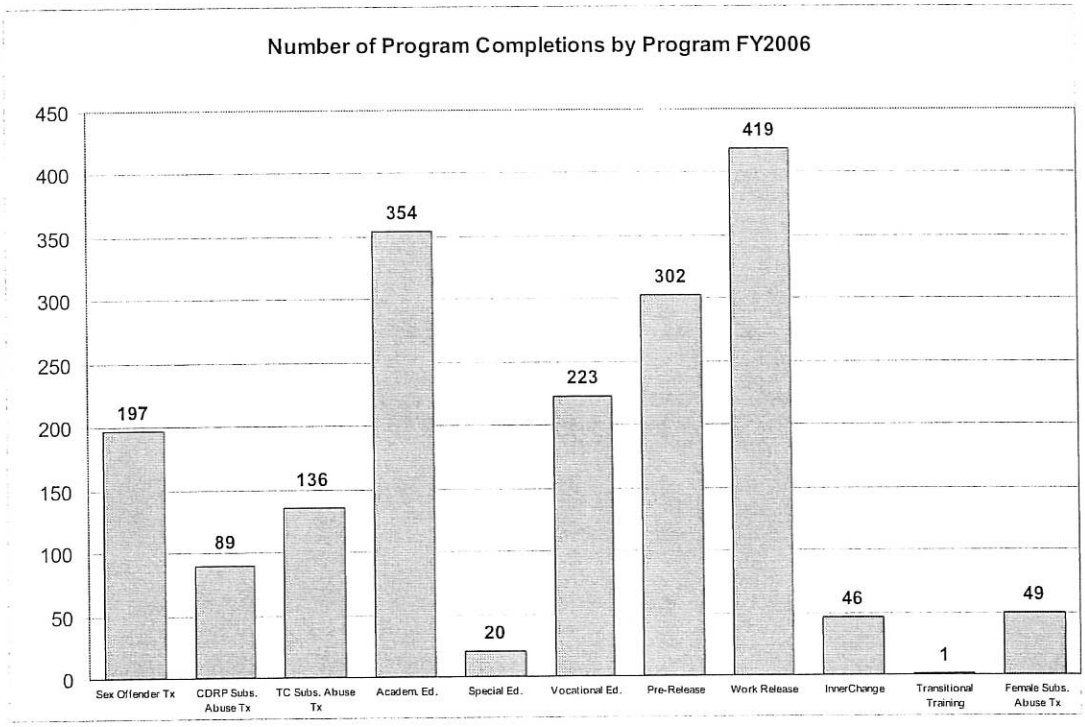
The total number of program participants ranges from a low of 26 (Transitional Training program) to a high of 1,678 (Academic Education) for fiscal year 2006. The Work Release program had the second highest total number of participants at 897 and the Sex Offender Treatment Program had the third highest total participant number with 812.



5-2

Number of Program Completions

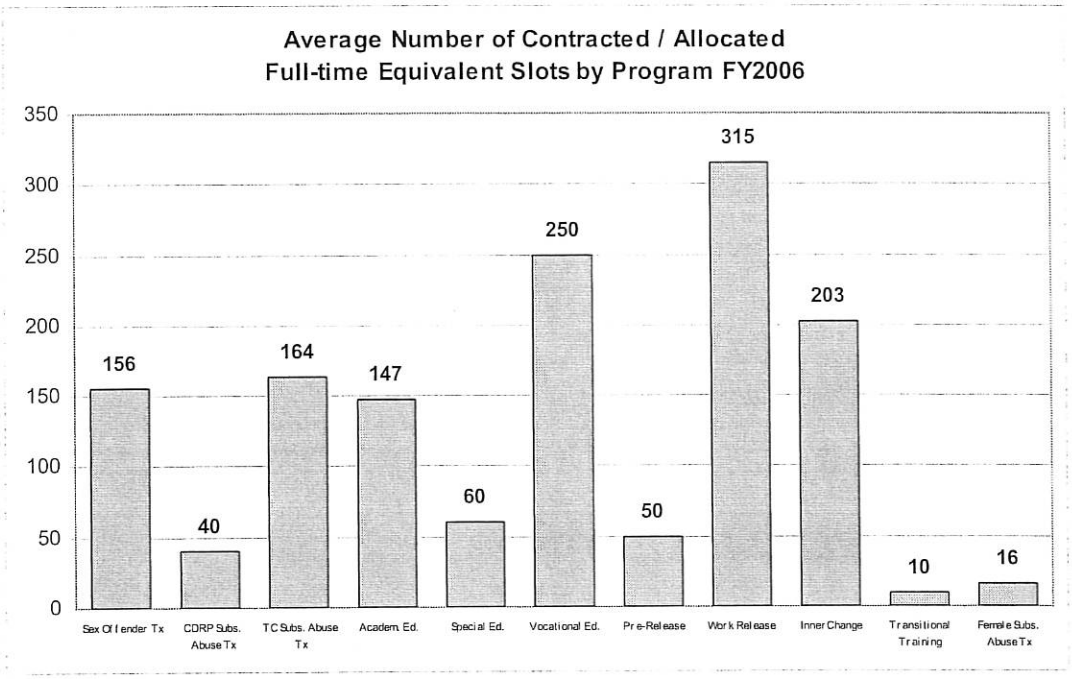
The total number of program completions (unduplicated) during FY 2006 ranged from a high of 419 (Work Release program) to a low of 1 (Transitional Training program). The Academic Education program achieved the second highest number of program completions at 354 and the Pre-Release program ranked third with a total of 302 program completions.



Number of Slots

The programs considered in this report also vary in the number of slots contracted or allocated to each program. This figure contributes heavily to the number of total participants that, in turn, influences the number of potential program completers.

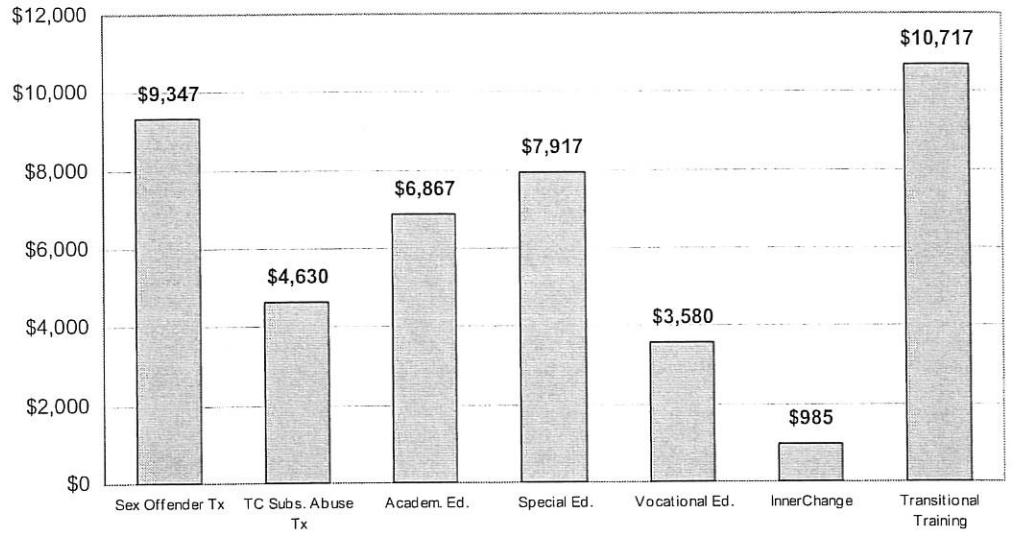
For FY 2006, the largest number of slots (average full-time equivalents) was for the Work Release program at 315. The next highest number of slots was for the Vocational Education program (all types of vocational education combined) at 250. The InnerChange™ program had the third-highest number of slots at 203. The smallest programs in terms of contracted slots were Substance Abuse Treatment program for females (16 slots) and the Transitional Training program (10 slots).



Cost per Program Slot

For the contractually operated programs, the FY 2006 actual expenditures can be divided by the number of program slots to obtain a cost per slot for the program. To ensure comparable figures, all slots are stated in terms of full-time equivalents. Actual program expenditures are not maintained for the KDOC-operated programs in a fashion that is separable from other KDOC functions (e.g., security, classification, etc.) associated with the program. Therefore, no cost per program slot is available for the KDOC-operated Chemical Dependency Recovery Program (CDRP) substance abuse treatment, Pre-Release, or Work Release programs. Of the contracted programs considered in this report, InnerChange demonstrates the lowest cost per program slot at $985 followed by Vocational Education at $3,580 and the Therapeutic Community substance abuse treatment program at $4,630. The highest cost per slot was in the Transitional Training Program ($10,717) followed by the Sex Offender Treatment program ($9,347) and Special Education ($7,917).

