

***Standards for Improving Research Effectiveness  
In Adult and Juvenile Justice***

**Robert Barnoski**

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*Washington State  
Institute for  
Public Policy*



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# ***Washington State Institute for Public Policy***

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## **Mission**

The Washington Legislature created the Washington State Institute for Public Policy in 1983. A Board of Directors—representing the legislature, the governor, and public universities—governs the Institute, hires the director, and guides the development of all activities.

The Institute’s mission is to carry out practical research, at legislative direction, on issues of importance to Washington State. The Institute conducts research activities using its own policy analysts, academic specialists from universities, and consultants. New activities grow out of requests from the Washington Legislature and executive branch agencies, often directed through legislation. Institute staff work closely with legislators, as well as legislative, executive, and state agency staff to define and conduct research on appropriate state public policy topics.

Current assignments include a wide range of projects in criminal justice, youth violence, social services, K-12 education, and state government organization.

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## ***Introduction***

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The 1997 Washington State Legislature recognized the need to improve the analysis, evaluation, and forecasting of sentencing and treatment alternatives. In order to measure the success of criminal justice programs in increasing public safety and reducing subsequent offenses by convicted persons, the Washington State Institute for Public Policy was directed to complete two tasks:<sup>1</sup>

- 1) Propose a common definition for recidivism;
- 2) Develop standards for measuring the effectiveness of programs funded by the Community Juvenile Accountability Act.

Because of the close tie between these two tasks, this report incorporates both assignments. The rationale for the recommendations are presented, as well as descriptive detail.

The Institute was assisted greatly by the contributions of a Technical Advisory Group. The members included:

Garry Austin and John Steiger, Office of Financial Management  
Peggy Smith and Phil Stanley, Department of Corrections  
Polly Phipps, Sentencing Guidelines Commission  
Kathleen McBride and Dave Guthmann, Juvenile Rehabilitation Administration  
Mel Jewel and Bruce Eklund, Association of Juvenile Court Administrators  
Tom Clarke, Office of the Administrator for the Courts

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<sup>1</sup> RCW 13.40.500 – 13.40.540.





## **Section I. *Recidivism Measures: Proposal for a Common Language***

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### **I.1 Legislative Direction**

The 1997 Legislature directed the Institute to propose a universally accepted measuring tool for making informed public safety policy decisions in adult and juvenile corrections. A common definition for recidivism is intended as an objective, outcome-based standard for measuring program success.

### **I.2 Guidelines for Research**

Legislators and other decision-makers are frequently interested in recidivism rates as one outcome measure for corrections-related programs and policies. The following guidelines are intended to serve as a "common language" for Washington State agencies to use in reporting recidivism rates to the legislative and executive branches of state government.

When using the term "recidivism rate" in reports to the legislature, these definitions should be observed unless qualifications are made. Each research activity undertaken by an organization has unique circumstances, including the offender population being studied, sources of reliable data, resources, and program elements under review. Therefore, it may be necessary to deviate from these guidelines in a particular situation. Any differences in definitions or methods of calculation should be reported in a clear manner, with an explanation of the reasons why an alternative is necessary or desirable.

### **I.3 Post-Adjudication Criminal Behavior**

Two broad categories of criminal behavior can occur after an individual has been adjudicated.

#### **Category A:**

Offenses committed by an offender *while under an order of confinement* to a state or local correctional facility, and

#### **Category B:**

Offenses committed *after the completion of a confinement order or after a community supervision order* is given.

Although both behaviors can be considered recidivism, most people are thinking of Category B behavior when they use the term. The common understanding is that recidivism represents repeat criminal behavior occurring *after* a sanction has been imposed *and served*.

Blending the two definitions into one word makes it difficult to discern whether the full sanction imposed by society accomplished any changes in offenders.

Category A examples include crimes committed while an offender is incarcerated, on escape status, work-release, or committed to a group home. These criminal behaviors are serious and statistics on their occurrence should be *reported separately* by adult and juvenile corrections agencies. The legislature previously directed the Juvenile Rehabilitation Administration (JRA) to report annually on escapes from facilities and unauthorized leaves. The reports are to include the number and nature of offenses committed during these time periods, as well as offenses occurring while juvenile offenders are in the community on minimum-security status (RCW 3.40.030).

The statutory direction to the JRA is very explicit and appears to cover all elements necessary to accurately describe recidivism behavior encompassed in Category A. The legislature may wish to receive similar information from the Department of Corrections regarding adult offenders.

The remainder of recidivism definitions cover Category B behavior.

