

## A Conversation with Adam Gelb on August 23, 2013

### Participants:

- Adam Gelb – Director, Public Safety Performance Project, Pew Charitable Trusts
- Nicole Surber – Director of Philanthropic Partnerships, Pew Charitable Trusts
- Alexander Berger – Senior Research Analyst, GiveWell
- Howie Lempel – Research Analyst, GiveWell

### Summary

GiveWell spoke with Adam Gelb, the director of the Pew Public Safety Performance Project, a branch of the Pew Charitable Trusts. The conversation centered on criminal justice reform and included discussion of the work of the Pew Public Safety Performance Project and the current demand for criminal justice reform. Mr. Gelb also discussed swift and certain sanctions – an intervention that had previously been recommended to GiveWell – as well as motivational interviewing and cognitive behavioral therapy, both of which are possibly transformational methods for the criminal justice system.

*Note: This set of notes was compiled by GiveWell and gives an overview of the major points made by Adam Gelb.*

### Pew Public Safety Performance Project

The Pew Public Safety Performance Project works at both the national and state levels. Nationally, the work involves a significant amount of original research, on topics including:

- The high cost and low return of incarcerating low-level offenders
- State-by-state recidivism rates
- Effective strategies to reduce prison populations, recidivism, and criminal justice costs in ways consistent with public safety
- Public opinion, both on criminal justice reform broadly and on specific policy proposals

Pew's national work also involves advocacy and outreach to major policy organizations, including the National Governors Association, the National Conference of State Legislatures, and the National Center for State Courts.

At the state level, the Pew Public Safety Project operates through partnerships with senior state leaders, who request Pew's technical assistance to improve their public safety spending. Pew works to implement significant changes in a single, comprehensive package; due to the amount of work involved, this package is often a unique opportunity for policymakers to significantly reform the system. This work operates in three phases:

- Phase 1: Data analysis and system assessment. The project analyzes the state's data in order to identify the key drivers of the state's prison population and

costs. Pew also audits the major corrections programs, policies, and practices to determine whether they are aligned with evidence-based practices.

- Phase 2: Policy development. Using the findings from the first stage, and based on research and experience in other states, the project customizes policy options that are responsive to the particular situation in the state, and then facilitates consensus in the state's working groups on a package of policy reforms. The project also creates simulations of the impact of various policy options on prison population and costs. For example, Pew might model how increasing the felony theft threshold would impact the justice system.
- Phase 3: Legislative Support/Public Education. The project helps the state leadership move the consensus policy package through the legislature, using outreach to stakeholders and the media.

Due to substantial demand for this work Pew built its own staff to conduct the work after initially funding the Council of State Governments Justice Center and the Vera Institute of Justice in the first couple of years of the project.

### **The demand for criminal justice reform**

The conventional wisdom assumes that the poor economy and tight government budgets have lately caused states to be interested in reforming their criminal justice systems. However, while the economy may be helping to raise the idea, the interest is not due to budget reasons alone, and is likely to persist even after the economy recovers. There have been three main driving forces of the interest in criminal justice reform:

- There have been examples of states having success with these reforms, with prison populations stabilizing or falling, and crime and recidivism rates falling. The fact that this has happened in red states, such as Texas and South Carolina, has made such reform safer for others to consider.
- Public opinion has voiced a preference for reform, including conservative voices organized through Right On Crime, an organization that receives financial and strategic support from Pew. Pew's national public opinion polls have also revealed these preferences. The public support gets the attention of policy makers and demonstrates that the public approves of a broader set of actions than policy makers might have expected. Victim advocates, business leaders and chambers of commerce have also joined the conversation at the state level.
- There has been a growing awareness of credible alternatives to the current system, including swift and certain sanctions, advanced risk assessments, cognitive behavioral therapy (CBT), and better technologies to supervise offenders in the community.

While these reasons suggest that interest in effective reforms is likely to continue, the opportunity is particularly sharp now, and Pew is working to take advantage of that.

## **Swift and certain sanctions**

Swift and certain sanctions are an intervention that has both strong theory and empirical evidence to support it.

The Pew Public Safety Performance Project has published a policy brief on swift and certain sanctions, and would like to see Hawaii's HOPE program replicated with fidelity across the country. Some attempts to replicate the program have not followed the model closely.

There are very few ideas or initiatives with the potential to have the transformative effect on criminal justice that swift and certain sanctions promise. Strengthening the probation system is crucial to making the criminal justice system more effective and more cost effective.

### *Obstacles to implementation*

Despite strong evidence of effectiveness, swift and certain sanctions have not been implemented nationally. The current obstacles to the policy include:

- Some people are against sanctions because they would prefer legalization of drugs, and disagree with punishing drug use.
- There is little evidence on the long-term impact of the program. While it seems plausible that short-term sobriety is a necessary condition of long-term sobriety, the evidence for HOPE is currently limited to the short-term, when people are under supervision.
- Swift and certain sanctions require consistent punishment across all offenders, which removes some of the discretion that probation officers, judges, and others in the system currently exercise.
- There are some bureaucratic obstacles, as the program requires coordination between different areas of the law and requires that jail space be available.

### *Room for more funding*

There is a need for more funding for swift and certain sanction interventions. Some of the funding could be for high-level activities, such as communications, further defining the model, creating a certification process, or conducting further research.

Replicating HOPE in new places will not necessarily require significant grant funding, as in many sites it may be possible to leverage a small amount of grant funding to take advantage of existing resources. Judge Steven Alm originally started HOPE with little grant funding.

## **Motivational interviewing and cognitive behavioral therapy**

After swift and certain sanctions, another transformational program would be to encourage more frequent use of motivational interviewing (MI) and cognitive behavioral therapy (CBT), two techniques that have been well researched but have not effectively made their

way into criminal justice programs. MI and CBT are difficult to explain and lack the public appeal of other criminal justice programs, but are foundational programs that would be highly effective long-term investments. Increasing their use might involve training probation officers and substance abuse counselors in MI and CBT, or could involve incentivizing the effective use of MI and CBT through supervision, rewriting job descriptions, refocusing performance evaluations, or changing how criminal justice is taught.

### **Other people for GiveWell to talk to**

*On criminal justice reform:*

- Jeremy Travis – President, John Jay College of Criminal Justice
- Joan Petersilia – Faculty Co-Director, Stanford Criminal Justice Center

*On drug policy:*

- Peter Reuter – Professor at the University of Maryland
- Al Blumstein – Professor at Carnegie Mellon University
- Jonathan Caulkins – Professor at Carnegie Mellon University

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