

## What Can a Correctional System do to Deter Crime?

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Thank you Subcommittee Chair Kinhead and distinguished members of the House Judiciary Subcommittee on Crime & Corrections for the opportunity to testify before you today regarding crime deterrence and community safety. In opening, I would like to first provide you with a bit of my background and experience as it relates to this very important topic. I am currently the Director of Planning, Research, and Statistics (PRS) for the Pennsylvania Department of Corrections. In that role, I act as the chief scientific officer for the Department. I lead a small, dedicated, and nationally recognized team who in many ways are the brain trust of the Department. Our job is to provide statistical support for the Department; to evaluate programs, policies and practices; and to foster innovation and data-driven decision-making. I have worked for the Department for 23 years, all in the bureau of PRS. My educational training includes a master's degree in public policy & management and a doctoral degree in criminology and criminal justice. My research has focused on many aspects of the corrections system, most notably on community corrections, parole supervision, recidivism, rehabilitation, deterrence, and understanding continuity versus change in criminal behavior over time. I have led the completion of dozens of rigorous evaluations of departmental programs, policies, and practices during my tenure. Our team also works collaboratively with many academic partners including researchers from most of the major Pennsylvania colleges and universities as well as with nationally recognized researchers from other colleges and universities around the country. A lot of our work has been published and recognized nationally by our colleagues. Most recently I co-authored the Department's 2022 Recidivism Report.

The topic of today's hearing ("what deters crime") is a very broad topic. There are many intervention points, from community prevention to policing to courts and sentencing to incarceration and community supervision, that may deter crime. I will keep the focus of my comments this morning specifically on what we know about the ability of the corrections system to deter crime.

At a high level, there are four main recognized purposes of any correctional system which all must be held in balance: 1) incapacitation, 2) retribution, 3) deterrence, and 4) rehabilitation. The goal of incapacitation is to deprive individuals of the capacity to commit crimes by physically detaining them. Retribution is intended to bring justice and restoration to society and to victims in response to criminal acts. The goal of the last two purposes (deterrence and rehabilitation) is the focus of this hearing today. Deterrence and rehabilitation substantively

have the same goal even though the approach between the two differs. The goal of both deterrence and rehabilitation is to prevent future crime by altering an individual's behavior. Rehabilitation might be thought of as a positive form of deterrence where, for example, individuals are provided with treatment, counseling, programming and support to address the internal and external factors that led them to participate in crime in the past. Deterrence uses sanctions or threats of sanctions to alter an individual's future criminal behavior. Within deterrence, experts further differentiate between "specific deterrence" and "general deterrence." Specific deterrence involves the sanctions imposed on a particular individual to prevent that individual from re-offending in the future. General deterrence involves the public knowledge of the consequences or sanctions that are imposed generally on individuals who commit crimes to prevent other would-be offenders from offending.

Having defined these terms, I would like to move towards discussing the data and research that we have on the ability of a corrections system to deter crime (including through both rehabilitation and deterrence). First, how do we measure whether deterrence has happened? The primarily accepted measure for deterrence in corrections is "recidivism." The DOC defines recidivism as the first instance of either a police re-arrest or a return to DOC custody after release from incarceration within a follow-up period (usually one year or three years after release). More recently, academic criminologists have suggested that other measures should be included in addition to recidivism. The focus of these additional measures is on what has been called "desistance." We introduced the term "desistance" in our 2022 Recidivism Report. The idea of desistance is that we should focus on measures of success in addition to measures of failure, and that success is a pathway or process. To illustrate, imagine if the only measure of educational performance was school drop-out rates. This would be the equivalent of relying solely on recidivism as a measure of correctional performance. Recidivism is undoubtedly an important measure (and arguably the most important measure), but it is not the only measure. To use another analogy, the criminal desistance process is similar to what we now understand is the rehabilitation process for those with a substance use disorder. It is understood in the substance abuse literature that relapse is often a part of the process of quitting as an individual moves towards abstinence. Similarly, recidivism may happen for an individual after release from prison even if the individual is on a pathway to success by slowing down their rate of offending or committing less serious crimes. Desistance is still a very new concept to policymakers in corrections, so for the remainder of my testimony I will focus on what we know about recidivism reduction, with the understanding that recidivism reduction is the primary measure of criminal deterrence in corrections.

