

# REFORMING THE CRIMINAL JUSTICE SYSTEM

THE ROLE OF DATA AND RESEARCH

## NEED FOR CRIMINAL JUSTICE REFORM

*Criminal Justice Reform is not a liberal or conservative issue; its an American issue.*

— Chairman Goodlatte

Home  
Koch Brothers Investing In & Leading The Bipartisan Charge For Criminal Justice Reform

## ROLE OF DATA IN CJ REFORM: WHAT WE DO KNOW?

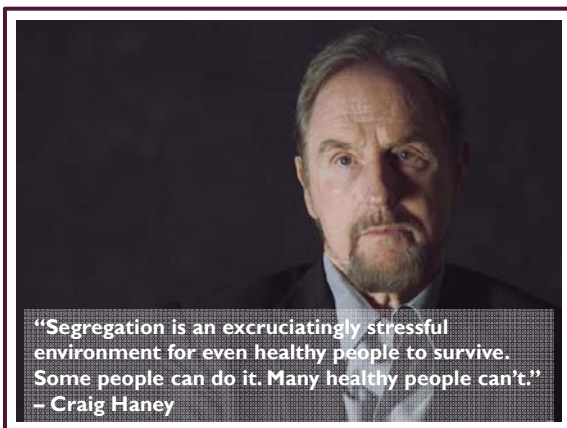
- **Overcrowded:** 2.2 million individuals incarcerated (*Bureau of Justice Statistics*)
- **Racial Disparities:** Young black men have a 1 in 3 Lifetime Risk of Incarceration compared with a 1 in 17 lifetime risk among young white men (*Bureau of Justice Statistics, 2001*)
- **Costly :** Second highest costs in states next to Medicaid (*Pew Center of States Survey*)

## ROLE OF DATA: WHAT CAN WE DO NOW?

Transparency and data on the impact of the current Criminal Justice System can lead to **INTERVENTIONS, POLICY CHANGE, and ADVOCACY**



## HOW CAN MORE DATA ADD TO THE CONVERSATION? EXAMPLE: SOLITARY CONFINEMENT



- Craig Haney 1980s did the first interviews among individuals who were in solitary confinement and matched to individuals in max security.
- Prisoners subjected to solitary confinement suffered from:
  - Depression and anxiety
  - Memory loss and difficulty focusing
  - Even *more* difficulties transitioning upon release
  - Self-harm and suicidality

## HOW CAN MORE DATA ADD TO THE CONVERSATION? EXAMPLE: SOLITARY CONFINEMENT

- The first Department of Corrections survey of solitary confinement was published in 2015, almost 20 years after Haney's work first came to light. They found:
  - 67,442 people were held in fall 2015
  - Prisons ranged from 1% - 28% of population in isolation
  - About 1/3<sup>rd</sup> were in isolation for 1 – 3 months
  - Almost 6000 people were in isolation for 3+ years