## 1.4 Definitions

A **recidivism event** is any offense committed after release to the community that results in a Washington State court legal action.

A **recidivism rate** is the percentage of offenders who have a recidivism event within a follow-up period.

- "*Court legal action*" includes a conviction, deferred sentence, deferred prosecution, deferred disposition, or a diversion agreement as defined by Washington State statute for misdemeanors, gross misdemeanors, and felonies.
- "*Release to the community*" means an offender is released from a commitment order to a juvenile or adult state correctional facility, or from a county jail, after completing a sentence or disposition of confinement; or when an offender is released into the community following a sentence or disposition of community supervision.
- "*Confinement*" includes placement in a state-contracted correctional institution, work release program, group home, or in a city/county-operated jail.
- "*Community supervision*" includes parole, community placement, detention, electronic monitoring, probation, special community sentencing alternatives in lieu of confinement, deferred sentences/adjudications, deferred prosecutions/dispositions, and diversion.

## 1.5 Additional Events

Researchers may have the funds to obtain recidivism data from out-of-state sources. When this information is collected, it should be reported separately from Washington State recidivism rates.

Also, researchers may have an interest in analyzing arrest records. Because these records are not available in a statewide database, this information is more expensive to obtain than

conviction data. Arrests should be reported separately from convictions because they do not represent a determination of guilt by a court.

## **I.6 Categories of Recidivism Offenses**

- I.6.1 Misdemeanors and gross misdemeanors should be reported separately from *felonies*. An individual's recidivism should be characterized by the most serious offense committed during the follow-up period. Felonies are more serious than misdemeanors and gross misdemeanors. To maintain comparability between adult and juvenile misdemeanor recidivism rates, misdemeanors that apply only to juveniles because of their age should not be included, but can be separately reported in a "status offense" category.
- I.6.2 Felonies and misdemeanors can be subcategorized into five types of offenses: person, sex, property, drug, and other. These categories illustrate the nature of the offense and should conform to those defined by the Washington State Caseload Forecast Council. An individual's recidivism should be characterized by the most serious subcategory of any offense committed during the follow-up period. The order of decreasing seriousness for the sub-categories is person, sex, property, drug, and other. For misdemeanor offenses, there are two additional sub-categories: alcohol and traffic offenses.

## **I.7 Timing and Measurement Standards**

- I.7.1 The measurement of recidivism should begin on the date the offender is released into the community.
- I.7.2 The date recorded for the commission of a subsequent offense should be used to measure a recidivism event. The follow-up time is the period between release into the community and a time far enough in the future to know whether a person is likely to re-offend.
- I.7.3 In addition to this follow-up period, time is needed to allow an offense to be processed in the criminal justice system. The criminal justice process includes the time period between the date recorded for the commission of a subsequent offense and the resulting conviction of that offense. This time frame should be long enough to allow 99 percent of the offenses to be adjudicated. This ensures the more serious offenses, which may take longer to adjudicate, are included.
- I.7.4 The length of the follow-up period will influence the amount of recidivism behavior that is measured by the research. The goal is to establish follow-up periods that have been found to capture most of the criminal activity for a population, yet are short enough to provide timely information to policy makers.
- I.7.5 For the standard definition of recidivism, the percentage of re-offending behavior captured by an adequate follow-up period is defined as 75 to 80 percent.
- I.7.6 The time period to capture 75 to 80 percent of re-offending behavior may be different for different populations of offenders. For example, some research has shown that a five-year follow-up period is needed for sex offenders. In cases where researchers have

evidence that the sub-population needs a longer follow-up period to capture 75 to 80 percent of the behavior, the longer time period should be used when feasible.

- I.7.7 *A minimum of 18 months of follow-up* time is necessary to reasonably capture juvenile recidivism events. An additional 12 months are necessary to allow for the criminal justice system to process these events. Therefore, at least 30 months must pass from release into the community to fully describe juvenile recidivism. Juvenile offenders prosecuted in adult criminal court and juvenile offenders who turn 18 years old before the end of the follow-up period should be tracked forward into the adult criminal justice system.
- I.7.8 *A minimum of 24 months of follow-up* time is necessary to reasonably capture adult recidivism events.<sup>2</sup> An additional 12 months are necessary to allow for the criminal justice system to process these events. Therefore, at least 36 months must pass from release into the community to fully describe adult recidivism.

