THE EVIDENCE-BASED DECISION MAKING INITIATIVE: AN OVERVIEW FOR LAW ENFORCEMENT

EBDM

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National Institute of Corrections

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BACKGROUND: WHAT IS THE EVIDENCE-BASED DECISION MAKING INITIATIVE?

In 2008, the National Institute of Corrections (NIC) launched the Evidence-Based Decision Making (EBDM) initiative. NIC is a federal agency within the U.S. Department of Justice. It provides training, technical assistance, information services, and policy/program development assistance to federal, state, and local justice system agencies and public policymakers.

The goal of the EBDM initiative is to equip criminal justice stakeholders with the information, processes, and tools that will result in measurable reductions in pretrial misconduct, post-conviction reoffending, and other forms of community harm. The initiative is grounded in three decades of research on the factors that contribute to criminal reoffending and the methods that justice systems can employ to interrupt the cycle of reoffense. The work is guided by A Framework for Evidence-Based Decision Making in State and Local Criminal Justice Systems ("EBDM Framework") and its four key principles.

In 2010, seven local jurisdictions in six states were selected to pilot-test the Framework and a "roadmap" of action steps designed to improve outcomes through collaborative, research-based principles and processes. In 2015, an additional 21 teams—including three state-level teams—joined the national initiative. Collectively, EBDM's 28 state and local teams represent a range of large urban areas, mid-size communities, and small rural towns.

EBDM FRAMEWORK PRINCIPLES

EBDM Principle 1: The professional judgment of criminal justice system decision makers is enhanced when informed by evidence-based knowledge.

EBDM Principle 2: Every interaction within the criminal justice system offers an opportunity to contribute to harm reduction.

EBDM Principle 3: Systems achieve better outcomes when they operate collaboratively.

EBDM Principle 4: The criminal justice system will continually learn and improve when professionals make decisions based on the collection, analysis, and use of data and information.

Genuine collaboration is a cornerstone of the EBDM process. The collaborative approach of EBDM seeks to overcome the limitations of traditional and nonsystemic approaches to criminal justice problem solving and solution development. EBDM brings together a broad array of stakeholders to develop a common understanding of the justice system, identify common goals, jointly create policies and practices to support the achievement of those goals, and stand together to advocate for those goals, particularly in the event of criticism. Criminal justice system "stakeholders" are defined as those who have a vested interest in justice system processes and outcomes; together they are referred to as "policy teams."

Policy teams are comprised of the justice system agencies and community organizations that impact, or are impacted by, decisions that will be made by the collaborative team. Their specific composition varies depending upon the structure of each community, but they commonly include those with the positional power to create change within their own organizations. The chief judge, court administrator, elected prosecutor, chief public defender, private defense bar, probation/community corrections director, police chief, elected sheriff, pretrial executive, victim advocates, local elected officials (i.e., city manager, county commissioner), service providers, and community representatives are common policy team members of local teams.

"COLLABORATION" IS THE PROCESS OF WORKING TOGETHER TO ACHIEVE A COMMON GOAL THAT IS IMPOSSIBLE TO REACH WITHOUT THE EFFORTS OF OTHERS.

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On state-level teams, the stakeholder composition is similar but includes those with positional influence across multiple communities (e.g., elected president of the state prosecutors' or sheriffs' association; executive director of the state's association of counties), including agencies and individuals with statewide authority or influence (e.g., state legislature, statewide behavioral/mental health agency, department of corrections, attorney general, governor's office, state courts). In addition, state-level teams include local team representatives in order to align state and local interests around justice system reforms. Together and separately, each team member brings valuable information, resources, and perspectives to the collaborative endeavor.

