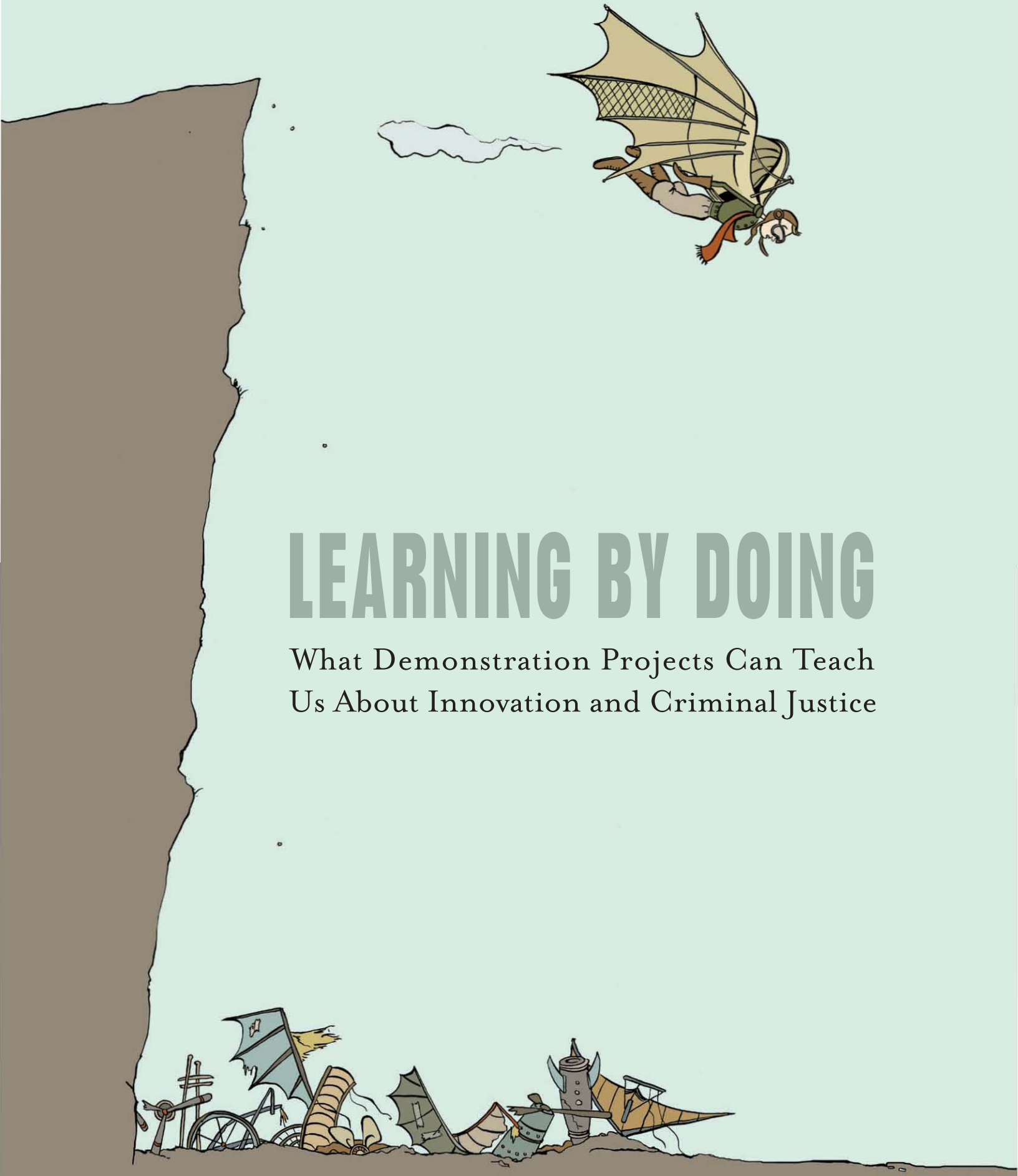
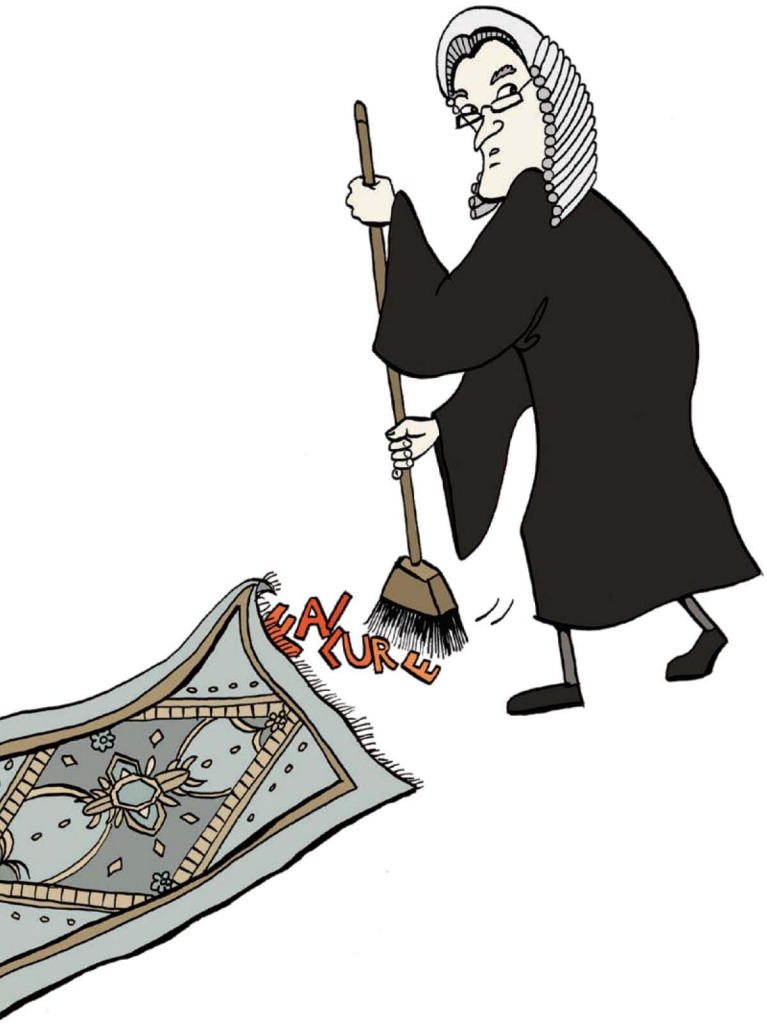


