

Does Alternative Sentencing Reduce Recidivism? A Preliminary Analysis

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Traditional sentencing in America by the way of mass incarceration is a three-fold failure: it does not deter crime, it institutionalizes the inmates and it does so at an incredible cost to the state. There are alternative sentencing measures that can be implemented, and have been done so in various states, but there are not enough statistics that show alternative sanctions will reduce recidivism. But do alternative sentencing programs reduce recidivism as compared to traditional sentencing? This paper is dedicated to discovering the relative efficacy of alternative sentencing by comparing the rates of recidivism between communities that do and do not implement alternative sentencing. Alternative sentencing is enticing because it theoretically reduces recidivism through allowing the offenders to avoid institutionalization and concordantly become a contributing member of society, while drastically reducing corrections costs. It is possible that the evidence will not be able to reject the null hypothesis, which is alternative sentencing does not reduce recidivism compared to alternative sentencing, but it is highly probable that alternative sentencing does not increase recidivism, and when you combine that realization with the essentially guaranteed drastic reduction of costs, it would seem prudent for states to at least give alternative sentencing a test run.

Traditional sentencing in America by the way of mass incarceration is a failure; it does not deter crime, it institutionalizes the inmates, and it does so at an incredible cost to the state; "in 1980, states spent an average of approximately \$280 million on corrections, while in 2000, states spent on average a billion dollars on corrections a year" (Raphael 208), which breaks down to \$60 and \$164 per citizen, respectively, while "research has shown that over the last 10 years, the states that have increased their prison populations have not seen concurrent decreases in violent crime" (Andrews 1). Alternative sentencing measures have already been implemented in various states around the country and world, but there are not enough statistics that show alternative sanctions will definitively reduce recidivism.

This paper assesses the relative efficacy of alternative sentencing programs by comparing the rate of recidivism before and after alternative sentencing programs were implemented and by comparing recidivism rates in communities that do and do not implement alternative sentencing.

Alternative sentencing is desirable because it theoretically reduces recidivism through allowing the offenders to avoid institutionalization and become a contributing member of society, while drastically reducing state corrections costs. Even if there was no evidence to support the notion that alternative sentencing does indeed reduce recidivism, it does not increase it, and when you combine that with the essentially guaranteed extreme reduction of costs, it would be prudent for states to at least give alternative sentencing a try.

Literature Review: The Failure of Incarceration

The control and prevention of crime has always been one of the goals of laws and it leads critically to maintaining order in a world with seemingly perpetual disorder. Historically, criminal sanctions are used to serve four main purposes, “(1) deterring the offender and others like him, (2) protecting the public by restraining the offender, (3) rehabilitating the offender, and (4) punishing the offender” (Birney 250).

The most well-known measure to control crime and criminals is traditional incarceration, and its popularity in the United States grew incredibly, starting in the 1970’s and continuing through the turn of the millennium; “between 1970 and 2005, state and federal authorities increased prison populations by 628 percent” (Stemen 1). The theory of mass incarceration is: when there are a higher amount of criminals locked up, it will inevitably reduce crime and thus make the streets safer; there are, however, many factors that contribute to the rate of crime and not just rates of incarceration.

It costs a lot to imprison someone, and it is not always just a monetary cost, as the institutionalization effect on the inmates is very real and can have a profound impact and societal cost following the inmate’s release, but the easiest tangible costs to measure are incarceration costs. A telling statistic about the sharp increase in costs is the comparison of the state spending on corrections: as pointed out before, in 1980 states spent approximately 280 million dollars, while in 2000 that number rose to a whopping billion dollars (Raphael 208), an incredible increase of almost 400% in only a score. The rise in costs can be attributed to an incredible increase of incarceration rates during that time, as it nearly tripled between 1980 and 1994 (Klein 5). This was the era of being “tough on crime,” which is why there are more people in prison than ever, and consequently a concordant increase in incarceration costs.

