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INNOVATION IN CRIMINAL JUSTICE

A Graduate School Curriculum

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year

2011

ABOUT THE CURRICULUM

This curriculum was developed as part of the Center for Court Innovation's Trial and Error Initiative, a multi-faceted inquiry funded by the Bureau of Justice Assistance at the U.S. Department of Justice that aims to explore the role that trial and error plays in criminal justice reform. One of the primary goals of the project is to stimulate discussion in the field about risk-taking and failure. This curriculum aims to encourage and facilitate this discussion among tomorrow's leaders—current graduate students in the fields of public policy, criminal justice, and law.

For additional information about the Trial and Error Initiative, including free downloads of project publications, visit www.courtinnovation.org/failure.

INNOVATION IN CRIMINAL JUSTICE: A GRADUATE SCHOOL CURRICULUM

OVERVIEW

'Failure' in the context of criminal justice usually conjures up images of corruption or mistaken identity or wrongful convictions. While there are formal mechanisms for dealing with many of these problems (including appellate review and complaint review boards), far less attention is paid to another kind of failure: well-intentioned reform efforts that fall short of their goals. This course will explore the topic of criminal justice reform, questioning how success and failure are defined and how societal trends influence the public's (and the profession's) confidence in and expectations of the justice system. Through a diverse reading list, this course aims to take a hard look at the criminal justice system and the challenges of social reform.

The class will unfold in four stages:
I.   The Realities of Life in the Criminal Justice System
II. Defining Success and Failure
III. Ideas vs. Implementation
IV. Managing Expectations
The course culminates with a formal case study in which students identify and analyze a criminal justice reform effort of their own choosing for its success and failures.

GRADING AND EXPECTATIONS

1) Class attendance and participation (15%): Full attendance and participation is mandatory. Any unexcused absences will decrease the student's grade by a full letter grade. Active participation in class discussions will require the student to complete all reading assignments prior to class and be prepared to discuss the material critically.

2) Reaction papers (30%): Students will demonstrate their comprehension of the reading assignments by completing three reaction papers (3-4 pages each) throughout the course of the semester (each worth 10% of total grade). Students may choose for which weeks' readings they will write a reaction paper. Each paper is due

at the beginning of the class during which those readings will be discussed. The last session for which a reaction paper may be submitted is Session 12.

3) Final paper (40%): The final paper for this course will be a written demonstration of the student's case study. Students are required to submit a concept paper (worth 5% of total grade) and rough draft (worth 10% of final grade) before the final paper is due on the last day of class (Session 15). The final paper will be worth 25% of the total grade.

4) Final presentation (15%): During the last two sessions of the course, each student will give a 10-15 minute presentation about their case study. The presentation must utilize some form of visual or audio aid (e.g., PowerPoint, video, or MP3 recording).

ASSIGNMENTS
I. The Realities of Life in the Criminal Justice System (Sessions 1-3)

Session 1:
This session will give an overview of the expectations for the course, including reading assignments, class partic-ipation, the final case study project, and the grading scheme. The session will then introduce the content of the course by exploring preconceptions about 'failure' and setting the stage for drilling down into the reform efforts of specific criminal justice agencies.

Discussion:
• Present course structure and expectations.
• Brainstorm preconceptions about 'failures' in social policy and the criminal justice system.
• Read & discuss Goldman quote "Nobody knows anything in Hollywood." (distributed in class)
• View and discuss video clip: Zimring, "The Decline in Crime New York City."

Session 2:
This session will examine some of the ground-level realities of how the criminal justice system operates, as well as how it attempts to bring about change. The discussion will aim to highlight how the "system" is rarely a coor-dinated effort, with many moving parts often having disparate if not oppositional motives and pressures. This analysis will set the stage for defining 'failure.'

Readings:
• Conlon, pp. 1-99
• Conover, pp. 3-56
• Feeley, *The Process is the Punishment*, pp. 199-243

Discussion:
- What are the day-to-day challenges that frontline judges, attorneys, law enforcement, and corrections officials face? Did anything in the text surprise you or run counter to public perception about how the criminal justice system works (or should work)?
- Who are the key decision-makers that make policy in the criminal justice system? What or who influences their decisions on a day-to-day basis?

