

DARING TO FAIL



FIRST-PERSON
STORIES OF
CRIMINAL JUSTICE
REFORM

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First-person Stories of
Criminal Justice Reform

Interviews conducted and edited by:
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Center for Court Innovation



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Introduction

Talk of “best practices” and “evidence-based programs” has dominated the field of criminal justice in recent years. By and large this has been a positive development – and a natural corrective to policymaking based on anecdote and emotion.

But simply spreading evidence-based practices is not enough to solve the pressing public safety problems that continue to plague our country. For one thing, there simply aren’t enough evidence-based programs: the vast majority of the initiatives undertaken by police, courts, probation, pre-trial services and other criminal justice agencies in recent years have not been subjected to rigorous evaluation. That doesn’t mean that they don’t work, of course, just that we don’t have enough data to declare them “evidence-based.”

The other problem with spreading evidence-based programs is that they are by definition today’s solutions to yesterday’s problems. New challenges are emerging all of the time within criminal justice. The context is constantly changing. If we hope to keep up, if we hope to respond quickly and effectively to tomorrow’s problems, we must continue to innovate.

Recognizing this, the Center for Court Innovation and the U.S. Department of Justice’s Bureau of Justice Assistance have launched a multi-faceted initiative designed to promote innovation at the grassroots level by encouraging criminal justice agencies to engage in a process of trial and error – much the way a scientist would. A large part of this effort has been devoted to studying criminal justice reform efforts – both successes and failures – in an effort to identify lessons for the innovators of tomorrow. By fostering a more open and honest public discussion of failures in particular, the project seeks to encourage self-reflection, transparency and thoughtful risk-taking among criminal justice agencies.

One of the hallmarks of the Trial and Error initiative has been first-person interviews with leading criminal justice scholars, practitioners and policymakers. Over the past three years, staff from the Center for Court Innovation have conducted nearly 100 such interviews with leaders in a variety of fields – prosecution, policing, community corrections, indigent defense and others.

This book includes a representative sample of these interviews. While each interview is unique – questions were tailored to each

individual's expertise – in general the interviewees were asked to reflect candidly on challenges from their own professional career and lessons they have learned along the way.

Taken together, the interviews offer vivid testimony that even the most successful and well-regarded leaders in the field of criminal justice have experienced their share of setbacks. Almost everyone who appears in this volume has been involved in a program that failed to achieve its stated goals or fell short of expectations in some way. While disappointing, in no case were these failures professionally fatal, in large part because the individuals involved took pains to learn from their mistakes before moving on.

In addition to underlining the importance of self-reflection, the interviews that follow also make it clear just how difficult it is to achieve change within the criminal justice system. The obstacles, after all, are enormous. In many places, the volume of work is crushing. Technology is often outmoded. Facilities are often antiquated. Pertinent data is often missing. And this litany doesn't even include the problems that arrestees, probationers, inmates and parolees bring with them to the criminal justice system, including addiction, mental illness, homelessness and histories of abuse and dysfunction. In this context, it is difficult for many judges, probation officers and prosecutors to simply get through each work day, let alone find time and space to be analytical and creative.

This volume also offers clear and compelling evidence that despite long odds, frontline criminal justice practitioners over the past generation have fashioned a number of remarkable innovations that have made a significant difference on the ground and in the streets. Drug courts, CompStat, Ceasefire, problem-oriented policing... the list goes on and on.

But this book is not meant to be an exhaustive review of the criminal justice reforms of the past few decades. Rather, it is an effort to tell the stories of dozens of remarkable leaders who have successfully navigated difficult challenges to make change happen within the criminal justice system. The interviews have been lightly edited for clarity and length, but otherwise are verbatim transcripts.

This book is dedicated to all of the interviewees who gave so generously of their time and expertise so that tomorrow's innovators can learn from both their successes and their failures.

Greg Berman

Director, Center for Court Innovation

Other “Trial and Error” products from the Center for Court Innovation:

- *Trial and Error in Criminal Justice Reform: Learning from Failure*
Greg Berman and Aubrey Fox, Urban Institute, 2010
- “Lessons from the Battle over D.A.R.E.: The Complicated Relationship between Research and Practice”
Greg Berman and Aubrey Fox, Center for Court Innovation, 2009
- “Avoiding Failures of Implementation: Lessons from Process Evaluations”
Amanda Cissner and Donald Farole, Jr., Center for Court Innovation, 2009
- “Embracing Failure: Lessons for Court Managers”
Greg Berman and Aubrey Fox, *The Court Manager*, 2008
- “Learning from Failure: A Roundtable on Criminal Justice Innovation”
Greg Berman, *Journal of Court Innovation*, 2008
- “Trial and Error: Failure and Innovation in Criminal Justice Reform”
Greg Berman, Phillip Bowen, and Adam Mansky, *The Executive Exchange*, 2007

For more information about the Center for Court Innovation's work in this area, visit www.courtinnovation.org/failure.

Bill Bratton



William Bratton has served as the Police Commissioner of Boston, New York City, and Los Angeles. In New York, he led the development of CompStat, the internationally acclaimed computerized crime mapping system now used by police departments nationwide. Mr. Bratton is currently the Chairman of Kroll, a company of Alteryx Risk International.

What do you think about the idea of giving more attention to failure in criminal justice?

Recognizing failure is very important. We tend to only look at failure in times of crisis, such as when a parolee commits a heinous crime. But paying attention in times of calm is when it's most valuable because it allows for more careful review. Doing so does involve risks, though. You can't hold on to failure just because fixing it is risk-intensive. You have to be willing to uncover what went wrong. I can think of a recent example. In Los Angeles, the police department struggled in its response to a May Day immigration rally. There was failure everywhere – in planning and in leadership. When it was over, we took a close look at what happened. I'm a better police chief now because of it, and the LAPD is a much better department because of the transparency that was displayed while addressing the failure.

What are some obstacles to appropriately addressing failure?

The biggest obstacle is a lack of research, which is tied to a lack of funding. I'm a huge advocate of research, but there's not enough of it in criminal justice. It's incredible that our society funds abundant research on things like tooth decay but can't adequately fund research on public safety.

How have you ensured that research and evaluation are valued in the departments you've run?

I've always described my departments as laboratories. I want everyone to know that they are encouraged to test new ideas. An essential component of that is creating an atmosphere for taking risks. When we developed CompStat, for example, the program itself was designed to reward risk-takers. Those principles extended department-wide in New York and Los Angeles. I remember the day I was sworn in as the police commissioner in New York, quoting the Revolutionary hero John Paul Jones that I hoped for a fast ship because I intended to go in harm's way. I was ready to take risks to get things done.

When the research does exist, what are the obstacles to translating it into practice?

I think research could be more user-friendly. Often it seems that research is just written for other researchers. If a report includes anything with a mathematic formula, the average police chief or middle manager isn't going to read it. I also think researchers remain too disconnected from the subject of their research. I understand the value of objectivity but there's information in the subjective, too. They're not riding in the patrol car, so they don't get the valuable information from that perspective. The researchers that have been the most valuable to me have been those who "walk the walk."

In addition to seeing more research done in general, how do you think the criminal justice system can better utilize research?

I think the system would benefit from a better filtering mechanism to ensure that scarce resources are being spent on the best studies. I also think we need to demand that research take a wider lens. When you look too narrowly, you don't see or appreciate how the various agencies interact. The system is very intertwined, and change in one agency can have big consequences for another agency. For example, U.S. Senator Jim Webb, D-Va., recently proposed new corrections legislation, but corrections is too narrow a focus. I've been advocating for the creation of a National Crime Commission that would have the perspective to see how reform affects all of the related agencies.

What do you anticipate will be the major challenges in criminal justice in coming years?

I think the social and financial pressures will continue to produce short-sighted reforms. Consider early release in California. They are about to let guys out without services, jobs, or treatment. We expect them to walk the straight line, but without guard rails, they're likely to fall. While it may look like cost-savings now, many of those individuals will be right back in the system. That's how California got into this mess in the first place. Right now, California has more people in prison for parole violations than for original convictions,

spending more on corrections than on education. That's proven to be unsustainable, but early release without supporting those individuals is just a setup for more failure. Policymakers are choosing the quick fix, leaving the next guy to deal with the fallout.

What do you think are the major failures in criminal justice in recent history?

One major failure was the deinstitutionalization of mental institutions. I think it was well-intended and saved money up front but it simply didn't work. Its failure created the huge homeless population in the 1970s, which in turn led to big policing problems. Similarly, in the 1970s when we recognized alcoholism as a disease,

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there wasn't any coordination with police to give them new resources to deal with it. An officer would try to get someone into detox, but there weren't enough beds available. Those reforms failed due to confusion and lack of coordination. The other big failure is incarceration. The Rockefeller Drug Laws created a litany of horror stories. Those laws, as well as three strikes laws, keep guys in prison for too long. It's too costly.

Can you think of any examples of failure that can be attributed to failed implementation?

The legalization of medical marijuana in California was implemented recklessly. It didn't consider the current research or the impact on law enforcement and public safety. They should have done the research up front to understand what the fallout costs were going to be. It's hard to believe, as crazy as Californians are, that there are enough sick people to justify the level of marijuana use. Legalized use was supposed to be reserved for very ill people for whom other medications weren't working. That intention is long gone now.

Are there risks to being over-attentive to failure?

It's possible to give too much attention to failure after a major crisis. For example, in the 1980s, the then-Massachusetts Governor Michael Dukakis supported a prison furlough program that allowed prisoners to have short-term work and family releases. When a furlough participant, Willie Horton, committed awful crimes of rape and murder during his release, Republicans used the example to play on society's fears. The image of Horton with an unkempt afro became the icon for fear. Crises like those, though, are just the tip of the iceberg. There is plenty of other evidence of failure that deserves attention.

How do you think leadership style plays a role in dealing with failure?

Police leadership has changed dramatically in recent history. Police leaders are better educated today than they were 50 or 60 years ago, due in large part to federal funds dedicated to law enforcement education. I got a college degree through that funding, as did my successors. With educated leadership, it's easier to open up the agency and really understand how to evaluate our work. That said, I'm a progressive, innovative chief. Not all chiefs are willing to stick their necks out and make changes. Fortunately, you can train leaders to be risk-takers. You can encourage it, mandate it, and even enforce it if you do it carefully.

What types of outlets do police chiefs have to discuss failure and brainstorm reforms?

Most chiefs have a limited voice due to city politics and their ties to the mayor. Organizations like the Major City Chiefs Association

and the Police Executive Research Forum are helpful non-political outlets. Unions, also, are surprisingly helpful. I've always worked to find a common ground between labor and management because there's great potential there, particularly in issues of officer safety.

You have the unique perspective of having led police departments in Boston, New York, and Los Angeles. Did you notice any cultural or systemic differences among those cities as it pertains to failure?

Politics is everything. It determines budgets, priorities, and entity coordination. The risk-taking attitude has to run up the political structure. Back in the height of New York City's crime epidemic, Governor Mario Cuomo said maybe this is as good as it gets. But you can't settle for that. Fortunately, the city took the risk and believed that an intervention could improve things. They spent a lot of money hiring 7,000 new officers, which helped turn the crime problem around.

The critical difference in each of these cities was political leadership during times of crisis – the ability to lead and bring about consensus. When you don't have it the problem will only get worse. All three cities during the past 40 years have experienced the results of both good and bad political leadership. Boston, New York and Los Angeles are very different cities with some commonalities but many more differences, culturally, systematically and politically. Their police departments are also very different, reflective of the cities they police.

Todd Clear



Todd R. Clear is the Dean of the School of Criminal Justice at Rutgers University. Before coming to Rutgers, he was a professor at John Jay College for over ten years. He has published numerous books on community justice reform and has served as the President of the American Society of Criminology.

Why is failure so hard to talk about?

There is an enormous premium placed on avoiding failures at the individual case level. A program that works well can get defined by a handful of high-profile failures. I'll give you an example. In the 1980s, I worked on a project in Portland, Oregon with an innovative prosecutor willing to take a risk on diverting high-risk offenders into intensive probation supervision. The project had a 75 percent revocation rate and the officers involved thought the program was a failure because they were constantly going back to court on these cases. Then we got rearrest data on our comparison group, and we found that they were doing much, much worse. Furthermore, when we did the analysis, we found that the comparison group cost twice as much! But the advisory board on the project shut it down because they had the feeling that the program was just awful. It's a hard thing to balance because the probation officers on the project were demoralized, but yet when you looked at the analysis, they were having a positive effect. Failure is a really complicated idea.

How do people in the field deal with the constant fear of high-profile failure?

Parole and probation live continuously with what the Federal Emergency Management Agency (FEMA) has had to experience in the last few years. Everyone lives in fear of having a big case hit the newspaper. The challenge for people in the field is that you have sporadic failure without any capacity to provide positive feedback. People learn to be cynical and mistrusting of all research. At the individual professional level, people usually cope by not caring. At the executive level, administrators know they are constantly being asked to do the impossible. It takes a rare person who can make peace with the demands of the job – but they're the type who can get great results.

What's the best way that an official can respond to a negative story hitting the newspapers?

There's no perfect answer, but my sense from people I know in the business is that you have to be able to make the case that you followed the policies and procedures that are in place. The thing

they're most vulnerable to is the idea that they really should have known or done something, but they didn't. On the other hand, it's very easy to make a policy look stupid in hindsight.

Do you think that reformers tend to over-promise what they can deliver in terms of recidivism and cost reductions?

I think it's often the case. Unless people promise a lot, it's hard to get a program funded. There is this weird dynamic when you start something new where you have to beat what people think the current practice is accomplishing, as opposed to what it's actually accomplishing. For example, there is some empirical evidence out there that, at best, there's no recidivism effect of going to prison and that it may very well actually reduce a person's success rate. But people don't think that way.

EVERYONE LIVES IN FEAR OF HAVING A BIG CASE HIT THE NEWSPAPER.

What do you see as the legacy of Robert Martinson's famous declaration that "nothing works" to reduce offender rehabilitation?

He never said "nothing works," but that's how people interpreted his written work. When he was traveling around making presentations and talking to the press, he was much more pessimistic about chances of success than he was in his official writings. I think his experience was colored by how he was treated by other researchers. For a long time, he could not get his research reviewed or released. I think what Martinson did for the field was good because he was

calling attention to something that was important. He was a real thorn in the side of academics who wanted to ignore his findings. We live in a different world today. Nobody is arguing that parole boards should look at a guy and make a guess about whether or not to release him. As a partisan for rehabilitative programs, I think it's important that we not make the same mistakes again. The research on re-entry programs isn't uniformly positive and we have to be careful to make sure that what we're doing is working.

Ron Corbett



Ronald P. Corbett is Executive Director of the Massachusetts Supreme Judicial Court where he coordinates the day-to-day administration of the Court. Dr. Corbett previously served as Second Deputy Commissioner of the Massachusetts Probation Department.

Is admitting failure a particular problem in criminal justice?

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.

**THE MOST
IMPORTANT LESSON
I'VE LEARNED
IS THAT WE
UNDERESTIMATE
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STATUS QUO.**

What has changed?

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.

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

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.

What lessons have you learned from failure?

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 it would be easy to change a ship's direction?

So how does change come about?

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.

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

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.

Frank Cullen



Francis T. Cullen is a professor at the University of Cincinnati and the author of several books on criminal rehabilitation and criminological theory.

How openly is failure discussed in criminal justice circles?

We fail a lot more than we succeed, but there's an immense amount of effort dedicated to avoiding knowledge about failure. In medicine, there's a much clearer professional ethic that says, you ought not do things that cause harm. Covering up failure in medicine would be seen as unethical, but you don't have a corresponding sense of ethics in criminal justice.

Why does such a stark difference exist in the willingness of the medical and criminal justice fields to admit to failure?

There are a number of factors, but one is that we haven't wanted to pay more to professionalize the field of criminal justice. For example, you can walk into a juvenile justice facility and deliver cognitive behavioral treatment with little or no training. That's not true in other fields. Also, there's a hubris that people have in the system where they think they know things that they don't. Many judges who get to sentence people and make judgments about a person's risk of re-offending have never had a criminology class in their life. What's missing is a sense of professional accountability – the idea that people get together in a profession to try to do things the right way.

So what happens in the absence of this kind of professional accountability?

We end up with programs that are completely detached from what we know about the causes of crime. A successful intervention starts out with an understanding of why crime occurs and then targets those factors. Many criminal justice interventions, however, invent the cure before you know what the problem is. Programs like boot camps and intensive supervision sound good and make sense intuitively, but they're not based on a shred of criminological evidence. Why do people think they can prevent crime without reading anything about the causes of crime? In medicine, we would call that snake oil salesmanship. But take boot camps – we probably ended up spending one billion dollars on boot camps, only to learn that they had no effect, and perhaps a small negative effect, on recidivism.

There's a real opportunity cost there because the money spent on boot camps could have been spent on more effective programs. If you don't apply the science, you're almost certainly going to fail, but being anti-science is almost part of the professional orientation in criminal justice.

**WE'RE WORRIED ABOUT
PUBLIC SCHOOLS THAT HAVE
50 PERCENT DROP OUT RATES.
WHY SHOULDN'T WE BE
CONCERNED ABOUT PRISONS
THAT HAVE 50 PERCENT
REARREST RATES?**

What impact does this kind of routine failure have?

It's huge, and it's not just about the offenders whose lives were not improved because of bad programs. There are also the public safety impacts of doing programs unprofessionally. Why do we tolerate a recidivism rate of 40 to 60 percent among people who are leaving prison? How many people are getting victimized because of that? We're worried about public schools that have 50 percent drop out rates. Why shouldn't we be concerned about prisons that have 50 percent rearrest rates? There's not a warden in the world who gets blamed for that kind of failure.

How do we change that?

It's hard. One problem is knowledge dissemination. Even when you have the science, how do you deliver it to people who want it? There

are people in my department who travel across the country making presentations, and they can barely keep up with the demand. We also grossly under-finance research on offenders. There are only about 25 longitudinal studies of offenders that track behavior over a long period of time, while in medicine there must be over 100,000. So we know a lot about heart ailments and what causes heart attacks, but we know very little about what causes crime. The money we spend goes into controlling crime, not understanding it.

