CHAPTER 1

Analyzing the Problem

CHAPTER OUTLINE

- ***Document the need for change.*** Collect and analyze data to define what the problem is, where it is, how big it is, and who is affected by it. What evidence of the problem exists?
- ***Describe the history of the problem.*** How long has the problem existed? How has it changed over time?
- ***Examine potential causes of the problem.*** What causes the problem? What theories do we have? The intervention *must* target one or more specific causes supported by research.
- ***Examine previous interventions*** that have tried to change this problem, identify the most promising interventions, and choose a preferred intervention approach. We need to analyze available information to direct decisions about a possible course of action.
- ***Identify relevant stakeholders.*** Do different groups of people have different definitions of the problem? Who is affected by the problem?
- ***Conduct a systems analysis.*** Conduct research on the system within which the problem exists, and determine how the system may create, contribute to, or maintain the problem.
- ***Identify barriers to change and supports for change.*** Who is likely to support a certain course of action, and who is likely to resist it?

Some preliminary analysis is needed to identify the issues involved with trying to change a particular problem. This important analysis sets the stage for all subsequent planning activities. Beware of the *activist bias*: the notion that we already know what to do, so let's get on with it. In almost all cases, the person who expresses such a view has a vague definition of the problem and its causes, and little knowledge of successful interventions. Without intending it, he or she is advocating a

process of unplanned change that maximizes the likelihood of a poorly planned, poorly implemented, and ineffective intervention. The many hours of hard work and the motivation that must surely guide any successful change effort should not be wasted on unplanned change. How we analyze the problem guides what kind of interventions we come up with. If problem analysis is flawed, subsequent program or policy planning is also likely to be faulty.

DOCUMENT THE NEED FOR CHANGE

We begin analysis of a problem by examining information about the problem. We are interested in questions like the following: How do we define the problem? How big is it, and where is it? Is there a potential for change? We especially want to provide evidence for the existence of a need or problem.

We need to be very careful here. The media, politicians, or even criminal justice officials socially construct many problems. By *social constructions,* we mean that certain problems are perceived, and decisions are made to focus attention and resources on a particular problem (Spector & Kitsuse, 2001; Walker, 2005). However, *perceptions* of a problem and *reactions* to it may be quite different than the actual size or distribution of a problem. We need methods to document, describe, and analyze problems. At minimum, we need to be sure that a problem actually exists before taking any specific action, but we also need to know about the size and distribution of a problem in order to plan effective solutions.

Although the distinction is somewhat arbitrary, it is often worthwhile to differentiate a *need* from a *problem.* Students often point out that many "conditions" could be stated either way: for example, if victims of domestic violence lack access to shelters, then is there not only a need but also a problem, such as repeat incidents of abuse of this population? However arbitrary the distinction might appear at first glance, it might make a large difference in the problem analysis (what kind of information we collect), analysis of causes (explanations of why certain conditions are lacking, versus why other conditions are present), and identification of relevant interventions (do we attempt to provide services that fill an important gap, or do we attempt to apply some intervention to change a problem?). Needs and problems are clearly related, but not identical.

Need

A *lack* of something that contributes to the discomfort or suffering of a particular group of people. For example, we might argue that there is a need for drug treatment programs for convicted offenders, or that there is a need for shelters for abused women. In each case, an existing lack of services perpetuates the difficulties experienced by the target population.

Example 1.1 School Violence: A Problem Out of Control?

Shootings in and around schools have fueled a national debate about school violence. Following tragic incidents such as the Columbine High School massacre in 1999, the Virginia Tech shootings in 2007, and other widely publicized shootings on school properties, many school districts and campuses have scrambled to improve their security measures and disciplinary policies. While dramatic incidents fuel perceptions that school violence is out of control, available data suggest a more modest interpretation. One primary source of national data about school crime and safety is the annual report, *Indicators of School Crime and Safety* (Robers et al., 2014). Using indicators from various sources, results showed that:

- Between July 1, 2010, and June 30, 2011, there were 11 homicides and three suicides of school-age youth (ages 5–18) at school. A "school-associated violent death" is defined as "a homicide, suicide, or legal intervention (involving a law enforcement officer), in which the fatal injury occurred on the campus of a functioning elementary or secondary school in the United States, while the victim was on the way to or from regular sessions at school or while the victim was attending or traveling to or from an official school-sponsored event." *(Indicator I).*
- In 2012, there were no measurable differences in rates of serious violent victimization (rape, sexual assault, robbery, or aggravated assault) against students ages 12–18 *at school* (3.0 per 1,000) compared to those occurring *away from* school (2.9 per 1,000). *(Indicator 2).*
- In 2011, 4 percent of students ages 12–18 reported being victimized at school during the previous six months in 2011. Three percent of students reported theft, 1 percent reported violent victimization, and one-tenth of 1 percent reported serious violent victimization *(Indicator 3).*

Fortunately, tragedies such as Columbine are rare. Based upon current evidence, it is neither clear that school violence is out of control, nor that revision of school security policies is the proper (or only) solution. Thorough, localized problem analysis should precede the revision or development of school policies in any district.