Session 3: Partnership Politics

Session 3 will explore the vast array of players that are involved in the criminal justice system, including the obvious players (the courts, prosecutors, public defenders, probation, etc.), as well as key external constituencies (unions, media, victim organizations, elected officials, private foundations, social service providers, and community-based organizations). The class will discuss the differing priorities and external pressures that these players face and what reform planners can do to anticipate and align those interests.

Readings:
- Pressman and Wildavsky, pp. 87-124
- Harris, pp. 32-47, 113-160, 237-241

Discussion:
- Who were the major players in each of the projects described in the readings? In what ways were their interests mutually-exclusive? Were there any partners whose presence or interests surprised you?
- In-class video: Red Hook Community Justice Center
- Brainstorming exercise: In planning for a new community court, who are the players? What are their interests and where do those interests oppose one another?

II. DEFINING SUCCESS AND FAILURE (SESSIONS 4-5)

Session 4:

Session 4 will initiate the dialogue of how failure is perceived and defined and how this establishes the expectations of reform. What can we reasonably expect of reform and who sets those standards? What role do the media, politicians, and researchers play? And in the event of failure, what is the value (if any) of analyzing and discussing it? Are there downsides?

Readings:
- Easterbrook, pp. xiii-xx, 80-120
- Cannato, pp. 108-118, 443- 491, 525-553
- Wyckoff, pp. 1-26, 53-66

Discussion:
- What are some explanations for society's failure to acknowledge progress? Who establishes the expectations for social policy?
- View and discuss the video interview with James Dyson about his philosophy of failure in the engineering world. Could this perspective translate to the social sector?

Session 5:

Session 5 will explore how success and failure are conceptualized in the context of criminal justice reform. The class will examine Martinson's well-known piece on prison reform and consider various reactions it could (and did) receive. Students will compare Martinson's work with more recent commentaries on making progress in criminal justice and discuss the roles that these different approaches may play in encouraging innovation.

Readings:
- Martinson, pp. 22-54
- Zimring, *The Great American Crime Decline*, pp. 135-168
- Feeley, *Court Reform on Trial*, pp. 40-79, 191-207

Discussion:
- Many have said that Martinson's article concluded that "nothing works." Do you agree? Are there alternate interpretations to his work?
- Do Zimring and/or Feeley provide a more optimistic framework for thinking about criminal justice reform?
- Discuss the case study assignment and possible topics

III. Ideas vs. Implementation (Sessions 6-10)

Session 6: Types of Failure

Session 6 will introduce the four types of failure: failure of concept, failure of implementation, failure of marketing and politics, and failure of self-reflection. This discussion aims to challenge the perception that innovation is as simple as a bolt of lightning from which a brilliant new concept or approach is born. In reality, plenty of good ideas never become successful reforms. Proper implementation is needed in order to transform an idea into practice.

* Assignment due: One-page abstract of proposed case study

Readings:
- Garside
- Berman and Fox, *Trial and Error*, pp. 11-25

Discussion:
- Discuss: Four Types of Failure chapter in *Trial and Error*
- Expanding on Garside, what is at the root of failure: failed ideas or failed implementation?
- Present case study project ideas and discuss timeline for remainder of case study project. How can the four types of failure frame your case study?

Session 7: Leadership & Leadership Transition

Session 7 will discuss the importance of leadership in managing and sustaining change. By analyzing first-person accounts from a range of criminal justice leaders, this discussion aims to dispel the myth that there is one particular type of police chief, problem-solving court judge, etc.

Readings:
- Berman and Fox, *Trial and Error*, pp. 27-43
- Fox and Gold, *Daring to Fail*, pp. 8-177

Discussion:
- What are some common concerns or challenges voiced among the criminal justice leaders in the readings?
- In *Trial and Error*, what are the differences between Judge Meyer's and Judge Burke's leadership styles? How did they leverage those styles in their respective reform efforts?
- What are the challenges of leadership transition highlighted in *Daring to Fail* (e.g. Wieland)? What role does politics play in leadership transition (e.g. Bratton, Farr, Horn, Kerlikowske)?