What's your view of the legacy of Robert Martinson, who was famous for saying in the 1970s that "nothing works" to rehabilitate offenders?

Most people have never read Martinson's work. He didn't say that nothing works. Instead, what he argued was that there was no one type of rehabilitative intervention that works all the time. The reason the study received so much attention – and got interpreted as concluding that nothing works – is that the time was ripe for his message. You have to remember that at the time, both conservatives and liberals didn't like rehabilitation, albeit for different reasons. Conservatives thought it meant judges were soft on crime, and liberals were convinced that judges were abusing their discretion with rehabilitative programs. The silver lining was that Martinson brought into focus the idea of effectiveness. He brought criminal justice into an empirical realm and in the long run, opened the door for evidence-based practice.

Is it possible that we expect too much from the criminal justice system?

Oh, yes. The first error we make is the idea that the system is the main producer of crime. The truth is that it has only a marginal effect. Crime has much more to do with other factors like biology and poverty. We also know that there are lots of people committing crime who are not even in the criminal justice system. David Farrington did a study where he estimated that for every arrest, an individual commits 82 crimes. Still, it's fair to ask: of those people who do come into the criminal justice system, are we doing what we should be doing?

Dean Esserman



Dean Esserman has been the Chief of Police of the Providence Police Department since 2003. He has also served as the Police Chief of the Metropolitan Transit Authority Metro North Police Department and as the Assistant Chief of the New Haven and Stamford, Connecticut, police departments.

How do you think the criminal justice system views failure?

I think many leaders have learned how to react to failure, but that's different than learning from it. I think the notion of learning from failure is linked to the difficulty of sustaining change. New leaders come in and want to bring about change. We think we're rock stars. But in fact, making change is easy. All you have to do is keep switching venues, and you can always bring about change. The trick is to actually institutionalize it. Every year, I announce new initiatives at our annual retreat. I announce that the initiatives are the same as last year. Don't change just to change. Stay the course.

What are the obstacles to institutionalizing change?

Leaders need to have a constant conversation with themselves. When you start, you have certain goals. Everyone has their ideas of reform. But after those initial changes, you need to turn towards sustaining change. The problem is that most police chiefs don't stay long enough to have that conversation. The average police chief stays less than four years. The simple reason is that chiefs have become highly visible, often coming in from outside the community as agents of change. Sooner or later, you are just another casualty in a high-casualty business.

So how can criminal justice leaders sustain change, given such a high turnover rate?

Truly institutionalizing change is less about the leader than you'd think, at least in an overt way. Police has become too leader-centric. The leader becomes the brand of the police department, instead of the department itself having a free-standing reputation. Think about top universities like Harvard or Yale. Would you want to send your kid there because of the reputation of the university's president? No, the school itself has a reputation for excellence, independent of the current leader. Some police departments have achieved an independent reputation for excellence in their heyday, like the NYPD under Bill Bratton, but it's rare. This climate makes it all the more important to institutionalize excellence so that excellence remains as leaders come and go.

Are there other instances in which policing has made a significant shift in its leadership model?

Yes. Even John Wayne fans like myself will acknowledge an important shift in leadership. It used to be that “lone” was strong. But now, partnership and collaboration are strong. It took a long time to institutionalize a more collaborative model. But even that model needs more work, extending it beyond a specific department. There are some national organizations that foster collaboration and discussion like the Major City Police Chiefs Association and the FBI’s National Academy. But we haven’t really changed the behavior. Departments are not learning institutions. Some police chiefs have done it, but if you asked the average police officer if his department was a learning institution, he’d have no idea what you were talking about.

Do you think there’s guidance from other fields as to how police can be more collaborative and focused on learning?

Absolutely. An idea I’ve been working on for the past few years is to bring the model of a teaching hospital to policing. Ask yourself: if you were sick, would you want to go to a hospital where everyone was trained in the basement and had never participated in an outside internship or exchange program? Of course not. But that’s essentially the model of most police departments. In the U.S., we have 17,000 different fiefdoms. No consolidation. No regionalization. The department you join, you stay in for life. No fellowships. No internships. No exchanges. A few years ago, I started learning about how teaching hospitals work from the inside, sitting in on morning meetings. I got the idea that we could create a teaching police department. We recently presented a paper to Attorney General Eric Holder and COPS Director Bernie Melekian proposing the project.

How would you describe your leadership style?

I liken leadership to leading a parade. It’s hard to lead a parade if no one will follow you. So whenever we are considering new programs, I do a lot of work talking and thinking about it within the department. You have to start getting to know the people you

want to collaborate with. In planning for the teaching department concept, we started a program called Cops and Docs. We have police sitting in at Brown University’s teaching hospital, and doctors sitting in on homicide meetings and morning CompStat meetings with us. These efforts are working to develop consensus within. It takes time and focus, but it’s worth it.

What else have you done to instill a culture of constant learning in the Providence Police Department?

One example is staff development. We’ve started exchange programs. If you get promoted, you have to do an exchange. I’ve also instilled the idea that upon promotion, whether you asked for it or not, you become a teacher, as well as a learner. Another great example is the homicide project that is about to start. After a homicide occurs, within 48 hours, detectives will present the investigation to a group of investigators outside of the department. The idea is for the meeting to serve as both a post-homicide briefing as well as a teaching tool.

In aiming to make your police department a teaching institution, what will success look like?

I think success will be evident when the leader becomes less prominent. I think you’ll also see success by having more and more partnerships between academics and police departments.

How do you think departments can better address failure?

A big part of community policing is problem solving. But that problem solving approach isn’t always present when it comes to addressing failure. For example, in teaching hospitals, they have mortality conferences. They discuss failures outright – why a patient died, what the contributing factors were, and how any mistakes can be fixed. Why shouldn’t police have failure conferences? Again, the lack of such discussion shows the difference between handling failure versus actually learning from it.

Can you give an example of how you have learned from the failure of a specific program?

We are planning to launch a gun buyback program in Providence. Gun buyback programs are known for failure. So before we

implemented anything, I assigned a lieutenant to research past gun buyback failures. We looked at programs all over the region. That's an unusual process for a police department. It would have been much easier to skip that step and grandstand at a press conference. Gun buyback programs are popular because they look like action,

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even if they have little impact. We wanted to be sure that our program would actually be effective, not just create good press. The end result is community safety, not simply having a gun buyback program.

Do you think police chiefs are good at anticipating or responding to the public's concerns?

No. We're not good at prepping the public about what success will look like. We're also not good at getting permission from the community when we should. For example, when police have to conduct a big raid or implement a new, visible policy, it's very important to inform the public and ask their permission. But the arrogance that comes from power makes that an afterthought. We come in as surgeons and leave as ninjas. We need to get better at sticking around and walking the block, explaining what happened. Just this morning, we closed a major undercover case. No one got hurt, but it was a big show and we made arrests. I made sure to walk the block immediately after, explaining to people why we arrested

their neighbors. Even though the bust was safe and successful, holding a press conference would not have achieved what in-person face-time did. Ideally, all officers would understand that that is part of their job.

Bob Farr



Robert Farr was appointed Chairman of the Connecticut Board of Pardons and Parole in 2007 and subsequently helped manage the response to the kidnapping and murder of a family in Cheshire, Connecticut. Before his appointment, he served as an elected state legislator for 26 years.

What was your initial reaction to the Cheshire tragedy?

Like many people, the Cheshire tragedy really hit home on a personal level. The randomness of it showed that tragedy could strike anywhere, even in a safe community. I went home that night and locked my doors. Even in my line of work, it was a poignant reminder that there are some really bad people out there.

What did you expect your professional role to be in managing the aftermath of the incident?

Only after the initial shock of the incident did I appreciate the full magnitude of the tragedy and how it would impact my work at the Board of Pardons and Parole. Experiencing a tragedy like this shows just how important our work is. The decisions we make can be matters of life and death. But until a tragedy like this happens, that importance is hard for the public to understand.

How did the public respond to the tragedy?

Before the Cheshire tragedy, the public pretty much ignored the parole board. But after, the media were all over us. It was difficult because the press had immediate access to court transcripts and other background materials of the parolees, which showed very disturbing information about their potential to re-offend. The media appropriately demanded to know: how could the parole board have released those parolees in light of their backgrounds? The unfortunate answer was that we had never received that information prior to their release. We hadn't known how dangerous they were. To us, based on prison records, they looked like good candidates for release.

What was the board's approach to addressing public concerns?

Our approach was to admit failure outright. We knew we had to be very open about flaws in the system. It wouldn't work to simply say that we had tried our best under the circumstances. We very quickly identified a problem and its solution. The incident wasn't the result of a bad decision by the parole board, which would have been difficult to prevent in the future. The problem was that there was valuable information about these parolees that hadn't made

it from the court to the parole board. The board never received the information they needed to make an informed decision. We also stressed to the public that parole is an important part of the criminal justice process. The problem wasn't parole itself; it was an identifiable flaw in the system. By identifying that specific failure, we were able to reassure the public as to how we planned to fix it.

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How did the board propose to fix the problem?

Identifying the problem was just the first step. Fixing it would require input and collaboration from a variety of experts to craft a new policy to fix the communication breakdown. It was pure luck that the legislature wasn't in session when the incident occurred. That bought us some time to gather information and advice about what policy changes were needed. Before the legislature returned, the governor appointed a special task force that advised the legislature before any new policies were crafted. The leadership and expertise of the task force avoided a knee-jerk reaction that could have resulted in very bad policy. Instead, we were able to draft some well-advised, much-needed reforms.

What are some of the highlights of the reforms?

The most important reform was fixing the communication failure. The front end of the system now talks to the back end, so parole gets court transcripts and thus is better informed about parolees. Another valuable reform was that the board now has a psychologist on staff who is going to be very helpful in helping the board analyze the psychological concerns of individual inmates.

Do you think the reforms have prevented any similar tragedies so far?

I can think of one recent case in which we were ready to release an individual, but then his court transcripts arrived. The transcript detailed various psychiatric problems that had neither been evaluated nor treated. So instead of being released, we were able to get the individual the evaluation and treatment he needed.

Are there aspects unique to the State of Connecticut that made it easier or harder to deal with the Cheshire tragedy?

Yes, there were a couple of things that made our response easier than it might have been in other states. First, the state legislature and the governor's office were very knowledgeable about the complexities of sentencing and parole. Second, it was fortunate that Connecticut's prison system wasn't in crisis to begin with. Our system isn't as overburdened as many states that must deal with the tough choice of building more prisons or allowing massive prisoner releases. We had a preexisting Sentencing Task Force which also reviewed proposed changes in our sentencing laws.

Was this the first time that the parole board had dealt with failure?

Of course not. For example, about 25 years ago, Connecticut implemented a supervised home release program. It was a disaster. The program was focused on getting people out of prison, but wasn't effective at preventing recidivism. The program released about 5,000 people, only to have them arrested almost immediately after. Just as is true today, early releases must be effective or they're not worth it. We scrapped the home release program.

Did you consider scrapping the entire parole system after Cheshire?

The governor suspended parole, but only temporarily and just for violent offenders. Fortunately, tragedies like Cheshire's are rare. But when they do occur, the risk (and pattern) is that communities respond hastily. Many states have responded to tragedies like Cheshire's by abolishing the parole system entirely. We temporarily suspended parole in Connecticut after the incident, but we were ultimately able to reinstate it – keeping what works and fixing what doesn't. Without parole, you would have higher recidivism rates and higher prison costs. In other words, we'd be spending more money to have more crime. Connecticut could have followed a similar path, but we know that parole is too important to dismantle the entire system.

So if the board had had all of the information about the Cheshire parolees, could the tragedy have been avoided?

The reality is that there will always be some offenders who reoffend. As for the Cheshire incident, no one has yet been convicted of the crime. Two parolees stand accused at this time. It's hard to know if the board would have denied these parolees' release and for how long, had they had more information. The younger parolee, by all other accounts, was a model prisoner and parolee. He successfully completed a halfway house placement and was undergoing treatment and electronic monitoring in the community. He received the full services of our re-entry program, but still stands accused of committing a horrible crime.

Did the Cheshire tragedy change how citizens reacted to subsequent incidents?

Absolutely. For several months after the tragedy, there would be a media feeding frenzy every time a crime occurred. The first question was always: was it a parolee? The most shocking example of the frenzy was a story with the headline: 'Parolee escapes murder charge.' The underlying facts were that a parolee had visited his fiancé's home and found her dead body. She had died of natural causes. There was no murder, and yet, society was quick to presume the parolee's involvement and guilt in her death.

How do you change public opinion about parole?

Parole must have a consistent and transparent message. If you have a consistent message, the public can understand that the system is complicated but its purpose is important. We can't simply abolish parole when things go wrong; that won't make us safer. I would advocate that parole hearings should be televised, so the public can review the facts and ask themselves if they could have made a different decision. In Connecticut, some of our hearings have been televised and generally the reaction has been recognition by the public of how difficult these decisions are.

John Goldkamp



John Goldkamp is a professor in the Department of Criminal Justice at Temple University. In 2008, he was named by Pennsylvania Governor Edward Rendell to lead an investigation of the handling of violent offenders through the corrections and parole process.

What do you think about the idea of shedding light on failure in criminal justice?

I think it's very important. Quite often, when we develop and test new ideas, the larger audience of policy officials, funders, and government just want to know about the approaches that "work." That's only half the picture. I actually just finished a report for the governor, in which I recommend a study of people who fail in parole—to learn about why they failed. We're all very quantitatively oriented now – I'm guilty of that too – but qualitative data about the people who don't do well could teach us a lot about failure. We label people as "failures" and attribute it to the various interventions they did or didn't receive, when it may have been something else altogether, something unmeasured. We need a more complete picture of the kinds of obstacles that those individuals have faced that may have nothing to do with the interventions we are examining.

Have you noticed any recent trends in criminal justice that make it easier or harder to address failure?

Not really. I'd say the general trend over the past half century is to ignore failure. The real trend I've seen has been in watching one promising movement after another fall off course, which is maybe it's own type of failure – how a reform initiative gets distracted from its original aims. Back in the 1960s, my "first" movement was bail reform. Then came drug courts and community courts. I was a research bystander when drug court started in Miami and then was there and played a role when the drug court was created in my own town of Philadelphia. Now, new drug court judges with no memory of the court's history offer to explain the court to me – and it sounds so different from how it was understood when it started. When I see the mass reproduction that has taken place, it makes me wonder if the original reason for having it in the first place is long forgotten – and the court is now just becoming another routine and comfortable institution. Don't get me wrong, I'm still a huge fan of drug courts and recognize the needs they are trying to fill, but I'm somewhat disappointed that my earlier high hopes for them haven't been realized. I suppose it's characteristic of change movements –

that challenging and promising ideas will take significant detours, get absorbed or diluted, and lose some of their excitement and meaning.

Do you think it's possible to institutionalize success while avoiding the detours that lead to failure?

I think the key is having the leadership to really follow through after the initial success. New York experienced some success in the old days because of the caliber of the leadership that was associated with the early innovations—and seems to have maintained that tradition. A lot of the early developers of drug court, from Miami to Portland, Las Vegas and elsewhere, drew on major system leaders who were pathbreakers. Unfortunately, successes are too often attributed to the charisma of specific leaders, not to leadership and education generally. You need reinforcing leadership and continuing education in order to keep the original message of the reform alive.

As a researcher, I'm sure you've delivered your share of bad results or failures to various projects. Is there a typical response?

Absolutely. First, people have given a lot of effort personally to developing an innovation; they are likely to be defensive about research results that might show that it's not perfect. People are committed to succeeding; they are not going to be happy if they do not get the good news they expected. As a researcher, it's sometimes an implicit message: if you want to be well-regarded and be invited back as a trusted researcher, you need to emphasize good news. I have had a number of unpleasant experiences when I've had to report "bad" findings. The people involved have a tendency to be defensive and, almost instinctively, want to find something wrong with what you have done. "This couldn't be right—you have made a mistake!" But, that's part of the research process and that's when trust starts to build, if it is going to. I've learned to warn my colleagues to expect the "explosion" and not to take it personally. If you have done the best job possible under the circumstances, stand your ground, but be willing to include the questions and limitations that site officials may legitimately wish you to include. That said,

the really "good" places who are in it to bring about change will receive the bad news and say, "thanks, let's think about how to fix it." They seem to understand that it's important to know the bad and the good. It's like the prescription drug ads on television. There are drawbacks and side effects, but good effects still occur. We could have that same outlook in criminal justice.

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Why do you think people are so resistant to admitting failure?

I think people don't see failure because they're too busy with the day-to-day needs of their jobs, dealing with the emergencies of each day. High level leaders in particular are isolated because of their responsibilities. They do not want to dwell on the unsupportive feedback. Also, the normal criminal process is fragmented, so most players in criminal justice don't know how a given case turns out and the larger picture is not easily seen. I think what is missing is the ability for reflection; that is something the research community can offer.

Do you think part of the problem is that it's hard to define what success or failure will look like?

No, I don't think so. Even when people are clear about what they hope to see, there's an unreasonable expectation that their

enthusiasm will translate into positive results. They think that a well-intended project is guaranteed to work. When it doesn't, it's the fault of the stupid, misguided and "un-tuned in" researcher who doesn't know anything (doesn't "get it"). So next time, they pick a different researcher. They check the Yellow Pages for researchers who have come out with the "right" findings.

How would you describe the reactions to high-profile failures, like parolee recidivism?

High-profile failures represent emergencies and demand some kind of immediate response. The tendency is to overreact to rare disasters and shut down all doors. That response is understandable, as long as it doesn't last very long. Some communities call for abolition of parole or the creation of longer maximum sentences, either with no supervision or with long, mandatory supervision as a knee-jerk reaction to a horrible event, but those reactions—understandable as they are—are a huge waste of resources and do not resolve the underlying issues.

Do you think communities can plan for high-profile tragedies?

They certainly should. The need to manage society's overreaction to an emergency is predictable to anyone in a position of responsibility. I think there are some lessons to be learned from the emergencies that have already happened. It would be informative to do so-called "backward autopsies" of those events to try to see how the emergency response could have been better managed.

