U.S. Department of Justice
National Institute of Corrections

A Framework for Evidence-Based Decision Making in Local Criminal Justice Systems

A Work in Progress

Third Edition

NIC
National Institute of Corrections

Foreword

As we stand at the beginning of a new decade, justice system professionals are challenged by the rising costs of criminal justice, the stories of victims harmed by crime, and the failure of too many offenders who pass through our gates and doors. We at NIC, like our colleagues across the country, are keenly aware of the new opportunities recent research offers regarding clear and specific strategies that will reduce crime, ease rising costs, and, most importantly, prevent future victims.

In 2008, we launched the Evidence-Based Decision Making in Local Criminal Justice Systems initiative. In doing so, we sought to encourage and facilitate advancements in the criminal justice field in this new decade—to build upon the experiences of those who have worked hard to use new skills, approaches, and research to engineer systems that are vision-driven, efficient, and effective. But even more, we sought to draw upon and draw together the strongest of the research findings and the best of the practices, and construct new ways of working together towards the goal we all share—fewer victims, safer communities.

Our underlying belief is that we can improve outcomes if criminal justice decisions are informed by research. We called for the construction of a "framework" for evidence-based decision making at the system level. Because it does not attempt to answer all questions, provide all details, or call for implementation in precisely the same way in every community, it is not a model. It is instead intended to frame a purpose and a process for decision making that can be applied to the system as a whole—to all those entering the system, regardless of their justice system status; to all types of cases, regardless of their severity; and to all stakeholders, regardless of their role.

The Framework identifies the key structural elements of a system informed by evidence. It defines a vision of safer communities. It puts forward the belief that risk and harm reduction are fundamental goals of the justice system, and that these can be achieved without sacrificing offender accountability or other important justice system outcomes. It both explicates the premises and values that underlie our justice system and puts forward a proposed set of principles to guide evidence-based decision making at the local level—principles that are, themselves, evidence-based. The Framework also highlights some of the most groundbreaking of the research—evidence that clearly demonstrates that we can reduce pretrial misconduct and offender recidivism. It identifies the key stakeholders who must be actively engaged in a collaborative partnership if an evidence-based system of justice is to be achieved. It also sets out to begin to outline some of the most difficult challenges we will face as we seek to deliberately and systematically implement such an approach in local communities.

In sharing this Framework, we celebrate all that has come before it and all those laboring so hard on our streets, in our courtrooms, and in our jails and prisons. We build upon a foundation of research and noteworthy practice from jurisdictions around the country that share a vision of the communities of tomorrow—stronger and more vibrant as a result of less crime, fewer victims, restored families, and offenders engaged in healthy lifestyles.

At the same time, we openly acknowledge that there is much work to be done. An earnest review of the research reveals large bodies in some areas and significant deficits in others, particularly in pretrial justice and prosecution. We must work to fill these. Early reviewers of the Framework have suggested it is incomplete in other ways, including insufficient guidance around important implementation issues. We agree and seek to answer these concerns in the next phase of our work. These are but a few of the challenges that lie ahead.

In the second phase of this initiative, we will seek to identify jurisdictions that are interested in piloting the Framework. In so doing, we will work together to build information and tools to support its implementation and to struggle through the thorny issues this Framework will surface. It will undoubtedly challenge our processes, our policies, and even our philosophies. Experiences from earlier criminal justice reform efforts, such as community policing, demonstrate that major shifts in approach are often confronted by challenges and met with resistance. In time, however, those that are well conceived, well documented, and that produce measurable outcomes take root and grow. It is our intention, therefore, to engage in a deliberate process of documenting and evaluating the efforts of pilot sites. This is, after all, the essence of this initiative: to use research to inform our approaches and to evaluate and learn from their results. These lessons will offer valuable information to guide us to a safer future.

-Morris Thigpen, Director

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Preface: The Evidence-Based Decision Making in Local Criminal Justice Systems Initiative

In June 2008, the National Institute of Corrections awarded the Center for Effective Public Policy, in partnership with the Pretrial Justice Institute, the Justice Management Institute, and The Carey Group, a cooperative agreement to address "Evidence-Based Decision Making in Local Criminal Justice Systems." The goal of the initiative is to build a systemwide framework (arrest through final disposition and discharge) that will result in more collaborative, evidence-based decision making and practices in local criminal justice systems. The initiative is grounded in the accumulated knowledge of two decades of research on the factors that contribute to criminal reoffending and the processes and methods the justice system can employ to interrupt the cycle of reoffense. The effort seeks to equip criminal justice policymakers in local communities with the information, processes, and tools that will result in measurable reductions of pretrial misconduct and post-conviction reoffending.

Initiative Approach and Products

The principle product of the initial 18-month phase of this initiative is this document—*A Framework for Evidence-Based Decision Making in Local Criminal Justice Systems ("the Framework")*—designed to advance constructive change in local level criminal justice decision making. The Framework describes key criminal justice decisions, evidence-based knowledge about effective justice practices, and practical local level strategies for applying risk and harm reduction principles and techniques. In developing the Framework, the initiative has drawn upon the expertise of National Institute of Corrections staff and the initiative partners; an active, multidisciplinary Advisory Committee; input from policymakers and practitioners (law enforcement officials, jail administrators, pretrial officials, defense, prosecution, court administrators, judges, community supervision representatives, victim advocates, and city/county commissioners and managers) through a series of focus group discussions and individual interviews; a literature review; the experiences of an assembled group of non-criminal justice, evidence-based management experts; and a public opinion survey. The Framework will be pilot tested in selected jurisdictions in Phase II of the initiative.

Initiative Partners

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Introduction: A New Paradigm for the Justice System

A Framework for Evidence-Based Decision Making in Local Criminal Justice Systems defines the core principles and action strategies that criminal justice policymakers may employ to reduce the harm to communities caused by crime. It is built on decades of experience working with individual policymakers and practitioners and with stakeholder teams in local justice systems. It is based on the evidence from empirical studies in the fields of organizational management, evidence-based practice in criminal justice and behavioral health, and collaborative processes. It is framed by a renewed optimism regarding the potential the justice system has for reducing harm and victimization and making communities safer throughout the nation.

What Do We Mean By "Evidence"?

In the justice system, the term "evidence" is used in a variety of ways. It can refer to items collected at a crime scene, eyewitness accounts, or security camera footage. These types of evidence are referred to as *legal evidence*.

For the purposes of this Framework, however, the term "evidence" is used to describe findings from empirically sound social science research. The Framework refers to the results of this research as *evidence-based policy and practice.*

It is important to note that all research is not of equal strength; this is discussed further in Appendix 3.

Why a New Paradigm?

The justice system—along with other public sector service systems—faces the 21st century challenges of understanding emerging science; translating empirical findings into policy and practice and, in so doing, retooling long-held approaches; and retraining a workforce to adopt more effective practices and embrace new skills. These challenges are daunting, but critically important.

According to the U.S. Department of Justice, Bureau of Justice Statistics,[1] 67% of individuals released from prison are rearrested within three years after discharge. An estimated 30% of probationers supervised in the community are reconvicted for a new crime. These recidivism rates have remained relatively stable for decades.[2] Furthermore, on any given day, five out of six defendants provided with a financial release condition are unable to make the bond amount set by the court.[3]

[1] Hughes & Wilson, 2003.
[2] Ibid.
[3] Cohen & Reaves, 2008.

These statistics are particularly sobering when considering the tens of thousands of new victims each year[4] and the immense loss of human life, dignity, and sense of safety they experience; the staggering costs of supporting law enforcement, the courts, corrections, and the behavioral and health systems; and, perhaps most importantly, the "ripple effect" of crime on communities in terms of decaying neighborhoods, children's exposure to violence, and the shifting of resources from parks and schools to jails and prisons.

The Justice System Can Do Better

Research over the past two decades has demonstrated that better results from our justice system's efforts and investments can be realized. For example, research demonstrates that a 30% reduction in recidivism is possible[5] if the justice system applies current knowledge[6] consistently and with fidelity. Moreover, the research also shows that application of this knowledge can produce significant cost benefits to cities, counties, and states.[7]

Other Systems Have Made Progress; So Too Can the Justice System

A 2000 report by the Institute of Medicine (IOM) [8] revealed that hospital medical errors across the nation resulted in a loss of nearly 100,000 lives each year. The report demonstrated that these mistakes did not result from individual incompetence, but instead were primarily the result of system failures. *"People working in health care are among the most educated and dedicated workforce in any industry,"* the authors wrote. *"The problem is not bad people; the problem is that the system needs to be made safer."*

The IOM report propelled the medical profession into a state of alarm. Healthcare professionals had always viewed themselves as *being* safe and *saving* lives, not costing lives. While the medical code of ethics affirms a commitment to

A national public opinion survey commissioned by the National Institute of Corrections and its partners in the Evidence-Based Decision Making in Local Criminal Justice Systems Project illuminates the public's views on justice system practices and recidivism reduction efforts. Key findings from this survey are included throughout this document. Further information about the study itself is contained in Appendix 4.

When respondents are told that about half of the people released from prison eventually go back to prison and about a third of those on probation commit new crimes, just 19% indicate that these rates are acceptable; 80% indicate that these rates are unacceptable.

–Zogby International, August 2009

[4] In 2007 alone, U.S. residents age 12 or older experienced approximately 23 million crimes. Of these, 17.5 million (76%) were property crimes, 5.2 million (23%) were crimes of violence, and 194,100 (1%) were personal thefts (BJS, 2008).
[5] See Andrews et al., 1990; Andrews & Bonta, 1998; Landenberger & Lipsey, 2005; McGuire, 2002 & 2001.
[6] Current knowledge refers to information regarding offender risk, dynamic risk factors (i.e., criminogenic needs), applying interventions appropriately, and utilizing specific tools and techniques.
[7] Aos, Miller, & Drake, 2006b; see Section 3 for additional information.
[8] Kohn, Corrigan, & Donaldson, 2000.

"competence" and a commitment to *"study, apply, and advance scientific knowledge,"*[9] the IOM report revealed something quite different. Actions on the part of medical professionals—and in some cases inaction—were actually increasing the death rate.

> "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*

In the eyes of one organization, the report presented an opportunity. The Institute for Healthcare Improvement (IHI) had been working for a decade to introduce systemic change in hospitals in an effort to prevent loss of life due to human error. Under the leadership of President and CEO Dr. Donald Berwick, the IHI's philosophy was to view problems not as a "base metal" to be hidden and ignored, but as a desirable "treasure" or resource that, when mined and understood, could lead to improvement and advancement. For Dr. Berwick, the IOM report was a veritable gold mine.

The 100,000 Lives Campaign

IHI launched a national campaign to reduce the devastating—and somewhat embarrassing—loss of 100,000 accidental hospital and clinical deaths to a more acceptable level: zero. Creating the slogan *"some is not a number; soon is not a time,"* Berwick launched the 100,000 Lives Campaign. He proposed a method to reduce 100,000 needless, error-driven hospital deaths within two years.

IHI's efforts were met with unprecedented success. With roughly 3,100 of the nation's hospitals—representing 75% of the available patient bed space—enrolled in the initiative, an estimated 122,342 deaths were prevented.[10]

What was the key to the success of the 100,000 Lives Campaign? According to Joe McCannon, the Campaign's manager:

> "The shared nature of our goal (and the fact that we did not seek to expose any hospital for poor performance) changed the tenor of the campaign; it was a positive initiative that called on the best in people, drawing them back to the reasons they first were interested in this work. There was so much untapped energy and so much unleashed joy, centered on the providers' commitment to their patients."
>
> *Stanford Graduate School of Business, 2008, p. 22.*

Five key lessons from the IHI experience—those with the most direct application to the justice field—are interspersed throughout the remainder of this document.

[9] See American Medical Association, 2002.
[10] The Commonwealth Fund, 2006.

Calling on the "Best in People:" The 1 Million Fewer Victims Campaign

The IHI initiative sought to save 100,000 lives through the application of research-based techniques. The justice system could achieve equally dramatic results.

It is estimated that the United States could experience 1,000,000 fewer victimizations.[11] To achieve these results, a similar approach to the IHI initiative—adopting key strategies that are evidence-based—must be faithfully adopted. The public deserves and expects nothing less.[12]

This Framework defines the strategy. Phase II of the Evidence-Based Decision Making in Local Criminal Justice Systems Initiative will begin testing it empirically.[13]

IHI LESSON #1: QUANTIFY THE GOAL

Drawing on the advice of experienced civic activist Gloria Steinem, IHI sought to mobilize supporters and critics alike by flatly naming the problem they were attempting to address (deaths as a result of medical error) and quantifying the goal: The 100,000 Lives Campaign. So powerful was this message that when the campaign was publicly launched at IHI's 16th Annual National Forum on Quality Improvement in December 2004, speaker after speaker expressed what amounted to the equivalent of moral outrage that any of their colleagues might even consider not joining the campaign. In the words of Sister Mary Jean Ryan, President and CEO of SSM Health Care, one of the largest Catholic healthcare systems in the country: "'No needless deaths' is fundamental to any healthcare organization, so I think that CEOs should really worry more about not declaring commitment to this goal than to declaring it." The lesson for criminal justice?

1 MILLION FEWER VICTIMS IS POSSIBLE;
THE TIME TO START IS NOW.

Making the Comparison between Healthcare and Justice System Reform

IHI's success in reducing unnecessary deaths is well documented. Lessons learned from IHI are intended to serve as helpful ways of thinking about advancing evidence-based decision making in the justice system. Without question, there are significant differences in these systems. Hospitals and clinics are not managed by individuals elected by the general public. They are not operated by a set of actors who, for all intents and purposes, are independent and have unilateral decision making authority. They were not designed with a system of checks and balances in mind, where one team of doctors produces evidence in an attempt to prevail over another medical team. On the other hand, while employees report to a single administrator and share a common overarching goal, hospitals are staffed by individual labor units, with distinct areas of expertise and responsibilities, that compete for limited resources and work in environments fraught with differing viewpoints, communication barriers, and performance

[11] See Appendix 2 for the methodology used to compute this figure.

