

Submission to the Harris Review from Marny Zimmer

During my years as a federal prosecutor in the city of Chicago, I observed that many defendants shared characteristics including involvement in the care system, absent or abusive parents, low educational attainment and early contact with law enforcement and the criminal justice system. By their early twenties, a large portion of these defendants had obtained multiple arrests and criminal convictions. Having moved to London, I maintained a strong interest in criminal justice matters and completed a Master's Degree in Criminal Justice Policy at the London School of Economics and Political Science. Given my experience and recent studies, I am writing this as a personal submission to the Harris Death in Custody Inquiry to recommend the implementation of evidence-based, cost effective criminal justice programs. Investing in programs proven to deter or divert persons from committing crimes or continuing to commit crimes benefits not only the persons and families involved, but also taxpayers through cost savings. The use of evidence-based, cost-effective juvenile justice and family intervention programs can reduce the rate of crime, the prison population, and save taxpayer money. Some of these cost savings could be reinvested in the criminal justice system, particularly in the existing prisons, to improve the services provided to inmates and reduce the number of deaths in custody.

In this submission, I am focusing on a set of programs compiled and evaluated by the Washington State Institute for Public Policy (WSIPP or the Institute). Although these programs took place in the United States, they offer examples of evidence-based policy that have been rigorously evaluated both in terms of effectiveness and the cost to benefit ratio. I will detail the analysis performed by WSIPP on various programs; discuss the economic analysis of the programs; and provide two examples of evidence based, cost-effective programs: Functional Family Therapy and Parent Child Interaction Therapy. Both programs were evaluated by the Institute, implemented in Washington, and have provided a positive return to taxpayers. These programs illustrate that a commitment to the implementation of well-researched, cost effective early intervention programs, properly funded to allow continued rigorous evaluation, can result in significant benefits including taxpayer savings. These taxpayer savings can be reinvested in the criminal justice system to improve services.

Obviously, the British criminal justice system and the care system differ from those in the United States. However, some of the research and results in Washington are significantly compelling and thus may have implications for implementing and evaluating criminal justice programs in England and Wales. Indeed, several of the programs evaluated by WSIPP have been reviewed by various agencies in the England, such as the Social Research Institute and the Evidenced Based Intervention Programme, and have been adapted for use in in England and Wales. Both programs discussed in this submission, Functional Family Therapy and Parent Child Interaction, are being implemented in areas of England and by various agencies, including the Department of Education, with

positive outcomes.¹

The Washington State Institute for Public Policy: Mandate

In the mid 1990s, in response to long term projections that the state would need additional prisons in order to house the growing number of inmates, the Washington state legislature directed the Washington State Institute for Public Policy to determine if evidence based options existed that could eliminate the need for prison construction, save taxpayer money and reduce crime. In this context, evidence based describes a program supported by “outcome evaluations clearly demonstrating effectiveness.”² Once identified, the legislation provided funding for the programs to be implemented in Washington State with the hopes that these programs would reduce the number of future prisoners. After successfully introducing this approach in the area of juvenile justice, Washington State expanded its evidence-based approach into other areas including child welfare, mental health, education and adult corrections. Today, the results of using the evidence-based, cost benefit approach appear to be paying off. Juvenile crime has decreased in Washington compared to the United States national rate, total crime is down, and taxpayer criminal justice costs have been lowered.³

In order to achieve its mandate to find evidence based programs, the legislature allowed the Institute to conduct a detailed review of United States literature in order to identify projects aimed at crime prevention shown to be effective and cost beneficial, meaning the taxpayers “received an adequate return on investment.”⁴ The Institute conducted a systematic review of all the research evidence available in adult corrections, juvenile corrections, and prevention programs.⁵ The Institute then reviewed the programs for effectiveness and conducted an economic analysis of the programs.

