

EMBRACING FAILURE

LESSONS FOR COURT MANAGERS

BY GREG BERMAN AND AUBREY FOX



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TIM MURRAY

What do we learn when we talk about failure? Two years ago, with the support of the U.S. Department of Justice’s Bureau of Justice Assistance, we set out to answer that question. Our goal: to encourage a healthy dialogue about the failures of justice reformers in an effort to shift the perception of failure from a wholly negative force to a necessary companion and contributor to success.

In the more than 40 interviews we’ve conducted on the topic with practitioners, policymakers, and researchers, several common themes have emerged. Almost every experienced public official has a failure story to share, but these stories often go untold because people fear the professional consequences of admitting to failure publicly. This theme was illustrated most succinctly by Tim Murray, executive director of the Pretrial Justice Institute and a former court administrator in Dade County, Florida, where he created the nation’s first drug court. “I think failure is both promising and interesting because it is such a common experience among criminal justice practitioners who try to innovate in the face of obstacles and problems, yet it’s a secret that’s never spoken out loud,” Murray said.

The problem, according to Murray, is that there are real consequences when we fail to talk about failure. “Failure comes with lessons learned,” said Murray, “yet those lessons are held pretty selfishly because there’s no platform for them to be shared.” Courts and other criminal justice agencies face enormous difficulties in learning from failure or promoting successful reforms. As Ronald Corbett, executive director of the Massachusetts Supreme Judicial Court put it, “Until recently, we didn’t have a vocabulary for discussing success or failure.”

One result of this lack of definition is that promising programs are sometimes treated as failures and abandoned prematurely. As University of Wisconsin Law School Professor Michael Scott said, “Very seldom do police chiefs say, ‘We had a great idea that just didn’t work. We’re going back to the drawing board to do it differently.’ That’s what a scientist would say without batting an eye, but a police chief often doesn’t feel that he or she has that kind of latitude.” Seattle Police Chief R. Gil Kerlikowske concurs, pointing to the unique pressure that criminal justice agencies are under to deliver results. “I don’t

see anyone out there saying, 'We tried this, it didn't really work out, but here's what we learned,'" he said.

Scott and Kerlikowske's observations can also be applied to court administrators. Corbett sees the challenge for court administrators as identifying "little platoons" of innovators who often work under the radar screen. "Any good administrator," he said, "has to roam around the system and look for good people doing good things." To Hennepin County, Minnesota, Judge Kevin Burke, encouraging innovation and experimentation is more than just the right thing to do; it can help a court or criminal justice agency's bottom line. "When there are scarce public dollars," he said, "policymakers end up rewarding people who are dynamic."

Even good people doing good things can fall into failure traps, however. For example, in order to gain support for their programs, reformers at times promise results they cannot reasonably expect to achieve.

When programs fail to reach these inflated goals, they set themselves up for failure. The importance of setting modest expectations was underscored by noted criminologist Joan Petersilia, who remarked on the "long history of over-promising and under-delivering that has contributed to the constant pendulum swings in punishment practices." As she puts it, "There's nothing in our history of over 100 years of reform that says that we know how to reduce recidivism by more than 15 or 20 percent." She went on, "My sense is that we have not been publicly forthcoming because we've assumed that we would not win public support with modest results."

Another failure trap relates to how reforms are implemented. Some widely held beliefs about the keys to success — such as the need to "get everyone at the table" or a blind faith in charismatic leadership — have in fact created blind spots that cause people to blunder again and again into failure. For example, many would-be reformers get mired in the intricacies of interagency rivalries and internal politics. "I've found that large interdepartmental change rarely happens," said Ron Corbett.

Some justice agencies have responded by seeking out hard-charging, charismatic leaders to save the day, only to find that this particular kind of leadership style can cause its own set of problems. "When I think of various leaders I've known in policing across the country who have been successful, they tend to be rational, reasonable, and calm leaders, rather than head knockers or explosive personalities," said Michael Scott. One problem is that the wrong type of leadership style can inhibit a healthy dialogue about failure. "If you're the type of person who takes a person's head off for making a mistake, it's not going to take very long for word to get out," said R. Gil Kerlikowske. "You have to be willing to understand and tolerate failure, and even take the heat instead of pointing fingers if it's not really that person's fault."