LEARNING BY DOING

What Demonstration Projects Can Teach Us About Innovation and Criminal Justice

THE CENTER FOR COURT INNOVATION

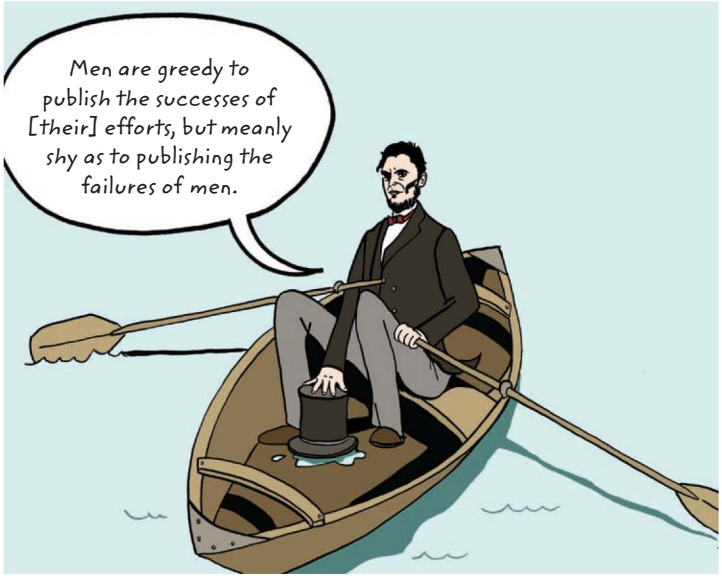


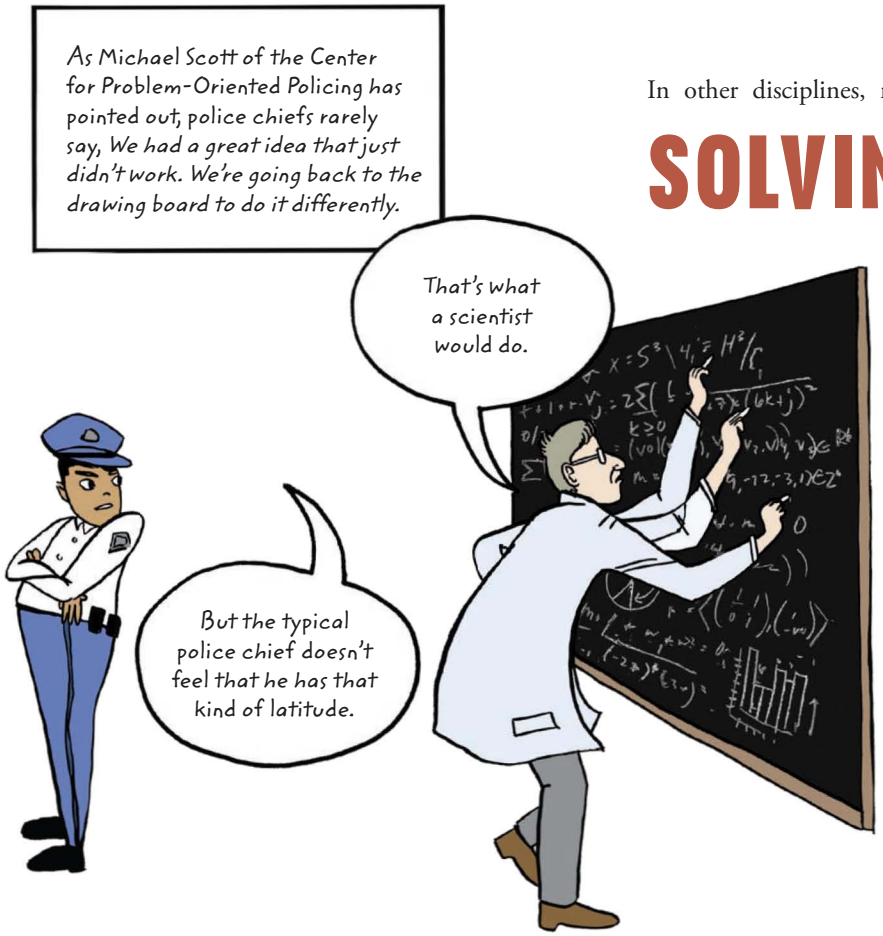
LEARNING LESSONS FROM THE PAST

is not a particular strength of the criminal justice system.