So how do you think failure should best be framed by the research community going forward?

I've been thinking recently about a different way to look at failure. Instead of focusing on the specific examples of failure, we should be looking at the examples where a "high-risk" individual didn't fail. In other words, we classify people as failures at various stages, but lots of them turn out to be quite fine and don't reoffend. This is a failure of a different kind—when conventional wisdom about risk has misled us. In fact, a commercial classification system for high-risk offenders only gets it right 22 percent of the time. We

need to understand what happens with the other 78 percent who are not as high-risk as we thought. It's not enough to accept that we misclassify people and say "too bad." It won't be easy, but I think it's possible to design such a study and consider these implications more broadly.

Are there any risks you see to a continued investment in research-based solutions?

I've noticed what's almost a commercial interest in selling people on research-based models. If you can get someone to buy into (in the sense of actually purchasing the model), then anything that's not working can be explained away. You can blame failure on poor implementation. The core model never gets challenged further. That's a really big and fundamental problem in the sense that our knowledge base therefore cannot grow.

Gary Hinzman



Gary R. Hinzman has played many roles in the criminal justice system in Iowa over the past 30 years. He has served as Director of the Regional Law Enforcement Academy, as Police Chief in Cedar Rapids, and as the Director of the Sixth Judicial District Department of Correctional Services.

What do you see as some of the sources of failure in criminal justice?

I think part of the problem is that the public is often uninformed about what we do. Because of that, it's easy to buy into quick fix solutions. I used to lament that I could articulate good arguments about the benefits of community corrections, but it took so long that I'd get 10 percent through and people would say, "lock 'em up." Once we started to develop tag lines about our business we gained greater success. The American Probation and Parole Association's use of "A Force for Positive Change" and Iowa's own "Solutions for a Safer Community" really frame what our work is all about. Another issue for us is that policymakers create failures for us right off the bat with reactionary legislation. One current example in my home state of Iowa is a law that prohibits sex offenders from living in certain areas. There has also been legislation for many sex offenders to be on electronic monitoring. Every responsible criminal justice and victim rights agency in the state of Iowa has gone to the legislature and testified that these laws aren't working. In a few years, it's going to cost four million dollars to support electronic monitoring. That's a lot of money that could go into truly effective programming.

What are some other "failure traps" that you see criminal justice agencies falling into?

One common issue involves something I call the "copycat" problem. I've seen this across the country, where a jurisdiction tries to copy a successful program without really thinking it through or having regard for proper implementation. In Iowa, for example, we created a computerized risk assessment tool that took two to three years to develop. A lot of people in other states have asked us to send them the program on a computer disc, but I always tell them I'm reluctant to do so. Our tool reflects a lot of judgment calls that the director of a corrections agency has to be comfortable living with. As a former police chief, it's hard for me to be painted as soft on crime, so I was willing to take some risks. And then there are issues like the availability of treatment resources, sanctions, and programming which differ from state to state. In the end, each department must develop a tool like this that is custom-designed

for their use. It is true with all programs and the implementation of them. They must be done with fidelity.

Does the public expect too much from parole?

Once an inmate comes back to the community, parole will often get blamed for the failings of what society and the prison system could not accomplish before then. For example, we had a group of mentally ill offenders who were getting released in Iowa directly to the community without any support or treatment services. They were staying in prison until the last possible moment because prison counselors did not want to recommend their release to the parole board, but when their day did come, they would be sent out the door with \$100 in their pocket and a bus ticket. So we worked with the prisons and asked, what type of fire cover would you need to release some of these people six to nine months early under some supervision? We created a special program with the prisons and the

POLICYMAKERS CREATE FAILURES FOR US RIGHT OFF THE BAT WITH REACTIONARY LEGISLATION.

parole board along with a community advisory board to help give us needed support, and so far, we've achieved some good results with the program. An outside follow-up evaluation over the past six years shows a success rate of 65 to 70 percent with this group.

What was your reaction to the Urban Institute's 2005 report "Does Parole Work?" that answered the question largely in the negative?

I wasn't as upset as some of my colleagues because the report pointed to areas that needed change or reform. However, even the report's authors will admit that the results were skewed by some large states

that have the worst numbers. Still, though I could have dismissed it given Iowa's relatively good results, I think it caused all of us to think about the failures of the system and what we need to do to correct them. As one of the authors of "Transforming Probation Through Leadership: The 'Broken Windows Model,'" we were also making critical comments about the field we felt needed reform. It is good to cause discussion, reflection, and bring about new promising practices. A critical review is the first step in this process.

How hard is it to sell modest results to the public?

With our very best programs, we might expect a 30 percent success rate, not that it couldn't get better. When I tell groups this, they say, 30 percent, is that all? Yet when you look at other professions such as medicine, doctors have about a 30 percent chance of solving a major health issue once they've diagnosed someone with a critical health problem. We have to educate people about the work we do and the success we have. In part, it's about how you frame an issue. In public opinion polls across the country, the courts along with probation and parole got miserable approval ratings, but when you describe the outcomes of a program that gets a 30 percent success rate, you would find overwhelming public support for those programs. It was a misunderstanding that, left unchecked, caused negative perceptions.

How do you change public opinion?

It's hard because we deal with an inherently negative subject matter to begin with. As a police chief in Cedar Rapids, Iowa, I contracted with a major public relations firm to help us deal with the media. The press comes to us when there's something horribly wrong. If that's the only time the public see us, they start to associate us with negativity. So we have to buy good will by the truck load. Whenever we have the opportunity we have to be out in front with positive stories about our work. In reality we have to make the opportunities. I'll give you an example. Our local paper had decided to do a story on absconders. At the time, we had started an enforcement unit dedicated to going after high-risk absconders, and instead of doing a negative story, the newspaper ended up writing about the positive effects of our unit.

Marty Horn



Martin Horn is a lecturer at John Jay College of Criminal Justice. He is the former Commissioner of New York City's Departments of Correction and Probation and former Secretary of the Pennsylvania Department of Corrections.

What is your first impression of the idea of shedding more light on failure in criminal justice?

Paying attention to failure is important. I don't think that's unique to criminal justice, though. And it's not a new concept. If you haven't failed, you haven't tried. And if you don't try, you can't succeed. If you're willing to look at failure, you can create successes from the ashes of failures.

Can you think of specific examples of successes built from the ashes of failures?

I can think of a couple of information technology (IT) projects that were able to rise from the ashes. RCMS, the web-based Reusable Case Management System, is one such example. It emerged after previous failed efforts to improve how probation cases were tracked. Electronic monitoring is another example that had enormous failures at first but has since become quite effective. Another good example is city probation risk tracking. Initially, the program grouped probationers into lots of risk levels, but it was too confusing. Ultimately, it worked best to have just two groups: high-risk and low-risk. There was a noticeable recidivism drop after that change.

What do those successes have in common?

I think successes come from some combination of timing and leadership. Timing is important for innovations like the IT projects I mentioned because technology advancements made so much more possible than when the ideas were originally conceived. As for leadership, I think building something from the ashes requires the humility to adapt the work of others. You can't be focused on recognition or ownership.

Do some programs fail simply due to a lack of funding?

Funding is certainly important, but my experience has been that good ideas get funded. I think grants, however, are difficult to work under because of the time constraint of the funding period. It's much better to get the government buy-in early on to guarantee that a successful program can be written into the budget for years to come.

In addition to the humility you mentioned, what other leadership traits are relevant to this discussion?

Attention to failure is certainly a function of leadership. Some leaders are more receptive to innovation than others and convey that importance to their staff and supporters. That ensures the buy-in and continuity that is needed for sustainable programs. To do so, you have to be approachable. You need to be visible and let your staff touch your robe, so to speak. It's not all charisma though. It's like the saying: leadership without accountability is just cheerleading. There's plenty of cheerleading involved in keeping your staff energized, but you have to have substance behind it all and understand that it's a slow and steady process.

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TRIED.**

Do you think there's a stereotype about what criminal justice leaders are like?

Absolutely, but it's the wrong one. The stereotype is some tough cowboy with a big belly. When I first became commissioner, I thought I was a hotshot. I was soon humbled by the caliber of the leadership around the country. Criminal justice leadership has gotten very sophisticated. On a similar note, I think there's an incorrect stereotype that corrections staff are not interested in rehabilitation. I've seen that they truly do want to be part of something bigger and take the task of 'corrections' quite literally.

How can leaders create an environment for innovation?

I think an important first step is to make sure the basics are running smoothly before attempting to innovate. Make sure your prisons are safe before turning to re-entry. That may mean you need to rebuild the ABCs of operations first. If you ignore that, though, it will catch up with you. A program that might have worked in an ideal environment will come back to bite you when run in a poorly-operated environment.

Do you think part of the problem with addressing failure is the difficulty of defining what success looks like?

Maybe, although I think there are only two acceptable goals to criminal justice: public safety and efficiency. Some people say we should be focusing on creating a more just society, but it's hard to know how to translate that into practice and evaluation metrics. Of course, defining the success metrics of public safety success is not easy. If you increase policing to promote success, you'll see a corresponding failure in probation because the probationer who smoked weed on his doorstep is more likely to get arrested. So you can't just focus on arrest because arrests are just a function of policing. Furthermore, recidivism itself can be hard to define.

Once the system does deem an intervention to be a success, what are the challenges of replication?

Implementing any program requires commitment – both in the concept of the program and the time commitment to see it through. You can't force a program concept on unwilling professionals. The program has to match their agenda. The real key to replication is understanding why the original model was successful in the first place. Too often we stop after deciding that the program is successful without asking why. Most programs have a simple nub underlying the innovation, and that's what you should replicate. For example, I think the nub of drug courts' success is judge involvement. A drug court without buy-in from the judge will fail.

How about the challenges of program sustainability?

A program has to have a consistent vision. This can be difficult due to staffing and political turnover. A successor with great leadership

skills is still going to have his own priorities. For example, I'm worried that the current focus in New York on juvenile probation may ruin the improvements we made in adult probation.

Despite its importance, why is program evaluation so difficult?

Criminal justice work is highly visible, highly political, and susceptible to influence by anecdotal evidence, like high-profile crime. Therefore, outside independent evaluation is very important, but it's also the hardest stage to get funding for. Unlike in the medical field, there's no science yet to support criminal justice work.

What can leaders do to plan for the high-profile anecdotes of failure?

Leaders have to assume that tragic events will happen. Anytime I start a new program, I prepare myself to deal with the worst tragedy that could result. We also have to get the political masters on that boat. Policymakers should understand that we're not in the risk-elimination business; we can only minimize risk. It's difficult though because of the media's involvement. The press loves government failure and incompetence. There's nothing you can do about that.

Do you think the public's focus on high-profile tragedies hides other failures in criminal justice?

Absolutely. No one documents the mundane. The press would never cover a story about a parolee who is struggling to find a job or a drug court participant who was clean for two years but just relapsed. The recent evaluation of Harlem's re-entry work is a great example. There probably won't be much media attention for it, even though there should be.

Kevin Kane



Kevin Kane was appointed the Chief State's Attorney for the Connecticut Division of Criminal Justice in 2006. He is responsible for overseeing the prosecution of all criminal matters in the state. Here, he shares his perspective on the tragedy in Cheshire, Connecticut, in which members of a family were kidnapped and murdered.

What kind of response did you aim to avoid after the Cheshire tragedy?

There's a tendency to respond to tragedy with sweeping legislation, like increased sentencing requirements or an abolition of parole. My primary concern with a three strikes law, for example, was that, upon its enactment, the public would think we had solved the problem. But harsher sentences simply wouldn't address the problem. The legislature had already provided tough enough guidelines for judges and prosecutors. The problem was with our information technology – decision-makers didn't have access to the information they needed to make tough decisions. The need ranged from law enforcement all the way to the parole board.

IT TOOK AN UNFORTUNATE DISPLAY OF THE RISKS TO MAKE THE FINAL ARGUMENT FOR HOW DANGEROUS THE LACK OF INFORMATION IS.

What factors contributed to Connecticut's ability to craft a rational response?

To be fair, we could have reacted even better than we did. We've still got a lot of work ahead of us. But the couple of factors that were fortuitous were, first, getting the judiciary committee on board with how serious the information technology issues were. The legislature hadn't previously known how bad things were. Second, the sentencing task force had already been in place. They were able to provide a forum for a range of responses after Cheshire, without any dramatic action being taken until things had calmed down somewhat.

Did it take an event like the Cheshire tragedy to fix the communication gaps?

We had been trying for years to get an information technology manager for the criminal justice division. It took an unfortunate display of the risks to make the final argument for how dangerous the lack of information is. Our goal now is to really make it count and make sure that progress continues. We're hoping that further development of the information technology system can change the way the state does business. We'll be better equipped to do strategic planning and analyze crime trends and, more importantly, to make sure that decision-makers will have the information they need.

What do you think is the future of strategic planning in criminal justice?

I believe we should focus more on the limitations of low clearance rates. What good does it do to fixate on increased, mandatory penalties on certain kinds of crime when we're only solving 8 percent of those types of cases? If clearance rates are low, wouldn't it be better to focus on increasing the clearance rates, not just ramping up how we'll respond to the 8 percent we can solve?

What is your advice to other states that may face a tragedy like Cheshire?

My advice is to step back, take a few breaths, and try to get your common sense working. Think: is there something that could have been in place to prevent this? If you can do that, then the rest is planning and working together to accomplish the goal. There's also a component of luck. In Connecticut, we were fortunate to have a good group of conscientious people who were willing to trust each other and get to the bottom of the problem.

David Kennedy



David Kennedy is the Director of the Center for Crime Prevention and Control and a professor of anthropology at John Jay College of Criminal Justice in New York City. His most recent book is “Deterrence and Crime Prevention: Reconsidering the Prospect of Sanction.” Here, he reflects on his role helping to conceive and implement Operation Ceasefire, an effort to deter gang violence that was given credit for the ‘Boston Miracle’ of the mid-1990s.

What was the vision behind Operation Ceasefire?

The vision behind Operation Ceasefire and the entire Boston Gun Project was to be more ambitious about applying problem-oriented policing to public safety issues. We went into the process largely agnostic about possible interventions but committed to a broad partnership between researchers and practitioners and to a process that said, we’ll keep at this until we think we’ve come up with something that will make a substantial difference. Operation Ceasefire was an entirely contingent outcome of that process. Nobody had anything like it in mind going in.

Boston experienced a remarkable drop in crime in the 1990s. What was the initial reaction to that data?

The initial data about Boston’s dramatic drop in violent crime caused a complete frenzy. It was lauded as a miracle, and everyone had their claims and preferences as to who or what was responsible – activist churches, gun buybacks, probation reform, curbs on gun trafficking, youth outreach, etc. Unfortunately, most of this went on largely without meaningful analysis – it was just *post hoc ergo propter hoc* – so it was largely political and often disturbingly *ad hominem*. Most of those competing claims have withered away as people did what they were told to do in other cities and it didn’t work, while the Operation Ceasefire framework has consistently been effective where implemented properly.

How was Operation Ceasefire marketed as a possible cause for the ‘Boston Miracle’?

Marketing? Please. All we had time to do was respond. The phone just started ringing and didn’t stop. We found ourselves fielding inquiries from reporters, other professionals, politicians, etc. It was an absolute deluge, and we had no time to think through what our response should be. Given the volume and immediacy of the frenzy, I’m not sure any amount of planning could have prepared us for it. A lot of the press coverage was wrong, and people who had had nothing to do with Ceasefire were treated as authoritative sources. It created massive confusion. I remember speaking at conferences and public events about the Boston Gun Project, and people in the

audience would correct me: that's not what happened, here's what happened. It was surreal.

When Operation Ceasefire started getting credit for the crime drop, did others try to replicate the program elsewhere?

Yes, and it caused a lot of problems. The basic ideas of the intervention just got lost in all the noise. For example, some of our Boston staff tried to help a public health group in Chicago with a replication. But the Chicago program only had the outreach component of Operation Ceasefire. Even though it was missing other key components, they called it Ceasefire, which has hopelessly confused everybody. Philadelphia did something it said was "Boston," but which completely missed the focus on violent groups that was at the core of the Boston strategy. Misrepresentations like those caused great confusion in the field as to what were the core elements of the intervention, and the improperly implemented "replications" failed to produce comparable results.

What do you think are the biggest lessons that came out of Boston?

I think there have been several. Most centrally, it woke us up to the fact that there is unseen common ground amongst law enforcement, angry communities, and offenders – personally, I'll spend the rest of my life working on that one. It gave a boost to the original idea of higher-level problem-oriented work, and the idea of fairly ambitious partnerships between a range of practitioners, community members, researchers, etc. has taken root and is developing a promising track record in practice. The core intervention framework, the Ceasefire "model," clearly works across various settings and is increasingly being implemented. It has given rise to a variety of very promising related interventions, such as the High Point drug market strategy, Chicago's Project Safe Neighborhoods re-entry intervention, and Hawaii's Project HOPE probation project. And it looks like the new deterrence framework all this is built on, which we basically stumbled across by accident in Boston, is a broadly useful one that can be mapped onto a range of issues.

How have you seen the lessons of Boston successfully applied elsewhere?

One example is the Strategic Approaches to Community Safety sexual assault project in Memphis. Their intervention didn't look like Ceasefire at all, but it employed the same ambitious problem-solving approach. That notion is at least in part the legacy of the Gun Project and can be applied in a variety of contexts.

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High Point, North Carolina has attracted a lot of attention recently. Do you see any of the lessons of Boston incorporated into that program?

Absolutely. High Point expanded on the lesson from Boston that community involvement is incredibly powerful in changing offender behavior, and that offenders' "norms and narratives" matter enormously and can be addressed directly. It made explicit what had perhaps been implicit in Boston, that terrible, racialized relations between law enforcement and minority communities can be named and directly addressed, not just to gain public support but also because it has a profound impact on offender behavior. And it made the same problem-oriented shift: Boston worked out that "juvenile gun violence" was really about violent groups, which could be dealt with; High Point worked out that "drugs" were really about overt public drug markets, which could also be dealt with.