Next, we attempt to apply some *boundaries* to the problem. For example, we might begin by stating a concern with juvenile violence. However, we are quickly overwhelmed with information about the problem, different causal explanations, and different interventions (Riedel & Welsh, 2015). Are we really concerned with all types of juvenile violence, or with more specific settings? Are we really interested in specific types of violence, such as gang violence, school violence, gun-related violence, drug-related violence, interpersonal conflicts versus violence committed against strangers, or instrumental (goal-oriented) versus affective (emotional) violence? This is an important point. We need to do some research first to narrow our definition of the problem. It is entirely possible that we might decide to focus not only on a specific type of violence, but upon a specific age group (say,

middle-school children), a specific jurisdiction (e.g., a community with a high rate of violence, or a specific city, county, or state), or a particular demographic group (e.g., poor children living in inner-city areas). Whatever our reasons for choosing to set boundaries in particular ways (personal, political, or theoretical interests), identifying boundaries involves making judgments about how widely or narrowly to define a problem.

Problem

The *presence* of something that contributes to the discomfort or suffering of a specific group. For example, we might argue that a specific community experiences a high rate of robberies committed by addicts to buy drugs, or that there is a high rate of repeat incidents of abused women applying to courts for protection orders. In each case, there is a clearly defined condition present that perpetuates the suffering of a particular group of people.

Incidence

The number of *new* cases of a problem within a specific time period (e.g., the number of new cases of AIDS diagnosed in a specific calendar year). According to the Joint United Nations Programme on HIV/AIDS, an estimated 2.1 million people worldwide acquired human immunodeficiency virus (HIV) in 2013, down from 2.9 million in 2005 (Joint United Nations Programme on HIV/AIDS [UNAIDS] and World Health Organization [WHO], 2015).

We first attempt to document the need for change through an analysis of existing conditions. Is there a problem? How big is it? What is the level of "need"? What is the evidence for a problem? One way of documenting a problem is to look at its incidence versus prevalence.

Prevalence

The *existing* number of cases of a particular problem as of a specific date (e.g., the *total* number of people with AIDS as of a specific date). As of December 31, 2013, 35 million people worldwide were estimated to be living with HIV/AIDS, up from 32.1 million in 2005 (Joint United Nations Programme on HIV/AIDS [UNAIDS] and World Health Organization [WHO], 2015).

Where do we find this kind of statistical information, as well as more descriptive information about the problem? We usually need to look at some kind of data to estimate the degree and seriousness of a problem. There are several techniques available; we'll briefly review four of them for now (Figure 1.1). Wherever time and resources allow, it is always desirable to use as many techniques as possible to converge upon a specific problem.

Social indicators are perhaps the most accessible and widely used type of data for analyzing criminal justice problems (Figure 1.2). For example, the Uniform Crime Reports (UCR), collected by the FBI, consist of all crimes reported to the police, and all police arrests for specific crimes. Data are available for each state and for the nation as a whole. These figures are widely used to calculate changes in the homicide rate, for example, from year to year. Another widely used indicator is the National Crime Victimization Survey (NCVS), which is a survey administered to a national probability sample, asking respondents to report whether they have been a victim of specific crimes within a specific time period (e.g., the previous six months), as well as other information about any victimization, such as degree of injury suffered and characteristics of the offender (if known).

By examining social indicators, we can define a problem and attempt to change it. For example, as part of the Community Corrections Program Development Project funded by the National Institute of Corrections, Temple University researchers collaborated with the Los Angeles and Orange County Probation Departments.

- *Key informant approach:* We could conduct interviews with local "experts" to assess level of need or seriousness of a problem (e.g., community leaders, police officers, social service agents, clergy, etc.). One problem with this technique is that people to be interviewed need to be selected carefully for their expertise. We need to be aware that their views may be biased or inaccurate.
- *Community forum:* We could bring together a wide variety of people interested in a particular problem. Through discussion and exchange of ideas, we attempt to identify major problems or needs to be addressed. One common difficulty is that the most vocal groups may not necessarily be representative of a given community (e.g., special interest groups).
- *Community survey:* We may decide to conduct a survey by sampling part of a community or specific areas in a city. We might ask people, for example, "How serious would you rate the following problems in your community . . .?" A common problem with this technique is that it requires skilled researchers, and it can be very expensive and time-consuming.
- *Social indicators:* Social indicators are statistics reflecting some set of social conditions in a particular area over time. For example, the U.S. Census Bureau collects and reports extensive data on unemployment, housing, education, and crime. Common problems include difficulty in collecting data on certain questions (e.g., underreporting of illiteracy due to embarrassment), and samples that are unrepresentative of the population (e.g., the census undercounts transients and unregistered immigrants).

FIGURE 1.1 *Data-Collection Techniques: Documenting the Need for Change*

Government documents and other public data sources provide valuable (but free) information resources on a multitude of criminal justice topics (for one valuable resource on social indicators for criminal justice, see the National Criminal Justice Reference Service (NCJRS) website at http://www.ncjrs.gov. Here are two examples.