Despite a strong effort to reduce crime through the use of traditional incarceration, recidivism rates have not been affected enough to justify the exorbitant costs that states are sustaining. For example, a study by the U.S. Department of Justice found that within a year 44% of offenders released in 1994 were arrested again, while over two-thirds of the offenders were arrested within three years of their release from prison (Langan 1). High rates of recidivism suggest that prison atrophies an inmate’s ability to reenter and contribute to society; many scholars and activists contend that prison contributes to the likelihood that prisoners will recidivate in the near future. This is the contributing factor that details the institutionalization effect that many involved in corrections believe exists, while detracting from the notion that prisons reduce crimes through teaching offenders not to commit crimes; even if there are prisons that are:

Relatively free of violence, education and treatment programs have been gutted. As a result, inmates spend days, months, and years idle and frustrated. They leave the facilities no better, and often worse, than when they arrived, and return to our nation’s neighborhoods with little support (Forman 1006).

In the iconic prison film *Shawshank Redemption*, the warden said to the protagonist Andy Dufresne, “there’s only three ways to spend the taxpayer’s hard earned when it comes to prison. More walls. More bars. More guards”. This was the prevailing attitude for many years,

as the lawmakers and corrections officers were more concerned about punishment than they were with rehabilitation. Clearly the effect that the prisons have on the inmates is not ideal; it is having a negative rather than positive effect on the inmates. The result of this system working in a backwards motion has caused reformers to look for a better way to protect the safety of the people while not simultaneously producing more dangerous criminals, as compared to the current system, which arguably is ironically causing more problems than it is fixing.

Reformers who argue for the institutionalization theory contend that “the prison environment socializes inmates toward heightened criminality” (Raphael 153), which will, in due time, cause them to commit crimes upon release. Institutionalization and the loss of rehabilitative influences from incarceration have contributed to the notion that incarceration does not work and forced the ones who make the decisions to start looking elsewhere to get the job done. When nonviolent offenders are placed into prison and forced to cohabitate with violent offenders, it is understandable that some of the inhumane tendencies inherent in the latter rub off on the former, so much so that upon release the two have grown to look markedly similar in composition. “Prisons act as schools for inexperienced criminals, inculcating low-level offenders with criminal values as well as educating them on the means to commit more serious crimes” (Jaros 252-253). These kinds of developments are ones that ought to be avoided, because all that is being done is making the petty criminals better at being legitimate criminals through attending what are these *de facto* academies for crime.

The theory that incarceration does lasting psychological harm to inmates suggests that upon release the inmates are going to commit more crimes, crimes that often are more serious and violent, and it will be a result of what they learned while behind bars. “Recidivism is a function of the institutionalization process which interrupts normal occupational and lifestyle processes. Removal from society for a period of term – short or long term – produces irreparable personal and social damage” (Vass 43). There are very few people in the corrections system who are on death row or have a life sentence, which means that the rest of them are going to be reentering society at some point in the future, meaning that certain measures should be taken to make their transition as easy and painless as possible. Unfortunately, if they are leaving a world that was removed from society and responsibility, a world where they were surrounded by criminals and crime, and then they are forced to start accepting legitimate responsibilities, they are going to be more inclined to commit crimes than abide by the law.

The effect on released prisoners strikes a chord when compared to veterans coming back from war; when people begin to suffer from PTSD, they cannot cope with the world around them, which is also often the case with released prisoners. They get fed into the machine, become chopped up and damaged, and then when they are released, they are forced to fend for themselves. Studies have shown that “harsher prison conditions may induce greater post-release recidivism among former federal inmates, an effect that would likely have important implications for prison policy” (Chen 22). To make matters worse, criminal convictions make it much harder for released offenders to find a sustainable job due to the stigma of being a convict, compounding the difficulty for reentry into society, which means that the fact that the institutionalization that occurs puts the offenders at an even greater disadvantage. The world in prison is much different than the one out of it, and when someone becomes accustomed to one of those lives, it becomes very difficult to adjust back to the other.