The most dangerous failure trap, however, may involve the failure to risk failure. "We have to fight against the tendency to always choose a traditional approach to problems," said Judge Kevin Burke. He added, "A more common source of failure in criminal justice is an unwillingness to try anything different."

What follows are brief edited transcripts of a handful of interviews with current and former court administrators and judges, as well as other practitioners and experts in the field.

TIM MURRAY

Tim Murray is executive director of the Pretrial Justice Institute, the first director of the U.S. Department of Justice's Drug Court Program Office, and one of the principal architects of the nation's first drug court in Miami, Florida.

Q: Why should we talk about failure?

A: I think failure is both promising and interesting because it is such a common experience among criminal justice practitioners who try to innovate in the face of obstacles and problems, yet it's a secret that's never spoken out loud. Failure comes with lessons learned, yet those lessons are held pretty selfishly because there's no platform for them to be shared.

Q: Why is failure so hard to talk about openly?

A: Put simply, when you're in a position to design and administer programs, you're not being paid to fail. You tend not to report failure, and it results in trying to find success where often there is none. There's a reluctance to go forward and say, we totally failed with this effort, but we learned some valuable lessons. Unfortunately, failure doesn't resonate at any level. People avoid the stigma of being associated with failure by saying everything is successful. One of the perversions in the last 30 or 40 years of federal funding of criminal justice innovations is that it has fallen prey to the idea that experimentation always leads to success. It's as though we are telling criminal justice practitioners, you can only do what is successful, you're only allowed to be successful, but you're not allowed to experiment to separate what is successful from what is a failure.

Q: How do you encourage people to share stories about failure?

A: I think you have to create a professional culture that allows failure to occur. There shouldn't be a stigma when a well-designed, well-intentioned initiative doesn't achieve the outcomes it sets out to achieve. Unless you can shine light on these failures, you're going to spend all your time and effort calling failure success, and I think that's what happened over the last few decades. The good news is that the lessons of failure are enormously beneficial to those in line to make the same mistakes or reach the same dead end.

Q: Does leadership also play a role?

A: Absolutely. One important factor is for leaders to be realistic about what constitutes success. Early on in drug courts, Janet Reno, as a local prosecutor in Miami, told me she wanted it to take longer for people in drug courts to be rearrested. In some quarters, that definition of success would be seen as anything but. In hindsight, it was a very realistic definition for a chief law enforcement agent in a community being ravaged by drug abuse.

Q: What's your personal approach to failure?

A: I have always believed that there was a lot of capital to be gained by admitting failure and showcasing it. Admittedly, that belief has been driven by my fear that if I did not admit my own failings, others would do it for me. For example, in the earliest days of drug courts, I helped funnel street prostitutes into drug treatment even though they weren't technically drug court eligible. Every single one of them absconded. It was shocking. I felt obligated to go to the drug court coordinating committee and tell them I really screwed that up. In the process, though, we learned a ton — many of the women had children and didn't want to go into residential treatment and be separated from their kids. Until then, we didn't pay much attention to their needs.

Q: Are you saying that there are some advantages to admitting failure?

A: I call it calculated candor. It makes you stronger than someone who denies failure or runs away from it. You also gain respect for your integrity and as someone willing to take some risks. Of course, you also need some success to point to on the other side of the ledger. Another advantage is that when you admit failure, your claims of success have a lot more legitimacy.

RONALD CORBETT

Dr. Ronald Corbett is executive director of the Massachusetts Supreme Judicial Court and the former second deputy commissioner of the Massachusetts Probation Department.

Q: Is admitting failure a particular problem in criminal justice?

A: Yes, very much so. Until recently, we didn't have a vocabulary for discussing success or failure. I remember over a decade ago asking a room full of probation administrators if they knew what their recidivism rates were. Not many hands went up. Then I asked if they knew the number of community service hours performed the previous year. Many administrators could tell you the number of hours that had been assigned, but not the number that had been completed. Success at that time was defined as staying out of the news and not being an embarrassment to their bosses.

