

Recidivism as a Measure of Correctional Education Program Success

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Abstract

This article is about a controversial issue, "Should recidivism data be used as a measure of correctional education program success?" It has six parts: (a) recidivism and common sense, (b) the research perspective, (c) an example from one jurisdiction, (d) recidivism as a moral issue, (e) procedures that can be applied to maximize recidivism study effectiveness, and (f) conclusion. Though dialogue on this topic is always difficult, it is intended to promote understanding about the meaningful work engaging educators in prisons and juvenile facilities.

Recidivism and Common Sense

Most people agree that crime is a terrible problem, that one of the functions of prisons should be to minimize crime, and that released prisoners should be able to live decently in community after release. These are excellent sentiments, supported with appropriate common sense. However, when these common sense ideas have been applied, real issues have intervened to deter public safety systems from implementing the original intention. To date, related problems of research and morality have intervened to confound the issue and confuse observers. The purpose of this article is to outline some of those issues, and to propose procedures that might apply as a remedy.

The Research Perspective

Ross and Fabiano began their book *Time to Think* with these words: "There is very little evidence that crime prevention programs prevent crime; that rehabilitation programs rehabilitate; that deterrence deters; that corrections corrects." (1985, p. 1). They then quoted several researchers who reported findings parallel to Martinson's in 1974—"almost nothing works" (p. 2). The whole point of Ross and Fabiano's very effective book was that subsequent research has successfully identified attributes of programs proven to reduce criminality and recidivism. The results of these programs are available in *Time to Think* for review.

In the "Recidivism" entry of the 1996 *Encyclopedia of American Prisons*, Petersilia addressed relevant concerns thoroughly:

Despite the recognized importance of recidivism for criminal justice policy and practice, it is difficult to measure because there is no uniformly accepted definition for the term.... What has resulted is a research literature that contains vastly different conventions—different outcomes, different time periods, and different methodologies. Thus recidivism data reported in one study are seldom comparable to the data in another. (in McShane and Williams, 1996, p. 382).

Petersilia also reported that no national research guidelines had been developed (p. 383).

A few examples from experience and the literature will help demonstrate the relevance of these remarks. At Elmira Reformatory before the turn of the century, releasees who died were counted as successes, since they did not recidivate (Eggleston, 1989, p. 92).

In most states today a person can have an extensive juvenile record and be incarcerated as a first offender adult. A few years ago, one state had five simultaneous procedures for data collection: (a) type of offense (felony/misdemeanor), (b) the state's geographical regions, (c) type of inmate (state inmate, jail inmate, state responsibility inmate in a jail facility), (d) level of institutional security, and (e) at each institution. This allowed officials to respond to questions by various audiences according to whatever point they

wanted to make. On one day representatives from that corrections agency reported two different recidivism rates—one high and one low—and both of them could be technically justified. Some states use so many methodologies that informed observers perceive an arbitrary treatment of the data to hide the ineffectiveness of the justice systems.

The relationship between crime, arrest, and incarceration is subject to so many diverse influences that it is often perceived as arbitrary or based on cultural inequalities. Further, we do not know if recidivism measures the effectiveness of the industrial, religious, security, education, or any other program; it is a very nonspecific measure. Nevertheless, recidivism is most frequently used to identify the success of one specific institutional program, education. This measure is never applied to local public schools, and its application to institutional education may be questioned.

Most citizens have not directed much thought to recidivism issues, so they are vulnerable to mischaracterizations. Some politicians take advantage of this circumstance. All GED program participants are recidivists from local schools, but we never hear recidivism used in this context. Chief Justice Burger called it “product recall.” Perhaps he would have identified the unfairness of associating recidivism in the public mind solely with the effectiveness of institutional education. The public may not intend a double standard, but the association itself reveals bias. Lack of education is related to—but does not cause—crime. Yet data is often presented so audiences will assume education reduces recidivism. The fact, of course, is that education helps people pursue social aspirations; it does not make them into good community members.

Recidivism is currently an unsophisticated, dichotomous, terminal variable, incapable of measuring incremental progress toward post-release success. We do not know whether inmate tenth grade completers recidivate less than high school equivalency completers. We do not know whether those who learn public speaking recidivate less than those who learn arithmetic. Without answering such incremental questions, our ability to use recidivism to enhance program effectiveness is very immature.