EBDM policy teams devote their first team meetings to building their collaborative team; understanding current practice within each agency and across the system; learning about research-based policies and practices ("evidence-based practices") and their application to decision points spanning the entire justice system, from point of initial contact (arrest) to final discharge; and agreeing upon a set of systemwide values

"HARM REDUCTION," AS USED HERE, REFERS TO DECREASES IN THE ILL EFFECTS OF CRIME EXPERIENCED BROADLY BY COMMUNITIES, VICTIMS, CITIZENS, JUSTICE-INVOLVED INDIVIDUALS, AND THEIR FAMILIES.

and goals. Thereafter, EBDM teams collaboratively develop strategic plans, focusing on key "change targets" for improving the alignment of research with policy and practice, and improving systemwide outcomes. Examples of change targets include expanding pretrial release and diversion options for those who do not pose a danger to the community; instituting or expanding intervention options for specific populations; expanding evidence-based interventions throughout the justice system; ensuring the appropriate use of risk assessment information; reducing case processing delays; establishing methods to streamline case information flow; and instituting formal processes for professional development and continuous quality improvement. Policy team strategic plans include logic models that describe theories of change, specific methods to measure performance, and a systemwide "scorecard"—a method to gauge the overall performance of the justice system in achieving its harm reduction goals, including improved public safety. Policy teams also identify strategies for engaging a broader set of professional and community stakeholders in their justice system reform efforts. Subsequent activities focus on the implementation of these strategic plans, identification of additional areas of improvement, expansion of the stakeholders involved, and increased capacity for the collection of data to monitor and improve performance.

THE PERSPECTIVE OF POLICE AND SHERIFFS WHO HAVE ENGAGED IN THE EBDM PROCESS

Since the project's inception in 2008, police chiefs, elected sheriffs, and their staff representing 25 local jurisdictions and three states have engaged in EBDM work. Through a series of focus groups, interviews, and surveys, they shared their views on this work.

The Benefits of EBDM

Law enforcement representation on EBDM policy teams is critical to the implementation of effective, systemwide reforms. While some police chiefs and sheriffs immediately understood the value of their contributions and the importance of their perspective to the system improvement dialogue, some questioned these very ideas and wondered (oftentimes aloud) "Why do we need to be at the table? We make arrests and then the rest of the system takes over." With little exception, in short order law enforcement officials recognized the importance of their involvement. As the agencies that represent the first point of contact in the system, law enforcement soon came to realize the ways in which the justice system impacts them (e.g., oftentimes officers respond to calls for service related to individuals experiencing a mental health crisis; when those officers are not provided with critical mental health information prior to the encounter, they can find themselves in a life-threatening situation). At the same time, decisions made following arrest by other disciplines—such as the release of an arrested person almost immediately following booking—can impact officers' morale and view of their criminal justice partners.

Probably for these reasons, law enforcement representatives who participated on EBDM teams most frequently identified collaboration as one of the central benefits of the EBDM process. Exposure to the research that supports various justice system strategies—for example, tools that help to distinguish the type of public safety risk an individual poses, and the impacts of certain strategies that can have adverse effects to public safety (e.g., mixing low and high risk; over-responding to low risk)—was of high value to law enforcement agencies. In fact, some arranged to have their entire staff—uniformed and civilian alike—trained in these research principles. Law enforcement representatives also identified the value of sharing their perspective around the policy team table—and having a voice in the types of policy changes that would be enacted—as well as the value of hearing the perspectives of others with whom they traditionally do not work closely.

Law enforcement representatives also identified the "bottom line" benefits of the EBDM process. In their words, the pursuit of the broad goals of "public safety, efficiency, cost savings, and effectiveness in crime and recidivism reduction" are the key benefits of the EBDM process—in addition to more specific benefits such as better policing practices related to the management of the serious mentally ill, risk-informed responses to domestic violence, greater information exchange among policing departments with supervision agencies such as pretrial and probation, and the opportunities to expand street officers' responses to some behaviors (e.g., options other than arrest and jail for public intoxicants, vagrants, seriously mentally ill).