The review discovered evidence-based options, which would reduce crime rates and save taxpayers’ money. Importantly, the review focused equally on whether a program works *and* whether the program was cost effective because a program may be found to reduce crime, but its costs may exceed its benefits. Given the budget constraints facing legislators, in order to be viable, a positive economic analysis is another necessity when evaluating potential programs. As a result of the findings, Washington invested \$48 million for expanded use of evidence-based programs.⁶

¹ Allen G. (2011) Early Intervention: The Next Steps. An Independent Report to Her Majesty’s Government. London: HM Government.

² See Drake, E., Aos, S. & Miller, M. (2009) “Evidence-Based Public Policy Options to Reduce Crime and Criminal Justice Costs: Implications in Washington State,” *Victims and Offenders*. 171-194.

³ WSIPP (July 2011) “Return on Investment: Evidence-Based Options to Improve Statewide Outcomes.”

⁴ Drake *et al* 2009.

⁵ Drake *et al* 2009: 171-180.

⁶ Drake *et al* 2009: 171.

Methodology

As part of the research, the team at WSIPP reviewed and analysed the findings of 545 evaluations of adult corrections, juvenile corrections, and prevention programs.⁷ The evaluations included a statistical review of evaluation literature and a per-program economic analysis. The statistical review determined whether each program lowered crime. The economic analysis measured whether the benefits of the program's crime reduction exceeded its costs. Each of the evaluations included at least one relevant crime outcome. In addition to measuring whether the program reduced crime, the researchers also looked at other factors including the programs' effects on education, substance abuse, and child abuse. Following the analysis, the researchers reported the expected percentage change in crime outcomes for each program, measured the average amount of change in crime outcomes, and compared that change to either the existing treatment regime or no treatment.

WSIPP conducted the meta analysis on all available adult and juvenile corrections and prevention studies conducted since 1970 and written in English.⁸ The Institute used a rigorous evaluation technique controlling for size, requiring control groups and comparison groups, and accounting for differing levels of methodological quality in order to achieve a high degree of integrity in their evaluation. Any deficiency in the design of a program was taken into account and the results from the program were discounted accordingly.

Because the Institute recognized the varying degree of quality of the research programs through the above-mentioned factors, the researchers were able to differentiate between the dependability of the various study results. In order to account for such differences, the Institute used a five point scale to assign different values depending on the quality of the study, taking into account random assignment of subjects, use of control group, and pre-existing characteristics. The Institute also discounted the results from studies that took place in research-controlled environments as opposed to "real world" environments.⁹

The Institute also reviewed the applicability of the programs in diverse cultural contexts addressing the matter of whether programs are suitable for populations with various racial or cultural backgrounds.¹⁰ The Institute reviewed the racial and cultural populations in which the programs were administered in order to ensure that the programs could be adapted to various areas within Washington.

Cost Benefit Analysis

⁷ See Drake *et al* 2009 for complete description of evaluation, as summary of which follows.

⁸ Drake *et al* 2009: 176-178.

⁹ *Id.*

¹⁰ WSIPP, (July 2008) "Evidence-Based Programs to Prevent Children From Entering and Remaining in the Child Welfare System: Benefits and Costs for Washington."

WSIPP did not just conduct an in depth analysis of such programs, it went a step further and analysed the economics of each program. In order to do so, researchers divided the benefits for each program into two groups: benefits to taxpayers and benefits to crime victims.¹¹ If the meta-analysis reflected a statistically significant crime reduction, the evaluators took that crime reduction and monetized it, determining the monetary benefit to both taxpayers and future crime victims. The costs were then weighed against the benefits.¹²

In order to estimate the costs of the programs, WSIPP estimated the costs of the criminal justice system including the costs of the police, the courts, the prosecutor's office, juvenile system costs, and adult jails.¹³ Operating costs and capital costs were considered. Generally, the model used the marginal operating costs of the criminal justice system in order to more properly estimate the savings due to each reduced participant in the criminal justice system, care system, or other relevant government agency.¹⁴

The model considered the costs not only to taxpayers but also the costs suffered by victims including loss of life, out of pocket or property losses and psychological consequences.¹⁵ Whilst these costs are notoriously difficult to quantify, progress has been made as studies have attempted to quantify them.