Most recidivism studies only measure “yes” or “no,” and cannot identify shades of improvement. Few would suggest that a murderer who recidivates as a forger has not made progress, or that an armed

robber who moves on to a career of mail fraud has not taken steps to eliminate coercive violence from his behavior. Recidivism measures are usually insensitive to such progress.

In his report to the United Nations on prison education, Sutton explained that “prisons not only teach what the system intends, they also teach criminality and alienation from the social system.” He went on to report that “life chances can on balance be reduced by the total effect of imprisonment, rather than increased by the educational element of that experience.” Most readers are aware of this potential for prolonged confinement to debilitate, rather than rehabilitate. Finally, Sutton found that “There is the increased likelihood of being arrested again after one or more previous convictions.” (Sutton, 1992, p. 55). These and other problems of the recidivism research are outlined in Figure 1 (page 199).

Figure 2 shows how the global issues summarized in Figure 1 impacted recidivism research in one particular area. It displays summary findings from when the current author worked in one state with agency representatives who wanted to develop a useful definition of recidivism. Our first task was to identify definitions applied by nearby jurisdictions within that region of the state, so our agency's approach could be consistent with existing practice. Expressed concisely, the Figure 2 data indicate that there was “no significant overlap” between the recidivism definitions applied in eight counties and two relevant state agencies. This evidence suggested recidivism might be a profoundly moral issue, as well as a discreet research problem.

Historical Vignette

FORD FOUNDATION FINDINGS ON CORRECTIONAL EDUCATION

Funded through a Ford Foundation grant, the Reagen and Stoughton research team advanced two summary findings about the state of correctional education in their 1976 report *School Behind Bars*. First, “Probably no element of the correctional education scene is more negative, more lacking, than that of professional status.” Second, “The correctional educator must, at the minimum, maintain an island of sanity in a storm of psychosis.” (p. 28).

Figure 1: Nine Problems with Recidivism as a Program Evaluation Measure

<u>Problem</u>	<u>Explanation</u>	<u>Example</u>
No one knows what the term "recidivism" means	Jurisdictions apply different definitions, yet persons from one jurisdiction often recidivate in another	Popular differences relate to criteria (re-arrest/re-sentence) and duration (usually anywhere from 12-60 months)
No accepted method exists for data collection and treatment; no repository	The Federal government has not initiated standards for collection/treatment/reporting data, and no state can unilaterally implement nationwide procedures	One state applied five designs by (a) offense type, (b) geographical region, (c) type of inmate, (d) level of institutional security, and (e) for each institution
Recidivism can be used for "disinformation"	Many observers are convinced recidivism reports are used to conceal information about system effectiveness	Some states adjust data treatment procedures without notice; many use different definitions for different results
Links between crime, arrest and incarceration vary	Minority confinement rates exceed those of the dominant culture; vast socio-economic differences are evident	Often states are criticized because confinement appears based, in part, on differences that are culturally defined
No one knows what recidivism measures	Recidivism is a non-specific measure—yet it is generally applied only to education	Many recidivism studies cannot differentiate results from education, health care, security
Recidivism is unsophisticated/dichotomous, a terminal measure	Most recidivism studies only measure yes/no data, rather than providing useful information that can be applied for program improvement	Most recidivism studies cannot identify subtle improvements; if an armed robber recidivates for forgery, are we prepared to say he failed?
Imprisonment fosters criminality and alienation	Basic academic/marketable/social skills are not all that is learned "inside;" confinement interrupts growth	Disincentives for non-enrollment are more popular than incentives; follow-up/placement services are underfunded
Confinement reduces post-release life opportunities	Despite effects of correctional schools, the overall impact of imprisonment is overwhelmingly negative	Legislators have allowed punitive measures to predominate; equality of educational access has not been applied "inside"
Bureaucracies often seek reconfinement	Ex-felons are usually supervised closely by police and others, as "prime suspects"	All jurisdictions have law enforcement sanctions that are selectively applied to ex-cons

An Example from One Jurisdiction**Figure 2: Definitions of Juvenile Recidivism in One State**

The following paraphrased information was gathered through telephone interviews in November, 1995. A list of the respondents from each office, their roles, and phone numbers was provided in the original report. All contacted county and state personnel indicated the collection and treatment of recidivism data had been greatly constrained by staff reductions.

