

From the Ground Up

Promising criminal justice projects
in the US and the UK

Aubrey Fox and Gavin Lockhart
Edited by Blair Gibbs

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FOR
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INNOVATION



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The Centre for Justice Innovation is an independent agency that works to improve how the criminal justice system functions in England and Wales. A project of the Center for Court Innovation, a New York-based non-profit organisation, the Centre seeks to promote thoughtful criminal justice reform by improving the implementation, evaluation, and dissemination of demonstration projects.

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Contents

	About the Authors	4
	Acknowledgements	5
	About this Paper	6
	Introduction	12
1	Getting Started: Planning a Demonstration Project	16
2	Getting it Right: Challenges of Implementation	24
3	Keeping it Going: Sustaining and Spreading the Best Ideas	34
	Conclusion	41

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About this Paper

This paper summarises the experiences of 10 innovative criminal justice projects across the United Kingdom and the United States. The projects, listed in order of introduction in the paper, are as follows:

Neighborhood Opportunity Network, New York City Department of Probation

The Neighborhood Opportunity Network (NeON) is a network of community organisations, government agencies, local businesses, and residents focused on connecting probation clients to opportunities, resources and services in their home neighbourhood. The Department of Probation is launching five NeONs in neighbourhoods where large numbers of people on probation reside. NeONs are a central element of Mayor Bloomberg's Young Men's Initiative, which is designed to help black and Latino youth achieve their professional, educational, and personal goals. Specially-trained and culturally competent probation personnel will staff the NeONs. NeON staff will share office space with community-based organisations to provide a client-friendly environment in which a wide range of services and supports can be accessed.¹

SOS Gang Anti-Violence Initiative, Crown Heights Community Mediation Centre, Center for Court Innovation, New York, NY

The Save Our Streets (SOS) project was launched in Crown Heights, Brooklyn in 2010, with support from the United States Department of Justice. Based on a programme created by the Chicago Project for Violence Prevention, SOS has three basic objectives: changing community norms about violence, educating the community about the costs of violence, and providing on-the-spot alternatives to violence. A key part of the model is putting credible messengers to

¹ neighborscampaign.word
press.com/category/wheaton
/tuesdays-together/

work as outreach workers and violence interrupters – ex-offenders and others from the neighbourhood with direct knowledge of and connections to gang members and other perpetrators of violence. In 2010 the project started to get traction – and between the first half of 2010 and 2011 there was a 54% decrease in the number of shootings in Crown Heights.

For more information, see: <https://www.soscrownheights.org>

Project Pegasus, Violence Reduction Unit, Glasgow, Scotland

Project Pegasus seeks to address the nexus between binge drinking and violent crime by introducing continuous monitoring of alcohol consumption by certain offenders via an ankle bracelet or electronic tag. According to project plans, two groups will be outfitted with bracelets – those sentenced to Community Payback Orders and selected prisoners released from jail early. Participants who breach their orders will be required to attend court for their violation of license conditions, with a custodial sentence as a possible sanction after their third offense.²

IMPACT, Avon and Somerset Probation Trust and Avon and Somerset Constabulary, Bristol, England

Launched in 2008, IMPACT provides enhanced support and supervision to 800 offenders in Bristol with a history of re-offending. The IMPACT team is made up of police officers, probation staff, youth workers, and representatives of third-sector organisations, who meet regularly to review cases under their supervision. In addition to ensuring that offenders abide by the terms of their community sentences and stay crime-free, the team offers them the help they need – drug treatment services, accommodation, and job training – to reduce the harm caused to the community. When it was introduced to Bristol as a trial in 2008, serious acquisitive crime (which includes domestic burglary, theft from motor vehicle, theft of motor vehicle and robbery) dropped by 28% in just two years.³

For more information, see: <http://www.bristol.gov.uk/node/5647>

² <http://www.dailyrecord.co.uk/news/scottish-news/2011/08/21/gangbuster-s-to-force-thugs-to-wear-booze-band-if-they-want-to-stay-out-of-jail-86908-23360626/>

³ http://www.avonand-somerset.police.uk/information/documents/cache/PDF/Document5553_442066.pdf

Manchester Intensive Alternatives to Custody Project, Manchester Probation Trust, Manchester, England

In 2009, the Manchester Probation Trust launched the Intensive Alternatives to Custody (IAC) project. One of seven pilot projects funded by the Ministry of Justice, IAC is aimed at offenders who would otherwise receive a prison sentence of less than 12 months. IAC's core goal is to come up with a sentencing alternative for prison-bound offenders that appeals to magistrates and judges. It does this in two ways: first, by creating a customised community disposal option, and second, by dedicating additional resources (including employment-focused mentoring and family counselling) to ensuring that individuals on IAC complete the order. The IAC order provides additional services and enhanced supervision for young adult offenders. Since the programme started, reoffending rates have dropped and over a quarter of unemployed offenders on IACs have found full-time work.⁴ In a sign of the success of the approach, probation has reallocated resources and obtained commitment from local partners and the National Offender Management Service to continue the programme despite the withdrawal of central government pilot funding.

For more information, see: <https://www.gm-probation.org.uk/what-we-do/intensive-alternative-to-custody.php>

Project Daedalus, London Youth Reducing Re-offending Programme, Feltham Young Offenders Institution, Greater London Authority and London Criminal Justice Partnership

Established in September 2009, Project Daedalus seeks to help young offenders reaching the end of their custodial sentence reintegrate into their home communities. Individuals enrolled in Daedalus are placed onto an enhanced resettlement regime on a separate unit at the Feltham Young Offenders' Institution and given help with education and job training services. Young offenders in the unit are able to gain work experience with local employers on day release, and so-called

⁴ <http://www.gm-probation.org.uk/what-we-do/intensive-alternative-to-custody.php>

“resettlement brokers” (provided by a consortium of charities) support each young person while incarcerated and post-release.

For more information, see: <http://www.london.gov.uk/priorities/crime-community-safety/time-action/project-daedalus>

Harlem Parole Reentry Court, Harlem Community Justice Center, Center for Court Innovation, Harlem, New York

Over 2,200 people are released from prison on parole supervision to upper Manhattan each year, and in East Harlem, one in 20 men along a seven-block corridor from 119th Street to 126th Street have spent time in prison.⁵ The Harlem Parole Reentry Court was established in June 2001 in the heart of this area to help parolees re-settle into their home communities. Participants are required to return to the Harlem Parole Reentry Court frequently to meet with case managers and parole officers and to appear before an administrative law judge, who closely monitors their compliance with court orders. A March 2010 study documented that the Reentry Court reduced re-arrests and re-convictions among programme participants.⁶

For more information, see: <http://www.courtinnovation.org/project/parole-reentry-court>

Integrated Domestic Violence Advisors and Multi-Agency Risk Assessment Conferences, Coordinated Action Against Domestic Abuse (CAADA), Bristol, England

An average of two women are killed every week in the United Kingdom as a result of domestic abuse.⁷ According to the Department of Health, at least 750,000 children a year witness domestic violence.⁸ To address this problem, government officials in England and Wales have recently launched Multi-Agency Risk Assessment Conferences (MARACs), which bring together the police, probation, health, and local charities to create safety plans for high-risk victims. Independent Domestic Violence Advisors (IDVAs) support the MARACs. Multi-Agency Risk Assessment Conferences are voluntary meetings where information is shared on the highest risk domestic abuse cases between

5 The Economist, “They all come home: Effective re-entry programmes can keep ex-prisoners out of jail”, 20 April 2011, <http://www.economist.com/node/18587528>

6 In summary Re-entry Court parolees were less likely to be re-arrested and were less likely to be re-convicted, and the effects were significant at one, two, and three years (43% versus 53% at three years) Zachary Hamilton, “Do Reentry Courts Reduce Recidivism? Results from the Harlem Parole Reentry Court”, Centre for Court Innovation, March 2010, http://173.231.132.82/sites/default/files/Reentry_Evaluation.pdf

