Evidence-Based Decision Making: Doing What Works and Reaping System-wide Benefits

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Community Services Division
Evidence Based Decision Making in Local Criminal Justice Systems
2009-2013
A Framework for Evidence Based Decision Making in State and Local Criminal Justice Systems

Create a framework for justice systems that will result in improved system outcomes-through true collaborative partnerships; systematic use of research at each decision point; and a shared vision of desired outcomes
Goals:

- Build system-wide frameworks, arrest through final disposition and discharge, that support collaboration, evidence-based decision making and practices in local and state criminal justice systems.

- Equip criminal justice policymakers with the information, processes, and tools that will result in measurable reductions of pretrial misconduct, and post-conviction reoffending.

- Contribute to reductions of criminal behavior and the methods the justice system can employ to interrupt the cycle of reoffending.
Evidence Based Decision Making Timeline

Phase I: 2009-2010
Research
Development of Framework

Phase II: Sept 2010-Aug 2011
7 County Planning
Technical Assistance

Phase 3
7 County Implementation
2011-2013
EBDM Sites

- Mesa County, Colorado
- Grant County, Indiana
- Ramsey County, Minnesota
- Yamhill County, Oregon
- Charlottesville-Albemarle County, Virginia
- Eau Claire County, Wisconsin
- Milwaukee County, Wisconsin
The Framework is grounded in four key principles
Principle #1

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

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

Evidence-based knowledge does not replace discretion but instead, informs decisions.
Principle #2

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

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

To be effective, justice system players must understand how their interactions influence others and have the knowledge and skills to enhance this influence.
Principle #3

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

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

Decision making responsibilities remain at the individual and agency level, however under the collaborative approach, input is received and other’s interests are taken into account.
Principle #4

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

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

Where evidence is not immediately available, the justice system may need to use its own data to determine what is or is not working.
The Framework examines key decision points and the evidence to support decision making at each one.
Key Decision Points

Arrest Decisions → Pretrial Status Decisions → Charging Decisions → Plea Decisions

Local Institutional Release Decisions → Local Institutional Intervention Decisions → Sentencing Decisions

Community Intervention Decisions → Violation Response Decisions → Discharge from Criminal Justice Intervention
## Phase II (Planning) Objectives

- Build a genuine, collaborative policy team
- Build individual agencies that are collaborative and in a state of readiness for change
- Understand current practice within each agency and across the system
- Understand and have the capacity to implement evidence-based practices
- Develop logic models
- Establish performance measures, determine outcomes, and develop a system scorecard
- Engage and gain the support of a broader set of stakeholders and the community
- Develop a strategic action plan for implementation
Urban Institute: Evaluation of Phase II Research Report
June 2012

Objectives

- Identify critical components of TA
  - Document TA provision in the 7 EBDM sites
- Examine TA impact on site capacity and readiness
  - Collaboration, coordination, knowledge development, support for EBDM
- Assess sites’ level of satisfaction with TA delivery
- Identify direct and indirect benefits, challenges, lessons learned
Evaluation Findings: Ample Evidence of Positive Impact

- Critical change targets identified in all 7 sites
  - Facilitated robust strategic planning process
  - Implementation on-going in all 7 sites

- Increased EBDM and system knowledge
- Increased knowledge and support for EBDM principles and practices
- Enhanced collaboration and coordination
- Indirect and direct benefits
- Essential TA elements identified
- Consensus on initiative’s key challenges
Evidence of the Impact:
Strong and Positive

- Agency Collaboration
- Coordination Among CJ Agencies
- Stakeholder Engagement
- Coordination Among CJ Leaders
- Support for EBDM
- Overall Benefits of TA
- Overall Benefits of Phase II
- Individual Benefits of TA

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Evaluation Findings:
Critical Components of Technical Assistance

- **On-site monthly TA facilitation**
  - Engage stakeholders, facilitated collaboration
  - Made research accessible
  - Acted as liaison with other members of TA provider consortium

- **System mapping**
  - Develop knowledge of current practice and how EBP could improve system

- **Mini-assessments**
  - Substantive expertise to inform site EBDM implementation plan

- **EBDM education and system-wide training activities**
  - Main method of engaging agency staff in EBDM
Evaluation Findings: Phase III- Implementation Plans

Common cross-site change targets

- **Use of Proxy Screen**
  - at arrest to screen for risk of re-offense upon first interaction with law enforcement

- **Use of Pretrial Risk Assessment**
  - to inform bail decisions and plea bargaining

- **Target programming based on offender risk (in jail, probation/community supervision)**

- **Improve data collection/performance measurement systems**
## Phase III (Implementation) Objectives

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<tr>
<th>Objective</th>
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<tr>
<td>Collect baseline data on implementation strategies</td>
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<td>Implement change strategies</td>
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<td>Sustain a multi-disciplinary collaborative policy team</td>
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<td>Fully engage agency staff in EBDM, focusing specifically on agency managers and supervisors</td>
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<td>Embed EBDM knowledge systemwide</td>
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<td>Carry out the external stakeholder communication strategy</td>
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<td>Guard against implementation failure</td>
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<td>Measure performance against systemwide scorecard</td>
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<td>Celebrate success</td>
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<td>Institutionalize policy changes</td>
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<td>Expand the number of EBDM change strategies</td>
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<td>Educate and engage in-state colleagues on EBDM</td>
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<td>Share experiences with national colleagues</td>
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Mesa County, Colorado

- NIC's Evidence-Based Decision Making Site, Mesa County, Wins National ‘Innovations in Criminal Justice’ Award
What Level of Risk Currently Populates the Mesa County Jail?