There are several factors that go into recidivism calculations, some which are perceived as irreversible, known as static factors. Static factors include things such as criminal background and history, family background, age and gender, economic situation, and, to an extent, beliefs and attitudes, although some can be changed through a lot of work. Static factors are considered to be targeted by programs, but since they are irreversible, there is really nothing that a sanction can do about it.

There are factors with traits that can be altered, known as dynamic factors, and despite the fact that there are attitudes that cannot be changed, there is still a belief that there are some that are alterable; “people have a choice whether or not to commit a criminal offense. If offenders can be helped to make the right choices then the risk of further offending is reduced” (Vass 39). Other factors that can be altered are the people the subject surrounds him/herself with, stress levels, criminogenic needs, and support. One of the more striking dynamic categories is criminogenic needs, which is understood to be “antisocial cognitions, values, and behaviors” (Gendreau 575) and they are thought to be proper targets for reform and rehabilitation. If a sanction can attack an offender’s negative criminogenic needs and properly fix them, then there is a better chance that they will not recidivate, which is naturally desirable.

Not all prisons are necessarily going to increase the propensity for an inmate to commit a crime upon release, but most of the higher security ones will. There are minimum security prisons that often house white-collar criminals and other nonviolent, nonthreatening offenders, and those prisons are sometimes referred to as being akin to a country club. But there are clearly other prisons that are terrible, ones so bad that people say that they would rather die than go back because they had such enduringly bad experiences there. The latter are the ones that increase recidivism, and the reason that those types of prisons are so bad is because they are chock-full of criminals; it is true, though, that the reason these offenders are being housed in these high security for a good reason: they are generally hardened criminals who have shown that they cannot cooperate otherwise. M. Keith Chen of Yale University and Jesse Shapiro of the University of Chicago researched the impact of the prison conditions, specifically the security levels, on inmates and their post-incarceration behavior, and their “findings suggest that harsher prison conditions do not reduce post-release criminal behavior, and may even increase it” (Chen 24). There are naturally some inmates who require the most serious and intense prison security level there is, but for the fringe ones, it seems to make sense to not introduce them to a lifestyle that can only make them worse off in the long-run.

Alternative Sentencing

If traditional sentencing and incarceration are not working the way they were intended to, and thus need to be changed, the question is how? What is known as alternative sentencing, or alternative sanctions, presents the criminal justice system with a way to get the desired outcome at a fraction of the cost. There are a variety of alternative sentencing measures that achieve both of these criteria, including deferred dispositions, probation, and restorative justice; the alternative sentencing measures that each state employs vary. In the State of Maine, for example:

Incarceration costs for offenders continue to be a massive burden on Maine's budget, as in many other states. In response to this financial burden, many states have developed sentencing alternatives that serve the goals of criminal law without requiring costly incarceration. For instance, alternative sentencing programs, such as 'mental health courts,' can reduce long-term prison costs by reducing recidivism rates. Maine has experimented with just such alternatives, with a partly successful record (Birney 269).

Similarly, starting in 1987, Connecticut organized a state-sponsored alternative sentencing program called the Alternative to Incarceration Program (AIP) that engages the community and helps build restorative justice while the average cost to imprison a person is around \$25,000, the AIP costs \$5,000 per offender (Klein 9). One of the theoretical advantages to alternative sentencing is that these programs reduce the corrections costs, and this eighty-percent decrease in cost is just another example of how states can save money during a time when state money is scarce.

Research by the Justice Policy Institute revealed that "states that spend more on education have lower crime rates than states that spend less" (Andrews 2). Education is one of the sectors of government operations that has had to deal with a lot of cost-cutting recently, so if states started spending less on incarceration and more on education, they could actually contribute to the battle against recidivism even more effectively. Therefore, if there are no clear advantages that distinguish the effectiveness of alternative sentencing or traditional incarceration, then the cheaper option should be used. It is clear that there are ways to save money through implementing alternative sentencing sanctions and that money could be used in places that really need it.