[12] The NIC-commissioned 2009 Zogby study reflects the public's expectation that, among others, the current rate of offender failure is unacceptable; spending should be increased on approaches proven to reduce crime; and criminal justice professionals should rely on research in their decision making.

[13] In Phase II, interested jurisdictions will be competitively selected to pilot test the Framework as presented in this document. Although many of the concepts contained in the Framework have been implemented in part, the Phase II pilot will be the first known effort to fully integrate these strategies in whole. In addition, Phase II will serve as an opportunity to further expand the ideas and concepts put forth in the Framework and more specifically address the implementation issues it will generate.

pressures. They coordinate and collaborate with contracted and governmental agencies, insurance companies, and funders, and, as such, they face many of the same constraints professionals in other disciplines face.

Promoting shifts in attitudes and behaviors that support rather than defy a system's vision; overcoming the obstacles presented by a large workforce; staying current and conversant with the latest research; creating change in the face of unprecedented work demands and ever tightening resources; adapting to new technologies; overcoming skill and knowledge deficits—these are but a few of the challenges common to large systems, whether justice or healthcare or another field. While the context and complexion of criminal justice certainly differs from those of healthcare, the lessons of IHI bear consideration by those interested in advancing change on a significant level.

The IHI Experience and Its Relevance to Criminal Justice

There is no doubt that although there are similarities, there are also many differences between healthcare and justice systems. Nonetheless, the IHI experience is instructive in several ways. Some of the key "lessons" have relevance to possible reforms to justice system practices. But perhaps more importantly, the broader goal of improving outcomes in the face of daunting challenges (e.g., complicated systems and processes, multiple players, competing goals such as patient wellness versus cost containment, etc.) is perhaps the most fundamental similarity. In the words of one of this initiative's advisors:

IHI proceeded from the following premises, which are definitely applicable to the criminal justice system:

1. *Things can be improved.*
2. *Improvement will come over time, through a succession of actions, each of which will provide the opportunity for learning.*
3. *Better than the status quo is, by definition, "better" and we should not wait to solve everything before beginning to improve some things.*
4. *We should be modest and realistic about our insights and abilities.*
5. *We need to do something, because in the absence of informed action, nothing will change. And we can learn as we proceed.*

–Jeffrey Pfeffer, Stanford Graduate School of Business

An Overview of Key Research Findings Related to Risk Reduction and Their Implications for the Justice System

Studies examining the question of how best to prevent future crime have important implications for justice system policy and practice. While these studies (and citations) are detailed more comprehensively in Appendix 3 of this document—and their policy implications will be explored more thoroughly in Phase II of this initiative—the significance of this body of research is illustrated in "7 Ways to Reduce Recidivism" (pp. 13–15).

54% of respondents indicate that punishing those who commit crimes should be the primary purpose of the criminal justice system; 31% indicate that reducing the likelihood that convicted offenders will commit new crimes should be the primary purpose.

However, 87% of respondents indicate they would be more likely to support alternatives to jail if research consistently showed there are ways other than jail to reduce the likelihood that non-violent offenders will commit new crimes.

When it comes to violent crime, 40% of respondents were in favor of alternatives to jail if they would reduce the likelihood of reoffense.

–Zogby International, August 2009

7 Ways to Reduce Recidivism

1. What works? Use risk assessment tools to identify risk to reoffend and criminogenic needs.

Research finding: Structured assessment tools predict pretrial misconduct and risk of reoffense more effectively than professional judgment alone.[14] Brief screening tools provide a quick assessment of risk; comprehensive tools provide information on risk to reoffend and effective targets of intervention to reduce future crime.

Examples of policy implications: Law enforcement uses assessments to inform cite versus arrest decisions; prosecutors and judges use assessments to inform plea and sentencing decisions; jails use assessments to determine housing assignments and work release placements; and community corrections uses assessments to determine intensity of supervision.

Examples of practice implications: Law enforcement officers administer brief assessments prior to making cite/release decisions; pretrial services and community corrections conduct assessments prior to key decisions.

2. What works? Direct programming and interventions to medium and higher risk offenders.

Research finding: Recidivism rates are reduced an average of 30% when medium and high risk offenders receive appropriate behavior changing programming.[15] Conversely, offenders assessed as low risk to reoffend do not benefit from behavior changing programming[16] and are slightly more likely to recidivate when they are overly supervised or programmed.[17]

Examples of policy implications: For low risk offenders, prosecutors use diversionary programs, prosecutors and judges avoid excessive conditions, defense counsel advocates for low intensity interventions, community corrections uses minimal supervision. Judges, prosecutors, and defense counsel target medium and high risk offenders for programming designed to positively influence behavior.

Examples of practice implications: Agencies performing assessments color code case files of high, medium, and low risk offenders for easy identification by decision makers; community supervision agencies use call-in or kiosk reporting for low risk offenders; treatment programs modify admission criteria to admit only medium and high risk offenders.

[14] Andrews & Bonta, 1998; Andrews, Bonta, & Wormith, 2006; Andrews et al., 1990; Bonta, 2007; Gendreau, Little, & Goggin, 1996; Grove & Meehl, 1996; Grove et al., 2000; Harris, 2006; Smith, Gendreau, & Swartz, 2009.

[15] Andrews, 2007; Andrews & Bonta, 2007; Andrews, Bonta, & Wormith, 2006; Andrews & Dowden, 2007; Andrews, Dowden, & Gendreau, 1999; Bonta, 2007; Dowden, 1998; Gendreau, Goggin, & Little, 1996; Lipsey & Cullen, 2007; Smith, Gendreau, & Swartz, 2009.

[16] Ibid.

[17] Andrews & Bonta, 2007; Bonta, Wallace-Capretta, & Rooney, 2000; Cullen & Gendreau, 2000; Gendreau, Goggin, Cullen, & Andrews, 2001; Lowenkamp & Latessa, 2004; Lowenkamp, Latessa, & Holsinger, 2006.

7 Ways to Reduce Recidivism

3. What works? Focus interventions for medium and higher risk offenders on their individual criminogenic needs.

Research finding: Cognitive behavioral programs are generally the most effective programming interventions for higher risk offenders.[18] Furthermore, employing program interventions that influence the traits that lead to future crime (i.e., criminogenic needs) yield stronger reductions in recidivism (up to an average of 30% reduction).[19] The net value (the cost of the program less the savings derived from preventing crime) of the average targeted, evidence-based cognitive behavioral program, using a cost/benefit formula, is $10,299 per adult offender.[20]

Examples of policy implications: Judges ensure that sentencing conditions align with specific criminogenic needs; community corrections and treatment providers use assessment instruments to identify offenders' criminogenic traits; treatment providers avoid "one size fits all" programs; cognitive behavioral services are systematically utilized.

Examples of practice implications: Treatment providers provide program listings that identify the criminogenic needs their services address; community corrections refers offenders to programs based upon the match between offenders' needs and programs' services; county executives/managers ensure that service contracts with treatment providers include accountability measures to make certain that the services provided include cognitive behavioral interventions.

4. What works? Respond to misconduct with swiftness, certainty, and proportionality.

Research finding: Graduated sanctions (i.e., sanctions that increase in severity based on the number and nature of acts of misconduct) increase compliance with supervision and treatment.[21] Swift,[22] certain,[23] and proportional[24] actions that reflect disapproval of behavioral misconduct are more effective in reducing recidivism than actions that are disproportionate, delayed, or inconsistent.

Example of policy implications: Court administrators develop policies to move cases swiftly through the court system; judges, prosecutors, and community corrections agencies establish violation decision making guidelines that take into account the risk of the offender and the severity of the violation behavior; all violation behavior is responded to in some fashion; judges and community corrections streamline procedures that allow for swift action following offender misbehavior.

Example of practice implications: Court administrators manage dockets that streamline case processing; community corrections uses a decision making tool to aid supervision officers in structuring their responses to violation behavior; community corrections provides administrative sanctioning processes to address misbehavior quickly.

[18] Andrews, 2007; Aos, Miller, & Drake, 2006a; Landenberger & Lipsey, 2005; Lipsey & Landenberger, 2006; Lipsey, Landenberger, & Wilson, 2007; Smith, Gendreau, & Swartz, 2009.
[19] Andrews, 2007; Andrews et al., 1990; Smith, Gendreau, & Swartz, 2009.
[20] Aos, Miller, & Drake, 2006b.
[21] Andrews & Janes, 2006; Burke, 2004; Harrell et al., 2003; Hay, 2001; Taxman, Soule, & Gelb, 1999; Taylor & Martin, 2006.
[22] Rhine, 1993.
[23] Grasmack & Bryjak, 1980; Nichols & Ross, 1990; Paternoster, 1989.
[24] Tonry, 1996; Von Hirsh, 1993.

7 Ways to Reduce Recidivism

5. What works? Use more carrots than sticks.

Research finding: The use of incentives and positive reinforcement are effective in promoting behavioral change.[25] Positive reinforcement should be provided at a rate of four reinforcers for every expression of disapproval (or sanction).[26] Research demonstrates that this formula enhances offenders' motivation to continue exhibiting prosocial behaviors and attitudes.

Examples of policy implications: Judges and community corrections develop policies around the structured and specific use of rewards to reinforce positive behavior.

Examples of practice implications: Defense counsel requests review hearings when clients reach significant milestones; community corrections acknowledges progress through the posting of awards, writing letters of affirmation, providing complimentary bus passes, praising offenders' behavior to their families, or reducing reporting requirements; law enforcement acknowledges law abiding behavior of known offenders.

6. What works? Deliver services in natural environments where possible.

Research finding: Although treatment services provided in structured (e.g., residential, institutional) settings are demonstrated to be effective, services delivered in natural environments (i.e., settings in offenders' immediate surroundings that most closely resemble prosocial, supportive environments) improve offenders' bonding to the prosocial community and aid in reducing recidivism.[27]

Examples of policy implications: Law enforcement refers to community-based crisis services for offenders with mental health conditions; judges and prosecutors use community-based rather than residential or institutionally based programs when the safety of the community is not in jeopardy; county executives/managers provide support for funding and zoning community-based programming options.

Examples of practice implications: Judges, prosecutors, defense counsel, community corrections, and others take inventory of available services to ensure a continuum of service options; community corrections utilizes prosocial family members, employers, and mentors to support the offender; resource directories are developed and shared among stakeholders.

7. What works? Pair sanctions with interventions that address criminogenic needs.

Research finding: Research demonstrates that sanctions without programming (e.g., boot camps without a treatment component,[28] electronic monitoring,[29] intensive supervision,[30] incarceration[31]) do not contribute to reductions in reoffense rates. Modest increases in time served may even increase recidivism.[32]

Examples of policy implications: Prosecutors and judges employ a combination of sanctions and behavior changing programming for purposes of risk reduction; county executives/managers fund a balance of behavior changing programming and accountability measures; community corrections agencies address offender misbehavior with behavior changing, rather than solely punitive, responses.

[25] Andrews & Bonta, 2006; Cullen & Gendreau, 2000; Drake & Barnoski, 2008; Latessa, Cullen, & Gendreau, 2002; National Research Council, 2007; Petersilia, 2007; Petersilia, 2004; Taxman, Soule, & Gelb, 1999.
[26] Andrews & Bonta, 2006; Gendreau & Goggin, 1996; Gendreau, Little, & Goggin, 1996.
[27] Andrews, 2007; Bonta et al., 2002; Clear & Sumter, 2002; Elgelko et al., 1998; Emrick et al., 1993; Galanter, 1993; Higgins & Silverman, 1999; Meyers et al., 2002; Meyers & Smith, 1997; O'Connor & Perryclear, 2003; Shapiro & Schwartz, 2001.
[28] MacKenzie et al., 1995; MacKenzie, Wilson, & Kider, 2001.
[29] MacKenzie, 1997.
[30] Aos, Miller, & Drake, 2006a; Aos, Phipps, Barnoski, & Lieb, 2001; Petersilia, 1999; Petersilia & Turner, 1993; Tonry, 1997.
[31] Andrews, 2007; Gendreau, Goggin, & Cullen, 1999; Gendreau, Goggin, Cullen, & Andrews, 2001.
[32] Hughes, Wilson, & Beck, 2001; Langan & Levin, 2002; Smith, Goggin, & Gendreau, 2002.

IHI LESSON #2: MAKE IT PROFOUNDLY SIMPLE

IHI realized that establishing a lofty goal and leaving it to hospital staff across the country to find their own ways to reach it was a recipe for failure. Adopting evidence-based practice places an additional burden on decision makers and staff. On top of meeting their routine responsibilities, they have to collect and analyze research, determine the optimal method to integrate it into the existing culture, and define the practical steps to implementing it on a day-to-day basis. These additional tasks layered over existing duties can easily create resistance even on the part of the best-intentioned professionals. IHI sought to ameliorate this danger by defining, on behalf of the profession, six evidence-based steps (such as using proven processes to prevent ventilator-related pneumonia, elevating the head of the patient's bed to between 30 and 45 degrees at all times, and reducing surgical on-site infections through the use of simple procedures such as frequent and careful hand washing). The lesson for criminal justice?

TRANSLATE EVIDENCE-BASED RESEARCH INTO PROFOUNDLY SIMPLE STRATEGIES.

SECTION 1: UNDERLYING PREMISES

In developing the Framework, the following premises were acknowledged:

1. Given the current state of knowledge in the justice and the behavioral health fields, better outcomes than have been realized in the past can be expected.
2. Better outcomes will be derived if existing resources (including non-incarcerative and incarcerative) are used more effectively.
3. If, through the support of empirical evidence, a logic model for criminal justice processes and decision making[33] is defined and implemented with fidelity, these improved outcomes will result.
4. The careful collection and analysis of data and information regarding the implementation of the logic model will produce clear and convincing evidence to guide further advancements in policy and practice. In this way, justice system outcomes can continue to improve over time.[34]
5. The U.S. justice system has developed around a set of core values. These are to be honored and protected. They provide a foundation upon which this Framework is constructed.