WSIPP used the information to determine each program's effect on crime, measured by the change in the risk of a person participating in the program being convicted of a crime in a year, calculated the impact of that change on the criminal justice system, measured the costs saved as a result of a reduction and the annual saving to taxpayers and crime victims.¹⁶

Using this rigorous evaluation system, the researchers determined the long-term benefits in terms of crime reduction, educational attainment, and substance abuse of the reviewed programs. Based on the meta-analysis and economic analysis of the programs, the Institute concluded that a number of adult and juvenile justice and prevention programs demonstrate significant reductions in crime whilst others failed to demonstrate a significant reduction.¹⁷ Shockingly, some researched programs had a positive correlation with crime, meaning that crime actually increased with the program.¹⁸ The findings from WSIPP support the notion that policy makers need to consider reliable evidence not only as to what works in reducing crime, but especially in times of austerity, which programs produce the greatest outcome for the lowest cost.

To demonstrate the strength of investing in evidence based policies designed to save taxpayers money, this submission focuses on early intervention programs

¹¹ Drake, et al 2009: 178-180.

¹² *Id.*

¹³ Drake et al. 2009: 178-179.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Drake et al 2009: 180-81.

¹⁷ Drake et al 2009: 183.

¹⁸ *Id.* at 185-189.

and programs targeting juveniles because often these programs can produce greater results than those targeting adults.

Examples of Evidence-Based Programs

After thorough analysis, Washington selected several programs for implementation in the Washington because sufficient evidence existed to support the conclusion the programs reduced crime. The Functional Family Program (FFP) and Parent Child Interaction Therapy (PCIT) are examples of two such programs.

Functional Family Program

The Functional Family Program, which has been in place in Washington since the mid-1990s and is currently being piloted in England by the Social Research Unit and the Evidence Based Intervention Programme, involves specifically trained therapists working with a young person who has been involved in the criminal justice system *and* their family.¹⁹

Functional Family Therapy is a short-term, intensive intervention program for youths who are exhibiting behavioural or emotional problems.²⁰ During a term of three to five months, a specially trained therapist works with both the youth and the family for approximately 12 sessions.²¹ The services are provided in clinic and homes. In the beginning stages, therapists attempt to develop a relationship with the family by being responsive and sensitive, being respectful of individual and cultural beliefs, and being an effective listener. In this beginning phase, the therapist also focuses on being immediately responsive to the family in order to further develop trust. As the therapy progresses, the therapist helps to decrease family conflict by altering negative interactions, providing alternative dispute processes and “reframing the themes.”²²

The primary goal of the initial phases is to increase family members’ motivation for change by helping all members’ interact more positively with each other.²³ Therapists do this by ‘reframing’ parents and children’s behaviour, so that family members gain a deeper insight into each other’s actions and are less likely to attribute blame.²⁴ The therapy continues with the therapist assisting family members to identify patterns of interaction and building an understanding of one another’s behaviours.²⁵ Through increased understandings and recommended strategies, behaviours change and family processes improve.

¹⁹ WSIPP (July 2011) “Return on Investment: Evidence-Based Options to Improve Statewide Outcomes.” pp. 2; Allen G. (2011) Early Intervention: The Next Steps. An Independent Report to Her Majesty’s Government. London: HM Government.

²⁰ See generally <http://www.functionalfamilytherapy.com>.

²¹ WSIPP, (2002) “Washington State’s Implementation of *Functional Family Therapy* for Juvenile Offenders: Preliminary Findings.”

