

# Measuring the impact of imprisonment

*papers from a roundtable held in  
London on 9 November 2001*



**The Restorative  
Prison Project**

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# Foreword

*We set detailed performance targets for public bodies, but are complacent about the perverse incentives they create... We try to judge quality by performance indicators rather than by seeking informed and independent evaluation.*

**Onora O'Neill, A Question of Trust**

Measuring the performance of prisons is a controversial matter. What is to be measured and how? Are we to measure the adequacy of the input, proper nutritious food, hours of education, cleanliness of the cells? Or should we try and measure the end product, prisoners leaving prison with a home to go to, number of educational certificates gained by prisoners, number of hours of community work done by prisoners? Should we consider how satisfied the staff are with their jobs? Would it be appropriate to ask the public in the neighbourhood of the prison or nationally if they think their prisons are doing well?

Before measuring instruments are designed there is a prior question. For whom are the outcomes of measurement designed? Are they to satisfy the government that pays for the prisons, the public that expects them to do some good, the prisoners' families who expect their family member to be well treated, the broad constituency that wants international human rights norms to be maintained, or all or some of these?

Technically too, measuring prison performance is difficult. How can we measure accurately the activities, interactions and outcomes of a complex institution like a prison where so much is out of the control of the place we are measuring. Prisons cannot usually choose their own staff. They are assigned to them from the central management. They cannot regulate the flow of prisoners who come to them from the courts. They are often the custodians of individuals whose place is elsewhere, in the mental health or the childcare system. They cannot control the experiences of the prisoners when they leave and ensure a welcome for them from the housing services or the labour market.

These questions have so far not been satisfactorily resolved as far as we know in any prison system. Many systems have no performance measurement at all. Some are subject to financial and efficiency audits but not much else.

In the prison service of England and Wales elaborate systems of measuring are in place. These assess performance in delivering Key Performance Targets. The targets for 2002-3 emphasise preventing escapes and suicides, reducing violence amongst prisoners, limiting overcrowding, keeping costs down, delivering a certain number of specific programmes, giving prisoners purposeful activity, qualifications and employment opportunities on release, reducing drug use in prison, and improving healthcare.

More broadly the criminal justice services in England and Wales have signed up to Public Service Agreements which expect the Prison Service to achieve a reduction in re-offending of 25% by 2005 and the probation service a reduction of 5% by 2004.

These matters were the subject of an international roundtable held in London in November 2001 under the auspices of the Restorative Prison Project. The project aims to generate new thinking about what sort of a place a prison should be in the 21st century and how far prisons can be transformed to incorporate restorative ideas into their ethos and management. The project is working to developing new thinking and new practices under four headings or pillars.

These are:

- Introducing into prisons more awareness of victims and their experiences.
- Giving prisoners a wide range of opportunities to be altruistic, to do work for the benefit of others in their local community or further afield.
- Forging new links between the prison and the local government, the organisations, and the people of the area it is in.
- Developing new and more reconciliatory ways of dealing with disputes and conflicts between prisoners and prisoners, staff and staff and prisoners and staff.

Work is underway to put these ideas into practice in three pilot prisons in the north-east of England: Holme House local prison, Deerbolt Young Offenders Institution and Kirklevington Grange resettlement prison.

All those involved in the restorative prison project are interested in developing some way of measuring the impact and effectiveness of the work in the pilot prisons. In so doing however, they were concerned to take into account the problems that have been encountered in other attempts to measure. Current methods of measuring performance in prisons in England and Wales for example have been criticised on two counts. First, it has been suggested that results can be 'spun'.<sup>1</sup> For example, extra searches can be carried out at the last minute to reach the target even though they are not justified in security terms. Definitions of prisoners spending their time in 'purposeful' activity can be very elastic. 'Random' drug testing can be concentrated on the good bets.

Secondly it has been suggested that such methods of measurement drive the institution to stress the importance of process rather than outcome. Suggestions for work in the prison will be judged by their contribution to 'hours of purposeful activity' rather than what they contribute to the personal development of the prisoner. Good results from mandatory drug testing in prison will be more important than efforts to help prisoners fight their addiction.

Such a measurement system can also limit the aspirations of prison staff and managers. Its emphasis is on what happens within the prison walls and it measures performance of basically custodial tasks. Nothing is measured that has a wider meaning,

1 See Steve Wagstaffe, 'There is Measure in all Things', in *Prison Service Journal* May 2002.

that relates to the role of the prison in the community, to the relationship with the public and to the public's confidence in the system.

The international seminar therefore looked at:

- What measurements are used at present, how far are they successful, what are their limitations and what conceptual problems do they present?
- What other measurements are available and how else might 'success' be measured?
- How does one measure the impact of imprisonment on social policy in the longer term?
- Can we move towards a more rounded method of measuring these matters?

In her contribution, Dr Sue Rex summarises the day's proceedings under four headings starting with the need always to aim at the use of prison as a last resort. She then considers measurement and notes that measurements of success are 'both necessary and dangerous'; necessary because all public services need to have some way of showing they are accountable, dangerous because the experience of being measured can be demoralising and resources can be moved to what can be measured. The impact of public opinion, usually neglected when the performance of prisons is being considered, is her third theme and the difficult question of how we measure the value of restorative activities in prisons is the fourth.

Canadian prison educator Professor Stephen Duguid, whose most recent book is *Can Prisons Work: The Prisoner As Object and Subject in Modern Corrections* (University of Toronto Press, 2000), was an obvious person to be invited to contribute to our seminar. He has worked for 25 years in prison education, as a teacher, administrator and researcher. His book presents a deep critique of the currently fashionable attempt to judge the success of the work of prisons by the reconviction rates of released prisoners. Professor Duguid's presentation to the seminar opened up many areas of debate about effective prison regimes.

In the final session, presented by Julita Lemgruber from Brazil, we looked at the wider question of measuring the utility of prison as a social intervention. The international data she presented brought us back to the discussion of the use of prison as a last resort and raised important wider policy questions.

We are publishing these papers in the hope that they will contribute to what needs to be a lively debate. It is our intention to widen the frame of reference of those whose business it is to produce frameworks for the evaluation of imprisonment. These should not constitute a straitjacket, a perverse incentive or a demoralisation.

Finally, I must thank the Northern Rock Foundation for their continued support of the Restorative Prison project.

