Evaluations Research in Corrections: Status and Prospects Revisited

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Abuses we ought always to seek alternatives. I have come
to believe that too much discretion in determining the
length of prison sentences has been delegated to agencies
within the executive branch. While I believe that more re-
 sponsibility in this area should be laid on the judicial
branch, I am as much concerned for the need for the su-
 pervision and guidance of trial court judges as I am for
sharper limitations being placed on parole boards, if they
are to continue to exist at all.
We should try to find a better way!

February 10, 1975

RICHARD A. McGee
President
American Justice Institute
Sacramento, Calif.

Evaluations Research in Corrections:
Status and Prospects Revisited

To the Editor:

Stuart Adams in the March 1974 issue of Federal Pro-
 bation commented on status and prospects for evaluation
research. An empirical review of all federally funded eval-
uation research, initiated in fiscal 1970, investigating a
social action program in health, education, welfare, man-
agement, security, public safety (crime) and housing,
was done by myself and Howard E. Freeman this year
for the Russell Sage Foundation. The results of our
study form the basis for raising questions about Adams' review.

Adams begins by summarizing some recent works which
reviewed the status of correctional evaluation studies. He
concludes that, generally, the findings reveal correctional
programs are not effective (p. 15), noting this is especially
so for "rigorous evaluative studies," presumably meaning
rigorous in the sense of methodology. Where we begin to take
issue is with a statement which follows shortly after, i.e.,
"and they clearly ignore some impressive evidence of pro-
gram effectiveness" (p. 15). The implication of this state-
ment is that rigorous designs are somehow to blame for
findings of "no program effect" and moreover, rigor
obscures "true" program effectiveness.

Since Adams continues to advance this position through-
out, we would like to offer some arguments which counter
the inference he draws. Generally, rigorous evaluation re-
fers to an evaluation which makes use of a controlled ex-
pert design, reliable and valid measurement tools, and
random sampling procedures for subject selection which allow
for the greatest degree of generalizability of findings. The
use of rigorous procedures is particularly important in
evaluation research as long as it seeks to demonstrate
causality. If one is interested in knowing whether the ac-
tion program is directly responsible for producing the de-
sired outcomes, one must be able to rule out alternative
explanations. To date, the best way to deal with rival ex-
planations is to employ a rigorous research design. It is
the case that rigorous methods are sensitive only to meas-
urable changes. However, if the action program is truly
effective, one should expect the effects to be both measur-
able and demonstrable. Adams is thus correct in conclud-
ing that rigorous studies generally find the action program
to have no effect, but he inappropriately interprets this as
resulting from the use of designs which obscure the "true"
effects. It is more likely that the rigorous studies, as more
sensitive measurement tools, indicate that the program does
not in fact have any demonstrable effects. Less rigorous
studies, on the other hand, are more amenable to varied
interpretations of outcome because they are not bound by
the constraints of hard data. As such, one can easily con-
fuse effort with effect and sincerity with success. What
may look like impressive evidence to program directors
may be the wishful thinking of sincere administrators who
want to believe their efforts are effective. This is not to
deny the value of sincerity of effort, but only to mandate
interpretation from evidence of successful program efficacy.

Characteristics of Evaluations Which "Pay Off": The
second major thrust of Adams' paper deals with the iden-
tification of worthwhile evaluations as those which are
utilized, or, as he states, "pay off." Unfortunately, this is
an error of judgment carried throughout this work, i.e.,
clearly not. Adams' paper is replete with examples of
studies which he contends have "paid off," he concludes
that "all kinds of research designs are represented, [thereby suggesting] that payoff can come from anywhere
within the methods spectrum...." (p. 17). Again, the im-
lication is that payoff is independent of soundness of re-
search. We question, however, whether altering the cor-
tectional system on the basis of findings which may be
neither reliable nor valid can seriously be called "paying
off." Adams contends, too, that high impact can be obtained
from studies of short duration. While this may be true, it
is the case that that impact is necessarily inappropriate.
Our own review of 236 evaluation studies (mentioned
earlier) found studies of longer duration to be significantly
related to those of higher research quality. Last, we
recommend that substitute, substitute programs be used, as
amored of elaborate statistical techniques or of controlled
experimental designs...

(p. 17). This ignores the fact
that elaborate statistical techniques and controlled experi-
mental designs are two of the best means evaluators have
for dealing with problems of attribution. As long as eval-
uation research seeks to demonstrate that program X
caused outcome Y, these techniques should be used.
A review of evaluation literature reveals little dissection
on this point. What is said, however, is that more often
than not, the political context of evaluation research does
not allow for the implementation of such rigorous designs.
Approximations, e.g., quasi-experimental designs, are
proposed as alternatives. Like all substitutes, however, the
use of alternatives does not suggest diminishing the value
of the real thing.

Finally, Adams states (p. 17) "If change in correction is
going to accelerate, we will need freer and more imag-
inative studies; more resourcefulness and less mechanical
following of traditional research rules." This assertion
makes little sense, however, in view of the fact that almost
all reviews of evaluation literature conclude that it is not being done in accordance with traditional re-
search rules. For example, our review finds that 75 per-
cent report using neither experimental nor quasi-experi-
mental designs, 41 percent select samples on a nonrandom
basis, 50 percent observe samples not representative of
the populations they wish to generalize to, and 65 percent
do n't do quantitative analysis. Since all of these are stan-
ard recommendations for causal research, one can hardly
say the field is characterized by "mechanical following
of traditional research rules." Imaginative and resourceful
ideas are needed, but as additions to, not substitutions for,
rigorous research procedures.