- *Drug use by high school seniors.* Marijuana use remained stable in 2014, even though the percentage of youth perceiving the drug as harmful went down. Past-month use of marijuana remained steady among 8th graders at 6.5%, among 10th graders at 16.6%, and among 12th graders at 21.2%. The majority of high school seniors do not think occasional marijuana smoking is harmful, with only 36.1% saying that regular use puts the user at great risk, compared to 39.5% in 2013 and 52.4% in 2009 (National Institute on Drug Abuse, 2015).
- *Domestic violence.* In 2013, a "nonstranger" (i.e., a friend, acquaintance, spouse, ex-spouse, parent, child, brother/sister, other relative, boyfriend/girlfriend) committed fully 70% of all nonfatal violent crimes against females (Bureau of Justice Statistics, 2015).

FIGURE 1.2 *Examples of Social Indicators for Criminal Justice Problems*

They found that a high-risk group of only 8 percent of juveniles account for the great majority of repeat referrals to juvenile court. Consequently, many agencies—probation, health, mental health, social services, school districts—cooperatively developed programming for an "8 percent solution" specifically targeting this high-risk group (Kurz & Schumacher, 2000).

Social indicators are extremely useful for identifying the seriousness of a problem, how it varies across groups (e.g., high vs. low income), and how it is changing over time (is it getting better or worse?). Such data are not without biases, however, and the potential user needs to be aware of these (Biderman & Lynch, 1991; Riedel & Welsh, 2015). For example, crime victimization measures may be biased by numerous factors (e.g., respondent misunderstanding of questions or crime definitions; faulty recall of incidents and time periods; deliberate underreporting due to fear, embarrassment, or the respondent's participation in illegal activities). Police-reported crime rates such as the UCR also carry potential biases, including police errors in recording and coding crime incidents. Many crimes are never even reported to the police for various reasons (e.g., victim or witness fear, embarrassment, or mistrust of the legal system). Social indicators, like the problems they measure, can be viewed as social constructions rather than objective indicators of reality. As Reiss and Roth noted: "Any set of crime statistics, therefore, is not based on some objectively observable universe of behavior. Rather, violent crime statistics are based on the events that are defined, captured, and processed as such by some institutional means of collecting and counting crimes . . ." (Reiss & Roth, 1993).

Example 1.2 The New York Crime Story: Fact or Fiction?

The following example demonstrates some of the difficulties involved in analyzing problems and potential causes. How does this example illustrate the points discussed so far in this chapter?

Should we hesitate before praising public officials for decreases in crime (or blaming them for increases)? Former New York Mayor Rudolph Giuliani and former Police Commissioner William Bratton claimed that reductions in police-recorded crime rates from 1991 to 1996 (including a 55 percent decrease in homicide rates) were due to improved crime-fighting strategies and their "zero-tolerance" strategy toward crime. There were reasons to be skeptical (Blumstein et al., 2000).

- The decline in the murder rate began in 1991, 3 years before either Giuliani or Bratton took office.
- Murder and violent crime rates dropped nationwide for the same time period; New York was not unique.
- Public officials often assume that police policies and resources are the major influences on crime statistics. Much criminological research over the past 50 years suggests otherwise.
- Many different factors influence crime rates, including changes in illegal drug markets, weapon availability, social and economic conditions, incarceration rates, age distribution of the population, and youth involvement in legitimate labor markets. It is extremely difficult to parcel out specific causes for crime decreases (or increases).

DESCRIBE THE HISTORY OF THE PROBLEM

As part of a problem analysis, we need to know something about the history of the problem: how long has a given problem existed, and how has it changed over time? Some of this information will have been gathered through research methods such as "key person" interviews, community forums, surveys, or examination of social indicators. Most likely, however, we will need to look further in published literature for specific, important historical events that shaped the definition of something as a social problem in need of attention, and how responses to the problem changed over time. What significant event or events helped shape the perception of certain conditions as a social problem in need of change? Such historical events often include lawsuits, legislation, dramatic public events, or specific social indicators such as crime statistics.

Lawsuits often fuel the perception of a problem, as they did with domestic violence. Liability issues led police to seriously consider calls for reform. The first of several major cases was *Thurman et al. v. City of Torrington* (Connecticut).[1] After the defense successfully demonstrated that police showed deliberate indifference to continued pleas for help from Ms. Thurman, the court awarded Ms. Thurman

$2.3 million in damages. This case not only raised awareness of the problem of domestic violence, but led many police departments to favor a presumption of arrest.

Legislation may also create an important push for change. For example, changes in the federal Juvenile Justice and Delinquency Prevention (JJDP) Act led to ongoing state initiatives to reduce minority overrepresentation in juvenile justice (see Example 1.3 below)

Dramatic, violent, well-publicized events often raise awareness of a problem, as did riots at New York's Attica prison in September of 1971, which resulted in enormous damages and the deaths of 32 inmates and 11 guards. The Attica riots led to the most intensive investigation of prison violence in U.S. history to date, and drove prison management policies for years afterward (Riveland, 1999).

One useful technique for summarizing the history of responses to a problem is to construct a "critical incidents" list: a chronology of specific events explaining how a problem was recognized as such and how a specific type of intervention has developed. Once again, we caution readers that reactions to a problem are social constructions, not objective indicators of the problem. An example is given below.

Example 1.3 A Critical Incidents List: Reducing Disproportionate Minority Confinement (DMC) in Juvenile Justice.

Here is a "critical incidents" list specifying major historical events and milestones in an important national policy initiative (Office of Juvenile Justice and Delinquency Prevention, 2015a).

