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978-0-521-76246-5 - American Criminal Justice Policy: An Evaluation Approach to Increasing Accountability and Effectiveness

Daniel P. Mears

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AMERICAN CRIMINAL JUSTICE POLICY

American Criminal Justice Policy examines many of the most prominent criminal justice policies on the American landscape and finds that they fall well short of achieving the accountability and effectiveness that policy makers have advocated and that the public expects. The policies include mass incarceration, sex offender laws, supermax prisons, faith-based prisoner reentry programs, transfer of juveniles to adult court, domestic violence mandatory arrest laws, drug courts, gun laws, community policing, private prisons, and many others. Optimistically, Daniel P. Mears argues that this situation can be changed through systematic incorporation of evaluation research into policy development, monitoring, and assessment. To this end, the book provides a clear and accessible discussion of five types of evaluation – needs, theory, implementation or process, outcome and impact, and cost efficiency. In addition, it identifies how they can be used both to hold the criminal justice system accountable and to increase the effectiveness of crime control and crime-prevention efforts.

Daniel P. Mears is a professor at Florida State University's College of Criminology and Criminal Justice. He has published widely in criminology, including more than ninety articles, chapters, and reports, and has examined a wide range of criminal justice policies. His work has appeared in *Criminology*, *Journal of Research in Crime and Delinquency*, and *Law and Society Review*, among other journals, and his views, including editorials, have been frequently cited in such media outlets as the *Boston Globe*, *Los Angeles Times*, and *USA Today*.

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Preface

In this book, I argue that American criminal justice is flawed but redeemable. I argue that straightforward, feasible, and pragmatic steps can be taken to diagnose and solve many of the problems with the criminal justice system and the policies, programs, practices, and decisions that comprise it. Not least, I argue that policy makers, administrators, practitioners, and researchers can and should use evaluation to increase criminal justice accountability and effectiveness.

The motivation for the book stems from a desire to help elevate debates about criminal justice policy and to improve the criminal justice system. All too frequently, this system fails to hold offenders accountable, reduce crime, help victims, or operate efficiently. The fact that much of the system's inner workings occur within what might be termed a *black box* contributes to these problems. Many times, for example, we have little evidence about how, or even whether, policies have been implemented. The "black box" nature of criminal justice is problematic because of the tremendous growth in the size and costs of the criminal justice system. Moreover, it is troublesome because of the risks – such as increased crime, victimization, injustice, and inefficiency – that may result when this system operates with little credible information or evidence about its policies.

Still, strong grounds exist for being optimistic. For example, policy makers and the public increasingly have called for smarter, more effective ways to reduce crime and help victims. In addition, "government accountability" no longer constitutes a buzz phrase; rather, it now stands as a critical goal embraced by local, state, and federal agencies. The change in 2004 in the name of the U.S. General Accounting Office, which operates as the research arm of Congress, to the U.S. Government Accountability Office symbolizes this shift.

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Against this backdrop, and while teaching criminal justice policy evaluation, the idea for developing this book materialized. Before entering a university setting, I worked at the Urban Institute, a nonprofit research organization. There I undertook evaluations of many criminal justice policies and learned several lessons. One was that evaluation research could provide important information about such questions as whether to adopt or abandon a policy and how to design or improve policies. Another was that evaluation involves both art and science, including the need to tailor research to fit the questions most important to criminal justice policy makers, officials, and practitioners or to debates about particular policies. A third was that criminal justice officials, practitioners, the agencies within which they work, and researchers frequently have limited training in policy evaluation. Not least, a fourth was that evaluation research, if applied on a widespread basis, had considerable potential to improve policy.

When I entered a university setting and began trying to teach policy evaluation, I realized that no books described the nuts and bolts of an evaluation framework – as applied to criminal justice – in an accessible manner and to a large number of policies. Evaluation research texts certainly existed. However, I wanted a discussion that focused on criminal justice policy, used criminal justice examples, and identified how evaluation research questions must be tailored to fit specific criminal justice policies. My experiences with criminal justice administrators, practitioners, researchers, and especially students made it clear that an evaluation approach makes more sense and is more meaningful if the audience can see how it applies to policies of interest to them. A focus on a diverse range of policies thus was critical.

As I thought about how to proceed, I realized that the systematic application of an evaluation approach to criminal justice policies could be used not only to show how such research can be applied to these policies. It also could be used to develop a powerful critique of them and of the criminal justice system more generally. Not least, it could be used to identify a relatively straightforward solution for helping to produce more accountable, effective, efficient, and evidence-based criminal justice policy.

Collectively, these observations led me to write this book, with the hope of contributing to efforts to improve criminal justice policy. I want to emphasize that this book is an argument about the state of criminal justice policy and how to improve it. Training in research methodology is not required to understand the argument or to understand and apply evaluation research. Such training will help, but it is not necessary. Indeed, as I emphasize throughout the book, the conceptual rather than the statistical underpinnings of

evaluation research are what is most critical for assessing and improving criminal justice.

The contours of the book have taken shape over several years, and any strengths it may have come from the support and influence of many people. Special thanks go to Emily and Eli, who inspire and tolerate me. Emily has been a most gracious sounding board throughout the writing of this book and offered innumerable helpful suggestions for improving it. To my broader family, idealists and pragmatists alike, I am also most thankful – collectively, they provide perspective on what matters. I owe a debt of gratitude to Bill Kelly and Mark Stafford, both of whom I am fortunate to count as friends and mentors. I also am very fortunate to have been able to rub elbows with Jeremy Travis and Christy Visher. They have taught me more lessons than they likely realize about research and the broader policy context in which it occurs. I am indebted to my colleagues at the Urban Institute, especially John Roman for his review of the cost-benefit analysis chapter, and at Florida State University. I also am indebted to Christina Mancini, who helped collect material for the book, to my students, and to the many officials and practitioners who have taught me about the policies, programs, practices, and operations of the criminal justice system. Not least, many thanks to Ed Parsons at Cambridge University Press, who encouraged me to undertake an endeavor that I otherwise would not have tackled, and to the reviewers, who provided excellent advice. Any flaws in the book are, of course, my responsibility and mine alone.

Grateful acknowledgment is extended to the following publishers for permission to draw on, reprint, and excerpt from my previous work and articles: the American Correctional Association in Alexandria, Virginia; Blackwell Synergy; the Center for Juvenile and Criminal Justice; Elsevier; Sage Publications; Taylor & Francis; University of California Press; University of Houston Law Center; and the Urban Institute. Special thanks are extended to Elsevier for permission to develop several ideas that I briefly presented in an article in *Journal of Criminal Justice* (“Towards Rational and Evidence-Based Crime Policy,” Vol. 35, No. 6, pp. 667–682, 2007). I thank not only these publishing companies but also the editors of their journals and the reviewers who took time to help improve the original articles. I also thank Sage Publications for permission to create a modified version of Exhibit 3-C from *Evaluation: A Systematic Approach* (2004:80) by Peter H. Rossi, Mark W. Lipsey, and Howard E. Freeman.