

The Importance of Data and Information in Achieving Successful Criminal Justice Outcomes



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Introduction

It is the third Friday of the month. Gathered together in the Department of Correction's conference room is a twenty-person team considering more effective release practices for adults and juveniles leaving state confinement. Some of the team members are expected: adult and juvenile probation and parole staff, correctional release planners, and social workers. But this group's membership is much broader than correctional staff. Its membership also includes the Departments of Transportation; Health; Mental Health; Children and Family Services; the Community Services Board, representing a network of private service providers; the Housing Authority; the Workforce Investment Board; the Victim's Coalition; the Court; the Defense Bar; and the state Prosecutor's Office. What brings this diverse group of individuals to a single table? They share a common concern: reducing the rapid return of offenders to confinement following their release from custody.

Across the border in a neighboring state, a similarly composed group is working to establish vocational and educational services for detained juveniles. In other communities, groups are working on concerns as diverse as the establishment of enhanced, gender-responsive interventions for female offenders, implementing evidence-based programming, and improving the performance of drug courts.

These teams are likely to differ in many ways.

Their composition depends on the issues they are considering; while the Department of Transportation may not play a critical role in the establishment of gender-responsive programs, they certainly play a vital role in offender reentry,

in as much as public transit routes to the key employment sectors may be insufficient, or vouchers for travel on city buses for newly released offenders might be possible. Although the ultimate outcomes these teams are striving to achieve – increased public safety – are clearly similar, their missions, or method to accomplish this end, are quite different. The complexity of their work also varies. Establishing a system wide approach to prisoner reentry that brings to bear all of the necessary resources and services, both public and private, is a vastly different undertaking than beginning a skill building program in a single facility.

And yet, if there is one thing these teams have in common, it is the need for information to support their decision making processes.

The Need for Data and Information to Support Policy Decisions

This paper will not attempt to make the case for the need for thoughtful strategic planning. Nor will it attempt to address the benefits of conducting that planning process in a collaborative setting, drawing together the individuals and agencies that affect or are affected by the problems or outcomes the planning process will address. Other documents serve these purposes well.¹ Rather, this monograph will focus on the rationale for using data to inform policy development – the role of data and information in policy development – and its sources.

¹ For more information about these issues, please see the *Additional Resources* section of this paper.

Good Intentions, Bad Results

Consider for a moment the following: Following a successful grant application process, a county agency receives a grant to establish specialized programming services for developmentally delayed juvenile sex offenders. A group of knowledgeable professionals work together to gather information on state-of-the-art approaches to service delivery with this population. They design a program based upon this information, hire staff, and make known the availability of these services. After six months in operation, the program has served a total of seven persons; considerably fewer than the fifty clients envisioned for this time period.

What went wrong? Was the program poorly designed? Poorly marketed? Located so as to make services inaccessible to those in need?

In reality, none of these issues represented the true problem. A critical analysis of the community revealed two important factors that had been initially unknown to the program designers: Given the program's admission criteria, only about thirty offenders per year would be eligible for the program in the first place. And second, unbeknownst to the implementers, a similar program with a capacity sufficient to meet 75% of the county's service needs for this population already existed. In short, this program was established based upon false assumptions that doomed the program to failure. A decision to implement a particular service was based upon anecdotal information – and in this case, a unique funding stream – rather than on data that clearly indicated that investment of time and money in this way would prove valuable.

Valuing Information to Define Solutions versus Playing the “Whack a Mole” Game ²

Perhaps you are familiar with the arcade game called “Whack a Mole.” This game consists of a dozen or so mole holes, through which a pesky and persistent mole insists on appearing

² Credit for the “Whack a Mole” metaphor goes entirely to my colleague Richard Stroker.

continuously. Using a mallet, the game player is challenged to whack that mole back into his hole – whichever one he might pop through at a given moment.

Often our approach to persistent problems seems to resemble that game of whack a mole. We spend our days whacking mole heads with our mallet. We may whack 25, 30, even 50 moles a day! By day's end, we are exhausted, but encouraged. We have battled the moles, and pushed them all back into their respective holes. Problem solved, right? Wrong. How often do we stop to consider, “Why do those moles keep popping their heads up?” Stated another way, too often we jump to solutions, working furiously to push that mole head back into his hole, all the while failing to appreciate the reason the mole head continues to appear. Consider the following:

A county-based policy team, recognizing decreasing numbers of victims voluntarily participating in court proceedings, concluded the “solution” to this “problem” was to enhance victim advocacy through increased capacity. Certainly victims would participate in the court process if they felt truly supported, and who better to provide that support than advocates? This solution had an obvious resolution: additional advocacy positions. Victim surveys and interviews were conducted to demonstrate the demand for these additional services. But in so doing, a surprising piece of information surfaced. Universally, victims indicated that their frustration with the system was not in the lack of advocacy services; rather, their concerns were related to the frequency with which postponements were granted, the overall processing delays that resulted in time away from work and family, and the ongoing stress related to court appearances and the lack of resolution of their cases. In this instance, the team had completely misdiagnosed the problem. In fact, they had themselves grown so accustomed to continuances and delays that they were completely unaware of the extent of the problem and were surprised to learn of its impact on victim participation in court proceedings. The team's information gathering process resulted in their discovery of the root of the problem they were convened to address. With a clear understanding of their goal—to increase victim participation in court proceedings and the knowledge of the true problem, routine discretionary continuances—the team was able to set to work, focusing not on acquiring resources for additional positions, but instead,

on improving court processing time. By looking underneath the surface, they were able to stop the mole from popping its head up again and again.

Using Data to Inform Decision Making

With this lens, consider the team in the DOC conference room. If their mission is to improve successful outcomes with offenders through enhanced reentry services, what must the team first know about their justice and public and private service systems, and about their offender population, to make system enhancement decisions? Probably many, many things, including:

- The number of offenders released to the community each month and their:
 - Access to affordable, appropriate housing;
 - Need for community-based aftercare services, such as substance abuse, mental health treatment, and medical services;
 - Readiness to step into the job market;
 - Ability to obtain transportation to work, the parole office, and counseling appointments, whether by private vehicle or public transit; and
 - Level of risk, which will dictate the extent of accountability and services needed.

Without this information, the team would be left to make gross estimates about the adequacy of their service delivery systems, turning to their housing partners and indicating “More transitional and permanent beds are needed,” but not being able to say, “We have 114 offenders scheduled for release over the next four months who have chronic and persistent substance abuse histories. Their home communities are Brighton, Pittsfield, and Pembroke. Sixty-three of these offenders have completed 18 months of treatment in prison, have no permanent housing or transportation, but are prepared to participate in residential aftercare treatment.”

Identifying the Critical Data Needs of a Policy Team

Obviously the data needs of an individual team have everything to do with the work they are undertaking. Typically teams fall into one of two categories.

Teams Established to Improve Overall System Functioning and Outcomes.

Multidisciplinary groups are often commissioned or self-appointed to oversee the implementation of broad reaching system enhancements. Examples of these include teams established to examine and improve the use of intermediate sanctions to reduce jail and prison bed demands on the adult side, or to assure community-based services for juveniles in lieu of detention on the juvenile side. Other teams may be established under the broad rubric of; for example, “enhancing adult and juvenile sex offender management,” implying potential activity in the areas of sexual assault investigation, prosecutorial practices, offender assessment, community supervision, treatment, reentry, sex offender registration, and so on.

In these instances, to be effective and comprehensive in their work, these teams must engage in equally broad information collection and analysis processes. But no jurisdiction operates in the luxury of endless time or resources. Given, then, that both hard and soft resources are limited, how can we best determine *the* most effective methods to “enhance adult and juvenile sex offender management,” or establish *which* intermediate sanctions offer the promise of reducing bed days without jeopardizing public safety? Teams interested in answering these questions would likely pursue data and information across a wide-ranging spectrum including information about statutory requirements for managing sex offenders, state-of-the-art practices in risk assessment for this population, the extent to which the jurisdiction’s sex offender specific treatment services comport with evidence-based practices, the ways in which community notification requirements are implemented in each of the police districts, and so forth.

These answers can only come from a broad system assessment. Such an assessment is likely to include the collection of data along five key dimensions:

System Mapping: System mapping documents the processing of cases through the criminal justice system. System maps visually represent how the system operates; they are often enhanced with additional information such as key decision makers and decision points, the duration between system “steps,” and the volume of cases flowing through the system in a given period.

Population Analysis: An offender population analysis involves a detailed examination of the number and type of offenders in the system, their “profiles,” and the outcomes of their cases.

Resource Inventory: A resource inventory provides a detailed examination of the service resources in a given community to address a particular problem.

Policy Analysis: Policy analyses involve a careful review of the formal policies that dictate specific decisions, and the mandated procedures that operationalize those policies.

Practice Analysis: Practice analyses involve a careful review of the ways in which decisions, actions, and procedures are carried out on a day-to-day basis, and whether these are formally sanctioned by policy or informally practiced without a policy mandate.

Taken together, this expansive analysis will describe how the justice system operates, the population of offenders being served, the services available to address offenders’ level of risk and needs, and the policies and practices that guide individual agencies in their work.