**Andrew Coyle**  
**Director**



# Rapporteur's Report

Dr Sue Rex<sup>1</sup>

During the roundtable, participants brought a wide range of ideas to an open discussion of the following questions:

- How is the value of imprisonment measured?
- What, in addition to psychologically based programmes, can be measured?
- Are there credible ways of measuring the service given to the public by imprisonment other than through reconviction rates?
- Can we measure the benefit to the public given by a certain level of imprisonment compared with other ways of achieving the same social end?

Discussion of these questions is summarised below according to four key themes:

- 1) the need to preserve the principle of last resort, so that people are not sent to prison *for* rehabilitation;
- 2) questions of measurement;
- 3) the impact of public opinion, measuring and informing public views; and
- 4) the potential for and measurement of restorative processes.

## Theme 1 the principle of last resort

Before considering what was 'effective' and therefore what needed to be measured, it was necessary to be clear about the purposes of the criminal justice system and how prison might contribute to these. If the aim was to protect the public and avoid further victims by preventing future offending, what contribution might prison make? It was demonstrated that no link had as yet been established between rates of incarceration and crime rates. This question was especially pertinent where offenders were sentenced to short periods of custody, the effect of which might be to remove them from programmes that they might have been able to attend under supervision in the community. The recent Review concerning Prisons-Probation Thematic resettlement<sup>2</sup> revealed a neglect of the resettlement needs of a population whose likelihood of

1 Dr Sue Rex is a Research and Evaluation Officer at the Institute of Criminology in the University of Cambridge, England and is also the Director of the Cropwood Short-Term Fellowship Programme. She carries out research and teaching on community penalties.

2 *Through the Prison Gate* (October 2001) was published jointly by the Prisons and Probation Inspectorates and is available at [www.homeoffice.gov.uk/hmipris/hmipris.htm](http://www.homeoffice.gov.uk/hmipris/hmipris.htm)

reoffending and reconviction was particularly high. The socio-economic marginalisation of this group meant that they were unlikely to have the kind of stake in society that would make them susceptible to deterrence.

Reminding us of the impact of Michael Howard's notorious assertion that '*Prison Works*' on the prison population, participants called for a reassertion of the principle that prison should be used as a last resort. Although the pursuit of 'What Works' was entirely worthy, there was a danger of misleading Parliament and the public about what could be achieved with prisoners in custody. It had to be remembered that the majority of prisoners, particularly those serving short sentences, had no access to programmes. It was misconceived to imagine that we could 'dislocate' people and then pretend to use prison for their rehabilitation and reintegration. The point was made that although its ability to 'transform' should not be used as a justification for prison, positive initiatives such as Welfare to Work<sup>3</sup> could still be pursued with those whose offences necessitated a custodial sentence.

Throughout the day contributors returned to this theme and its implications for pursuing decency and effectiveness with offenders in custody. Many of the group were concerned that What Works was becoming conflated with Prison Works and some referred to the dilemma posed by the fact that prison reform could have the effect of promoting prisons. Others expressed a wish to contribute to the 'Decency Agenda' but were concerned that this should not be used to justify an increased use of custody.

## **Theme 2 measurement**

It was recognised that measurements of success were both necessary and dangerous. There was a recognised need to measure what the Prison Service was doing in order to ensure political and financial accountability. What Works was not peculiar to the correctional services but an initiative common to all public services. It had given resources and impetus to the work of criminal justice agencies. Yet the point was made that measuring interventions with offenders was not 'rocket science'; it was far more complex. It was one thing to develop a programme in ideal circumstances but entirely another to implement it nationally in the 'real world', and measure the outcomes.

The What Works literature had focused on cognitive skills and offending behaviour groups because, as fairly discrete and well-defined programmes, these were comparatively easy to evaluate. However, there was the danger that such programmes concentrated on individuals and their attitudes and ignored other areas of potentially effective practice.

3 The Prison Service is a partner in the Government's Welfare to Work initiative, which aims to help long-term unemployed 18 – 24 year olds into work.

Other dangers included:

- Measurement (as in risk assessment) considered individuals solely as members of a group with particular characteristics.
- Categories, though necessary, were dangerous, often being based on dubious and variable data.
- It was easy to overlook the need for clear definition of what one was measuring
- The experience of being measured often proved counter-productive or demoralising.
- We might be tempted to allocate resources to what could be measured rather than what was intrinsically right.

## Measuring reconviction

There was also the question of what should be measured. ‘Risk’ and reconviction rates were now standard measures by which effectiveness was assessed. Programmes were evaluated by whether they reduced the risk of reconviction<sup>4</sup> or whether offenders completing the programme had lower rates of subsequent conviction than would be predicted on the basis of their criminal histories.<sup>5</sup> However, it was problematic to use the reconviction rate, a single measure, to capture the effects of different approaches, or combined approaches. Here, we needed to become more sophisticated: to examine the nature and frequency of subsequent convictions and to use modern statistical techniques to isolate the effects of different programmes. It was recognised that there had been some advances in this direction, with the refinement of risk assessment and recognition that people could move between categories.

We should also develop other measures of change or likelihood of reoffending, such as social inclusion/exclusion indices. It was worth examining previous research studies for the use of successful follow-up measures, such as self-reported offending or changes in employment or drug use or other indicators of social stability. The ‘harm reduction’ approach underlying Drug Treatment and Testing Orders<sup>6</sup> seemed realistic, focusing on the quality of offenders’ behaviour and their progress under supervision. It was appreciated that some aspects of work with prisoners might well contribute to lower rates of offending but were difficult to measure or required more sensitive measures. There were risks too in an obsessive pre-occupation with measuring everything. Some contributors urged the selective or occasional measurement of activities.

4 OASys being an example of a dynamic risk-needs assessment instruments which was now being introduced in the Prison and Probation Services.

5 Using the Offender Group Reconviction Scale (OGRS)

6 Drug Treatment and Testing Orders (DTTOs) were introduced in 2000 as a new community sentence, aimed at breaking the link between drug use and crime. Courts can make an order requiring offenders to undergo treatments either as part of another community order or as a sentence in its own right. It is a treatment order that can last from 6 months to three years.