7 <http://www.caada.org.uk/news/factsandstats.htm>

8 “Alesha Dixon presents BBC show on domestic violence”, The Guardian, 16 November 2010, <http://www.guardian.co.uk/society/2010/nov/16/alesha-dixon-documentary-domestic-violence>

local public and voluntary agencies, such as health agencies, the police and Independent Domestic Violence Advisor services. After sharing relevant information about a victim, the meeting then discusses options for increasing their safety, and turns this into an action plan. The non-profit Coordinated Action Against Domestic Abuse provides training, education, and support for IDVAs and other domestic violence advocates. The approach has appeared to pay off: in instances where IDVAs and MARACs have intervened, 60% of domestic violence victims report no further violence.⁹

For more information, see: <http://www.caada.org.uk/>

HOPE Probation, Hawaii State Judiciary, Oahu, Hawaii

Hawaii First Circuit Judge Steve Alm launched HOPE in 2004 aimed at probationers at risk of violating the terms of their probation mandate. Under the previous regime, breaches were not always enforced and usually a probation officer's recommendation was to revoke probation and sentence offenders to long terms in prison. With HOPE (Hawaii's Opportunity Probation with Enforcement), probationers are regularly drug tested, and if they fail their tests, are given an immediate and certain, but short, two-day jail sentence as a sanction. Breaches result in swift, certain sanctions that escalate if transgressions persist, but punishment is minimised. Research shows that the programme has significantly reduced crime and probation revocations, and therefore prison costs, whilst reducing failed drug tests and missed probation appointments. Today, nearly one in five felony probationers in Oahu are supervised under HOPE.

For more information, see: http://www.pewcenteronthestates.org/report_detail.aspx?id=56832

⁹ "Saving lives, saving money: MARACs and high-risk domestic abuse", CAADA, http://www.caada.org.uk/Research/Saving_lives_saving_money_FINAL_VERSION.pdf

Justice Reinvestment, Kentucky Legislature and Pew Center on the States, Kentucky, USA

In 1990 the corrections spending in Kentucky amounted to \$140 million. 20 years later that amount had grown by 214% to \$414 million

whilst recidivism rates grew beyond 1990 levels. Over the last decade, Kentucky has seen a 45% increase in its prison population, an unsustainable rise given significant budget shortfalls. Working with the Pew Charitable Trust's Public Safety Performance Project, state officials crafted the 2011 Public Safety and Offender Accountability Bill, which analysts believe will save the state \$422 million in reduced incarceration costs over the next decade. A portion of those savings will be reinvested in strengthened community-based alternatives, including strengthening probation and parole as well as programmes for substance-abusing offenders.

For more information, see: http://www.pewcenteronthestates.org/report_detail.aspx?id=61357

Introduction

10 Public confidence in the criminal justice system (CJS) is measured by the proportion of people in the British Crime Survey (BCS) who say that they are “fairly/very confident” that the CJS is effective in bringing offenders to justice. The year ending March 2010 reported the proportion of people confident in the CJS at 41%

11 The disturbances shined a light on persistent problems such as the need to more positively engage and ensure accountability among a small group of young, mostly male, chronic offenders. One in four people charged over the riots in England had committed more than 10 past offences. See Statistical bulletin on the public disorder of 6- 9 August 2011 Ministry of Justice Statistics bulletin

12 Ministry of Justice Business Plan, Ministry of Justice, November 2010, <http://www.number10.gov.uk/wp-content/uploads/MOJ-Business-Plan.pdf>

13 Travis, Alan, “Quango cut: Controversy over scrapping of Youth Justice Board”. The Guardian, 15 October 2010

14 Chambers, Max, Carter But Smarter: Transforming offender management, reducing reoffending, Policy Exchange, http://www.policyexchange.org.uk/images/publications/pdfs/Carter_But_Smarter_-_Nov__10_.pdf

This is a challenging time for criminal justice policymakers in England and Wales. There is significant pressure to cut expenditure while simultaneously reducing crime and improving levels of public confidence in justice.¹⁰ At the same time, policymakers have been confronted with demands arising from unexpected events, such as the civil disturbances across England in August 2011.¹¹

In recent years, policy makers in England and Wales seeking to improve public service delivery have tended to gravitate towards formulating large-scale, structural changes to the criminal justice system. In the last fifteen years, this has included the creation, in 1998 of the Youth Justice Board (an agency dedicated to preventing offending by young people under the age of 18), the establishment in 2004 of the National Offender Management Service (which merged prison and probation into a single national agency), and the creation of the Ministry of Justice (responsible for the justice system and for some areas of constitutional policy) in 2007. A more recent example is the Coalition government’s decision to open up the corrections marketplace and allow private companies to compete for areas of business previously reserved for the public sector (such as the delivery of community sentences or offender rehabilitation schemes) and to do so with large, regional contracts.¹²

Yet the track record of large-scale, structural change is mixed at best. For example, the Youth Justice Board is being abolished after little more than a decade, with its functions reabsorbed into the Ministry of Justice.¹³ As Policy Exchange explored in their 2010 report Carter But Smarter, in its short life NOMS has experienced its own difficult growing pains, failing to deliver the integrated end-to-end offender service that was promised.¹⁴ Perhaps more

fundamentally, by its very nature, national policy change is enormously complicated, time-consuming and fraught with all sorts of unintended consequences.

Top-down policy changes in the crime and justice space also reinforce a tired national debate – still prevalent in the United Kingdom – that too often polarises into a conflict between “soft” and “hard” approaches to criminality. In a political and legislative context dominated by national policies, it is harder to advance the idea that progress often means being smart on crime, not hard or soft.

There is another, much less visible, approach to justice reform, however, which is to start small, launching pilot projects (often with a minimum of publicity) in response to specific, local, criminal justice problems, and then patiently build them over time. And in fact, over the last two decades, England and Wales have experienced a raft of demonstration projects – everything from drug courts¹⁵ to intensive alternative-to-custody project¹⁶ to new models of integrated offender management.¹⁷ Furthermore, in recent weeks, the Ministry of Justice has launched a number of pilot projects in areas that range from restorative justice to mental health to new financial incentives for local authorities to reduce the use of youth custody.¹⁸

This paper takes a closer look at this ground-up phenomenon. Rather than focus on large-scale changes to the criminal justice system, it seeks to identify best practice in pilot criminal justice projects, both in England and Wales and the in United States. The goal is to fill gaps of understanding and awareness among criminal justice policymakers and practitioners about what makes demonstration projects work and how to improve the chances that they succeed in future.

“By its very nature, national policy change is enormously complicated, time-consuming and fraught with all sorts of unintended consequences”

15 See “Drug court to offer addicts help”, BBC News website, 9 April 2009, <http://news.bbc.co.uk/1/hi/wales/7988347.stm>

16 Intensive Alternative to Custody, Ministry of Justice Website, <http://www.gmprobation.org.uk/what-we-do/intensive-alternative-to-custody.php>

17 Home Office, “Integrated Offender Management Key Principles”, March 2011, <http://www.homeoffice.gov.uk/publications/crime/reducing-reoffending/IOM-Key-Principles-Guidance?view=Binary>

18 Ministry of Justice, “Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders”, <http://www.justice.gov.uk/consultations/docs/breaking-the-cycle.pdf>

Criminal justice demonstration projects can take a variety of different forms. The lead actor can vary from project to project: experiments can be initiated by police, prosecutors, probation and parole staff, judges, pre-trial agencies, community groups, corrections departments and sometimes dynamic local citizens. Some deal with hundreds of participants; others just a handful. And the underlying problem to be addressed can be anything from minor youth offending to serious domestic violence cases.

We have gathered ten examples of promising demonstration projects from across the United Kingdom and the United States, and asked them what made their projects work, what challenges they face, and how those challenges can be overcome.