1988 DMC was brought to national attention by the Coalition for Juvenile Justice in its annual report to Congress, *A Delicate Balance.*

1988 In the 1988 Amendments to the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, Congress required that states address DMC in their state plans. Specifically, under the Formula Grants Program, each state must address efforts to reduce the proportion of youths detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if it exceeds the proportion of such groups in the general population.

1989 OJJDP developed a seven-point technical assistance strategy to help states fulfill the DMC requirements of the JJDP Act: (1) prepare instructions for the states; (2) conduct a national training workshop on the requirement for State Juvenile Justice Specialists and State Advisory Group members; (3) develop a work group to advise OJJDP and serve as training and technical assistance (TA) consultants; (4) prepare a TA manual; (5) provide training and TA to states upon request; (6) conduct training workshops at regional and national meetings; and (7) develop and distribute information concerning innovative approaches to address DMC.

1989	OJJDP issued instructions for the states on the statutory and regulatory requirements of the DMC core requirement.
1989 to present	OJJDP's Formula Grants Program training and technical assistance (TTA) contractor provided such services upon request on all aspects of this core requirement.
1990	OJJDP conducted a four-day national training conference, "Implementing the Disproportionate Minority Confinement and Native American Pass-Through Amendments: A Workshop for State Planning Agencies and State Advisory Groups."
1990	OJJDP issued the *DMC Technical Assistance Manual* to guide State Juvenile Justice Specialists and State Advisory Groups to address DMC in three phases—identification, assessment, and intervention. Identification and assessment matrixes and the calculation of index values were provided as a measure of proportionality.
1991–1994	Through five competitively selected states (Arizona, Florida, Iowa, North Carolina, and Oregon), OJJDP established the DMC initiative to test various approaches to assessing DMC and experiment with approaches to reduce DMC.
1992	In the 1992 Amendments to the JJDP Act, DMC was elevated to a core requirement, with future funding eligibility (25 percent of the states' JJDP Formula Grants allocations) tied to state compliance. Each year, OJJDP reviews states' compliance with the DMC core requirement.
1993	A report, *The Status of the States: A Review of State Materials Regarding Overrepresentation of Minority Youths in the Juvenile Justice System,* was based on material submitted by the states to OJJDP through January 1993.
1993	Publication of an OJJDP Report, *Minorities and the Juvenile Justice System: Research Summary* (Pope & Feyerherm, 1995). This report concentrated on the official processing of minority youths. A comprehensive literature search on the processing of minority youths in the juvenile justice system from 1969 to early 1989 was conducted. The report identified existing programs and policies and examined methodological problems with previous work in this area.
1994	Publication of OJJDP Fact Sheet, *Disproportionate Minority Confinement* (Roscoe & Morton, 1994).
1995–1996	A national discretionary grants program was instituted to refine previous assessment findings, improve data systems, develop new interventions to reduce DMC, develop model DMC programs, and encourage multidisciplinary collaborations at the community level to reduce DMC. Eleven DMC discretionary grants were awarded.
1996–2006	Through a cooperative agreement with OJJDP, the Coalition for Juvenile Justice held the first National DMC Planning and Strategy Meeting, and has since made the DMC Conference an annual event with OJJDP financial support.
1997	Publication of *Disproportionate Confinement of Minority Juveniles in Secure Confinement: 1996 National Report* (Community Research Associates, 1996). This report was based on a review and analysis of states' 1994–1996 JJDP Act Formula Grants Comprehensive State Plans and the DMC Assessment Reports submitted by

states to OJJDP. It provided a national summary of the nature and extent of DMC, the activities chosen to address it, and challenges experienced by the states.

1997–2004 OJJDP launched a National DMC Training, Technical Assistance, and Information Dissemination Initiative to foster development of effective strategies nationwide, using training, technical assistance, information dissemination, and public education. Recent activities include: (1) conducting a DMC training of trainers, (2) reviewing data-collection instruments and identifying strengths and weakness, and (3) compiling a state-by-state status report on state DMC activities.

1998 An OJJDP Bulletin, *DMC: Lessons Learned from Five States* (Devine et al., 1998), explained the DMC initiative and described how five pilot states (Arizona, Florida, Iowa, North Carolina, and Oregon) assessed DMC and implemented interventions to address identified problems.

1998 An OJJDP Bulletin, *DMC: 1997 Update* (Hsia & Hamparian, 1998), summarized the strategies promoted by OJJDP to reduce minority overrepresentation at all points of the juvenile justice system. Pennsylvania's multiyear, systematic, and data-driven effort to reduce DMC was examined.

1998–2002 The Building Blocks for Youth Initiative: This five-prong approach consists of: (1) conducting new research; (2) analyzing decision-making in the juvenile justice system; (3) directing advocacy for minority youths in the justice system; (4) building a constituency for change at the local, state, and national levels; and (5) developing communications, media, and public education strategies.

1999 An OJJDP Bulletin, *Minorities in the Juvenile Justice System* (Snyder & Sickmund, 1999), updated statistics on racial/ethnic makeup of juvenile offenders from arrest, court-processing, and confinement records.

1999–2002 The DMC Intensive Technical Assistance Project began with five states (Delaware, Kentucky, Massachusetts, New Mexico, and South Carolina) and expanded to include three more (Arkansas, California, and Tennessee).