Q: What's changed?

A: I give Bill Bratton, the former police chief of New York City in the 1990s, a lot of credit for this. He rolled into the city and said, we're going to reduce felony crime by 20 percent. People thought he was nuts. Bratton knew it was very hard to fudge violent crime stats, particularly homicide stats. I see more and more governmental entities

holding themselves accountable for meeting measurable outcomes, following Bratton.

Q: What measurable outcomes do you collect at the Supreme Court of Massachusetts?

A: Three or four years ago we established a set of performance standards for the court system, which we publish regularly. They include time to disposition, number of court appearances per case, litigant perceptions of the fairness of the court process, as well as attorney perceptions. We also put a process in place to address the outliers, not by punishing them, but by giving them assistance.

Q: What lessons have you learned from failure?

A: I think the most important lesson I've learned is that we underestimate the difficulty of changing the status quo. I was involved in an intensive probation supervision program in the 1980s where we completely underestimated the problem of program fidelity. One of the research partners on the project later wrote an article about the program, which he titled "Bending Granite." It takes a lot more pre-planning to create the right conditions on the ground for a new program. What made us think that a ship moving in a direction could be changed easily?

Q: So how do we make change?

A: There's a cliché out there about the importance of bringing everybody to the table. On the surface, it makes sense, but like a lot of models we carry around in our mind about how to bring about innovation, it can be false and misleading. People think that because you have a good idea, it will be embraced and implemented easily. I've found that large interagency and interdepartmental change rarely happens. Instead it is little platoons of people that make change happen.

Q: Can you give me an example of a successful "little platoon?"

A: Operation Night Light in Boston is a perfect example. It started when a few probation officers started asking if they could ride along with police officers and make home visits to high-risk juvenile probationers. It's a great example of naturally occurring innovation. When I learned about it, I saw my role as staying out of the way except as a cheerleader and a connector. I leveraged my authority as the then-deputy commissioner of probation to give these officers a platform in the press and the agency. The program spread like wildfire. Any good administrator has to roam around the system and look for good people doing good things. We ended up with a great program model with a lot of street credibility, and all I had to do was get the room, the coffee, and the donuts to make it happen.

KEVIN BURKE

Kevin Burke is a judge in the Hennepin County (Minnesota) District Court and a national leader on judicial innovation and problem-solving courts.

Q: Do you think criminal justice agencies are too reluctant to risk failure?

A: Yes, definitely. The judiciary is an inherently conservative organiza-

tion, which makes risk-taking difficult. There's also a fear that many public sector organizations have of getting nailed in the newspaper for trying something new. We need to create a court culture that rewards risk. For example, our court at one time gave out an award for the best idea that didn't work. Our goal was to encourage experimentation and change, which is an important part of creating a culture of organizational excellence.

Q: Can you give me an example of something you've tried that failed?

A: A decade ago, our court experimented with a fast-track system for gun cases. These cases were taking too long to be resolved. My theory was that gun cases were akin to drug cases in that the most important issue was the legality of the search. If the search was legal, in all likelihood the case would end with a resolution. So the goal was to speed the process by which we determined the legality of the search. I got a judge all fired up to try this new approach, but it ended up being a bust. Public defenders objected vehemently that they wouldn't have enough time to develop a relationship with their client. We also had problems getting the police to put together their reports in a timely fashion. Finally, my hypothesis about the search driving the resolution of the case turned out to be exaggerated; there were a lot of defendants who said, "I don't care if the search is good, I'm going to take my chances on a trial." Having said that, I'm nervous about calling that experiment a failure. I think a much more common source of failure in criminal justice is an unwillingness to try anything different. One of my favorite books is called *If It Ain't Broke, Break It*, by Robert Kriegel. We have to fight against the tendency to always choose a traditional approach to problems.

Q: Why is it important to risk failure?