Commenting on the effects of psychologically based programmes on recidivism, participants explored some of the key technical issues which needed to be resolved in evaluating a programme:

- Defining the outcomes, for example, arrest or conviction.
- Deciding for how long to measure, for example, two year reconviction rates had become standard practice.
- Choosing between the variety of risk assessment instruments, which related to groups rather than individuals and so could not predict whether this individual would re-offend.
- Ensuring that the sample was sufficiently large to contain sub samples in relation to whom meaningful findings could be produced.
- Securing access to the data, to gain sufficient knowledge of the individuals going through the programme and their post-release outcomes.
- Capturing outcomes beyond reconviction or reincarceration, for example, whether an individual was offending less seriously or frequently.
- Designing satisfactory measures for the range of programmes, for example, the success of a drugs programme might not best be measured by reconviction rates.

## What else to measure?

Contributions concerning attempts to measure wider aspects of prisoners' experiences were given. Some described research activity prompted by a wish to avoid the danger of measurement being experienced as demotivating and to measure the context in which programmes in prisons were delivered. This involved the development of 'quality' measures dealing with relationships, legitimacy and social structure within custody, which might well have a connection with prisoners' likelihood of offending upon release. Reporting results about the quality of prison life back to staff had also been found to produce a positive determination to deal with problems revealed by surveys of prison staff and prisoners.

Another participant commented that, after 12 years of research in the field, he had become increasingly drawn to the measurement of individuals rather than groups. In evaluating the redevelopment of Albert Park, part of the Restorative Prison Project,<sup>7</sup> measures had been developed to assess the impact on prisoners; the prison regime and level of contact with the community; and the benefits to the community, and awareness of prisoners' work by visitors to Albert Park. Prisoners taking part in the scheme could be assessed on their acquisition of knowledge and skills; development of self-esteem; and appreciation of their work and its value to the community.

7 International Centre for Prison Studies (2002) *Albert Park, Middlesbrough: An approach to restorative justice*.

## The social impact

Another aspect of prison was its social impact: the long term social policy costs of a heavy reliance on custody. Some powerful material was shown, comparing the costs of imprisonment with the cost of other social initiatives, such as accommodation and education. For example, the funds used to hold non-violent offenders in custody in Brazil could be used to build 23,000 houses or 504 schools. One could look to the US for examples of a policy of incarceration directing money away from investment in education. In California, 21 prisons had been built since 1984, and one university.

For some at the roundtable, the rise in the prison population might be seen as a consequence of cutbacks in the Welfare State – a policy of segregation rather than inclusion of the ‘underclass’. What seemed necessary was a ‘criminalisation’ of social policy, so that prisons began to see themselves as part of multi-agency crime prevention whilst ensuring that social policies remained priorities in their own right, rather than creatures of criminal justice.

Amongst the costs of prison were:

- Material (the childcare bill when parents were sentenced to custody).
- Ideological (creating inertia about more imaginative initiatives).
- Social (custody being ‘an expensive way of making bad people worse’, to quote the Government’s 1990 White Paper).

However, honesty required an acknowledgement of the benefits:

- Prison deterred some people from offending.
- It secured compliance with community penalties.
- Incapacitation could give communities a breathing space.
- Prisons contributed to local employment and economies.

## Theme 3 public opinion

Discussion focused on the impact of what was assumed to be public opinion on the policy process, for example harsher or mandatory sentences for repeat offenders, and what could be done to inform and assess public views of sentencing and treatment of offenders. It was agreed that it was possible to measure public opinion. Although a somewhat confusing picture emerged from the research, it seemed that with increased knowledge of community programmes and the costs of custody, came increased support for non-custodial measures. The point was made that the public should be made aware of the social as well as the financial costs of imprisonment.

Such findings raised the very challenging question of how to inform and educate the public. The loss of the expression ‘community service’ was regrettable. Of all the community orders, it had attracted public understanding and support and it could be used to engage prisoners as part of their resettlement into the community. The public was particularly impatient with recidivist property offenders who were likely to receive

short custodial sentences. There was scope to generate support for much more constructive approaches. It should be possible to engage the public about the components of a sensible crime prevention policy, although it was recognised that the activities of some tabloid newspapers made that more difficult. One must also recognise the risks in seeking to engage the public in a way which might renew pressure to disclose details about sexual or dangerous offenders.

So, what views did the public have about prison? If members of the public were asked what was most likely to have an impact on crime, they seemed unlikely to come up with the answer that prison works. The public generally saw prisons as ‘universities of crime’. What they expected from the criminal justice system was that it should protect them and should ensure that offenders did not ‘get away with it’. The public expected crime to be taken seriously and the requirements of supervision to be enforced. An attitude of contempt or defiance towards the law provoked real intolerance.

Public opinion might also find expression in the attitudes of social agencies (such as Health, Education and Local Authorities) towards the ex-prisoners to whom they were allocating scarce social resources. This was an area worthy of investigation and attention. Concerted efforts were needed to build up a constituency of people prepared to assist young ex-prisoners resettle into the community, if they were to be able to get out of crime. Prisons could do far more to promote community safety – to engage people in communities in developing regeneration projects.

## **Theme 4 restorative processes**

Underlying the discussion was an awareness that its purpose was to inform the Restorative Prison Project, which was considering the scope for introducing some of the ideas and principles of restorative justice into the way prisoners and imprisonment are seen and into imprisonment in practice.

Introducing the roundtable, Andrew Coyle had recalled the four ‘pillars’ of the project:

- Linking the prison and the community – the prison explaining itself to the community and asking the community to get involved and to find out more.
- Encouraging prisoners to do work for the benefit of others which is public and publicly recognised, thus allowing prisoners to be altruistic.
- Stimulating more involvement of victims’ groups and raising awareness of the sufferings of victims of crime.
- Creating an environment with an educational rather than a disciplinary ethos, by dealing with disputes and infractions of rules through mediation rather than by use of an adversarial process.

Participants discussed the benefits of encouraging prisoners to follow the route of ‘citizenship’, which needed to be sufficiently broadly defined to accommodate diverse characteristics and personalities. Some people had missed out on constructive socialising experiences in their schools and families, and needed to be connected with other community ties. This might be best achieved by approaching offending indirectly, rather than through direct confrontation.

It was mentioned that the Community Service (CS) Pathfinder projects under the Crime Reduction Programme were an example of how a more indirect approach was being evaluated. These involved training offenders in skills for employment and CS supervisors acting as pro-social models to encourage and reward socially responsible behaviour. The CS Pathfinders also enabled the reparative value of offenders’ work for the community to be maximised, with a focus on the usefulness of the work and offenders’ contact with beneficiaries.