"Outcomes" under a risk reduction model are defined as decreases in the rate or severity of reoffense by offenders, decreases in the harm caused to communities as a result of crime, increases in the level of satisfaction with the justice system by victims, and increases in the level of public confidence in the justice system.

THE CORE VALUES OF THE JUSTICE SYSTEM

The U.S. justice "system" is in actuality many justice systems—each governed by a different combination of state and federal law and each made up of many different organizational components. In their missions and in their involvement in individual cases, these components often have specific goals that vary considerably and are sometimes in conflict. However, their work is grounded in values that have a long history in the U.S. and that are widely embraced across the many components of any justice system. These core values guide the development and implementation of the Framework. They include the following:

- *public safety* (assuring the protection of the community and of individuals);
- *fairness* (assuring that processes in the courts and other justice system agencies are fair and free from bias);

[33] A logic model is a graphic representation of the theory behind a conceptual framework; see Section 5 for more information.
[34] Phase II of the Evidence-Based Decision Making in Local Criminal Justice Systems Project will include an independent evaluation of the pilot sites to determine their fidelity to the logic model and the Framework, and the results that are derived. Modifications to the logic model will be made as needed.

- *individual liberty* (recognizing that a primary function of the justice system is to protect the rights and freedoms of individuals and to guard against an arbitrary exercise of governmental authority);
- *respect for the rights, needs, and concerns of victims of crime;*
- *respect for the rights of persons accused of crime;*
- *respect for the rule of law;*
- *discretion* (recognizing that the sound and informed exercise of discretion, within the parameters established by law, is an essential part of justice system decision making); and
- *appreciation for differences in perspectives and practices across jurisdictions* (recognizing that local differences in policy and practice exist and can foster innovation and contribute to improvements in practice and outcomes).

SECTION 2: THE KEY DECISION POINTS, DECISION MAKERS, AND STAKEHOLDERS IN THE CRIMINAL JUSTICE SYSTEM

This Framework was developed with key decision points, decision makers, and stakeholders in mind.[35]

KEY DECISION POINTS

- Arrest decisions (cite, detain, divert, treat, release)
- Pretrial status decisions (release on recognizance, release on financial bond, release with supervision conditions, detain, violation response, supervision conditions reassessment)
- Charging decisions (charge, divert, defer, dismiss)
- Plea decisions (plea terms)
- Sentencing decisions (sentence type, length, terms and conditions)
- Local institutional intervention decisions (security level, treatment interventions)
- Local institutional release decisions (timing of release, conditions of release)
- Community intervention decisions (supervision level, supervision conditions, treatment interventions)
- Violation response decisions (response level, sanctions, treatment interventions)
- Discharge from criminal justice system decisions (timing of discharge)

KEY DECISION MAKERS AND STAKEHOLDER GROUPS

- Law enforcement officers
- Pretrial officials
- Victim advocates
- Prosecutors
- Defense attorneys
- Jail administrators
- Court administrators
- Judges
- Probation/Parole officials
- City/County managers/Commissioners
- State legislators
- Community representatives (e.g., civic leaders, members of faith-based organizations, service providers)

[35] While this list is not exhaustive, for purposes of this Framework these are considered the *primary* decision points, decision makers, and stakeholders. Omission of other stakeholders, including defendants/offenders and their family members, researchers, and others, is not intended to diminish the important contribution they play to advancing evidence-based decision making.

Section 3: Examining Justice System Decision Making Through the Lens of Harm Reduction

Crime Harms the Entire Community

While crime often results in the specific pain and suffering of individuals, all crime disrupts the fabric of our communities, jeopardizes our individual and collective sense of safety, and extracts a financial penalty by diverting public monies to the justice system that might otherwise support building the health of our communities (e.g., schools for our children, parks for our families). Everyone is a victim of crime. And while some suffer more than others, everyone benefits—directly and indirectly—from crime prevention and reduction efforts.

"Harm reduction," as used in the Framework, refers to decreases in the ill effects of crime experienced broadly by communities (e.g., resources allocated to the justice system that could otherwise be directed to alternative public priorities, unsafe streets, abandoned businesses, etc.), by victims (e.g., fear of reprisal or revictimization, financial losses, etc.), by citizens (e.g., lack of confidence in community protection efforts, generalized fears of victimization, etc.), by families of offenders (e.g., loss of wages by a family member who is justice-system involved, inability of incarcerated fathers/mothers to fulfill their parenting roles, etc.), and by offenders themselves (e.g., homelessness, unemployment, etc.).

The Justice System Strives to Achieve Risk and Crime Reduction

Risk reduction results from the successful application of principles and techniques that have been demonstrated to reduce the likelihood, frequency, or severity of reoffense by known defendants/offenders.[36] A growing body of science provides justice system professionals with the information and tools to estimate the level of risk an individual poses and provides principles for intervention to reduce the likelihood, severity, and/or frequency of future risk. This approach does not devalue offender accountability. In fact, it assures that the steps taken by justice system decision makers to hold offenders accountable produce tangible and meaningful outcomes—reduced risk to reoffend. A risk reduction philosophy therefore posits *the offender* as the focus.

[36] This document is intended to address the entire criminal justice system and as such there is equal interest in pretrial and post-sentence system activities and offender conduct. For sake of ease to the reader, the use of "defendant/offender" is not repeated. The term "offender" is used to refer to both defendants and offenders.

The Justice System Can Result in Harm Reduction

Although the impact of crime is generally thought of in terms of the offender and the victim, crime affects the health and welfare of the community in a much broader way. A harm reduction philosophy posits *the community* as the focus and acknowledges these broad impacts. Some of these very significant collateral consequences are

- high costs of incarceration, leading to increased taxes for residents and businesses;
- erosion of property values and decreased property tax revenue, leading to decreasing tax bases as residents move out of crime-plagued neighborhoods;
- loss of business revenue in high crime neighborhoods, leading to fewer job opportunities for the community;
- unraveling of residents' sense of commitment to local communities, which is critical to ensuring safe, healthy, and prosperous neighborhoods;
- growth of crime cultures, where criminal activity is so commonplace it becomes viewed as a normal part of life;
- negative influence of criminal behavior from one generation to the next;
- disruption of normal everyday activities that promote social interaction and vibrant communities;
- overall distrust of the justice system to be responsive to community, victim, or offender needs;
- unsafe conditions for children—particularly in violent neighborhoods, places where drugs are manufactured (e.g., meth labs), and schools plagued by gangs;
- removal of significant segments of some demographic subgroups (e.g., males in age groups prone to high crime) from the community; and
- repercussions (e.g., financial, emotional) experienced by families and children of incarcerated persons.

Actuarial instruments are one example of the research-supported tools available to criminal justice professionals. These instruments enable professionals to assess the level of risk an individual offender is likely to pose. While these instruments cannot determine any *one* individual's risk level with absolute certainty, they can—like the actuarial tools used to determine that a 17-year-old boy is more likely to get into a traffic accident than a 40-year-old woman—statistically predict the likelihood of an outcome among a large group of individuals with similar characteristics.

Achieving, Measuring, and Maintaining Harm Reduction and Advancing Community Wellness

Justice systems focused on harm reduction and community wellness can create real and meaningful change at the community level. Understanding what these changes are and how to measure them requires establishing a set of tangible performance measures. Broadly, these performance measures can be grouped into four categories: 1) increases in public safety, 2) improvements in the wellness of the community, 3) increases in satisfaction with the justice system, and 4) improvements in the social and fiscal costs of justice system interventions.[37,38] Examples of possible performance measures include the following:

Increases in public safety, as measured by

> 93% of respondents indicate the criminal justice system should make neighborhoods safer.
>
> *–Zogby International, August 2009*

- reduced physical, psychological, and economic harm to primary victims;
- fewer released offenders arrested for new offenses;
- longer elapsed time from release to reoffense;
- fewer released offenders arrested for a more serious offense than their original offense;
- decreased average number of new offenses for released offenders;
- faster case processing times (i.e., shorter elapsed time from arrest to final adjudication) that decrease the likelihood of pretrial misbehavior and increase swiftness of punishment;
- fewer people victimized by released offenders;
- fewer victims "revictimized" by original perpetrators;
- decreased number of protection order/stay-away orders violated;
- fewer reports of crime from "hot spots" involving either known offenders or new offenders; and
- increases in the proportion of jail and prison beds occupied by high risk offenders compared to low risk offenders.

Improved community wellness, as measured by

- decreased number of drug/alcohol-related traffic accidents;
- fewer drug/alcohol-related traffic fatalities;
- decreases in emergency-room admissions for crime-related and drug-related injuries;
- increased number of drug-free babies born;
- fewer child welfare interventions in families of offenders;
- increases in the number of people successfully completing treatment programs; and
- fewer jail and prison admissions for people with mental health issues.

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[37] In 2007, taxpayers spent $1,223 per household on the criminal justice system; see Aos, 2009.

[38] Exhibit 1 provides an analysis of the costs and benefits of 571 studies on specific crime reduction strategies. Analyses of this kind equip policymakers to make informed choices regarding the investment of resources and the benefits that can be derived from these investments.

Exhibit 1: Reducing Crime with Evidence-Based Options: What Works, and Benefits & Costs

Source: Aos, Miller, & Drake, 2006b

Washington State Institute for Public Policy Estimates as of October, 2006 Notes: "n/e" means not estimated at this time Prevention program costs are partial costs, pro-rated to match crime outcomes	Effect on Crime Outcomes Percent change in crime outcomes & the number of evidence-based studies on which the estimate is based (in parentheses)	Benefits and Costs (Per Participant, Net Present Value, 2006 Dollars)			
		Benefits to Crime Victims (of the reduction)	Benefits to Taxpayer (of the reduction)	Costs (marginal program cost, compared to the cost of alternative)	Benefits (total) Minus Costs (per participant)
Programs for People in the Adult Offender System					
Vocational education in prison	–9.0% (4)	$8,114	$6,806	$1,182	$13,738
Intensive supervision: treatment-oriented programs	–16.7% (11)	$9,318	$9,369	$7,124	$11,563
General education in prison (basic education or post-secondary)	–7.0% (17)	$6,325	$5,306	$962	$10,669
Cognitive behavioral therapy in prison or community	–6.3% (25)	$5,658	$4,746	$105	$10,299
Drug treatment in community	–9.3% (6)	$5,133	$5,495	$574	$10,054
Correctional industries in prison	–5.9% (4)	$5,360	$4,496	$417	$9,439
Drug treatment in prison (therapeutic communities or outpatient)	–5.7% (20)	$5,133	$4,306	$1,604	$7,835
Adult drug courts	–8.0% (57)	$4,395	$4,705	$4,333	$4,767
Employment and job training in community	–4.3% (16)	$2,373	$2,386	$400	$4,359
Electronic monitoring to offset jail time	0% (9)	$0	$0	–$870	$870
Sex offender treatment in prison with aftercare	–7.0% (6)	$6,442	$2,885	$12,585	–$3,258
Intensive supervision: surveillance-oriented programs	0% (23)	$0	$0	$3,747	–$3,747
Washington's Dangerously Mentally Ill Offender program	–20.0% (1)	$18,020	$15,116	n/e	n/e
Drug treatment in jail	–4.5% (9)	$2,481	$2,656	n/e	n/e
Adult boot camps	0% (22)	$0	$0	n/e	n/e
Domestic violence education/cognitive behavioral treatment	0% (9)	$0	$0	n/e	n/e
Jail diversion for mentally ill offenders	0% (11)	$0	$0	n/e	n/e
Life skills education programs for adults	0% (4)	$0	$0	n/e	n/e

Increased satisfaction with the criminal justice system, as measured by

- increased number of victims satisfied with the justice system's responses;
- increased number of offenders making restitution payments;
- increased victim cooperation with the justice system;
- increased cooperation of the public with the criminal justice system;
- fewer people who believe the justice system is a "revolving" door; and
- increases in the number of positive media reports about the justice system.

> 74% of respondents agree with the statement, "We should increase spending on approaches proven to reduce the chances that offenders will commit new crime."
>
> *–Zogby International, August 2009*

Improvements in the social and fiscal costs of justice system interventions, as measured by

- fewer family members of known offenders who become involved with the justice system;
- decreases in the costs for incarceration;
- greater financial return on investment in treatment, rehabilitation, and alternatives to incarceration;
- decreased crime rate;
- increased tax base;
- increases in timely child support payments; and
- increases in court-imposed fees collected.

> 90% of respondents indicate that the criminal justice system should work to increase the public's confidence.
>
> *–Zogby International, August 2009*

A harm reduction philosophy focuses more broadly on the overall and long-term health and welfare of the community, particularly in terms of creating a collective sense of public safety.

SECTION 4: THE PRINCIPLES UNDERLYING THE FRAMEWORK

Four principles, each based upon empirical research, underlie *A Framework for Evidence-Based Decision Making in Local Criminal Justice Systems*. They define, in broad terms, the way criminal justice professionals will work together, make decisions, and operate their agencies under this approach.

PRINCIPLE ONE: THE PROFESSIONAL JUDGMENT OF CRIMINAL JUSTICE SYSTEM DECISION MAKERS IS ENHANCED WHEN INFORMED BY EVIDENCE-BASED KNOWLEDGE[39]

Decades of research in the justice and behavioral health fields have resulted in empirical findings that support practices and interventions that result in crime reduction. Enhanced awareness and the consistent application of that knowledge throughout the criminal justice system offer the promise of decreased pretrial misconduct and post-sentence crime and community harm. The criminal justice system's discretion points provide for the use of professional judgment to ensure that individual factors and the totality of circumstances are taken into consideration when decisions are made.