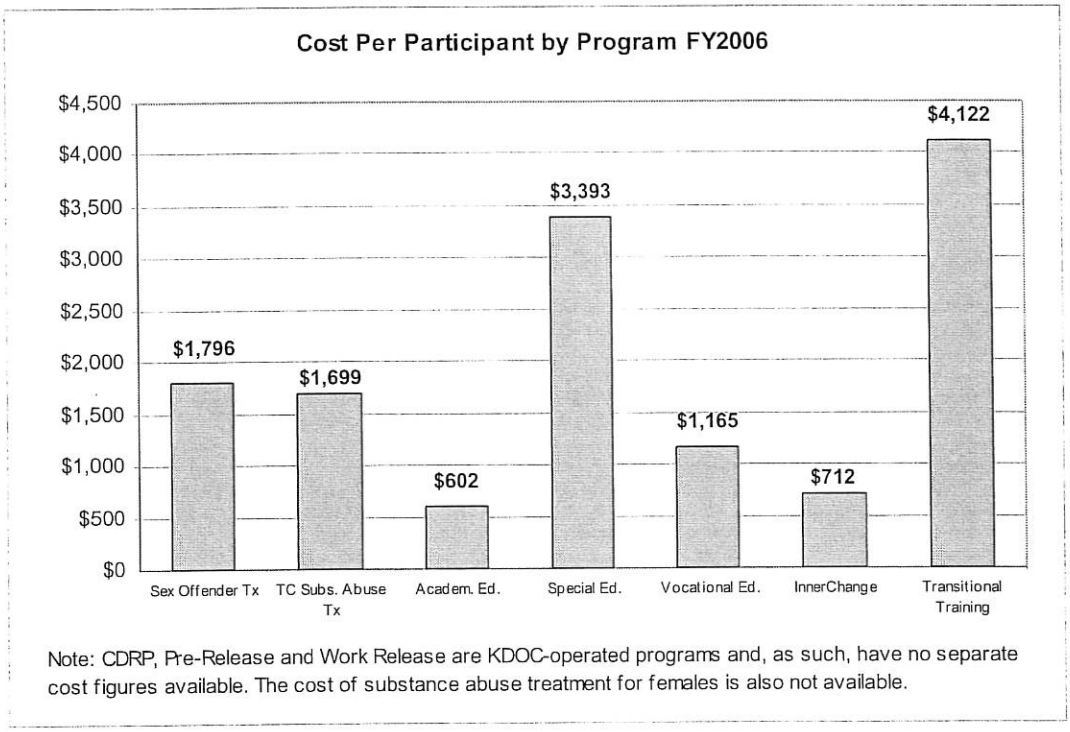
Cost Per Full-Time Equivalent Program Slot by Program FY2006



Note: CDRP, Pre-Release and Work Release are KDOC-operated programs and, as such, have no separate cost figures available. The cost of substance abuse treatment for females is also not available.

Cost per Participant

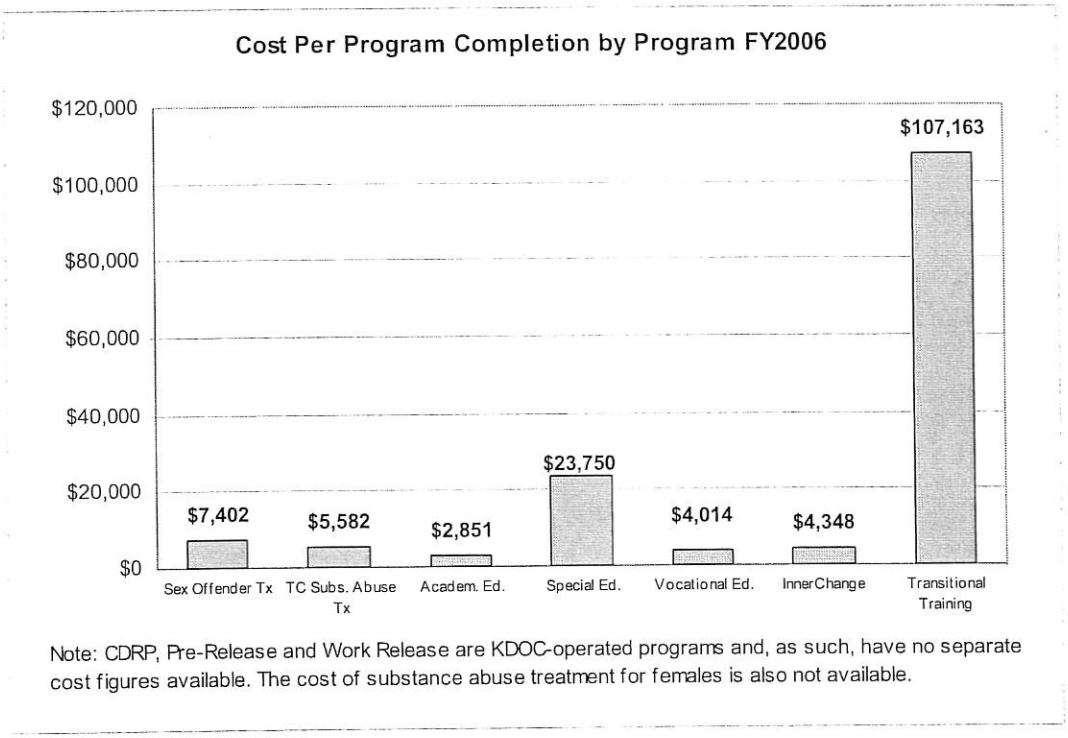
Using the same actual expenditure figures, the cost per participant can also be calculated for each of the contracted programs. Cost per participant was highest for the Transitional Training program ($4,122) followed by the Special Education program ($3,393) and the Sex Offender Treatment Program ($1,796). The lowest cost per participant was realized by the Academic Education program ($602), followed by InnerChange ($712) and the Vocational Education programs ($1,165).



Note: CDRP, Pre-Release and Work Release are KDOC-operated programs and, as such, have no separate cost figures available. The cost of substance abuse treatment for females is also not available.

Cost per Program Completion

Although cost per participant gives a sense of how much it costs to have an offender enrolled in these programs, how much it costs for a program completion is also of interest. The Transitional Training program realized the highest cost per completion of the programs considered in this report ($107,163), which is due to an increased amount of federal funding per program slot coupled with a decrease in the number of program slots beginning in FY 2005. This was followed by the Special Education program ($23,750) and the Sex Offender Treatment Program ($7,402). The lowest cost per program completion was the Academic Education program ($2,851) followed by the Vocational Education program ($4,014). Note that important factors in this program cost calculation include the number of slots, the completion ratio, and the length of the treatment program.

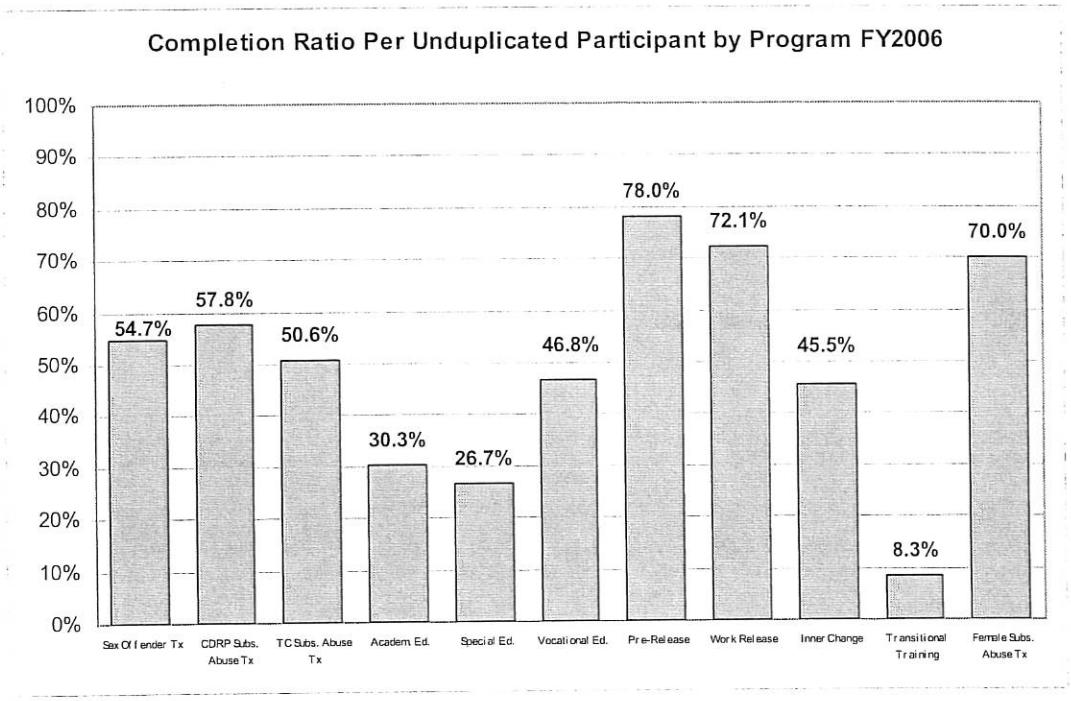


Note: CDRP, Pre-Release and Work Release are KDOC-operated programs and, as such, have no separate cost figures available. The cost of substance abuse treatment for females is also not available.