Indeed, the history of criminal justice in the United States can be read as a swinging pendulum, as policymakers have veered from punitiveness to leniency and back again, without pausing to remember why they initially favored one approach over the other.

FEAR OF FAILURE





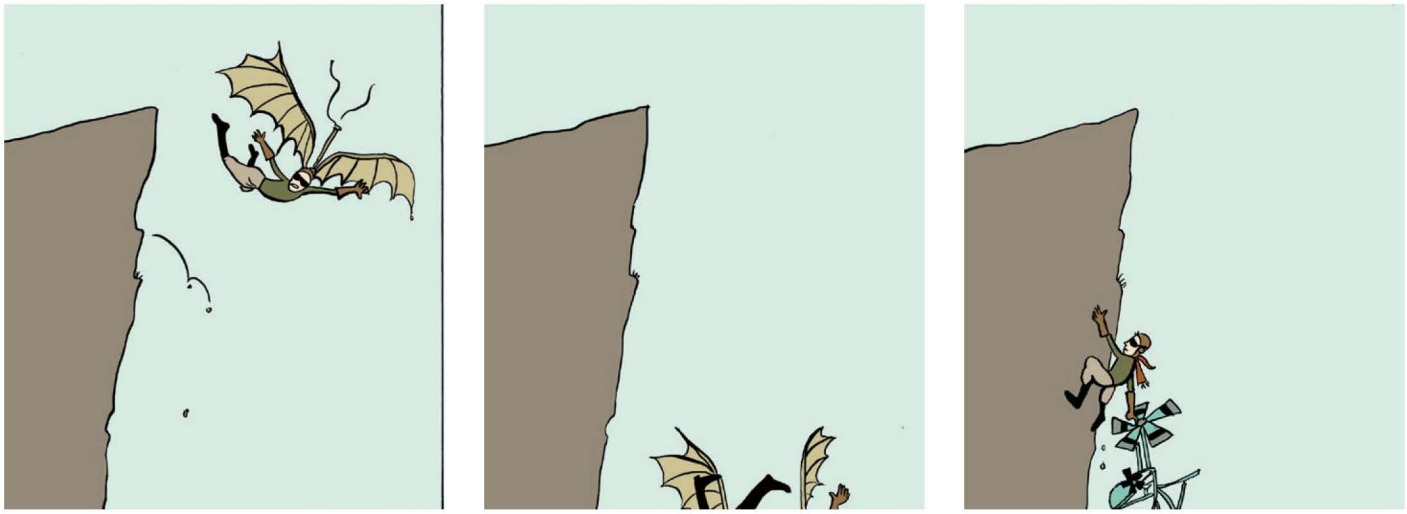
In other disciplines, most notably science,

