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# 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 responsibility in this area should be laid on the judicial branch, I am as much concerned for the need for the supervision 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 PROBATION* commented on status and prospects for evaluation research. An empirical review of all federally funded evaluation research, initiated in fiscal 1970, investigating a social action program in health, education, welfare, manpower, income security, public safety (crime) and/or 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 terms 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 program effectiveness" (p. 15). The implication of this statement 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 throughout, we would like to offer some arguments which counter the inference he draws. Generally, rigorous evaluation refers to an evaluation which makes use of a controlled experimental design, reliable and valid measurement devices, and 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 action program is directly responsible for producing the desired outcomes, one must be able to rule out alternative explanations. To date, the best way to deal with rival explanations is to employ a rigorous research design. It is the case that rigorous methods are sensitive only to measurable changes. However, if the action program is truly effective, one should expect the effects to be both measurable and demonstrable. Adams is thus correct in concluding 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 measurements, 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 confuse 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 its separation from evidence of successful program effect.

*Characteristics of Evaluations Which "Pay Off"*: The second major thrust of Adams' paper deals with the identification 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., confusion of studies utilized, i.e., those whose findings have effected changes in the correctional system, with effective studies, i.e., studies which because of their methodological rigor can and should be utilized by personnel formulating correctional policy. This inappropriate emphasis on the search for studies which have had an impact leads Adams to identify common qualities among those studies in order to set forth a model to emulate. The point is that evaluation studies may or may not have an impact on correctional policy regardless of their soundness.

Citing his own past research as the majority of cases reviewed 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 implication is that payoff is independent of soundness of research. We question, however, whether altering the correctional 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 not the case that that impact is necessarily appropriate. Our own review of 236 evaluation studies (mentioned earlier) found studies of longer duration to be significantly correlated with those of higher research quality. Last, Adams recommends that ". . . we should not become enamored of elaborate statistical techniques or of controlled experimental designs . . ." (p. 17). This ignores the fact that elaborate statistical techniques and controlled experimental designs are two of the best means evaluators have for dealing with problems of attribution. As long as evaluation research seeks to demonstrate that program X causes outcome Y, these techniques should be utilized. A review of evaluation literature reveals little dissension 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 imaginative 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 research overwhelmingly find that it is not being done in accordance with traditional research rules. For example, our review finds that 75 percent report using *neither* experimental nor quasi-experimental 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 don't do quantitative analysis. Since all of these are standard 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 prediction 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 can'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 and reliable research results.

Adams concludes with a final selection on "Tomorrow's Evaluators" wherein he suggests, among other things, that the best evaluation studies are done by internal agency research staff. Again, the results of our own review contradict this conclusion. On a six-item index of research quality, i.e., adherence to a set of methodological prescriptions, we find the correlates of higher quality research to be: (1) research sponsored as a grant on the basis of a

competitive peer review system (i.e., not research sponsored as a contract), (2) research allotted 2 or more years for execution, (3) research conducted by evaluators whose organizational affiliation is with a university as opposed to a profit, nonprofit research corporation, or public service agency, e.g., corrections agency, (4) research conducted by persons trained in psychology (a discipline emphasizing competence in design and measurement), (5) research wherein the audience to communicate with includes the scientific community as well as the agency sponsoring the research, (6) research done within the context of some formal theoretical framework, and (7) research executed as a result of some interdependent effort either formally or informally between the research and action program staffs.

Evaluation research is a serious enterprise. If we are concerned about its effectiveness, we should encourage evaluation researchers to: (a) acquire, master, and implement the most rigorous scientific methods in order to deal most effectively with the complexities of this type of research, (b) disseminate research reports which are theoretically relevant, practically important, and methodologically sound, and (c) study and reflect upon the processes of research utilization so as to be able to suggest means of maximum utilization of valid and reliable research findings.

January 1975

ILENE NAGEL BERNSTEIN, PH.D.  
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Indiana University  
Bloomington, Ind.

### 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; twenty-eight 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 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 freedom 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. pro-

bation 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, deferred prosecution 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 3, 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