Completion Ratio

The Completion Ratio is a calculation that compares the number of offenders completing a specific program within a fiscal year to the number who enrolled and had the opportunity to complete the program. The completion ratio is another measure of program efficiency.

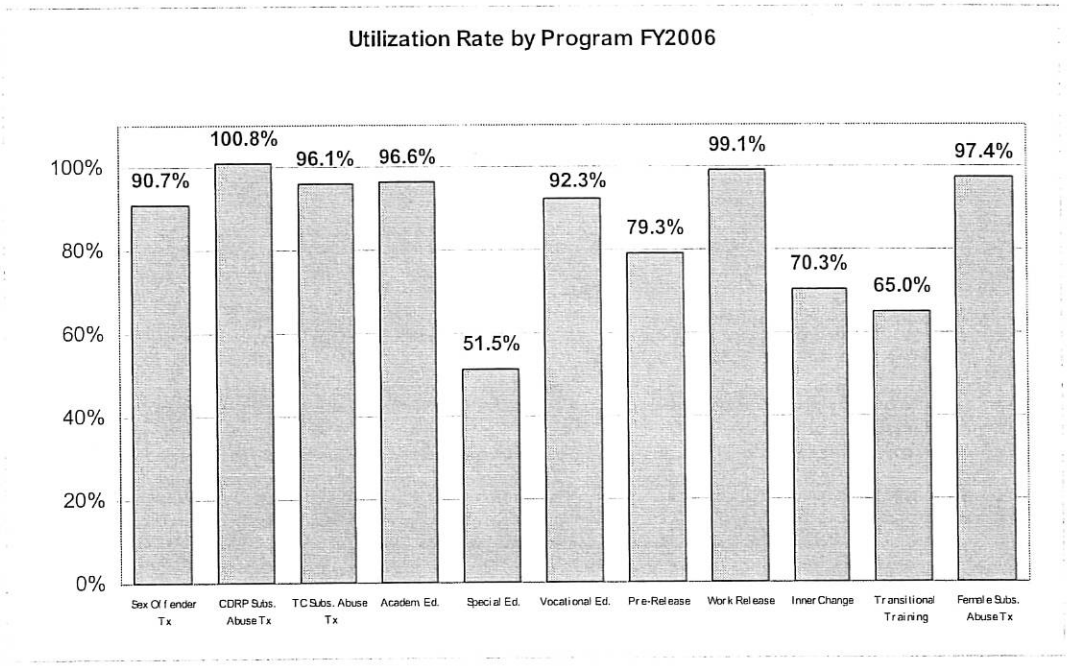
In FY 2006, the highest completion ratios were achieved by the Pre-Release program (78.0%), followed by the Work Release program (72.1%), the Substance Abuse Treatment Program for females (70.0%), and the Chemical Dependency Recovery Program (57.8%). The lowest completion ratios were experienced by the Transitional Training program (8.3%), Special Education (26.7%) and Academic Education (30.3%).



5-8

Program Capacity Utilization Rates

Another measure of program efficiency considers the average use of the number of available slots over the fiscal year. When considering this program utilization rate, the CDRP substance abuse program had the most efficient use of program slots at 100.8%, followed closely by the Work Release program at 99.1% and the Substance Abuse Treatment Program for females (97.4%). Academic Education and Therapeutic Communities also experienced relatively higher rates of utilization at 96.6% and 96.1%, respectively.



PROGRAM OUTCOME MEASUREMENTS: OVERVIEW

Recidivism

For most of the correctional interventions considered in this report, one of the program goals includes a reduction in recidivism, i.e., the number of returns to prison. There is no universally accepted definition of recidivism and it varies in three main areas: definition of "recidivating act", "recidivism pool" and "length of follow-up period". Please take caution in comparing outcome results in this report to those generated by other jurisdictions.

The recidivism analysis pool consists of "new commitments" (including probation violators with or without new sentences) who were admitted and released during the period FY 1992 – FY 2006. For this evaluation some refinements to the outcome pool were imposed. In order to increase the homogeneity of the group on which recidivism information is reported and to ensure that all offenders in this recidivism analysis pool have "similar" opportunities for "success" or "failure," the initial outcome pool was refined by excluding certain sub-groups (primarily "short termers" – offenders who served less than four months, which is usually insufficient time for program completion).

The basic outcome measure is return to a Kansas Department of Corrections facility with or without a new sentence during the period of post-incarceration supervision or as a return via new court commitment following discharge from the initial sentence. Each offender is tracked individually for follow-up periods of one year, two years and three years.

For most programs covered in this report, outcome is considered across the period FY 1992 through FY 2006. Exceptions to this include the Work Release program where outcomes are tracked from FY 1995 through FY 2006, InnerChange program where outcomes are tracked from FY 2000 through FY 2006 and the Therapeutic Communities for which the outcome tracking period varies.

Further, given the fact that we do not employ experimental design (for discussion, see *Section IV: Study Limitations*), the difference in recidivism rates among groups does not necessarily imply a causal relationship with program experience. At best, we can only say that these events co-occur. To move toward a causal relationship would require employment of experimental or quasi-experimental research design(s).

Also, in the following data presentation, treatment programs are treated as if they have remained static in modality and curriculum over the time period considered. In experience, however, this is not the case. The programs have undergone numerous changes over the course of the time frame considered.

Despite these cautions, the table below is offered as a summary of the outcome information for each program and compares the one-year, two-year and three-year overall return rates of offenders identified as needing the program, but not receiving that particular program with those who completed that program/service.

Program Outcome Summary
Return Rate by Program, Follow-up Period and Level of Program Exposure
FY 1992 - FY 2006

Program		1-year follow-up		2-year follow-up		3-year follow-up	
		Need but No Program	Program Completions	Need but No Program	Program Completions	Need but No Program	Program Completions
Sex Offender Program	% Returned	40.5%	20.0%	48.9%	31.2%	56.1%	37.5%
	# Returned	440	218	495	303	540	333
Substance Abuse Treatment Program: ADAPT	% Returned	30.8%	26.6%	37.7%	33.1%	42.9%	37.5%
	# Returned	1017	1131	1135	1378	1218	1530
Substance Abuse Treatment Program: CDRP	% Returned	30.8%	20.1%	37.7%	26.8%	42.9%	30.7%
	# Returned	1017	368	1135	475	1218	531
Substance Abuse Treatment Program: TC	% Returned	30.8%	21.9%	37.7%	27.0%	42.9%	31.4%
	# Returned	1017	57	1135	67	1218	76
Vocational Education Program	% Returned	28.4%	23.0%	34.6%	32.1%	38.5%	39.0%
	# Returned	1808	395	2157	510	2372	573
Pre-Release Program	% Returned	26.8%	27.4%	36.9%	38.5%	44.8%	46.1%
	# Returned	95	204	111	242	121	259
Work Release Program*	% Returned	26.5%	19.8%	32.6%	26.8%	37.0%	32.6%
	# Returned	4020	323	4681	392	5092	432
Inner Change	% Returned	26.1%	18.3%	32.3%	23.4%	37.0%	28.1%
	# Returned	4451	13	5198	15	5657	16
TTP**	% Returned	28.4%	36.0%	34.6%	37.5%	38.5%	85.7%
	# Returned	1808	9	2157	6	2372	6

*The Work Release program is now treated as a "service-based" program. Ideally, all offenders would participate in the program if it were feasible (if enough program slots were available). Therefore, the presumption is that essentially all offenders "need" this program.