²² <http://www.functionalfamilytherapy.com/about-fft/clinical-model/>

²³ <http://www.functionalfamilytherapy.com/about-fft/clinical-model/>

²⁴ <http://www.fftllc.com/about-fft-training/clinical-model.html>

²⁵ <http://www.fftllc.com/about-fft-training/clinical-model.html>

Finally, therapists work with the family and the community to create a list of supportive community contacts to help the family develop independence and the resources to continue practicing positive behavior without the assistance of the therapist.²⁶

WSIPP estimates that FFT achieves total benefits of \$37,739 per participant.²⁷ The benefits are derived from reduced crime, increased educational attainment, health benefits and benefits to the labour market. Of the \$37,739, WSIPP estimates an \$8,536 benefit to taxpayers.²⁸ The current cost of FFT is \$3,190 per participant. The benefit to cost ratio for this program is \$11.86, meaning that for every dollar spent, over \$11 of value is generated in benefits.²⁹ Further, based on a conservative evaluation controlling for different variables, WSIPP predicts that the program has a 99 per cent chance of producing benefits that exceed costs.³⁰

As mentioned above, FFT is currently being funded and piloted by the Evidence Based Intervention Programme, the Social Research Unit and the Department of Education in the United Kingdom. The website describing how to access FFT through the Evidence Based Intervention Programme was not accessible at the time of this submission.

In the UK, FFT is also currently being implemented in community youth offending services in Brighton. The programme aimed to offer FFT to 50 families and compare its use to 50 control families.³¹ The results of this program will be evaluated through an RCT, the SAFE trial. According to the Brighton and Hove Child Poverty Strategy 2012-2015 Report, if Brighton was able to provide FFT to 100 families as a successful alternative to foster care, it estimates savings of £3.5 million.³²

In addition, the Childhood Wellbeing Research Centre, an independent research centre, which receives funding from the Department for Education, has released research documenting the benefits of Functional Family Therapy and describing it as an evidence based program.³³ Importantly the Childhood Wellbeing Research Centre noted that achieving the best results with FFT required strict fidelity to the FFT program. FFT has also been successfully implemented outside the United States in New Zealand, Netherlands, Norway, Sweden, and Belgium

²⁶ <http://www.fftllc.com/about-fft-training/clinical-model.html>

²⁷ WSIPP (July 2011) "Return on Investment: Evidence-Based Options to Improve Statewide Outcomes."

²⁸ *Id.*

²⁹ WSIPP (July 2011) "Return on Investment: Evidence-Based Options to Improve Statewide Outcomes."

³⁰ *Id.*

³¹ <http://www.brighton-hove.gov.uk>

³² http://southwestforum.org.uk/sites/default/files/sitefiles/docs/joanna_pearse_-_fft.pdf

³³ Wiggins, M., Austerberry, H. & Ward, H. (2012) "Implementing evidence-based programmes in children's services: key issues for success," Childhood Wellbeing Research Centre: Research Report DFE-RR 245.

suggesting the programme can be adapted to effective use outside the United States.³⁴

Parent-Child Interaction Therapy

Child abuse and neglect are the two primary reasons that children in the United States are referred to the care system. Research evidence shows that children who are abused or neglected are more likely to experience other negative outcomes later in their lives such as low educational attainment and criminal activity. Thus, finding programs that effectively help families reduce abuse and neglect will not only benefit the child and family; they have the added benefit of reducing crime.

WSIPP evaluated several programs that are effective in assisting families with high risk factors. One of these programs, Parent-Child Interaction Therapy, is already used in parts of the United Kingdom as well as several states in the U.S. Some other similar programs are also available in the United Kingdom, however, it is important to note that the studies of the Institute show that implementation of a specific program is tied to the results. Similar programs may not result in the same savings or crime reduction.