SOLVING PROBLEMS

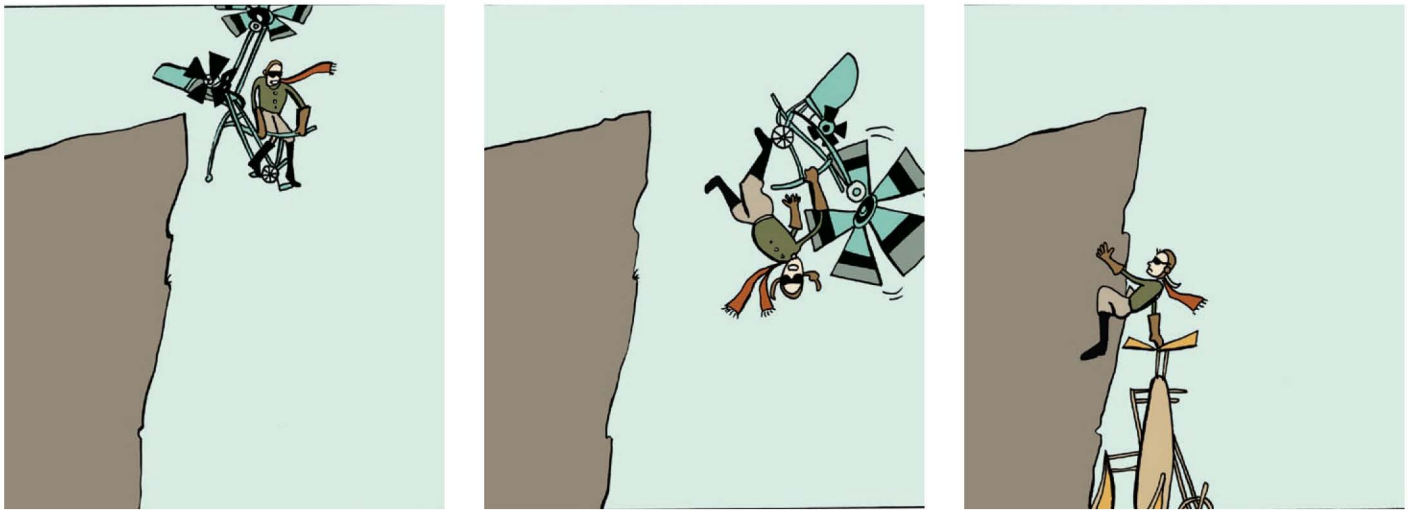
is viewed as an iterative process. Criminal justice officials are rarely afforded the opportunity to engage in a trial-and-error process because the results of failure are so immediate: people can die, and officials get fired.

But there are **REAL CONSEQUENCES** when we fail to talk about failure. Most obviously, it leads to an environment that stifles innovation. And without innovation, it is hard to imagine solving difficult problems such as domestic violence, youth crime, and chronic neighborhood disorder.

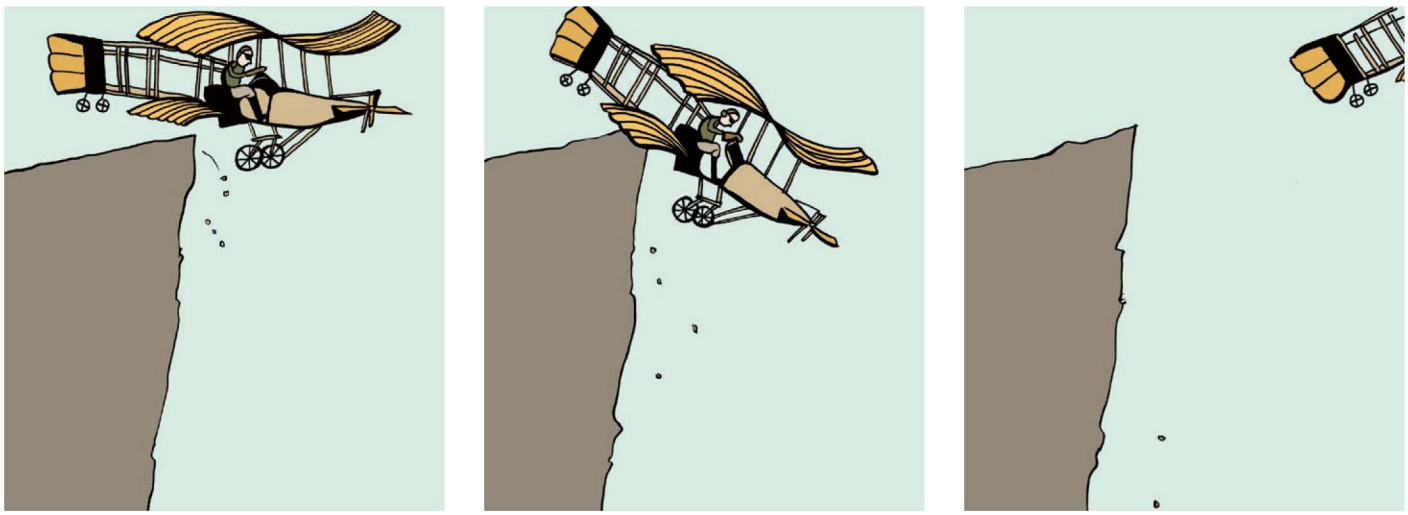
Judith Sachwald
Former director of the Maryland Division of Parole and Probation



There are numerous reasons to encourage a more **FORTHRIGHT DIALOGUE** about criminal justice and the challenges of reforming the system. Learning from mistakes is particularly important to those charged with implementing, evaluating, and funding demonstration projects.



Even initiatives that fall short of their goals can provide valuable information and guidance as innovators look to **IMPROVE THE CRIMINAL JUSTICE SYSTEM** in the future.