** Due to the small number of TTP program completions, percentages based on these figures should be used with caution.

KANSAS

KANSAS SENTENCING COMMISSION
Honorable Ernest L. Johnson, Chairman
Helen Pedigo, Executive Director

KATHLEEN SEBELIUS, GOVERNOR

HOUSE SPECIAL COMMITTEE ON CORRECTIONS REFORM
Representative Tim Owens, Chairman

TESTIMONY ON BED IMPACTS OF DUI PROVISIONS
Helen Pedigo, Executive Director
Friday, February 15, 2008

Mr. Chairman and Committee members, thank you for the opportunity to appear before you today to talk about some of the bed impacts we've done regarding DUI provisions proposed this session. I've attached the bed impact produced by the Kansas Sentencing Commission on Senate Bill 484, for your information. We have also made assumptions regarding those convicted of a 4th or subsequent DUI, breaking those convictions down to 4th, 5th and 6th or subsequent in the following ratios: 70-20-10 and 60-25-15. All bed impacts produced thus far indicate bed needs for average lengths of incarceration at KDOC of 4 or 6-months.

I would be happy to answer your questions.

Select Committee on
Corrections Reform and Oversight
2-15-08
Attachment 6

KANSAS

KANSAS SENTENCING COMMISSION
Honorable Ernest L. Johnson, Chairman
Helen Pedigo, Executive Director

KATHLEEN SEBELIUS, GOVERNOR

MEMORANDUM

To: Duane Goossen, Secretary, Department of Administration

Attn: Brendan Yorkey

From: Helen Pedigo, Executive Director

Date: February 15, 2008

Re: Bed Impact on SB 484, KDOC Treatment – Felony DUI - REVISED

ITEMS FOR CONSIDERATION

- The impact of this bill is highly dependent upon judicial behavior. This prison bed impact assumes that every eligible offender (100%) will be ordered to attend this type of facility; however, judges may order fewer than the number eligible, which would result in a need for fewer beds. The impact is impossible to predict with any accuracy until history is established upon enactment of this bill.
- This impact assumes that an eligible offender will be ordered to this type of facility once. Multiple commits to this type of facility per offender would increase the need for beds.
- The bill sets a minimum term of incarceration and treatment, but no maximum or average. While assuming other lengths of stay would increase or decrease the number of additional prison beds needed, this impact assumes two possible scenarios in determining those needs:
  - **Scenario #1:** The average length of stay in the KDOC treatment facility is assumed to be 4 months.
  - **Scenario #2:** The average length of stay in the KDOC treatment facility is assumed to be 6 months.

CONCLUSIONS

- **Impact on Prison Admissions:** The impact of this bill will result in **NO** additional prison admissions by the end of FY 2009 and 1,579 additional prison admissions by the end of FY 2018.
- **Impact on Prison Beds:** The impact of this bill will result in **NO** additional prison

beds needed by the end of FY 2009 and 531 to 793 additional prison beds needed by the end of FY 2018 depending on the average length of stay in the KDOC treatment facility.

- **Impact on the Commission Workload:** This bill will result in no additional workload of the Commission regarding journal entries.
- **Impact on the Kansas Sentencing Guidelines Act (KSGA)**: This bill would not likely have an impact on the Kansas Sentencing Guidelines Act.

BILL SUMMARY

This bill authorizes the court to sentence an offender on the third or fourth or subsequent conviction of DUI to not less than 90 days nor more than one year's imprisonment to be served in a state substance abuse treatment facility established or designated by the department of corrections, and that after the term of imprisonment imposed by the court, the offender shall be supervised by community corrections for a mandatory one-year period of postrelease supervision subject to conditions imposed by the court. This bill also authorizes the secretary of corrections to order the housing and confinement of any person sentenced to the custody of the secretary to a state substance abuse treatment facility for the purpose of receiving substance abuse treatment.

KEY ASSUMPTIONS

- The target population in this bill includes any offenders who commit a 3rd, 4th or subsequent felony DUI.
- Offenders who commit a 3rd, 4th or subsequent felony DUI conviction will receive at least 90 days but not more than one year mandatory imprisonment in a KDOC treatment facility.
- Projected admission to prison for the target offenders is assumed to increase by an annual average of 0.75%, which is the same percentage used in relation to the baseline prison population forecast produced in August 2007 by the Kansas Sentencing Commission.
- The new policy effective date is assumed to be on July 1, **2010**.
- The length of imprisonment for the 3rd, 4th or subsequent felony DUI conviction is at least 90 days, but no longer than 1 year.

FINDINGS

In FY 2007, there were 1,465 felony DUI offenders. Of this number, 810 were 3rd DUI offenders and 655 were 4th or subsequent DUI offenders.

IMPACT ASSESSMENT

- If 3rd, 4th or subsequent DUI offenders are required to serve a mandatory term in DOC treatment facilities with an average 4 months, by FY 2009, **NO** additional prison beds will be needed and by FY 2018, 531 additional prison beds will be needed.
- If 3rd, 4th or subsequent DUI offenders are required to serve a mandatory term in DOC treatment facilities with an average 6 months, by FY 2009, **NO** additional prison beds will be needed and by FY 2018, 793 additional prison beds will be needed.

DOC Treatment Term for 3rd, 4th or Subsequent DUI Offenders
Prison Admission and Beds Impact Assessment

Fiscal Year	Additional Prison Admissions	Scenario #1 Additional Prison Beds 4 Mo. Avg.	Scenario #2 Additional Prison Beds 6 Mo. Avg.
2009	0	0	0
2010	0	0	0
2011	1,498	503	752
2012	1,509	507	758
2013	1,521	511	764
2014	1,532	515	769
2015	1,544	519	775
2016	1,555	522	781
2017	1,567	527	787
2018	1,579	531	793

Current Impact 3rd, 4th or Subsequent DUI Offenders

Prison Admission Impact Assessment

Fiscal Year	3rd DUI Admission	4th or Subsequent DUI Admission	Total Admission
2009	0	0	0
2010	0	0	0
2011	826	672	1498
2012	834	675	1509
2013	842	679	1521
2014	847	685	1532
2015	855	689	1544
2016	860	695	1555
2017	865	702	1567
2018	874	705	1579

Scenario 1: Prison Bed Space Impact Assessment-Average LOS 4 Month

Fiscal Year	3rd DUI Prison Beds	4th or Subsequent DUI Prison Beds	Total Prison Beds
2009	0	0	0
2010	0	0	0
2011	276	227	503
2012	280	227	507
2013	283	228	511
2014	286	229	515
2015	286	233	519
2016	290	232	522
2017	291	236	527
2018	293	238	531

Scenario 2: Prison Bed Space Impact Assessment-Average LOS 6 Month

Fiscal Year	3rd DUI Prison Beds	4th or Subsequent DUI Prison Beds	Total Prison Beds
2009	0	0	0
2010	0	0	0
2011	414	338	752
2012	418	340	758
2013	424	340	764
2014	426	343	769
2015	428	347	775
2016	433	348	781
2017	435	352	787
2018	438	355	793

Scenario 1: 70% of current 4th or subsequent DUI offenders are assumed to be 4th DUI offenders
20% of current 4th or subsequent DUI offenders are assumed to be 5th DUI offenders
10% of current 4th or subsequent DUI offenders are assumed to be 6th DUI offenders

Prison Admission Impact Assessment for 3rd, 4th, 5th and 6th or subsequent DUI Offenders

Fiscal Year	3rd DUI Admission	4th DUI Admission	5th DUI Admission	6th DUI Admission
2009	0	0	0	0
2010	0	0	0	0
2011	828	469	134	67
2012	834	471	134	70
2013	841	475	136	69
2014	846	480	137	69
2015	854	484	137	69
2016	860	485	139	71
2017	865	491	142	69
2018	872	491	143	73

Scenario 1-1: It is assumed that all DUI offenders stay in prison for an average LOS of 4 months

Prison Bed Space Impact Assessment for 3rd, 4th, 5th and 6th or subsequent DUI Offenders

Fiscal Year	3rd DUI Prison Beds	4th DUI Prison Beds	5th DUI Prison Beds	6th DUI Prison Beds
2009	0	0	0	0
2010	0	0	0	0
2011	279	157	43	24
2012	280	158	45	24
2013	283	159	47	22
2014	284	162	47	24
2015	288	162	47	22
2016	288	162	47	25
2017	291	166	47	23
2018	293	166	47	25

Scenario 1-2: It is assumed that all DUI offenders stay in prison for an average LOS of 6 months