Implications of Principle One

For professional judgment to be informed by evidence-based knowledge

- evidence-based knowledge must be documented and readily available;
- the policy implications of knowledge—and their potential outcomes—must be identified;
- the methods for applying knowledge to practice must be delineated;
- professional judgment should take into account both evidence-based knowledge and individual circumstances; and
- where decisions are made that counter empirical evidence, the rationale for those exceptions should be explained.

> 61% of respondents indicate that when criminal justice professionals make decisions, research on what works in preventing crime should be the most important thing they rely on. 24% say professional experience and 9% say personal beliefs should be the major determinant.
>
> *–Zogby International, August 2009*

[39] See the following research citations that support this principle: Andrews & Bonta, 1998; Aos, Miller, & Drake, 2006a; Cullen & Gendreau, 2000; Gendreau, Goggin, Cullen, & Andrews, 2001; Gendreau, Little, & Goggin, 1996; Grove & Meehl, 1996; Grove, Zald, Lebow, Snitz, & Nelson, 2000; Lowenkamp, Latessa, & Holsinger, 2006; Lowenkamp, Latessa, & Smith, 2006; Lowenkamp, Pealer, Smith, & Latessa, 2007.

Principle Two: Every interaction within the criminal justice system offers an opportunity to contribute to harm reduction[40]

Offenders interact with an array of professionals (e.g., law enforcement officers, pretrial officials, jailers, judges, etc.) as their cases are processed through the criminal justice system. Likewise, an array of professionals—and the agencies they represent—interact with *one another* (e.g., law enforcement with prosecutors, prosecutors with defenders, judges with pretrial officials, etc.). Three separate but equally important bodies of research are relevant to these criminal justice system conditions. First, research demonstrates that professionals' interactions with offenders can have a significant positive impact on offenders' behavior. Second, parallel research demonstrates that professionals' positive interactions with victims can promote a sense of satisfaction and fairness. Third, research demonstrates that systems are most effective in achieving their ultimate outcomes when they operate as "value chains." Under a value chain system, each component of a system provides additive rather than duplicative or detracting value. For this to be true, the components' interactive operations must be fully coordinated with one another.

Implications of Principle Two

For the criminal justice system to take advantage of its interaction potential

- all professionals in the criminal justice system must understand their individual potential to positively influence offender behavior;
- all professionals in the criminal justice system must understand their individual potential to positively influence victims' experiences with the justice system;
- criminal justice professionals must have the knowledge and skills that will enable them to maximize these opportunities;
- agency[41] policies throughout the criminal justice system must enable professionals to exercise this knowledge and apply these skills;
- criminal justice system processes must be evaluated to ensure that interchanging systems are coordinated and aligned with one another (i.e., information is shared, policies are compatible, interests and outcomes are in agreement); and
- where interchanging systems lack coordination, processes must be realigned.

[40] See the following research citations that support this principle: Bazemore & Schiff, 2004; Bonta, Rugge, Scott, Bourgon, & Yessine, 2008; Dowden & Andrews, 2004; Henggeler, Schoenwald, Borduin, Rowland, & Cunningham, 1998; Lind & Tyler, 1988; MacDuffie & Helper, 2006; Porter, 1985; Tyler, 2007; Tyler, 2000; Tyler & Huo, 2002; Umbreit, 1998; WSIPP, 2004.
[41] Throughout this document we use the term "agency" to indicate a discrete entity organized to serve a particular function, such as a police agency, prosecutor's office, court, etc.

Principle Three: Systems achieve better outcomes when they operate collaboratively[42]

Research demonstrates that specific activities, processes, and approaches—when instituted and adhered to across components—will more likely result in the achievement of articulated outcomes. As distinguished from value chain research, which addresses the importance of the interactions of *subsystems* (components of a larger whole), the research on collaboration speaks to the manner in which the *individuals* who represent different interests and organizations (e.g., court administration, jail operations, etc.) work together towards a shared outcome (decreased crime and harm, increased community safety).

Implications of Principle Three

For criminal justice leadership to achieve effective collaboration

- key decision makers and stakeholders must be identified;
- a formal, ongoing process of collaborative policymaking must be established;
- partners must ensure that collaboration occurs at the system and case level only inasmuch as it does not infringe upon the individual rights of the accused or the responsibilities and authority of the system actors; and
- policy teams must establish and adhere to empirically derived collaboration methods that have been demonstrated to be successful in facilitating goal attainment.[43]

While ethical questions regarding the participation of judges on collaborative teams have arisen in a number of circumstances, judges across the country have led or participated on teams that have addressed jail crowding, established specialty courts, revised policy and practice related to the management of a particular offender population, or otherwise led to improvements in court and justice system operations. The ABA Model Code of Judicial Conduct and the majority of state judicial rules of ethics support the participation of judges in commissions or policy-level groups that are "devoted to the improvement of the law, the legal system, or the administration of justice." For a more in-depth discussion of the ethical conduct of judges on collaborative teams, see Stroker, 2006 and Gray, 2002.

[42] See the following research citations that support this principle: Adler, Kwon, & Heckscher, 2008; Collins & Porras, 1997; Heckscher & Adler, 2006; Henggeler, Schoenwald, Borduin, Rowland, & Cunningham, 1998; Larson & LaFasto, 1989.

[43] A body of literature on successful collaborative processes exists and should guide this work. As addressed in Section 6, supporting documents will describe these research findings and translate findings into specific steps collaborative teams can follow.

Principle Four: The criminal justice system will continually learn and improve when professionals make decisions based on the collection, analysis, and use of data and information[44]

Learning systems are those that adapt to a dynamic environment through a process of continuous information collection and analysis. Through this process of individual and collective learning, entities—whether a single professional working with an individual case, an agency monitoring its overall operations, or the criminal justice system as a whole monitoring system efficiency and effectiveness—improve their processes and activities in a constant effort to achieve better results at all levels. In addition to facilitating continuous improvements in harm reduction within an agency or system, ongoing data collection adds to the overall body of knowledge in the field about what works and what does not.

Implications of Principle Four

For the criminal justice system to become a learning entity, the following is necessary:

- the establishment of clear, specific, and transparent performance measurements that identify and measure approaches and activities demonstrated or believed[45] to contribute to desired outcomes at the case, agency, and system levels;
- the establishment of baseline measures at the case, agency, and system levels;
- ongoing and objective collection of data at the case, agency, and system levels;
- critical and objective analysis of these data to compare agency and system performance with established targets;
- commitment to quality assurance in the performance of activities and in the collection of meaningful data;
- continual feedback loops to ensure that information is shared, mutually understood, and collaboratively deliberated;
- commitment to view less-than-desirable results as opportunities to improve; and
- modification of policy and practice as performance measures and quality control monitoring indicate.

> 89% of respondents indicate that criminal justice officials should tell the public how well they are doing at reducing crime.
>
> *–Zogby International, August 2009*

[44] See the following research citations which support this principle: Peters & Austin, 1986; Peters & Waterman, 2004; Senge, 2006.

[45] Where the evidence falls short or is incomplete, data collection and critical analysis are particularly important.

Lessons in Using Evidence...From *Moneyball*

In the book *Moneyball: The Art of Winning an Unfair Game* (2003), Michael Lewis examined the question of how the Oakland Athletics, the second poorest team in major league baseball, repeatedly excelled against better-financed teams. Unable to match the financial strength of perennial favorites such as the New York Yankees, the Oakland Athletics used another strategy to achieve consistently high performance: they used evidence.

Oakland Athletics General Manager Billy Beane challenged baseball's conventional wisdom around common decisions such as the advantage of drafting power hitters and when to bunt. By using statistics and other evidence, Beane determined, for example, that a walk is not an inferior way to get on base; it is in fact as good as a single. With this conclusion, Beane set out to recruit not the power hitters, but those with the best walk-to-at-bat statistics. In this way, players were recruited based on their overall "value-add" to the team.

Applying this type of analysis to every aspect of baseball, Beane established a method of decision making that relied on data and information to support the cost-benefit decisions that would lead to a higher performing team, demonstrating that it matters less how *much* money is spent and more *how* it is spent.

Section 5: Applying Evidence-Based Principles to Practice

A Logic Model for Harm Reduction Decision Making at the System Level

A logic model is a graphic representation of the theory behind a conceptual framework. The logic model supporting *A Framework for Evidence-Based Decision Making in Local Criminal Justice Systems* addresses the implementation of the Framework at the *system* level. It is built upon the four principles underlying the Framework (as described in Section 4). It outlines the logical flow of both the processes and activities involved in implementation, and it demonstrates the expected harm reduction impacts that will result from these processes and activities.

Logic models are built using several key elements:

- inputs, which represent existing *resources* (both financial and human), policies, practices, facilities, and capabilities that jurisdictions bring to the table in implementing the Framework;
- activities, which represent the specific *strategies* to be put in place to implement the Framework and apply evidence-based decision making to achieve harm reduction;
- outputs, which specify the *immediate results* that occur as activities and strategies are implemented (e.g., change in policy/practice, adoption of new tools/protocols, number of people trained, etc.);
- outcomes, which serve as *indicators* that change is occurring at key decision points in the justice system as a result of these activities and which demonstrate that evidence-based decision making has been implemented; and
- impacts, which define the types of *long-term results* that can be anticipated and measured as a result of the Framework's implementation.

Underlying the entire logic model are assumptions and contextual conditions. The assumptions are based on the principles in the Framework and serve as the rationale for how jurisdictions can achieve harm reduction by implementing this Framework. Because the logic model is designed to serve as a roadmap, each jurisdiction will tailor specific aspects of the activities and types of outcomes/impacts expected based on local circumstances. These local circumstances, referred to as contextual conditions, underlie the entire logic model.

Evidence-Based Decision Making System-Level Implementation Steps

Implementation of evidence-based decision making requires a desire and commitment to change how the criminal justice system responds to criminal offending in a way that enhances public safety and reduces harm to communities, victims, and offenders. Such change necessarily involves a complex set of implementation steps that need to occur at multiple levels within the system—at the overall system level (i.e., involving all stakeholders within the justice system), within each agency/entity that engages in the criminal justice process (e.g., police, prosecutors, defense, pretrial services, courts, community corrections, and corrections), and at

the case level (e.g., in terms of how decisions are made in individual cases). The Framework provides an overall vision for how evidence-based decision making can work in local criminal justice systems and the types of outcomes and impacts that might be expected if evidence-based decision making is implemented.

In general, the implementation process includes four stages: 1) developing a systemwide vision and process for evidence-based decision making, 2) developing a plan to implement the policy and procedural changes necessary to support the implementation of evidence-based decision making, 3) implementing evidence-based decision making, and 4) institutionalizing and refining evidence-based decision making through an ongoing process of review and refinement.

A system-level logic model that depicts the relationships between activities, outcomes, and impacts is provided to show generally how implementation of evidence-based decision making can change the system's response to criminal offending, enhance public safety, and reduce harm.[46]

Results-Based Management

What gets measured gets done.

If results are not measured, successes cannot be distinguished from failures.

If successes cannot be distinguished, they cannot be replicated.

If failures cannot be identified, they cannot be corrected.

If results cannot be demonstrated, support cannot be secured.

Adapted from Osborne & Gaebler, 1992.

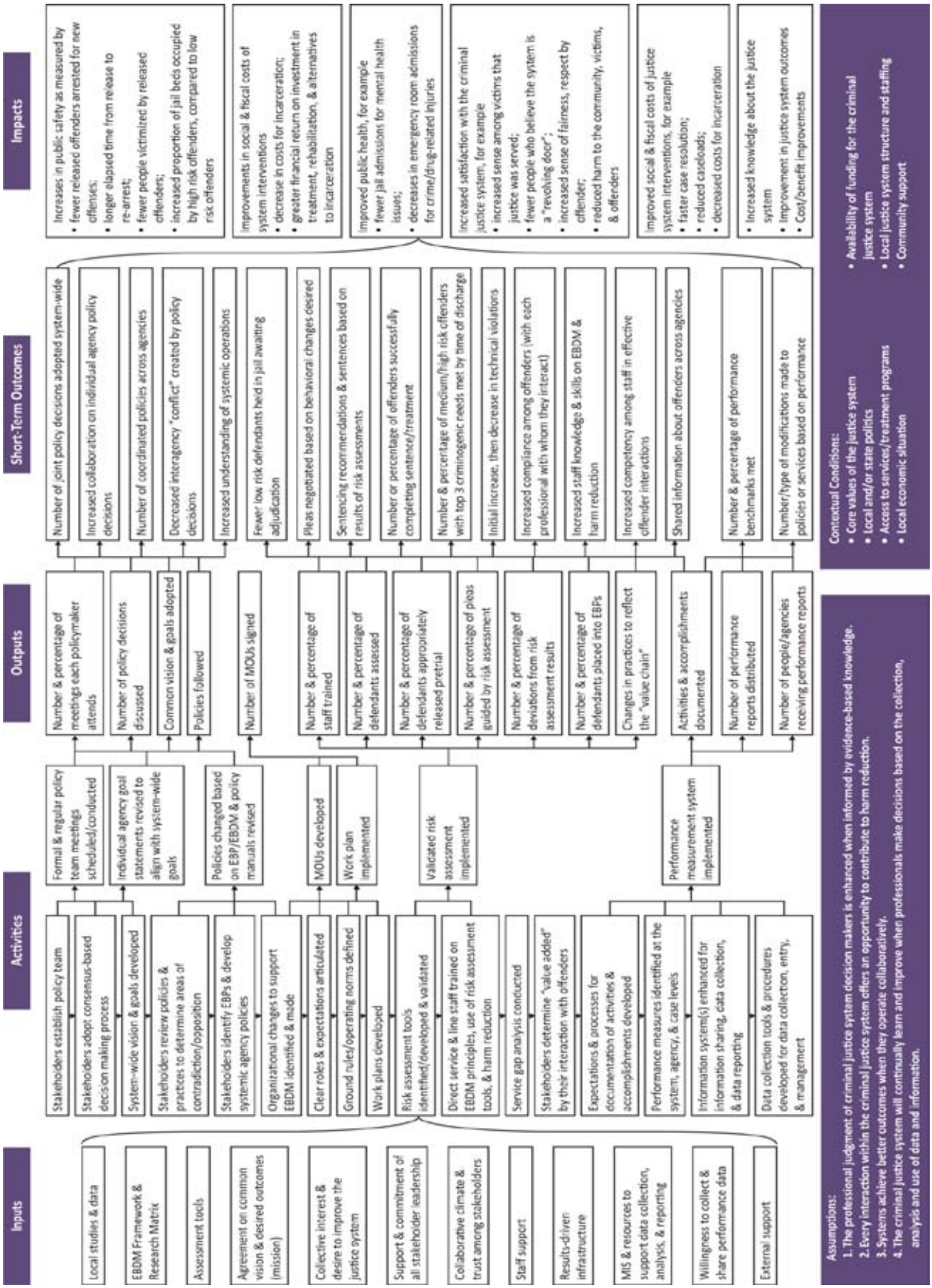
IHI LESSON #3: A MARATHON IS RUN ONE STEP AT A TIME

IHI announced from the start that not every Campaign participant had to implement all six interventions at once. Recognizing that small wins would unleash an appetite for larger victories, their motto became "one step at a time." This approach resolved the problem of implementing change across a very large and diverse nation: what was possible in an urban research facility in Massachusetts, for example, might not be practical for a small, rural hospital in Minnesota. Yet each had the opportunity to succeed, one step at a time. The lesson for criminal justice?