The Albert Park restoration project involved prisoners’ taking part in urban regeneration for the benefit of the community. In addition to tangible benefits (in the form of café furniture, rowing boats and artwork produced by the prisoners), the objectives of the project were to raise awareness of the contribution made by prisoners to the community and to foster public debate about the purpose of imprisonment. It was recognised that the project produced opportunities for positive community interaction and one of the aims of the evaluation was to ascertain whether these came to fruition.

Ann Mace referred to her work with the Inside Out Trust. Interviews had been conducted with 57 prisoners and over 40 members of staff, the results of which had been written up as a case study.<sup>8</sup> One striking finding was the high level of correlation between the views of prisoners and staff. Prisoners discussed the value of the work that they were undertaking, and staff noted the level of motivation and commitment displayed by prisoners. Staff also reported high levels of compliance in the workshop, where prisoners would intervene to resolve problems so as to avoid jeopardising the project.

8 International Centre for Prison Studies (2002) *We don't waste prisoners' time and we don't waste bicycles: the impact of restorative work in prisons.*



# Explorations in effectiveness: Measuring what works in prison intervention programs

Stephen Duguid<sup>1</sup>

## Introductory thoughts

I have been asked to open this seminar with some “rounded and reflective” comments about the use of return-to-prison or recidivism data in evaluating the effectiveness of prison programs. I do so against a backdrop of some 25 years of engagement with prisoner education first as a teacher, then as an administrator and more recently as a researcher. I entered the prison in 1973 just as the Medical Model was collapsing under the weight of its unfulfilled promises, lived through the Opportunities Model, the Industrial Model, the Moral Development Model and was finally ejected in 1993 with the arrival of the Cognitive Skills Model. In the meantime, prison regimes across North America were being transformed via their adoption of a Punitive Model in place of both deterrence and rehabilitation.

Throughout all these flirtations with models, the public has retained a common sense view that prisons ought to either deter people from further crime or, more optimistically, persuade or enable them to choose other vocations after release. As a result there has always been a keen interest in measuring the success or effectiveness of prisons on the basis of the rate at which its ‘graduates’ return after release. Despite the lingering attachment to punishment and incapacitation, there are strong indications that prison systems are once again showing interest in rehabilitation and, inevitably, in recidivism as a measure of their success.

No less a source than the *New York Times* (20 May 2001) reports that “Inmate Rehabilitation Returns as a Goal as Punishment Pendulum Swings”. The article concerns prison programs in the states of Oregon, Texas, Washington and Ohio which feature training programs linked to high end employment opportunities after release (telemarketing, computer technology, etc.). While the programs look promising, the *Times* indicates that correctional jurisdictions “...have not yet found a way to gauge perhaps the most important measure of the success of its new program – how quickly

1 Professor Stephen Duguid is an Associate Professor and Chair of the Department of Humanities at Simon Fraser University in Canada.

inmates find jobs and how long they hold them. It has been difficult getting money from the State Legislature to set up a tracking system...” even though “...finding ways to ease the return to society and reduce recidivism is the hot topic in the criminal justice system.”

We know a lot about recidivism. In the United States about 614,000 people will be released from prisons in 2001. As the following examples illustrate, follow-up research consistently indicates that around 62% of these released prisoners will be re-arrested, 52% re-convicted, and 42% reincarcerated within three years.

	Re-Arrested	Re-Convicted	Reincarcerated
1983: n=108,580 from 11 states <sup>2</sup>	62.5%	48.8%	41.4%
1970: n=1806 Federal Prisoners <sup>3</sup>	62.5%	41.6%	40.8%
Two groups of Florida Prisoners <sup>4</sup>	78.6%	55.8%	44.0%
Juvenile Parolees 1978-82 <sup>5</sup>	69.0%	53.0%	49.0%

My own research in this area involved in a large program evaluation project in Canada, following the post-release lives of 654 men who had taken part in a university-level prison education program.<sup>6</sup> In that research my colleague Ray Pawson and I utilized a comparison of actual recidivism with predicted recidivism as our measure of effectiveness. We used a device called the Statistical Index on Recidivism (SIR) to ascertain the predicted recidivism rate for our group and as you see below, it came in at the expected 42%. The table also shows the results for this group of 654 men, a 30% relative improvement over the prediction. The education program had been canceled after a 20-year run before these results were known, but the positive numbers have not persuaded the Government of Canada to reconsider its decision.

Post-Release Success Rate for Total Group of 654<sup>7</sup>

SIR Predicted		Relative Improvement	
Rate of Success	Actual Rate	Difference	over Prediction
58%	75%	17%	30%

- 2 “Recidivism of Prisoners Released in 1983”, Washington, D.C.: Bureau of Justice Statistics, April 1989.
- 3 Peter Offman and Barbara Stone-Meierhoefer, “Post-Release Arrest Experiences of Federal Prisoners: A Six Year Follow-Up”, *Journal of Criminal Justice*, 7:3 (1970), p. 202.
- 4 Linda Smith and Ronald Akers, “A Comparison of Recidivism of Florida’s Community Control and Prison: A Five Year Survival Analysis”, *Journal of Research in Crime and Delinquency*, 30:3 (1993) p. 281.
- 5 A. Beck and B. Shipley, “Recidivism of Young Parolees”, Washington, D.C.: Dept. of Justice, 1987.
- 6 Stephen Duguid, *Can Prisons Work: The Prisoner as Object and Subject in Modern Corrections*, Toronto: University of Toronto Press, 2000.
- 7 Stephen Duguid, “Final Report:British Columbia Prison Education Research Project”, Institute for the Humanities, Simon Fraser University, Burnaby, B.C., 1998 ([www.sfu.ca/ifeps/research.htm](http://www.sfu.ca/ifeps/research.htm))

Most of my thoughts regarding effectiveness and recidivism that follow, both rounded and reflective, stem from my five-year immersion in this follow-up research.

## **Rounded thoughts**

There are at least six possible outcomes following a period of incarceration, each of which is subject to measurement of some kind:

- 1) Full integration with society and no return to criminal activity of any sort.
- 2) Return to criminal activity without detection by the criminal justice system.
- 3) Revocation of parole or other term of release due to a technical rule infraction.
- 4) Re-arrest for a new crime, but no conviction.
- 5) Conviction for a new crime but no re-incarceration.
- 6) Re-incarceration for a new crime.