In writing this paper, our working hypothesis is that there is much more innovation occurring at the local level than is currently understood by national policymakers. In fact, the examples cited herein represent only a fraction of the innovative projects that are currently operating in both the United Kingdom and the United States. Some of the most positive of these programmes have been translocated between the US and UK. There are already well known examples that have crossed the Atlantic: for example, the recent August Riots in England highlighted the success of the anti-gang strategy in Glasgow – a project that began as ‘Operation Ceasefire’ in Chicago and Boston.

Almost all demonstration projects face similar conceptual and operational challenges. What follows is an attempt to highlight a handful of lessons from pilot projects at various stages of development. We have chosen to focus on three distinct phases – planning, implementation, and sustainment.

Finally, we are not saying that change of the kind described above is always the right approach. Indeed, there is no guarantee that demonstration projects will succeed, as the recent experience of Diamond Districts in London shows.¹⁹ Nonetheless, innovation from the ground up has an important contribution to make to the world

¹⁹ The two-year, £11 million Diamond District Initiative was a multi-agency approach designed to reduce re-offending rates among short-term, unlicensed prisoners (e.g. released without any additional formal criminal justice supervision) in six London boroughs. The project was terminated after an evaluation showed that it had no impact on re-offending rates, although some of the boroughs involved in the work have continued versions of the initiative. Martin Bentham, “£11 million initiative to help freed convicts fails to cut reoffending rate,” London Evening Standard, 18 April 2011

of criminal justice. By shining a light on demonstration projects, this paper seeks to both encourage innovation by practitioners at the grassroots and to educate national policymakers and the media about an approach to reform that typically receives little attention.

1. Getting Started: Planning a Demonstration Project

The front-page article of the 3rd August 2011 edition of the *New York Times* read “Bloomberg to Use Own Funds in Plan to Aid Minority Youth”.²⁰ The article described a wide-ranging, \$130 million programme (which included a \$30 million personal contribution from New York City Mayor Michael Bloomberg) to try to improve the life chances of over 300,000 young black and Hispanic men. One component of the project was a plan, announced by the New York City Department of Probation, to open satellite offices in five neighbourhoods with high crime rates and high numbers of probationers. Dubbed the Neighbourhood Opportunity Network (or “NeON”), the offices, which will be operated in partnership with community organisations, intend to offer enhanced mentoring, education, and job training services to young black and Hispanic men under probation supervision. Not every demonstration project will start with such high-level support or a front-page article in a major newspaper. Yet the principles of good planning remain the same, no matter the origins of a project.

The planning stage is often the most neglected – and yet arguably the most important – part of any demonstration project. In an understandable rush to get projects off the ground, planners sometimes fail to think about important building blocks such as obtaining local support for their efforts or customising projects to meet local conditions. They also, at times, fail sufficiently to prepare, which involves zeroing-in on a specific set of solvable problems by combing through data and doing extensive analysis to make sure they are getting the facts right. Finally, the planning stage is often a

20 Michael Barbaro and Fernanda Santos, “Bloomberg to Use Own Funds in Plan to Aid Minority Youth,” *The New York Times*, 3 August 2011

good moment to engage a broader set of stakeholders and potential critics of a project to test concepts and to see if the potential objections can be addressed – or at least partially mollified – ahead of time.

Importance of local knowledge

In the case of the Save Our Streets (SOS) programme in Crown Heights, Brooklyn, community engagement is embedded into the DNA of the project. In fact, the inspiration for SOS came from a local resident, a mother whose son had been shot and killed. “She had been going door to door in the community, asking for help to address the community’s violence problem” recalled Amy Ellenbogen, the Director of the Crown Heights Community Mediation Center, which operates SOS: “From that point on, we were committed to figuring out a way to address the community’s violence problem.”²¹

The Crown Heights Community Mediation Center was created in 1998 to serve as a resource for conflict resolution in a diverse neighbourhood notorious for three days of rioting in 1991. The centre operates out of a small storefront office in central Brooklyn. In addition to offering help to residents on a walk-in basis (e.g. help finding a job, housing, or legal assistance), the centre conducts regular workshops on conflict resolution for schools and churches and runs a series of youth programs.

The opportunity to address gang and gun violence came in 2010, when the Mediation Center launched SOS with funding from the United States Department of Justice. A replication of a project developed in Chicago called CeaseFire, SOS employs ex-offenders as credible “violence interrupters” who work to calm conflict before it escalates out of control. The project also organises community events on street corners where shootings have taken place, and sends out violence interrupters to reach out to local residents at risk of becoming a victim of violence – or a perpetrator: “We find out what

²¹ Greg Berman and Emily Gold, “From Chicago to Brooklyn: A Case Study in Program Replication,” Bureau of Justice Assistance, on file with authors

their needs are – anything that’s going to shift them to a different mentality toward gun violence,” said Lavon Walker, one of the outreach workers. “We become like their bigger brothers, even closer than their fathers.”²²

Despite being based on an already established project, project planners immediately understood that SOS had to be customised to the local environment. The CeaseFire model depends on detailed knowledge of local street culture, but this landscape is different in

“Understanding the local context in which a project operates is critical – even for a project that is replicating an existing initiative”

every city. “Many New York City gangs are changing their organizational structure, fragmenting into smaller cliques without the traditional rules and governing constitution,” said Ellenbogen.²³ This theme was echoed by Deputy Director Ife Charles: “Our community violence doesn’t stem from a simple red versus blue divide. We’ve got red versus red and blue versus blue problems, too.”²⁴ In other words, SOS

staff members have worked hard to understand where potential conflicts might erupt on a block-by-block level.

Project planners also wrestled with the strategy employed in Chicago of conducting regular home visits. “The home visit approach really concerned us at first,” Ellenbogen said. “New York has more of a street scene, so we weren’t sure it would even be effective. We also couldn’t imagine becoming comfortable with sending programme staff into people’s apartments because of the risk of getting swept up in police raids.”²⁵ Over time, however, Ellenbogen and her team grew more comfortable with the approach as SOS developed closer relationships with specific buildings and blocks. Another factor that helped was hiring staff members from local housing projects. The outreach workers have a caseload of 15 to 20 participants, each of whom are attracted by what SOS is offering: help in finding a job or getting a high school equivalency diploma, for instance.

More broadly, SOS benefited from the over decade-long investment made by the Crown Heights Community Mediation Center in Crown Heights, which helped combat the perception that SOS was being imposed by outsiders without any understanding of

22 Tim Stelloh, “Gunfire Will No Longer Be Met With Silence,” *The New York Times*, 10 December 2010

23 Greg Berman and Emily Gold, “From Chicago to Brooklyn: A Case Study in Program Replication,” Bureau of Justice Assistance, on file with authors

24 *Ibid.*

25 *Ibid.*

the local community. “Many people expressed concerns about SOS being the ‘flavour of the month’, but when they heard the Mediation Center was involved, it helped us get access to people and places quickly”, observed Ellenbogen. “What really helped us was having the trust of the community and having positive relationships that spanned a long time.”²⁶

The key insight here is that understanding the local context in which a project operates is critical – even for a project that is replicating an existing initiative.

Defining the problem

The Violence Reduction Unit (VRU) sits in a nondescript police building in Glasgow. Although the unit is formally attached to the Strathclyde Police Force, it has a national mission to investigate, and propose solutions to, the causes of violence in Scotland. The unit is run by John Carnochan, a police officer for over 30 years who spent most of his time working as a detective, and Karyn McCluskey, a psychologist who was the Head of Strathclyde’s intelligence analysis unit before joining VRU.

VRU is perhaps best known for a successful anti-gang violence project called the Community Initiative to Reduce Violence. The programme, which was launched in 2008, is an adaptation of a pilot project developed in Boston by the American academic David Kennedy (and subsequently replicated in a number of cities across the United States). Initially piloted in Glasgow’s East End, it was extended to the north of the city in 2009 and then to the whole of Scotland. The pilot has achieved some impressive results, including a 50% reduction in violent crime among gang members who took part in the programme,²⁷ and has received flattering attention from the media and elected officials, including a mention by the Prime Minister.²⁸

VRU has more recently turned its attention to another thorny problem: the connection between binge drinking and violent crime.