## I.8 Measuring Recidivism Cost Effectively

In Washington State, criminal justice data on individual offenders is collected by several agencies:

- Fingerprint-based records of *felony arrests* by the Washington State Patrol;
- *Misdemeanor and felony court filings and dispositions* by the Office of the Administrator for the Courts;
- *Felony sentencing information* by the Sentencing Guidelines Commission;
- *Adult incarceration data* by the Department of Corrections; and
- *Juvenile incarceration data* by the Juvenile Rehabilitation Administration.

This information in combination can present a fairly comprehensive picture of criminal behavior. The difficulty comes in tracing individuals across systems since there is not a common identifier. This is a significant and costly barrier for recidivism research.

In 1997, the Washington State Institute for Public Policy took the first step toward creating a unified research database for criminal justice data. With the assistance of a consultant, the Institute created a database design and programs to populate the database. The next step is to test the design with samples of data from the various agencies, before obtaining a comprehensive set of data for use in recidivism research. It is estimated that this will cost approximately \$10,000. At present, there is no funding dedicated toward this task.

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<sup>2</sup> Further analyses are needed to confirm 24 months are sufficient to capture at least 75 percent of the re-offending behavior. The 24-month follow-up period was confirmed sufficient only among offenders between the ages of 18 and 25.

## **Section II. Standards for Measuring the Effectiveness of Community Juvenile Accountability Act Programs**

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### **II.1 Legislative Direction**

In the 1997 Community Juvenile Accountability Act<sup>3</sup> (CJAA), the legislature recognized the importance of evaluating programs serving juvenile offenders. The Institute was directed to develop standards for measuring the effectiveness of programs funded by the Act, as well as evaluate their costs and benefits.<sup>4</sup>

By following these evaluation standards, the Institute can assist decision makers in analyzing individual CJAA programs. If, during the course of the evaluation, it becomes necessary to deviate from these standards, any differences in method will be reported in a clear manner, with an explanation of the reasons why an alternative is necessary or desirable.

These standards incorporate practices that are commonly accepted in the evaluation literature. If followed carefully, these standards allow scientifically valid conclusions that the program was the most likely influence over behavior, rather than some other factor such as chance or the particular group of subjects. Knowing which programs are the most effective in changing behavior means that scarce taxpayer resources can be effectively targeted.

If these standards are not followed by researchers and program managers, conclusions about program effectiveness will not be possible. This can result in two types of errors: effective programs that are undervalued and discontinued and ineffective programs maintained.

The Act establishes the following minimum outcome measures: continued use of alcohol or controlled substances, arrests, violations of terms of community supervision, convictions for subsequent offenses, and restitution to victims.

### **II.2 Key Elements of Evaluation Standards**

#### **II.2.1 Research Design**

Evaluations using program and control groups produce results that most reliably test program effectiveness. Random assignment of youth to a treatment and control group will be used whenever possible. If a random assignment is not possible, a matched comparison group method will be used to measure program effectiveness.

#### **II.2.2 Program Eligibility**

Juvenile offender programs focused on youth with a low risk for re-offending have repeatedly been found to be ineffective in reducing recidivism. This finding coincides with the adage that you cannot fix what may not be broken. To be cost-effective, programs typically need to target moderate- to high-risk youth.

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<sup>3</sup> RCW 13.40.550: RCW 13.40.500 through 13.40.540 is often referred to as the Community Juvenile Accountability Act.

<sup>4</sup> RCW 13.40.530.

Recognizing this principle, the Washington State Association of Juvenile Court Administrators is implementing a standard risk assessment for juvenile offenders. This instrument will determine eligibility for a CJAA program. The assessment can also be used to create a matched comparison group when random assignment is not possible. A uniform assessment permits an analysis of program effectiveness for youth at each level of risk.

### II.2.3 **Sample Size**

Many programs have failed to show a statistically significant effect because of the small number of youth in the program and control groups.<sup>5</sup> The number of youth in the program and control groups will be similar and large enough to detect differences between the two groups (sample sizes for sufficient statistical power to detect the anticipated effect size).

### II.2.4 **Program Implementation Integrity**

A program design must be fully implemented in order to test its effectiveness. The evaluation effort will investigate the relationship between program design, delivery, and effectiveness.

### II.2.5 **Program Effectiveness — the Effect Size**

Program effectiveness will be expressed as a *change in an outcome measure due to the program's impact upon the youth*. This change will be expressed as the *difference* between the program and control group outcomes at the end of the follow-up period. The program and control group will also be compared on improvements made in risk and protective factors between the beginning and end of the youth's participation in the program and at the end of the follow-up period.

## II.3 **Definitions**

Each success factor and outcome measure to be employed in the CJAA program evaluation is discussed in the following sections.

