Evidence-Based Criminal Justice Reform

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Short-term cost to taxpayers

Short-term risk of recidivism

Long-term functioning of the individual

Dispositional Continuum

Decriminalization
Pre-plea diversion
De-felonization
Post-plea diversion
Sentence to probation or community supervision
Sentence to restrictive intermediate punishment (IP / RIP)
Sentence to incarceration

<-----Therapeutic Courts----->
Dispositional Continuum

- Decriminalization
- De-felonization
- Pre-plea diversion
- Post-plea diversion
- Probation or community supervision
- Restrictive intermediate Punishment (IP/ RIP)
- Sentence to Incarceration
- Conditional release (parole, probation or community corrections)
- Unconditional release

Long-term functioning of the individual

Short-term risk of recidivism

Short-term cost to taxpayers

FRONT-END DIVERSION ---

BACK-END REENTRY

Dispositional Continuum
• **Not** necessarily a risk for violence or dangerousness

• **Difficult** prognosis or lesser amenability to treatment

• **The higher the risk level, the more intensive the supervision and accountability should be,** and **vice versa**

• **Mixing risk levels is contraindicated!**
Risk Factors

- Current age < 25 years
- Delinquency onset < 16 years
- Substance abuse onset < 14 years
- Prior felony convictions
- Prior rehabilitation failures
- Prior incarcerations
- Antisocial personality disorder / sociopathy
- Family history of crime and/or addiction
- Criminal or substance abuse associations
Need Principle

- Clinical syndromes or impairments (diagnosis)
- Cause crime (“criminogenic”) or interfere with rehabilitation (“responsivity”)
- Addiction is criminogenic, and Axis I mental illness interferes with response to rehabilitation
- The higher the need level, the more intensive the treatment or rehabilitation services should be, and vice versa
- Mixing need levels is contraindicated!
# Quadrant Model

<table>
<thead>
<tr>
<th>High Risk</th>
<th>Low Risk</th>
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</thead>
<tbody>
<tr>
<td><strong>High Needs</strong></td>
<td><strong>Low Needs</strong></td>
</tr>
<tr>
<td>- Accountability</td>
<td>- Accountability</td>
</tr>
<tr>
<td>- Treatment</td>
<td>- Treatment</td>
</tr>
<tr>
<td>- Pro-social habilitation</td>
<td>- (Pro-social habilitation)</td>
</tr>
<tr>
<td>- Adaptive habilitation</td>
<td>- Adaptive habilitation</td>
</tr>
<tr>
<td>- Pro-social habilitation</td>
<td>- Secondary prevention</td>
</tr>
<tr>
<td>- (Adaptive habilitation)</td>
<td>- Diversion</td>
</tr>
</tbody>
</table>
Stage in System

- Legal standards differ
- Defense or prosecution agreement
- Available time for treatment and supervision
- Differences in base rates for risk and need
- Impacts risk or need level (e.g., reentry)

**** Need to get 3-dimensional ****
Quadrant Model Applied at each Intercept
Community Corrections Options

Banked probation; e.g., kiosk, phone-ins
Standard probation; e.g., office visits
Intensive probation; e.g., field visits
Home detention; e.g., monitored curfew
Day reporting center
Therapeutic community (TC); e.g., C-RSAT
Halfway house; work-release center
Community correctional center (CCC)
Detention center

LR/LN —— HR/LN —— LR/HN —— HR/HN —— Exigent R or N ——

LR = Low Risk
LN = Low Need
HR = High Risk
HN = High Need

Exigent Risk or Need = Unsuit for alternative disposition at this stage
Guided Discretion

- Require assessment of risk and need prior to disposition (e.g., as part of a PSI)
- Use immunity, especially at pre-adjudication stage
- Valid, reliable & culturally unbiased instruments
- Require professionals to consider risk and need (excluding certain offenses)
- Require professionals to consider effectiveness and cost-effectiveness (excluding certain offenses)
- Collect and publish data on dispositional decisions
- Incentivize evidence-based dispositions