<u>Jurisdiction</u>	<u>Criteria for Recidivism</u>	<u>Monitoring Period or Duration</u>
County A	Re-arrests and re-referrals	12 months
County B	Subsequent petitions filed	12 months
County C	No definition currently applied	Not applicable (NA)
County D	Different definitions for different purposes: re-arrests, application referrals, sustained petitions	NA
County E	New offenses, not technical violations	NA
County F	Different definitions; have used re-arrest, filing of complaint, finding of guilt, recommitment	12-36 months, depending on the study
County G	Violations of probation (revocations), new offenses	The probation period
County H	Focus on State legislated study of Mental Health patients, according to Statewide classification codes	NA (uses days of incarceration)
State Agency A	<u>For internal studies</u> —different definitions are applied for different purposes: parole revocation, discharge from agency and subsequent incarceration by State Agency B; <u>For studies of counties</u> —different definitions, but emphasize sustained petitions from juvenile courts)	24 months or discharge from parole, whichever comes first; new convictions not counted
State Agency B	Focus on first release at commitment, and revocation, in cohorts; any return to the agency (Note: jails cap time, so inmates usually return to this agency)	12 months

Recidivism as a Moral Issue

It is unfortunate, but many institutional systems foster a seemingly inherent, anti-education bias among staff. Attitudes about recidivism must be considered from this perspective. The emphasis on recidivism has been in place as long as the prison systems have been operational—more than 200 years. In this light some central questions are fair and appropriate.

1. Has the emphasis on recidivism encouraged public trust in the prison systems?

2. Has it reduced the number of persons in confinement?

3. Has it diminished the expense of prisons, the degradation of traditional prison culture, or its morbid impact on communities and community values?

4. Has the emphasis on recidivism reformed our prisons—made them more humane, or even better organized? Has it resulted in more than simple warehousing?

5. Correctional educators know how institutions, far from rehabilitating, can actually debilitate people—not only the victimizers, but also victims and their families and communities, even institutional employees—but has the emphasis on recidivism been used to reduce any of that damage? If not, what is its value?

These questions were developing in the current writer's mind during the mid 1990s, when one of my responsibilities was to meet with County juvenile judges monthly, usually over lunch, and then to gather with several County agency heads for an afternoon meeting. Invariably the luncheon conversation led to the judges' sentiment that criminals were responsible for their crimes, which they had decided to commit, thus victimizing others. During the afternoon meetings, however, the agency heads expressed concern because many community children did not have basic things all children deserve: the requirements of a healthy life, a loving household, the best educational opportunities, and so forth. Instead, they lived in poverty-ridden, crime-infested neighborhoods, with drugs and violence all around, exposed to all sorts of racist, sexist, and class-oriented influences.

The judges' orientation was based on the "nature" part of the nature-nurture continuum. They held that crime resulted from intrinsic flaws (recently labeled "criminogenic thinking"), or from a lack of character. The agency heads' orientation was based on the "nurture" part of the continuum. They held that

crime resulted from environmental or sociological flaws, that "environmental press" fostered crime (rising expectations, reduced public assistance, runaway gangland control of the drug traffic, etc.).

Wisdom suggests that both nature and nurture influences are operational. However, most observers label criminals as either "victims," as in the agency heads' view, or "victimizers" or bullies, as in the judges'. In truth, most incarcerates got locked up because they were victimizers. However, once they were removed from their communities and confined in "cages," they were surely victims, as well. Therefore, the commonly held orientations—offenders as either victims or victimizers—are both inadequate descriptions. Most inmates are both victims and victimizers simultaneously, and every inmate might be accurately placed some-place along the "victim-victimizer/nurture-nature" trajectory.

Braithwaite wrote of these principles in terms of an inmate's eligibility for programming. He outlined two pertinent concepts about the provision of educational services for confined learners. The principle of lesser eligibility held that "prisoners should not be entitled to any benefits which exceed the benefits enjoyed by the lowest classes among the free community." Punishment for crime was emphasized in this view. However, he also outlined the principle of greater eligibility: since prisoners are generally disadvantaged and incarceration is a further disadvantage, justice and equity require the state to do what is possible to help releasees obtain suitable employment. (1980, pp. 15-18).