What role does the press play in fleshing out success and failure?

The press plays a very important and very powerful role. They move out information, explain it, and have the ability to act as the referee among debates like the one that occurred in Boston. But to do so properly, they have to do their homework and can't simply get caught up in the political theatrics. The facts were out there about what happened in Boston, but the analysis was lost in the frenzy. I remember one interview with a Boston journalist who was skeptical of the argument I was making. She was sneering at me for, she thought, wanting special standing as an academic; I scolded her for treating matters of fact as political infighting and not bothering to do her basic homework. She got back to me a week later, acknowledging that the facts were there and I was right. But overall the press treatment of the important matters in the "what happened in Boston" debate was hopeless.

Do you have any final words of wisdom about what can be learned from Boston?

The best thing to do with Boston is not talk about it any more. Boston was 15 years ago, and the world has moved on. The fact that so much has happened in the work – more cities, real evolution in the basic intervention framework, a whole body of evaluation work, new strategic applications, new theory, all that – and much of the "judging" community is still focused on Boston as a stand-alone issue is, I think, a terrible indictment of how we try to guide and judge work in public policy.

R. Gil Kerlikowske



R. Gil Kerlikowske is a 35-year law enforcement veteran, including nine years as the Chief of Police for the Seattle Police Department. In 2009, he was nominated by President Barack Obama and confirmed by the U.S. Senate as the Director of the Office of National Drug Control Policy. The following conversation occurred when he was the Seattle police chief.

How common is failure in policing?

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.

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

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.

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

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, extra officers were added – and extra overtime – to make sure there would be 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 “okay, 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.

What leadership style works best for police chiefs?

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 General Electric. Our shelves are loaded with this

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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.

How would you describe your leadership style?

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 leader 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.

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

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.”

Mark Kleiman



Mark Kleiman is a professor of public policy and the Director of the Drug Policy Analysis Program at the University of California – Los Angeles. He talks here about an innovative probation model, now called HOPE, that has revolutionized the way probationers are treated in Hawaii.

Can you give a brief overview of the HOPE concept?

Traditional drug-diversion programs mandate that offenders go to drug treatment. HOPE (Hawaii's Opportunity Probation with Enforcement) mandates that they stop using drugs and backs that mandate with drug testing and consistent sanctions. It turns out that most offenders, even those with severe problems according to conventional risk and needs assessment tools, can and will quit under those conditions. The result is less crime, less drug use, and fewer days behind bars. By reserving formal drug treatment for those who either want it or prove to need it – rather than imposing it on everyone – HOPE avoids wasting scarce treatment resources and can deliver high-quality and high-intensity treatment to the minority who need formal treatment services.

What need did the model aim to address?

Under the normal system, probation officers would bring revocation motions to the judge for probationers who violated the terms of their probation. Often, though, this was after a dozen or so violations. Due to probation officer caseloads and the amount of time it took to write up a detailed violation report, the first several violations were ignored. But this goes against what we know about changing behavior. You need clear rules and quick consequences. Sporadic sanctioning kept violation rates so high that probation officers simply couldn't report every violation: a revocation motion could take hours to prepare, and there weren't enough hours in a work-week. It was a kind of social trap. Judge Steven Alm, a criminal court judge in Hawaii's First Circuit Court who presided over the HOPE program, cut through the problem by starting with a small group of probationers, getting their behavior under control, and then expanding slowly.

What aspects of the program were fine-tuned through trial and error?

The most important innovation was the "warning hearing," suggested by the public defender. It turned out that for about half of the participants, the warning alone did the trick. Another key change was a simplification of the reporting process for violations from an elaborate report to a two-page check-box form that

probation officers could fax in. The program started out just in Judge Alm's courtroom; then it was expanded to all the felony trial courtrooms in Honolulu. But that created scheduling problems for the lawyers, so the new plan is to make Judge Alm the "HOPE judge," managing 3,000 probationers all by himself.

Were there any failure traps that the original model and Judge Alm didn't anticipate?

He got most of it right. For example, he lined up the Marshals Service to serve the bench warrants and told the probationers at their warning hearings about the consequences of not showing up. As a result, there weren't many no-shows. One problem that was overlooked initially was that probationers could simply plan their drug use around their scheduled drug tests, staying clean only the three days before the test. So the program randomized the drug test appointments, so there was never a time they could safely use without consequences.

How were the sanctions themselves determined?

The length and type of sanctions were also figured out by trial and error. At first, probationers were put in jail for a couple of weeks for a first violation. Then it became clear that the sanctions didn't need to be that severe, as long as they were swift. So Judge Alm cut back to two days for a first sanction. Another judge started with six weeks. But when they looked at the results, more severity didn't lead to higher compliance. So the more severe judge cut his sentences back. There's no rigid formula, but two days for the first violation, a week for the second, and two weeks for the third seems to be about average. After a third violation there's likely to be a mandate to treatment; that's about one participant in six.

How much variation was there between the judges in how they implemented the program?

The program started with Judge Alm, but eventually expanded to other judges. The probationers ended up doing the same, regardless of which judge was involved. It wasn't Judge Alm's charm that made it successful. The common sense of it was all you needed to implement, which anyone could do.

Has the model been tested anywhere else?

Yes, it was tested in the D.C. Drug Court. One participant group went through the normal process with mandated treatment; the other group got frequent sanctions if they tested dirty. The sanctions track cost one third as much and worked twice as well. But when the short trial period ended, the judges returned to business as usual because business as usual is more comfortable.

What do you think will be the challenges of replicating HOPE, if any?

There are lots of places talking about replicating HOPE, such as Delaware and Las Vegas. I don't think there are major obstacles to replicating it. There are only two variables: the specific probationers and the implementation of the model. There's nothing special

START SMALL AND BE PATIENT.

about Hawaii probationers. As for the implementation, you just have to find a judge who wants to do it. The cases in which I've seen similar models fail is when the model itself doesn't deliver the sanctions it promises or if there isn't adequate buy-in from the judges.

Is there anything unique about Hawaii that might have made HOPE easier to implement?

Hawaii happens to have very competent probation officers. Many are social workers, and some have Master of Social Work (MSW) degrees. They are well-versed in the techniques of behavior modification. Another unique aspect to Hawaii is its relatively simple institutional structure. New York, for example, is not as well integrated. Individuals can be on probation in more than one court, while the probation officer is assigned based on where the probationer lives. There's not the same tight linkage between the relevant players.

Do you think there are any philosophical or dogmatic obstacles to replicating HOPE?

There are two main barriers: the belief that drug users can't change their behavior without formal treatment – easily refuted by the data but held by some as an article of faith – and the belief that any probationer who steps out of line ought to be sent to prison instead of being given a chance to behave better in the community.

What are the next steps for the HOPE model?

More trials in more places, expansion to parole and pretrial release, and eventually – if I had my way – national adoption. This is what probation should look like. And it saves enough in reduced prison spending to more than pay its costs.

Do you have any advice for courts that implement the model?

Start small and be patient. Don't start with thousands of probationers. Judge Alm started with 35 and then scaled up from there. Most importantly, try it. It is remarkable how many programs fail because they were never tried.

Ed Latessa



Edward J. Latessa is a professor at the School of Criminal Justice at the University of Cincinnati. He has directed research projects and assessments of hundreds of correctional programs throughout the country and has published extensively on the topics of corrections and juvenile justice.

How do you think criminal justice practitioners view failure?

Honestly, I don't think most practitioners ever think of failure. Even if their programs fail from an empirical standpoint, they still see how the program met certain goals or political agendas. This is not to say that true failures aren't all around us. There are failures everywhere; they just aren't recognized as failures.

Can you think of an example of a program that avoided being labeled a failure, despite the empirical data to the contrary?

D.A.R.E., the drug and alcohol education program, is a good example. Traditionally, D.A.R.E. used a one-size-fits-all approach that lumped low-risk and high-risk kids together and then tried to make an emotional appeal to not use drugs – an approach that went against many years of research. Then when negative research started coming out that D.A.R.E. didn't reduce drug use among participants, D.A.R.E. supporters attacked the findings. They claimed that even if the program didn't reduce drug use, it does other positive things, like foster relationships between police officers, students and schools. They wouldn't admit that the program had failed by the most obvious metric. In D.A.R.E.'s defense, they've worked hard since then to adapt the program to respond to some of the criticisms. An example with an even less favorable outcome is boot camps.

You've been open about your criticism of boot camps. Why do you think boot camps were a failure, and if they were so terrible, how did they survive as long as they did?

Boot camps fail for a whole host of reasons, not the least is that they fail to address criminogenic risk factors and they model aggressive behavior. Boot camps are on the decline, but they were very pervasive for some time. It took a long time for the research to come in and show the true impact that they had on participants. Not only were boot camps ineffective at changing behavior, participants were getting seriously injured and even dying. Even after the research was known, boot camps persevered as long as

they did because of the simple fact that they were popular. If the public likes them, politicians support them. Maybe policymakers were attracted to the apparent efficiency of the program because often participants got out of the system sooner. From almost every other perspective, though, the camps were certainly a failure.

You've also done a lot of work with drug courts. Are drug courts susceptible to the same temptation to redefine failure as success?

Yes, drug courts certainly face a similar temptation. Drug court judges often want to believe drug courts always work, even if they don't. My guess is that a great many drug courts have little or no effect on recidivism, but if you ask those judges, they'll say their court works. I remember the first evaluation we did in Ohio. The drug court

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judge said our evaluation couldn't be right because we identified some failures. Despite the fact that over 1,000 people went through the program, the judge believed that no one had failed because, from her perspective, each intervention was a success. Of course, out of that many participants, you're bound to have some failures.

Did you notice any failure traps that seem unique to drug courts?

I think the biggest failure trap for drug courts is failing to question initially whether a particular jurisdiction should have a drug court at all. Drug courts have become so popular that we now have drug

courts in counties with no business running a drug court. While drug courts provide an opportunity to do some very effective programming, they're not the answer for all communities. In those cases, there's a setup for failure because the court should never have been created in the first place and as a result they are serving low-risk offenders and probably doing more harm than good. The other failure trap is, like D.A.R.E., drug courts can try to be everything to everybody – and end up serving no one effectively. Those were our findings when we evaluated a large drug court in Minnesota several years ago. There, if you were remotely involved with substances, you were placed in the drug court. Casting such a wide net resulted in targeting people who did not need that level of intervention. In the end it made the court as a whole look like it was failing.

Earlier, you mentioned the pervasiveness of failures in criminal justice. Just how common is it?

Unfortunately, the examples of failure far outnumber the successes. Out of the 500 or so programs that we've assessed around the country, only about 10 percent were ones we rated as "excellent." The majority of programs are poorly conceived, poorly implemented, and/or poorly executed. Many programs have never considered who their target groups are, what type of behavior they hope to modify, and how they will assess their outcomes. It's very difficult to succeed without answering those questions.

Why don't programs know to ask those questions? Is it that the research waffles on how to go about changing and assessing behavior?

No, the research is pretty consistent across a wide range of programs. For example, research reliably shows that educational programs aren't effective at changing behavior; you have to show participants what they should do instead. More generally, though, the same core principles apply to pretty much every type of program: risk, need, and responsivity. Knowing these things is one thing however; doing them is another. Even people with the best intentions can struggle with it. Fortunately, I think people are getting more attuned to the research. I get a lot of calls from people, pitching their idea for a new program and asking if there is evidence out there to support

it. I am finding that the notion of evidence-based practice is finally working its way into our language.

In addition to the mechanics of setting up a successful program, are there some institutional elements that are needed but lacking in criminal justice?

Yes. Strong leadership may be the biggest requisite for success that is severely lacking in criminal justice. Part of the reason for this is that in the public sector, you can rise to a leadership position by seniority alone, without having earned it. Staffing problems trickle down from that. Add to that the fact that the criminal justice system often isn't designed to run programming, so before doing anything, you have to implement the infrastructure for it. And if you can do all of that, you will still need a huge philosophical shift to achieve reform. Most people in criminal justice operate under the mantra that if nothing bad happened yesterday, do the same thing today. For example, if you run a prison, your primary goal is to avoid riots and escapes, not to operate and evaluate programming for offenders. Rewiring that mentality is particularly difficult in criminal justice.

In your opinion, is there a specific agency that is particularly resistant to reform?

Parole may be the most resistant agency in criminal justice. They are highly resistant to change and extremely defensive, fighting any suggestion of reform. There are some promising parole reform projects right now in some jurisdictions, but implementing them can be like pulling teeth. Parole doesn't seem to want to hear why spending more time with a parolee and working with them to learn new ways to behave can make a difference. Some states have gotten so frustrated they've eliminated parole entirely. Of course, parole is a tough job, but giving up hardly seems like the right solution. There's no question that parole can be more effective, but reform is going to continue to be an uphill battle.

How should a program's cost factor into the analysis of whether or not a program is a failure?

Cost should definitely influence whether a program is deemed a failure or success. For example, when you consider how much

money is spent on D.A.R.E., I would say it's not successful at all. Even if you agree that the program has benefits such as giving kids some information about drugs and fostering relationships between police and schools, you still need to do a cost-benefit analysis – and be upfront that the cost is not buying you decreased drug and alcohol use. Cost savings are the other component to this question. There are some programs that claim incredible results: millions of dollars saved for each percentage point that recidivism is reduced. These can be compelling figures. But they will vary based on the program. For some programs, 10 percent success will save millions; for others, the savings are negligible.

Can managing expectations affect a program's success or failure?

Absolutely. Unfortunately, there has been a lot of overselling. Programs throw out figures without any basis in fact, hoping it will draw in the money they need and knowing that it's unlikely they will ever be studied. They know they can overpromise without being held accountable when their numbers fall short. Programs have to be realistic about their expectations of changing behavior and then be held accountable for those expectations. The reality is that if a program can have a 20 percent success rate, that's pretty good. Getting 50 percent, on the other hand, that's very, very rare.

Doris MacKenzie



Doris Layton MacKenzie is a professor at Pennsylvania State University. She also is the Director of the Evaluation Research Group at the University of Maryland. She has written extensively on such topics as inmate adjustment to prison, the impact of intermediate sanctions on recidivism, and boot camp prisons.

You've spent 20 years studying juvenile and adult correctional boot camps. How has your thinking about them evolved?

I started in the 1980s with a study of a boot camp in Los Angeles. At that point, I was very skeptical about whether they worked. As I started interviewing staff and inmates, I found that there were some very strong relationships developing between staff and inmates. My research showed that boot camps didn't have an impact on recidivism, but there did seem to be a positive atmosphere in the program. I found the same thing when I looked at boot camps nationally. Also, some states used them to meet other goals, such as reducing prison overcrowding in New York. There were a lot of negatives as well, including the lack of impact on recidivism and problems with staff training that have led to injuries and deaths in some camps. So on balance, I think maybe it's better not to have these programs.

How has that message been received?

People are usually upset to hear it. A common thing I hear is, "my boot camp is different." Part of the problem is that the people I speak with, including politicians, aren't trained in social sciences. They've learned a case study approach in law that looks at past precedent. They tend to ask about particular programs they're familiar with, while I talk about program results overall.

Have those results impacted boot camps?

Boot camps aren't as popular as they were 10 years ago. There aren't many new programs opening. I think it's because there's a lot of good research out there that shows that getting tough is not enough, so the field has moved away from these types of programs.

Ten years ago you helped write a high-profile report, submitted to Congress, about what works and what doesn't in criminal justice policy. What has been the impact of that report?

I think it's been very well received. The biggest impact is that practitioners think more about research now. Our challenge in writing the report was where to draw the line to say something

is effective. It's very difficult because if we only used random assignment studies, we wouldn't have very many to choose from. So we drew the line relatively low in terms of science. The lead author on the study, Larry Sherman, really pushed us to draw more conclusions from the research so that our findings would be useful

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to policymakers. As a result, people really liked it because we were clear about our findings, which researchers sometimes have a hard time doing. Another advantage of the report is that we showed exactly how we reached a decision about whether something worked or didn't. That gave our readers a way of finding out exactly why we made the decisions we made.

Are there other important rules for researchers to follow?

It's very important to be clear on what measures you're using as examples of effectiveness. There are measures other than recidivism that are important, such as reducing prison overcrowding. Another

challenge is making sure to use legitimate criteria for effectiveness. A lot of drug treatment literature only looks at people who complete programs and leaves out people who drop out. If we only looked at completers in boot camps, they would be phenomenally successful!

Do criminal justice programs do a good job of learning lessons from past failures?

I have some concerns about that. For example, I think re-entry programs are making an error when they talk about giving offenders services like jobs and housing without first targeting something within the person. Just giving people services doesn't seem to be justified by the research. There needs to be a change model in place.

Doug Marlowe



Douglas Marlowe is the Chief of Science, Policy & Law for the National Association of Drug Court Professionals, an adjunct professor at the University of Pennsylvania School of Medicine and Senior Scientist at the Treatment Research Institute. He has done extensive research on drug abuse treatment and the effects of drug courts and other specialized programs for drug-abusing offenders.

What role do you think failure plays in criminal justice?

The history of criminal justice interventions is lined with failure. The classic type of failure in criminal justice is anything with a criminogenic effect – in other words, an intervention that actually creates more crime. Incarceration is the classic example. Project Greenlight was another such example. It was a re-entry program in New York that seemed to increase recidivism. But despite the prevalence of failure, there are few examples in which failure has been appropriately analyzed and discussed. And when it is, the lessons often don't go anywhere.

Your research has focused heavily on drug courts. When do drug courts fail?

Drug courts fail when their interventions assume a one-size-fits-all approach will work. It seems obvious, but no one stops to think through which intervention would be appropriate for a certain kind of drug abuser and offender. There is also the reality that to truly contribute to public safety, drug courts must take on the high-risk population. There is an on-going debate as to when drug courts are effective and at what cost. You have to be able to show a fundamental impact on both public safety and state budgets. That means going beyond the “boutique” drug court that handles a small caseload. No matter how effective smaller courts seem to be, the benefit has to be worth the cost.

Are there broader failure traps that court interventions face?