Session 8: Implementation

Session 8 will look at the ground-level challenges to implementing promising ideas, including the extensive planning that often goes into any solid implementation plan. This session would a good opportunity to host a guest speaker from a criminal justice agency or organization. Course instructors are invited to contact the Center for Court Innovation for suggested speakers.

Readings:
- Berman, "Red Hook Diary: Planning a Community Court"

Discussion:
- Q&A with guest presenter
- Discuss status of case studies

Session 9: Replication

Session 9 will explore the challenges of replicating models of change that demonstrate favorable results or 'success.' The class will examine several case studies of replication, focusing on the example of Boston Ceasefire—an anti-gun violence initiative lauded as causing the "Boston Miracle"—looking at its impact and subsequent replication efforts.

Readings:
- Schorr, *Common Purpose*, pp. 22-64
- Berman and Fox, *Trial and Error*, pp. 45-60
- Cissner and Farole
- Reread David Kennedy's interview in *Daring to Fail*

Discussion:
- Discuss Schorr case studies (YouthBuild, Healthy Families Indiana, Beacon Schools, and Success for All).
- What are the critical components of a successful replication? Does Schorr's list differ from that in *Trial and Error*?
- What were the challenges of replicating Boston Ceasefire? Recall David Kennedy's interview in *Daring to Fail*. Why do you think he says to stop talking about Boston?

Session 10: Replication, continued

This session will examine a particular replication effort—the replication of CeaseFire Chicago in Brooklyn, called S.O.S. Crown Heights. Students will build upon their understanding of the types of failure by exploring what additional ingredients—beyond those required of reform more generally—are needed for a successful replication, including a strong relationship with technical assistance providers. By comparing what the class has learned about both the Boston and Chicago models, they will consider how "replication" can also take the form of sparking a related but distinct innovation.

Readings for Session 10:
- "Overview," "National CeaseFire Partnership," and "FAQ" pages of the CeaseFire website
- Skogan, "Brief Summary: An Evaluation of CeaseFire-Chicago"
- Berman and Gold, "From Chicago to Brooklyn: A Case Study in Program Replication"

Discussion:
- Why do you think CeaseFire Chicago was deemed to be a success? Do you agree that the evaluation supports this finding?
- Which of the challenges that S.O.S. faced seem unique to Crown Heights versus common to all replication efforts?
- How do the Boston and Chicago models differ? How did they seem to influence one another?

IV: Managing Expectations (Sessions 11-13)

Session 11: Program Evaluation & Evidence-Based Practice
Session 11 will delve into how success and failure are actually measured. After a brief primer on research and evaluation methods in the criminal justice field, the class will use the example of the evaluation of the D.A.R.E. (Drug and Alcohol Resistance Education) program to explore how the evaluation process can play out in both the research and practitioner communities. Students will consider different standards of an evidence base that should be required before a program is replicated and the practical limitations of each of those standards.

Readings:
- Maxfield and Babbie, pp. 30-50, 182-218
- Weiss, "An Alternative Route to Policy Influence"
- Weiss, "Fairy Godmother and Her Warts"
- Berman and Fox, "Lessons from the Battle over D.A.R.E."
- Berman and Fox, *Trial and Error*, pp. 97-112

Discussion:
- By what metrics was D.A.R.E. deemed to be a failure? What can other programs learn from D.A.R.E.'s handling of negative evaluations?
- What is an "evidence-based practice"? Who should conduct the evaluation and when? How many positive results are required before 'success' is declared?
- Discuss: "Evidence-based policy assumes that the ends are given, and the issue is to choose the best way to get there. But there are circumstances where appropriate ends are much in contention and ethical and moral considerations must come into play" (Biesta 2007).