One commonly used alternative sentencing measure is deferred disposition, which effectively gives the offender, if they are charged with a less serious crime, a second chance. Under deferred disposition, offenders will plead guilty to a certain offense, typically the highest one they were charged with, and they are then obligated to complete a program to show they can go down the right path. "The purpose of relief in these cases is to allow minor offenders or persons with no prior conviction to come away from an adverse encounter with the justice system without a permanent mark on their record" (Love 1). These programs are accomplished when the inmate goes through a program and if they complete the program successfully, they will get either their charges dropped or reduced significantly, providing them with much better professional prospects in life.

If the program is not completed successfully, however, the offender will have what is called an open guilty plea on the record, which means that the prosecutor can ask the judge to give the offender the toughest sentence allowed for the offense that the offender pled guilty to, a request which the judge is usually inclined to grant. Deferred dispositions are the criminal justice system's version of a double-or-nothing bet because it is essentially giving the offender the chance to put everything behind him/her upon a positive outcome. If the result is a negative outcome, however, the offender will be punished even more so than they would have initially, and although it is usually not quite double the initial sentence, it is still going to be a substantial punitive increase in sentence. Deferred dispositions are one of those rare opportunities that

special offenders can seize to take advantage of a second chance and prove that they can be contributing citizens in society, or they can prove they belong behind bars.

Alternative sentencing is not appropriate in every case; it is designed for offenders who do not pose a threat to society or endanger public safety. Similar to the way the parole board would evaluate candidates for parole, people who choose whom is eligible for alternative are sentencing will need to evaluate the risk the offenders pose to society. One avenue that has been explored by many programs, including parole boards and alternative sentencing programs, is the idea of "good moral character" being used to determine sentencing lengths and conditions; good moral character can be defined as:

A pattern of behavior that is consistent with the community's current ethical standards and that shows an absence of deceit or morally reprehensible conduct ... A pattern of behavior conforming to a profession's ethical standards and showing an absence of moral turpitude. Good moral character is usually a requirement of persons applying to practice a profession such as law or medicine (Craddock 223).

Good moral character can be classified as a pattern of actions law-abiding citizens may commit and not think their actions are illegal or immoral; qualifying for "good moral character" in some courts can count as a mitigating factor in sentencing. A good moral character status is a way of rewarding offenders for being a good person prior to the crime and instills a hope that they have the ability and/or propensity to return to that commendable status. "Whether they are denominated diversion or deferred adjudication or some other name, these programs should be open to all but the most serious offenders" (Saltzburg 14). These programs do something that incarceration does not: shows respect for the offenders who have behaved well prior to their crime, and they show a sign of trust that the offenders can abide by the standards of the community. The offenders take responsibility for their actions and promise to return to being contributing members of society and abide by the standards of the community.

Alternative sentencing is not without its doubters, though, as some argue that alternative sentencing does not work and instead just delays the inevitable fact that the offenders are going to recidivate and end up behind bars again. If this is the case, then the process would be unnecessarily extended rather than expedited, which is something that overcrowded court dockets would like to avoid. Some argue that "treatment of criminals can be effective, but only if they need to change, want to change, are amenable to change, and receive treatment that is matched to their need, desire, and amenability to change" (Logan 251). This could be understood to mean that there needs to essentially be a perfect storm for any sort of treatment to have a positive effect on prisoners/offenders, which would also mean that the majority of the procrustean treatments are destined to be ineffective.

Another argument against alternative sentencing is that it allows criminals to avoid a just punishment for their actions. Those involved in the criminal justice system value responsibility and admission of guilt, but the criminal justice system also values condemnation of unjust acts; a crime is "conduct which, if duly shown to have taken place, will incur a formal and solemn pronouncement of the moral condemnation of the community" and the punishment

of the crime is “the expression of the community's hatred, fear, or contempt for the convict which alone characterizes physical hardship as punishment” (Hart 405). Telling someone that what they did was wrong is often times not enough of an indicator to show the actual wrongness of the conduct, which means that sometimes physical punishments are necessary to convey the message that you should or should not do something. This is an idea some people may learn at a young age through their parents spanking them, because a physical reminder of the wrongfulness of an action can be a powerful and enduring reminder.