Yes. Court interventions in general face challenges of sustainability. After the initial infusion of funding, court programs must hustle to get picked up by a long-range funding source. This requires that the planners and implementers – namely overworked judges – need to be political and publicize what they do. Sustainability should be built into the court's plan from the outset, but it's usually not.

Does the definition of success play a role in evaluating failure?

Absolutely. It is not uncommon for promoters of a policy or program to overpromise results, which is a tendency in any kind

of reform. My definition of drug court success is about a 15 percent average reduction in crime and drug use. We need to teach policymakers that 15 percent is a credible finding. They need to recognize that claims of an 80 percent reduction are unlikely if not impossible, although individual programs may approach 30 to 35

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percent improvement. The other requisite in defining failure and success of drug courts is having a nuanced view of the cost-benefit analysis. Prison is expensive, so even less expensive programs with bad outcomes will win the cost-benefit metric and can be viewed as a success. It's not hard to beat prison. The question then is a policy question – how much increased crime are you willing to trade for increased cost savings?

Is there a particular example of drug court failure that you think is instructive?

I would argue that there aren't many examples of failed drug courts. Like I suggested above, I suppose the most common failure is when courts simply can't keep their doors open. New Jersey had a drug court that just couldn't take off. But in general, drug courts are successful. Even Denver's drug court, which is often cited as a failure, is in a phase of rebirth. Yes, it received some valid criticism, but it was the biggest drug court in the country and had incredible statewide support.

Are some jurisdictions better equipped than others to have successful drug courts?

Hennepin County in Minnesota is a good example of a jurisdiction that was ripe for action, if not success, because the state is so drug-

court-friendly. They faced some challenges early on, but statewide support and strategic advising allowed them to make changes and persevere. At first, the court tried to process everyone in one court, but it simply couldn't handle that volume. The court was on a trajectory towards failure. Fortunately, they realized that their approach wasn't working and they adapted. They asked us to build them a web system that triages all drug and property defendants for risk and need. There is now a huge push by the judiciary to take the drug court model to scale. Support from the judiciary is key. Jurisdictions without that will find that even with a strong movement for drug courts from other players, they will be stopped in their tracks if there are philosophical objections from the bench.

Ed McGarrell



Edmund McGarrell is the Director of Michigan State University's School of Criminal Justice. He also leads the national research and training programs for Project Safe Neighborhoods and the Drug Market Initiative.

Has the concept of failure changed over the course of your career?

Yes, dramatically so. Back in the 1980s and early 1990s, everyone was looking for the miraculous idea that would have a sizeable impact, but nothing seemed to work. It seemed like all we were ever looking at was failure. But recently, there is evidence of some promising practices. With that transition, I think there's the tendency now to ignore failure and the benefits that come from analyzing it.

So how do you think failure should be incorporated into current practice?

The time is ripe to create a systematic, conscious response to failure in criminal justice. Everyone knows the phrase "learning from failure," but few people know how to cull those lessons effectively and disseminate their message. The motives are in the right place and the ideas are out there, but what we haven't yet mastered is how to extend promising practices to other contexts and jurisdictions. Factors such as geographic context and the role of leadership can completely change the impact a program has, and thus, whether it appears a success or a failure. We must redefine success in terms of sustainability. Promising practices aren't sustainable if we only know how to do them once.

So do you think the research is out there for what makes successful reform and it just needs to be analyzed in a new light?

Not exactly. I think we've figured out the conceptual framework of enhancing justice or public safety and we have an immense knowledge base built on experience in a variety of different contexts. What we still lack, though, is a thorough study of failed efforts. I think that might be the next step forward in terms of figuring out how we can avoid those mistakes in the future. We need to compare successful examples of implementation with examples where it just doesn't take off and identify the missing ingredients from the failed effort. Consider CompStat, for example. Dozens of police departments have adopted CompStat, but not necessarily all have figured out how to maximize its effect. Some departments have simply gone through the motions of reform, without thinking through how the reform should be driving their practice.

Have you identified any failure traps in your observations of what works and what doesn't?

Yes. One major failure trap is not understanding the environment in which one is operating and thereby not building the requisite support coalitions. You can see this at different levels where a very good idea doesn't have the institutional or political support it needs to succeed. Police and prosecutorial communities may focus on deterrence, while more progressive or liberal community groups might focus on redemptive, second-chance opportunities. The program will fail if leadership fails to think through the nature of the environment or interest groups that need to be part of the coalition and figure out how to present the program effectively to each group. That problem exposes the second major failure trap – lack of effective leadership. Ultimately it's sustained and relentless commitment to success that is difficult. Without strong, directed leadership, everyone tends to fall back on routine, incremental decision-making and processes. The core finding of our Project Safe Neighborhoods (PSN) research is that the task forces that implemented the key components in a serious and meaningful fashion had a significant impact on violent crime. However, in a minority but sizeable set of jurisdictions, PSN never really took off. The jurisdictions with failed PSN sites lacked a commitment from the police chiefs or U.S. attorneys. They never made it a priority, so the program existed in name, but was never fully implemented. My guess is that when we finally study failure, commitment and leadership will emerge as the biggest predictors of success.

Are there other, secondary factors that you think contribute to successful reform?

I think an additional factor is coalition building. Most of the big ideas in criminal justice reform involve multiple agencies. Managing federal, state, and local relationships, as well as different relationships with communities, is key. Access to resources is another obvious factor, but it's more complicated than most people expect. Leaders need to be willing to shift resources around and understand the long-term effects on resource allocation.

Can you think of any reform examples that highlight some of the pitfalls you mentioned?

The replication efforts of Operation Ceasefire, a successful anti-gun violence initiative in Boston, come to mind. There were certainly geographic differences that made replication difficult. But more profound were the conceptual differences in replicating the project's philosophy and key components. I met recently with a group of police officials and prosecutors to discuss iterations of the Ceasefire model being applied to drug markets. Some of the officers and prosecutors couldn't get beyond seeing the model as a "Hug a Thug" approach – a far stretch from the program's actual

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philosophy. In another example, Ceasefire's replication in Chicago took on the form of a public health outreach program. While Boston's Ceasefire program had an outreach component, Chicago's version is distinguishable in most other ways. On the other hand, Chicago's Project Safe Neighborhoods initiative very closely followed the Boston model and produced significant reductions in homicide and gun violence. When people talk about "Ceasefire" it becomes clear that there is confusion in the field between these related but distinct models. Absent clear understanding of the specific model, replication in new sites is likely to fail.

Why do you think replication is so challenging?

I think diffusion of ideas to new jurisdictions often fails because people incorrectly assume they understand the values, goals, and

operational practices of the original model. But in reality, models can have different meanings to different people. You see failure when the original idea is rejected for philosophical reasons, or after adapting it to fit another environment, you've lost what made it successful in the first place. It takes effective leadership to take those local ideas, adapt them without changing their core principles, and then implement them elsewhere – all within a diverse political context that may have multiple priorities.

Have you seen programs with early success that have still ended in failure?

Yes. There are two related examples. The first, that occurred 40 years ago, was a Massachusetts reform that closed the state's training and juvenile schools, that was subsequently replicated in New York. The second was an experiment on the use of family group conferences in Indianapolis. Both examples got great feedback initially and did a reasonable job of presenting their findings to key decision makers. But just before the results were officially launched, the key champions of the program left and both programs crumbled. They continued efforts on a low level, but with much less impact than expected. You can observe this effect on all sides. At PSN, there were some jurisdictions that had incredibly strong coalitions of leaders – almost like the stars aligning. In other jurisdictions, we would see a continual turnover of police chiefs, prosecutors, and probation leaders, and nothing could get off the ground. These examples highlight that we need to recognize that being unable to sustain a reform is failure. You have to build innovative practices into some kind of sustainable structure that is independent of individual people.

Were there any specific failure traps you noticed in your work with Project Safe Neighborhoods?

The biggest failure trap with anti-gun violence programs is failing to appreciate the different cultures related to guns based on geographic region. Large urban jurisdictions like Chicago, New York, and Boston have very different attitudes towards regulation of gun ownership than places like Montana. And it's not as black and white as you may think. Alabama, for example, has a strong

gun rights political context, but when we approached them about anti-gun violence programming, they were very interested. Their state prisons were overcrowded, and unless gun violence resulted in homicide, it wasn't taken very seriously. They were attracted to a partnership with the U.S. Attorneys as a way to make a deterrence approach more credible.

Were there institutional factors at certain PSN sites that made failure more likely?

Absolutely. There are still police departments around the country that don't have computerized crime statistics information and court systems that can't produce data. Another limitation for many sites was a lack of prior experience working on multi-agency problem-solving initiatives. For broad, national programs like PSN, you need to do a needs and capacity assessment to determine which sites are ready to go and which will first need some capacity building.

What were some of the other challenges that sites faced in trying to successfully implement PSN?

As I mentioned earlier, at some sites the key leaders did not seem to make fighting gun crime a priority. So leadership is fundamental. Another characteristic of sites that failed to effectively implement PSN was that they tended to spread their limited resources over the entire jurisdiction rather than focusing on their gun crime hotspots. In contrast, cities like Chicago, Lowell, Milwaukee, Montgomery, and Omaha, to name a few, did a tremendous job focusing on the places, people, and contexts driving gun violence in their jurisdictions. We also found that PSN sites that effectively integrated research were more effective in their overall implementation and ultimately in their efforts to reduce violent crime. However, in some sites research failed to be effectively utilized. In some cases this seemed to be a failure on the part of the task force to include the researcher as a partner. In other places the failure seemed to be a product of the researcher choosing not to work collaboratively. One of the lessons we hope to learn from PSN is why these research partnerships flourished in many of the task forces but never took off in others. Again, the contrast between success and failure provides a great opportunity to learn.

Helen Morgan



Helen Morgan has worked in the Denver (Colorado) District Attorney's Office since 1995. She currently serves as the Deputy District Attorney in the Drug Unit. She was an early participant in the Denver drug court and has seen the program through ups and downs.

What makes a successful drug court?

A successful drug court requires a concrete vision that is based on what the community wants and needs. It's not enough to have one or two enthusiastic supporters because those people won't be around forever. But a concrete vision will survive staffing changes. The new staff can simply look to the programmatic plan and continue on towards the initial goal.

What adjustments were made in Denver after the court opened?

I've been working with the drug court on and off for about 14 years. We started in 1994 and initially, we took all of the felony drug cases filed in Denver, which was about 35 percent of all felony filings. We took everyone from the one rock crack user to the multiple kilo drug dealer. Some were suitable for treatment and others were sent to prison. Eventually, though, we had to cut back. We initially decided to exclude illegal immigrants and defendants with more than one prior drug felony. We then lost the district court level drug court in 2003 and disbanded the District Attorney's Office Drug Unit. In 2006 we reformulated the drug court and reinstated the District Attorney's Office Drug Unit. We re-opened the "new" drug court in March 2007. It is now staffed by four part-time magistrates who have the authority to take felony pleas and impose sentences. We now have 1,200 to 1,500 people in the drug court, taking about half of the filed felony drug cases and graduating 70 to 90 people every six weeks. We now get drug court eligible defendants through plea, sentencing and into treatment within approximately 10 days of their arrest.

What precipitated the challenges that the drug court faced?

Things started to fall apart when we started losing district court judges who wanted to come to drug court. We brought in replacement judges, but they weren't as enthusiastic and many had trouble with the work of the court. Some on the bench complained that it was social work, which wasn't what they were trained to

do. We received the assistance of some magistrates, but in the end, the court as a district court level drug court couldn't handle its caseload.

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Why was the court so vulnerable to failure in its early stages?

The court was vulnerable to failure initially because our work wasn't systematically evaluated. As a result, we had no way of showing the impact of our work, including how much money the drug court saved by avoiding more costly sentences. Also, the court was too dependent on the initial staff. When those people and their enthusiasm left, the court wasn't set up in a way that was feasible for replacements to come in and take over.

What future do you see for the court?

Things are looking better at the court. We have new magistrates and new funding. We have a full-time drug court coordinator. We've also established an advisory committee, so there's support to keep the court going, even when challenges emerge again.

Tim Murray



Timothy J. Murray is Executive Director of the Pretrial Justice Institute. He has worked as a criminal justice practitioner at the local, state and federal levels. While in Miami, he was one of the principal architects of the nation's first drug court. He went on to serve with the U.S. Department of Justice as the first Director of the Drug Court Program Office and as the Director of Policy and Planning at the Bureau of Justice Assistance.

Why should we talk about failure?

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 is 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.

Why is failure so hard to talk about openly?

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 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.

How do you encourage people to share stories about failure?

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.

Does leadership also play a role?

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.

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What's your personal approach to failure?

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.

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

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.

Lenny Noisette



Leonard Noisette is Director of the Criminal Justice Fund for U.S. Programs at the Open Society Institute. Prior to that, he served as Executive Director of the Neighborhood Defender Service of Harlem, a community-based public defense provider.

Do you think addressing failure is a challenge unique to criminal justice or public defense?

I'm not sure if admitting failure is uniquely difficult in criminal justice. Some of it comes down to ego and self-preservation. But I suppose public defense has its own vulnerabilities because of its lack of financial independence. I worry that the difficulty to admit failure just means that we continue to lower the bar. Back when I was at the Neighborhood Defender Service (NDS) of Harlem, our primary goal was to have small caseloads of 35 to 40. Starting out as a team leader there, I pushed relentlessly for this because I thought it was central to the type of defense we offered. But after enough pushback from the city, 35 became 50, then 60. Then when I became the director of NDS, I experienced that same slippage – not because evidence suggested that 60 was preferable or even feasible, but because the external pressures demanded that we take on more and more cases.

What were the obstacles to sticking to the original game plan?

Part of the problem is that we found it difficult to acknowledge that we had more cases than we could handle. If only there was an evidence-based standard that said: given this defense model, each attorney can handle x number of a particular type of case. Then we would know when we reached our limit. But there wasn't such a standard and still isn't. Another problem was that we found it difficult to match what we were doing with what we said we were doing. Everyone at NDS believed in the holistic defense model, and that's what we espoused publically, but day-to-day, we were falling short of that. We had to make compromises – like deciding to place a full-time attorney doing just arraignments – in order to churn out the high volume we needed to.

So is everyone on the same page as to what success looks like?

There's an ongoing struggle to agree on what the metrics of success should be. For example, NDS used to focus on trying to increase pre-trial release rates – both because we believed it was good for our clients and because the city had said they prioritized that for

financial reasons. But in practice, it turned out to be bad for our clients. No matter how much information we prepared for the bail application, the judges still tended to set bail for an amount that

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was not feasible for our clients to pay. So at the end of the day, our clients were still in on bail, and we hadn't succeeded by the city's metrics either. In hindsight, there were other approaches we could have taken. We could have argued for judges to use one of the many bail alternatives. Instead of thinking more strategically, I think we just threw up our hands when the first attempt didn't work. But an even bigger problem is even defining 'success' in the first place. How do you get everyone to agree on what "quality representation" looks like? I know there's a group in North Carolina trying to do it, using metrics like pre-trial release, days of incarceration, and treatment success.

Now as a funder, how do you define failure and success for the organizations you fund?

I think my perspective as a provider has been useful in this regard. I understand the pressures, especially when the goals are so huge.

It makes it hard to gauge incremental progress. As for addressing failure, I think service providers can and should be honest with their funders about things that aren't going well. Of course, that honesty requires a trusting relationship between the provider and the funder, which can take time. I like to think that we develop those relationships here; I've also heard, however, that organizations aren't as honest as we funders think they are.

Joan Petersilia



Joan Petersilia is a professor at Stanford Law School. She is the former president of the American Society of Criminology and co-Director of the Stanford Criminal Justice Center. She has been an active observer of – and occasional participant in – the effort to reform parole in California.

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

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 re-entry 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.

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?

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 publically forthcoming because we've assumed that we would not win public support with modest results. I was naive about the impact that 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 re-entry 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.

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

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.

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

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 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.

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Speaking of Martinson, what was your reaction to the 2005 report issued by the Urban Institute entitled "Does Parole Work?" that answered the question largely in the negative?

The reaction in the field to the report was defensive, but understandably so, for all those practitioners in state after state doing good work had to backpedal and defend what they were doing after the report came out. Still, I think the Urban Institute researchers did the best they could given the data that they had to work with. They used national information from the Bureau of Justice Statistics, which made it hard to really answer the question

of whether parole works in a particular state. But it's the data that currently exists and it's absolutely the right question to ask. As with Martinson, the Urban Institute study and the publicity surrounding it has forced the field to produce better information to counter the negative findings. For example, I just received an article that looks more specifically at parole outcomes in New Jersey. I was supportive of the Urban Institute study because they did the best with the data out there and ended up forcing the conversation in a positive direction.

How do you see the re-entry movement evolving in the next decade or so?

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 re-entry 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 re-entry movement has been framed. The focus is not only on rehabilitation, which is important, but also on 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.

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

It's a very important issue. In California, we are planning to implement 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 Arnold 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.

Ed Rhine



Edward Rhine is the Deputy Director of the Office of Policy and Offender Re-entry for the Ohio Department of Rehabilitation and Correction. He also has served in administrative positions in corrections in New Jersey and Georgia. He teaches part-time as an instructor in the Sociology Department at Ohio State University.

Many people in the corrections field were critical of a report, written by Amy Solomon and the Urban Institute, showing that parole supervision had little effect on re-arrest rates. What did you think of the report and the reaction it received?

What was exciting to me about Amy's report was that she took a serious look at the right questions and framed what she found in terms of recommendations to the field. That's why I was disappointed by the reaction of some people because I thought it gave us a good opportunity to tease out lessons learned from failure. My response to Amy's research was to work with the American Parole and Probation Association and the Editor of its journal called "Perspectives" to put out a special issue centering on this topic. Several of the articles pointed to the fact that we're learning more about what makes offender supervision effective. Now Amy and I and others are about to put out a piece on how to reposition parole in the context of the larger commitment to re-entry.

What accounts for the reaction of the field?

There are a couple of issues involved. One is ownership. There are a lot of things that influence recidivism that are out of the hands of parole. The problem is that people who are quick to say "don't hold us accountable" come off sounding defensive. The second issue is more general. We can have 99 folks on parole who make it, but one individual who commits a horrendous act of violence can topple the entire edifice of corrections. It's corrosive to practice and morale, even though we can predict time and again that it will happen.