Session 12: Evidence-Based Practice, continued
Session 12 will further explore the challenge of defining a "best practices" grading scheme in any field, let alone in the criminal justice system—a web of various agencies, each with their own priorities and objectives. This session would be a good opportunity for a presentation by a project director who has undergone a program evaluation, such as the director of the Harlem Community Justice Center.

* *Assignment due*: Rough draft of final paper

Readings for Session 12:
- Schorr and Smyth, "A Lot to Lose: A Call to Rethink What Constitutes 'Evidence' in Finding Social Interventions that Work"
- Schorr, "Innovative Reforms Require Innovative Scorekeeping"
- Turgeon, "Working Together"

- Hamilton, "Do Reentry Courts Reduce Recidivism?"
- OJJDP, "Model Programs Guide" (Note: also familiarize yourself with at least 3 additional agencies on the Related Links page that certify evidence-based practices, such as the NREPP.)

Discussion:
- What are the pros and cons of having a rigorous framework for defining evidence-based practices?
- What were the goals of the Harlem parole reentry program? How should program staff interpret Hamilton's findings? How can the broader reentry field utilize these results?
- What are some of the grading schemes used for evidence-based practices? What are the pros and cons of each?
- Review and discuss the U.S. Preventive Services Task Force's "Grade Definitions" for evidence-based practices in the medical field. Are there reasons why the criminal justice field couldn't establish similar definitions?
- How will students gauge success or failure in their case studies? What are the presumed metrics of success? Can you think of any additional, useful metrics?

Session 13: Summary Discussion

Session 13 will be the final class discussion. Students will reflect on the major topics of the course (partnership, leadership, replication, expectations, and evidence-based practice) and brainstorm what additional topics or themes have emerged over the course of their studies. They will look for parallels between the stories told in the 2007 Failure Roundtable and their own observations in conducting their case studies.

Readings:
- Berman and Fox, *Trial and Error*, pp. 113-123
- Berman, "Learning from Failure: A Roundtable on Criminal Justice Innovation"
- Strom, "Nonprofits Review Technology Failures"
- "How to Roll Your Own FAILFaire"

Discussion:
- What are the benefits to discussing failure? Are there any downsides?
- What gets in the way of having a candid conversation about failed reform efforts? What ideas do you have for alleviating those obstacles and stimulating discussion of failure in the field about failure? Would some version of a FAILFaire be possible in the criminal justice field?
- Review criteria for effective final presentations.

In-class Presentations (Sessions 14-15)

Sessions 14 and 15 provide time for students' case study presentations. Final papers will be due on the last day of class (Session 15).

COURSE READING LIST

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Pressman, Jeffrey and Aaron Wildavsky. *Implementation*. Berkeley, CA: University of California Press, 1984.

Schorr, Lisbeth B. and Katya Fels Smyth. "A Lot to Lose: A Call to Rethink What Constitutes 'Evidence' in Finding Social Interventions that Work." Harvard Kennedy School, 2009.

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http://www.northwestern.edu/ipr/publications/ceasefire_papers/summary.pdf.

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http://www.nytimes.com/2010/08/17/technology/17fail.html?_r=2&hp.

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Center for Court Innovation

The winner of the Peter F. Drucker Award for Non-profit Innovation, the Center for Court Innovation is a unique public-private partnership that promotes new thinking about how the justice system can solve difficult problems like addiction, quality-of-life crime, domestic violence, and child neglect. The Center functions as the New York State court system's independent research and development arm, creating demonstration projects that test new approaches to problems that have resisted conventional solutions. The Center's demonstration projects include the nation's first community court (Midtown Community Court), as well as drug courts, domestic violence courts, youth courts, mental health courts, reentry courts and others.

Beyond New York, the Center disseminates the lessons learned from its experiments in New York, helping court reformers around the world test new solutions to local problems. The Center contributes to the international conversation about justice through original research, books, monographs, and roundtable conversations that bring together leading academics and practitioners. The Center also provides hands-on technical assistance, advising innovators about program design, technology and performance measures.

For more information, call 646 386 3100 or e-mail info@courtinnovation.org.