The past generation has been a fertile period for criminal justice reform. Many new initiatives have emerged in an effort to reduce crime and improve the functioning of the system – COMPSTAT, drug court, HOPE Probation, Operation Ceasefire… The list goes on and on. Almost all of these reforms began life as demonstration projects: small-scale pilots with a temporary life span. Numerous reports and case studies have been devoted to culling the best practices from these projects. But what about the reverse? Are there things to be learned from projects that struggled to achieve their goals?

Here are five such lessons:

1.

2.

3.

4.

5.

1. NOT ALL FAILURES ARE ALIKE.

Failure is usually the product of a complicated chemistry involving a specific time, a specific place, and specific personalities. While every programmatic failure has its unique elements, **FAILURES GENERALLY FALL INTO FOUR DISTINCT GROUPS:**

1. Failure *of* concept
   (a bad idea)
2. Failure *of* implementation
   (poor execution)
3. Failure *of* marketing and politics
   (an inability to attract the necessary money or manpower)
4. Failure *of* self-reflection
   (an inability to assess one's own weaknesses and adapt to changes on the ground)

The St. Louis **Consent to Search** program, implemented in the 1990s, illustrates each of these types of failure.

Consent to Search was a reaction to the city's alarmingly high murder rate in the early 1990s. In an effort to get guns off the street, the St. Louis Police Department conducted home searches of young people previously arrested on gun charges – with the consent of their parents and a pledge not to make arrests based on what they found.

The program was surprisingly well-received by the community, and over 500 guns were seized in just 18 months.

However, despite promising results, after a change of leadership at the top of the St. Louis police department, the program was scrapped. This was a

failure *of* politics,

with a small *p*: Consent to Search wasn't shuttered based on a hard analysis of the program's benefits and costs.

Richard Rosenfeld
Professor of Criminology and Criminal Justice at the University of Missouri – St. Louis.

The program was eventually re-started, but the pledge not to make an arrest, arguably the key component of the program model, was eliminated. Not surprisingly, referrals from the community dried up, fewer searches were conducted, and the number of guns seized dwindled. The program was again discontinued, this time due to a

failure *of* concept:

the elimination of the pledge was just a bad idea.

The program was re-started a third time, this time with the help of a federal grant and a local clergy group that was brought on board to link families in crisis to needed services. Unfortunately, the police-clergy partnership fell apart in mutual acrimony. The Consent to Search program soon followed suit. This illustrates a

failure *of* implementation:

the ideas were good, the project had adequate resources and local support, but the execution was poor.

It is impossible to say if the errors of Consent to Search could have been avoided – hindsight is always 20/20. But it is clear that the Consent to Search team lacked the institutional architecture to effectively analyze and document what they were doing: these were street cops responding to challenges on the ground, not researchers. While understandable, this

failure *of* self-reflection

made it difficult for the project to respond as conditions on the ground changed.

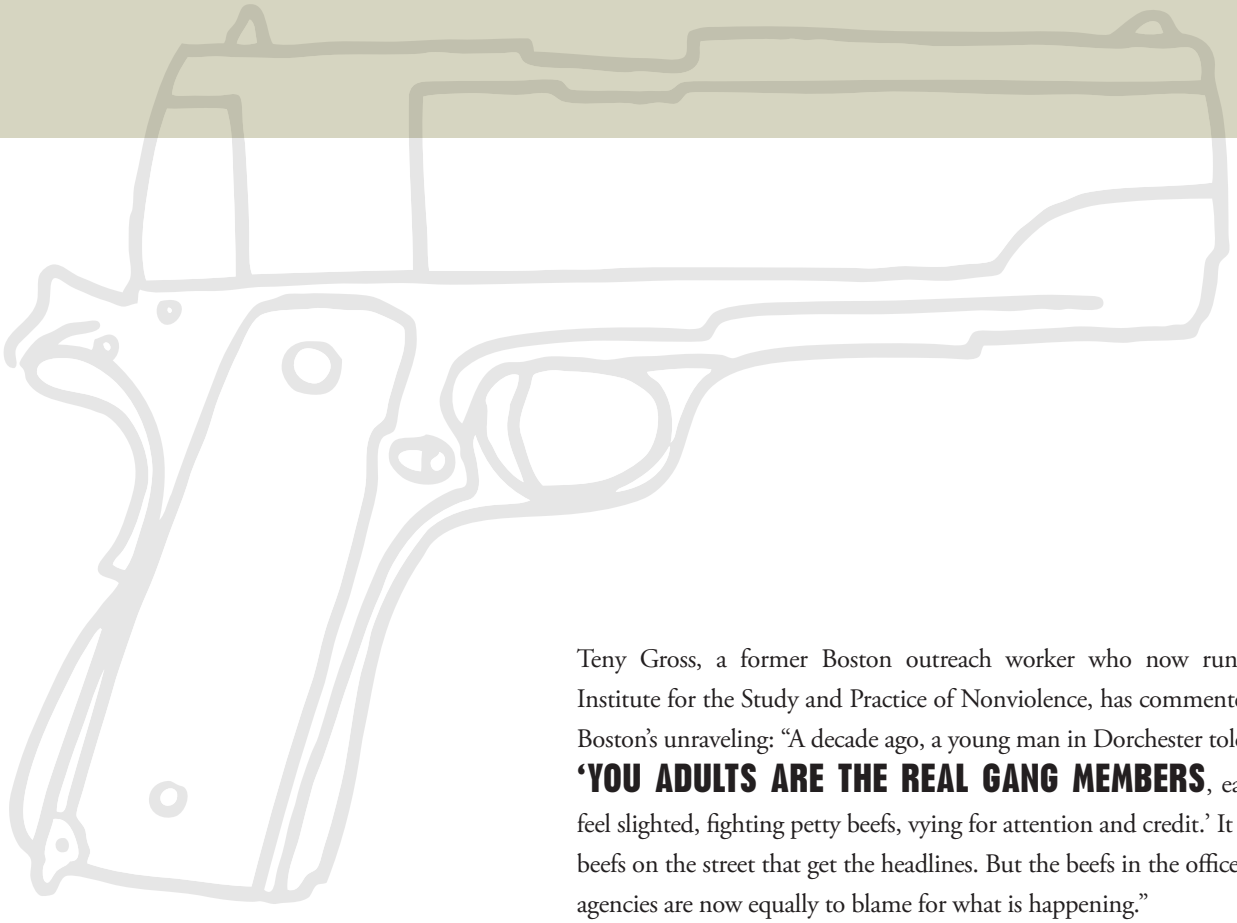
2. FAILURE IS IN THE EYE OF THE BEHOLDER.

