

THE EVIDENCE- BASED DECISION MAKING INITIATIVE: AN OVERVIEW FOR PRETRIAL EXECUTIVES

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EBDM



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BACKGROUND: WHAT IS THE EVIDENCE-BASED DECISION MAKING INITIATIVE?

In 2008, the National Institute of Corrections (NIC) launched the Evidence-Based Decision Making (EBDM) initiative. NIC is a federal agency within the U.S. Department of Justice. It provides training, technical assistance, information services, and policy/program development assistance to federal, state, and local justice system agencies and public policymakers.

The goal of the EBDM initiative is to equip criminal justice stakeholders with the information, processes, and tools that will result in measurable reductions in pretrial misconduct, post-conviction reoffending, and other forms of community harm. The initiative is grounded in three decades of research on the factors that contribute to criminal reoffending and the methods that justice systems can employ to interrupt the cycle of reoffense. The work is guided by [A Framework for Evidence-Based Decision Making in State and Local Criminal Justice Systems](#) (“EBDM Framework”) and its four key principles.

In 2010, seven local jurisdictions in six states were selected to pilot-test the Framework and a “roadmap” of action steps designed to improve outcomes through collaborative, research-based principles and processes. In 2015, an additional 21 teams—including three state-level teams—joined the national initiative. Collectively, EBDM’s 28 state and local teams represent a range of large urban areas, mid-size communities, and small rural towns.

EBDM FRAMEWORK PRINCIPLES

EBDM Principle 1: The professional judgment of criminal justice system decision makers is enhanced when informed by evidence-based knowledge.

EBDM Principle 2: Every interaction within the criminal justice system offers an opportunity to contribute to harm reduction.

EBDM Principle 3: Systems achieve better outcomes when they operate collaboratively.

EBDM Principle 4: The criminal justice system will continually learn and improve when professionals make decisions based on the collection, analysis, and use of data and information.

Genuine collaboration is a cornerstone of the EBDM process. The collaborative approach of EBDM seeks to overcome the limitations of traditional and nonsystemic approaches to criminal justice problem solving and solution development. EBDM brings together a broad array of stakeholders to develop a common understanding of the justice system, identify common goals, jointly create policies and practices to support the achievement of those goals, and stand together to advocate for those goals, particularly in the event of criticism. Criminal justice system “stakeholders” are defined as those who have a vested interest in justice system processes and outcomes; together they are referred to as “policy teams.”

Policy teams are comprised of the justice system agencies and community organizations that impact, or are impacted by, decisions that will be made by the collaborative team. Their specific composition varies depending upon the structure of each community, but they commonly include those with the positional power to create change within their own organizations. The chief judge, court administrator, elected prosecutor, chief public defender, private defense bar, probation/community corrections director, police chief, elected sheriff, pretrial executive, victim advocates, local elected officials (i.e., city manager, county commissioner), service providers, and community representatives are common policy team members of local teams.

“COLLABORATION” IS THE PROCESS OF WORKING TOGETHER TO ACHIEVE A COMMON GOAL THAT IS IMPOSSIBLE TO REACH WITHOUT THE EFFORTS OF OTHERS.

On state-level teams, the stakeholder composition is similar but includes those with positional influence across multiple communities (e.g., elected president of the state prosecutors' or sheriffs' association; executive director of the state's association of counties), including agencies and individuals with statewide authority or influence (e.g., state legislature, statewide behavioral/mental health agency, department of corrections, attorney general, governor's office, state courts). In addition, state-level teams include local team representatives in order to align state and local interests around justice system reforms. Together and separately, each team member brings valuable information, resources, and perspectives to the collaborative endeavor.

EBDM policy teams devote their first team meetings to building their collaborative team; understanding current practice within each agency and across the system; learning about research-based policies and practices ("evidence-based practices") and their application to decision points spanning the entire justice system, from point of initial contact (arrest) to final discharge; and agreeing upon a set of systemwide values and goals.

Thereafter, EBDM teams collaboratively develop strategic plans, focusing on key "change targets" for improving the alignment of research with policy and practice, and improving systemwide outcomes.

Examples of change targets include expanding pretrial release and diversion options for those who do not pose a danger to the community; instituting or expanding intervention options for specific populations (e.g., justice-involved women, those charged with domestic violence, chronic substance abusers, the seriously mentally ill); expanding evidence-based interventions throughout the justice system; ensuring the appropriate use of risk assessment information; reducing case processing delays; establishing methods to streamline case information flow; and instituting formal processes for professional development and continuous quality improvement. Policy team strategic plans include logic models that describe theories of change, specific methods to measure performance, and a systemwide "scorecard"—a method to gauge the overall performance of the justice system in achieving its harm reduction goals, including improved public safety. Policy teams also identify strategies for engaging a broader set of professional and community stakeholders in their justice system reform efforts. Subsequent activities focus on the implementation of these strategic plans, identification of additional areas of improvement, expansion of the stakeholders involved, and increased capacity for the collection of data to monitor and improve performance.

"HARM REDUCTION," AS USED HERE, REFERS TO DECREASES IN THE ILL EFFECTS OF CRIME EXPERIENCED BROADLY BY COMMUNITIES, VICTIMS, CITIZENS, JUSTICE-INVOLVED INDIVIDUALS, AND THEIR FAMILIES.

THE PERSPECTIVE OF PRETRIAL EXECUTIVES WHO HAVE ENGAGED IN THE EBDM PROCESS

Since the project's inception in 2008, 25 local jurisdictions and three states have engaged in EBDM work. Many had pretrial services in place prior to joining the initiative; by 2016, all jurisdictions either had pretrial in place or were in the process of implementing high functioning pretrial justice systems. Through a series of focus groups, interviews, and surveys, pretrial executives shared their views on the EBDM work.