Snap-Shot Sample from September 5, 2014

- **Category 1**: 3%
- **Category 2**: 17%
- **Category 3**: 35%
- **Category 4**: 45%

Sample size 211, 91% of Pretrial Jail Population, (includes holds); 9% unknown due to inability to interview, or refusals to interview.
Convincing Local Outcomes of Colorado’s Risk Instrument

- Local data demonstrates that the instrument is predicting accurately.
- Alleviates local skepticism about the instrument itself.

![Bar chart showing safety and appearance rates for different risk categories. Categories range from Cat 1 to Cat 4, with safety rates decreasing from 89% to 75% and appearance rates decreasing from 99% to 72% as risk increases from Lower Risk to Higher Risk.]
How has an Increase in PR Rates Affected Public Safety?

*Safety Rate is Supervised Group Only; The unsupervised group cannot currently be tracked.
Updated through June 2014
News Release

Eau Claire County, Wisconsin

FOR IMMEDIATE RELEASE
January 21, 2015

PRE-CHARGE DIVERSION PROGRAM LOWERS RECIDIVISM
WHILE PRESERVING RESOURCES.

EAU CLAIRE - Eau Claire County’s population has steadily increased over the past few years. In addition, the county’s jail population has also increased, with a noticeable rise in felony prosecutions, specifically felony drug offenses. At the same time, the District Attorney’s office has closed more cases in each of the last two years. For example, in 2014, the office closed more than 100 more cases than in 2013 and approximately 400 more cases than in 2011. One reason for the ability to keep pace with increased case filings while also closing cases at a similar rate is the success of the Pre-Charge Diversion Program.

The Eau Claire County Pre-Charge Diversion Program was created in 2012 as part of the Evidence-Based Decision Making (EBDM) Initiative. The program is based on research that suggests that low-risk, first-time offenders tend to be self-correcting and that formal, traditional prosecution of these individuals actually increases recidivism of this select group of people. In 2014, the Pre-Charge Diversion Program completed its third year. To date, approximately 500 individuals have participated in the program. The program carefully identifies and targets low-risk, first-time offenders for participation. The program carefully targets lower level mid-magnitude offenses and ordinance violations that could otherwise be charged criminally. In addition to low-risk, first-time offenders, the program considers the facts of the particular case, including individual cooperation with law enforcement and restitution when determining program eligibility. Most, if not all, of the offenses considered for the program would ordinarily result in a monetary penalty if prosecuted in the traditional manner. While these cases do not therefore impact the jail population, they do represent an innovative, research-based approach to handling a select amount of low-level offenses.

Program participants enter the program either by a direct referral from a law enforcement officer at the point of contact or by caseload priority by prosecution after cases are referred to the District Attorney’s office for charge consideration. Program requirements include making court and signing up for the program with the Diversion Coordinator, a program fee of $150, and payment of all restitution up front. Program participants must also attend an educational class as well as remain offense free for the duration of the program. Failure to do so results in the reinstated prosecution of the case through the traditional system. If the participant successfully completes the program, the case is completed without traditional prosecution through the court system, although the records regarding law enforcement contact are retained in the normal course of business.

Careful selection of Pre-Charge Diversion Program participants results in two primary benefits to the community. First, handling these select cases in this manner allows prosecutors to devote additional resources to other cases involving higher risk individuals, particularly those who face the most serious charges in our system and represent the greatest threat to our citizens.
Eau Claire County
Cases Diverted

The Diversion program has averaged around 260 successful participants per year since its inception in 2012.
In the table below, 2014 numbers are projected from data collected through June.

<table>
<thead>
<tr>
<th>Diversion Participants</th>
<th>2014 (projected)</th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>262</td>
<td>264</td>
<td>258</td>
</tr>
</tbody>
</table>
A recent study in Eau Claire County, WI showed better outcomes for those diverted (McAllister, 2014)

<table>
<thead>
<tr>
<th>Group</th>
<th>Reoffended</th>
<th>No New Charges</th>
<th>Total Sample</th>
<th>Percent Recidivism</th>
</tr>
</thead>
<tbody>
<tr>
<td>Control</td>
<td>58</td>
<td>167</td>
<td>225</td>
<td>25.8%</td>
</tr>
<tr>
<td>Diversion</td>
<td>32</td>
<td>209</td>
<td>241</td>
<td>13.3%</td>
</tr>
</tbody>
</table>