D.A.R.E.

3. THINGS FALL APART.

JUST BECAUSE SOMETHING WORKS ONCE, DOESN'T MEAN THAT IT WILL WORK FOREVER.

An example of this phenomenon is **Operation Ceasefire**. The product of a collaboration among local criminal justice agencies, street outreach workers, and scholars from Harvard University, Ceasefire was credited with significantly reducing gang violence in Boston in the 1990s. However, after experiencing success on a scale that few programs ever achieve – including trips to the White House and the cover of Newsweek – Ceasefire fell apart. **WHAT WENT WRONG?**



Teny Gross, a former Boston outreach worker who now runs the Institute for the Study and Practice of Nonviolence, has commented on Boston's unraveling: "A decade ago, a young man in Dorchester told me, **'YOU ADULTS ARE THE REAL GANG MEMBERS**, easy to feel slighted, fighting petty beefs, vying for attention and credit.' It is the beefs on the street that get the headlines. But the beefs in the offices and agencies are now equally to blame for what is happening."

Operation Ceasefire highlights the **CHALLENGE OF ENGAGING IN COLLABORATIVE WORK**, particularly over the long haul. In the aftermath of Ceasefire's success, bitter fights erupted among participants over credit and public attention.

This discord was compounded by the departure of several key players from the coalition. The importance of planning for succession, and building institutions and programs that do not rely entirely on heroic individuals, cannot be overstated.

4. CONTEXT MATTERS.

The biggest failure trap with anti-gun violence programs is failing to appreciate the different cultures related to guns based on geographic region. Large urban jurisdictions like Chicago, New York, and Boston have very different attitudes towards regulation of gun ownership than places like Montana.

Ed McGarrell

Director of the School of Criminal Justice at Michigan State University

One common issue involves something I call the "copycat" problem. I've seen this across the country, where a jurisdiction tries to copy a successful program without really thinking it through or having regard for proper implementation.

Gary Hinzman

Former director of the Sixth Judicial District of the Iowa Department of Correctional Services