A: There are a lot of state courts that have critical budget problems. Courts that are perceived as being dynamic end up attracting funding and better personnel. I went to Baltimore last year, where the criminal justice system is in tough shape, and tried to convince them that they should set a goal of creating the best criminal justice system on the East Coast. When there are scarce public dollars, policymakers end up rewarding people who are dynamic. And you can attract better talent that way. Just as medical students go to Johns Hopkins for a residency, you should have lawyers, police officers, and probation officers going to Baltimore or to your court. If you are not well-run and dynamic, more often than not your court will be told to do more with less. Predictably, what ends up is courts can only do less with less.

Q: You started a large and ambitious drug court in Hennepin County over a decade ago. What prompted you to create it?

A: Drugs drive a lot of what is bad in the criminal justice system and the urban core of our nation. In 1995, Minneapolis had 4,500 people arrested on a felony drug charge. Of that total, only 1,600 were presented to the county attorney and only 1,200 ultimately charged. In many instances, it took months before a case was brought to court, and by that time, it was often hard to find the defendant. Only about 100 people ended up in state prison. What we said was, let's look at the 4,400 people where there was an arrest but nothing ultimately

happened. To my mind, this was just a lousy criminal justice system. Our idea was, let's try to get these people into treatment as quickly as possible. Instead of delay, we wanted someone who was arrested in the evening to be charged by the next afternoon and off to treatment that day, especially because we know from the research the importance of immediacy. Also, unlike most drug courts, which tend to have very restrictive screening criteria, anyone arrested on a felony drug charge was eligible, regardless of their criminal history or their charge. The drug court was successful for several years, although it has been radically downsized recently. We affected a lot more people than those drug courts that did not go to scale.

Q: What happened?

A: We had a lot of early support politically. Over time, all the players changed. I moved on, a new mayor was elected, a new prosecutor, new chief public defender. They weren't supportive of the drug court. It was a perfect storm. In the first few years, we did a good job of managing our public relations, but it got harder over time.

Q: Can you give me an example?

A: A few years ago, a very conservative columnist who writes for the local paper wrote a series of columns about one particular defendant in drug court. Her source was a police officer, a known critic of drug court, who told her about a guy who had been arrested on five felony drug sale charges but only served 40 days in jail. After some detective work, I figured out that this was a guy who had been arrested on a single felony (drug possession, not sale), not five, along with several misdemeanors, and had served 400 days in jail, not 40. So the columnist had her facts wrong. I got the newspaper to run a small retraction that nobody ever read.

Q: How do you think the drug court performed?

A: We didn't get everything right. We had three goals. One was to reduce drug use, which I think we did successfully. We were able to get a lot of people into drug treatment. We struggled with our other two goals, which included getting people employed and making sure our participants were responsible parents in terms of paying child support and taking care of their kids.

Q: I noticed you didn't include reducing recidivism in that list of goals. Why not?

A: It's a little harder to measure that. For example, if the police hire 100 new officers, your recidivism rate goes up. If the police have their budget cut, the rate goes down. My thought at the time we started the drug court was that meeting our three goals would have been a pretty good start. If we had achieved those goals, my belief was we would have ended up reducing recidivism.

Q: So was the drug court ultimately a failure?

A: I would argue that it wasn't. The drug court run in Minneapolis was longer than most Broadway shows. Do you think "The Producers" was a failure? Maybe what the criminal justice system needs are more successful plays that eventually close, as opposed to mediocre ones that just go on and on.



JOAN PETERSILIA

Joan Petersilia is professor of criminology, law and society at the University of California, Irvine, former president of the American Society of Criminology, and co-director of the Center for Evidence-Based Corrections at the University of California, Irvine.

Q: You've been involved in criminal justice reform efforts for the last 30 years. Have these efforts been a success or a failure?