PROVIDE THE TOOLS TO WIN THE RACE,
LET THE RUNNERS SET THEIR PACE.

[46] The specifics of the implementation steps will be the subject of an interactive dialogue with each of the pilot sites and a jurisdiction-specific logic model will be developed. In addition, during Phase II, agency-specific and case-level logic models will also be developed.

Evidence-Based Decision Making Logic Model



SECTION 6: KEY CHALLENGES IN IMPLEMENTING THIS FRAMEWORK

Without a doubt, implementation of this Framework will raise a number of challenges and "thorny" issues for criminal justice system decision makers. Some of these are pragmatic, some operational, others philosophical. While we do not attempt to identify all of these, a few key issues are noted as among the most complex. How they are addressed and put into practice will be among the important implementation lessons of Phase II.

RISK REDUCTION AND EVIDENCE-BASED DECISION MAKING IN THE CONTEXT OF SANCTIONING PURPOSE

Different Cases, Different Purposes

Much has been written about the purposes of sentencing. Each (just desserts/retribution, deterrence, rehabilitation, and incapacitation) offers a rationale for sanctioning offenders. The most notable of the differences among them is the distinction between utilitarian goals—those that aim to produce some good as a result of the sanction (such as discouraging criminal behavior, helping offenders learn to avoid future criminal engagement, or restraining those thought likely to pose a threat in the future)—and the non-utilitarian "just deserts" approach which asserts that offenders deserve to be punished for their crimes, regardless of whether or not that punishment will influence future behavior.[47] Only some of these attend to the issue of risk reduction.

The unique factors and considerations of a given case may result in one sanctioning purpose taking precedence over another. In those instances where risk reduction is not identified as the primary purpose of sanctioning, its significance and important role should nonetheless be fully considered.

The Weight of the Evidence

As described previously, there is a wide body of research to support the claim that risk reduction is possible.[48] The evidence regarding other sanctioning purposes is, thus far, less compelling.[49] Evidence-based decision making requires that decision makers understand the relative impact of various sanctioning options and take this into account when determining the outcome of a particular case.

Ninety-five percent of offenders will ultimately be released to the community.[50] The weight of the evidence demonstrating the efficacy of risk reduction approaches provides justice system

[47] See particularly the writings of M. Kay Harris on the topic of sanctioning philosophies (e.g., Harris, 1986).
[48] See "What Works in Reducing Pretrial Misbehavior and Offender Recidivism" in Appendix 3 and "7 Ways to Reduce Recidivism" in the Preamble.
[49] For instance, research finds that incarceration and other punitive sanctions, in isolation of other interventions, do not reduce future offending; see Gendreau & Goggin, 1996; Gendreau, Goggin, & Cullen, 1999; Lipsey & Cullen, 2007; Smith, Goggin, & Gendreau, 2002. Research also suggests that deterrent effects are inconsistent and depend on individual characteristics, emotions, experiences, etc. Therefore, outcomes derived solely from deterrence are difficult to predict; see Bouffard et al., 1999; Exum, 2002; Matsueda, Kreager, & Huizinga, 2006; Nagin, 1998; Piquero & Pogarsky, 2002; Pogarsky, 2007; Pogarsky, 2002; Stafford & Warr, 1993.
[50] See Hughes & Wilson, 2003.

actors with confidence that the goal of risk reduction can be achieved[51] either singularly or in conjunction with other sanctioning purposes. In this way, risk reduction should be not "sidelined" when other sanctioning goals are considered to be of equal or higher value. It is not an "either/or" proposition, although *how* risk considerations are factored into a case may vary. Several case scenarios may best illustrate this point:

- A low risk offender who has committed a serious crime might be sentenced to serve his time in jail rather than prison if it is determined that jail would be less likely to expose the offender to the antisocial influences that lead to increases in crime among lower risk offenders.
- A moderate risk offender sentenced to prison might be placed in an institution closer to home, where supportive family members have a greater opportunity to offer positive influence. He may also be provided risk reducing programming during and following incarceration.
- A high risk offender convicted of a low level offense might be placed on intensive supervision and be required to complete a high intensity treatment program.

In each of these scenarios, risk reduction is a consideration in the crafting of an appropriate disposition, in some cases *alongside* other sanctioning purposes.

In Phase II of the Evidence-Based Decision Making in Local Criminal Justice Systems initiative, NIC and its initiative partners will work with pilot sites to sort through and develop a model(s) to address the question of the role of risk reduction in the context of multiple sanctioning purposes.

Plea Negotiations

In most jurisdictions, well over 90% of felony criminal cases are handled through pleas, with the majority of the courts accepting those pleas as negotiated.[52] In many jurisdictions, plea negotiations are often crafted in highly prescriptive ways, dictating, for example, not only the length of incarceration and probation supervision, but also the specific conditions of supervision. Yet, few jurisdictions have available to them information about an offender's risk to reoffend or criminogenic needs at the point of plea negotiation, meaning that key decision makers—prosecutors and defenders—negotiate these agreements absent information about how best to influence future criminal behavior based on the unique characteristics of the offender being sentenced. As a result, in most jurisdictions, cases are passed along to corrections and/or probation, which then assess risk/needs and, in many cases, work to retrofit research-based interventions to court-imposed sentencing parameters.

Arguably, the introduction of risk/need information at the plea stage—and perhaps earlier—could have a profound effect on judicial decisions, and yet this is not without its due process and resource challenges. This is another of the important issues the initiative will address in Phase II.

> Perhaps no other justice system process has as profound an effect on harm reduction as plea negotiations. To be successful in reaching the goal of public safety, plea negotiation practices should be guided by research.

[51] For a review of some of the research, see Appendix 3.

[52] See BJS, 2009; BJS, 2007. While misdemeanor cases outweigh felonies 4 to 1 (LaFountain et al., 2008), no national data is available to indicate the percentage of these cases that are settled through plea agreement.

The Management of Low Level Offenses

Many justice systems across the country are inundated with minor criminal matters. These petty or "nuisance" crimes, as they are often called, consume enormous system resources, including police officer time, pretrial assessments and perhaps pretrial supervision, hearings before bail commissioners and magistrates, jail beds, court dockets, etc. Often, the defendants charged with these crimes are indigent, mentally ill, and/or homeless; many are "revolving door" cases, individuals who are apprehended and processed numerous times over the course of a year. Efforts to process and manage their cases consume a significant portion of the justice system budget. Insufficient funding or services and/or the press of overwhelmingly high caseloads can result in quick-fix responses that may address the immediate, pressing problem of moving the case forward within established timeframes, but too often fall short of resolving the systemic influences that lie at the heart of the criminal behavior.

Criminal justice entities and agencies across the country process hundreds or even thousands of these cases in a given day or week,[53] oftentimes without the opportunity to diagnose the factors leading to the criminal behavior or construct a solution with long-term potential. Assessments are rarely conducted in these cases, resulting in a situation in which little information other than a criminal history and arrest report are available to guide decision making.

The Framework seeks to apply evidence-based knowledge to all criminal justice decisions and in all types of cases—petty, serious, and all those in between. There are at least two challenges in doing so: first, there is a dearth of knowledge to guide policy and practice in some areas. Second, the volume of cases, shortage of labor, press of time, difficulties associated with unique challenges such as the seriously mentally ill, and, in some cases, insufficient physical space to conduct interviews, provide services, etc., combine to create seemingly impossible barriers to evidence-based practices with all cases. This is yet a third key implementation challenge that will be squarely addressed in Phase II of the initiative.

Looking to Phase II and Beyond

Implementation of the Framework will undoubtedly surface a variety of "thorny issues" such as those addressed here: risk reduction as opposed to or alongside other sanctioning purposes, whether and how risk and criminogenic need data should be considered at early decision points (that is, at the arrest, pretrial, and plea negotiation stages), and how best to effectively and efficiently use research to end the revolving door of low level criminal cases. Others are anticipated. And while it is expected that the discussions and debates about how to address them will be difficult—and will raise questions that compel policymakers to confront directly their philosophies, values, commitment to past practice, and abilities to creatively design new justice system approaches—there is no doubt that these deliberations will move the field forward in the advancement of evidence-based decision making and improved justice system outcomes. To be sure, one of the key strategies to making this possible is collaborative policymaking.

[53] The actual numbers vary widely by jurisdiction and in some jurisdictions will be very low. See LaFountain et al., 2008; National Association of Criminal Defense Lawyers, 2009.

Section 7: Collaboration: A Key Ingredient of an Evidence-Based System

Aligning the Criminal Justice System to Achieve Harm Reduction

Components of the criminal justice system—and the agencies and actors that represent them—frequently operate without clarity of, or consensus on, the outcomes the system seeks to achieve and/or the optimal methods to reach them.

New ways of thinking about how this "system" *could* work; evidence-based knowledge about how best to produce intended outcomes at the system, agency, and case levels; and empirical evidence about methods to achieve effective collaborative processes offer guidance to jurisdictions interested in working collaboratively to achieve harm reduction in their communities.

Bringing the Stakeholders to the Table to Form Policy Teams[54]

Collaboration in the criminal justice system seeks to overcome the limitations of traditional and non-systemic approaches to criminal justice problem solving and solution development by bringing together stakeholders to share information, work toward the development of common goals, and jointly create policies to support those goals. *Stakeholders* are defined as those who influence and have an investment in the criminal justice system's outcomes. These systemwide stakeholder groups are referred to as *policy teams*.

Collaboration is the process of working together to achieve a common goal that is impossible to reach without the efforts of others.

Ideally, policy teams are comprised of the criminal justice agencies and community organizations that impact, or are impacted by, decisions that will be made by the collaborative team. The specific composition of the collaborative team varies from jurisdiction to jurisdiction. Those with the positional or personal power to create change within their own agencies and organizations are appropriate members of the collaborative team. The chief judge, court administrator, elected prosecutor, chief public defender and representative of the private defense bar, administrator of the community corrections agency, police chief and elected sheriff, pretrial administrator, victim advocates, local elected officials (city manager, county commissioner), service providers, and community representatives all play a part in the administration of justice and bring valuable information, resources, and perspectives to this collaborative endeavor.

[54] Carl Larson and Frank LaFasto (1989) studied an array of public and private sector working groups in an effort to identify the characteristics of highly effective teams. Their findings provide a roadmap for jurisdictions that seek to work together in a truly collaborative manner. A companion guide to this Framework will provide information and guidance to jurisdictions as they seek to establish policy teams to undertake a collaborative, evidence-based decision making process.

IHI LESSON #4: INDIVIDUALS ARE NOT FLAWED, SYSTEMS ARE

In its campaign to save 100,000 lives, IHI refused to view individual failure as the way to account for the needless loss of 100,000 lives. Instead, they focused on correcting the system of medical care. In the words of Berwick, "Every system is perfectly designed to achieve exactly the result it gets." IHI adopted the position that individual healthcare professionals did not need to work harder, smarter, or faster; instead, they needed to change a flawed system that led smart and dedicated people to make mistakes. The lesson for criminal justice?

BUILD A SYSTEM THAT WILL NATURALLY RESULT IN THE OUTCOMES WE SEEK.

SECTION 8: BUILDING EVIDENCE-BASED AGENCIES

ALIGNING CRIMINAL JUSTICE AGENCIES TO ACHIEVE HARM REDUCTION

For evidence-based decision making to be effective, it must occur with consistency throughout the justice system. That is, the reliance on evidence to inform decision making should occur at the system level, at the agency level, and at the case level.

The preceding section on collaboration suggests that system-level alignment can best be achieved through a collaborative policy team process. Agency- and case-level alignment require a different approach; they require a specific focus on organizational development within each of the justice system agencies.

Adopting a practice of relying on evidence to inform decision making—rather than relying on tradition, personal beliefs, or other factors—will undoubtedly require some (but more likely all) agencies in the criminal justice system to reevaluate their policies and practices.[55] Doing so involves

- reevaluating agency mission, goals, and values to support a vision that is shared by all the justice system stakeholders as well as the workforce within the agency;
- reconsidering agency policy and practice in light of evidence-based knowledge;
- in some instances, retooling organizational structure;
- addressing, where necessary, organizational culture to align with a new vision, mission, and goals; and
- providing new knowledge and skills for staff.

For these change efforts to take hold, they must prove themselves to be reliable and to better support staffs' ability to effectively carry out their duties. For example, if at the sentencing stage, objective data is provided to defense counsel, prosecutors, and judges that effectively informs and shapes the sentencing decision, decision makers will come to not only expect but also to rely on this information in the future. If, on the other hand, the information provided is neither useful nor reliable, the new approach of considering objective data will be abandoned and past practice will prevail.