Simply trying to be a parent to the offenders and council them into becoming better individuals is not enough, because through punishing someone harshly, it is the “affirmation of autonomy, responsibility, and dignity of the individual; paternalistic rehabilitative treatment is a denial of all three” (Logan 255). Ironically this argument for a stricter, harsher punishment is one that is strangely rooted in humanity; by not forcing the offenders to take responsibility for their actions, they are not being treated with the respect that each human being should be granted, which is the respect to believe that they are capable enough to know right from wrong, and accordingly act that way.

Some argue that incarceration is desirable because it is a form of retribution, which essentially is about evening the score. Furthermore, why should we care if incarceration is less humane than other measures? The people in prison are criminals who have clearly shown that they are incapable of abiding by the rules and creeds of society. Though some of the crimes are more offensive to the values of a community than others, the offenders must pay the price for their transgressions, no matter what. If behavior that violates the laws is not shown to have legitimately negative consequences associated with them, then it is much less likely that those laws will be followed accordingly. Historically, the most popular way to achieve the mandate of imposing negative consequences is that of imprisonment; “the essential purpose of imprisonment is punishment and that punishment is best defended on moral rather than instrumental grounds, by appeal to cultural values rather than to social utility” (Logan 252). It is imperative that the laws be followed and if people are going to disregard them, they not only need to be used to set an example for the rest of society to see, but they also need to be punished for their inability to obey the laws.

Others argue that there is no way to effectively reduce recidivism or fix criminals, which means we should just lock them up and keep them away from society for good. “The gloomy conclusion that nothing works to steer people away from crime both supported and advanced the ‘tough on crime’ political agenda that dominated the 1980’s and 90’s, with its reliance on long mandatory sentences” (Saltzburg 2). This is something that should definitely be considered, especially since there are high rates of recidivism. It is entirely possible that there are offenders who are simply beyond reform and rehabilitation, and because of that there should be no effort to fix their behavior, instead the criminals should be punished for their deviance from the standards of society. “Custody is supposed to be what one would call an anti-community; it is a place where the rotten apples are thrown to protect others from contamination” (Vass 42). This is a similar theory to the more apathetic one, but it is also an attempt to segregate the offenders from the law-abiding citizens. If you cannot fix them, punish them; by keeping the criminals away from the rest of society, you are showing that they are no longer a welcomed part of society, and it can be used as a warning to everyone else.

The problem with something that has been as untested and unproven as alternative sentencing measures is that the only way we can know if they are actually going to work is through actually implementing them. "There are no magic bullets in sentencing, no guarantees that any specific sentence works all the time with all offenders" (Klein 356). Proponents and opponents of any hypothetical scenario may talk all they want, but until there is hard evidence of the results, it is all conjecture and thus essentially moot. With that being said, there seems to be enough advantages that have been associated with alternative sentencing that it would be prudent to at least try it out; if it fails, then it would settle the debate, at least for now. "If these programs can become more widely known, they can be emulated to good effect across the country, and this will not only reduce the prison population, but will also reduce the incidence of criminal behavior and enhance public safety" (Saltzburg 14-15). If alternative sentencing measures work as advertised, then it is clearly a beneficial method and consequently should be used more frequently; similar to how alternative sentencing is a win-win scenario, the implementation, even if temporary, would likewise be a win-win scenario.