I would like to now highlight some of the key findings from our 2022 Recidivism Report. The top level finding from that report is that recidivism rates for the Department have remained relatively stable over the last two decades, varying only within a couple of percentage points each year. The latest recidivism rate from this report (which was for individuals released from prison in 2016) was 64.7%, meaning that nearly two-thirds of individuals released from DOC were either re-arrested or returned to DOC custody within three years of release. The report also estimated that 1 out of every 10 police arrests made in Pennsylvania is of a former DOC inmate. More recently, since this report was issued, recidivism rates dropped during the COVID-

19 pandemic to an all-time low of 54.8%. It is not yet fully understood why we saw such a drop during COVID after a relatively stable rate for the previous two decades, but it likely had something to do with uniqueness of the COVID period.

As high as the Department's recidivism rate is, the 2022 Recidivism Report showed that Pennsylvania's rate is lower than the national average as reported by the U.S. Department of Justice. Each state defines recidivism differently which makes comparisons difficult, but on at least three occasions the U.S. Department of Justice has published a national recidivism study using a common definition. Their definition of recidivism only includes police re-arrest regardless of whether it results in a return to DOC custody. By this definition, the national average recidivism rate is 67.8% whereas Pennsylvania's rate is 58.1% for the same time period.

Recidivism is not only high but also costly. The 2022 report concluded that the annual societal cost of recidivism to the people of Pennsylvania is approximately \$3.1 billion, and even a five percent reduction in the recidivism rate would save \$1.9 million.

The 2022 report also identified seven groups of individuals who had higher recidivism rates: 1) those with a diagnosed substance use disorder, 2) those with a mental health problem, 3) those assessed at high risk to re-offend, 4) those with lower educational attainment, 5) those with a more extensive criminal history, 6) those who commit more in-prison misconducts, and 7) those who receive less prison visits. Keep in mind that this does not mean these factors cause high recidivism, which is a point I will return to momentarily. The report also showed that women and older individuals had lower recidivism rates while property crime offenders had higher recidivism rates.

What does work from a corrections standpoint to deter crime (reduce recidivism)? Let me briefly highlight seven principles of effective deterrence practices which can be drawn from the research literature:

1. A sanction must be delivered with a high degree of certainty to deter. In other words, the probability of receiving a sanction given a criminal violation must be high.
2. A sanction must be delivered swiftly to deter. Immediate consequences are more effective than delayed consequences.
3. The severity of a sanction matters less than the certainty and swiftness of a sanction, and indeed there is often a tradeoff where a more severe sanction comes at the expense of less certainty and swiftness.
4. A sanction must be perceived as a meaningful punishment to deter. While the severity of the sanction matters less than the certainty and swiftness, the sanction should nonetheless pose a perceived cost to the offender.

5. A sanction must be perceived as fairly administered in order to deter. The perceived legitimacy of the sanction and the procedural justice of the sanctioning process impact deterrence.
6. Sanctioning resources should focus on high-rate offenders to optimize deterrence. This has sometimes been called "focused deterrence."
7. Informal deterrence mechanisms (such as a spouse/partner, parent, family member, etc.) are often more successful at deterring crime than formal mechanisms such as criminal justice sanctions. These informal mechanisms are sometimes referred to as "informal social controls."

With those general deterrence principles in mind, what are some specific programs, policies, and practices that have demonstrated some effectiveness in reducing recidivism and thus deterring crime? Evidence of effectiveness comes by conducting what is referred to as a "program evaluation." This has been the main focus of my work at the Department over the past two decades. The goal of a program evaluation is to attempt to establish the causal impact of a program, policy, or practice on a specific outcome, such as recidivism. The word "causal" is key here. For anyone who has ever taken an introductory statistics course they have learned the difference between correlation and causation. They have probably also been taught that "correlation does not imply causation." For example, ice cream sales and drownings are highly correlated with one another; both go up in the summer months and down in the winter months. Nobody believes that increased ice cream sales cause increased drownings though. It is obvious that the main reason both increase during the summer months is because of warmer weather. To use an example in corrections, we know that inmates who receive more family visits – whether virtual or in person – have lower recidivism rates. It is clear that prison visitation and recidivism are correlated with one another, but this does not necessarily mean that receiving more visits causes lower recidivism. It may be that the types of individuals who receive visits are already the types of individuals who have strong social ties and are thus less likely to recidivate to begin with. It may have nothing to do with how many visits they receive, even though the two are highly correlated with one another. Similarly, inmates who choose to participate in a drug treatment program may have lower recidivism rates, but this might not be because of the direct impact of the drug treatment program itself. It may be that the inmates who choose to participate in the program are already highly motivated to change their lives and thus would change regardless of taking the program. This task of determining causality is what makes program evaluation so challenging in corrections. We cannot simply look at recidivism numbers in a vacuum and assume causality. We were careful to caution this in our 2022 Recidivism Report. The way to determine causality is to identify the recidivism rate of a treated group as it relates to the recidivism rate of a comparable group of individuals who did not take a specific program, with the only difference between the two groups being that one received the program and the other did not.