> Organizational development is the practice of changing internal systems, and people, for the purposes of vision and mission advancement.

Organizational change is not easy, nor is it always successful. According to experts[56]

- up to 85% of organizational change initiatives fail; and
- up to 70% of these failures are due to flawed execution.

[55] Appendix 3 is a compilation of evidence-based knowledge that has policy implications for justice system professionals.
[56] Rogers, Wellins, & Connor, 2002.

IHI LESSON #5: MAKE THE NEW EASIER THAN THE OLD

IHI understood that if the practices they were promoting did not appeal to those who would implement them—if they were seen as nothing more than additional work burdens—change would not occur. On the other hand, if the new practices could save staff time and effort and enhance patient safety, staff would be quick to embrace and integrate the new practices. Models for replacing former practices with newer, streamlined approaches were adopted by involving staff in the process. Senior physician Steven Tremain, Contra Costa Regional Medical Center, summarized the results: "We basically exposed people who were hungry to learn how [to achieve better results without additional burden]...and they took it and ran with it. What [we]...created is the belief that it can be done." The lesson for criminal justice?

REPLACE CURRENT PRACTICES WITH THOSE THAT ARE MORE EFFECTIVE AND EASIER TO IMPLEMENT.

Making "What Works" Work

An enormous investment of public funds is made each year in the name of public safety. The strategic use of those funds can produce a profoundly positive impact, as measured by fewer new victims and fewer new crimes committed by offenders under criminal justice control. However, changing policy and practice at the system, agency, or case level is no simple task, particularly when these changes challenge current philosophies, understandings of the research, and the day-to-day practice routines of agencies and staff. To reach their full potential, evidence-based practices cannot simply be placed alongside past practice or through the piecemeal exchange of one past practice for a new one. Instead, an *evidence-based decision making process*—a systemic approach that uses research to inform decisions at all levels—offers the greatest promise for recidivism reduction and the potential for a tremendous return: one million fewer victims.

Some Dos and Don'ts of Recidivism Reduction

Do... Use risk assessment tools: they are the gateway to risk reducing strategies.

Do... Provide evidence-based programming that targets criminogenic needs for medium and higher risk offenders.

Do... Address criminal thinking and problem solving skills.

Do... Respond to misconduct with swiftness and certainty.

Do... Use more carrots than sticks.

Do... Deliver services in natural (community) environments.

Don't... Expect sanctions alone to change behavior.

Appendix 1: Advisory Board Members: Evidence-Based Decision Making in Local Criminal Justice Systems Initiative

- Shirley Abrahamson, Chief Justice, Supreme Court of Wisconsin, Madison, Wisconsin
- Suzanne Brown-McBride, Executive Director, California Coalition Against Sexual Assault, Sacramento, California
- Edwin Burnette, Chief Public Defender (former), Cook County Public Defender's Office, Chicago, Illinois
- Gary Christensen, Principal, Corrections Partners, Inc., Clinton Corners, New York
- Gary Darling, Criminal Justice Planning Manager, Larimer County, Fort Collins, Colorado
- Adrian Garcia, Harris County Sheriff, Houston, Texas
- Robert Johnson, Anoka County Attorney, Anoka, Minnesota
- Dale Koch, Senior Judge, Multnomah County Courthouse, Multnomah County Circuit Court, Portland, Oregon
- Sally Kreamer, Director, Fifth Judicial District, Department of Correctional Services, Des Moines, Iowa
- Michael Marcus, Judge, Multnomah County Circuit Court, Portland, Oregon
- Carlos Martinez, Public Defender, Law Offices of the Public Defender, Miami, Florida
- Peggy McGarry, Director, Center on Sentencing and Corrections, Vera Institute, New York, New York
- Geraldine Nagy, Director, Travis County Community Supervision and Corrections Department, Austin, Texas
- Wendy Niehaus, Director, Department of Pretrial Services, Hamilton County, Cincinnati, Ohio
- Michael Planet, Executive Officer, Ventura County Superior Court, Ventura, California
- Ronald Reinstein, Director, Center for Evidence Based Sentencing, Arizona Supreme Court, Phoenix, Arizona
- Susan Shaffer, Director, District of Columbia, Pretrial Services Agency, Washington, D.C.
- P. David Soares, District Attorney, Albany Judicial Center, Office of the District Attorney, Albany, New York
- Mark Thompson, Judicial District Administrator, Hennepin County District Court, Minneapolis, Minnesota
- Roger Warren, President Emeritus, National Center for State Courts, Williamsburg, Virginia
- Thomas White, Director of Operations (former), Court Support Services Division, Connecticut Judicial Branch, Wethersfield, Connecticut

Appendix 2: Methodology Used to Compute 1 Million Fewer Victims

This Framework was developed to assist criminal justice system stakeholders in applying evidence to decision making. Applying evidence to decision making can contribute to reductions in the rate of recidivism among offenders and in collateral harm to communities. A specific goal—fewer victims—has been identified as a means to gauge success and galvanize stakeholders around this national initiative. The initiative has established the goal of one million fewer victims.

According to the Bureau of Justice Statistics Sourcebook of Criminal Justice Statistics,[57] in 2003 there were 2,361,193 full-time employees working in federal, state, and local criminal justice systems. The listing includes those involved in corrections (748,250), judicial and legal positions (494,007), and police protection (1,118,936). It does not include part-time employees or those engaged in working directly with offenders in programming (such as non-governmental, contractual service providers in community settings).

2.3 Million Justice System Employees

2.3 million justice system employees means that every day, there are 2.3 million opportunities to reduce harm and the likelihood that an offender will commit another crime. If just *half* of these individuals were to effectively apply evidence-based practices on just one case resulting in one less offender with one less victim, the net effect would be one million fewer victims.

This Framework and initiative form the basis of the "One Less _____" campaign because every individual who works in the justice system *can* make a difference. It is nothing less than a call to action.

One less offender.

One less crime.

One less victim.

[57] BJS, 2003.

APPENDIX 3: RESEARCH FINDINGS MATRIX

The research in this matrix is a snapshot, rather than a thorough review, of all current research on reducing pretrial misbehavior and offender recidivism. The summaries provided here are intended to briefly describe the major conclusions of the research studies. Each of the studies cited has been reviewed by an expert researcher in the criminal justice system for methodological soundness and interpretation of the findings.[58] Many of the studies focus on general populations and may not be generalizable to special populations, such as women offenders, sex offenders, and so on. Readers are encouraged to refer to the source documents for more in-depth detail about the study methodology, how concepts were measured, the study population, and other contextual information that help put the findings into perspective. In addition, certain areas of the criminal justice system have been studied more rigorously than others and as a result there are gaps in the research that will be evident to the reader. For example, there is very little research on police decisions to arrest or issue citations. Also, some of the studies presented here are very recent; others are not because there are no current research studies that have produced better or different results. Finally, new research is published routinely, and readers should be mindful that new studies may have relevant findings that are not included in this matrix.

HOW TO READ THE MATRIX

The research studies have been categorized into one of four categories: What Doesn't Work, What Works, What's Promising, and What's Not Clear.

- The "What Doesn't Work" category includes findings based on rigorous and methodologically sound research that repeatedly shows (either through numerous single studies or meta-analysis studies) that the intervention does not have the intended or desired results.
- The "What Works" category is based on rigorous and methodologically sound research that demonstrates significant positive findings (either through numerous single studies or meta-analysis studies).
- The "What's Promising" category includes findings that show promise but require more rigorous empirical study.
- The final category, "What's Not Clear," includes studies that have conflicting findings (i.e., one study shows something works while another study shows that it doesn't). These findings require additional empirical study.

The first column contains a brief summary of the methodology and major findings that are relevant for evidence-based decision making in the criminal justice system. The second column notes methodological considerations that may impact the generalizability of the findings. The third column highlights the various decision points within the criminal justice system for which the findings are relevant and a summary of possible policy and practice implications.

[58] The authors wish to acknowledge the significant contributions of the following researchers, whose reviews appear in whole or in part in this matrix: Melissa Alexander, Timothy Bynum, Ed Latessa, Chris Lowenkamp, Roger Pryzybylski, and Ralph Serin.

What Doesn't Work In Reducing Pretrial Misbehavior And Offender Recidivism

MAJOR RESEARCH FINDINGS *Rigorous and methodologically sound research and meta-analyses that demonstrate null or negative outcomes*	METHODOLOGICAL CONSIDERATIONS	IMPLICATIONS & RELEVANT DECISION POINTS
A review of seven meta-analyses investigating the risk principle (defined as the probability of reoffending) found that providing intense correctional interventions to low risk offenders does not decrease recidivism and may even increase recidivism rates. The reasons cited for failure included exposure of low risk offenders to high risk offenders (i.e., antisocial peers) and disruption of the factors that make them low risk (i.e., strong family ties, job, etc.). *Primary Citation:* Lowenkamp & Latessa (2004)	None noted.	*Implications:* The majority of services and more intensive supervision should be directed to higher risk offenders. · Diversion decisions · Plea negotiations · Sentencing recommendations · Sentencing decisions · Community supervision strategy
A meta-analysis of 29 studies found that there is no overall effect of boot camps on recidivism (i.e., there was nearly equal odds of recidivating between the boot camp and comparison groups). Juvenile boot camps were less effective overall than adult boot camps. *Primary Citation:* MacKenzie, Wilson, & Kider (2001) *Supporting Citation:* Wilson, MacKenzie, & Mitchell (2005)	The study included 29 experimental and quasi-experimental studies and used official data and multiple indices of recidivism. There was considerable variation among the studies. In nine studies, boot camp participants had lower recidivism rates than did comparison groups; in eight studies, comparison groups had lower recidivism rates; and in the remaining studies, no significant differences were found. Of the 29 eligible studies, only 9 were published in peer-reviewed journals and the year of public-cation was not considered. Also, there was insufficient information on sample demographics (gender, ethnicity) for comparisons, some adult boot camps included juveniles, and programming information was incomplete.	*Implications:* Boot camps (especially juvenile boot camps) are of doubtful efficacy. · Community intervention strategy

What Doesn't Work In Reducing Pretrial Misbehavior And Offender Recidivism

MAJOR RESEARCH FINDINGS *Rigorous and methodologically sound research and meta-analyses that demonstrate null or negative outcomes*	METHODOLOGICAL CONSIDERATIONS	IMPLICATIONS & RELEVANT DECISION POINTS
A meta-analysis of 117 studies involving 442,471 offenders showed that none of the three "treatment" conditions—length of time incarcerated, serving an institutional sentence versus receiving a community-based sanction, and receiving an intermediate sanction—were associated with a reduction in recidivism. In fact, longer time periods in prison were associated with ***an increase in recidivism***, compared to shorter time periods in prison. These effects held across gender, adults/ juveniles, race, and risk level of the offender. There was some evidence that more stringent sanctions may affect females more adversely than males. *Primary Citation:* Smith, Goggin, & Gendreau (2002) *Supporting Citations:* Gendreau, Goggin, & Cullen (1999); Lipsey & Cullen (2007)	To be included in the meta-analysis, the study must have used a follow-up period of at least six months and must have provided sufficient information to calculate an effect size between the sanction and recidivism. Studies of treatment services that also employed a sanction were eligible for inclusion in the analysis. Many of the prison-based studies included in the analysis lacked essential descriptive information regarding study methodology (e.g., conditions of confinement).	*Implications:* Sanctions on their own do not change offender behavior or reduce recidivism. More severe sanctions (i.e., longer prison sentences) may increase recidivism. · Plea negotiations · Sentencing recommendations · Sentencing decisions
A study of 14 Intensive Supervision Demonstration Programs found that a higher percentage of individuals on ISP were incarcerated during the one year follow-up period than the control group. There were no differences in arrests for new crimes between the treatment and control groups. However, ISP was associated with more technical violations: 81% of the ISP offenders had technical violations compared with 33% of those in the control group. In addition, five times as many ISP offenders were returned to prison for technical violations as compared to the control group (21% compared to 4%). The authors also concluded that ISP did not result in cost savings during the one year follow-up period and that ISP ultimately cost 50% more than traditional probation or parole supervision. *Primary Citation:* Petersilia & Turner (1993)	Data were collected in each site on offender demographics, prior criminal history, current offense, and dependence and treatment history. Data on services received, participation in treatment and work programs, and recidivism (technical violations, arrests, and incarceration) were collected at the six- and twelve-month points of supervision.	*Implications:* Stringent supervision conditions tend to produce more technical violations and more incarceration and do not reduce recidivism by themselves. · Plea negotiations · Sentencing recommendations · Sentencing decisions · Community supervision strategy

What Doesn't Work In Reducing Pretrial Misbehavior And Offender Recidivism

MAJOR RESEARCH FINDINGS *Rigorous and methodologically sound research and meta-analyses that demonstrate null or negative outcomes*	METHODOLOGICAL CONSIDERATIONS	IMPLICATIONS & RELEVANT DECISION POINTS
A meta-analysis of more than 400 research studies that examined the effects of punishment on recidivism found that punishment produced almost identical effects on recidivism as did no punishment or reduced punishment. This included drug testing, electronic monitoring, fines, intermittent incarceration, restitution, Scared Straight programs, and incarceration. *Primary Citation:* Gendreau & Goggin (1996)	While all studies included had a comparison group, the criteria for study inclusion were not provided and no controls were added (e.g., quality of research design, dosage, etc.).	*Implications:* Sanctions on their own do not change offender behavior or reduce recidivism. · Plea negotiations · Sentencing recommendations · Sentencing decisions · Community intervention strategy