Prospects for the Future: In discussing "Tomorrow's Evaluative Research," Adams makes an ominous predic-
tion that future studies will "focus less on certainty and
more on utility of knowledge." While we certainly advocate
the need to meet the demands for useful knowledge, we
don't advocate a decreasing concern for the validity of
that knowledge. Clearly what is needed is the striking of
a balance between practical needs and the time required
for the production of valid knowledge. We don't want to
contradict this conclusion. On a six-item index of research
quality, i.e., adherence to a set of methodological prescri-
ptions, we find the correlates of higher quality research to be:
(1) research sponsored as a grant on the basis of a

LETTERS TO THE EDITOR

ILENE NAGEL BERNSTEIN, Ph.D.
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Indiana University
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A Professor Comments on Plea Bargaining

TO THE EDITOR:

James Dean's article on plea bargaining (September 1974) was well done but he omitted two sizeable facets of plea bargaining which certainly are deserving of his attention. First, judges also engage in plea bargaining. Some 12 years ago a judge of my acquaintance routinely told defendants: "Now if you waste the court's time and the people's tax money by going through a prolonged trial with a plea of not guilty, don't bother to ask for probation if you're found guilty." Many other judges in this state followed suit, though a bit more adroitly, to let it be known they would consider probation only in guilty-plea cases. Since the judge has a more final word than does the prosecutor, this judicial posture can bring at least as much pressure to bear on a defendant as can a prosecutor's pressure to "cop a plea." The judge's pressure may be applied on a defendant without the judge's knowledge. The prosecutor says: "O.K., look at the judge's record for the last year." (He produces a typed page.) "Eighty-four percent of the not-guilty pleas last year were sentenced; sixteen percent received probation. Now look at the guilty pleas: seventy-two percent of them got probation; twentyeight were sentenced. Do you want to take the chance?"

The recommendation of the National Advisory Commission cited by Mr. Dean would not preclude this judicial practice, since it reads: "A plea of guilty should not be considered by the court in determining the sentence to be imposed." Since many courts consider that probation is action in lieu of sentencing, they would perceive this as a loophole.

The second practice is the use of unofficial or nonjudicial probation. This is found in much more frequently in juvenile courts than adult. In one state well over half the juveniles carried on probation had never seen a judge, but were told: "It's to your advantage to keep your name off the court records, so I suggest we place you on unofficial probation. I want you to report to me on . . ." Proponents will point out that it is only a short step from this to the diversionary methods of youth service bureaus and adult diversionary programs (one of which is described in the same issue). But any way you slice it, unofficial probation is a form of plea bargaining and constitutes deprivation of due process without due process. Nevertheless, since 1946 the Federal Courts have supported unofficial probation in their "deferred prosecution plan" (see FEDERAL PROBATION, March 1948). I note that Mr. Dean is a U.S. probation officer. Does he not carry unofficial probationers on his caseload? Would he not do well to start his housecleaning at home?

December 13, 1974

DALE HARDMAN
Professor of Social Work
University of Wisconsin

Dean Replies

TO THE EDITOR:

Space limitations in an article preclude meeting all criticisms. Professor Hardman might well look at the Criminal Justice Standards and Goals reports for an answer to his difficulties. Corrections, Standard 5:4, page 159, expresses the Commission's view that probation is and should be a sentence in and of itself. Courts, Chapter 2, "Diversion," immediately preceding the chapter on plea bargaining, expresses the Commission's view that its respective positions are not inconsistent. Incidentally, the New Penology has co-existed with minimal plea bargaining (approaching the point of nonexistence) in this district for years, so housecleaning is not in order on that point.

January 8, 1975

JAMES M. DEAN
U.S. Probation Officer
New York, N.Y.

A Favorable Comment

TO THE EDITOR:

I would like to comment favorably on the article by William E. Amos, Ed. D., which appeared in your March 1974 issue.

Although I started my career in the most hopeful days of the New Penology I have come to realize in the past few years that "the medical and behavioral sciences do not have the capability of rehabilitating the criminal offender on an organized and consistent basis." And I don't think the reason is because there has been too little money spent for "treatment." Therefore, more power to Dr. Amos for saying these things bluntly. I do not know him but I take my hat off to him. I am sure that if more of us realized that we don't know what we are doing we would certainly do less harm and might even discover a new and better way to deal with the offender who gets caught.

May 10, 1974

F. LOVELL BIXBY, PH.D.

Addiction and Crime

TO THE EDITOR:

With regard to the article, "Relationship Between Narcotic Addiction and Crime," appearing in the September 1974 issue of FEDERAL PROBATION, a few comments are in order. The author, Paul Cushman, acknowledges data and research design shortcomings and appropriately conditions his study conclusions on the basis of the cited methodological weaknesses. Dr. Cushman also indicates a familiarity with both the design and findings of earlier studies of addiction and crime. Dr. Cushman fails, however, to benefit from the lessons of the earlier research by applying the analytic techniques developed by the authors of the earlier papers which he discussed.

For example, the arrest data are not analyzed by race, sex, chronological age, and age of onset variables found to be analytically significant by earlier researchers. Perhaps, analysis by these variables might advance the interpretation of the data presented in figure 2, "arrest frequency by decade when daily narcotics use began in the first year of addiction and first 5 years of addiction." Before one may conclude that arrest rates of addicts have been affected over time by changes in the price and availability of heroin and the operative legal milieu, it is necessary to establish comparability of the subjects over time in terms of the variables which may influence arrest activity, e.g., demographics. If Dr. Cushman performed these