Here are some example programs, policies, and practices for which we have some causal evidence from rigorous evaluations that they are effective in reducing recidivism and deterring crime:

- Facilitating reentrant relocation after release from prison. In one rigorous study we conducted we found that individuals who moved to another area of the state after release from prison had lower recidivism rates than those who returned back to their home area where they lived before incarceration.
- The State Drug Treatment Program (SDTP). This program (formerly called the State Intermediate Punishment (SIP) program) is an intensive, four phase treatment program for individuals with a substance use disorder. What probably makes this program most successful is that it includes treatment in prison followed by aftercare treatment in the community.
- The motivational boot camp program at State Correctional Institution (SCI) Quehanna. While the national literature on boot camp programs has not shown positive results, we have conducted several evaluations of our own Quehanna Boot Camp program and consistently found lower recidivism rates. This is likely because our boot camp program is heavily oriented towards rehabilitation, treatment, and reentry.
- Financial education training. We partnered with the Department of Banking and Securities to provide a financial management course to inmates at several prisons. An evaluation showed that this course produced a reduction in recidivism.
- Family visitation. We recently conducted a study to determine the impact of visitation on recidivism. The findings suggested that visits slightly reduce recidivism compared to not receiving visits, but that there is no difference in recidivism reduction between the type of visits (in-prison visits versus virtual visits).
- Swift, Certain, and Fair (SCF) supervision. This approach is based on the principles of effective deterrence that I previously outlined. The most popular version of this program was Project HOPE program originally implemented in Hawaii among probationers. This approach has spread rapidly around the country. We piloted this program among SIP program participants in the community phase of that program and found significant reductions in recidivism. The SCF approach was recommended by both the first and the second Justice Reinvestment Initiative (JRI) commissions in Pennsylvania as an effective supervision approach. The idea is to provide those under community supervision (probation and parole) with clear expectations of the conditions of supervision, to monitor compliance with those conditions regularly, and to enforce those conditions with mild but predictable and graduated sanctions immediately upon any infraction.

- Aging out. While growing older is not a program, one of the most consistent findings in criminology is that criminal offending declines precipitously as individuals age.

There are several other programs, policies, or practices currently being pilot tested and evaluated by the DOC for which we do not currently have enough evidence to say whether they are effective in reducing recidivism but that appear to be promising approaches. We will need to wait until the evaluations are concluded for these initiatives in order to determine if they prove to be effective in reducing recidivism and deterring crime. These include:

- The use of Medication Assisted Treatment (MAT) among offenders with a substance use disorder. It is clear from the research that MAT reduces drug relapse and overdoses, but it is not yet firmly established whether it reduces criminal recidivism.
- Cognitive Behavioral Therapy (CBT). The Department has long incorporated CBT components into its treatment programs, and also conducts a CBT-based course called Thinking For A Change (T4C). National research suggests that this approach has a positive impact on reducing recidivism, but many of the national studies of this are relatively weak studies. We have not previously evaluated our own CBT programming but are currently conducting an evaluation of T4C.
- In-prison college courses. Because the Federal Government has once again allowed Pell funding to be used to cover the cost of college courses for inmates while in prison, there has been much national interest in expanding in-prison college programming. We are currently conducting a rigorous evaluation of our Pell-funded college courses, which will be the first such rigorous evaluation in the nation.
- Little Scandinavia. This innovative prison unit at SCI Chester has gained a lot of national attention and interest. The unit is modeled after prisons in Scandinavia designed to provide a more gentle and humane approach to incarceration with a focus on eventual reintegration to the community. The Little Scandinavia unit is currently undergoing a rigorous evaluation to determine its impact on recidivism. We look forward to sharing the results of this pilot program upon its completion.

There is still a lot that we have to learn about what deters crime and reduces recidivism. This should spark curiosity and innovation among corrections practitioners and policymakers to try new approaches and to rigorously evaluate them to discover whether they are objectively effective. At the same time, as we focus on “evidence-based” practices, we should also focus on what I call “evidence-generating” practices – approaches for which we do not yet have research on their effectiveness but that can be set up and tested in a way that will generate the kind of evidence that we need to determine effectiveness.

Enhancing public safety by deterring future crime is a primary responsibility of all corrections systems. Whatever we do to further this goal, it should be scientifically informed, data-driven, and rely on rigorous evaluations to determine what works and what does not work. This is our

best way forward for meeting our goals of enhancing public safety, reducing criminal behavior, and preparing the people in our custody for a successful life after incarceration.

Thank you again for the opportunity to testify today on this important topic and I look forward to answering your questions.