Parent-Child Interaction Therapy (PCIT) treats for young children exhibiting emotional or behavioural problems and their parents.³⁵ PCIT focuses on improving the quality of the parent-child relationship and changing parent-child patterns. In order to change interaction patterns, parents are taught specific skills to establish a secure relationship, which serves to increase the child's social behavior and decrease negative behavior. PCIT focuses on two basic interactions: Child Directed Interaction (CDI), which is similar to play therapy and allows parents to engage their child in a play situation with the goal of strengthening the parent-child relationship. Second, PCIT focuses on Parent Directed Interaction (PDI), where parents are given behavior management techniques.³⁶

The purpose of Parent-Child Interaction is to improve the parent-child relationship and help the child develop a secure attachment to the parent.³⁷ In order to do this, parents are treated with their children as well as individually. Therapists work with the parents to develop positive parenting skills and those skills are practised in parent-child sessions with therapists observing. Following the observations, therapists coach the parent in order to encourage more positive interactions and behaviours.³⁸ After participating in PCIT, parents were less likely to abuse or neglect their children.

³⁴ <http://www.fftlc.com>.

³⁵ The following discussion of PCIT is based on information available at <http://www.pcit.org>.

³⁶ <http://www.pcit.org>

³⁷ <http://www.pcit.org/about/>

³⁸ <http://www.pcit.org/about/>

WSIPP's continued evaluations of PCIT show that aside from providing benefits to the child and family, PCIT is cost effective and can save taxpayer money. The estimated benefits and costs of the Parent-Child Interaction Therapy program show a benefit due to reduction in crime of \$181 to taxpayers and \$356 to non-taxpayers.³⁹ The program also showed benefits due to increased educational performance, decrease in abuse and neglect, and reduction in substance abuse. The net benefit was \$4,962, the total benefit to cost ratio was \$5.93.⁴⁰ Again, for each dollar spent, society receives over 5 dollars back in benefits.

In addition to the WSIPP analysis of PCIT, additional studies have also shown PCIT to be effectual and cost effective. The research of WSIPP on PCIT has been supported by numerous studies on its effectiveness and its cost-effectiveness. For example, a 2007 study demonstrated that although PCIT was initially more expensive, after 18 months, the average cost of treating a child with PCIT was approximately \$600 less than the standard treatment.⁴¹ The Goldfine study focused solely on the financial costs and resulting behaviour improvement of PCIT.⁴² The study concluded that the program had positive long-term effects and was cost effective.⁴³ Additional studies have documented the long-term effects of PCIT and have demonstrated the continuation of the treatment gains including improved parental confidence and continued improved behaviour, which lasted from three to six years following the end of treatment.⁴⁴

The International Development Committee for PCIT is currently reviewing the program to ensure it is adaptable to different cultures. The following countries are implementing PCIT: Australia, Germany, Japan, Hong Kong, Norway, the Netherlands, South Korea and Taiwan.⁴⁵

It is important to note that whilst there are agencies implementing PCIT in the United Kingdom, the benefits are unique to this particular program and other similar parenting programs have not been shown to offer the same evidence of cost savings. The Department of Education currently offers Parent-Child Enhancement Approach, which shares the goals and some of the techniques of PCIT. The Ministry of Education has noted that PCREA has shown preliminary evidence of improving children's behavior and improving the parent-child

³⁹ WSIPP (2008) "Evidence-Based Programs to Prevent Children From Entering and Remaining in the Child Welfare System: Benefits and Costs for Washington."

⁴⁰ WSIPP (2008) "Evidence-Based Programs to Prevent Children From Entering and Remaining in the Child Welfare System: Benefits and Costs for Washington."

⁴¹ Krivelyova, Sukumar, Stephens, and Freeman (2007) "Treatment costs for children and families receiving parent-child interaction therapy or services as usual in a system of care setting." Poster presented at the 20th Annual Research Conference, Tampa, Florida.

⁴² Goldfine, M., Wagner, S., Branstetter, S. McNeil, C. (2008) "Parent-Child Interaction Therapy: An Examination of Cost-Effectiveness" *Journal of Early and Intensive Behaviour Intervention*.