2000 The *DMC Technical Assistance Manual* was published. This report summarized lessons learned over the preceding 10 years, and stressed the importance of ongoing DMC efforts to include ongoing evaluation of DMC strategies and monitoring of DMC trends.

2000 State DMC reports were compiled (Office of Juvenile Justice and Delinquency Prevention, 2015b), offering a central repository for historical records of DMC efforts and achievements in each state. This catalog is continually updated.

2000 OJJDP created a DMC web site (see http://www.ojjdp.gov/dmc/index.html) containing critical information, useful tools, and relevant publications. This web site is updated on an ongoing basis.

2000–2001 OJJDP expanded DMC training for state personnel from one- to two-hour sessions to one-day sessions at regional and national training, and also provided one-day training at the OJJDP National Conference and the CJJ's National Pre-Conferences.

2000 to date	OJJDP encouraged states to designate State DMC Coordinators to promote focused DMC efforts. The number of states with designated State DMC Coordinators increased from 10 in 1999 to 35 in 2006.
2000 to date	OJJDP's DMC Coordinator assisted OJJDP's State Representatives to develop individualized DMC compliance determination letters to states. The letters provide specific recognition of states' accomplishments and provide guidance for ongoing plans.
2001	OJJDP provided a one-day, in-depth DMC training to its state representatives to enable appropriate monitoring and the use of uniform methodology in determining DMC compliance.
2001	OJJDP's DMC Intensive Technical Assistance Project was expanded to include three additional states (Arkansas, California, and Tennessee).
2001	The Juvenile Justice Evaluation Center (JJEC) assists OJJDP in building evaluation capacity in the states, especially as those efforts relate to projects funded by the Formula Grants Program.
2002	A new OJJDP Bulletin, *Disproportionate Minority Confinement: A Review of Research Literature from 1989 through 2001* (Pope et al., 2002), provided an updated review and analysis of the literature.
2002	OJJDP sponsored a researchers' focus group to help the office develop a DMC research agenda.
2002	The JJDP Act of 2002, signed into law on November 2, 2002, modified the DMC requirement of the Act: "Addressing juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system." This change required an examination of possible disproportionate representation of minority youths at all decision points along the juvenile justice system continuum.
2003	OJJDP convened seven research consultants to consider a range of feasible methods to calculate disproportionality and to recommend an improved method to be recommended to OJJDP. The group recommended the DMC Relative Rate Index (RRI). Training on the new index was subsequently offered.
2004	As part of their FY 2004 Formula Grant applications, states submitted DMC Relative Rates Indexes with the most recently available data on various juvenile justice system contact points for the state and three counties with the largest minority concentration/localities with targeted DMC-reduction efforts.
2004	OJJDP published *Disproportionate Minority Confinement: 2002 Update* (Hsia et al., 2004).
2004	OJJDP awarded a two-year grant to the Youth Law Center to develop new and accurate data-collection methods for Hispanic youths and implement activities to reduce DMC at critical points in the juvenile justice system at two sites.

2004 OJJDP provided two regional training sessions for state staff, entitled: *Diagnosis Determines Treatment: Interpreting and Using the DMC Index Numbers.*

2005 The Juvenile Justice Evaluation Center published *Seven Steps to Develop and Evaluate Strategies to Reduce Disproportionate Minority Contact (DMC)* (Nellis, 2005).

2006 OJJDP launched its web-based DMC Data Entry System, providing a central repository of state and local data across the country, and facilitating within-state or within-locality comparisons of DMC changes over time (see http://ojjdp.ncjrs.gov/ojstatbb/dmcdb/index.html).

2006 OJJDP published online its *DMC Technical Assistance Manual, 3rd edition* (Office of Juvenile Justice and Delinquency Prevention, 2006), providing detailed guidance on DMC identification and monitoring, assessment, intervention, and evaluation.

2006 OJJDP awarded an 18-month grant to the Justice Research and Statistics Association to conduct an evaluation of the efficacy of DMC-reduction efforts of selected sites.

2007 In San Diego, CA, OJJDP conducted its first DMC Training of Trainers for 13 experienced, state-designated DMC coordinators. In October, at the annual DMC conference, OJJDP unveiled its DMC Reduction Best Practices Database.

2008 In January OJJDP conducted training for new and experienced DMC coordinators in New Orleans, Louisiana, and Phoenix. OJJDP updated the *Summary of States' DMC-Reduction Activities.*

2009
- OJJDP conducted two trainings for new DMC coordinators from 11 states in Washington, DC, and a web-based training on the Relative Rate Index (RRI).
- OJJDP published the fourth edition of the *DMC Technical Assistance Manual*, which provides detailed guidance on DMC identification and monitoring, assessment, intervention, and evaluation, and two additional chapters on promising systems improvement strategies for Hispanic and Latino youths and the role of State DMC Coordinators.
- OJJDP launched the Native American/Alaska Native Interagency Initiative to determine the extent of disproportionality with Native American/Alaska Native Youths.
- OJJDP funded the DMC Analysis and Patterns Project under its Field Initiated Research and Evaluation (FIRE) solicitation. The purpose was to conduct a national analysis of Relative Rate Index (RRI) data to identify jurisdictions that have shown a consistent movement toward reduction in the RRI values over three consecutive years, to obtain detailed information on the approaches used by these jurisdictions, and to produce detailed case studies that can be replicated by other jurisdictions.