- Limit involvement of low risk, first time offenders in criminal justice
- Disorderly Conduct (including Resisting/Obstructing, Trespassing, Criminal Damage, etc.), Drug/Paraphernalia Possession and Theft.
- Defendants pay a fee and participate in a 2 hour education program; if successfully complete charges are dropped
- Recidivism was defined as receiving a subsequent misdemeanor or felony charge or any citation that could otherwise be criminal within a 12 month follow-up period.
Eau Claire County: Meeting Harm Reduction Goals

15% reduction in Jail Bed Days on Criminal Cases

<table>
<thead>
<tr>
<th>Sentenced Jail Bed Days</th>
<th>2013 (Baseline)</th>
<th>2014 (projected)</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>52,290</td>
<td>49,035 (-6.2%)</td>
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</tbody>
</table>

15% reduction in Misdemeanor Case Filings

<table>
<thead>
<tr>
<th>2010 Misdemeanor Case Filings</th>
<th>2012</th>
<th>2013</th>
<th>2014 (projected)</th>
</tr>
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<tbody>
<tr>
<td>1764 (Baseline)</td>
<td>1551 (-12.1%)</td>
<td>1562 (-11.5%)</td>
<td>1480 (-16.1%)</td>
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</table>
The complete study of the Pre-Charge Diversion Program, along with additional information can be found on the Eau Claire County website/District Attorney Dept. Page www.co.eau-claire.wi.us
National Institute of Corrections
Community Services Division
Evidence Based Decision Making in State and Local Criminal Justice Systems
2014-2016
Evidence Based Decision Making Initiative Phases

Phase IV: Dec 2014
State Preparation for EBDM

Phase V: January 2015-January 2016
State and Local Planning
Technical Assistance

Phase VI: February 2016
State and Local Implementation
**Phase IV**
- Participate in a process designed to prepare teams within the 5 states for the EBDM planning phase a state team & 5 local teams
- Engage additional in-state partners
  - Local partners
  - State partners
- Prepare Phase V application

**Phase V**
- Select EBDM state(s)
- Engage in EBDM planning activities
  - in multiple local jurisdictions
  - at the state level

**Phase VI**
- Engage in EBDM implementation activities
  - in multiple local jurisdictions
  - at the state level
States Participating in Phase IV Activities

- Colorado
- Indiana
- Oregon
- Virginia
- Wisconsin
Illustration of Phase V In-State Activity
## Phase IV Roadmap

*Expanding* the EBDM Framework to the State and Additional Local Jurisdictions

<table>
<thead>
<tr>
<th>Objective</th>
<th>Likely Action Steps (Others May Be Added, Where Needed)</th>
<th>By the end of Phase IV, the site will have...</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conduct Awareness Building Activities within the State</td>
<td>• Conduct individual or large group meetings/trainings to facilitate the expansion of EBDM within the state.</td>
<td>• Local communities and state policymakers who are knowledgeable about EBDM, its goals, and the implications of the expansion effort.</td>
</tr>
</tbody>
</table>
| Conduct a Stakeholder Analysis | • Identify the thought leaders (organizations and individuals) in the state who influence criminal justice policy.  
• Discuss how to engage and retain key stakeholder involvement in EBDM. | • Key stakeholders engaged in EBDM and a strategy for engaging them. |
| Conduct and Prepare a Data Capacity Analysis | • Identify the data that is currently collected that does or could inform criminal justice policy at the state and local levels, and where and how the data is collected, stored and used.  
• Collect and review current data sharing protocols across state agencies and between state and local agencies.  
• Determine the challenges associated with data collection, use, and sharing. | • A description of the current state of analytic support for expanding EBDM within the state. |
Impact of Summit on Individuals

Did the Summit impact your thinking about how you might work collaboratively with others in your jurisdiction to implement/achieve EBDM?

Have you or will you pursue additional training and/or information in regards to EBDM as a result of your participation in the Summit?
Impact of Summit on Wisconsin Teams or Jurisdictions

Did the Summit impact your team’s thinking about how it might work collaboratively with other teams (state/local) to implement EBDM?

Jurisdiction or team’s plans to meet about EBDM as an approach to their work:

- 21% Plan to Meet in the Future about EBDM
- 4% Do Not have Plans to Meet about EBDM
- 75% Have Met to Discuss EBDM
• http://www.weau.com/home/headlines/Chippewa-County-to-take-part-in--295448691.html
Phase V: State Selections

- Indiana
- Virginia
- Wisconsin
Wisconsin State Departments of Justice and Corrections

- Marathon County
- Waukesha County
- LaCross County
- Outagamie County
- Chippewa County
- Rock County
- WI State Team
Indiana Judicial Center

Indiana State Team

- Tipton County
- Bartholomew County
- Hamilton County
- Jefferson County
- Porter County
- Hendricks County
Office of the Secretary of Public Safety and Homeland Security
Resources

- Nicic.gov/ebdm
- ebdmoneless.org