Prison Bed Space Impact Assessment for 3rd, 4th, 5th and 6th or subsequent DUI Offenders

Fiscal Year	3rd DUI Prison Beds	4th DUI Prison Beds	5th DUI Prison Beds	6th DUI Prison Beds
2009	0	0	0	0
2010	0	0	0	0
2011	417	234	66	35
2012	420	235	68	35
2013	423	238	70	33
2014	424	342	67	36
2015	430	242	69	34
2016	432	243	69	37
2017	435	246	71	35
2018	438	247	71	37

Scenario 2: 60% of current 4th or subsequent DUI offenders are assumed to be 4th DUI offenders
25% of current 4th or subsequent DUI offenders are assumed to be 5th DUI offenders
15% of current 4th or subsequent DUI offenders are assumed to be 6th DUI offenders

Prison Admission Impact Assessment for 3rd, 4th, 5th and 6th or subsequent DUI Offenders

Fiscal Year	3rd DUI Admission	4th DUI Admission	5th DUI Admission	6th DUI Admission
2009	0	0	0	0
2010	0	0	0	0
2011	828	398	169	102
2012	834	402	170	102
2013	841	407	173	100
2014	846	410	170	105
2015	854	413	172	105
2016	860	416	174	105
2017	865	421	177	103
2018	872	421	180	105

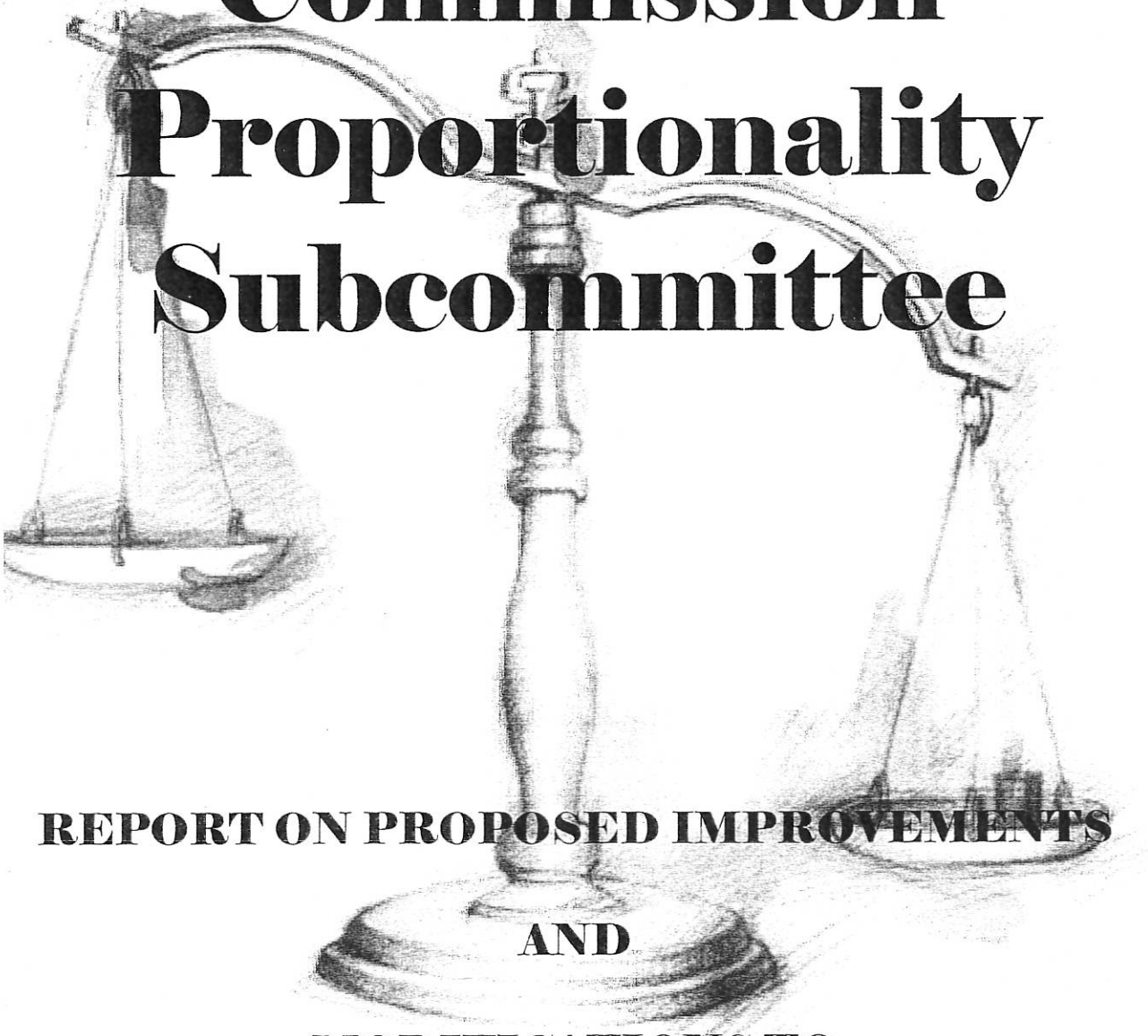
Scenario 2-1: It is assumed that all DUI offenders stay in prison for an average LOS of 4 months
Prison Bed Space Impact Assessment for 3rd, 4th, 5th and 6th or subsequent DUI Offenders

Fiscal Year	3rd DUI Prison Beds	4th DUI Prison Beds	5th DUI Prison Beds	6th DUI Prison Beds
2009	0	0	0	0
2010	0	0	0	0
2011	279	133	57	34
2012	280	134	58	34
2013	283	136	59	33
2014	284	137	58	35
2015	288	138	59	34
2016	288	140	59	35
2017	291	142	61	33
2018	293	141	61	35

Scenario 2-2: It is assumed that all DUI offenders stay in prison for an average LOS of 6 months
Prison Bed Space Impact Assessment for 3rd, 4th, 5th and 6th or subsequent DUI Offenders

Fiscal Year	3rd DUI Prison Beds	4th DUI Prison Beds	5th DUI Prison Beds	6th DUI Prison Beds
2009	0	0	0	0
2010	0	0	0	0
2011	417	199	86	50
2012	420	200	86	51
2013	423	204	87	50
2014	424	207	84	53
2015	430	206	87	52
2016	432	209	87	53
2017	435	211	91	50
2018	438	211	90	53

Kansas Sentencing Commission Proportionality Subcommittee



REPORT ON PROPOSED IMPROVEMENTS

AND

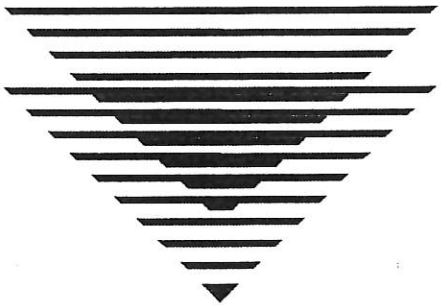
MODIFICATIONS TO

KANSAS SENTENCING LAWS

Adopted by the Kansas Sentencing Commission for Discussion Purposes,

JANUARY 2008

Proportionality Subcommittee Members



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Ellis County Attorney, Chair

Paul Morrison
Attorney General

Rick Kittel
KU School of Law

Rep. Janice Pauls
House of Representatives

Pastor Junius Dotson
St Mark United Methodist Church

Patricia Biggs
Kansas Parole Board

Chris Mechler
Office of Judicial Administration

Ed Klumpp
Kansas Recodification Commission

KSC STAFF MEMBERS:

Helen Pedigo
Executive Director

Kunlun Chang
Director of Research

Ed Britton
Staff Attorney

Fengfang Lu
Sr. Research Analyst

Jessica Brunton
Research Analyst

KANSAS SENTENCING COMMISSION

PROPORTIONALITY SUBCOMMITTEE

REPORT ON PROPOSED IMPROVEMENTS AND MODIFICATIONS TO KANSAS SENTENCING LAWS ADOPTED BY THE KANSAS SENTENCING COMMISSION

JANUARY 2008

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I. INTRODUCTION

In June, 2007, the Kansas Sentencing Commission formed a subcommittee to review proportionality of sentences. This subcommittee would work in conjunction with the Kansas Recodification Commission, charged with recodifying the criminal code. The subcommittee was asked to review changes in felony sentencing law since the inception of guidelines in 1993, to review the 2004 study by the Vera Institute of Justice, and to make recommendations regarding realigning and appropriately placing felonies by severity level within various crime categories and overall.