This broad view may be consistent with Wilber's recommendations (1997). He developed a strategy to help researchers ask comprehensive, meaningful questions, and his quadrant system can be used appropriately to frame questions about recidivism. Wilber's parameters are shown in Figure 3 with four concise questions.

Figure 3: Questions about Recidivism Suggested by Wilber's Quadrants

<p><u>INTERIOR</u> (Individual) <u>THE INTERPRETIVE, SUBJECTIVE "I"</u> <u>VALIDITY CLAIM: TRUTHFULNESS</u></p>	<p><u>EXTERIOR</u> (Individual) <u>THE EMPIRICAL, OBJECTIVE "IT"</u> <u>VALIDITY CLAIM: TRUTH</u></p>
<p>Question: Should released individuals be able to live decent lives in the free community (responsibly, without committing crimes)?</p>	<p>Question: Can recidivism be researched rigorously (is the term adequately defined—are there accepted standards for data collection/treatment/reporting)?</p>
<p>Answer: <u>YES</u></p>	<p>Answer: <u>NO</u></p>
<p>Question: In general, do North American criminal and juvenile justice systems treat all people equally and fairly, regardless of race, ethnicity, gender, or socio-economic class?</p>	<p>Question: Has recidivism data been used to identify the adequacy or inadequacy of specific correctional program elements, and to facilitate program improvement?</p>
<p>Answer: <u>NO</u></p>	<p>Answer: <u>NO</u></p>
<p><u>INTERIOR</u> (Collective) <u>THE CULTURAL, INTERSUBJECTIVE "WE"</u> <u>VALIDITY CLAIM: JUSTICE</u></p>	<p><u>EXTERIOR</u> (Collective) <u>THE SOCIAL, INTEROBJECTIVE "IT"</u> <u>VALIDITY CLAIM: FUNCTIONAL FIT</u></p>

Figure 3 suggests that, in the current configuration of research definitions and procedures, recidivism can only be used appropriately to support the common sense sentiment discussed in the first section of this article. That is, after release it is logical to assume that inmates should be able to live decently in community, without committing further crime. Yet Figure 3 also suggests there are at least three other important concerns about using recidivism data as a measure of correctional education program success. We may therefore assume that persons who advocate the use of recidivism data for that purpose are either (a) poorly informed or (b) trying to misinform.

Of course, we must acknowledge that most observers of the field of correctional education are poorly informed, at least if being properly informed means having access to the literature of the field. For example, one of the principles proven repeatedly by Thomas Mott Osborne shortly after the turn of the 20th century was that prisoners may be trusted as a group to behave responsibly, even though they should probably not be trusted individually. Indeed, despite an extensive literature on this subject (Osborne, 1924a, 1924b, and 1975/1916; MacCormick, 1931; Tannenbaum, 1933; Chamberlain, 1935; Gibb, 1978; Baker, 1984; Gehring, 1988), this fact seems to remain a well kept secret. Austin McCormick--who trained under Osborne, went on

to establish the Correctional Education Association, and then served as the first editor of this Journal--wrote about Osborne's application of the trust principle by advocating that inmates may be "trusted as a group" (McCormick, 1931, p. 210). Figure 4 summarizes this aspect of correctional education, and its potential application to recidivism.

Figure 4: Recidivism and Trust

	<u>Recidivism as a Measure of Effectiveness</u>	<u>Trust Confined Offenders to Behave Ethically</u>
<u>Should this Measure be Applied to a Program or Group?</u>	NO. There are many reasons why recidivism should not be used for program evaluation (see Figure 1)	YES. The historical evidence suggests that inmate groups who are challenged to "do the right thing" will indeed live up to that expectation
<u>Should this Measure be Applied to an Individual?</u>	YES. Most inmates are able and willing to learn how to "get out and stay out"	NO. Being separated from one's community impacts the ability to live decently--culture helps solve problems

Summary: Recidivism is a negative program measure that reveals a lack of trust; recidivism data can foster nonconstructive criticism of correctional education programs. However, recidivism can be morally applied as a measure of individual success.

As suggested in Figure 4, recidivism data is sometimes used to detract from the education program. Correctional educators often fight to maintain their programs, which will only be diminished in scope and resources if hostile community representatives have their way. The assumption is that politicians and the highly visible administrators who serve them will only be supportive of our work if we present justifications backed with recidivism data. An example of this occurred several years ago, when a state found that one educational program reduced recidivism approximately 50%, so they built an extensive program delivery capability. This was excellent. But then another state found that education did not reduce recidivism, so they sought to terminate that program.