Since the efficacy of alternative sentencing is far from verified, multiple questions are still in need of answers: does alternative sentencing reduce recidivism? If it has not done so already, can it? If implemented, will it? Based on the limited statistics that have been discovered, it would seem to suggest that alternative sentencing can reduce recidivism. There are not enough statistics to make a strong, causal argument that alternative sentencing definitively reduces recidivism, but there has been enough to suggest that it does not increase it; "they are more humane, less costly, and though they do not decrease recidivism, they do not increase it either" (Vass 62); put another way, incarceration does not reduce recidivism to a greater degree than alternative sentencing. At the same time, it is clear that alternative sentencing would substantially reduce corrections costs. This means that mass incarceration costs way more than the potential alternative sentencing measures would, and it does so without causing any mitigation to recidivism. In short, mass incarceration is a waste; a waste of time, money, resources, and a chance to fix offenders. If the goal is to ensure the safety of the people, we should ensure that we are not teaching people who will eventually be released back into society how to become more violent and more dangerous.

Research Design

The object of alternative sentencing programs, first and foremost, is to reduce recidivism. Accordingly, this paper examines whether alternative sentencing programs reduce recidivism. The most comprehensive way to evaluate alternative sentencing programs' efficacy is by juxtaposing before-and-after situations: measure the overall recidivism rate in a state before they implemented alternative sentencing and then after. The before-and-after comparison is the best way to analyze the usefulness of the programs because different states and communities have different recidivism rates and different cultures – what works for one type of community may not necessarily work for another. Only through comparing one place's rates prior and following the implementation can the true results be properly shown. Programs implemented in inner-city locales will help show what works in inner-cities, not what works in rural areas, and the reverse is applicable as well.

Recidivism is a complicated thing to measure because there is no perfect, clear-cut definition of the term. The Bureau of Justice Statistics defines recidivism as being “measured by criminal acts that resulted in the re-arrest, reconviction, or return to prison with or without a new sentence during a three-year period following the prisoner's release.”¹ The accuracy of the recidivism rates is important, so it is equally important that the rates have a reliable source, such as the FBI. This paper will use the recidivism rates collected by the FBI, which forms the UCR.

The main independent variable in this study is whether a state has an alternative sentencing program in place. The main dependent variables are the recidivism rate in the state and the total cost of corrections. When states implement a greater number of alternative sentencing programs, they will progressively lower the recidivism rate and their total cost of corrections.

Evaluating alternative sentencing programs is tricky because each person who is arrested is different, and that means that certain programs that work for some individuals will not work as well for others. The differences in offenders is not as problematic as it may seem because teams such as parole boards have been gradually developing ways to determine and predict the risk that inmates and offenders pose on the community, and they are usually fairly accurate.

Another obvious difficulty with evaluating the efficacy of a certain program that has not been around for a long time is the results may not necessarily speak for themselves. It is possible that the true effectiveness of a program such as alternative sentencing will not be apparent until years, if not decades, have elapsed since the implementation of the program. Constant evaluation is necessary. Crime and recidivism rates are not likely going to capriciously rise and fall between years based on correctional programs and police efforts, as the true impact will be felt and measured when comparing the rates over many years.

The three-tier method of evaluation that has just been mapped out is how the evaluation of alternative sentencing needs to be conducted because it will ensure that the offenders are getting the proper treatment specific to them. When someone looks at the offender's criminal history, type of crime, and location, the most appropriate program can be tailored to fit that offender, and this cannot be done without knowing all of the surrounding factors.

It has been established that alternative sentencing is not for everyone, which means that offenders of crimes such as a DUI or simple assault should be considered over those who have committed rape or murder or other heinous crimes, ones showing moral turpitude. The exact breakdown of which crimes committed allow people to be eligible for alternative sentencing varies, because the facts of the case – the seriousness of the crime, intent, the damage done, etc. – are also relevant and should be taken into consideration when finding the best treatment. For example, one assault may be a very minor incident while another may have been much more serious², and those facts should be accordingly applied to the determination of which sentence is best.

¹ Three years is the general recidivism window used by experts, but some analyses use different lengths.

