

Evidence-Based Decision Making in Local Criminal Justice Systems Initiative

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Partners

- Federal Sponsors
 - National Institute of Corrections
 - *With support from the Office of Justice Programs*
- Technical Assistance Consortium
 - Center for Effective Public Policy
 - Pretrial Justice Institute
 - The Justice Management Institute
 - The Carey Group



Why EBDM?

- There is a growing body of evidence that can (and does) inform justice system agencies' performance and increase effectiveness
- Many examples have been demonstrated in operating agencies around the country



Why EBDM?

- The full potential of change has not yet been realized; to date, these approaches have not been implemented system wide
- A primary perceived barrier is the lack of system collaboration around a common set of outcomes and principles



The Goal of the EBDM Initiative

- Test a "Framework" for evidence-based decision making at the local level -- using evidence to inform decisions that lead to risk and harm reduction. In so doing...



The Goal of the EBDM Initiative

- Affirm existing practices that have been demonstrated to be effective
- Inspire and challenge practices that can be improved
- Create tools and processes that can be replicated elsewhere
- Address those thorny issues that are barriers to advancement



The Vision: One Million Fewer Victims

“The problem with most people is not that they aim too high and miss the mark, but that they aim too low and hit it.”

▫ Michelangelo



Examples of Key Research Findings

- Validated assessment tools predict pretrial misconduct -- as well as risk of reoffense for sentenced offenders -- more effectively than professional judgment alone
- Recidivism rates can be reduced significantly when interventions (supervision and programming) are matched to risk level
 - Limited interventions for low risk
 - Appropriate programming and level of supervision for medium and high risk



Examples of Key Research Findings

- When criminogenic needs are targeted through intervention and treatment, the best results are achieved
- Misconduct can be diminished with swift, certain, and proportionate responses



Examples of Key Research Findings

- Incentives and positive reinforcement are effective techniques in promoting behavioral change
- Programming provided in a community setting tends to get better results
- Sanctions by themselves without programming do not contribute to recidivism reduction



Examples of the Application of these Findings to Justice Decisions

- Pretrial services conduct assessments with validated instruments prior to making release recommendation decisions
- Judges and prosecutors avoid imposing too many conditions for low risk diversion cases or low risk sentenced individuals



Examples of the Application of these Findings to Justice Decisions

- Kiosks or other means of low intensity supervision are used for low risk offenders
- Cognitive behavioral programming is used for medium and high risk offenders
- Violation decision making guidelines take into account offenders' risk level



Examples of the Application of these Findings to Justice Decisions

- Structured systems of rewards are used to reinforce positive offender behavior
- Law enforcement uses community based crisis services for offenders with mental health conditions



Key Assumptions/Recognitions

- We *can* do better (achieve improved outcomes)
- There is sufficient evidence to support a Framework for evidence-based decision making
- Lessons from the private sector around organizational development can be applied to the justice system



Key Assumptions/Recognitions

- Where evidence is lacking, it should be built
- The justice system can achieve more than risk reduction – harm reduction is also possible



Harm Reduction

- The justice system has a number of goals, recidivism reduction being just one
- Harm reduction is the overarching objective; many possible outcomes:
 - Fewer crimes *and*
 - Reduced erosion of property values
 - Less money spent on the justice system
 - Increased sense of safety
 - Less financial loss by victims
 - Greater confidence by citizens in the CJS

Harm reduction includes decreases in the ill effects of crime by communities, victims, citizens, families of offenders, and by offenders themselves



The NIC Initiative

- Established a national Advisory Committee representing all the key justice system stakeholders
 - Consider where the field is, where it should go
 - Shape the EBDM Initiative
- Selection and close work with a consortium of TA Providers



The NIC Initiative

- Collaborated with key private sector experts
 - “Innovators”
 - Institute for Healthcare Improvement (IHI)
- Conducted a national public opinion survey on evidence-based decision making
- Developed the Framework
- Convened discipline-specific focus groups and Advisory Committee for input



Lessons from the Innovators and the IHI

- **Quantify the goal**

- Name the problem - clearly and emphatically
- Action is more compelling when the goal is definable and measurable

Application to the Initiative:
One million fewer victims is possible;
the time to start is now



Lessons from the Innovators and the IHI

- **Make it profoundly simple**

- If the change becomes an additional or complicated task it is less likely to be implemented
- New procedures and processes need to be translated to simple operational terms
- Make the new easier than the old

Application to the Initiative: To increase the likelihood of success, changes should be simple to implement whenever possible. Replace current practices with those that are more effective and easier to implement.

Lessons from the Innovators and the IHI

- **Better than the status quo is still "better"**

- Don't wait to solve everything before beginning to improve some things
- In the absence of informed action, nothing will change
- We can learn as we proceed

Application to the Initiative:
We should attempt to improve even when we lack all the information we desire.