²⁶ Correspondence with authors, 14 October 2011

²⁷ See <http://www.actiononviolence.co.uk/CIRV>

²⁸ Norman Silvester, “Riots: David Cameron’s tough American supercop looks to Scotland’s gangbusters for help,” *The Daily Record*, 14 August 2011

A team of researchers spent four months conducting extensive data analysis and interviewing a wide range of people, including judges, police officers, emergency room physicians and academic experts. VRU's strategy was to use a blend of quantitative and qualitative analysis to get at the issue from as many angles as possible. "I'm a strong believer in data," said McCluskey, "but sometimes when you're just looking at stats, you don't get a complete picture."²⁹

From the beginning, the researchers found strong indications of a link between excessive drinking and crime. For example, researchers unearthed a study of prisoners processed by Strathclyde Police in 2007 that found that approximately two-thirds of those arrested at the scene of a crime were under the influence of alcohol at the time of arrest. This hypothesis was confirmed when the team went through police records of homicides committed in Strathclyde and found that alcohol had been consumed in 80% of cases.

As they investigated further, the story got more complicated. In informal interviews, they learned that the nature of the drinking-violence connection had changed over the last decade. "Most of our murders used to be outside the house" said McCluskey. "Now, with the smoking ban [Scotland banned smoking in bars and restaurants in 2006], rising alcohol prices, and cable television, people are drinking more in their homes." For VRU, this raised a challenging question: 'How do you police inside the house?'³⁰ This was a particularly problematic issue with regard to domestic violence. VRU researchers discovered that alcohol had been consumed in close to three-quarters of all domestic violence cases. They also knew that breaches of so-called "stay-away" orders – which compel domestic violence offenders to stay away from their spouses or partners – were common. Perhaps, they hypothesised, excessive alcohol consumption was fuelling both the original acts of violence and the worrying tendency of offenders to thumb their noses at court orders.

Having the analysis complete, VRU proposed a potential solution: requiring that certain groups of offenders with known drinking

²⁹ Interview with Karyn McCluskey, 27 September 2011

³⁰ Ibid.

problems, such as individuals about to be released from prison, those given a community-based sentence as an alternative to custody, or domestic violence offenders, be fitted with a bracelet that detects any intake of alcohol. Having a drink would immediately trigger an alarm and result in sanctions being imposed on the offender. The project, known as Pegasus, is due to be trialled later this year.

A focus on outcomes

Time spent defining the problem is a crucial investment in the planning stage of any project. When setting up Project NeON, officials at New York City's Department of Probation used a similar methodology. The basis of NeON is the belief that to be successful, probation had to get out of what New York City Probation Commissioner Vincent Schiraldi termed "the bunker mentality" of many probation offices. "Vinny's analysis was that we had to get probation into neighbourhoods [where probationers live] and away from the sterile and semi-hostile environments they are in now," said Mark Ferrante, Schiraldi's Senior Policy Advisor.³¹

The department's next step was to analyse their caseload and map the neighbourhoods where probationers live. Not surprisingly, they found that they were clustered in certain communities throughout the city. Officials ended up picking five sites as NeON pilots, basing their decision on a combination of the data analysis and their sense of which neighbourhoods had a critical mass of resources (such as non-profit and community-based organisations with a strong track record of success) to draw upon.

After identifying the NeON pilot neighbourhoods, the project planning team next developed a strategy that would allow them to test ideas about how to better engage their target population of young black and Hispanic men. First, they are working to identify satellite offices, or "hubs," in each of the five neighbourhoods identified in the planning process. Second, they plan to co-locate

³¹ Interview with Mark Ferrante, 27 September 2011

“Demonstration projects often struggle when they have not identified a logical model of change”

third sector organisations at each of the five hub offices with the goal of expanding job training and educational opportunities for probationers. Finally, the Probation Department has set aside grant funds for third-sector organisations that want to work side-by-side with probation officers at the hub offices.

The examples of Project Pegasus in Glasgow and Project NeON in New York City illustrate an important point: demonstration projects often struggle when they have not identified a logical model of change – why doing it differently will actually have an impact. As UCLA Professor of Public Policy Mark Kleiman writes, projects run into problems when “they don’t start from a very plausible theory of how putting the program into practice should change outcomes.”³² The only way to avoid that pitfall is to work carefully to define a specific problem and a strategy designed to address that problem and deliver the desired outcome.

Testing the concept

A final step that many successful pilot projects take is to engage outside experts and potential critics. In part this is done to keep planners honest: as McCluskey puts it, “I don’t want my enthusiasm to get the better of me. Because of that, I’m always actively looking for people to take apart my road map.”³³

Another, more strategic reason to engage potential critics is to head off potential opposition before it can threaten to derail a project. In the case of Glasgow’s Project Pegasus, VRU did so in two ways: first, by inviting a group of prominent academics and health professionals to review their plans, and second, by directly engaging with human rights lawyers who they believed might object to the project’s expectation that programme participants remain sober (given that having a drink is not, in and of itself, an illegal act): “I feel like I should be perfectly able to say

³² Correspondence with Mark Kleiman, 13 October 2011

³³ Interview with Karyn McCluskey, 27 September 2011

to an angry violent man, 'you can't take any more drinks,' but I realize that not everyone thinks like that – at least not at first," explains McCluskey.³⁴

McCluskey can point to several examples where outside experts made concrete changes to the programme's design: "We completely changed how we were going to recruit people and what services we planned to offer," she said.³⁵ If anything, having acquired this habit of actively searching for feedback, McCluskey was disappointed that she didn't encounter more criticism: "After we explained what we wanted to do, the lawyers (we spoke with) said, 'We don't have any problems with it.' I was disappointed because I thought it was a good argument to have!"³⁶

34 Ibid.

35 Ibid.

36 Ibid.

2. Getting it Right: Challenges of Implementation

IMPACT was launched by local Probation, Avon and Somerset Police, and the Bristol City Council in 2008. The IMPACT programme is charged with supervising 800 high-risk offenders in Bristol in south west England – individuals considered most likely to commit frequent and serious acquisitive crime. One of IMPACT's strongest features is that a multi-agency team – including probation and police officers, as well as representatives of third sector organisations – meet regularly to engage ideas and develop new strategies for supervising offenders. At one meeting, a probation team leader in IMPACT suggested a novel approach to ensuring compliance with probation orders – tasking a police officer with hand-delivering a warning letter to probationers informing them of their appointments and the consequences for missing them.

The operational managers in IMPACT considered the suggestion and how it could be best put into practice. It was established however that there may be problems if police officers actually delivered the warning letters because they may then have to appear in court if an offender denied a breach, to prove service of the letter. After further consideration, and consultation with the police, it was agreed that when probation staff sent a warning letter to an offender the recipient would receive an immediate follow-up visit from a police officer reinforcing both the warning, the necessity to contact their probation Offender Manager with a reason for their absence and to emphasise to them that they must attend their next probation appointment.

While only a small example, the process described above points to two essential truths about how to implement criminal justice initiatives successfully. The first involves unwavering attention to the

details: the IMPACT team spent a great deal of time working out an approach to home visits that made sense for both probation and the police. The second is perhaps less intuitive though no less important: the value of going through a process of trial and error to improve how a project operates.

The unfortunate truth, however, is that pilot projects are rarely afforded the luxury of reflection and refinement. Sometimes that is the result of a basic division between planners and practitioners. Initiatives tend to be drawn up by central planners, but practitioners often find even the most thorough plans do not conform to on-the-ground realities. At other times, it is the result of the intense pressure that demonstration projects are under to produce results. Many pilot projects are funded for only two or three years, which is scarcely enough time for initiatives to get up and running, let alone make changes in how they are structured. Finally and relatedly, pilot projects often suffer the burden of unrealistic expectations – the belief that there are “magic bullet” solutions to what are in reality usually very complex problems.