² Offenders who have committed crimes such as murder and rape, regardless of the facts of the case, should not be included in the consideration of alternative sentencing. Through their actions they have

There is no “one-size fits all” program or sentence that will work one hundred percent of the time, but as we get better technology, and subsequently better information and statistics on each offender, the prosecutors, judges, and defense attorneys can better work together to get the best, most specific treatment available to the offender, but it is irrational to expect perfection when it comes to working around people. This uncertainty occurs all over academia, for example, in the medical world they design products that are intended to kill a disease or cancer, but it does not work every time, no matter how potent and effective, and that is because everyone’s body reacts differently to treatments. The danger of this uncertainty is that there must be some form of experimenting, and with all experiments brings the possibility of being wrong; this is not a problem, though, because it will only show the lawmakers what does and does not work.

It would be premature to say that alternative sentencing is going to work because the reality of the situation is that we simply do not know right now. These types of programs are not a quick fix solution; they take time, energy, and commitment to become productive, and those who are looking for a sudden change are likely going to be disappointed. There are some states and communities that have tried to implement alternative sentencing strategies in the past couple of decades, and these are the places that the current evaluation of alternative sentencing will be conducted, but alternative sentencing is something that will require constant evaluation of all factors; to determine if alternative sentencing does work requires this kind of comprehensive, persisting evaluation because change does not happen in a vacuum, and it is all relative.

The issue with measuring the effects of change is two-fold. First, change is not, not to mention cannot, be instantaneous. It is simply unrealistic to expect to see the results of the implementation of alternative sentencing programs, or just about any other type of program, right away. Secondly, change is constantly happening, but you have to draw a line and say that this is the arbitrary point to start measuring the effects; for this paper that line is 2004-2006.

The states that reformed their sentencing measures between 2004 and 2006 will be the states that are evaluated under the pretense of being a state that reformed, while all the others will be qualified as states that did not reform. This does not mean that these latter states have not made efforts in reforming their incarceration and corrections measures, rather it just means that the states that reformed at some point during 2004-2006 are the main focus. The 22 states that are being classified as states that reformed are: Arizona, Arkansas, California, Connecticut, Hawaii, Illinois, Indiana, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Montana, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, Texas, Utah, Virginia, and Washington (state), and the other 28 states are classified as states that did not reform during that time period. The recidivism rates from before the reformation time period will be compared to the recidivism rates from after, and then the differences will be compared between states that did and did not reform. If alternative sentencing is effective, then there should be a more substantial drop, or a less substantial increase, in recidivism rates among the states that reformed their sentencing measures. Since the sample size is so small, a confidence interval

forfeited that privilege; being able to participate in alternative sentencing programs is a privilege and not a right.

requirement of only 90% is acceptable, as compared to a typical one with a 95% confidence level.

When looking at recidivism rates, a lot of different factors play a part in the rise and fall of them, and they accordingly must be controlled. The different factors that will be controlled are as follows: the crime rates before and after the reformation period, the percent of the population in each state that is from an urban area, the percent of the population in each state that is non-white, and the median income of each state. Through controlling these variables when analyzing the effect of alternative sentencing, the analysis will be better at singling out the actually effect of the new programs. Naturally not every single factor can be controlled for, but these are factors that are important to take into account.

Results

The null hypothesis for this study states that alternative sentencing will have no effect on state recidivism rates as compared to traditional incarceration measures. The analysis was made at two levels: sum and percentage. The sum level analysis compares the sum difference between the rates of before and after the designated period, while the percentage level analysis is finding the percentage increase or decrease in rates of the initial recidivism rate. This is done because a five percent decrease in recidivism rates is more impressive when the recidivism rate was initially ten percent as compared to a state with a recidivism rate of thirty percent; the sum level, both would be equal to five, while the percentage one would be fifty and sixteen and two-thirds, respectively. It is also important to understand the total decrease, as well, which is why both levels were considered.