### II.3.1 **Subsequent Convictions and Arrests**

The definitions of recidivism in Section I will be used for this evaluation effort.

### II.3.2 **Violations of Community Supervision Terms**

Violations of conditions of community supervision are usually not criminal actions. Violations typically increase as the level of supervision becomes more intense. Intervention programs often rely upon violations to reinforce the negative consequences of undesirable behaviors that fall short of a criminal act. Individual probation officers differ greatly in their policies for reporting violations. Because of these factors, violations of the terms of community supervision are an ambiguous, and at times a misleading measure of program effectiveness.

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<sup>5</sup> Jacob Cohen, *Statistical Power Analysis for the Behavior Sciences*, Hillsdale, New Jersey: Lawrence Erlbaum Associates, 1988.

Therefore, community supervision violations are to be used as a measure only when they are directly related to the success of a particular program. For example, a youth may be ordered not to associate with a certain peer group and the CJAA program he is assigned to specifically targets reduced antisocial peer interactions. In this instance, violations of this particular condition indicate whether the program is successfully changing the youth's behavior and can be measured monthly while on the program. If the youth is still under a community supervision order, the number of violations per month after termination from the program can be tracked.

### **II.3.3 *Restitution to Victims***

The court may order a youth to pay restitution to the victim. The amount of the restitution will vary depending upon the damages. The time period for making restitution may continue until the youth is 28 years old. For the CJAA program evaluations, whether a youth is failing, successfully completing, or has fully completed restitution should be measured at the end of the program and, if applicable, at the end of the follow-up period.

### **II.3.4 *Continued Use of Alcohol or Controlled Substances***

Continued alcohol or controlled substance use should be measured by investigating the participants' re-convictions or violations of community supervision for alcohol or drugs. In addition, results for youth who received random urinalyses are to be used as an outcome measure.

Before placement in a CJAA program, the youth will be given a standardized risk assessment. The assessment will include a determination of whether the youth's use and evidence of disrupted functioning as a result of alcohol or drug use. Disrupted functioning is evidenced by problems in any one of these life areas: education, family conflict, peer relationships, and health. This assessment should be repeated during and at the end of court ordered supervision.

## **II.4 Additional Outcome Standards**

### **II.4.1 *Program Costs***

The actual cost to provide the program to each youth will be determined. This will be the *marginal* program cost per youth that is expended in addition to the cost of normal community supervision.

### **II.4.2 *Program Implementation Integrity***

How well the program is implemented in a court will be assessed. These program integrity measures will include a determination of the program's essential elements, an assessment of the adequacy of training materials and instruction, and measures of the delivery of essential program elements to youth participating in the program.

### **II.4.3 *Program Intensity***

How much treatment a youth receives while participating in a program can be related to the success of the program. For each youth in the program, the number of hours of program treatment and the duration of the treatment will be measured. In addition, circumstances at the end of the program will be measured to determine whether youth:

- Successfully complete the program,
- Drop out of the program,
- Transfer to another juvenile court,
- Abscond, and their whereabouts are unknown for 30 days,
- Receive a new adjudication in juvenile court,
- Are remanded to adult court.

#### II.4.4 **Completion of Court-Ordered Fine**

The court may order a youth to pay a fine. The completion of payment will be an outcome measure for these cases. Completing payment for a fine will be assessed at the end of the program and at the end of the follow-up period to determine whether the youth was failing or succeeding in paying the fine.

#### II.4.5 **Completion of Court-Ordered Hours of Community Service**

For a youth ordered to complete a certain number of hours of community service, completion can be an outcome measure. Completing community service will be assessed at the end of the program and the end of the follow-up period to determine whether the youth was failing or succeeding in completing their community service obligation.

#### II.4.6 **Changes in Risk and Protective Factors**

As previously mentioned, the Washington State Association of Juvenile Court Administrators is implementing a statewide risk assessment for juvenile offenders. Reassessment will measure risk factors, such as the youth's prior criminal record, that are historic and not subject to change. In addition, the assessment will measure *dynamic* factors that will be targeted for change by the CJAA programs.

According to current theories,<sup>6</sup> reducing these dynamic risk factors and increasing the protective factors should lower the chances that a youth will re-offend. Measuring these factors before and after a youth participates in a program will help assess whether the program changed these factors *and* whether the changes in these factors influenced recidivism.

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<sup>6</sup> Andrews, Don A., "Recidivism Is Predictable and Can Be Influenced: Using Risk Assessment to Reduce Recidivism," *Forum on Corrections Research*, Vol. 1 No. 1, 1989, Corrections Services Canada.