The establishment of the subcommittee was in keeping with the enumerated duties of the Commission pursuant to K. S. A. 74-9191(a) to:

> (2) consult with and advise the legislature with reference to the implementation, management, monitoring, maintenance and operations of the sentencing guidelines system;
>
> (7) make recommendations relating to modification to the sentencing guidelines as provided in K.S.A. 21-4725, and amendments thereto; and
>
> (11) analyze problems in criminal justice, identify alternative solutions and make recommendations for improvements in criminal law, prosecution, community and correctional placement, programs, release procedures and related matters including study and recommendations concerning the statutory definition of crimes and criminal penalties and review of proposed criminal law changes.

The Kansas Sentencing Commission authorized the Proportionality Subcommittee to review and analyze all felony crimes in Kansas to ensure a system-wide overview in the comparison of offense severity for (a) presumptive prison sentences; (b) similar treatment of property, drug, and sex offenses with similar degrees of harm; (c) proportionate sentences for repeat domestic violence offenders; (d) proportionate sentences for drug and property crime offenses that minimize sentencing disparity between offenses with similar degrees of harm by utilizing threshold levels based on the quantity of drugs and the actual financial loss to the victim.

The Proportionality Subcommittee is chaired by Mr. Thomas Drees. Members of this committee include: Attorney General Paul Morrison, Mr. Rick Kittel, Representative Janice Pauls, Ms. Patricia Biggs, Ms. Chris Mechler, and Reverend Junius Dotson. Mr. Ed Klumpp, Co-chair of the Kansas Recodification Commission, was invited to be part of the group. His participation and input have been invaluable to the process.

II. BACKGROUND

In 1989, the Kansas Legislature established the Kansas Sentencing Commission, directing the Commission to develop a sentencing guidelines model based on fairness and equity in sentencing. The Commission, called upon to recommend rational and consistent sentencing standards, established sentencing dispositions which were appropriate for all felonies based on a consideration of past

practices and the availability of criminal justice resources. Given this directive, the Commission developed sentencing guidelines that met several goals:

1. To promote public safety by incarcerating violent offenders;
2. to reduce sentence disparity to ensure the elimination of any racial, geographical or other bias that may exist;
3. to establish sentences that are proportionate to the seriousness of the offense and the degree of injury to the victim;
4. to establish a range of easy to understand presumptive sentences that will promote "truth in sentencing"; and
5. to provide state and local correctional authorities with information to assist with population management options and program coordination; and to provide policy makers information that will enhance decisions regarding resource allocations.

In its preliminary recommendations to the Legislature, the Commission stated that, "Making the punishment proportional to the crime is a key ingredient in guidelines systems. This concept involves the development of a hierarchy of harms that result from different levels of criminal activity. Once this ordering process takes place, guideline sentences ensure that the punishment fits the harm." In recommending crime severity, the Commission determined that level of harm should be the main basis for punishment and thus created sentences that punish offenses involving greater harm more severely than offenses involving lesser harm. However, the Commission also recognized that offender intent should also play a part in determining level of punishment.

Three societal interests, in order of importance, were used to determine the level of harm involved in each crime seriousness ranking:

1. Protection of individuals from physical and emotional harm;
2. protection of private and public property rights; and
3. protection and preservation of the integrity of government institutions, public peace, and public morals.

Data reviewed by the Proportionality Subcommittee shows a large number of sentencing departures. The vast majority are downward departures. The number of downward departures suggests a disconnect between the current law on the books and the law in practice; or the possibility that the current severity level is not supported by the proportionality rationale that punishment should be relational to the degree of harm inflicted by the offense. Of equal concern is the consideration that border boxes contained on the grid are presumptive imprisonment border (PIB) boxes, yet result in a probation sentence approximately 80% of the time. There appears to be a disconnect between the law and practice in sentencing cases involving PIB boxes.

Also, in certain offenses, offender culpability does not seem proportional to the injury or harm to the victim. This is especially true for repeat property, domestic battery and drug offenses. The Subcommittee recognizes that offender culpability plays a role and should be considered in sentencing for repeat offenses.

With respect to drug offenses, changes are recommended to advance uniformity, consistency and proportionality, clarifying the distinction between offenses involving personal use possession and those involving distribution, manufacturing, or cultivation.

III. RECOMMENDATIONS

A. RECOMMENDATIONS CONCERNING THE SENTENCING GRID

1. Merge the nondrug and drug sentencing grids into one Kansas Sentencing Grid.

2. Adopt crime severities based on level of harm to the victim and offender culpability (premeditation, intent, heat of passion, recklessness, and negligence).

3. While one of the goals of the Kansas Sentencing Guidelines is to treat similar defendants similarly, the Subcommittee recognizes that a "one size fits all" sentencing structure leads to disproportional sentencing. For this reason the Subcommittee recommends that aggravating and mitigating sentences within each grid box, originally set at 5% above and below the standard sentence, be adjusted to 10% above and below the standard sentence.

4. In order to promote "truth in sentencing", uniformity, proportionality, and prediction of prison bed space needs, it is important to place as many felonies on the grid as possible. Most off-grid and nongrid felonies would be placed on the grid, with the exception of first degree murder, capital murder, treason, terrorism, and furthering terrorism through weapons of mass destruction.

5. Most unclassified felonies (such as K.S.A. 75-4228, criminal and civil liability of treasurer and director of accounts and reports, and 75-4314, officer or employee receiving funds without subscribing and filing an oath) would be classified on the grid as severity level 10 nonperson felonies.

6. A name change from "border box" to "presumptive imprisonment - border box", or "PIB" box, clarifies the original purpose and provides a renewed emphasis that these sentences are presumed imprisonment, recognizing that the sentencing court has discretion to impose a nonprison sanction.

7. Information would be provided to the court and considered in determining the appropriate disposition of cases in PIB boxes. Any party requesting the nonprison sanction would be required to notify the court and opposing counsel, at least 10 days prior to sentencing, regarding the proposed placement in a treatment program and/or a behavior modification program. The notice would provide a reasonable opportunity before sentencing for the presentence investigator to confirm and verify the availability and adequacy of the proposed treatment provider(s) and plan.

8. An increase from 8 border boxes to 16 PIB boxes would provide a mechanism to address the repeat property offender, to reduce the need for special rules, and to allow the court the discretion necessary to consider PIB sentencings on a case by case basis.

9. All sentences at severity level 5 would be presumptive imprisonment. PIB Boxes would exist at grid boxes 6-E through 6-I, 7-C through 7-F, 8-C through 8-F, and 9-C through 9-E.

10. Some special rules would be eliminated, including those associated with aggravated battery/aggravated assault of a law enforcement officer, felony driving under the influence, felony domestic battery, second or subsequent manufacture of a controlled substance, and third or subsequent forgery - See Appendix G.

11. Standard sentences would be amended according to the proposed grid – See Appendices A through C:

Severity Level	Proposed Range In Months	Current Range In Months
1	140-682	147-653
2	108-514	109-493
3	54-256	55-247
4	38-178	38-172
5	29-143	31-136
6	22-48	17-46
7	16-35	11-34
8	14-26	7-23
9	12-22	5-17
10	12-18	5-13

B. GENERAL POLICY CHANGES IN SENTENCING STATUTES

1. All felony sentences would be at least 12 months in length.

2. All class A misdemeanants would be supervised by court services.

3. The Subcommittee recommends that most crimes be placed on the grid with the exception of first degree murder, capital murder, treason, terrorism, and furthering terrorism through weapons of mass destruction. In order to predict prison bed space needs it is important to have as many felonies on the grid as possible.

4. The Subcommittee recommends that domestic battery felony offenders be supervised by community corrections.

5. K.S.A. 21-3413(a)(3)(D) Battery on a city or county corrections officer would be amended from a severity level 5 person felony to a severity level 9 person felony, with a sentencing enhancement of presumptive imprisonment.

6. K.S.A. 21-3414, Aggravated Battery would be modified as follows:

a. intentionally, resulting in great bodily harm would remain a severity level 4 person felony;
b. intentionally, resulting in bodily harm would remain a severity level 7 person felony;
c. recklessly, resulting in great bodily harm, currently a severity level 5 person felony, would be classified as a severity level 6 person felony; and
d. recklessly, resulting in bodily harm, currently a severity level 8 person felony, would be classified as a severity level 9 person felony.

7. K.S.A. 21-3415, Aggravated Battery on a Law Enforcement Officer would be modified as follows:
   a. intentional, bodily harm or physical contact where great bodily harm can be inflicted, currently a severity level 4 person felony, would be classified as a severity level 5 person felony;
   b. intentional, great bodily harm would remain a severity level 3 person felony; and
   c. intentional, with a motor vehicle would remain a severity level 3 person felony.