As shown by both Table 1 and Table 2, when all of the variables needed to be controlled for are indeed controlled, the results were, unfortunately, not statistically significant. The sum level’s significance number was 0.580, which is drastically higher than the 0.05 requirement, which means that the results are *not* statistically significant. The percentage level’s significance number was 0.634, which is also quite higher than the 0.05 requirement, which means that these results are likewise *not* statistically significant.

Table 1: Sum Difference in Recidivism Rates

		Coefficients ^a		
		Unstandardized Coefficients		Sig.
Model		B	Std. Error	
1	(Constant)	3.377	7.131	.639
	Reformed Sentencing Measures Between 2004 and 2006	-1.136	2.031	.580
	Percentage of Population In Urban Areas	-.247	.108	.030
	Percentage of Population Non-White	.052	.104	.623
	Median Household Income	.000	.000	.117

a. Dependent Variable: Difference in Recidivism Rates

Table 2: Percentage Difference in Recidivism Rates

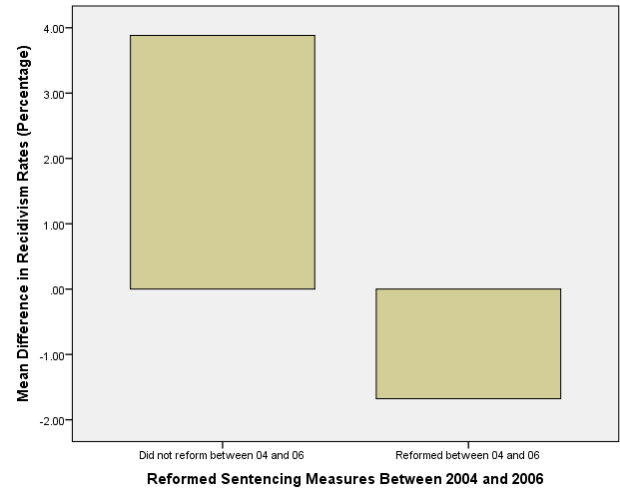
		Coefficients ^a		
Model		Unstandardized Coefficients		Sig.
		B	Std. Error	
1	(Constant)	12.764	18.451	.495
	Reformed Sentencing Measures Between 2004 and 2006	-2.527	5.255	.634
	Percentage of Population in Urban Areas	-.620	.280	.035
	Percentage of Population Non-White	.156	.270	.567
	Median Household Income	.001	.000	.167

a. Dependent Variable: Difference in Recidivism Rates (Percentage)

Figure 1: Sum Difference in Recidivism Rates



Figure 2: Percentage Difference in Recidivism Rates



The null hypothesis cannot be rejected in these cases because both the sum and percentage level analyses suggested that alternative sentencing was moving the recidivism rate in the desirable direction. The states that implemented alternative sentencing between 2004 and 2006 lowered their recidivism rates by 1.136%, or 2.527% of the initial rates. Again, the results are not statistically significant and thus cannot be accepted, but the results, especially the ones shown in Figure 1 and Figure 2, are nonetheless encouraging.

Conclusion

It is important to note that this study is an exploratory one. Finding relevant and sufficient data was a struggle, and a lot more analysis remains to be done. Nonetheless, there are some positives to take out of this study. Though there is no evidence that alternative sentencing *reduces* recidivism, the analysis also suggests that alternative sentencing performs no worse than traditional incarceration measures. Given that alternative sentencing is substantially cheaper,

this finding suggests that it would be preferable to traditional incarceration measures, at least in this regard.

Another positive finding is that states which reformed and implemented alternative sentencing programs appear to be moving in the right direction. Although the results were not statistically significant, recidivism rates were down in the states that implemented alternative sentencing programs. Further study is needed to assess whether recidivism rates continue to fall over time in the states that implement alternative sentencing programs. Our analysis was limited, in part, because the sample size was small and the programs have only been around for a short time. The alternative sentencing experiment is in its very nascent stages and there is still a long way to go before the effectiveness of these programs can be determined.

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