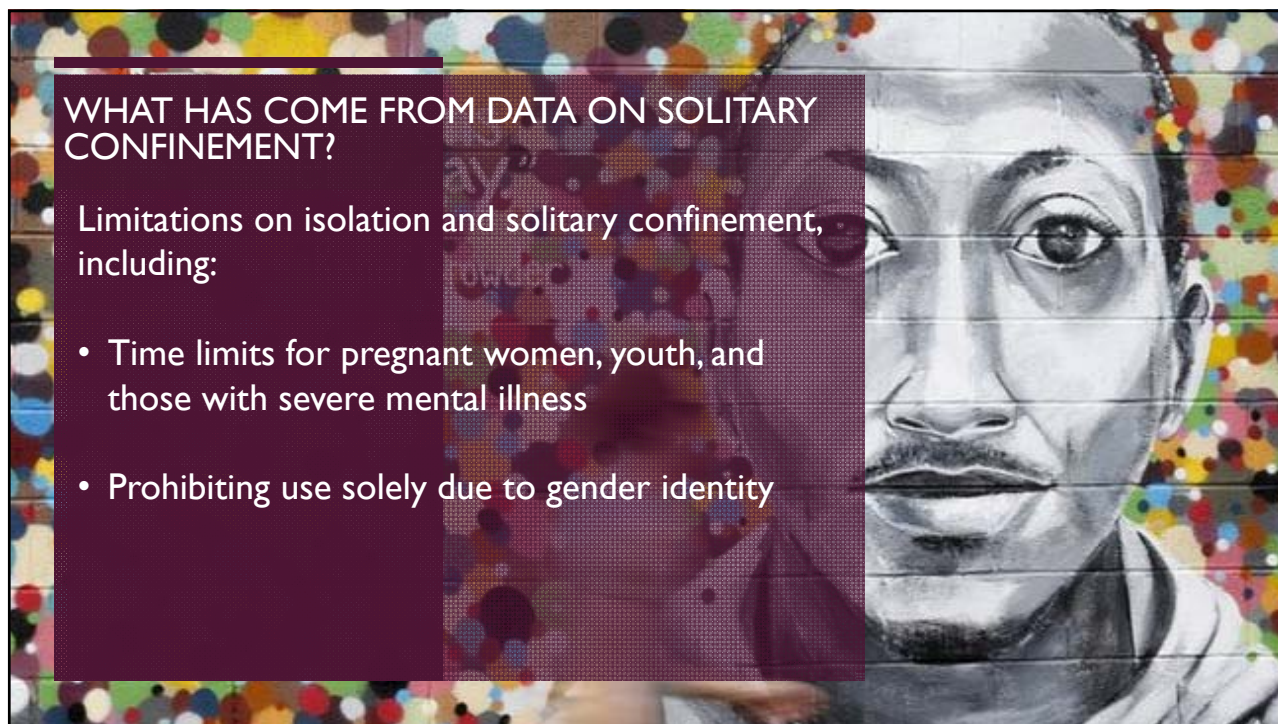




## WHAT HAS COME FROM DATA ON SOLITARY CONFINEMENT?

Limitations on isolation and solitary confinement, including:

- Time limits for pregnant women, youth, and those with severe mental illness
- Prohibiting use solely due to gender identity



TCN COMMUNITY-BASED PARTICIPATORY FOOD INSECURITY STUDY

## FOOD INSECURITY IN THE TRANSITIONS CLINIC NETWORK

### Case Study

26 year old woman with a medical history significant for hepatitis C and history of intravenous drug use who was recently released from prison presented to clinic reporting that she had returned to sex work because she could no longer support herself or her kids. She complained about not being able to obtain food stamps having been convicted of a drug felony.

## HOW CAN DATA ADD TO THE CONVERSATION: FOOD INSECURITY



### FOOD STAMP BAN

- Many states ban drug felons from obtaining food stamps
- 92,000 women and children are affected by this food stamp ban
- Operation Talon

## HOW CAN DATA ADD TO THE CONVERSATION: FOOD INSECURITY

### WHAT IS THE RESEARCH QUESTION?

**Is food insecurity** associated with **HIV risk behavior** among recently released inmates? And how does criminal justice system policy impact this?

## HOW CAN DATA ADD TO THE CONVERSATION: FOOD INSECURITY

### **FOOD INSECURITY** is defined as...

- Limited or uncertain availability of nutritionally adequate, safe foods
- Components
  - Insufficient quantity of food
  - Insufficient quality/diversity of food
  - Feeling of anxiety/worry around obtaining food
  - Feeling of deprivation or restricted choice
  - Inability to procure food in a socially acceptable manner (e.g., dumpster diving, sex for food)



## FOOD INSECURITY AND HIV RISK BEHAVIOR HOW DID WE MEASURE IT?

### **PREDICTOR:** Food Security Survey

- 18-item Food Security Module (10 items for adults, 8 for children)
- Previously validated in different populations
- Not in recently released – Why?
  - Difficulties children don't live with them
  - Live in group homes
  - Food insecurity might occur not immediately upon release

### **OUTCOME:** Risk Behavior Survey

- *High Risk Behavior Survey-PLUS*
  - Drug risk behavior (sharing needles, sharing drug paraphernalia behaviors)
  - Sexual risk behavior (multiple partners, non-condom use, transactional sex, sex while using drugs)
- On pre-testing realized that many who were living in transitional homes or on parole were being urine-tested daily



## COMMUNITY INFORMED AND LED

- Members of All of Us or None participated in all stages of research
- 5 research assistants with a history of incarceration were trained
- 111 surveys were completed
- Participation rate 98%