2010
- OJJDP conducted trainings in Massachusetts, Iowa, Nebraska, New Hampshire, New Jersey, and South Carolina.
- OJJDP issued a proposal for the Community and Strategic Planning (CASP) Initiative. The purpose of the CASP is to provide effective strategies to facilitate state and local DMC initiatives to reduce and/or mitigate disproportionality throughout the juvenile justice system.

- OJJDP hosted a one-day training for DMC Coordinators and State Advisory Group (SAG) members October 22, 2010.
- OJJDP continued to collaborate with the Department of Justice's Civil Rights Division to identify local jurisdictions to determine if high rates of DMC contribute to violations under the Civil Rights of Institutionalized Persons Act (CRIPA).

EXAMINE POTENTIAL CAUSES OF THE PROBLEM

This is a critical stage of the problem analysis. Different causes imply different solutions. If you choose a solution before you examine causes, it is likely that your intervention will be ineffective. Any intervention should be aimed at a specific cause or causes. By attempting to change one or more causes, the goal is to bring about a specific change in the problem. Causes mediate the effect of an intervention on a problem.

When we talk about examining causes, we are analyzing the *etiology* of a problem: the factors that cause or contribute significantly to a specific problem or need. A theory attempts to describe and explain relationships between cause and effect (e.g., a specific problem). A theory will describe causes of a specific problem, and it will outline proposed relationships between different causes. A theory may also suggest solutions to a problem: it provides a logical rationale for using one intervention over another.

Causes may be identified at different levels of analysis ranging from individual to social structural (see Example 1.4):

- *Individual:* Presumed causes lie within individuals (e.g., personality traits such as "aggressiveness").
- *Group:* Presumed causes lie within the dynamics of particular groups to which a person belongs (e.g., patterns of roles and relationships within a family).
- *Organizational:* Presumed causes lie within the particular culture and procedures of a specific organization, such as the police, courts, or prisons (e.g., how police are recruited, selected, or trained).
- *Community:* Presumed causes lie within the behavioral patterns and dynamics existing within a specific community (e.g., community "cohesiveness": degree of involvement in community organizations such as churches and community associations; attitudes toward deviance; supervision of juveniles) (Bursik & Grasmick, 1993).[2]

- *Social structural:* Presumed causes lie within the underlying social structure of society (e.g., the unequal distribution of wealth and power engendered by the economic system of capitalism) or its cultural attitudes regarding behaviors such as drug use, sexuality, education, crime, and so on. Factors commonly examined at this level of analysis include poverty, unemployment, and discrimination (LaFree, 1998; Messner & Rosenfeld, 2006).

Example 1.4 Causes and Correlates of Domestic Violence

There are at least four general categories of causes (theories) or correlates of domestic violence (adapted from Buzawa et al., 2015).

- Individual
- Family structure
- Organizational
- Social structural

INDIVIDUAL-ORIENTED THEORIES

Researchers often examine characteristics of offenders and victims that increase the likelihood of domestic violence. Causes or contributing factors that lie within offenders may include poor self-control, low self-esteem, immaturity, depression, stress, poor communication skills, and substance abuse. Characteristics of victims contributing to domestic violence may include low self-esteem, psychological and financial dependence, and passivity.

FAMILY-ORIENTED THEORIES

Certain kinds of family structures or roles may create high potential for violence. For example, *social isolation* of families neutralizes potential support and increases risk of abuse. The best family-centered predictors of spouse abuse are family conflict over male substance abuse and conflicts over control in the relationship. Such conflicts tend to escalate over time. In addition, children who have been victimized themselves or who have witnessed domestic violence in the home are at higher risk for domestic violence (the "violence begets violence" thesis).

ORGANIZATIONAL THEORIES

:riminal justice agencies may unintentionally contribute to domestic violence. In
:pected abusers received much criticism in the 1970s.
as-off response included:

olice are socialized into a crime-fighting culture; they dislike tasks
role.

- *Disincentives:* Police performance is often evaluated on the basis of numbers such as arrest rates and clearance rates, not mediation skills.
- *Perceived futility:* Police perceive, often accurately, that few arrests for domestic violence actually result in successful prosecution (e.g., victims drop charges; prosecutors decline to proceed).

SOCIAL-STRUCTURAL PERSPECTIVES

Broad-based patterns of gender inequality in Western society are seen by many researchers as significant contributors to high rates of domestic violence. For example, patriarchal (male-dominated) religions have been said to affirm a family structure dominated by the authority and power of males. Economic patterns have also discriminated against women: women's traditional role as housewife was not as highly valued as men's "breadwinner" role, and women have historically been more economically dependent on men as a result. Other researchers point to the influence of a class-based social system: men have traditionally exerted domination over women in all areas of private and public life. According to this view, men retain more power and social advantage than women in a stratified society.

Any individual or agency who proposes any intervention always has some theory about what causes what, and at least a "hunch" about what kind of strategy would solve a specific problem and why (even if they haven't clearly thought about it or articulated it). In planned change, we very carefully think about theories and articulate them before we begin some intervention. We must explicitly tell the rest of the world what our causal assumptions about a specific problem are, and we must support these assumptions before proposing a specific type of change.