Outcomes 1-5 could all be interpreted as successes – No. 1 clearly and at least in statistical terms No. 2 as well. Numbers 4-5 imply at least a lesser crime than the initial conviction and No. 3 is often more a temporary setback than a failure.

Erring on the side of conservatism, in my research over the past 15 years I have used the strictest definition of recidivism as a measure of program effectiveness:

*A recidivist is someone returned to prison for an indictable offence within three years of being released on parole.*

What, then are some of the key issues surrounding the use of recidivism in program evaluation? There is, of course, the meta-issue that starts off many discussions of recidivism – the argument that the sets of motivations, attitudes and circumstances that infuse the lives of released prisoners are much more powerful determinants of behaviour than any single prison program and therefore that program should not be ‘held hostage’ to events it cannot hope to control. This is a powerful argument and to some degree obviously true. But it can nonetheless be claimed that a prison-based intervention that aims at affecting attitudes, motivations and individual resources designed to overcome adverse circumstances should, if it is working, have some measureable impact.

Once committed to undertaking an evaluation based on post-release behaviour, there are a number of issues that surface that are linked to problems of definition. As already noted, ‘recidivism’ can mean parole violation, re-arrest, re-conviction or re-incarceration for a new offence. It is crucial that those doing the evaluation agree on the most appropriate definition and make sure that if they are comparing their results to other post-release studies the definitions match. Secondly, there must be agreement on the length of time individuals are to be followed-up after release. While the standard term seems to be three years, there are a number of studies that utilize a one-year time period and others

that opt for five years or more. Finally, it is important to delineate clearly who is to be considered a 'subject' in the research: all participants or only those who meet certain specified criteria. If, for instance, the program being evaluated is thought to require a certain level or length of participation to be effective, it might be wise to exclude subjects who are not sufficiently exposed to or engaged with the enterprise.

A second set of issues arises with choices of methodology. Any prison program that is voluntary in nature – such as non-mandatory education programs – must confront the issue (or accusation) of self-selection bias. That is, is whatever success the subjects achieve due more to their initial motivation or low-risk status than to the impact of the program. The traditional means of coping with this is via the use of a control group, but in practice it is very difficult to achieve adequate matches on enough variables to make the two groups meaningful. There are, as well, the ethical issues raised by denying 'treatment' to some just to make them fit into a control group. In our research, as noted earlier, we used an actuarial recidivism prediction device (the SIR) and judged success on the basis of subjects 'beating' their SIR predicted fate. To utilize such an approach researchers must have:

- a) a prediction device with strong validity;
- b) a large enough set of subjects to create meaningful sub-groups; and
- c) access to biographical and criminal history data in order to calculate the prediction.

Finally, using recidivism to evaluate the success of a program can be a very blunt instrument. There are, for instance, outcomes other than recidivism that may be of interest to program staff and the prison service. These might include:

- a) creation of more successful, smarter criminals better able to avoid detection
- b) successful harm reduction – for example, re-arrest, re-conviction, re-incarceration for a lesser offence or prolonging the period between arrests.
- c) reduction of the 'damage' done to individuals by imprisonment by creating a more 'humane' environment
- d) addressing specific 'inmate needs' such as addiction, alcoholism, educational deficits, self-esteem...

Evaluations can also be important tools for the improvement of programs, pointing out to staff and administrators what aspects of a program are working well, what kinds of individuals are benefiting, and what areas need improvement. All of these important factors are lost if an evaluation utilizes a simple 'it works/it doesn't work' approach.

## **Reflective thoughts**

In concluding on a more 'reflective' note, I would like to make three points that stem from my 20 years in prison teaching and my research into program effectiveness.

First, be cautious about categories. It may be a central quality of human cognition to create categories in order to understand phenomena, but the process often goes too far and the categories sometimes become a fetish. In prison fetishistic or dysfunctional categories can include.

- learning disabled
- psychopath
- violent offender/sex offender
- habitual criminal
- the addict

Instead, we should address the imprisoned individual as just that, a human, a citizen, a fellow subject whose world view must be understood and perhaps even accepted if it is to be challenged successfully.

Thus among the learning disabled, only some are in prison. Likewise some individuals labeled psychopaths are in prison as are a few of the many individuals who employ violence, abuse drugs or alcohol, have sexually deviant tendencies and pursue illegal or quasi-legal activities as a way of life. Most people who share some aspect of these qualities are not in prison and what is perceived by the prisoner as the ‘accident’ of arrest will not likely persuade him or her that these qualities are at fault.

Our central objective should be to convince the imprisoned individual that citizen is a better path than outlaw and that the boundaries of citizenship are sufficiently broad that much of his identity can be contained within it. The issue then becomes one of accommodation rather than transformation

Second, there are no ‘Magic Bullets’, no quick fixes; people are complicated and prisoners are people. Instead of trying to determine ‘What Works?’ we should be affirming that ‘Everything Works’ for some people at some times. We should acknowledge the weakness of our diagnostic instruments and blend their results with some common sense and some respect for what the prisoner says he or she wants or needs.

In our research, Ray Pawson and I asked ‘What Works for Whom under What Circumstances’ – certainly a more complex task than the simple ‘what works?’, but the answers were quite informative. Developing programs for prisons must, for instance, acknowledge that:

- the prisoner’s receptivity to change or challenge is powerfully affected by where he is in his sentence;
- many prisoners need to learn the social skills of keeping a job more than the vocational skills necessary to get a job;
- prison security levels/procedures have a powerful impact on the practicality and effectiveness of programs;
- prisoners are quite often willing and able to suspend disbelief and engage with ‘democratic’ or ‘just community’-based programs despite the overall authoritarian environment;

- age, experience, educational achievement, offence and addiction patterns and other personal and situational factors have a major impact on receptivity to prison-based programs.

While it is often true that prisoners do not know or will not acknowledge what they ‘need’, prison staff can be just as misguided. The best approach is likely that suggested by adult education experience: negotiation between student/prisoner and teacher/corrections concerning participation in a wide variety of programs/interventions.

Third, the kind of individual change and development required for the task at hand – persuading outlaws to become citizens – requires Time, Praxis and Nurture. The philosopher Alasdair McIntyre argues that we are vulnerable animals that are highly dependent on the “...free care and concern of others.”<sup>8</sup> This dependence requires that for us to live decent lives certain virtues must exist within networks of people, virtues such as generosity, justice and gratitude. These virtues, in turn, are made possible by the human capacity for reason and reflection – but this is a capacity only and must, according to McIntyre (following Aristotle) “...be nurtured in environments that provide support and security and long opportunities for practice.”