Successful practitioners, however, are able to navigate this tightrope by committing themselves to a process of patient, incremental improvement. In fact, the projects in our study have applied a handful of useful lessons that have guided the implementation process. They all have a focus on those people most likely to commit crime and use available information to identify high-risk groups accurately. They all give front-line practitioners the discretion they need to make good decisions about individual cases and avoid burdening them with too many rules and restrictions. They all work hard to establish accountability among programme participants, insisting on consistent and fair sanctions for violations of programme rules. And finally, they are all willing to admit when they have made mistakes and to return to the drawing board to improve what they are doing.

“ Initiatives tend to be drawn up by central planners, but practitioners often find even the most thorough plans do not conform to on-the-ground realities ”

Focusing resources on high-risk offenders

The Intensive Alternatives to Custody (IAC) Programme in Manchester is aimed at offenders who are otherwise likely to receive a short custodial sentence (typically between six months and a year). Part of a seven-site, £12 million pilot project launched by the Ministry of Justice in 2009, IAC is aimed at addressing a seemingly intractable problem: the high number of offenders who are given short-term sentences despite little confidence that these sentences themselves help offenders to desist from crime.

IAC's core goal is to come up with a sentencing alternative that appeals to magistrates and judges. In many instances, offenders sentenced to a short-term prison sentence have in previous instances been given one or more community disposals that they have failed to complete. Magistrates and judges are understandably reluctant to give an offender another chance if they have not shown any inclination in the past to complete a community order. As Nicola Still, chairman of the Magistrates' Association Sentencing Policy and Practice Committee, wrote recently, "*We [Magistrates] do not particularly want to send these people to prison: we know that statistics show that if we do their chances of reoffending will increase, but ... sometimes we have little, if any, alternative.*"³⁷

IAC attempts to address this problem in two ways: first, by creating a customised, "high-end" community disposal option, and second, by dedicating additional resources to supervising chronic offenders. IAC tends to be more onerous than a typical community disposal; on average, IAC orders have twice as many requirements (3.4 versus 1.7) and the orders last for at least 12 months.³⁸ In Manchester, the local Probation Trust created a dedicated IAC team, which includes a project director and specialised staff, assigned specifically to the local population.

One basic challenge for planners in Manchester was ensuring that IAC orders were only given to offenders who were truly prison-bound. One way to address this concern was to have clear criteria for

³⁷ Magistrates' Magazine, Magistrates Association, Summer 2010

³⁸ Sarah Hansbury, "Evaluation of the Intensive Alternatives to Custody pilots, Ministry of Justice", July 2011. <http://www.justice.gov.uk/downloads/publications/research-and-analysis/moj-research/intensive-alt-custody-research-summary.pdf>

entry into the scheme. The IAC team decided to focus its attention on young men aged 18 to 25 at risk of a short-term custodial sentence – a population known for having a high propensity to re-offend. Today, the IAC team works closely with probation officers stationed at courthouses in Manchester who prepare pre-sentence reports. If a probation officer identifies a case that might be suitable for an IAC disposal, they contact the programme to go over the case in question. Finally, the IAC team communicates regularly with legal advisors (who are permanently stationed in court to assist magistrates) to ensure that an IAC order is only given in appropriate instances.

According to the Ministry of Justice, this effort appears to be paying off: early indications suggest that IAC orders are only going to offenders who are truly prison-bound. For example, an audit in Manchester found that where the court did not follow the IAC recommendation given in a pre-sentence report, defendants almost always received a custodial sentence.³⁹

In another example of keeping a programme focused on a target population, in Bristol, members of the IMPACT team came up with a novel way of ensuring that the programme was reserved for high-risk offenders. Referrals to IMPACT can come from any of the partner agencies if the referring officer or staff member completes a one-paragraph description of why an individual should be admitted onto the scheme. Once this submission is received the police, probation and drugs teams work together to gather all existing intelligence on the individual. Each week there is a meeting during which the team runs through all of the prospective ‘candidates’ as well as “de-selecting” those people who are either doing well enough to no longer be considered a problem or (on the other end of the scale) those who have been given a long-term sentence to custody. This meeting is followed by a separate session that brings together IMPACT front-line practitioners to ensure that the team remains focused on those most likely to commit crime in Bristol. As John Long, the Association of Chief Police Officers (ACPO) lead for

³⁹ Ibid.

Integrated Offender Management and Assistant Chief Constable for Avon and Somerset Police said, “IMPACT... concentrates on our top offenders, the 20% of people that commit the 80% of crime.”⁴⁰ This integrated, intensive approach seems to be working: between 2008 and 2010, serious acquisitive crime (including domestic burglary and motor vehicle theft) dropped by 28%.⁴¹

Trusting front-line practitioners

Another feature of many successful demonstration projects is that they give considerable discretion to front-line practitioners. As Sally Lewis, the Chief Executive Officer of the Avon and Somerset Probation Trust (and part of the IMPACT leadership group) said, “We trust our staff to make the right decisions and try to get out of their way.”⁴²

Staff members from different agencies assigned to IMPACT sit together in dedicated office space. In their regular weekly meetings and more informal day-to-day conversations, they regularly improvise new approaches, discarding the ones that do not work and keeping the ones that do. This has led to some innovative new ways of working: for example, prison officers who are part of the IMPACT team regularly conduct home visits to individuals recently released from custody to help reinforce the message that these offenders are being supervised closely. As one put it, “When guys open their door and see their prison officer standing on their doorstep, it gives them a real shock!”⁴³

Over time, a culture of trust has developed across the disparate agencies involved in IMPACT. “When I started [at IMPACT], I noticed that probation managers gave their staff more freedom and flexibility to do their jobs,” recalled Sergeant Kevin Kehoe. “I decided to follow their example and do the same with my police officers.”⁴⁴

A similar process has occurred at the Heron Unit of the Feltham Young Offenders Institution, located in West London. A two-year pilot project was set up in November 2009 known as Project

40 Avon and Somerset Police Website, “Reducing re-offending”, http://www.avonandsomerset.police.uk/information/documents/cache/PDF/Document5553_442066.pdf

41 Avon and Somerset Police Website, “IMPACT – Reducing re-offending in Avon and Somerset”, http://www.avonandsomerset.police.uk/operations_and_initiatives/impact.aspx

42 Interview with Bristol IMPACT team, 21 September 2011

43 Ibid.

44 Interview with Kevin Kehoe, 21 September 2011

Daedalus. The unit focuses on young people who are coming to the end of a custodial sentence. The project is funded through a payment-by-results model and co-ordinated by the London Criminal Justice Partnership. This involves the charity Rathbone putting claims to the contract holders, the London Development Authority (LDA). The LDA then audits Rathbone to ensure that it is meeting the specified aims, and Rathbone is then paid according to education, training and employment outcomes.⁴⁵

Dedicated prison staff, working with so-called “resettlement brokers” (who work for a consortium of charities), provide help with education, employment, and housing, linking young people to the services they need “outside the gate” to successfully reintegrate into their home communities.

In the beginning of the project, some understandable tensions emerged between the resettlement brokers and members of Youth Offending Teams (YOT), who work for local authorities and are responsible for supervising young people after their release. After all, post-release, the resettlement brokers and YOT workers were providing similar services and the boundaries between the two groups were not always clear. As a solution to this problem, Daedalus began convening regular “champions” meetings, which bring together all the agencies responsible for a young person to discuss how to work together more effectively. As a result, tensions between resettlement brokers and YOT team members were eased.

Another factor that has helped Daedalus achieve some early promising results is that the prison officers who work on the Heron Unit have all been selected through a competitive internal application process to be part of the project. With funding from the Youth Justice Board, the Heron Unit has six additional prison officers assigned to the project. Working in the Heron Unit is seen as an attractive opportunity, particularly for those prison officers who want to work more closely with young people.