Where do we find causes and theories? By reading published material and doing library research on a problem. One should look at journal articles, books, and government and agency reports (e.g., U.S. Department of Justice, National Institutes of Health). There are many different theories of different kinds of social behavior, including criminal behavior. While some theories are very general, and most theories are constantly refined, we highly recommend that anyone proposing a criminal justice intervention acquire at least a basic knowledge of criminological and criminal justice theories, either through a course such as Criminological Theory, or by reading one of several excellent books on criminological theory (see Akers & Sellers, 2012; Bernard et al., 2009; Lilly et al., 2014). As we investigate causes, we should be guided by two major questions:

- What is the *evidence* for competing theories? No intervention should be aimed at causes that are not supported by empirical evidence of some sort.
- What kind of *intervention* is suggested by a particular causal theory? How can a specific cause be affected by an intervention?

EXAMINE PREVIOUS INTERVENTIONS

Some thorough research is needed to discover what types of interventions have previously been attempted to change a specific problem. Often, a single study will report both causal factors and the intervention that was designed to address those causes, but this is not always the case. The planner or analyst must attempt to find out what major interventions have addressed the problem of interest, and they should identify which specific causes the intervention was attempting to modify.

Excellent sources of information about interventions include key persons working in justice-related positions, criminal justice journals and books, and government reports. Numerous databases can be searched by key words and terms. Criminal justice literature searches can be conducted online, via university library systems and public web sites, including the National Criminal Justice Reference Service (NCJRS) sponsored by the U.S. Department of Justice (see http://www.ncjrs.gov). It is necessary to familiarize oneself with the various search instruments and techniques available.

IDENTIFY RELEVANT STAKEHOLDERS

Next, we identify the stakeholders in the change process. A *stakeholder* is any person, group, or agency who has a legitimate interest in the problem and/or the proposed intervention. We need to decide whose views should be considered in the planning process. Some stakeholders will provide essential cooperation; others may provide potentially fatal opposition. If the intervention is to be successful, it is important that the right individuals, groups, and organizations are involved in the planning process. Otherwise, the intervention may run into insurmountable difficulties stemming from a lack of adequate information, resources, or cooperation. Who, then, should be included in the planning phase?

- Experts?
- Agency heads?
- Agency staff?
- Clients?
- Community groups?
- Business people in the neighborhood?
- Other community organizations (e.g., church, school)?

Before we can answer these questions, we need to review the information we have already collected, and answer some key questions. For example, what expectations do various individuals and groups have for change? What results are expected? Are there differences of opinion? We can think of potential stakeholders

in terms of several key roles that participants may play in the change process (Kettner et al., 1985; Kettner et al., 2007). Major roles include the following:

Change Agent System

Who begins the planning process to design an intervention? Who gets the ball rolling to address the problem? The change agent system usually includes the change agent and his or her sanctioning institution (e.g., the State Department of Corrections announces plans for developing offender reentry programs). Change agents come from many different backgrounds: legislators, criminal justice policymakers, professional planners, administrators, and service professionals.

Initiator System

This includes those who bring the problem to the attention of the change agent. Initiators raise awareness about a specific problem (e.g., professional lobbyists, national groups such as the ACLU, National Organization of Women, the Urban League, etc.).

Client System

This includes the specific individuals, groups, organizations, or communities that are expected to benefit from the change (e.g., juveniles, families, and their community might be expected to benefit from a delinquency prevention program that requires performance of community service).

Target System

This includes the person, group, or organization that needs to be changed in order to reach objectives. For example, to reduce domestic violence, do we need to change abused women? Their spouses? The police response? The court response?

Action System

This includes all those who, in some way, assist in carrying out the change plan, including program planning, implementation, monitoring, and evaluation. Particularly important is the agency responsible for providing programming or implementing a policy.

Sometimes, overlapping roles are possible. For example, the change agent may be part of both the target system and the action system: a police commissioner orders sweeping changes in police policy for dealing with domestic assault complaints. In such a case, the change agent, by virtue of overlapping roles, enjoys a degree of credibility or authority with both patrol officers (target system) and their supervisors who are responsible for implementing the new policies (action system). Overlapping roles may also enhance continuity: for example, the same person who initiates change (initiator system) carries it out (action system) with the cooperation of other participants. On the other hand, there are clearly instances in which overlapping roles are undesirable. For example, the person or agency actually carrying out the intervention should never be held responsible for program or policy monitoring and evaluation, due to their potential subjectivity or bias.

CONDUCT A SYSTEMS ANALYSIS

Current thinking about criminal justice as a "system" was largely influenced by the 1968 President's Commission report (President's Commission on Law Enforcement and Administration of Justice, 1968; Rossum, 1978). Criminal justice problems and policies, the Commission concluded, are shaped by the *interactive* actions and decisions of various actors and agencies in any jurisdiction (e.g., a particular city, township, county, or state). At the same time, criminal justice projects, programs, and policies are shaped in a volatile political environment. Diverse interest groups and agencies compete for attention, and fragmented decision-making is common. Because criminal justice officials and agencies often act without consideration of how their decisions might affect those elsewhere in the system, the criminal justice system has often been called a "nonsystem." While the past 20 years have occasionally witnessed increased coordination among criminal justice units, there is still a long road to travel (Wellford, 1998).