McIntyre here is referring to childhood and schooling, not to periods of imprisonment. But we must assume for our prisoners that something has gone awry in this family, community and school-based social nurturing or at least that a booster shot is needed. But how can reason and virtue be taught in an unreasonable (i.e. authoritarian) environment? And how can generosity, justice and gratitude be fostered in the prison?

My experience tells me that these objectives are reasonable utilizing some combination of the following:

- Alternative, democratic, just community models.
- Affiliation of the program with non-criminal justice institutions (e.g. universities, churches, community organizations, schools ...).
- De-linking program from crime/criminal justice issues and approaching individual change indirectly through, for instance, education.
- Focusing on opportunities for individual choice and decision-making.
- Respecting/expecting diversity of opinion, values and world views.

I have long held to the view that prisons are by nature disempowering institutions that necessarily maintain an unnatural control over individuals by denying them decision-making opportunities. After release from prison, these individuals must choose not to return, they must make active choices favouring citizenship over criminality. Prison programs, therefore, that provide for practice in decision-making are those that are most likely to achieve success at enabling its subjects to avoid returning to prison.

<sup>8</sup> In *Dependent Rational Animals*, cited in Simon Blackburn, “A not-so common good”, TLS 5 May 2000 p. 31.

# Measuring the comparative benefits of imprisonment as a social policy intervention

Julita Lemgruber

Julita Lemgruber is a distinguished sociologist and researcher into women in prison. Director of Prisons for the State of Rio de Janeiro from 1991–1994 she then became Police Ombudsman. She is now the Director of the Centre for the Study of Public Safety and Citizenship in Rio de Janeiro. She is well-known in Brazil for her advocacy of alternatives to prison.

She was asked in her session to move beyond measuring the performance of prisons to look at how prison as a social policy intervention could be measured as compared with others, for example alternative penalties, crime prevention or social welfare and to consider the benefit to the public given by a certain level of imprisonment compared with other ways of achieving the same social end.

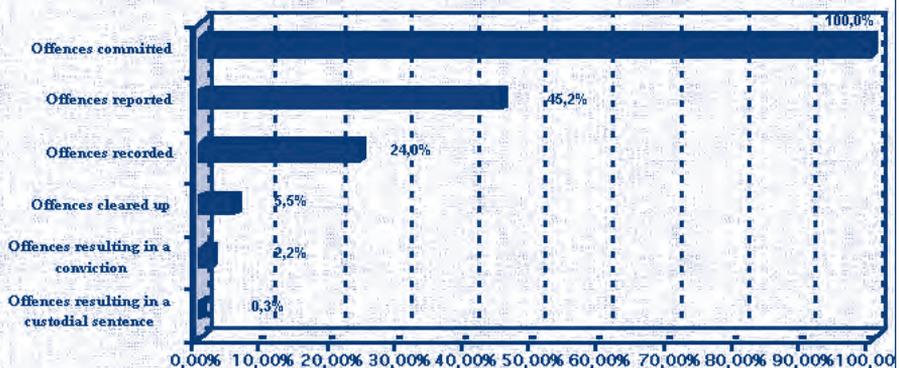
In her presentation, illustrated by these slides, she gave information on the situation in Brazil and also made the following points:

- Very few of the overall number of crimes are reported, result in a conviction and lead to a term of imprisonment.
- The impact of incarceration rates on crime rates is low.
- Spending on imprisonment can be at the expense of other social goods such as education .
- High crime and high imprisonment rates are related to high rates of child poverty and minimal welfare provision.
- Research shows that expenditure on social programmes and prevention prevents more crime than expenditure on incarceration.

## Victimization Surveys allow the knowledge of:

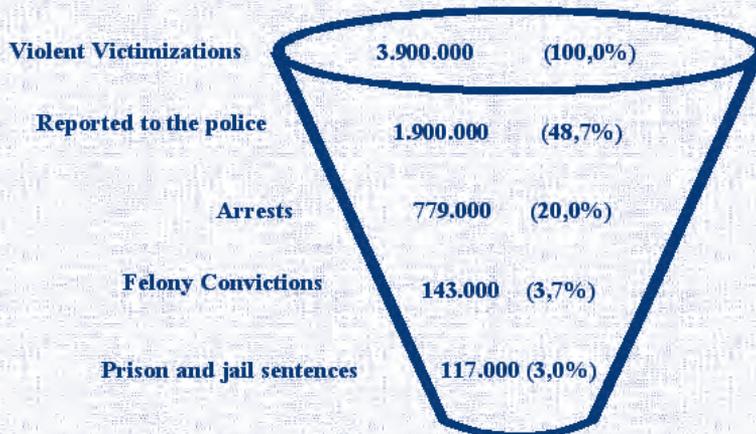
- Dark figures of crime
- Victims' profiles
- Propensity to register crimes
- Groups at risk
- People's attitudes towards those responsible for the Criminal Justice System

## Attrition Rate England and Wales - 1997



Source: Home Office – Digest 4 – October 1999

## Attrition Rate / Violent Crime United States - 1994

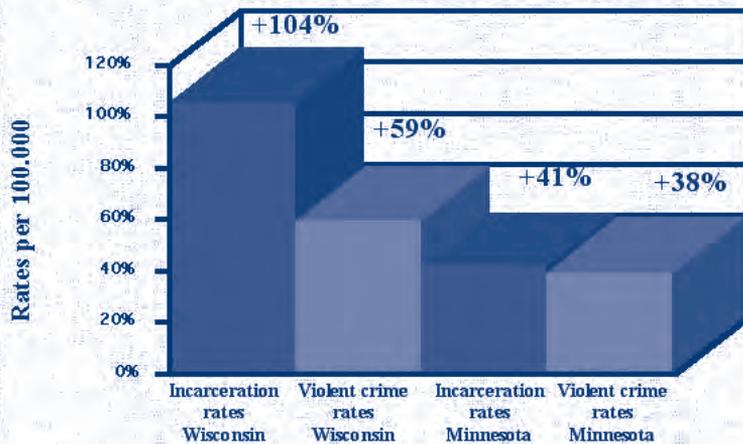


Source: Marc Mauer / Bureau of Justice Statistics, *Criminal Victimization in the U.S., 1994*; "Felony Sentences in State Courts, 1994"; *Uniform Crime Reports, 1994*

## Crime rates X Incarceration rates

1. Studies by Tarling, in Great Britain, showed that a **25% increase in the incarceration rate lowers crime rates by 1%**;
2. Studies by Marvell and Moody (USA) showed that **increases in the number of prisoners has little or no impact on homicides, rape and assault**;
3. Steven Levitt (USA) showed that **increasing the prison population reduces crimes against property of "lesser social cost"**.