A: I have seen both at different times. I think the question we've been asking for the last 30 years has remained the same: Is it possible to create community-based sanctions and programs that compete philosophically and operationally with institutional corrections (jails and prisons). I was involved with the intermediate sanctions movement in the 1970s and 1980s, where we were very excited about the potential of community sanctions as alternatives to prison. But in a way, we lost that argument as prison populations continued to soar. Now, as a nation, we've shifted to looking at what happens when someone is released from prison — the prisoner reentry movement. To me, it is still basically the same practical and philosophical issues, involving the same arguments and almost exactly the same people. Seen over a longer 30-year period, I don't think we've failed, because the energy and momentum around the re-entry movement comes in part from our moderate success at changing the conversation about corrections in the 1980s. On the other hand, I think it's reasonable to ask how well we have succeeded at reducing America's reliance on incarceration, despite our good intentions.

Q: Why is it that criminal justice reform efforts tend to follow a cycle where initial optimism is followed by disillusionment and the abandonment of reform efforts?

A: There's a long history of over-promising and under-delivering that has contributed to the constant pendulum swings in punishment practices. There's nothing in our history of over 100 years of reform that says that we know how to reduce recidivism by more than 15 or 20 percent. And to achieve those rather modest outcomes, you have

to get everything right: the right staff, delivering the right program, at the right time in the offender's life, and in a supportive community environment. We just have to be more honest about that, and my sense is that we have not been publicly forthcoming because we've assumed that we would not win public support with modest results. I was naive about the impact intermediate sanctions would have on prison commitments and have become much more realistic about what success we can have and what the financial costs will be. It isn't that we can't deliver effective programs, but we usually don't do the implementation groundwork nor fund them sufficiently. The field is littered with broken promises in this regard, and I am trying not to make that mistake around reentry programs. In California, I make it a habit to tell elected officials and correctional practitioners that in the short term, it's not possible to deliver good programs and save money at the same time. I feel that I've been able to sell more modest expectations in California, but I'm not sure if that works in other states. It takes a lot of education and working closely with decision makers, but it is worth it.

Q: What do you see as the legacy of Robert Martinson's famous 1974 declaration that "nothing works" to rehabilitate criminals?

A: From a policy perspective, it was negative because it pulled the rug out from under those who wanted to provide rehabilitative programming to offenders, but from a scientific perspective, it was incredibly positive. It made people focus on evaluation and performance measures — to collect and analyze more rigorous data and implement randomized experiments. I don't think the science of criminology and criminal justice evaluation would be where it is today without Martinson's very negative rehabilitation program assessment. The data now supports the mantra that "some things work for some people, some of the time, in some settings." It's not as catchy as "nothing works" or "everything works," but it is a truer and more nuanced understanding of rehabilitation and perhaps we owe that to Martinson.

Q: Martinson was also very good at promoting his work. Is there a lesson in there for researchers?

A: Very much so. Martinson was an interesting guy. He was only a research assistant on the original New York project, but he was a frustrated actor, had a very engaging personality, and eventually became the study's public face, appearing on "60 Minutes" and making presentations around the country. He is the reason I think that the 'story had legs.' I am a strong believer that no good research should go sit on the shelves, and we must spend a lot of time translating research findings and presenting policy implications for decision makers. I spend a lot of my time doing that, and it is probably the most rewarding part of my career.

Q: How do you see the re-entry movement going in the next decade or so?

A: Conditions on the ground are changing. The re-entry movement took hold as crime rates were declining and the economy was strong. Now we face a different situation. I can imagine the public being less generous with funding, which doesn't bode well for expanding reentry services. On the other hand, the budget woes that states are going through can provide an important impetus for change. If California wasn't facing a \$15 billion budget deficit, there's no way we would have been able to introduce some of the reforms we've recently considered. Finally, I'm optimistic about how the reentry movement has been framed. The focus is not only on rehabilitation, which is important. But reentry doesn't just prioritize the offender's need for services, it also prioritizes public safety. As such, it has a much larger political and community constituency. Ultimately, though, I don't have a crystal ball. We could have another decade of improved corrections programs and policies, or we could see the pendulum swing back to more bare-bones prison and parole policies.

Q: One common fear among reformers is that a single high-profile case could halt reform efforts. How do you get around that?