Is there anything corrections can do in advance to inoculate itself against the fallout from inevitable tragedies?

It's not easy. Todd Clear has a book called "Imprisoning Communities" in which he talks in one section about educating citizens that they don't live in a risk-free world. The question is how you temper expectations. I think Connecticut, where there was a terrible incident involving two parolees, is a good example. My sense is that key stakeholders, including the Governor, were quite measured in terms of how they responded to the crisis. They took

sensible steps to address the issue, rather than engineering a complete overhaul. You need to be working constantly with the Governor's staff and people at the cabinet level to say, "We cannot guarantee that individual tragedies will not happen. But we must always be working to adopt strategies that contribute to community protection."

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What would you tell the Governor about what you've accomplished in Ohio?

If I had 30 seconds with the Governor, I would say that we've made a tenacious commitment to getting re-entry right. I would be candid that we do not know the impact on recidivism yet, but that we've made changes in our information systems so that we can get reliable information and learn what our shortcomings are.

What have you learned so far?

We are keenly aware that more than 60 percent of our prison population comes in with less than 12 months to serve, and 50 percent of that cohort comes out in 6 months or less. We have over 2,000 offenders a year with less than 90 days to serve. We end up looking more like a de facto county jail system, not a prison system. In response, we've adopted more of a short-term offender approach for offenders serving twelve months or less, instead of trying to be all things to all people. Another interesting lesson we've learned is that we have too many programs. The dilemma we face is that we're spread too thin, and we end up having gaps in delivery when

staff move on or are promoted. We're about to adopt a core set of evidence-based re-entry programs, which is going to be a major change, since we have hundreds and hundreds of programs in place right now. From a strategic point of view, we're clearly moving in the right direction. The question is going to be, when is this going to show up in our recidivism data? We're showing a steady 38 or 39 percent return to custody over a three year period, a rate which hasn't changed much in the last few years.

Are you hopeful about the direction the field is moving in?

I have a book in mind that I've started to outline called "Sobering Prospects: A Skeptical Affirmation of Prisoner Re-entry." I've spent close to 30 years in the field, and I'm cautiously optimistic that the paradigm in corrections is shifting to a more balanced and sensible take on the implications of prisoner re-entry. We have 28,000 people coming back from prison every year in Ohio. That's pretty sobering. I think the re-entry dialogue has shifted the focus to where it belongs, which is how to better prepare people to return home to stay. While that brings me confidence, I am mindful of the enormous challenges we face. Even something like the Second Chance Act, which is a wonderful piece of legislation, includes language committing grantees to a 50 percent reduction in recidivism over a 5-year period. I think that's ludicrous – it sets people up to fail. I worry about re-entry imploding over this.

You said earlier that it's important to learn lessons from failure. What lesson of failure do you think needs more light shed upon it?

I think the issue that doesn't get addressed sufficiently is the agonies of implementation. Assuming that the principles that drive effective correctional programming are present, implementation is the critical ingredient to effective programming. So much has gone on in the field in the last 20 years, and there's a body of research and literature that is very proscriptive in terms of how to do effective re-entry programming. At the same time, there is a growing science of implementation that shows that when you do implementation well, you produce a greater treatment effect. People aren't paying enough attention, if any, to this issue.

Laurie Robinson



Laurie O. Robinson was sworn in as Assistant Attorney General at the Department of Justice in 2009. She also held the position from 1993 to 2000. At the time this interview was conducted, she was the Director of the Master of Science in Criminology Program at the University of Pennsylvania.

Is failure an important topic?

I think it's a terrific thing to talk about. Everybody talks about their personal failings – their divorces, their diets, their sex lives – but nobody talks about their failures in professional life. It's one of the few hidden topics in our culture. Yet we learn so much from failure. It's an important lesson that I've learned from academia. I think of the old saying that Thomas Edison had 99 failures before he invented the light bulb. In the science world, that type of thinking is a given.

What impact does an unwillingness to talk about failure have on criminal justice?

We have no tolerance for failure, which makes it so difficult to innovate. It makes both political appointees and career public servants much too shy about taking risks, and therefore, very unwilling to innovate in any area.

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What role does government play in promoting a healthy conversation about failure?

When I was at the Department of Justice, we released a report prepared by Larry Sherman and his University of Maryland colleagues that summarized which crime prevention programs worked and which didn't. It was 1997, several years after the Crime

Bill passed, and we were putting out \$4 billion a year in funding to states and localities. We knew it would create a lot of controversy, and we went over every word carefully. I remember it ruined my Christmas because we were working so hard on it! The report got a lot of attention, including the front page of the New York Times and as the headline subject of a series of appropriations committee hearings. It gave us a lot of guidance about what to fund and what not to fund, although there were recommendations in the report that we were unable to implement. It was very hard for people to admit that programs like D.A.R.E. and boot camps didn't work. We used the report as a hammer to bring researchers and practitioners together to try to revise these models.

What have you learned about failure?

I'm surrounded by academics now, after a lifetime spent in Washington. The master's program that I run at the University of Pennsylvania is designed to give leaders that kind of exposure early in their careers. My goal is to send them out into the world as change agents. We try to pay attention to teaching them how to learn from and manage failure.

Richard Rosenfeld



Richard Rosenfeld is a professor in the Department of Criminology and Criminal Justice at the University of Missouri—St. Louis. He also serves as the President of the American Society of Criminology. Here, he shares his perspective on Consent to Search, an effort by the City of St. Louis to address rampant gun violence.

What was the original concept behind the Consent to Search program?

The original concept of the program was innovative because it aimed to respond to acute crime situations – particularly juvenile gun possession – across the city, not limited to a particular neighborhood or beat. Community members would contact the police when they knew of a youth with a firearm. Then, two officers (one in uniform, one in plainclothes), would go to the juvenile’s home and ask for permission to search for the firearm in return for a promise that no one would be prosecuted for firearms violations. The officers made it clear that they weren’t there to execute old warrants or develop information on new crimes. The sole purpose was getting guns out of the hands of young people. The program was very innovative and appeared very promising.

What kind of public resistance did the program face?

When the original program was launched, the American Civil Liberties Union (ACLU) was very concerned about it. They argued that a single mother on a doorstep can’t give informed consent to police officers. Gun rights organizations were also opposed to the program. But despite those concerns, not a single complaint was ever received by the police department or the ACLU. The initial response by the community was fairly positive.

What went wrong? Why did the program start to fail?

After some evidence of early success, we had gotten National Institute of Justice (NIJ) funding to evaluate the program. Things started to fall apart when the police chief resigned, which was followed by a department shake-up. Almost overnight, no one in the police department knew anything about the program. Then we were faced with the panic of needing to evaluate a program that barely existed. With the help of a particularly assertive and involved monitor at NIJ, we were able to get the department involved again and resurrect the program.

What form did the program take in its resurrected state?

The program was resurrected in a very different form. Police used the program to execute outstanding warrants or get a new warrant issued by the judge. Warrant in hand, the police would threaten

to arrest people if they didn't consent to the search. As a result, it was very difficult to distinguish consent-to-search incidents from warrant searches. At some point, police began using a consent form to address some of the consent concerns, but this third iteration of the program was still quite far from the original program. The original program had completely dissolved.

Given the changes to the program, what did you do about the NIJ evaluation?

It was difficult because the program we wanted to evaluate no longer existed. The resurrected program bore almost no resemblance to the original program. We also couldn't use the evaluation for a firearms violence report because we didn't have that data. We ultimately decided to prepare a report about the organizational processes that led to a demise of the original program. We thought that would be more valuable, and NIJ ended up using the evaluation to show how

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police organizations operate. The St. Louis Police Department at the time was a fairly representative department – mid-sized and conservative with low levels of trust and a military command structure. People are not given much discretion, but then are held accountable when things don't go well. That type of command structure may be effective at generating arrests, but not at reducing crime, and our report was able to highlight that.

What did your evaluation find as the primary cause(s) of the original program's failure?

I think the failure can be tied to a lack of institutional knowledge and record keeping. The program was started by one police officer back in the early 1990s. He was very enthusiastic and committed and did a good job of documenting the program's processes. When

he left, though, so did a lot of institutional knowledge and all of the records. It's a common problem with police departments. So much information about programs and individual cases are in the officers' heads. When departments rotate officers to keep things fresh and responsive, there's a critical loss of institutional memory and momentum.

So how can places like St. Louis better facilitate innovation?

Innovation can still happen in a department like St. Louis's, but it's by chance. It takes the luck of one particular person seizing some leeway or opportunity. In St. Louis, that luck came from the mobile reserve unit. It is an elite unit with more freedom of movement than normal patrol officers. That freedom allowed one of the sergeants in the mobile reserve unit to test out the consent-to-search idea. The mobile reserve unit was a natural breeding ground for such an opportunity. Haphazardly, information about the program worked its way up to the unit commander and the police chief. Through that series of luck, innovation became a reality, if only briefly.

How did the culture of the mobile reserve unit help in implementing something like the gun search program?

The culture of the mobile reserve unit was uniquely able to implement an innovative program. The unit commander had a more flexible, open-minded view of the unit's function than most. He saw that the unit had the credibility to make a gun search program effective. The mobile reserve unit deals with the worst crimes and the worst criminals; you only call them in when district patrol is insufficient. So for them to be engaged in a program that others considered "soft" earned it some staying power.

How can departments foster institutional cultures that will be receptive to innovative programs?

As I mentioned earlier, it all ties back to a couple of individuals – an officer with enthusiasm and commitment and a commander with an open mind. All organizations will contain interesting characters, some of whom will have good, innovative ideas. I don't think there's a way to generate those innovative people, but you can reward, support, and evaluate their good ideas. That requires leadership that is involved and willing to take some risks.

Judith Sachwald



Judith Sachwald is currently a Senior Fellow at the Crime and Justice Institute. She served as Maryland's Director of Parole and Probation for over 7 years, leading over 1,300 employees who provided supervision to approximately 69,000 individuals under probation, parole, mandatory supervision or home detention.

What role does failure play in corrections?

Having worked in government for 31 years in a field that legislatures love – education – and a field that legislatures dislike – corrections – I can say that in general, corrections doesn't get additional money unless there's a tragic incident. Correctional administrators are very stretched and barely get the plumbing and electricity to work. In Maryland, we developed a new strategy for supervision that didn't get funded until a probationer shot and killed a state trooper who was a personal friend of mine. It's something I feel very conflicted about. It can also work the other way. One of my fears about new funding for rehabilitation programs in prison is that someone is going to go out and do something awful and all of the new funding will get cut. In general, public policy in the states is a patchwork of reactions to events, not thoughtful and results-driven.

Does that also mean that people who work in corrections are afraid to make mistakes?

There's an existing workforce throughout the country who bring their own biases to work every day. Some have a "trail 'em, nail 'em and jail 'em" philosophy and it's very difficult to move them into 21st century evidence-based practice. They will tell you, the first time someone screws up, we need to take him off the street so we insulate ourselves from the fallout if he commits a new crime. What do you mean by mistake, though? Does it mean being 10 minutes late for an appointment with the parole or probation officer, missing a single treatment session after six months of perfect attendance, or getting arrested for armed robbery? The research is telling us that we should be focusing on the moderate- to high-risk people and doing less with low-risk offenders. That's a big change.

How do you convince staff to change?

You have to change the workplace environment. I had a standing offer in Maryland that if people wanted to try something new, but there was a division policy prohibiting it, all they had to do was call me and ask for a waiver of policy. It was a long time before anyone came forward, but what was interesting was that there was not a single case where the policy actually prohibited what they were

proposing. Organizational culture is a funny thing, and people who are trying to move up and advance their careers are afraid to make mistakes. Let me give you another example. We did a leadership program where we asked people to come up with a dream project and present it to the senior leadership team. It was amazing. Most of the ideas were things that they could have done on their own without permission from above. After so many years of working in a Henry Ford-style factory, people were afraid to make a change in the assembly line process despite their heartfelt commitment to public safety.

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What other steps did you take in Maryland to encourage experimentation?

I think the important thing in parole and probation is to break away from the old paramilitary model of command and control. One of the things I did was eliminate words like superior and subordinate, which made me the superior and others in the agency the subordinate. The complexity of corrections requires the commitment and investment of every brain in the room. We need to change the work environment so that it's not only physically safe

but intellectually safe for people to learn and make mistakes. The general public thinks that government officials never get fired. I can tell you that mid-level employees are always worried about being fired! I can't explain it. People used to call the walk to the director's office that I occupied the 'walk of shame.' It took a long time to change that mindset.

What results were you able to achieve with this new mindset?

We created four pioneer sites where we tested some new ideas. What we found from the early research is that people in pioneer sites were much less likely to commit technical violations and be rearrested. We didn't have the resources to roll the program out in a full-fledged manner, so what we did was to try to weave some of the ideas into practice throughout the state. Our slogan was "48,000 hours" because we had 1,200 full-time employees, which translates to 48,000 hours a week to use responsibly for the supervision of all of the offenders under supervision. We need to redefine our work. We pushed our leadership team to look for their own solutions, and they started to look at their caseloads in different ways. For example, they moved some lower-risk offenders into reduced contact categories in order to see high-risk offenders more often in the office and in the community. The key was empowering people to take ownership and make well-informed, results-driven decisions.

Mike Scott



Michael S. Scott is a professor at the University of Wisconsin Law School and the Director of the Center for Problem-Oriented Policing. Scott was formerly the Chief of Police in Lauderhill, Florida, and has served in various positions in the St. Louis, Ft. Pierce, Florida, New York City and Madison, Wisconsin, police departments. He also was a Senior Researcher at the Police Executive Research Forum in Washington, D.C.

How common is failure in policing?

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.

Can you give me an example?

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.

What are the challenges to labeling a reform effort as failure or success?

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

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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.

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

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 organization's 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 are threatened by competent subordinates.

Could the calm rational leader become an iconic style?

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.

Amy Solomon



Amy Solomon is the Senior Advisor to the Assistant Attorney General at the Office of Justice Programs at the Department of Justice. Prior to that, she was a Senior Research Associate at the Urban Institute's Justice Policy Center where she co-wrote a controversial report, released in 2005, that cast doubt on the effectiveness of parole. Here, she talks about the reception the report received.

When you started your research, did you expect to get the findings that you did?

Not at all. With co-authors Avi Bhati and Vera Kachnowski, I looked at who was coming out of prison with or without supervision in various states and what was happening to them. I thought we would find that high-risk offenders would be more likely to serve out their entire sentence and get released without supervision. And I thought this group would be rearrested more often than those released to parole. In other words, I thought we'd find that the people who most needed supervision would be least likely to get it – and as a result they would re-offend more. I expected the punch line to be that states need to ensure there's a period of post-release supervision for the high-risk group.

What did you find instead?

It turns out that the demographic profile and criminal risk factors of unsupervised offenders turned out to be very similar to that of mandatory parolees, who were released by state mandate rather than by parole boards, who have the discretion to let people out early. The fact that mandatory parolees and unsupervised offenders are so similar makes for a great natural experiment. What difference does parole supervision make? Our findings showed that there was virtually no difference in rearrest between these two groups. On the other hand, the parolees released by the parole board did slightly better than the other two groups, but a lot of that may have been because they were a more motivated group for successful re-entry – which is what made them attractive to the parole board in the first place.

How did the writing process go? Were you concerned about how to handle these findings?

Our first draft looked very different than the final version. We initially focused on the fact that parolees released by the decision of the parole board did slightly better than mandatory parolees and unsupervised offenders. We submitted a 20-page draft to reviewers, and ended up with 11 pages of single-spaced comments from one reviewer suggesting that we were framing our results the wrong way. What was interesting to our reviewers was that parole supervision

didn't seem to make much difference in our study. We ended up rewriting the report – not the findings, but the interpretation.

How was the report received?

It was a bitter pill. I was warned by a few people that there was going to be a reaction, but I wasn't ready for how strong – and personal – it would be. Many people in the parole field were upset and offended. I got yelled at in meetings and even got some hate mail. Some of the criticisms were legitimate. For example, we were characterizing parole in a general way but we all know there are 50 very different state systems in place – some might be operating effectively, others not. We were reporting on the net findings from 15 large states that made up about two-thirds of all prison releases in 1994. We said all this in a discussion section, but the critics are absolutely right that people care more about the headlines than what is in the discussion section.

Did people also react to the title of the report?

Yes. We called it “Does Parole Work?” There were some people who didn't like the title because it reminded them of a famous article written 30 years ago by a social scientist named Robert Martinson that was widely – and incorrectly – characterized as saying that “nothing works” in corrections programming. To me, the title seemed like the right question to ask, but in retrospect I understand how it hit a sore spot. In reality, our conclusion was not that parole can't work, but that parole as it exists now in many states is not very effective at reducing crime among the parole caseload. But it's easy for that message to get lost.

What's the counter-argument to this critique?

We could have easily buried the findings by giving the report a more academic title, which would have been a shame. We all have evaluations and research with rich findings that fly completely under the radar. I've done a lot of things, but this is what got attention. The report got about 20,000 hits on our website in the first month, which is a lot. I think the title made a big difference in terms of drawing public attention to an important topic. What it did was pose a clear cut question and answer, which appeals to people.

What has the aftermath of the report been?

I tried not to talk about parole for awhile! But before long, I was able to start speaking to people in the field to find out, where do we go from here? I think one positive is that many parole leaders are now saying, more than they would have a few years ago, that supervision in many states doesn't look anything like what we would consider “best practice.” We have to make the practice look more like the ideal.

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Three years later, are you optimistic about parole's ability to impact public safety positively?

Absolutely. I think we still have a long way to go, but I'm optimistic. There is an emerging consensus about what good supervision looks like. We have worked with a number of partners in the field to identify strategies that will enhance parole practice – and I'm optimistic that if these new strategies are implemented, we will see more successful outcomes. We will publish this paper in collaboration with other organizations in the fall. We are also about to survey more than 1,600 parole field offices to find out the extent to which they are using evidence-based practices and innovative strategies in their work in order to better understand what drives innovation in the parole arena. We plan to hold a re-entry roundtable with national experts and practitioners to discuss the findings and then create some kind of national policy academy to test these ideas out in the field.