## Incarceration Rates and Violent Crime Rates Wisconsin and Minnesota (1979-1990)



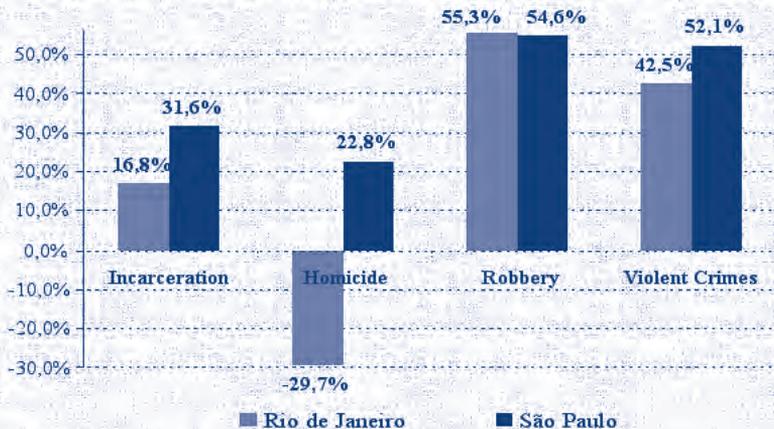
Source: National Council on Crime and Delinquency

## Changes in Incarceration and Crime Rates per State USA - 1991/98

	1991-98	1991-98 Crime Rate		
	Incarceration Rate % of change	% of change		
		Total	Violent	Against Property
Texas	+ 144	-35	-33	-35
California	+ 52	-36	-35	-36
New York	+ 24	-43	-45	-42
Massachussetts	+ 21	-35	-16	-39

Source: Gainsborough e Mauer (September 2000)

## Changes on Incarceration and Crime Rates Rio de Janeiro and São Paulo ( 1995 – 1999 )



\*Violent Crimes: Homicide, attempted homicide, rape and robbery

Source: DESIPE and SSP / RJ - Secretaria de Administração Penitenciária / SP

## United States – State Budgets 1987 - 1998

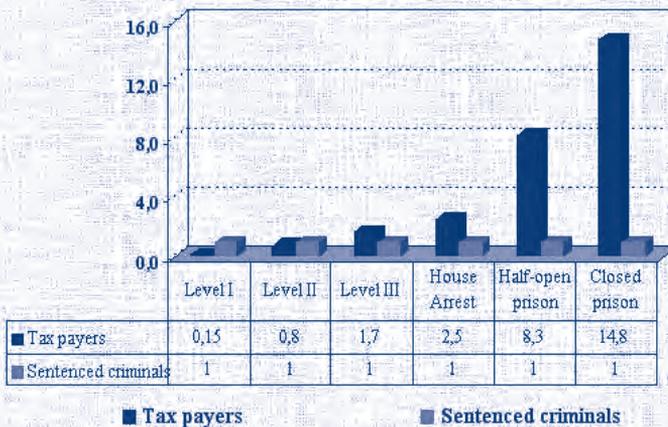
Expense	Percent of change
Prison System	+ 30.0 %
Elementary School / High School	- 1.2 %
University education	- 18.2 %

**Prison system budgets in five states are more than 1 billion dollars. California spends 3.6 billion dollars annually to maintain its prisoners and another 500 million building new prisons. Since 1984 California built 21 prisons and only one university.**

Source: Ambrosio, Shiraldi, From classrooms to cell blocks, Justice Policy Institute, 1999

## DELAWARE / USA

### Relationship between tax-payers and sentenced criminals



Source: Tax info: Div. Revenue; Costs: DOC

## Luxembourg Study University of Harvard

- Rates of child poverty in the USA are, in average, 5 times that of Western Europe;
- Low salary workers in the USA, receive 38% of the national average. In Germany, the same worker receives 68% of the national average;
- The USA spend 4% of the GNP with welfare programs. Great Britain spends 8% and the Scandinavian countries spend between 12 and 14%.

## **Pro-Active Investments**

- **One million dollars spent on imposing long prison sentences to drug dealers help prevent the consumption of 12 kilos of cocaine and one million dollars spent on treatment of drug addicts help prevent the consumption of 100 kilos;**
- **One million dollars spent on prisons help prevent 60 crimes a year and one million dollars spent on high-school education help prevent 258 crimes a year.**

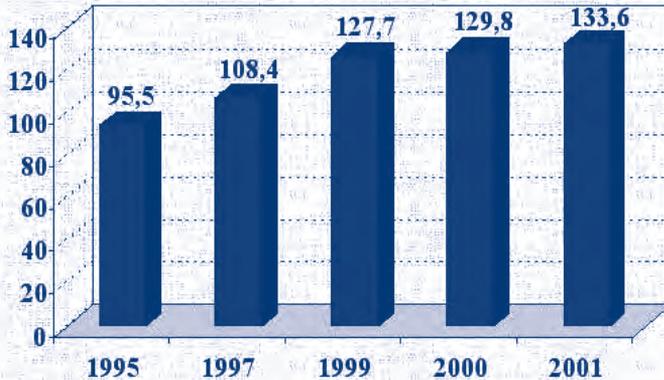
Source: Rand Corporation

## **Pro-Active Investments**

- **In the USA, the annual cost of maintaining a woman and her child in a complete residential program is US\$ 26.000. The added cost of this woman in prison and her child in a public institution for children and adolescents is US\$ 50.000 a year;**
- **In Brazil, the amount of funds used to maintain men and women who committed non-violent crimes in prison for a year, is enough to build 23.000 houses for the poor or 504 schools.**