⁴³ *Id.*

⁴⁴ See e.g., Eyberg et al., 2001; Funderburk et al., 1998; Nixon, 2001; Nixon, Sweeney, Erickson, & Touyz, 2003; Hood and Eyberg 2003.

⁴⁵ <http://www.pcit.org/pcit-around-the-world>.

relationship. Again, implementation and adherence to the program are crucial to the program's success.

Conclusion

Family Function Therapy and Parent Child Interaction Therapy are only two examples of programs recommended by WSIPP based on its rigorous analysis and on-going evaluations. Other programs include the Nurse Family Partnership, which is also in use in various parts of England, and has shown considerable benefits in both the United States and England including reducing neglect, reducing crime and increasing education attainment. In the Nurse Partnerships, an expectant mother is paired with a nurse until the child reaches 2 years of age.⁴⁶ The total cost of the program per family is approximately \$9,000 for the full treatment period.⁴⁷ Studies show this program is one of the most effective strategies to prevent crime and reduce child abuse while improving infant and maternal health.⁴⁸ Rigorous studies of the program have found that it reduces child abuse by 80 per cent, and home-visited mothers have only one-third as many arrests compared to those left out of the program.⁴⁹ NFPs have also been shown to reduce substance abuse and increase educational attainment. Furthermore, children whose mothers did not participate in the program had twice as many arrests by the age of 15 as the children of mothers in the program.⁵⁰ The program has been successfully implemented in urban, rural, and various ethnic communities in both the United States and the United Kingdom. Given the success of NFPs, it has been recognized as one of the top 25 early intervention programs in England and the Government committed to expanding the number of places on NFP programme by 2015.⁵¹

The implementation of programs such Functional Family Therapy, Parent Child Interaction Therapy and the Nurse Family Partnerships in England are encouraging and will likely have positive results for the participants and taxpayers if the programs are strictly followed. The current piloting of these programs in England includes the Department of Education providing funding to local authorities who want to set up evidence based intervention programmes in their areas. However, in order to see a significant decrease in crime and reap the benefits of meaningful cost savings, a large-scale commitment to evidence-based programs, similar to that of the Washington state legislature, is necessary. Aside from the initial review and rigorous analysis of program in Washington state, the legislature mandated that the programs continuously undergo evaluation in

⁴⁶ WSIPP (2009) "Evidence-Based Programs to Prevent Children From Entering and Remaining in the Child Welfare System: Benefits and Costs for Washington."

⁴⁷ WSIPP (2009) "Evidence-Based Programs to Prevent Children From Entering and Remaining in the Child Welfare System: Benefits and Costs for Washington." pp. 8.

⁴⁸ *Id.*

⁴⁹ FIGHT CRIME: INVEST IN KIDS California, "From Promise to Practice Mental Health Models that Work for Children and Youth."

⁵⁰ FIGHT CRIME: INVEST IN KIDS California, "From Promise to Practice Mental Health Models that Work for Children and Youth."

⁵¹ Allen G. (2011b) "Early Intervention: Smart Investment, Massive Savings." The Second Independent Report to Her Majesty's Government. London: HM Government.

order to ensure that implementation is strictly followed and the benefits actual ensue to participants and taxpayers.⁵²

Reducing deaths in custody will inevitably mean increasing resources devoted to supporting inmates at risk of self-harm. However, by investing in programs that not only save taxpayers money but also reduce crime and reduce the number of those entering the prison system, the necessary funds could be released to provide that additional support needed for those most at risk who do enter the prison system. The state of Washington made a long-term commitment to evidence-based, cost effective programs and invested substantial funds in proven programs. Today, Washington is reaping the benefits of those programs with lower crime and more effective use of taxpayer money.

⁵² WSIPP: "Washington State's Implementation of *Functional Family Therapy* for Juvenile Offenders: Preliminary Findings." (August 2002).