The Benefits of EBDM

Pretrial representatives indicated that EBDM put a spotlight on the importance of the “front end” of the justice system, where early and effective assessment can have significant impact on release and detention decisions—and, therefore, on the lives of defendants and their families and the community at large—as well as on the size and composition of the jail population. Even those jurisdictions that began their EBDM work with pretrial already in place discovered that, in large measure, justice system partners did not understand or give much attention to this part of the system. Through their EBDM work, justice system partners developed an acute awareness of the impact of: decisions at the pretrial stage, pretrial risk assessment, emerging research around the impact of pretrial detention, appropriate release strategies and supervision conditions, court notification systems, and the most effective methods for managing pretrial misconduct. EBDM also brought to light the importance of coordinated and seamless assessment across the justice system decision points and of the opportunities the front end of the system offers in terms of more systematically identifying and, in some instances, addressing the needs of justice-involved individuals.

IN THE WORDS OF PRETRIAL EXECUTIVES

“You won’t see a case anymore in our court where the risk instrument is not utilized by the judges and attorneys to help make bond decisions.”

“Our early ‘wins’ were achieved because of our collaboration and communication. We now understand how our actions impact each other, and we are making strides at improving our system. Everyone is collectively engaged in this process.”

The Challenges of EBDM

Like their justice system partners, pretrial executives identified three significant challenges related to engaging in EBDM. The first and most common among these is the notion of change. Pretrial executives observed that the process of change was challenging for many of their partners. They observed that EBDM challenged both long-held beliefs and practices—for example, the reliance on money bonds. Differences in perspective and knowledge about pretrial research, alongside different perspectives around how best to reach systemic goals of reduced harm and increased public safety, both contributed to lively conversation and tested the patience and openness of members. Second, pretrial executives observed that time was a significant challenge, in part for them but, more significantly, for their partners. Finding the time to work through challenging issues, such as whom to release pretrial, whom to supervise and how, and what to do when pretrial misconduct occurs, did not come easily for many. Finally, a significant challenge identified by pretrial executives was the absence of data. While data challenges abound throughout the criminal justice system, gathering data on the pretrial population offered unique challenges. Many jail systems have rudimentary data systems or systems that can be accessed only through contractual arrangements with outside vendors. In addition, in many cases, information regarding key outcome measures, such as failure to appear and pretrial misconduct, is not collected or easily obtained, making the collection of baseline and longer-term performance measurement difficult.

Significant Practice Changes

In spite of the challenges, pretrial executives noted significant impact as a result of their EBDM efforts and those of their partners. These impacts include implementation (or enhancement) of

pretrial programs, establishment of automated data collection systems, utilization of court date reminder systems, adoption of pretrial risk tools, and development of guidelines for release decision making, differential supervision, and responding to noncompliance.

Pretrial executives were asked to describe the specific ways in which their activities have changed over time as a result of EBDM. What follows is a summary of their responses.

BEFORE EBDM, WE...	SINCE EBDM, WE...
...did not conduct routine assessments at arrest or jail booking	...are conducting brief assessments of some people at arrest and are routinely conducting assessments at jail booking
...made pretrial detention and release decisions based upon professional judgment alone	...use a risk tool to inform our decisions ...use risk-based differential supervision guidelines to determine the type and frequency of pretrial monitoring
...did not receive referrals to pretrial from magistrates	...have experienced a significant increase in magistrate referrals
...did not conduct timely pretrial risk assessments	...modified the pretrial risk assessment process so that it is more timely
...followed a money bond schedule	...eliminated our money bond schedule
...hand-delivered pretrial reports	...electronically transmit pretrial reports
...often had cases lingering when a defendant indicated their intention to hire private counsel	...automatically review those cases in which the defendant advised that they would hire their own attorney, to ensure that the case proceeds appropriately
...only did a "second look" at detained pretrial defendants if needed for purposes of alleviating jail crowding	...routinely do a second (and third and fourth, if needed) look at those pretrial defendants who remain incarcerated unnecessarily
...had limited pretrial monitoring	...have established a pretrial supervision component
...delivered sanctions for noncompliance violations automatically and inconsistently	...developed guidelines for responding to pretrial noncompliance, which has resulted in more targeted and consistent responses
...had a very limited (or no) court reminder process	...implemented an automated court notification system
...had criminal justice partners who were largely unaware of the role of pretrial and the scope of services we provide	...have had numerous opportunities to educate our partners on our role and services

BEFORE EBDM, WE...	SINCE EBDM, WE...
...had limited communication with some justice system partners (e.g., magistrates, defense counsel, jail staff)	...engage in regular communication with our justice system partners
...had limited knowledge about and opportunities to network with justice system partners	...conduct monthly interdisciplinary trainings that help us learn about and from one another
...had limited support and buy-in from justice system partners	...enjoy a high level of trust and buy-in from our partners
...did not have an automated pretrial information system	...use an automated pretrial services information system
...did not collect data on pretrial matters	...instituted a data collection and analysis process, and report out routinely
...did not have a pretrial program	...developed a pretrial program from the ground up
...had a limited pretrial program	...expanded our pretrial program and services
...had few pretrial staff	...expanded our pretrial staff

ADDITIONAL EBDM RESOURCES:

- A Framework for Evidence-Based Decision Making in State and Local Criminal Justice Systems
- Evidence-Based Decision Making (EBDM) Primer
- EBDM Case Studies: Highlights from the Original Seven Pilot Sites
- Evidence-Based Decision Making: A Guide for Pretrial Executives
- Evidence-Based Decision Making Starter Kit

For more information or to view other resources on EBDM, visit <http://www.nicic.gov/ebdm> or <http://ebdmoneless.org/>.

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