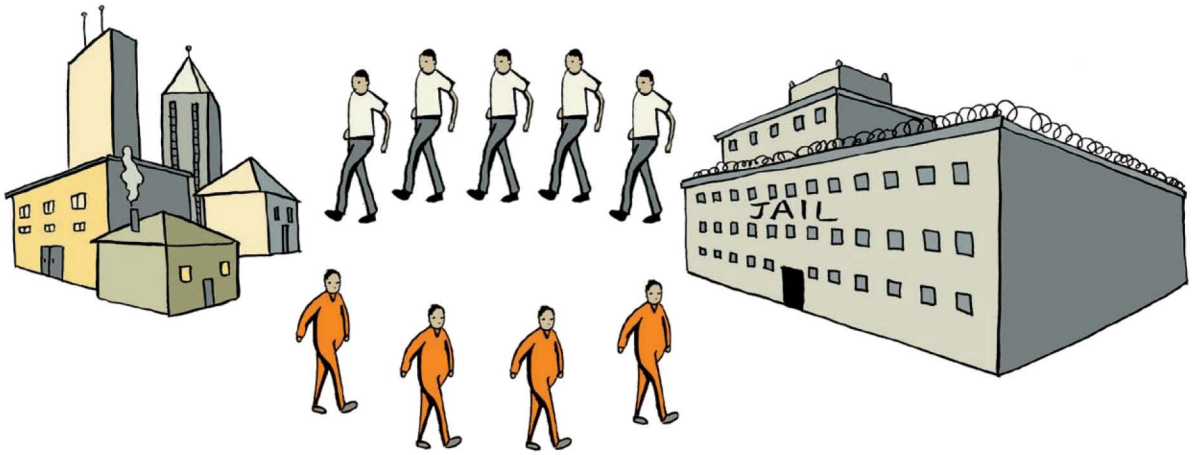
As Lisbeth Schorr, senior fellow at the Center for the Study of Social Policy, has noted, context is the most likely saboteur of innovations. Just because a program is wonderful doesn't mean that the surroundings won't destroy it when it is replicated in a new place.

5. BEWARE OF UNREALISTIC EXPECTATIONS.

Perhaps the biggest challenge that criminal justice reformers must face is **THE MISMATCH BETWEEN PUBLIC EXPECTATIONS AND WHAT NEW PROGRAMS CAN REASONABLY BE EXPECTED TO DELIVER**. Changing the lives of offenders, transforming crime-plagued neighborhoods, reengineering large bureaucracies…these are not easy goals to accomplish. Unfortunately, there are enormous pressures that make it difficult to convey this message to elected officials, the media, and the general public.

Joan Petersilia
Professor at Stanford Law School

Todd Clear
Dean of the School of Criminal Justice at Rutgers University



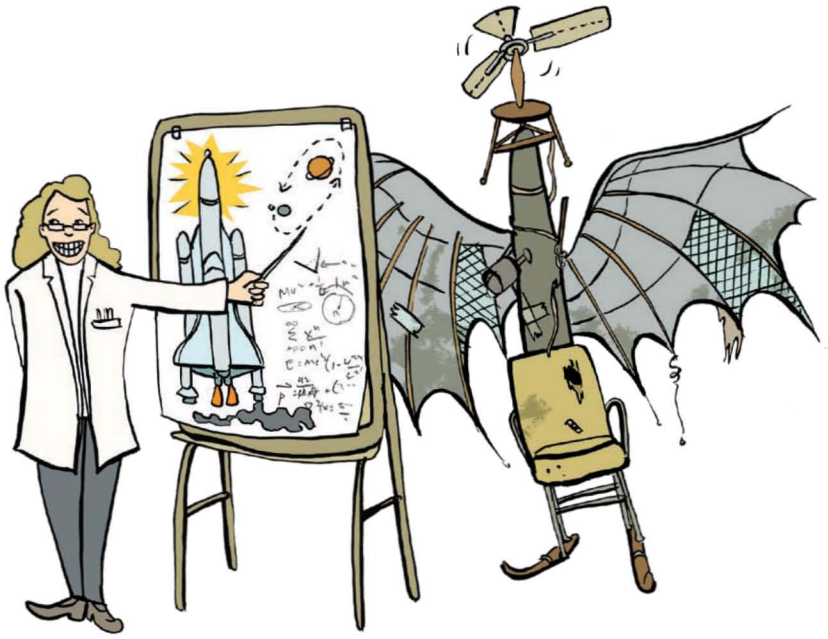
When you run an advertising campaign for Toyota, changing sales by a percentage point or two is considered a huge success. The same is true in running a big election campaign.

Most criminal justice interventions only work with people for a short period of time. For example, a court-mandated batterer intervention typically only involves about 28 contact hours. Changing behavior that has developed over a lifetime in 28 hours is a tall order.

Why is that different in criminal justice?

Carol Weiss
Professor Emerita at Harvard Graduate School of Education

David Wilson
Chair of the Department of Criminology, Law and Society at George Mason University



There is no sure way to avoid the failure traps described in this publication. But one reasonable step that demonstration projects can take is to invest in