⁴⁵ The outcomes are: number of young people who start the programme; young people involved in positive activities who are on the Heron Unit (6 hours); number involved in skills development (30 hours); number that enter into education, training or employment (ETE) (age 15-17); number who enter employment (age 16+); number in sustained education or training for 26 weeks; and number of young people in sustained employment for 26 weeks

With these additional resources, Feltham has been able to do something that it cannot do in ordinary circumstances, which is to provide more individualised assistance to inmates in the Heron Unit. With extra resources, the prison officers “follow” the individual, making sure to attend on days when a particular case is being discussed during champions meetings or on the day of their release. Under ordinary circumstances, prison officers do not control their own schedules, meaning that they could not ensure that they could attend particular meetings or events.

In addition, as in the case of the IMPACT project, prison officers – working with third-sector partners – have come up with innovative new strategies to engage young people. For example, one prison officer has worked to increase the Unit’s use of “release on temporary license,” or ROTL, a complicated administrative procedure that allows young people to leave prison during the day to complete a community payback project (groups of young people on ROTL have cleaned parks and cleaned up graffiti), attend a job interview or register for classes. Another staff member has worked to form new links to community groups and businesses, including a partnership with Arsenal football club (Arsenal players have visited the Heron Unit, and one former participant has gone on to work for the club).

Demanding accountability

The projects profiled in this report also work hard to ensure accountability with programme conditions. For example, the Harlem Parole Reentry Court works with adult offenders released from prison under parole supervision who are returning to the Harlem neighbourhood of Manhattan. The project is part of the Harlem Community Justice Center, a neighbourhood-based court launched as a partnership by the non-profit Center for Court Innovation and the New York State Unified Court System. Participants are required

to return to the Reentry Court frequently to meet with case managers and parole officers, and to appear before an administrative law judge, who closely monitors their compliance with their parole conditions. The goal is to prevent parolees from reoffending by helping them find jobs and assume familial and personal responsibility. The Reentry Court uses graduated sanctions and rewards to encourage compliance. Sanctions may include curfews, increased court appearances and, in the most serious cases, return to prison. Rewards, which provide positive reinforcement for positive behaviour, include reduced court reporting, cinema tickets and relaxation of travel restrictions. As Grace Bernstein, a Harlem Reentry Court judge said, her role was “to help parolees understand their conditions of parole, helping them see the consequences of what would happen if they violated parole, and to help celebrate their accomplishments. You need to help people find a reason to break the cycle.”⁴⁶

To help meet this goal, the Harlem Reentry Court engages parolees prior to release and convenes regular case conferences with case managers, parole officers and the administrative law judge. The team discusses both “macro” issues such as new service providers interested in working with the Court, as well as “micro” issues such as individual problematic cases.

Those on the IMPACT scheme are also held to account very closely. Rapidly available intelligence ensures that when those probationers on IMPACT miss an appointment they don’t simply receive a letter, but the police officer assigned to that offender will know that appointment has been missed and will visit that individual. As Assistant Chief Constable John Long explains: “There’s lots of rehabilitative work that goes on that is very much supported by enforcement. We make sure that offenders abide by the terms of their sentencing and that they are keeping their appointments to help deal with their drugs problems. The offenders know that if they don’t attend their appointments they will be back inside the police station or before a court, or answering to someone, as to why they haven’t.”⁴⁷

46 <http://rethinkinggreen-try.blogspot.com/search?updated-max=2011-06-29T09%3A09%3A00-07%3A00&maxresults=10>

47 “Reducing re-offending”, Avon and Somerset Police Website, http://www.avonandsomerset.police.uk/information/documents/cache/PDF/Document5553_442066.pdf

Admitting mistakes and changing course

The projects profiled in this study have made a commitment to continuous incremental improvement; they have all shown a willingness to admit failure and make mid-course corrections to operations.

The Harlem Parole Re-Entry Court was designed to meet two goals which often come into conflict with one another: reducing re-offending among participants while at the same time cutting returns to prison, which can come from new offenses or from technical violations of parole (such as missing a parole appointment or drug test). The reason these two goals often clash is due to the “supervision” effect observed in multiple research studies of similar projects: the reentry court team is more likely to detect violations of programme rules among participants because they are watching them more closely than a typical parolee. And indeed, an evaluation of the Harlem Parole Reentry Court found that while re-offending dropped significantly among participants, returns to prison increased due to increased detection of technical parole violations.

“They have all shown a willingness to admit failure and make mid-course corrections to operations”

Rather than attempt to bury these negative findings, the Parole Reentry Court used them as an opportunity to introduce basic changes to the program. The Reentry Court created a new approach to technical violations, including the introduction of an actuarial risk and needs assessment tool, which gave parole officers a more structured way of distinguishing technical violations of parole that might lead to more serious offending from ones that were less threatening, and the introduction of new cognitive behavioral group sessions for high risk participants.

In Manchester, the IAC team made changes to programme operations in response to a Ministry of Justice-commissioned process evaluation of the scheme. Project Director Paul Pandolfo believes that the feedback from the evaluation focused the team on several

important issues. One example was the evaluator's finding that compliance rates were lower among members of the Black and Ethnic Minority Ethnic (BME) community. In response, the IAC team created a workshop specifically for this BME group; the training was so successful that it has been filmed and made available to other IAC projects. The team also learned that substance misuse – most often binge drinking or heavy cannabis use – was preventing probationers from making progress on their education and training goals. By working with the National Health Service, IAC was able to recruit on-site drugs workers for the programme.

3. Keeping it Going: Sustaining and Spreading the Best Ideas

When Diana Barran decided to leave her job as a hedge fund manager, she began talking to children’s charities across England and Wales about the problems they were having trouble addressing. “I asked them for the most hidden social problem in this country which was the hardest to raise money for and they all independently said domestic abuse,” she wrote.⁴⁸ She then began visiting charities working in the field and was struck by a key gap: while most agencies were focused on removing women and children from their homes, there was little attention being paid to those majority of cases where it made more sense for victims and their families to stay in their homes. That approach would require wholesale cultural change, knitting together the various disparate public (police, probation, the courts and local authorities) and third sector organizations involved in domestic violence cases and re-focusing their attention on the needs of victims. As Barran wrote, “at the time, there was relatively little practical multi-agency work, little focus on risk and no real trained support for victims.”⁴⁹

This educational process led Barran to start a new non-profit organization that would be devoted to helping victims of domestic violence. She dubbed it Co-Ordinated Action Against Domestic Abuse (or CAADA). As Barran wrote, “CAADA was born on my kitchen table!”⁵⁰ Six years later, CAADA has become an established part of the national domestic violence landscape, helping to launch (and providing support to) Multi-Agency Risk Assessment Conferences (or MARACs), which bring together all the relevant public and third-sector stakeholders to share information and create a safety plan for the highest risk victims of domestic abuse., CAADA also defined and

48 Correspondence with Diana Barran, 28 September 2011

49 Ibid.

50 Ibid.

developed the role of the Independent Domestic Violence Advisor (IDVA), who offer practical support to victims and represent them at the MARAC meeting. All told, there are 240 MARACs operating in England and Wales, and CAADA has provided accredited training to over 1,100 IDVAs. And in the year to June 2011, MARACs analysed, and created safety plans for, over 45,000 high-risk adult victims of domestic violence and over 63,000 associated cases involving children.

Barran's approach to this issue stands out from all the other projects described in this paper. Although she has been deeply involved in supporting the roll out of both MARACs and IDVAs, her organization does not operate either program directly. Instead, CAADA acts as an advisor and technical assistance provider, supporting these projects on a national basis. CAADA's success brings into focus a third, and final challenge faced by all practitioners and policymakers who work on demonstration projects: how do you not only ensure their survival, but spread the best ideas and practices throughout the system?