The Challenges of EBDM

Similar to other disciplines involved in EBDM, law enforcement representatives identified "changing the culture of the way we are accustomed to doing things" as a key challenge. This

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IN THE WORDS OF LAW ENFORCEMENT

"The long-term benefits [of EBDM] are an improvement to our work processes and beneficial changes (through proven strategies) to the system as a whole."

"In these times of diminishing tax dollars, it is incumbent upon law enforcement executives to ensure that our strategies are truly effective. EBDM allows for informed decision making that truly can protect our communities."

is perhaps best described by this sheriff's words: "Seeing the big picture and understanding that law enforcement makes a direct impact on people's lives [was a challenge]. We balance a big responsibility with protecting citizens by sometimes making arrests; however, we are also responsible for the decision about who to arrest. That is impactful, and potentially leads to recidivism rates. We must [work as a] system and utilize research [and] tools to achieve positive outcomes." But "obtaining 'buy-in' from colleagues to change long-standing practices they perceive as productive…changing [their] thought patterns" posed some significant challenges. Some confessed to their own misunderstanding—or that of their colleagues—about what EBDM is designed to accomplish. The perception that EBDM is "soft on crime" rather than "smart on crime" was not always easy to dispel, particularly among law enforcement representatives.

Significant Practice Changes

Police chiefs, sheriffs, patrol officers, deputies, and other law enforcement officials have experienced changes in their own processes and in the larger justice system since engaging in the EBDM work. The most significant among these relate to the management of individuals with mental illness and of perpetrators of domestic violence; the development of more structured ways to determine eligibility for citation release; the availability of diversion options at the arrest stage; and improved collection of and access to data and information. The following represents some of the changes that have had significant impact on law enforcement agencies:

- Where responding officers historically did not have a way to assess recidivism risk, since EBDM, some departments have instituted such protocols. These risk assessment protocols provide information officers use to help inform the arrest/detain/divert decision; they also allow for the collection of more comprehensive data about law-breakers and arrestees.

- Many departments have implemented the use of lethality assessments to identify the risks to victims of domestic violence and reconsidered their policies related to handling victims and managing perpetrators.

- Many departments struggle with the lack of information about—and access to—timely services and support for individuals with mental illness. Not only are these cases extraordinarily time-consuming for responding officers—particularly when the circumstances necessitate a medical evaluation or a psychiatric evaluation for Emergency Detention—but officer safety can be a serious concern. Through their collaborative EBDM work, law enforcement agencies have forged new partnerships with medical personnel (doctors, nurses, hospitals) and mental health agencies and practitioners (social workers, clinicians, clinics, state and local mental/behavioral health departments) in several important ways. First, Crisis Intervention Training (CIT) has been expanded considerably for law enforcement personnel (including jail staff). Second, some EBDM communities are building information exchange processes that provide responding officers with information about individuals currently receiving mental health services. This information might include the assigned social worker's name and contact information, the circumstances that "trigger" a crisis response from the individual, case plans, and the specific calming strategies that have proven effective with the individual. Finally, in some

instances, emergency response teams have been formed such that law enforcement and mental health respond to and handle crisis calls jointly.

- Finally, some EBDM communities are working toward or have developed diversion options for low risk individuals and/or directories of options that are available to law enforcement officers as alternatives to arrest. The goal of these efforts is to distinguish between those who pose a public safety risk and reserving booking time and jail resources for them, and making diversion options available, where appropriate, for those who are low risk, likely "self-correcting," and more effectively managed through alternatives to jail.

ADDITIONAL EBDM RESOURCES:

- A Framework for Evidence-Based Decision Making in State and Local Criminal Justice Systems
- Evidence-Based Decision Making (EBDM) Primer
- EBDM Case Studies: Highlights from the Original Seven Pilot Sites
- Evidence-Based Decision Making User's Guides
- Evidence-Based Decision Making Starter Kit

For more information or to view other resources on EBDM, visit http://www.nicic.gov/ebdm or http://ebdmoneless.org/.