action research

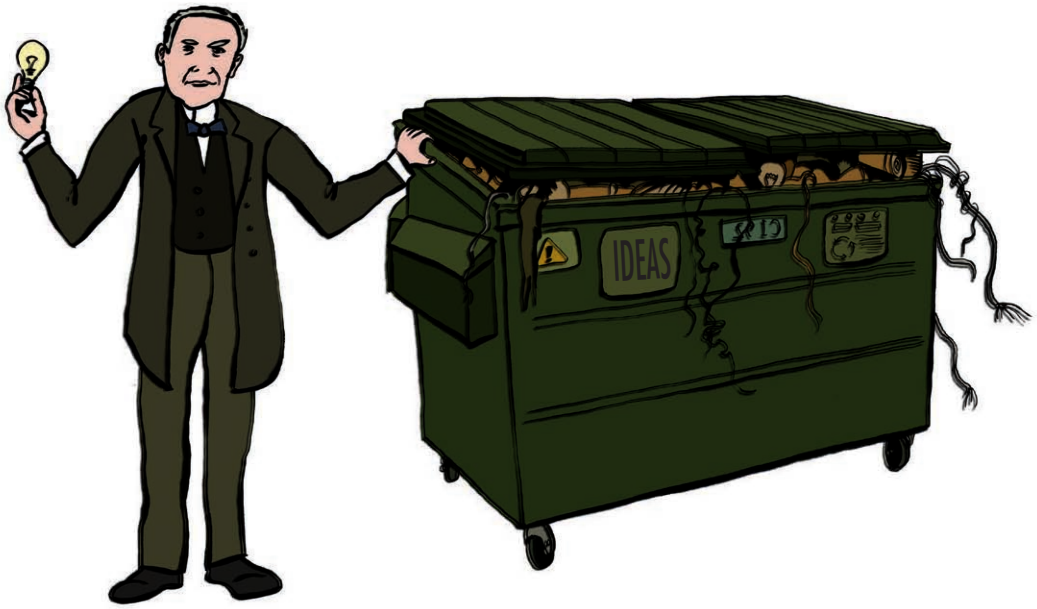
– using data to engage in an iterative process of testing new solutions, analyzing the results, and learning from the successes and failures.

Self-examination is vital to the long-term health not just of reform efforts but of the entire field of criminal justice. An ongoing commitment to action research can help reformers make mid-course adjustments to flagging programs. It can also help reduce the likelihood that today's innovation becomes tomorrow's conventional wisdom that needs to be overturned.

I HAVE NOT FAILED 5,000 TIMES.

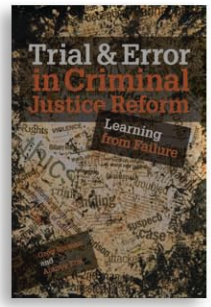
I have successfully discovered 5,000 ways that do not work and I do not need to try them again.

–Thomas Edison

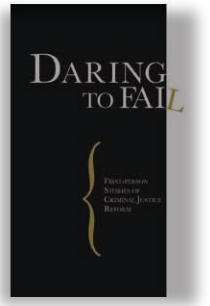


with the support of the U.S. Department of Justice's Bureau of Justice Assistance, has embarked on a multi-faceted inquiry designed to promote trial and error in criminal justice reform. Through case studies, roundtables, interviews, and site visits, researchers from the Center have examined demonstration projects that attempted to improve the criminal justice system in one way or another. This includes both successes and failures. By analyzing these experiments, the Center seeks to encourage honest self-reflection and thoughtful risk-taking among criminal justice agencies.

The Center for Court Innovation's "trial and error" products include:



Trial and Error in Criminal Justice Reform: Learning from Failure, Greg Berman and Aubrey Fox, Urban Institute Press, 2010.
Trial and Error in Criminal Justice Reform examines well-intended programs that for one reason or another fell short of their objectives yet also had positive effects. The book encourages reformers to learn from their predecessors, analyze their own foibles, and keep innovating.



Daring to Fail: First-Person Stories of Criminal Justice Reform, Aubrey Fox and Emily Gold, eds., Center for Court Innovation, 2010.
Daring to Fail is a collection of interviews with leaders in a variety of fields – prosecution, policing, community corrections, indigent defense, and others – about leadership, management and innovation. While each interview is unique, taken together they offer vivid testimony that it is in fact possible to make change happen within the criminal justice system – provided that officials are encouraged to risk failure and given the time they need to engage in an iterative learning process.

"Lessons from the Battle over D.A.R.E.: The Complicated Relationship between Research and Practice," Greg Berman and Aubrey Fox, Center for Court Innovation, 2009.
"Lessons from the Battle over D.A.R.E." offers an examination of the controversy over D.A.R.E., one of the most well-known and widespread crime prevention programs in the country, which has thrived despite research showing less-than-inspiring results. The paper unpacks the complicated relationship between research and practice, drawing lessons for future programming.

"Avoiding Failures of Implementation: Lessons from Process Evaluations," Amanda Cissner and Donald Farole, Jr., Center for Court Innovation, 2009.
"Avoiding Failures of Implementation" examines failures that occur during the implementation of a new initiative, seeking to identify common sources of failure and to develop a basic list of considerations that may help practitioners avoid future pitfalls.

For more information and to see other "trial and error" publications, visit **www.courtinnovation.org/failure**.

The winner of the Peter F. Drucker Award for Nonprofit Innovation,

THE CENTER FOR COURT INNOVATION

seeks to help the justice system reduce crime and improve public trust in justice through demonstration projects, research, training, and technical assistance.

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