Public Opinion Survey Results

- The majority of respondents indicated that punishing those who commit crime should be the primary purpose of the justice system.
- However, a large majority (87%) indicated support for alternatives to jail if research showed other ways of reducing new crimes.
- Some (40%) supported alternatives for violent crime.
- 89% indicate that the justice system should tell the public how well they are doing in reducing crime.



Public Opinion Survey Results (continued)

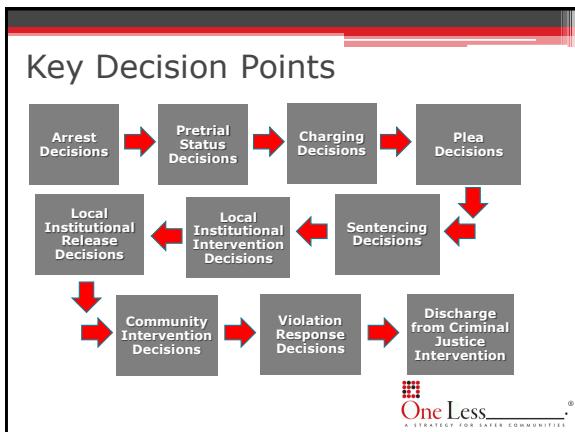
- 74% agreed with this statement: "We should increase spending on approaches proven to reduce the chances that offenders will commit new crime."
- 61% said that when justice system professionals make decisions, research should be the most important thing they rely on.



The Outcome of the Planning Process

- Development of a Framework
 - Core set of principles to guide the work
 - Focus on the key decision makers at the
 - Individual level
 - Agency level
 - Justice system level
 - Examine the decision points in the system; explore the application of evidence at each





Examples of Decision Point Questions

- Whom should we *arrest* and why?
 - What evidence supports that the intended outcome will result from the action(s) taken?
- Whom should we *book into the jail* and why?
 - What evidence supports that the intended outcome will result from the action(s) taken?
- Whom should we *release pretrial* and why?
 - What evidence supports that the intended outcome will result from the action(s) taken?
- Whom should we *charge* and why?
 - What evidence supports that the intended outcome will result from the action(s) taken?

One Less
A STRATEGY FOR SAFER COMMUNITIES

Examples of Decision Point Questions

- Whom should we *adjudicate* and why?
 - What evidence supports that the intended outcome will result from the action(s) taken?
- What *sentence/conditions* should we apply and why?
 - What evidence supports that the intended outcome will result from the action(s) taken?
- Which sentences should be *modified* and why?
 - What evidence supports that the intended outcome will result from the action(s) taken?

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Assumptions About the Principles

- They should provide direction to both the individual stakeholder and the system.
- They should state the obvious only when the obvious is not happening.
- Fewer is better.
- They should challenge the system players to make certain improvements they may not have otherwise taken.
- They should lead naturally to concrete action steps.

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Principle #1

The professional judgment of criminal justice system decision makers is enhanced when informed by evidence-based knowledge.

Examples: use of risk tools; effectiveness of interventions under certain conditions

Evidence-based knowledge does not replace discretion but instead, informs decisions.

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Principle #2

Every interaction within the criminal justice system offers an opportunity to contribute to harm reduction.

Examples: law enforcement officer at the point of arrest, pretrial officer at assessment, judicial officer on the bench

To be effective, justice system players must understand how their interactions influence others and have the knowledge and skills to enhance this influence.

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Principle #3

Systems achieve better outcomes when they operate collaboratively at the individual, agency, and system levels

Example: Establishment of policy teams and operational protocols that define how others will be consulted and decisions made

Decision making responsibilities remain at the individual and agency level, however under the collaborative approach, input is received and other's interests are taken into account.



Principle #4

The criminal justice system will continually learn and improve when professionals make decisions based on the collection, analysis, and use of data and information

Examples: Establishment of agency and system wide performance measures; feedback loops to examine efficacy of current practice

Where evidence is not immediately available, the justice system may need to use its own data to determine what is or is not working.