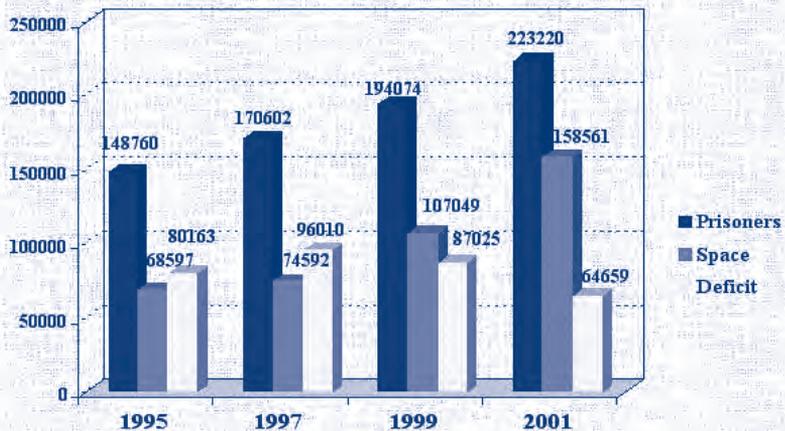
Source: Rand Corporation and Ministry of Justice

## Prisoners in Brazil Prisoners per 100.000



Source: Ministry of Justice

## Prisoners in Brazil Number of prisoners, prison spaces and deficit



Source: Ministry of Justice



**Prisons = US\$ 260 a month**



**Building homes = US\$ 67 a month**



**Education = US\$ 19 a month**

## **Monthly Costs Rio de Janeiro**

**US\$7.800**

**=**

**One month of basic education  
for 411 students**

## **Latest numbers / Ministry of Justice**

<b>Average cost of a prison cell (May / 2001)</b>	<b>= R\$ <u>12.000,00</u></b>
<b>Cost of 64.659 (Brazilian deficit)</b>	<b>= R\$ 775.908.000,00</b>
<b>Cost of prison space (maximum security)</b>	<b>= R\$ 19.000,00</b>
<b>Cost of a house built through “mutirões” (a mutual insurance company of collective work, each member giving to the whole of the working hours (mutual aid)).</b>	<b>= R\$ <u>4.000,00</u></b>

**Source: Ministry of Justice, Rio de Janeiro.**

## **Main Results Research on Alternatives Rio de Janeiro 1998**

- Violent Crimes: more prison sentences**
- Crimes committed by the poor: more tolerance**
- Crimes committed by the rich : more severity**
- Crimes committed by policeman : extreme severity**
- First timers, even violent ones: less severity**

# **Main Results**

## **Research on Alternatives**

### **Rio de Janeiro 1998**

<b>Crimes</b>	<b>average % of alternatives imposed</b>
<b>Stealing</b>	<b>69.7</b>
<b>Fraud</b>	<b>61.9</b>
<b>Robbery</b>	<b>45.2</b>
<b>Drug trafficking</b>	<b>55.8</b>
<b>Rape</b>	<b>9.1</b>
<b>Assault</b>	<b>47.3</b>

# APPENDIX

Participants in the Roundtable, 9 November 2001

**Colin Allen**

HM Deputy Chief Inspector of Prisons

**Rob Allen**

Director, Rethinking Crime and Punishment, Esmée Fairbairn Foundation

**Imogen Brown**

Research & Information Manager, West Yorkshire Probation Service

**Anne Burleigh**

Assistant Director, Northern Rock Foundation

**Margaret Carey**

Director, Inside Out Trust

**Dr Andrew Coyle**

Director, International Centre for Prison Studies

**Philip Daenincke**

Researcher, restorative prisons, Catholic University Leuven, Belgium

**Professor Stephen Duguid**

Associate Professor and Chair, Department of Humanities, Simon Fraser University, Canada

**Helen Fair**

Administrator, International Centre for Prison Studies

**Vivien Francis**

Researcher, International Centre for Prison Studies

**Sir Alistair Graham**

Chair, Police Complaints Authority

**Julita Lemgruber**

Director, Centre for the Study of Public Security and Citizenship, Rio De Janeiro, Brazil

**Dr Alison Lieblich**

Institute of Criminology, University of Cambridge

**Juliet Lyon**

Director, Prison Reform Trust

**Anne Mace**

Project Manager, The Restorative Prison Project, International Centre for Prison Studies

**Sir Graham Melmoth**

Chief Executive, Co-operative Wholesale Society

**Professor Sir Rod Morgan**

Chief Inspector of Probation, Home Office

**Mike Nellis**

Department of Social Policy and Social Work, University of Birmingham

**Nigel Newcomen**

Sentence Management Group, HM Prison Service

**Tim Newell**

Retired Governor, HMPs Grendon and Springhill

**Ana Peligero**

Student, Catholic University Leuven,  
Belgium

**Dr Sue Rex**

Institute of Criminology, University  
of Cambridge

**Lady Dorothy Russell**

Trustee, Northern Rock Foundation

**Rani Shankardass**

Secretary General, PRAJA, India

**Anton Shelupanov**

Researcher, International Centre  
for Prison Studies

**John Staples**

Retired Prison Service Area Manager

**Baroness Stern**

Senior Research Fellow, International  
Centre for Prison Studies

**Tinneke Van Camp**

Researcher, restorative prisons, Catholic  
University Leuven, Belgium

**Phil Wilmott**

Psychologist, HM Prison Service

The Northern Rock Foundation is a charitable organisation which was established under the terms of Northern Rock's conversion from a building society to a public limited company in 1997. The Foundation receives approximately 5% of the annual consolidated profit before tax of Northern Rock plc.

The primary objective of the Northern Rock Foundation is to help improve the conditions of those disadvantaged in society. It mainly supports causes in the north-east of England, especially Northumberland, Tyne and Wear, Durham and Teesside.

The Restorative Prison Project started in 2000 with funding from the Foundation. The grant was recently extended and will continue until the year 2004.

# The International Centre for Prison Studies

The International Centre for Prison Studies was established in the Law School, Kings College London, University of London, UK in April 1997.

It seeks to assist governments and other relevant agencies to develop appropriate policies on prisons and the use of imprisonment. It carries out its work on a project or consultancy basis for international agencies, governmental and non-governmental organisations.

It aims to make the results of its academic research and projects widely available to groups and individuals, both nationally and internationally, who might not normally use such work. These include policy makers, practitioners and administrators, the media and the general public. Such dissemination will help to increase an understanding of the purpose of prison and what can be expected of it.

The Centre is working to:

- develop a body of knowledge, based on international covenants and instruments, about the principles on which the use of imprisonment should be based, which can be used as a sound foundation for policies on prison issues
- build up a resource network for the spread of best practice in prison management worldwide to which prison administrators can turn for practical advice on how to manage prison systems which are just, decent, humane and cost effective.

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