Getting beyond the pilot stage

Many of the projects described above are facing challenges in trying to get beyond the pilot stage. For example, central government funding for Intensive Alternative to Custody projects was withdrawn after two years, and the Manchester project has had to scramble for local funding to keep going, a difficult challenge in a tough fiscal climate. In a sign that the project is seen as effective by local stakeholders, the project has been successful in obtaining funding for a third year of operations. In addition, IAC has recently extended its approach to 16 and 17 year olds.

Bristol had another approach to sustainability: despite being part of a multi-site national demonstration project, from the onset they have not taken any additional central government funding to support operations, meaning that the work of the IMPACT team is paid for with existing resources. Their logic in being part of the national

network of demonstration sites was that they would benefit from the opportunity to learn from other projects, as well as from being included in any national evaluations. “We purposely never sought additional public funding [to support IMPACT]” recalled Sally Lewis, the Chief Executive Officer of the Avon and Somerset Probation Trust and the national lead on offender management with the Probation Chiefs Associations.⁵¹

The Violence Reduction Unit in Glasgow has worked to sustain initiatives by mainstreaming them within the police service. For example, its gangs project has been adopted by the Strathclyde police force, although members of VRU still sit on its executive board. In the case of Project Daedalus, pilot funding was initially scheduled to run out in November 2011, but planners were able to negotiate a six-month extension and are working with the Greater London Authority to secure the future of the project.

Attracting champions

As the example of Diana Barran and CAADA shows, one powerful way to sustain criminal justice projects is to attract powerful individuals or institutions to serve as champions.

This was the case in Hawaii where an enterprising judge, Steve Alm, launched a project called “HOPE Probation” in 2004. The project was borne out of Alm’s frustrations on the bench: appointed to Hawaii’s First Circuit in 2001, Alm regularly saw individual offenders with up to 30 different probation violations come before him. Alm believed that by that time it was too late to change offenders’ behaviour: “If my son misbehaved, I would talk to him about what he had done wrong and warn him that he shouldn’t do it again,” Alm said. “Then, if he did it again, I would give him a swift and sure, but proportionate punishment for breaking the rules. That way, he would learn from his mistake. I thought that it made sense to apply that thinking to the probation system.”⁵²

HOPE was born from this analysis. With HOPE, probationers are regularly drug tested, and if they fail their tests, they are given an immediate and certain short jail sentence as a sanction (typically

51 Correspondence with author, 18 October 2011

52 Angela Hawken, School of Public Policy “HOPE for Probation: How Hawaii Improved Behavior with High-Probability, Low-Severity Sanctions”, Pepperdine University

several days; servable at the weekend if employed). During their first two months in HOPE, probationers are randomly tested for drugs at least six times per month. They are assigned a colour code at the warning hearing and are required to call the HOPE hotline each weekday morning. Those probationers whose colour is selected must appear in court before 2pm that day for a drug test. Good behaviour through compliance and negative drug tests is rewarded with an assignment of a new colour associated with less-regular testing. But if a probationer fails to appear for testing, an arrest warrant is issued immediately and is served by the Honolulu Police Department. Probationers who test positive for drug use or fail to appear for probation appointments are arrested and held in custody.

Over time, individuals who repeatedly fail drug tests are assigned to drug treatment programmes. The logic is that their inability to change their behaviour despite repeated negative consequences is in itself a sign of drug addiction. Another benefit of the HOPE approach is that referrals for drug treatment are reserved for this group of offenders, which not only economises on the use of drug treatment but removes the need for expensive upfront screening and assessment.

A probationer found to have violated the terms of probation is immediately sentenced to a short jail stay, with credit given for time served. The probationer resumes participation in HOPE and reports to his or her probation officer on the day of release. While those on probation may request a treatment referral at any time, probationers with multiple violations are mandated to intensive substance abuse treatment services (typically residential care). The court continues to supervise the probationer throughout the treatment experience and consistently sanctions noncompliance.

Research shows that the programme has reduced crime and probation revocations, and therefore saved on prison costs. By 2009, positive drug tests were reduced by 86% and missed appointments by 80%. Revocations were reduced by 50% and arrests for new crimes were reduced by more than 50%.

Alm did more than create the programme, however: he worked tirelessly to promote it both locally and nationally, including appearing at conferences and collaborating with academics to run a randomised controlled trial. He attracted the attention of Pepperdine University Professor of Public Policy Angela Hawken and Mark Kleiman, a Professor of Public Policy at the University of California-Los Angeles, who have made HOPE a centrepiece of their written work, including a number of articles and books.⁵³ Working together Alm, Hawken and Kleiman have recently persuaded the United States Department of Justice to launch a multi-site replication of the HOPE model, and Kleiman has travelled to California and other states to encourage policymakers to create their own versions of HOPE. Finally, the Pew Charitable Trusts have worked to promote the programme nationally, summarising the findings of Hawken and Kleiman in a number of publications that have been widely distributed.⁵⁴

53 See, for example, “Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii’s Project HOPE,” Angela Hawken and Mark Kleiman, United States Department of Justice, December 2009. Also see Mark Kleiman, *When Brute Force Fails: How to Have Less Crime and Less Punishment*, Princeton University Press, 2010. Also see Mark Kleiman, “Jail Break: How smarter parole and probation can cut the nation’s incarceration rate,” *Washington Monthly*, July/August 2009.

54 See, for example, “The Impact of Hawaii’s HOPE Program on Drug Use, Crime, and Recidivism,” Pew Center on the States, January 2010. Available at http://www.pewcenteronthestates.org/uploadedFiles/PSPP_HOPE_Brief_web.pdf.

55 Correspondence with Diana Barren, 11 September 2011

56 *Ibid.*

57 *Ibid.*

As Barran points out, these types of tasks – raising money, organising research and evaluation, and advocating at a national level – are often (though not always, as in the case of Judge Alm) performed more effectively by an outside agency: “You need an organisation whose primary role is to do the roll out”, she wrote. “You can’t expect the manager of a local project to do this. It’s a different skill set and both jobs are more than full time.”⁵⁵ These advocates, however, need to work closely with the people actually operating the projects. “Our approach has been to try and get people to do their day job well rather than convert them to the importance of our cause,” she said. “We reckon that if the approach works, and they see the benefits for themselves, then they will be more committed.”⁵⁶ Again, the key is a tight relationship between policy and practice. “All too often ideas fail because the expectations of partner agencies are unrealistic in practice, albeit reasonable in theory.”⁵⁷

The work done by Alm, Kleiman, and others provided clarity to “what works” about a particular programme model. As numerous evaluations have shown, even small tweaks to a programme can result in big differences in outcomes. Gathering relevant data, defining the

delivery model, and keeping an intense focus on outcomes is essential if a local programme is to make a successful transition from local to national. Without this, there is a real risk that the approach itself will be diluted and the original project will lose momentum.

Getting the politics right

A final role that outside advocacy groups can play is helping to get the politics of criminal justice innovation right. This has been the role played by the Pew Center on the States' Public Performance Project, which has helped states across the US implement "justice reinvestment" strategies – shifting spending away from new prison construction and towards investments in community-based alternatives. Part of Pew's approach has been to remain strictly nonpartisan about the policies it advocates.