The usual message through the administration is that if correctional educators sacrifice their integrity and successfully develop a recidivism-oriented program justification, cutbacks may not be experienced. This scenario suggests a high stakes drama: if you win nothing bad will happen; if you lose there will be terrible consequences; either way you have to apply rules that make only common sense—at the expense of sound research and moral injunctions. The next

section introduces simple procedures that may help in turning this dilemma into a positive experience.

Procedures that can be Applied to Maximize Recidivism Study Effectiveness

Five strategies might be applied to turn this compound dilemma into a developmental opportunity for confined students, correctional educators, and "outside" communities.

1. A review of current definitions in the relevant agency and surrounding jurisdictions. Is there any agreement about how to operationally define recidivism, or about how to collect, treat, and report data? If possible, make your agency's definition and procedures consistent with the existing milieu.

2. Establish regular, annual pilot projects to reduce recidivism at targeted locations, according to the parameters suggested in item #1 above. Pilots that are proven successful should be included in the ongoing program, or "rolled up" into the existing systemwide budget. Pilots that are unsuccessful should be:

A. discarded, or B. Refined until they are proven successful, and then resourced appropriately and included in the ongoing program.

The result of this inductive procedure will be that relevant decision-makers, in effect, will admit that they do not know "what works" with regard to reducing recidivism. The only appropriate sentiment is "We don't know, but we're trying to find out."

3. Emphasis should be consistently placed on the educational function of institutional missions: to help prepare inmates or wards for successful community life. The purpose of all institutional programs should be educational; the role of all institutional staff should be to further the educational development of prisoners or youth in contact with the juvenile justice system.

4. Toward these ends, a trajectory of periodic meetings should be organized, to plan, implement, and monitor the studies.

5. Only longitudinal studies can be appropriately implemented. Every year—probably for at least 12-18 years—a pilot project will be developed, along with a pilot study to monitor its effectiveness.

Although these parameters are not "quick and dirty," they will produce results that are consistent with all community interests. Further, they will provide information aligned with the requirements of most politicians and administrators—and of sufficient magnitude to attract positive media reports.

Conclusion

As it is currently conceived and implemented, recidivism is a flawed measure of correctional success. Public attention has focused on the common sense element of the issue, neglecting the research-oriented and moral elements.

Recidivism raises important questions about the appropriateness of public policy based on unjustified assumptions. Until the "get tough on crime" sentiment evolves into a "smart on crime" agenda, decision makers should be cautious about recidivism as a measure of correctional education program success. The reason is clear: until these concerns are adequately addressed, various public audiences are vulnerable to many potential threats, the most benign of which may be simple misinterpretation.

From the correctional educator perspective, the issues appear clear. They can be considered in light of the following metaphor. Suppose a co-worker came

to you one day saying "Some of us plan to play a game this weekend. The rules are set up so you can't win. The best you can do is keep what you've got, and you'll have to work extra hard to accomplish that. Of course, there's no telling how the results will be interpreted. Politicians and administrators designed all the rules, and they say this game represents the only genuinely important service we can provide at the institution. Actually, they say it's the only game allowed. There'll be lots of other people from all the different institutional programs—accounting, the kitchen, chaplaincy, counseling, straw bosses, the lieutenant who handles disciplinary infractions, and all the rest—but they don't stand to lose like you do in education. The boss really likes the game, so I hope you'll be there."

Most correctional educators would certainly find such a game less than compelling. Yet those are the current recidivism "rules." Therefore, correctional educators should be careful if visitors to their institution even mention the word "recidivism." Program supporters tend to ask "What are your goals? How can I help?" By contrast, program detractors frequently ask "What is your recidivism rate?"

Nevertheless, "the rules" are not etched in stone, and it is unlikely that they were ever genuinely conspiratorial, even though it sometimes appears that way. If correctional educators take the initiative to "change the rules of the game" as recommended above, they may win support from their colleagues and neighbors, as well as from influential politicians and administrators. If circumstances require that we define our role in terms of recidivism, in order to meet the requirements of some audiences, we ought to try to make the data as useful as possible. At least it might be worth a try; the alternatives are definitely unpleasant.

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Biographical Sketch

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