## RESULTS: POPULATION DESCRIPTIVE STATISTICS



- 45% women, 69% non-white
- 52% report being homeless since being released from prison
- 31% --incarcerated once; 28% --incarcerated more than 10 times
- Mean time from release 3.5 months
- 53% committed drug related crime

EA Wang, L Evans, A Carroll-Scott et. al. AIDS Education and Prevention 2012

## RESULTS: FOOD INSECURITY AND SNAP BENEFITS



- **91%** meet criteria for food insecurity since being released from prison
- **37%** report having had one day in the past month where they didn't have enough money to eat
- 52% receive food stamps
- Average food stamp benefit: \$200 per month, but only average lasts 2.6 weeks



## IS FOOD INSECURITY ASSOCIATED WITH HIV RISK BEHAVIOR AMONG RECENTLY RELEASED INMATES?

	Food Insecure	Food Secure	P-value
Used alcohol prior to intercourse	18 (78%)	13 (36%)	0.002
Used cocaine/crack prior to intercourse	13 (56%)	7 (20%)	0.004
Used opioids prior to intercourse	7 (30%)	3 (10%)	0.06
Paying for or being paid for sex work	7 (25%)	3 (7%)	0.03

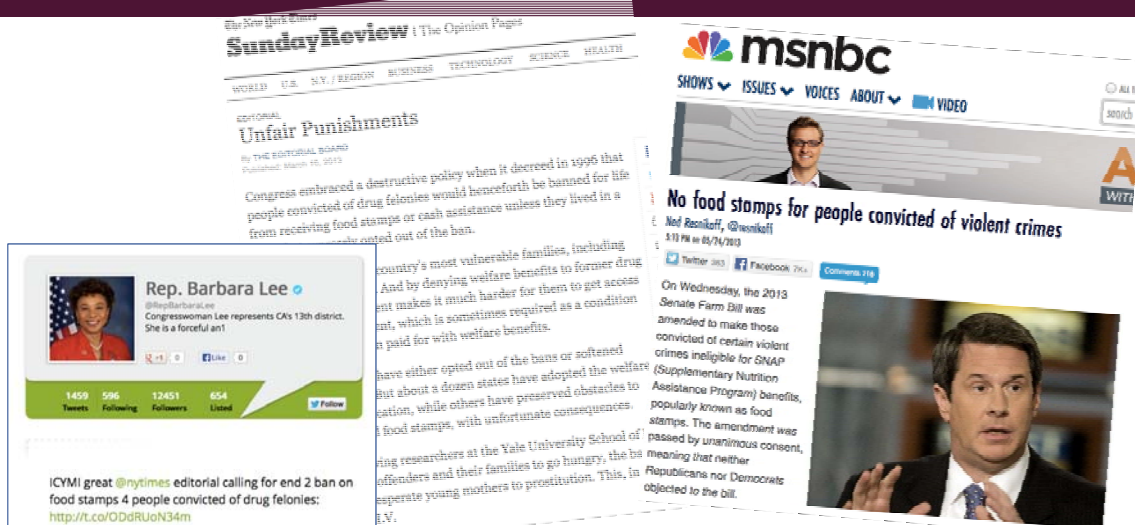
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## CONCLUSIONS

- Food insecurity is common among recently released individuals
- Not eating for a whole day is associated with high risk sexual behaviors
- Individuals that live in states with food stamp bans are more likely to go hungry



## DISSEMINATION



## CAUTION!

- The history of research on incarcerated people and prisoners of war is one of the greatest violations of human rights in modern history. Unethical research includes
  - Injection with cancerous cells
  - Forced LSD and other hallucinogenic drugs
  - Nazi experimentation
  - Experimental high-risk cancer treatment

## PROTECTIONS IN HUMAN SUBJECTS RESEARCH



- Today incarcerated people are considered a “vulnerable population” along with children, and individuals positive for HIV
- As such, all human subjects research funded by the Federal government (even surveys) require:
  - Special training and certification for researchers
  - More careful review of study protocol

## THE PATH FORWARD: INCLUSIVE RESEARCH

- Including individuals with a history of incarceration in all phases of research
  - Improves science (internal and external validity)
  - Improves utility of research
  - Improves dissemination
  - Minimizes ethical violation