8. K.S.A. 21-3523 – Electronic solicitation of a child, currently a severity level 1 person felony if the victim is less than 14 years of age, would be classified as a severity level 4 person felony, as this crime requires no actual physical contact with the child. This crime, if the victim is at least 14, but less than 16, would be amended from a severity level 3 person felony to a severity level 5 person felony.

9. K.S.A. 21-3609 –Abuse of a child; Intentionally torture, cruelly beat, or shake resulting in great bodily harm. Penalties would be amended from a severity level 5 person felony to a severity level 6 person felony if the infliction of cruel and inhuman corporal punishment is present; and a severity level 4 person felony, if torture, cruel beating, or shaking results in great bodily harm.

10. K.S.A. 21-3608a-Aggravated Endangering a Child; Intentionally cause or permit a child under 18 to be in a situation in which the child's life, body or health is injured or endangered. Currently, this violation is ranked as a severity level 9 person felony; however, the Subcommittee recommends modification to mirror K. S. A. 21-3414 aggravated battery provisions as follows:
    a. intentionally, resulting in great bodily harm would be a severity level 4 person felony;
    b. intentionally, resulting in bodily harm or endangerment which could result in great bodily harm would be a severity level 7 person felony;
    c. recklessly, resulting in great bodily harm would be a severity level 6 person felony; and
    d. recklessly, resulting in bodily harm or endangerment which could result in great bodily harm would be a severity level 9 person felony.

11. K.S.A. 21-3812(d) Aiding Person Required to Register Under the Kansas Offender Registration Act. Currently, this crime is ranked as a severity level 5 person felony. Amending this felony to a severity level 10 person felony brings it in line with the amendment recommended regarding K.S.A. 22-4903, Kansas Offender Registration Act.

12. K.S.A. 22-4903-Kansas Offender Registration Act; Failure to register as required. Currently, this crime is ranked as a severity level 5 person felony. Amending this felony to a severity level 10 person felony reflects a more proportional ranking.

K.S.A. 75-4228, 75-4314, 79-15, 137, 79-15,235(e), 79-3228(f) are all unclassified and are recommended to be moved onto the grid and classified as severity level 10 nonperson felonies.

C. RECOMMENDATIONS CONCERNING DRUG LAWS

The recommendations made in this section address, to a large degree, the concerns expressed in the Vera Study, which identified drug crimes in general as disproportionate to other felonies. Data examined by the Proportionality Subcommittee shows a large number of downward departures, suggesting a disconnect between the current law and practice; or the possibility the current severity level is not supported by the proportionality rationale that punishment should be relational to the degree of harm inflicted or threatened. The Proportionality Subcommittee makes the following recommendations based on the goals of uniformity and reductions in disparity, but which are equally calculated to ensure that sentences are proportionate to the seriousness of the offense and the degree of injury to the victim.

13. Amend language throughout from "within 1,000 feet of a school," to "to a minor or in the presence of a minor" and increase one severity level to more clearly meet the intent to protect children regardless of their location.

14. Adopt drug quantity thresholds based on four categories of small, medium, large and super for sale, distribution, and possession with intent to distribute. K.S.A. 65-4161 and 65-4163 (Sale or distribution of opiates, opium, narcotic drugs or designated stimulants) would be categorized as follows: Small quantity, severity level 9 person felony; medium quantity, severity level 7 person felony; large quantity, severity level 4 person felony; and super quantity, severity level 3 person felony. Only the weight of drug, not purity, shall be considered.

15. The Subcommittee made no recommendation on the precise quantities which constitute small, medium, large, or super. The subcommittee recommends that the Recodification Commission continue their research and make determinations in this area - See Appendix F.

16. Personal use possession would be ranked as a severity level 10 nonperson felony. This includes K.S.A. 65-4160 (Personal use possession of opiates, opium, narcotic drugs or designated stimulants) and K.S.A. 65-4162 (Personal use possession of depressants, stimulants or hallucinogenic drugs other substances).

17. Strike enhancement provisions that increase severity levels for repeat drug offenses. Because of the modification to a "person" designation, penalties for repeat offenses would move the offender to more severe penalties along the criminal history continuum.
18. The alternative sentencing substance abuse treatment program pursuant to K.S.A. 21-4729 (SB 123) would remain intact.

19. Manufacturing of Methamphetamine would be a severity level 3 person felony, while manufacturing of all other drugs would be a severity level 5 person felony.

20. Drug repackaging would be removed from the definition of "manufacturing" and included in the definition of "distribution".

21. Possession of drug paraphernalia would be a severity level 9 nonperson felony, and in addition, "to a minor or in the presence of a minor" increases the sentence one severity level. Delivery of a simulated controlled substance would be a severity level 9 nonperson felony under the identical condition.
22.

D. RECOMMENDATIONS CONCERNING PROPERTY OFFENSES

All felony offenses resulting in loss of monetary value were reconciled. While presumptive imprisonment is generally reserved for violent offenders, the Subcommittee recognizes that repeat property offenders, especially burglars, pose a danger to society and warrant punishment through incarceration. Through modification of the Kansas sentencing grid, the number of special sentencing rules would be reduced. Property issues will be discussed and reviewed by the Recodification Commission during the first half of 2008. Property recommendations follow:

1. Adopt dollar value threshold requirements based on victim financial loss as follows:

   Up to $499.99 would be classified as a Class B nonperson misdemeanor;
   $500.00 - $999.99 classified as a Class A nonperson misdemeanor;
   $1,000.00 - $1,999.99 classified as a severity level 10 nonperson felony;
   $2,000.00 - $24,999.99 classified as a severity level 9 nonperson felony;
   $25,000.00-$49,999.99 classified as a severity level 8 nonperson felony;
   $50,000.00-$74,999.99 classified as a severity level 7 nonperson felony;
   $75,000.00-$99,999.99 classified as a severity level 6 nonperson felony;
   $100,000.00+ classified as a severity level 5 nonperson felony.

2. Increase the number of PIB Boxes to eliminate the need for several special rules and address repeat offenders.

E. RECOMMENDATIONS CONCERNING REPEAT DOMESTIC BATTERY OFFENSES

1. A 3rd or subsequent domestic battery would be reclassified from a nongrid felony as follows: A 3rd domestic violence would be classified as a severity level 9 person felony with a 30-day sentence served at KDOC; A 4th domestic battery would be classified as a severity level 6 person felony with a 90-day sentence served at KDOC; A 5th or subsequent domestic battery would be classified as a severity level 5 person felony with a one year sentence to be served at KDOC. Community Corrections would supervise probation upon release from the incarceration term. Community supervision would include a behavior modification program.

2. The Legislature should assure the availability of adequate and appropriate treatment providers.

3. The Subcommittee makes no recommendation regarding criminal history decay, pending release of a report from the Governor's Task Force on Domestic Violence.

F. RECOMMENDATIONS CONCERNING SEX CRIMES

1. Preliminary sentencing data reflects a large rate of downward departures. The Subcommittee proposes returning these crimes to the sentencing grid and modifying severity levels of some felonies.

2. Offender culpability is not proportional to the injury or harm to the victim in certain offenses. A realignment of offenses in this area would bring sex crime sentences into proportion with sentences for other crimes against persons.

3. Emphasis would remain on imprisonment for offenders who commit violent person felonies.

IV. CONCLUSION

An assessment of the appropriateness of current sentences begins with an inquiry into whether current guideline sentences continue meeting the goal of proportionality, thereby ensuring that sentences are not only reasonably congruent with the seriousness of the offense, but bear some rational relationship to the degree of injury or harm to the victim as well. Of equal concern is the primary goal of sentencing, to reserve incarceration for violent and/or repeat offenders.

This report presents the findings of that analysis which include, but are not limited to, the following suggestions for modification and improvement:

1. Merge drug and nondrug grids into one, single Kansas sentencing grid;
2. return off-grid and nongrid crimes to the sentencing grid;
3. amend the severity levels of some property, drug, domestic violence and sex offenses in order to reemphasize presumptive imprisonment for violent person felonies as well as for repeat and habitual offenders;
4. adopt quantity and actual financial loss thresholds for drug and property offenses to minimize sentence disparity and ensure proportionality; and
5. general policy changes which reflect actual practice and appropriate proportional sentences.