Core Values

- Nothing in the Initiative is meant to contradict or change the core justice system values of
 - Public safety
 - Fairness
 - Individual liberty
 - Respect for the rights, needs, and concerns of victims
 - Respect for the rights of people accused of crimes
 - Respect for the rule of law
 - Discretion
 - Appreciation for differences in perspectives and practices across jurisdictions



Phase II: Preparation

- Fourteen applications received from jurisdictions to become "seed sites"
- Seven sites were selected for Phase II (preparation for piloting the Framework)
 - Mesa County, Colorado
 - Grant County, Indiana
 - Ramsey County, Minnesota
 - Yamhill County, Oregon
 - Charlottesville-Albemarle County, Virginia
 - Eau Claire County, Wisconsin
 - Milwaukee County, Wisconsin



Phase III: Implementation

- All seven sites will receive ongoing support from NIC to implement their plans during Phase III



Initiative Tasks and Timelines

- Complete the Framework (April 2010)
- Select seed sites (August 2010)
- Assist seed sites in developing the processes and infrastructure to implement the Framework through general and specialized assistance (August 2010 to June 2011)



Initiative Tasks and Timelines

- Evaluate the effectiveness of the TA (August 2010 – September 2011)
- Sites move on to Phase III implementation (August 2011)
- Develop tools and resources for seed sites and others (2010 – 2012)
- Evaluate the results of implementation



The Framework

- To an outside observer, what would an EBDM jurisdiction look like under the Framework?
- Two years later...
 - How would activities be the same or different than what currently exists?
 - What would it "look like" from a system perspective, by decision point, by stakeholder?



As a CJS System: Collaboration and Planning

- Key decision makers form a policy team (e.g., Criminal Justice Council); work collaboratively; meet routinely
- Agree on system goals (harm reduction)
- Bring major policy and program changes to the team
- Establish transparent performance measures
- Develop a logic model
- Collect and use data to evaluate system results
- Support each other around agreed upon harm reduction policies



Law Enforcement

- Use data to determine "hot spots" where law enforcement intervention is most needed
- Use an actuarial tool such as a brief screening instrument to inform cite vs. detain decisions
- Serve as role models by attending offender graduation programs and affirming progress
- Participate in behavioral change programs as guest speakers
- Integrate social learning training in arrest practices (role modeling, fairness, respect, etc.)



Pretrial

- Use information from actuarial tools to inform bail decision and pretrial supervision conditions
- Develop alternatives for defendants in lieu of traditional money bail
- Make personal phone calls to remind defendants of court dates
- Encourage (not require) defendants to attend programming while on pretrial status



Prosecution

- Risk tools inform plea negotiation agreements
- Diversion criteria focus more on offender traits than instant offense
- Longest sanctions reserved for the higher risk offenders who exhibit the most egregious behaviors
- Support responses to violations that strive to achieve behavioral change rather than simply punish



Defense

- Request review hearings when offenders make significant progress in programming
- Emphasize the need to address criminogenic needs when advocating for clients to avoid repeat offenses
- Educate clients about the purposes of programming/risk reduction efforts; graduated sanctions; etc. to gain understanding and cooperation
- Encourage client participation in drug courts, cognitive behavioral/risk reduction interventions



Court

- Risk tools inform bail, sentencing and revocation decisions
- Sentences/conditions align with criminogenic needs
- Over reliance of supervision for low risk pretrial and probation cases avoided
- Incentives and rewards offered (e.g., early discharge for positive achievements)
- Special court hearings/graduations to affirm offenders who are meeting/exceeding expectations



Victim Advocates

- Participate in local criminal justice collaboration as an advocate for evidence-based decision making throughout the criminal justice process
- Make policy recommendations based on the routine assessment of victims' level of satisfaction
- Identify evidence-based techniques for restitution collection, victim services, interviewing, etc.



Jail

- Use actuarial risk assessment tools to inform housing assignments and release conditions (e.g., work release, furloughs)
- Routinely assess use of jail beds by offender risk level
- Provide a continuum of behavioral change programs and align them with the community based services for seamless transition



Community Corrections

- Provide risk and need information to defense, prosecution and courts in advance of hearings
- Color code cases for easy identification of risk level
- Use low intensity supervision for low risk offenders (e.g., group/kiosk/administrative reporting)
- Provide incentives based on positive behavior
- Consider risk level in violation responses
- Craft responses to violations to promote long term behavioral change



County Executive/Board/Legislature

- Conduct cost-benefit analysis of policies/interventions
- Tie funding to EBP (i.e., through contract provisions)
- Require system wide performance measurement
- Review the data
- Use performance-based budgeting
- Provide support for interventions demonstrated to be effective (e.g., residential options to enable incarcerated offenders to effectively transition to the community)



How You'll Know It When You See It

- CJS players will routinely ask: "How do we know that? On what evidence is that decision based?"
- Evaluations are put into place when new policies or practices are implemented
- Policies and practices are modified (or terminated) when the outcomes are poor
- Results from performance measures show improvement over time



The Goal: Fewer Victims, Less Harm

- It will require:
 - "Pushing the envelope" and putting in place policies that are outside of what has traditionally been done
 - Leadership and courage
 - Shared responsibility for collaborative shifts in policy



One less offender. One less crime. One less victim.



What do YOU want to experience one less of?

For More Information

- Review the Framework, follow the Initiative's progress:
 - <http://www.cepp.com/EBDM.OneLess/>
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