

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 KNOWLEDGE³⁹

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 REDUCTION⁴⁰

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;
- agency⁴¹ 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 COLLABORATIVELY⁴²

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 INFORMATION⁴⁴

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 believed⁴⁵ 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.