Robin Steinberg



Robin Steinberg is the Executive Director of The Bronx Defenders, a holistic defense organization she founded in 1997.

Do you think public defenders have a unique perspective on failure?

Absolutely. Public defenders analyze failure all the time because when we fail as individual practitioners, our clients go to prison. You know that someone is sitting in a cage as a result of your loss at trial or inability to get a better plea deal. And those failures are burned in your brain much more so than the successes. It's natural to be reflective when the outcome is so painful. Oddly enough, our clients often don't think that we have failed them when we lose their case. They often have a different definition of failure.

How do your clients define failure, and how has that definition impacted your work?

Public defenders are trained to believe that liberty is always the ultimate goal of their clients. They think that keeping their client out of jail should be their top priority. Through focus groups and client surveys, though, we've learned that often, our clients have other priorities in their lives that may even trump their freedom. For example, a client might face the decision of losing her kids or going to jail, and keeping her kids is her priority. In those situations, our roles as advocates shift from only a criminal justice focus to other aspects of our clients' lives that can be more important to them and their families. Over the years, we've adapted our entire public defender service model to account for this. Of our 130 advocates, only 38 do criminal defense exclusively. Today, the majority of our staff are advocates in other legal realms such as housing, immigration and family law as well as social work and parent advocacy.

Our other – perhaps counterintuitive – finding about how clients define failure and success is that clients are much more satisfied when they feel that the process allowed them to tell their story and that someone zealously and compassionately advocated on their behalf, regardless of the case outcome. Again, we assume that a guilty verdict is the ultimate failure, but clients don't see it that way. And whether or not a client goes to jail or not does not determine their level of satisfaction with the advocacy we provided them. Instead, clients report satisfaction when their advocates fought hard

on their behalf, respected their choices and they had a fair hearing in the courtroom. So if you were to only look at guilty pleas and guilty verdicts, you'd get one perspective of our failure rate. But in fact, 93 percent of our clients were satisfied with our services, regardless of their case's disposition, because of how they were treated. It's incredible, almost unbelievable, but understanding our clients' definition of success is essential to being a good public defender and adds a more nuanced view of what "failure" looks like in public defense.

Are there other aspects of criminal justice that have counterintuitive definitions of failure or are tricky to define in the first place?

A huge example is recidivism. We haven't yet looked at the impact we've had on recidivism because it's hard to know how to define it. Does getting arrested for being in the park after dark count? Technically, yes. It's a rearrest. But it doesn't give us the same information as someone who gets rearrested for a serious offense. Also, it doesn't factor in the social, political and economic context. For example, race and class likely determine whether or not you will get arrested for being in a park after dark, possessing marijuana, or trespassing. Policing in poor communities of color is radically different than in affluent white communities. This reality skews the recidivism data. It's a very complicated issue, but one that we're starting to look at more with the hope that we can redefine what recidivism means.

So who should define success and failure?

The community should. My primary criticism of many problem-solving courts is that they continue to suck resources into a criminal justice system that is, all too often, detached from the community's wishes and control rather than reinvest those same resources into the community itself. Communities need resource centers that will genuinely listen to the needs of the client, understand the context of criminal conduct and policing in that community and then create services that are genuinely responsive to the needs and realities of the clients. It's not impossible to have a court do this, but there are systemic obstacles.

You are very candid about the role of failure in your work. How is your approach to failure woven into the culture at The Bronx Defenders?

Our organization is unusually committed to data-driven courses of action. When The Bronx Defenders first opened, we were mainly just trying to develop credibility as public defenders. But once we had that, we got strategic about data. When you're data-driven, you have to be prepared to talk about failure. For example, several years ago we surveyed our clients whose cases were disposed of at arraignment. We learned that our attorneys were failing to give their business cards to those clients, which effectively cut them off from the range of other services our office provides. We were stunned by that finding, but only by collecting data were we able to catch it and fix it.

As a manager, what would you say is the biggest failure trap that you have faced?

The biggest failure trap I've dealt with is mission creep – taking on projects that are outside the organization's mission and expertise. In a community like the Bronx, the needs run so deep and so wide that there are endless opportunities to serve. I became a public defender and opened The Bronx Defenders because I wanted to help underserved communities, so it's easy to want to meet every need. But when I give in to that and go too far off mission, that's when things tend to fail. They're simply not sustainable. The funding isn't secure, the staff isn't committed, and we don't have the expertise to do a good job at it. It's important to first assess what resources are available already in the community and assess how you might add to that in a meaningful way. I've gotten better at stepping back and asking: Is this something that we can do better than anyone else? If the answer is no, I try to resist taking it on.

Can you think of an example in which a project failed because of the above failure trap?

A great example is the youth programs that we used to run out of our office for teenagers. When we first opened, the community told us, in no uncertain terms, that there was a dire need for afterschool youth programming. In response, we created a youth

debate program. We thought it was a great idea. But what we soon realized was that schools were referring students who already had good support networks, access to resources and engaged families. The program didn't really target the youth population who needed us most. So we created a second program called PRYDE that was geared to "high-risk" kids with serious needs. Many were gang-involved, out of school, and had complicated family situations. It didn't take long to realize that both projects were failing. First, we learned that the debate students were intimidated by many of

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the PRYDE participants; the "high-risk" kids were the kids that disrupted the success and experience of the debate participants, both at our office and at school. The mere existence of the PRYDE program was failing our debate students. We then realized that we were completely ill-equipped to work with the kids with serious needs and problems outside the context of public defense work. While we had the expertise to teach debate to high-achievers, our

staff didn't have the skills or resources to adequately address the needs of high-risk kids. This became painfully apparent when the PRYDE students started asking if they could sleep at our office when staying at home was impossible or there was a crisis that left them effectively homeless. We were in over our heads. The programs were failing and more importantly, we were failing the kids that we set out to help. In the end, it was heartbreaking to get rid of both programs. Having young people around had enlivened the office, brought heart to the staff, and was great for public relations, but it simply wasn't consistent with our mission and we didn't have the expertise for it. Having learned that lesson, we now have a much more manageable youth arts program that partners our staff with local elementary students with whom we develop long-term relationships in their own schools.

Are there projects you've initiated that failed despite the best-laid plans?

A good example is the Freedom Fund, an idea born at The Bronx Defenders that has since been transferred to a separate non-profit entity. The idea aimed to address the problem that many low-income defendants will plead guilty simply to avoid being held in on bail. Even when the bail amount is "nominal" – \$250 or \$500 – poor defendants can't afford it, so they must choose between fighting their case from jail or pleading guilty and going home. So we helped create a separate organization that would provide small bail amounts for those defendants. We received extensive advice before we did so, making sure that we anticipated any pitfalls. The program launched and ran smoothly without issue for about a year and a half. But when one particular judge learned about it, he fought viciously to shut it down. After holding a surety hearing, the judge ruled that the bail fund was invalid. The fund was suspended. When I think back, I wonder if I could have done more to anticipate that setback by getting the bench on board ahead of time, but I'm not sure there was any way to avoid a powerful critic from single-handedly stopping the project in its tracks. Fortunately, I think the Freedom Fund will reemerge after a little more fine-tuning and will be able to offer resources to eligible clients who can't make bail because they are too poor.

Non-profits have many constituents to keep satisfied. Are there particular projects for which it has been difficult to manage results in a way that satisfies the project's funders?

We've been lucky with our grant-funded projects. We've been careful about defining our deliverables so we can fulfill our contracts and don't have to report failure to our foundation funders. One related issue we are still figuring out though is how to define failure and success with our Family Court project. We received a contract in response to a request for proposals from the city that currently funds over 30 advocates in family court. It's a big undertaking, particularly because success will require a change in the entire legal culture around Article 10 proceedings. The data hasn't come in yet about the project's effects. I hope we'll be able to say that we've been able to help return kids to their families sooner than the previous system, but it's a long-term strategy. We have to wait and see.

Beyond public defense, are there any other types of failures in criminal justice that intersect with your work?

I think the New York City policing strategy is an abominable failure. It's a shocking misuse of resources. Police spend the majority of their time arresting people for non-violent minor offenses, and what's worse, they don't do so fairly. Reasonable minds can debate whether or not "quality of life" policing strategies are effective or not. But what isn't debatable is the fact that this policing strategy is used disproportionately in poor communities of color resulting in tens of thousands of young African American and Latino residents being hauled into the criminal justice system with devastating results. Poor people of color are being arrested for offenses, like marijuana possession, in huge numbers across the City while affluent white residents of the City, who engage in identical conduct (and research indicates that whites use and possess marijuana at higher rates in New York City than people of color) are left undisturbed by the police. Another good example is New York City's child welfare agency, which falls outside of the scope of criminal justice, but is

very much related. The system is designed in a way that failure is inevitable. The confounding premise is that the same agency that has the authority to take your children away is the same one that you should confide in about the services you need. If you ask a struggling parent about their drug use, how can we expect them to be truthful about the treatment services they need when that same honesty could cause them to lose their kids? It's an impossible line to walk and it doesn't make any sense.

In conclusion, what do you think about the idea of bringing 'failure' into the discourse of the criminal justice system?

I think it's a fabulous idea. In general, nobody likes to talk about failure. We spend so much time trying to focus on our success, always running after funding and the next best idea. It's hard to take time to reflect, but it's essential.

Jeremy Travis



Jeremy Travis is the President of John Jay College of Criminal Justice in New York City. Prior to his appointment, he served as a Senior Fellow at the Urban Institute in Washington, D.C. There, he launched a national research program focused on prisoner re-entry into society. From 1994 to 2000, Travis directed the National Institute of Justice, the research arm of the U.S. Department of Justice.

Why are we so reluctant to focus on failure?

It's a natural human instinct to want to trumpet success and celebrate it, particularly in criminal justice where we've found so many ways that our policies are ineffective. When we find success, it's like discovering a pot of gold at the end of a rainbow. At the same time, I give a lot of credit to the police for their willingness to "bounce off" findings of no effectiveness in the 1970s and develop a new model of policing that's been very effective. It's an open question whether the field of corrections and parole will have the same experience.

Are you hopeful about the ability of corrections and parole to manage the failure process as creatively as the police?

We are seeing signs of openness to innovation that I think will take 10 years to flourish. The re-entry movement opened up a wider policy conversation about the challenge of helping people return home from prison. Ten years ago when we first started thinking about re-entry issues, institutional correctional officials had a very

THE LESSON FOR ME WAS THAT THERE IS LIFE AFTER A FINDING OF NO EFFECT.

narrow view of their mission. Many felt that their job was over once a person left prison – they weren't responsible for success or failure on the outside. Now every institutional corrections executive in the country is engaged in statewide policy level discussions about successful re-entry. Prisoner re-entry has become an elevating goal for corrections. It connects corrections to larger policy debates

about workforce development and public health that elevates their mission. The result has been more respect for what they do and more resources, including the recent passage of the Second Chance Act that enshrines in federal legislation the need to think about re-entry.

What role can research play in helping the criminal justice field be more thoughtful about failure?

It's a tough slog to introduce more evaluation into the field. When you look at fields like medicine and engineering with a different cultural tradition, the contrast to criminal justice is easy to see. If an intervention reduced breast cancer by 30 percent, it would quickly become mandated practice, and conversely, if there was a practice that hurt people, it would be discontinued. I can't say the same thing about criminal justice.

How does that change?

We should be following the maxim that no experiment can be tried without being evaluated. That's particularly true for the federal government. It should fund experiments before it funds programs and make sure that they are evaluated rigorously.

Have you experienced professional failures?

In the 1980s, I ran a victim services project at the Vera Institute. We had a one million dollar grant to increase attendance in court and encourage victim participation. We did a lot of things but found that our efforts had no effect on participation rates. That was a pretty sobering and discouraging finding, but I'm proud to say we were able to go back and ask some pretty basic questions about what we were trying to do. Based on what we found, we created another demonstration project that was much more successful. The lesson for me was that there is life after a finding of no effect.

Susan Turner



Susan Turner is a professor in the Department of Criminology, Law and Society at the University of California – Irvine. She also is Director of the Center for Evidence-Based Corrections. She discusses the reform work that she and the Center for Evidence-Based Corrections have done with the California Department of Corrections and Rehabilitation.

How is the criminal justice reform climate changing in California?

This is probably the first time in 20 years that we have a real opportunity for change in California. The state is finally catching up with the rest of the country. The CDCR has developed a risk assessment instrument, as well as a parole violation matrix, both of which have been around in other states for a while. The state recognizes that if it doesn't show progress in reducing the prison population, federal courts will intervene. A lot of this change is spearheaded by the recently appointed Secretary of the Department of Corrections and Rehabilitation. As a former inspector general, he brings a different perspective that appears much more data driven and discerning.

How has failure played a role as California starts to tackle reform?

We're working closely with the Department of Corrections and Rehabilitation. The Department wants to know what works and what doesn't. An expert panel report was produced in 2007 that reported on the use of a newly developed correctional programming checklist. The Center for Evidence-Based Corrections assisted in reviewing institution and parole programs to determine whether they comported with best practices of effective programs.

What did you discover when you evaluated the available programs?

The reality is that there are limitations to how much programs can do. A lot of the programs out there are not very good, and even the best programs won't produce dramatic results. The programs simply aren't strong enough or long enough. But there is hope. The good programs do show results, so if we can weed out the programs that perform poorly, we'll be on the right track. We also saw that proper implementation is essential. You can't simply pull a program off the shelf and implement it. You have to understand what the program does, the population it's designed for, and how it will work in a particular setting.

So what degree of success should corrections and the public expect from these programs?

Reasonable expectations are the key to evaluating success. For example, when we initially talked to people who ran probation programs, they had obviously unreasonable expectations, tying

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success to one anecdote of dramatic transformation. They expected success rates in the 50 to 75 percent range. Not only is that range unattainable, but it also makes practitioners reluctant to work with high-risk individuals. Practitioners seem to be more savvy now, understanding that success will vary based on the individual you're treating. Experts in the field are saying that success rates are more likely to be about 10 percent, up to 30 percent optimistically. Even though those percentages sound small, they can translate into huge economic savings.

Is it always obvious that an outcome demonstrates success instead of failure or vice versa?

Not at all. That problem was particularly obvious with intensive supervision probation and parole programs. Because the programs kept a close eye on their participants, there were more technical violations. When the press published on our findings, they ran a headline: "Programs Fail." In fact, the programs were doing exactly what they were designed to do – address problem behaviors up front. As a result, we learned how important it is to define success before the program starts so that everyone is on the same page when the data are published.

Do you think it's possible to change the way failure is treated in the corrections community?

As someone who was trained as a psychologist, I was already used to it. But corrections definitely has a different perspective. They see failure as something they've inherited – from the schools and families that produced the individuals who enter the criminal justice system. The public and the legislature then ask corrections to fix those individuals in a relatively short period of time after no one else has managed to succeed. I can see how corrections doesn't want to assume total responsibility for offender behavior when the process seems to set them up to fail. I'm not sure that any amount of reform will change that, but at least there are evaluations now built into the process and tools to help corrections better define success.

Carol Weiss



Carol Weiss is a Professor Emerita at Harvard Graduate School of Education where she teaches courses on evaluation, organizational decision making, and the uses of research in policymaking.

Does failure play a role in evaluation research?

Not as much as it should. I have written four books and about 60 articles on the subject of the effects of research and evaluation on decision-making. In the early 1970s, I proposed establishing a journal called Null, which would publish articles about programs that had no effect. Nobody would support my idea! There's all this knowledge about what doesn't work that is not getting out there. The problem is that people tend to repeat what sounds appealing without knowing if it works in the first place. For example, in last 20 years in education, things have changed so fast, the old things come back and get another shot!

What impact do negative findings or findings of no effect have on practice?

It depends on what people expect. If practitioners are in favor of some action and they find an evaluation doesn't show positive effects, they tend to disregard it or make up excuses. They say the study isn't very good, or the program hasn't been running long enough, or the people operating it weren't very skillful. On the other hand, if they're against the program or the policy, and the study shows it wasn't effective, they are apt to champion the findings.

You've spent some time looking at the drug education program D.A.R.E. Why pick D.A.R.E.?

I picked D.A.R.E. as part of a series of studies on why evaluation wasn't having more effect on policy. At the time, D.A.R.E. had been evaluated a number of times, and studies showed that it wasn't effective in stopping kids from taking drugs in the long term. The program was still very popular, and I initially thought it was because practitioners were not paying attention to evaluation. When we got into the field, however, we found out they were paying attention. A number of school districts dropped the program. Others kept it because they valued the relationships they developed with police officers.

What do we know about drug abuse prevention programs like D.A.R.E.?

It's a discouraging case study. Outcome evaluations over the past 40 years teach us that while one may be marginally better than

another, we don't really get any blockbuster successes. The main reason people keep doing what they're doing is that they don't know what else to do. We simply don't have a lot of solutions on the shelf.

What does that say about what kinds of results the public should expect?

Realistic expectations are important. With criminal justice programs, it's hard, slow work. It's a little odd that people expect so much from them. When you run an advertising campaign for Toyota, changing sales by a percentage point or two is considered a huge success. The same is true in running a big election campaign. Why is that different in criminal justice?

What role can researchers play in spreading the gospel about the value of small effects?

The most important thing is if you've found something that's really promising, you have to be able to stick to it and reach a broad audience – not just the small number of people who are making next week's decision. In order for a message to percolate, there has to be constant, steady work. The problem is that it's usually not anyone's job to do that.

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WHY IS THAT
DIFFERENT IN
CRIMINAL JUSTICE?**

Roger Werholtz



Roger Werholtz was appointed Secretary of Corrections in the state of Kansas by Governor Kathleen Sebelius in 2003.

What were the challenges that you faced when you became Kansas's Secretary of Corrections?

We were facing a period of fairly high projected growth in the prison population, driven in large part by revocations of probationers and parolees. Over half of released prisoners were returning to prison within five years. Based on our projections, it looked like the state would need to build about 2,000 new prison beds for our system over the next 10 years, which would have cost about \$500 million to construct and operate. That's a huge expense in a state like Kansas.