While one of the goals of the Kansas Sentencing Guidelines is to treat similar defendants similarly, the Subcommittee recognizes that a "one size fits all" sentencing structure leads to disproportional sentencing. For this reason the Subcommittee recommends that aggravating and mitigating sentences within each grid box, originally set at 5% above and below the

standard sentence, be increased to 10% above and below the standard sentence. An increase from 8 border boxes to 16 PIB boxes would provide a mechanism to address the repeat property offender, to reduce the need for special rules, and to allow the court the discretion necessary to consider PIB sentencings on a case by case basis.

In reviewing the proportionality of sentences under the Kansas sentencing guidelines in relation to actual sentencing practices for particular offenses, there are specific steps that the state may consider based on the findings in this report. These would include:

1. The examination of the sentencing guidelines is to emphasize that presumptive imprisonment is the appropriate and proportional sentence for both person and some nonperson felonies, especially in those cases involving repeat or habitual offenders.

2. Adopt severity rankings for drug offenses based on thresholds of drug quantity to better identify the degree of harm and distinguish personal use from distribution, manufacturing, and cultivation.

3. Severity rankings for property offenses should be based on the amount of financial loss as the best predictor of amount of harm to the victim.

4. Propose policy changes calculated to harmonize current law with actual sentencing practice, thereby addressing a large number of downward departures, as shown by sentencing data collected.

It is the Subcommittee's conclusion that adoption of the recommended changes herein will further the goal of proportional sentences, based upon the degree of harm to the victim and the seriousness of the offense, thereby ensuring public safety through appropriate sentencing. Such an approach will reserve prison for violent offenders and repeat nonviolent offenders and promote offender reformation though appropriate community sanctions.

Proposed Grids - 10% Aggravated and Mitigated

Category → / Severity level ↓	A 3+ Person Felonies	B 2 Person Felonies	C 1 Person & 1 Nonperson Felony	D 1 Person Felony	E 3+ Nonperson Felonies	F 2 Nonperson Felonies	G 1 Nonperson Felony	H 2+ Misdemeanors	I 1 Misdemeanor or No Record
I	682 620 558	645 586 527	299 272 245	278 253 228	257 234 211	235 214 193	215 195 176	193 175 158	172 156 140
II	514 467 420	482 438 394	231 210 189	215 195 176	198 180 162	182 165 149	165 150 135	149 135 122	132 120 108
III	256 233 210	238 216 194	114 104 94	107 97 87	99 90 81	91 83 75	83 75 68	74 67 60	66 60 54
IV	178 162 146	129 117 105	79 72 65	74 67 60	68 62 56	63 57 51	57 52 47	52 47 42	46 42 38
V	143 130 117	103 94 85	63 57 51	59 54 49	55 50 45	51 46 41	46 42 38	40 36 32	35 32 29
VI	48 44 40	45 41 37	42 38 34	39 35 32	35 32 29	33 30 27	31 28 25	29 26 23	26 24 22
VII	35 32 29	33 30 27	31 28 25	29 26 23	26 24 22	24 22 20	22 20 18	21 19 17	20 18 16
VIII	26 24 22	24 22 20	22 20 18	22 20 18	20 18 16	20 18 16	18 16 14	18 16 14	17 15 14
IX	22 20 18	20 18 16	18 16 14	18 16 14	17 15 14	17 15 14	15 14 13	14 13 12	13 12 12
X	18 16 14	15 14 13	14 13 12	14 13 12	14 13 12	13 12 12	13 12 12	13 12 12	13 12 12

Probation Terms

36 mon. recommended for felonies SL 1-5
18 mon. (up to) for felonies SL 8
24 mon. recommended for felonies SL 6-7
12 mon. (up to) for felonies SL 9-10

Postrelease Terms

36 mon. for felonies SL 1-4
24 mon. for felonies SL 5-6
12 mon. for felonies SL 7-10

Postrelease for felonies before 4/20/95:

24 mon. for felonies SL 1-6
12 mon. for felonies SL 7-10

LEGEND
Presumptive Imprisonment
Presumptive Imprisonment (Border Box)
Presumptive Probation

SENTENCING RANGE - NONDRUG OFFENSES

Category → / Severity level ↓	A 3+ Person Felonies	B 2 Person Felonies	C 1 Person & 1 Nonperson Felony	D 1 Person Felony	E 3+ Nonperson Felonies	F 2 Nonperson Felonies	G 1 Nonperson Felony	H 2+ Misdemeanors	I 1 Misdemeanor or No Record
I	653 / 620 / 592	618 / 586 / 554	285 / 272 / 258	267 / 253 / 240	246 / 234 / 221	226 / 214 / 203	203 / 195 / 184	186 / 176 / 166	165 / 155 / 147
II	493 / 467 / 442	460 / 438 / 416	216 / 205 / 194	200 / 190 / 181	184 / 174 / 165	168 / 160 / 152	154 / 146 / 138	138 / 131 / 123	123 / 117 / 109
III	247 / 233 / 221	228 / 216 / 206	107 / 102 / 96	100 / 94 / 89	92 / 88 / 82	83 / 79 / 74	77 / 72 / 68	71 / 66 / 61	61 / 59 / 55
IV	172 / 162 / 154	162 / 154 / 144	75 / 71 / 68	69 / 66 / 62	64 / 60 / 57	59 / 56 / 52	52 / 50 / 47	48 / 45 / 42	43 / 41 / 38
V	136 / 130 / 122	128 / 120 / 114	60 / 57 / 53	55 / 52 / 50	51 / 49 / 46	47 / 44 / 41	43 / 41 / 38	38 / 36 / 34	34 / 32 / 31
VI	46 / 43 / 40	41 / 39 / 37	38 / 36 / 34	36 / 34 / 32	32 / 30 / 28	29 / 27 / 25	26 / 24 / 22	21 / 20 / 19	19 / 18 / 17
VII	34 / 32 / 30	31 / 29 / 27	29 / 27 / 25	26 / 24 / 22	23 / 21 / 19	19 / 18 / 17	17 / 16 / 15	14 / 13 / 12	13 / 12 / 11
VIII	23 / 21 / 19	20 / 19 / 18	19 / 18 / 17	17 / 16 / 15	15 / 14 / 13	13 / 12 / 11	11 / 10 / 9	11 / 10 / 9	9 / 8 / 7
IX	17 / 16 / 15	15 / 14 / 13	13 / 12 / 11	13 / 12 / 11	11 / 10 / 9	10 / 9 / 8	9 / 8 / 7	8 / 7 / 6	7 / 6 / 5
X	13 / 12 / 11	12 / 11 / 10	11 / 10 / 9	10 / 9 / 8	9 / 8 / 7	8 / 7 / 6	7 / 6 / 5	7 / 6 / 5	7 / 6 / 5

Probation Terms

36 mon. recommended for felonies SL 1-5

18 mon. (up to) for felonies SL 8

24 mon. recommended for felonies SL 6-7

12 mon. (up to) for felonies SL 9-10

Postrelease Terms

36 mon. for felonies SL 1-4

24 mon. for felonies SL 5-6

12 mon. for felonies SL 7-10

Postrelease for felonies before 4/20/95:

24 mon. for felonies SL 1-6

12 mon. for felonies SL 7-10

LEGEND
Presumptive Probation
Border Box
Presumptive Prison

SENTENCING RANGE – DRUG OFFENSES

Category →	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanor	1 Misdemeanor No Record
I	204 194 185	196 186 176	187 178 169	179 170 161	170 162 154	167 158 150	162 154 146	161 150 142	154 146 138
II	83 78 74	77 73 68	72 68 65	68 64 60	62 59 55	59 56 52	57 54 51	54 51 49	51 49 46
III	51 49 46	47 44 41	42 40 37	36 34 32	32 30 28	26 24 23	23 22 20	19 18 17	16 15 14
IV	42 40 37	36 34 32	32 30 28	26 24 23	22 20 18	18 17 16	16 15 14	14 13 12	12 11 10

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment

Probation Terms:

36 months recommended for felonies classified in Severity Levels 1-2
18 months (up to) for felonies classified in Severity Level 3
12 months (up to) for felonies classified in Severity Level 4

Postrelease Supervision Terms:

36 months for felonies classified in Severity Levels 1-2
24 months for felonies classified in Severity Level 3
12 months for felonies classified in Severity Level 4 except for some K.S.A. 65-4160 and 65-4162 offenses on and after 11/01/03.

Postrelease for felonies committed before 4/20/95:

24 months for felonies classified in Severity Levels 1-3
12 months for felonies classified in Severity Level 4