A: It's a very important issue. In California, we are planning to roll out a new technical violation matrix. We know that at some point there's going to be someone who commits a new crime who we earlier had decided not to put back in jail. You can't be caught like a deer in the headlights when that happens. I had a conversation about this with Governor Schwarzenegger. He has the political presence required to deliver the message in a tough situation that, on balance, this is a better system. In the event that something terrible happens, the message has to come from him if we want to stay the course.

R. GIL KERLIKOWSKE

R. Gil Kerlikowske is a 35-year law enforcement veteran and was appointed chief of police for the Seattle Police Department on August 14, 2000.

Q: How common is failure in policing?

A: The old joke is that in policing, there are no failures. If you know of a failure, please let me know! To be serious, you're absolutely correct that a number of pilot projects in policing don't achieve the success they were meant to achieve, but it's hard to know if something is a

failure because so many programs aren't evaluated. It's risky. I know a big city chief who bluntly told a researcher who wanted to study a program, "You can only bring me bad news." Of course, the reality is it's rare that a program is a complete and utter failure.

Q: How hard is it for a police chief to admit failure publicly?

A: Always the greatest danger is that you'll spend money on a new project, it won't achieve the success intended, and then you'll be in front of the city council or in the local newspaper trying to explain what happened. I don't see anyone out there saying, "We tried this, it didn't really work out, but here's what we learned." The old days of random experiments are gone. I can't see in this day and age some of the classic policing experiments repeated where you have an experimental and a control group, like the Minneapolis spousal abuse project or the Kansas City preventive patrol project. On the other hand, police chiefs have gotten more sophisticated about research and innovation. No group in criminal justice is studied more often and partnered with more than the police.

Q: How do you balance openness about failures with political self-protection?

A: In my first few months on the job, we had a big demonstration on the anniversary of the World Trade Organization conference. We put together a smart plan that dealt with the demonstrations effectively while making only a small number of arrests. But we found out a few weeks later that we went considerably over budget, mostly because in the last few days before the demonstration, police officers were adding extra officers — and extra overtime — to make sure they had enough people in place. My finance people prepared a complicated four page letter for me to present to the city council explaining the cost overruns. I said to them, why can't we just send them a short letter explaining what happened in plain English? The reaction we got from the council was amazing. They said "Ok, we accept your explanation." They didn't even ask for a hearing. We've tried to live that way for the entire time I've been in Seattle.

Q: What leadership style works best for police chiefs?

A: I don't think there's a particular style. If you look at the genre of leadership books, it's all over the map. Five years ago, the military was this incredible leadership model to follow. Before that, it was Jack Welch at GE. Our shelves are loaded with this stuff. I've seen incredible police chiefs with very different leadership styles. Bill Bratton was a transformative leader, but also, New York is so unique. It's an outlier by any standard. Take Jerry Sanders in San Diego, by contrast. He is about as different as humanly possible from Bratton, but they were both successful at bringing down crime.

Q: How would you describe your leadership style?

A: I don't lose my temper that often. If you are a screamer or a shouter, after awhile people don't know why you've lost your temper. When I get angry, people know that I'm really upset. If you're the type of person who takes a person's head off for making a mistake, it's not going to take very long for word to get out. You have to be willing

to understand and tolerate failure, and even take the heat instead of pointing fingers if it's not really that person's fault.

Q: Do you feel that police chiefs have a lot of room to experiment?

A: This job is very difficult, and success and failure has a lot to do with luck and timing. You have to go into the job with the right kind of attitude — a lot of people don't understand the pressures we deal with. I was fortunate to work for two mayors, but I always tell them, if things aren't going right, please tell me. Other chiefs I know are dealing with really tough situations. Take a look at the chief in Washington, D.C. She's introducing a program to deal with a terrible public safety problem in the city. It may or may not have an effect, but she's getting criticism from all sides. No one is saying, "Gee, at least this is a well-thought-out program that's done with the best of intentions."