What was your strategy for addressing some of these problems?

I've always had an interest in programming that focuses on trying to change offender behavior as opposed to just responding to it. We looked at the "what works" literature and made a conscious decision to apply those principles as broadly as we could within the department, starting with a pilot re-entry program in Topeka. It showed some promising results, so I was able to convince the legislature to commit four million dollars to see if we could replicate our results. They invested not just money but political capital in trying to put this in place.

How were you able to convince the legislature to support your reform efforts?

We're very fortunate that it didn't turn into a partisan political issue. We had support from across the political spectrum. Both Governor Kathleen Sebelius and Senator Sam Brownback both said, "This is what we need to do." They were able to find their own particular reasons for wanting reform to happen. For Senator Brownback, his support came out of his personal religious convictions. Governor Sebelius has been an advocate for treatment-based approaches as far back as the 1980s. Then of course there was the fiscal reality. We couldn't afford the cost of giving up – it would have been too expensive.

How would you describe the Kansas approach to corrections?

We used our pilot re-entry program to inform how we ask all our parole officers to go about supervising parolees. We also started talking to our corrections counselors about how to approach the management of offenders while they're in facility. A lot of what we do

involves training staff on case management strategies, motivational interviewing skills and the use of some common risk assessment instruments with the goal of focusing our attention on higher risk offenders. All of our job descriptions have been re-written to reflect these new priorities, and in interviewing staff for promotions, we require knowledge of evidence-based practices.

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What about the issue of parole revocations?

One of the things we had to reinforce for parole officers is that while there needed to be a response to every technical violation like failing a drug test, it didn't always have to be revocation. In fact, returning a parolee to prison may be one of the least effective decisions a parole officer could make. When revocation requests were made, we had the supervisor of the parole officer and the regional parole director start asking parole officers questions like, "Have you tried any alternatives?" Pretty soon staff understood how important it was to try to keep someone in the community safely. Now we approve more than 90 percent of revocation requests from staff because they are thinking through all of the questions that we used to ask of them.

What results have you achieved?

We've seen a 48 percent reduction in monthly revocation rates and a 31 percent reduction in absconder rates. I think the piece of information that really sold people is the decline in felony convictions among parolees. In the late 1990s, we were averaging 835 felony convictions for each annual cohort of parolees. That

number dropped to 493 in the years between 2003 and 2006, which reassured people that we weren't simply ignoring criminal behavior. The fiscal impact is enormous. In the last legislative session, we were able to project that we could go as far as 10 years without adding any new prison beds.

Did you face any internal opposition, and if so, how did you address it?

This was a huge change for a lot of staff. I think most of our staff take personal responsibility for their work. They want to be confident that what we ask them to do is appropriate and that we will support them when they carry out what we request of them. Some believed that we were putting the public at risk, and we had to talk at length with them, with legislators, with reporters and editorial boards to make sure the stakeholders knew what we were trying to do and the criteria we were using to measure our performance. I think our results, and the positive attention that goes along with it, has helped put those concerns to rest. In some ways, the hardest thing we've asked parole officers to do is take on more discretion than they were used to having six or seven years ago. Instead of the old system of using a formula to decide what to do, we're asking them to craft a response that's tailored to an individual offender, taking into consideration a number of factors. That's something that parole officers still struggle with. But I think we've reached a tipping point.

Are you prepared to deal with a terrible incident where a parolee goes out and hurts someone, a pattern that has killed reform efforts in other states?

I think it's possible to survive something like that if you've laid a foundation. We've been delivering a consistent message for the last five years that we should be judged by our overall recidivism rate, not by any individual case. The truth is that high profile incidents occur no matter what the revocation rate is – if you match rates up with notorious cases from the last 15 years, you can see that there's no relationship. We've also worked very actively with victim advocacy groups to get their support. The good news is that we've learned that it's okay to admit if something we're doing isn't working. We're finding that the legislature has allowed us to experiment, and if something doesn't come up to expectations, we have an opportunity to change it.

Lucy Wieland



Lucy Wieland was the Chief Judge of Hennepin County, Minnesota, from 2004 to 2008, where she played a role in reforming the local drug court.

What were some challenges that the Hennepin County Drug Court faced in its first several years?

The Hennepin County Drug Court was one of the first drug courts in the country that was large-scale and widely supported in the criminal justice community. In addition to being a drug court, it was also a case management system. When it first opened, every single person charged with a drug felony was processed in drug court – over 2,000 cases a year. That process very quickly became unwieldy. By 2006, probation had over 4,000 people, which of course meant that nobody was being adequately supervised. The court also faced some political pressure that the first and second degree drug sale cases weren't being taken seriously.

Did the court undergo any evaluation for effectiveness?

Yes. The need for evaluation of the drug court actually came at a good time because there was a huge push in corrections at that time towards evidence-based practices. Research was showing that drug courts could be quite effective. Doug Marlowe at the Treatment Research Institute agreed to come in to evaluate our early drug court operations. He identified 10 key criteria of effective drug courts for us.

How did the court respond to the evaluation?

The evaluation sparked a dramatic re-structuring of the drug court. The two major changes were establishing eligibility criteria for the first time – the court would no longer accept all drug cases. The other major change was consciously shifting away from a case management system to a post-adjudication drug court model. Unfortunately, those changes weren't very popular among public defenders, who wanted all their clients to be eligible for drug court and felt that a drug court shouldn't abandon certain chemically-dependant defendants.

What role did Chief Judge Kevin Burke play at the drug court?

Judge Burke is a tremendous force. The drug court would have never become a reality without him. When he gets an idea, he is

very effective at accomplishing it. He seemed to get everyone behind the drug court by sheer charismatic leadership. And he didn't have a lot of literature to rely upon because there wasn't much published yet about the way drug courts were supposed to work.

How did the court handle his departure?

It was a tough transition. Judge Burke left the drug court in 2000 when he became the Chief Judge. When he left, he did his best to get other people involved in the drug court, but it's hard to hold something like that together. Most judges don't have the vision and the consensus-building to keep a project like the drug court going. Fortunately, Judge Todd Barnette was an exception. As a former public defender in drug court, he brought a lot of experience and the necessary consensus-building. His steady leadership was what saw the court through some major external pressures and subsequent changes.

What kinds of external pressures did the court face?

The lack of focus of the court's mission was a huge problem with our elected officials and the police. The police didn't like the drug court in those early years because the court looked like a catch-and-release program. The court also faced a lot of pressure from probation because of the amount of resources they were expending on the drug court. The court required three full-time judges and countless probation officers. That pressure was the court's ultimate motivation to make additional changes.

How did you go about making those changes?

Before any changes were made, there was a chemical dependency task force assembled, of which I was the co-chair. We wanted to get a grasp on how we could appropriately narrow the court's focus. As much as we wanted to get the court's volume to a more manageable level, the reality was that if we wanted to include everyone with a felony drug charge, the numbers would still be huge and only adjustable on the margins. We ended up adopting a new model for the court – a model that the State of Minnesota ended up mandating as its state drug court model.

How did narrowing the court's focus improve its viability?

Narrowing the court's vision improved its viability in a couple of ways. First, as I mentioned before, there had been a new trend to demand evidence-based practice of public agencies. While Minnesota has always been committed to treatment and reform, the drug court really needed to show that its vision was consistent with research. Second, honing the court's vision also

A CLEAR VISION CAN GO A LONG WAY TO BRING CONSENSUS AND ENSURE CLEAR GUIDELINES FOR THE NEXT LEADER.

made it more resilient to leadership changes. When you're dealing with professionals – corrections, police, county attorneys, public defenders – you need all of them to subscribe to the operating principles. A clear vision can go a long way to bring consensus and ensure clear guidelines for the next leader.

Hubert Williams



Hubert Williams is President of the Police Foundation. He formerly served as the police chief in Newark, New Jersey.

What was your initial response to our inquiry into trial and error in criminal justice?

The first thing that struck me was the label ‘trial and error.’ There’s always trial and error in any endeavor. The Police Foundation is the organization that opened up policing to research. We have found that when you’re working scientifically, you’re going to find that what you thought would work, didn’t. Then you must use those lessons to create future projects, refining what you’ve learned in past attempts. That said, discussion of ‘trial and error’ also takes me back to science class, where you know that if you mix two specific chemicals in a test tube, you’ll get a predictable reaction. But unlike in the test tube, where you can control for everything, you can’t control the environment in the business of policing. There are too many factors to consider.

Are there certain leadership styles or tactics that can help facilitate a culture of trial and error within police departments?

There are, I believe, universal elements for successful police leadership. Leading a police agency requires a vision, a strategy to implement it, and the ability to articulate that vision to your officers, your community, political leaders, and other stakeholders and, hopefully, to get them to embrace it. It’s essential to develop and support your officers and ensure they understand the agency’s values and mission. A leader stays informed about the community and makes it clear that the fundamental role of police is to serve the community. Forty years ago, police departments engaged in little experimentation and virtually no innovation; today’s police leaders understand the importance of both. We have better educated police using advanced technology to deliver police services, which we have come to accept include preventing crime, arresting criminals, maintaining order, and solving problems.

Can you give an example of a type of failure pitfall that is common to policing?

Inside the police bureaucracy, there are so many complex layers that impact the bottom line – human factors. Values in police agencies come not just from documents that describe them but

also from traditional police culture. Too often, there is a disconnect between policies and practices, a failure to monitor behavior and respond appropriately. If police leadership does not assume an aggressive role in ensuring that the police culture is one of integrity and accountability, officers will continue to cultivate their own culture in their own way, which can result in damage to a department's reputation, eroded trust from the community, and increased exposure to liability.

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How can police chiefs avoid that pitfall?

Police officers are dealing constantly with the seamy side of life – people with problems and sometimes people who are creating problems. To avoid officers falling into the temptations that arise from their work, the department's leadership should set a high standard for professional performance and ensure that department rules and regulations are properly enforced. Not only does this protect the department's reputation, but it also protects its investment. We don't often think about the cost to get an individual police officer through training and functioning in the department, only to have him trip and fall off his career path. Safeguarding for those pitfalls protects everybody – the officers, the department, the community, and the municipality.

Do you think there are other ways that police departments can prepare for incidents – like high-profile events or crimes – that are viewed as department failures?

A fundamental police role is to enforce and uphold the rule of law, and to do so equitably without regard to race, ethnicity, or social or economic status. The degree to which people react impulsively in a hostile and negative manner to a police-related incident is dependent on both the nature of the incident as well as the level of confidence and trust the department has developed within the community. Public trust is the cornerstone of modern policing because it determines the level of cooperation and support that people are willing to give the police in the discharge of their responsibilities. Such trust is not bestowed on the police solely because of their law enforcement responsibilities or the quality of service provided. Those important functions can be undermined and public perception of the police diminished when the police are perceived as having acted unfairly. It is important, therefore, that police leaders are sensitive to the role the police played in U.S. history in upholding a legal order that not only countenanced but sustained slavery, segregation, and discrimination. The commitment of America's police chiefs to advance community policing, to ensure that police ranks reflect the communities being policed, and to enhance professional standards represent a sea change in modern policing.

How should that relationship with the community play out on a more regular basis, when the department isn't responding to an isolated incident?

Often the communities most in need of effective policing – because of high crime rates – are the very communities most distrustful of the police. Positive, proactive, ongoing interaction with minority communities, where dialogue is encouraged and community concerns are acknowledged and addressed can help build and sustain the trust and support required for police effectiveness. And the police chief must take a visible, leadership role in these efforts.

What do you think about the role of evidence-based practice in law enforcement?

I think it's good that ideas about evidence-based practice are being articulated and advanced. What we now call 'evidence-based policing' is based on the simple concept of research that demonstrates that something works. The Foundation established and refined the capacity to define, design, conduct, and evaluate controlled experiments testing ways to improve the delivery of police services. It was the Foundation that first brought researchers into a lasting, constructive partnership with law enforcement. And it was the Foundation, in cooperation with police departments all across the country, that engendered a questioning of the traditional model of professional law enforcement and the testing of new approaches to policing. Policing constantly faces new challenges, so there is an endless process of discovery and testing, trying new ideas in changing circumstances, and testing them by the most rigorous and objective standards in real-world experiments. For the past 40 years, Police Foundation research has helped improve the way police departments function and police officers do their jobs.

David Wilson



David B. Wilson is the Chair of the Department of Criminology, Law and Society at George Mason University and co-Director of the Research Program on Systematic Reviews. He is also a member of the Campbell Collaboration's Crime & Justice Coordinating Group.

How do researchers define failure?

There are outcome failures and then there are process failures. Some programs fail because they are implemented poorly in the first place. If you read the program evaluation literature, this is a common problem. On the outcome side, it's a lot harder to establish what would constitute failure, unless you have a good comparison group. Programs can have very bad outcomes and still be successful if they're doing better than the comparison group.

Does the public define failure differently?

I think that researchers generally think about relative success and failure, while the public often views success and failure in absolute terms. From a public perspective, if a lot of people re-offend, a program is a failure. This is a "knee jerk" concept and I do think that when presented with better information, the public will accept a program that produces a reduction in offending even if overall recidivism rates remain high. That is, I think that most everyone accepts the notion that no program is going to help everybody.

What are realistic expectations for the public to hold about crime prevention programs?

Policymakers and the general public need to have modest expectations for how much we can change the behavior of offenders. Most criminal justice interventions only work with people for a short period of time. For example, a court-mandated batterer intervention typically only involved about 28 contact hours. Changing behavior that has developed over a lifetime in 28 hours is a tall order. What is amazing is that criminal justice interventions often work and serve as a turning point for some offenders.

Why is it important to talk about failure?

The role of researchers is to doubt whether programs work. A challenge for policymakers and practitioners is to recognize the uncertainty of programs and policies. Front-line staff members are dedicating their working lives to a specific program and are trying to have a positive effect on the lives of offenders or society more generally. It is difficult and threatening for any of us to question the value of what we do. It is even more difficult to recognize that we

may be doing things that are harmful. There's a widespread belief that a well meaning program can only have positive outcomes. In the medical field, we have the Food and Drug Administration that ensures the safety of medical interventions before they become publicly available. When it comes to the social world, having an intuitively appealing idea is often enough.

Can researchers stop harmful programs if they come up with evidence that they don't work?

Program adoption usually comes before the evidence of the effectiveness or ineffectiveness has developed. Policymakers and the public are continually dissatisfied with current practice, and new ideas that resonate with the public can spread quickly. One example is boot camps. The evidence is pretty strong that boot camps are no more effective than regular prisons. They may actually be worse in some cases. But they make sense to the public because they are perceived as providing discipline to offenders – an intuitively appealing idea. It takes time for research on a program to be conducted and even longer for the evidence to diffuse into public discourse. Evidence of ineffectiveness may slowly lead to a program being modified (e.g., D.A.R.E.) or slowly receding in popularity (e.g., boot camps).

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James Wilson



James A. Wilson is the Senior Program Officer at the Russell Sage Foundation. He talks about his research on Project Greenlight, a re-entry program in New York City.

You co-wrote a well-publicized paper on a prisoner re-entry program called Project Greenlight.

What did you find?

It was a program that everyone felt very positively about. It was laid out well and run by program staff who really thought about what it took to run an effective program. As we visited the program, though, we saw that the program wasn't being implemented in the ways that were originally intended, often for budgetary reasons. Take class size, for example. The recommended size is 10 or 11 people, but in reality the classes were much larger. The negative results we reported surprised people because they had spent a lot of time and effort to get the program implemented and they hoped to implement it more widely. Funding was tight and based on the early findings, it was hard to justify continuation of the program.

Are there other programs out there like Project Greenlight?

There are hundreds – if not thousands – of programs out there that are not being implemented very well or are not addressing things that contribute to criminal behavior. Just because you have good staff and you have a program that's well thought out doesn't mean that it's being delivered appropriately. Implementation is a very difficult process.

What are some of the lessons that can be learned from projects like Greenlight?

One important lesson involves targeting. You have to tailor the program to individuals and their needs. The curriculum delivered to participants in Greenlight was the same for everyone regardless of their unique needs. You don't want to deliver drug treatment services to someone who's never used drugs or anger management classes to someone who doesn't have anger issues. On the other hand, that kind of individual attention is expensive. People report great results with programs at a small scale, but given the number of people released from prison every year, we need to be able to scale up these programs.

So was Greenlight a failure?

My view is a bit colored because the preliminary follow-up data I've collected would suggest that most of the negative program effects went away after about three years and that there may have been some benefits for specific subgroups. If my analysis holds true, I might end up arguing that there was failure in the short term, but in the long-term things look a little differently.

**JUST BECAUSE
YOU HAVE GOOD STAFF
AND YOU HAVE A PROGRAM
THAT'S WELL THOUGHT
OUT DOESN'T MEAN
THAT IT'S BEING
DELIVERED
APPROPRIATELY.**

Does that suggest that the judgment that Greenlight was a failure was premature?

One has to be cautious about declaring failure too quickly. But if you're running a program, people don't want to have to wait three to four years to know if a program is a failure. The reality is that people want answers more quickly. Another issue involves the measures you're using. We focused on recidivism because it's the easiest information to collect. We had hoped to add interviews with offenders to get a better picture of program impacts, but we weren't able to ultimately. That left a lot of questions unanswered. Is it a success to keep 10 to 15 percent of your population out of the shelter system? What if you reunite someone with their family?

How about getting someone official government identification so that they can get to work immediately? Those are important outcomes that happen to be harder to collect.

DARING TO FAIL

DARING TO FAIL is a compilation of interviews with criminal justice leaders on the topic of reform. The goal of the book is to highlight the importance of the trial-and-error process in criminal justice. Along the way, Daring to Fail tells the stories of dozens of innovative police chiefs, academics, corrections officials and others, offering valuable lessons on leadership and the challenges of managing change.



The winner of the Peter F. Drucker Award for Nonprofit Innovation, the Center for Court Innovation seeks to help criminal justice agencies reduce crime and improve public trust in justice through demonstration projects, research, training and technical assistance.

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