"We are a neutral, objective third party without ideological baggage or scars from prior state turf battles" wrote Adam Gelb, Director of Pew's efforts. "That gives our analysis extra credibility."⁵⁸

Another advantage of Pew's approach is that they avoid the simplistic 'soft versus hard' trap that many criminal justice initiatives fall into. According to Gelb, "We remain strictly agnostic about policy reforms in a state until we've analysed the drivers of the prison population and costs. There's no cookie-cutter approach. It's tailored to the unique circumstances of each state as revealed by their data. The data analysis itself is guided by a bipartisan, interbranch group of policy makers, and that buy-in to the process helps focus the discussions on sound science rather than sound bites."⁵⁹

In Kentucky, Pew worked tirelessly to advocate for a new approach to corrections, including conducting analysis and appearing before various state committees. They worked closely with Tom Jensen, the Republican Senate Judiciary Chairman, and John Tilley, the Democratic House Judiciary Chairman. Their efforts paid off: earlier this year, Kentucky Governor Steve Beshear passed the Public Safety

“Outside advocacy groups can help to get the politics of criminal justice innovation right”

⁵⁸ Correspondence with Adam Gelb, 29 September 2011

⁵⁹ Ibid.

and Accountability Act by a resounding 96-1 vote. The bill shifts state spending away from incarceration and towards community-based alternatives like probation. In signing the bill, Governor Beshear announced that the changes “*enabled the State to continue to be tough on crime while at the same time being smarter about it.*”⁶⁰

The experience of the Pew Public Safety Performance Project in Kentucky reinforces Barran’s point about the importance of outside champions. Politics can be a tough challenge for criminal justice practitioners, particularly those who are focused on operating a project at a local level. Even the best and most effective demonstration projects cannot succeed without political support. As credible outsiders, groups like CAADA and Pew can be particularly effective in helping demonstration projects navigate these tricky waters.

⁶⁰ “Governor Beshear signs bill aimed at lowering Kentucky prison population”, 3 March 2011: <http://www.courierpress.com/news/2011/mar/03/gov-beshear-signs-bill-aimed-lowering-kentucky-pri/>

Conclusion

Making the criminal justice system fairer and more effective is the ultimate goal of many, if not all, reformers. The question is how best to achieve this goal. This paper has sought to highlight one approach to change: creating demonstration projects at the local level, finding out what works and what doesn't, and then disseminating new ideas and new practices more widely.

There are many drawbacks to this approach. It can be time-consuming and pain-staking. It favours incremental reform as opposed to wholesale change. And since execution is crucial, it relies on the active engagement of frontline practitioners such as police officers, magistrates, probation officers, and social workers.

Nonetheless, there is ample evidence that demonstration projects are in fact capable of both solving local public safety problems and generating knowledge that is capable of transforming the wider field of criminal justice. Indeed, the demonstration projects described in this paper have achieved some encouraging results, addressing problems like repeat offending, prison overcrowding, and domestic violence.

The ink isn't dry on many of these experiments; it is too soon to tell whether they will be able to sustain their early success – and translate that success into broader systemic impact. It is, however, possible to mine the demonstration projects profiled above for a number of valuable lessons for the policymakers and practitioners of tomorrow.

Key Lessons for Successful Innovation

- **Start Small.** One factor that has helped the projects described above is that many started small, beginning with limited tests of the concept before expanding their operations. In the case of

Bristol IMPACT, the project team began with a caseload of only 125 offenders before eventually growing to 800, which had multiple advantages. Early funding demands are therefore less but perhaps most important, starting small provided them with the opportunity to work out the kinks of the model. The same process was at work in or on the Hawaii HOPE project, which started with a caseload of only 35 practitioners in a single courtroom before expanding throughout Oahu. Starting small and engaging in a rigorous trial-and-error process is crucial to the ultimate success of demonstration projects.

- **Real Change Takes Time.** In the era of the perpetual, 24/7 news cycle, one of the hardest things to ask for – from the media, from politicians and from the public – is patience. But the reality is that change within a public institution as large and as complex as the criminal justice system doesn't happen overnight. Many of the pilot projects described above were funded for a two-year period, which is barely enough time for a project to establish itself, let alone start to achieve (and capture) measurable results. Unfortunately, there are numerous examples of promising initiatives and interesting ideas being jettisoned not because they were proven to be ineffective, but simply because policymakers did not give them enough time to achieve their goals.
- **Don't Go It Alone.** External champions can play a key role in demonstration projects, helping local practitioners meet challenges like obtaining political support or finding funding. For example, CAADA provided critical support to practitioners throughout England and Wales working with victims of domestic violence, and Pew's Public Safety Performance Project helped policymakers in Kentucky analyse their prison population and come up with new solutions designed to cut crime and spending simultaneously. Interestingly, these champions came from outside

government, which points to the role that credible intermediary organisations can play in aiding local practitioners and promoting innovation more broadly.

- **Politics Matters.** Local political interest in pilot projects is to be welcomed, and over time, political attention can lead to more media exposure and financial support. However, the most sustainable projects recognise the need to remain apolitical in their leadership and to reach out to all parties, not just those in office when a project is favoured. Political support is often temporary and can be reliant on relationships that can end unexpectedly and rarely exceed the duration of a project. The politics of a project can go wrong when that scheme becomes too closely tied to the fortunes of incumbent politicians, and therefore vulnerable to termination or funding cuts if the political landscape changes. Projects can also be discredited if political rhetoric runs ahead of the on-the-ground reality, or if inflated claims are made about programme impact that do not match the tentative or modest successes that a scheme has achieved so far, thus raising expectations unfairly.
- **Research Matters.** Thoughtful champions and political support make a difference, but nothing is more important than being able to document impact. The ideas that have successfully moved from a single programme to broader implementation can usually point to hard data, and robust independent analysis, not anecdotes, as one of the key forces behind replication. At the most successful demonstration projects, research isn't an afterthought or a necessary evil. Nor is it something that is out-sourced and then forgotten about. Even in cases where there is an independent researcher, it is crucial for those engaged in implementation to play a key role in evaluation, helping to define realistic, robust and measurable outcomes for their project.

- **Keep focused.** Successful schemes target resources effectively and keep focused on where they can make the most impact. In criminal justice, this often means working with finite resources and addressing the most prolific offenders or those that present the greatest risk of harm. The best projects in our study, from the HOPE probation scheme in Hawaii to reduce drug-related offending to the Save Our Streets programme designed to reduce gang-related violence in New York, have a relentless focus on those people most likely to commit crime and use all the information available to identify that high-risk group accurately. Allowing mission creep and attempting to solve too many problems across too many areas can dilute the impact of a programme and undermine the distinctive nature of a project which can be the key to gaining funding and support.
- **Don't Take Funding for Granted.** Once a project has secured enough seed capital to begin, it is natural to divert attention to the immediate operational issues around implementation and evaluation. But even when projects receive local acclaim or national recognition, ongoing funding can still be problematic. In the criminal justice sector, although some schemes benefit from secure funding, most support – from the private, voluntary or public sector – is not usually long-term, and can run out just when a project is close to proving its impact. Diversity of funding provision can help. Larger grants may come with strings. Start-up investment and bridging income may be needed if contracts are outcomes-based. Even after initial success, funding can never be taken for granted. Today's funding is no guarantee of tomorrow's likely income if a project needs more money to expand.

Demonstration projects are not the only path to change in criminal justice. There will always be a place for legislation, litigation, protest, and other forms of advocacy. But as the case studies in this report

make clear, demonstration projects are an important tool for both policymakers and practitioners. New approaches to preventing crime depend upon imagination, experimentation, and robust evaluation. This favours a localised approach that frees professionals to innovate, creates new understanding, and thereby provides policy makers with more and better evidence to effect change more widely. If we want to be smart on crime we need to rely less on national policies devised and imposed by central government and more on fostering innovation and demonstration projects at a local level that over time will show how best to improve public safety.

Despite the political emphasis in the UK on top-down government solutions and large, structural reforms, England and Wales have a good record in recent years of stimulating change from the ground up. The challenge in future in both the UK and the US is to make sure that demonstration projects are supported, that they are implemented and evaluated thoughtfully, and that the lessons arising from them are spread as broadly as possible.



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From the Ground Up: Promising criminal justice projects in the US and the UK examines successful demonstration projects in the UK and the US that are attempting to reduce crime, drug use and incarceration, among other challenging goals. The report identifies a selection of innovative, ground-level experiments in policing, probation, courts and crime prevention that have had a real impact. In this report the founders and lead practitioners share their experiences of creating innovative projects and in reviewing the projects the author identifies key practical lessons for how to successfully plan, implement and sustain new criminal justice endeavours.

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