MICHAEL SCOTT

Michael S. Scott is a professor at the University of Wisconsin Law School, specializing in research and teaching in policing, and the director of the Center for Problem-Oriented Policing. Scott was formerly chief of police in Lauderhill, Florida, served in various civilian administrative positions in the St. Louis Metropolitan, Ft. Pierce, Florida, and New York City police departments, and was a police officer in the Madison, Wisconsin, police department.

Q: How common is failure in policing?

A: Failure is built into policing because typically, formal policing is only needed when other forms of social control have failed. But even when policing is done well, it doesn't necessarily mean that the problem is solved for all time. The problem could return at some future time or in some other form, and new problems arise all the time.

Q: Can you give me an example?

A: A prime example is the Boston youth gun violence project, which at the time it was conducted was widely deemed an unqualified success. Several years later, homicide rates among young people in Boston went back up and there were grumblings around the country that the Boston project was a failure. Part of the reason that success in that initiative wasn't sustained over the long term is that many people didn't fully understand why it worked in the first place. It's a little like the old Hindu fable of seven blind men and the elephant — each person comes away with a different version of reality. Some people give credit to the prosecutors, others give it to police working hand-in-hand with probation officials, and yet others say it was the black clergy and gang outreach workers who made it work. It undoubtedly was all these things and more working in combination, but that's a complex story to tell.

Q: Why is that important?

A: In police agencies, we have not developed rigorous standards for defining and measuring success or failure. In their absence, we resort to very personalized and ad hoc measures. We decree all sorts of initiatives' successes or failures without benefit of rigorous evaluation. Unfortunately, it's fairly easy to abandon a good idea or start a bad idea in policing. Policing is done in a very public way, and the public doesn't

typically reward failure. Commonly, police officials define success on their own terms, which often means that if an initiative sounds innovative, and it was implemented as planned, it is deemed a success even in the absence of careful assessment of the impact the initiative had on the problem it was intended to address. Very seldom do police chiefs say, "We had a great idea that just didn't work. We're going back to the drawing board to do it differently." That's what a scientist would say without batting an eye, but a police chief often doesn't feel that he or she has that kind of latitude. It feels like a very career-threatening thing to say. Ironically, in other contexts, police are very accustomed to being held to their proof. They must demonstrate probable cause to justify arrests, and prosecution is based on proof beyond a reasonable doubt. But somehow those rather rigorous standards of proof don't seem to get applied to broader questions of the effectiveness, efficiency, or fairness of police strategies and tactics.

Q: What role does leadership play in encouraging people to be more open about failure?

A: I wish police chiefs would come to trust their own professional instincts about management instead of just trying to emulate the corporate world or the military. This isn't to say that police can't learn from other fields, but policing is sufficiently unique that it demands its own management principles and leadership styles. Police leaders don't have the same kind of confidence in their own leadership style, so they are very sensitive to the latest faddish management style. What happens is that some people in policing become iconic leaders, and elected officials when hiring police chiefs say, "We want a chief like that." When I think of various leaders I've known in policing across the country who have been successful, they tend to be rational, reasonable, and calm leaders rather than head knockers or explosive personalities. They believe the path to their own and to their organizations' success is in encouraging their subordinates to become competent leaders themselves. What you see all too often are bombastic leaders who suck up all the credit for themselves, who try to lead through criticism rather than encouragement, and [who] are threatened by competent subordinates.

Q: Could the calm rational leader become an iconic style?

A: It's harder to make an icon out of these people, precisely because they don't attract a lot of attention. They don't seek out publicity about themselves, and people don't instantly recognize what they do as leadership. But I hope the police field gets smarter about the leadership styles it celebrates. In general, there's too much attention being paid to what type of personality a person has, as opposed to what approach they will take to addressing particular problems.

ABOUT THE AUTHORS

Greg Berman is the director of the Center for Court Innovation and co-author of Good Courts: The Case for Problem-Solving Justice (The New Press). Aubrey Fox is the director of Bronx Community Solutions, an effort to reduce incarceration in the Bronx, and a regular contributor to the Gotham Gazette and Newsday. They are working on a book examining the role failure plays in criminal justice policy.