This information is essential to the identification of system gaps; it is also essential to understanding the impact specific solutions will have, or how best to integrate those solutions into the existing system of offender management. For example, with a clear understanding of the offender population and the resources available to serve them, it would be relatively easy to determine the extent to which additional substance abuse treatment capacity is needed in prison or in the community. With a system map in hand, it would also be possible to determine the most appropriate points to assess for the need for these services. The policy and practice analysis would provide an essential level of understanding of agency operations, assuring that new processes or services could be adopted or, at the very least, understanding the ways existing policy or practice would need

to change to accommodate system enhancements.

Teams Established to Enhance Specific Services or Solve Discrete Problems.

Some teams are established as problem resolution teams. These teams have a narrower task. Rather than assessing policy and practice across diverse issues and agencies, they typically have a specific area of inquiry or issue to address. Examples of these include: decreasing the rate of parole and probation violations, improving family involvement in teen court, or establishing benchmarks for drug court graduation.

In these instances, data collection and analysis will be focused more specifically on a single service (such as mental health services for the jailed population), a subset of the offender population (incarcerated females who are primary custodians of their children), or an identified issue (establishment of an intake center) or problem (reducing the rate of failures to appear). Rather than seeking information on broad system issues such as “How can we improve our use of all of the intermediate sanctions available in our jurisdiction?,” these teams will want answers to more targeted questions, such as “What proportion of the population under supervision violates their terms and conditions of supervision? Are these violations for technical (non-compliance) matters or for new crimes? How long are they typically on supervision prior to the violation? Have there been previous violations? Were prior violations documented and responded to appropriately? What options are available to sanction violation behavior?” These and other similar questions would lead the policy team through an in-depth inquiry regarding a specific aspect of work.

A prerequisite to data collection for these teams is the development of a series of questions about the information the team ultimately needs to inform its deliberations and decision making. By creating a list of the information that is desired, the specific data elements to be collected to address these questions can be determined, as can how best to collect these data. For example, if the team’s mission is to increase sanctioning options for repeat low-level drug offenders to avoid the use of costly jail or prison beds, the team would likely generate a list of questions about this sub-set of their drug offender population (such as their mean age, drug abuse history, previous participation in

treatment, and residency), the sanctions presently available (including the length and type of services available, program capacity, and program performance data), and applicable policy questions (such as statutorily mandated sentences for drug offenders, treatment program eligibility and exclusionary criteria, and prosecutorial bargaining practices for drug crimes). More specific data questions will flow from these and will form the basis of the data and information collection plan. Ultimately, the analysis of these data will lead to informed decision making around expansion of new programs, creation of new services, modifications in the disposition of these cases, and the like.

The Value of Information and the Data Analysis Process

It is clear to see the value of specific and measurable information in the many policy decisions described in this paper. How else can we understand with any measure of accuracy the adequacy of our current services in making communities healthier, victims safer, and offenders less likely to repeat their crimes? Good information has at its root carefully constructed inquiries of analysis. And these stem from having the right stakeholders at the table and a collaborative, deliberative process in place to wrestle with the many policy considerations that are at issue. The rest of the work related to the data – identifying specific data elements, determining whether automated systems can generate the desired information or manual collection is necessary, developing data collection instruments and coding guides, and so on – while complicated and time consuming, is truly a simple matter of technical expertise.

The true value of this work in enterprises as complex as our criminal and juvenile justice systems is the team process. For it is through the process of discovering together – exploring an issue, looking at its many facets, gathering information to shed light on it, analyzing the meaning of the findings, asking new questions, and exploring the possibilities that emerge as potential solutions – that highlights and fertilizes the common ground upon which the team stands. From this foundation, much is possible.

Additional Resources

For more information on data collection and analysis and the benefits of thoughtful strategic planning through a collaborative planning process, see:

Ney, B., & McGarry, P. (In Press). *Getting It Right: Collaborative Problem Solving for Criminal Justice*. Silver Spring, MD: Center for Effective Public Policy.

Carter, M. (2005). *The Emergence of Collaboration as the Preferred Approach in Criminal Justice*. Silver Spring, MD: Center for Effective Public Policy.

Carter, M., & Morris, L. (2002). *Managing Sex Offenders in the Community: A Handbook to Guide Policymakers and Practitioners Through a Planning and Implementation Process*. Silver Spring, Maryland: Center for Effective Public Policy, Center for Sex Offender Management.

Carter, M. (Ed.). (2001). *Responding to Parole and Probation Violations: A Handbook to Guide Local Policy Development*. Silver Spring, Maryland: Center for Effective Public Policy.

McGarry, P., & Carter, M. (1993). *The Intermediate Sanctions Handbook: Experiences and Tools for Policymakers*. Silver Spring, Maryland: Center for Effective Public Policy.

A Note to Readers

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