What Works In Reducing Pretrial Misbehavior And Offender Recidivism

MAJOR RESEARCH FINDINGS *Rigorous and methodologically sound research and meta-analyses demonstrating significant positive outcomes*	METHODOLOGICAL CONSIDERATIONS	IMPLICATIONS & RELEVANT DECISION POINTS
Meta-analyses of more than 100 correctional programs and treatment research studies show that the risk of recidivism is greatly reduced (10–30% on average) when attention is paid to dealing with criminogenic needs (dynamic risk factors**,** e.g., antisocial attitudes and values, antisocial peers, certain personality and temperament traits, family and relational factors, substance abuse, employment, school and occupational training, and the use of personal and leisure time). These studies also found that: the most powerful approaches to changing offender behavior include cognitive behavioral and social learning strategies (e.g., modeling, reinforcement, and skill acquisition) in the context of a quality interpersonal relationship; more intensive levels of treatment are most effective with higher risk offenders (the risk principle); intervention efforts should target multiple criminogenic needs (the need principle); and effective interventions are those that are responsive to the motivation, cognitive ability, and other characteristics of the offender (the responsivity principle). Further findings include: recidivism reduction effects are slightly greater when community-based services and interventions are delivered in the community as compared to services delivered in residential/institutional settings; aftercare and follow-up services that provide a continuum of care are also necessary to manage and prevent relapse; recidivism slightly increased when inappropriate correctional services were provided (i.e., treatment services that do not adhere to the risk, need, and responsivity principles). These findings hold across community corrections, residential corrections, diversionary programs, males and females, juvenile and adult corrections, restorative and non-restorative justice programs, different types of treatment, and different types of needs targeted. *Primary Citation:* Andrews (2007) *Supporting Citations:* Andrews & Dowden (2007); Andrews et al. (1990); Andrews & Bonta (2006); Bonta (2007)	The authors acknowledge that further meta-analytic review on responsivity is needed, and that understanding of the risk principle is still limited by the relatively few studies that report separate effects for lower and higher risk cases.	*Implications:* Recidivism is more likely reduced when the justice system focuses on criminogenic needs, uses a cognitive behavioral approach, reserves more intensive services for the higher risk offender, and uses aftercare services. · Charging decision · Plea negotiations · Sentencing decision · Community intervention strategy

MAJOR RESEARCH FINDINGS *Rigorous and methodologically sound research and meta-analyses demonstrating significant positive outcomes*	METHODOLOGICAL CONSIDERATIONS	IMPLICATIONS & RELEVANT DECISION POINTS
A meta-analysis of more than 800 rigorous program evaluations found that a number of approaches demonstrated a reduction in recidivism rates, including treatment-oriented intensive supervision (22% reduction) compared to no reduction for surveillance-oriented intensive supervision, cognitive behavioral treatment for sex offenders in prison (15%), vocational education in prison (13%), drug treatment in the community (12%), adult drug courts (11%), and cognitive behavioral programs in general (8%). Cognitive behavioral treatment for low risk sex offenders on probation achieved a 31% reduction in recidivism. Overall, cognitive behavioral approaches were consistently found to be more effective in reducing the recidivism rate across a variety of correctional contexts and offender populations Cost savings were also substantial. Approximate per person cost savings examples include $11,000 for treatment-oriented intensive supervision, $13,700 for vocational education in prison, $10,000 for community drug treatment, and $10,000 for cognitive behavioral approaches. While the absolute differences in the recidivism rates in some situations may have been modest, even small reductions in the rate can have considerable economic and social benefits. *Primary Citations:* Aos, Miller, & Drake (2006a); Aos, Miller, & Drake (2006b)	None noted.	Implications: Emphasis should be placed on treatment targets (i.e., criminogenic needs) using a variety of interventions, especially cognitive behavioral programming. Decisions regarding correctional investments should consider the cost/benefit of the intervention. · Plea negotiations · Sentencing recommendations · Sentencing decisions · Community supervision strategy · Probation/parole violation response
A meta-analysis of several hundred studies of criminal justice interventions found that when core correctional practices (e.g., the effective use of authority, modeling and reinforcing prosocial attitudes, teaching concrete problem-solving skills, advocating for community resources, and building a relationship that allows for open communication and respect) were used, particularly in combination with adherence to the risk, need, and responsivity principles, programs had better treatment outcomes than programs that did not use core correctional practices. The findings were particularly true for higher risk cases, programs that targeted criminogenic needs, and clinically appropriate treatment. The findings of the analysis held for various offender and program characteristics. The only core correctional practice that was not associated with significant reductions in rates of reoffending was the effective use of authority. *Primary Citation:* Dowden & Andrews (2004) *Supporting Citations:* Bonta et al. (2008); Trotter (1996)	None noted.	*Implications:* Attention to staff characteristics and skills is necessary to enhance outcomes with offenders. · Community intervention strategy

What Works In Reducing Pretrial Misbehavior And Offender Recidivism

MAJOR RESEARCH FINDINGS *Rigorous and methodologically sound research and meta-analyses demonstrating significant positive outcomes*	METHODOLOGICAL CONSIDERATIONS	IMPLICATIONS & RELEVANT DECISION POINTS
A meta-analysis of randomized or quasi-experimental studies found that cognitive behavioral therapy (CBT) is effective in reducing recidivism by as much as 25 to 50% under certain conditions. The effects increased when the treatment dosage was increased, when higher risk offenders were targeted, and when the quality of implementation was monitored. The effects held for all brands of curriculum, adult and juvenile offenders, male and female offenders, and minority/non-minority offenders. *Primary Citation:* Lipsey, Landenberger, & Wilson (2007) *Supporting Citations:* Landenberger & Lipsey (2005); Wilson, Bouffard, & MacKenzie (2005)	The analysis included a limited number of studies by category.	*Implications:* Programming dosage should match offenders' risk levels. · Plea negotiations · Diversion decisions · Sentencing decisions · Community intervention strategy · Probation violation response
A synthesis of 18 meta-analyses of correctional interventions found similar results with regard to reducing recidivism. Interventions that utilized "intensive criminal sanctioning" or were exclusively deterrence-based tended to be ineffective or even increased recidivism. On the other hand, there were some interventions that were found to reduce recidivism by an average of 25 to 30%. This group of more effective interventions "predominantly employed behavioral and/or cognitive skills training methods." The overall conclusion was that the programs that work best · are founded on an explicit empirically based model of crime causation; · have a sound method of assessing risk of reoffending, and offenders are assigned different levels of service and supervision accordingly; · contain a sound method of assessing criminogenic needs and dynamic risk factors that are linked to offending; · require skilled and structured engagement by staff; · utilize cognitive behavioral approaches; and · are delivered by personnel who have adequate training and resources. *Primary Citation:* McGuire (2001)	None noted.	Implications: Programs designed to reduce recidivism should be monitored through continuous quality improvement techniques to ensure that the program conditions for behavioral change are met. · Plea negotiations · Sentencing recommendations · Sentencing decisions · Community supervision strategy

What's Promising In Reducing Pretrial Misbehavior And Offender Recidivism

MAJOR RESEARCH FINDINGS *Studies that show promising outcomes but require more rigorous research*	METHODOLOGICAL CONSIDERATIONS	IMPLICATIONS & RELEVANT DECISION POINTS
A study on a sanctions grid used by parole field staff in Ohio to determine the appropriate response to violations of conditions of post-release supervision indicated that moderate and high risk offenders in all supervision categories had a lower likelihood of recidivism after completing a halfway house program. However, low and low/moderate risk offenders recidivated more frequently when they were placed in these higher security settings than into a straight community placement. In addition, offenders in the parole violator category were the only group that experienced a significantly lower level of recidivism across all risk levels when placed in halfway houses. *Primary Citation:* Andrews & Janes (2006)	Offenders in a halfway house program were tracked for two years post release to determine the baseline recidivism rate and the characteristics of those most likely to succeed. Based on this research, a supervision grid was created to classify offenders into four risk levels and three supervision categories. The article does not provide details on the research methodology. The research was conducted with offenders in one state.	*Implications:* Halfway house interventions with supervision geared to level of risk/need can be effective with higher risk offenders. · Low risk offenders may do worse when placed in high security/intensive supervision halfway house programs. · Jail or prison release decisions
A randomized experiment exploring drug court monitoring found that offenders assigned to adaptive intervention (i.e., a treatment-oriented response as opposed to a judge-oriented response) were more likely to graduate, had fewer warrants issued, and had more negative drug screens (i.e., clean). The effects were present for both low and high risk offenders, although low risk offenders performed better. *Primary Citation:* Marlowe et al. (2008)	The sample size was small—31 offenders. In addition, the experiment was conducted in a single drug court, which makes generalization problematic.	*Implications:* Drug courts should be administered with a treatment orientation. · Plea negotiations · Sentencing decisions · Community intervention strategy · Probation violation response

MAJOR RESEARCH FINDINGS *Studies that show promising outcomes but require more rigorous research*	METHODOLOGICAL CONSIDERATIONS	IMPLICATIONS & RELEVANT DECISION POINTS
A quasi-experimental study compared outcomes between Breaking the Cycle counties and non-Breaking the Cycle counties with a total sample size of 5,600 adult offenders. (Breaking the Cycle is a community-based drug treatment/intervention program designed to address drug-related crime.) The Breaking the Cycle group had a slight but statistically significant lower likelihood of arrest for any offense and significantly fewer drug arrests overall. In the Breaking the Cycle counties that administered more drug tests and sanctions, offenders with drug conditions had a statistically significant lower likelihood of arrest for any offense and significantly fewer drug arrests. An analysis of the costs and benefits of the Breaking the Cycle program found that it returned $2.30 to $5.70 for every dollar invested. The conclusion was that the Breaking the Cycle program is an effective strategy for reducing drug arrests for offenders with drug conditions. *Primary Citation:* Harrell et al. (2003)	The major limitation is the reliance on secondary data, which limited the analyses (for example, there were no data on treatment utilization). In addition, although some of the findings were statistically significant, most observed differences were modest.	*Implications:* Programs designed to achieve specific outcomes should be evaluated to determine their effectiveness and overall cost/benefit. · Plea negotiations · Sentencing recommendations · Sentencing decisions
A study of 130 low risk and 57 high risk offenders found strong support for the risk principle in drug courts. High risk offenders (who were scheduled to biweekly status hearings) performed better in drug court than those who were assigned to status hearings as usual (they had more negative drug screens and better attendance at counseling sessions). *Primary Citation:* Marlowe et al. (2006) *Supporting Citations:* Lowenkamp, Holsinger, & Latessa (2005)	The sample size for the high risk group was small (57 high risk offenders compared to 130 low risk offenders), and there was limited follow-up on illegal behavior, which limits the ability to generalize about the staying power of the effects.	*Implications:* Drug court participants should be selected based on risk level (i.e., the risk principle holds in drug court settings). · Diversion decisions · Plea negotiations · Sentencing decisions · Community intervention strategies
A study found that the more time a probation officer spent addressing criminogenic needs and using behavioral techniques with probationers, the lower the rate of recidivism. However, only one third of the probation officers spent a significant amount of time in their sessions discussing these needs. Further, the more time spent discussing the conditions of probation, the higher the recidivism rate. In situations where less than 15 minutes were spent discussing probation conditions, the recidivism rate was 19% compared to 42% when more time was devoted to discussing probation conditions. *Primary Citation:* Bonta et al. (2008)	This was a single site study and there were problems in implementing the intervention model as designed.	*Implications:* Supervision officers should spend the majority of their time working with offenders on criminogenic needs (rather than focusing on conditions of supervision that are non-criminogenic), use behavioral techniques, and devote at least 15 minutes per session to issues related to criminogenic needs. · Community supervision strategy

What's Promising In Reducing Pretrial Misbehavior And Offender Recidivism

MAJOR RESEARCH FINDINGS *Studies that show promising outcomes but require more rigorous research*	METHODOLOGICAL CONSIDERATIONS	IMPLICATIONS & RELEVANT DECISION POINTS
A study found that judges who used bail guidelines were more consistent in their decision making regarding release on recognizance than judges who did not use bail guidelines. The judges who used guidelines were more likely to grant ROR to non-seriously charged defendants and to be more stringent with defendants facing more serious charges than the control group, who lacked this level of consistency in their decisions. In addition, with regard to defendants classified within the cash bail decision group in the guidelines, 65% of the judges who used guidelines set bail in this range, while only 38% of the judges in the control group set bail similarly. The equity of bail decisions involves decision making in which one would expect "similarly situated" defendants to be treated in a similar manner, which was confirmed by this study. The variation in bail amounts was substantially reduced among the judges using guidelines. *Primary Citation:* Goldkamp & Gottfredson (1985)	This was an experimental study of bail guidelines looking at 960 cases and conducted over a 14-month period. Judges were randomly assigned to an experimental group, which would use bail guidelines, or a comparison group, which would set bail decisions as they had in the past. This was a single site study.	*Implications:* Providing judicial officers with objective information about offenders' backgrounds and community ties (as well as about the charges against the defendant) coupled with the use of a validated instrument helps produce more equitable and effective pretrial decisions. · Pretrial release decisions
A review of 50 studies (of 55 drug courts) found that the recidivism rate (for both drug and non-drug offenses) was lower on average for drug court participants than for those in the comparison group (38% compared to 50%). Three studies that used random assignment and did not have a high participant attrition rate demonstrated a reduction from 50% to 43%. In addition, other studies that used a group of eligible but non-referred offenders as the comparison group also observed a moderate reduction in reoffending. Programs that used either a pre-plea or post-plea model were more effective than those that employed a mixed model. Moreover, programs that offered a clear incentive for completion (e.g., dismissal of charges) had greater success than those that did not. Finally, drug courts that used a single dedicated provider were more successful because they were more likely to use a cognitive behavioral model. *Primary Citation:* Wilson, Mitchell, & MacKenzie (2006)	None noted.	*Implications:* Drug courts should consider adopting a pre-plea or post-plea model, providing offenders with incentives for completion, and using cognitive behavioral techniques. · Diversion decisions · Plea negotiations · Sentencing recommendations · Sentencing decisions

What's Promising In Reducing Pretrial Misbehavior And Offender Recidivism

MAJOR RESEARCH FINDINGS *Studies that show promising outcomes but require more rigorous research*	METHODOLOGICAL CONSIDERATIONS	IMPLICATIONS & RELEVANT DECISION POINTS
A meta-analysis of 140 studies of community (intermediate) sanctions and 325 studies of incarceration found that, for intermediate sanctions, there appeared to be a "net widening" effect through the targeting of individuals who would not have previously received as severe a sanction. In addition, there was no indication that these more severe sanctions were more effective than traditional community supervision. In the 47 studies of intensive supervision included in this review, there was no difference between the groups, with each having a recidivism rate of 29%. However, there was an indication that the inclusion of a treatment component with the intensive supervision program resulted in a 10% reduction in recidivism. The analysis of whether longer periods of incarceration produced lower recidivism rates included two components: one comparing similar offenders who spent more time (averaging over 30 months) in prison compared with less (averaging less than 17 months) and the second comparing offenders who were sent to prison for a brief time with a similar group not receiving a prison sentence. Neither of these analyses exhibited different effects on recidivism. *Primary Citation:* Gendreau, Goggin, Cullen, & Andrews (2001)	Methodological rigor was not included as a criterion for inclusion in the meta-analysis.	*Implications:* Intermediate sanctions should be utilized with recognition of both their ability to achieve certain outcomes and their limitations, such as accountability as opposed to risk reduction. Careful controls should be put in place when implementing intermediate sanctions to avoid unintended net widening. · Plea negotiations · Sentencing recommendations · Sentencing decisions
A meta-analysis of 131 studies for almost 750,000 adult offenders found that the strongest predictors of recidivism proved to be criminogenic need, criminal history/history of antisocial behavior, social achievement, age/gender/race, and family factors. Both static and dynamic predictors proved important. Overall, validated risk assessment instruments proved to be superior to static measures and indices of antisociality. Early family factors and pre-adult antisocial behavior are correlated with recidivism but are rarely included in adult offender risk assessments. Focus on personal distress, social class, and, to a lesser extent, intelligence is contraindicated based on the empirical evidence. *Primary Citation:* Gendreau, Goggin, & Little (1996) *Supporting Citation:* Andrews et al. (1990); French & Gendreau (2003)	The studies included in the meta-analysis had an over-representation of males in their samples.	*Implications:* Validated risk assessments should be used and include both static and dynamic risk factors. · Charging decisions · Diversion decisions · Plea negotiations · Sentencing recommendations · Sentencing decisions · Community intervention strategy

What's Promising In Reducing Pretrial Misbehavior And Offender Recidivism

MAJOR RESEARCH FINDINGS *Studies that show promising outcomes but require more rigorous research*	METHODOLOGICAL CONSIDERATIONS	IMPLICATIONS & RELEVANT DECISION POINTS
A meta-analysis of 70 prison-based treatment studies found higher effect sizes resulting from behavioral programs and programs with greater integrity in terms of implementation. In particular, programs that targeted criminogenic needs had increased effects on recidivism, which increased with the number of criminogenic needs targeted. Overall, the study found that misconduct was reduced by about 26% through programming. *Primary Citation:* French & Gendreau (2003)	The meta-analysis had few studies of women offenders, and it did not control for factors that have been demonstrated to influence misconduct (i.e., prison overcrowding, population instability through transfers, security level, etc.). The authors note that important offender characteristics (risk, need, misconduct history) may moderate the findings.	*Implications:* Enhanced prison management will result through a strategy in which programming has a central role. · Sentencing decisions · Correctional programming decisions
A summary of 30 meta-analyses found that overall treatment reduces recidivism about 9–10%, and slightly higher for "appropriate" services, when the program is matched to the offender's unique traits; community programs have greater effect sizes; there is some influence of age of offenders on recidivism outcome; and larger effect sizes are derived from programs with higher risk offenders. *Primary Citation:* McGuire (2002) *Supporting Citation:* French & Gendreau (2003)	This is a summary of evaluation studies and does not have any controls. In addition, evaluations of juvenile programs are over-represented in the summary, as are males.	*Implications:* Treatment programming should be targeted to higher risk offenders and their criminogenic needs, and preferably (though not exclusively) be community based. · Plea negotiations · Sentencing recommendations · Sentencing decisions · Community intervention strategy

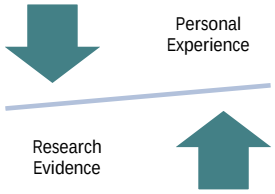
MAJOR RESEARCH FINDINGS *Studies that show promising outcomes but require more rigorous research*	METHODOLOGICAL CONSIDERATIONS	IMPLICATIONS & RELEVANT DECISION POINTS
The effectiveness of graduated sanctions in deterring non-compliant acts is contingent on the certainty, swiftness, and fairness (consistency and proportionality) of the response. In addition, the supervision process must be proactive and have the following critical elements: (a) it must inform the offender about the behavior that constitutes an infraction and about the potential consequence for that behavior, (b) it must ensure that the judiciary, supervision agents, and other treatment agencies adhere to the sanctioning model, and (c) it must uphold the offender's dignity throughout the process of change. Thus, a sound graduated sanctions model should clearly define infractions, utilize a swift process for responding to infractions, respond to sanctions using a structured sanction menu with consequences, and employ behavioral contracts for offenders with written offender acknowledgement of violation behavior. *Primary Citation:* Taxman, Soule, & Gelb (1999)	This is not a research project that makes statistical inferences to a larger population; however, the discussion is supported by citation of numerous individual studies.	*Implications:* Immediacy, fairness, consistency, and proportionality in responding to misbehavior are important. · Community intervention strategy · Probation/parole violation response
A study predicting risk using an assessment instrument for pretrial populations examined the following factors: charge type, pending charges, outstanding warrants, prior convictions, prior failures to appear, prior violent convictions, length of time at current residence, employment status, and history of drug abuse. Statistical analysis showed that the instrument seemed to predict equally across gender, race, and geographic location. The study found that not only did the instrument predict for failure to appear (i.e., high risk defendants were less likely to appear), but it also predicted for danger to the community (i.e., higher risk defendants were more likely to be arrested pretrial) and for failure due to technical violations (i.e., higher risk defendants were more likely to have technical violations). A similar test in Federal Court found that offenders with different risk levels may respond to pretrial conditions differently. In addition, most conditions did not have an impact on recidivism risk for low risk offenders. This finding is supported by another study of Federal District Court in the District of Columbia. *Primary Citations:* VanNostrand (2003); VanNostrand & Keebler (2009) *Supporting Citation:* Winterfield, Coggeshall, & Harrell (2003)	There is no measure of association between risk score and outcome (e.g., failure to appear or rearrest). In the Federal study, there were no data on fulfillment of conditions or the quality of services.	*Implications:* By assessing risk, decision makers are able to base the use of pretrial detention and release conditions on level of risk. · Pretrial release decisions

What's Not Clear In Reducing Pretrial Misbehavior And Offender Recidivism

MAJOR RESEARCH FINDINGS *Findings that contradict or conflict with other studies and require additional rigorous research*	METHODLOGICAL CONSIDERATIONS	IMPLICATIONS & RELEVANT DECISION POINTS
A study of 2,014 adult and juvenile offenders in five sites found that offenders placed in the Treatment Alternatives to Street Crime (TASC) program had lower drug use in three of the five sites studied. Two of the sites reported fewer drug crimes based on self-report data, and there was no difference in reoffending in three sites. In addition, TASC offenders performed worse in terms of new arrests and technical violations in two sites. *Primary Citation:* Anglin, Longshore, & Turner (1999)	The follow-up period was only six months. Also, the comparisons of TASC were made to other interventions or probation rather than a treatment/no treatment comparison.	*Implications:* Not applicable · Plea negotiations · Sentencing recommendation · Sentencing decisions · Community supervision strategy
A randomized experiment on the effects of drug testing during pretrial release on offender misconduct found there was no statistically significant difference between the treatment and control groups with regard to failure to appear or rearrest. The overall conclusion is that the use of drug testing during the pretrial period did not significantly reduce pretrial misconduct. *Primary Citation:* Britt, Gottfredson, & Goldkamp (1992)	There was significant attrition in both study sites. In addition, in one of the sites, 20% of the treatment group did not receive a drug test and, among other individuals, the amount of testing was varied. As such, there are concerns about the integrity of the intervention.	*Implications:* Not applicable · Pretrial release decisions
A study of 1,378 defendants from 12 urban and rural counties in North Carolina found that the seriousness of charges and the presence of codefendants influenced the final disposition. The seriousness of charges affected the severity of the sentence for defendants who were found guilty. The presence of codefendants increased the odds of dismissal for Class 1 felony defendants. Defendants' prior criminal history did not affect odds of dismissal but did increase severity of sentencing. Black defendants charged with Class 2 felonies were more likely to have longer stays in pretrial detention. Longer time in pretrial detention influenced court disposition. Whether the defendant had a private versus public defender did not affect the likelihood of charges being dismissed. Plea bargaining was related to the length of sentence for moderate to high risk groups (where risk is related to detention). *Primary Citation:* Clarke & Kurtz (1983)	Risk was defined as the probability of detention, not the probability of future reoffending.	*Implications:* Not applicable · Charging decisions · Plea negotiations · Pretrial release decisions

Using Evidence to Inform Decision Making

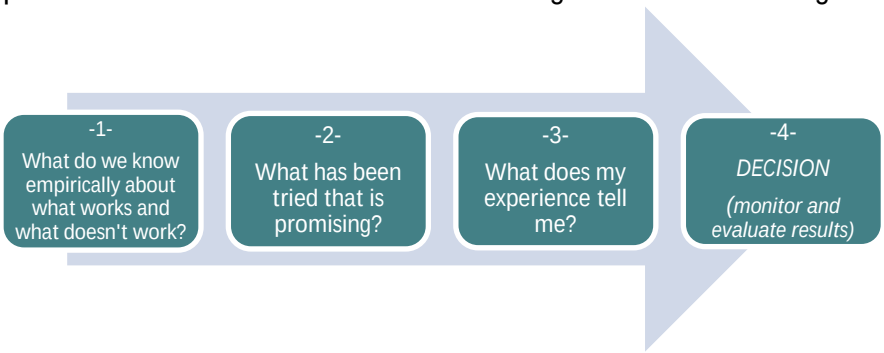
Despite their commitment to applying research to decision making, some criminal justice professionals express confusion over how to apply evidence when it conflicts with personal experience. How much emphasis should be placed on research versus experience? This tension is understandable, particularly when research is in opposition to intuition or experience (such as the empirically supported findings that providing programming to lower risk offenders can increase recidivism or that increasing the degree of punishment can increase recidivism). Even when research is not in opposition to beliefs or experience, outcomes are never a 100% guarantee (i.e., some false positives and false negatives are to be expected, regardless of the strength of the evidence), although, when following the evidence, favorable outcomes are more likely to occur than unfavorable outcomes.



Tension Between Experience and Research

The model below is presented as a way to reconcile seemingly contradictory understandings. It suggests the following:

1. Decision makers begin the decision making process with an understanding of the existing research. In some cases, the relevant research findings will be fairly robust; in others, it will be sparse or absent.
2. When the research is insufficient, decision makers defer to promising practice findings. These findings are weaker than research evidence because they either have not been subject to rigorous testing or been replicated; nonetheless, they can provide more external explanatory power than belief or personal experience alone.
3. When personal experience conflicts with research evidence/promising practice, decision makers weigh the preponderance of evidence with the strength of experience.
4. If the conclusion inferred from the evidence is not followed, decision makers are encouraged to monitor outcomes to determine if the desired results are achieved. Without this, perceptions will neither be affirmed nor challenged and new learning will not result.



APPENDIX 4: 2009 ZOGBY INTERNATIONAL PUBLIC OPINION SURVEY

Zogby International was commissioned by the National Institute of Corrections and its Evidence-Based Decision Making in Local Criminal Justice Systems partners to conduct a telephone survey of likely voters from July 31, 2009 to August 4, 2009. The target sample was 1,005 interviews, with approximately 39 questions asked. Samples were randomly drawn from telephone compact discs of a national listed sample.

Zogby International surveys employ sampling strategies in which selection probabilities are proportional to population size within area codes and exchanges. Up to six calls are made to reach a sampled phone number. Cooperation rates are calculated using one of the American Association of Public Opinion Research's approved methodologies[59] and are comparable to other professional public-opinion surveys conducted using similar sampling strategies.[60] Weighting by region, political party, age, race, religion, and gender is used to adjust for non-response. The margin of error is +/– 3.2 percentage points.

A report from NIC is anticipated in 2010 to more fully describe this study and its results.

[59] The American Association of Public Opinion Research, 2009.
[60] Sheppard & Haas, 2003.

Appendix 5: Glossary of Terms

The terms used in this document have specific meanings within the context of a harm reduction philosophy and an evidence-based decision making model.

- ***Criminogenic:*** Attributes or characteristics of the individual or his/her environment that produce or tend to produce criminal behavior and recidivism.
- ***Data:*** A collection of observations or statistics used to measure and analyze interventions.
- ***Data-driven:*** The ongoing collection and analysis of data to track performance and inform policy and practice.
- ***Defendant:*** A person who has been formally charged with a crime.
- ***Evidence-based:*** Conclusions drawn from rigorous research studies that have been replicated numerous times with defined, measurable outcomes about the effectiveness of an intervention or process.
- ***Goal:*** The desired end result of an effort.
- ***Objective:*** Measurable, short-term indicators or benchmarks that indicate progress is being made toward the goal.
- ***Offender:*** A person convicted of a criminal charge.
- ***Outcome:*** Change that occurs as a result of an action or intervention.
- ***Performance measure:*** A quantifiable measure that is used to support the decision making process by documenting how well specific functions or processes are carried out.
- ***Research:*** The systematic analysis of data, using scientific methods, to study the effect of an intervention.

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