A *system* can be defined as "all aspects of criminal justice case processing that relate to punishment or sanctions from the time of arrest—including decisions about pretrial custody—through the execution and completion of a sentence—whether that sentence is served in the community and/or in a correctional institution" (Burke et al., 1996, p. 7). All individuals, groups, and organizations that play a role in such decisions in a specific jurisdiction are part of the relevant system.

The change agent, whether a consultant, a criminal justice or government official, or an academic, must identify relevant individuals and agencies in the policy environment: those whose decisions have potentially shaped the problem, and those whose decisions may potentially shape the development and implementation of change (i.e., new or modified policies, programs, or projects). Once identified, the change agent must consider how various officials and agencies have impacted the problem and solutions in the past, and how they might do so in the future. Many of the problems we seek to address in criminal justice are "systems" problems. Consider the following examples.

Example 1.5 Examples of "Systems" Problems

JAIL OVERCROWDING

Jails interact extensively with law enforcement agencies, courts, probation, and local government. Local police decide whether to arrest and book accused offenders, and thus control the major intake into the jails. Local courts influence jail populations through pretrial release decisions and sanctions for convicted offenders. Charging decisions by district attorneys influence the efficiency with which pretrial suspects are processed. Probation may administer both pretrial release programs, such as "ROR" (release on own recognizance), and intermediate sanctions for sentenced offenders, such as electronic surveillance, intensive supervision probation, and work release. County government is responsible for financial and personnel allocations to each of these agencies. In turn, county government decisions are affected by financial allocations and legislation determined at the state level (Welsh, 1995; Welsh & Pontell, 1991).

SENTENCING DISPARITIES

Concerns about disparities in sentencing (i.e., individuals committing similar offenses receive different penalties), the use of judicial discretion (wide variations in sentences across different judges and jurisdictions), and perceptions of excessive leniency or harshness have led to the development and revision of state and federal sentencing guidelines. But actual "sentencing" policy in any jurisdiction is an outcome resulting from the input of numerous individuals and agencies. Judges obviously impose criminal sanctions, but they must do so within the limits of state criminal statutes, set by the state legislature. Prosecutors make decisions about charging, which depend upon the strength and quality of evidence supplied by police, the ability and willingness of witnesses to testify, and so on. Prosecutors' charging decisions determine which criminal statutes apply to a case, and thus influence legal procedures and outcomes. Pretrial service providers make decisions about which defendants are eligible for release pending trial, which in turn affect a defendant's ability to assist in the preparation of his or her defense. Defense attorneys participate in negotiations with prosecutors regarding admissible evidence, appropriate charges, potential plea bargains, and so on. Probation usually prepares a presentence report on convicted offenders, and their recommendations influence judicial options for sanctioning. At the time of sentencing, elected judges also consider the values of their constituents, their colleagues, and local justice officials. Judges must be at least to some degree aware of and responsive to their local political environment (Eisenstein et al., 1999).

Guidelines for Systems Analysis

A criminal justice system assessment involves gathering and analyzing information that may exist in the experiences of individual decision makers, in agency information systems and databases, and in agency reports and communications. In general, "a system assessment is a collaborative effort to synthesize individuals'

experiences with the criminal justice system into a shared understanding of how things work now. This provides a common base upon which to evaluate the present, to shape a common vision for the future, and to make that vision a reality" (Burke et al., 1996: p. 8).

Based upon a model developed by the Center for Effective Public Policy (CEPP) (adapted from McGarry & Ney, 2006), this approach assumes the presence of two key elements: (1) a set of policymakers are committed to understanding and shaping their system to operate in a more collaborative manner (i.e., readiness to engage in a formal "systems" policy process); and (2) a team of outside consultants committed to working with the jurisdiction to complete the assessment. This approach requires the involvement of key decision makers who have the authority to make major decisions and who are willing to make a commitment to system-level policy analysis and development. No single individual can develop system policy, and absent system-level policy, criminal justice responses will continue to occur randomly and unpredictably. Five broad steps for criminal justice system assessment are described below; sources of information are summarized in Table 1.1. Restorative justice, an approach ripe for systems analysis, is presented in Case Study 1.3.

TABLE 1.1 *Criminal Justice System Assessment: Steps and Information Sources*

CATEGORY	WHAT IS IT?	WHERE IS IT?	HOW DO WE GET IT?
Map the System	A visual depiction and description of how offenders flow through the criminal justice system and of each decision point in the process.	• Agency operating manuals. • State statutes. • Qualitative information to be collected through interviews and focus groups.	• As a team, discuss each decision point in the criminal justice system. Who are the decision makers? Who has influence on that decision? • Consult with other practitioners and policymakers to gain a greater understanding of the informal decision-making process.
Document and Assess Current and ce	A summary report that describes the policies, procedures, and protocols of each of the agencies that impact the criminal justice system.	• Legislation. • Court decisions. • Agency descriptions. • Agency operating manuals. • Staff training curricula. • State statutes. • State sentencing policies. • Agency annual reports. • Audits. • Program evaluations.	• Make a list of all the agencies and statutes that guide sentencing policy and the use of sanctions. • Compile written documents from each. • Note all policies (both minor and major) that impact the system. • Note all agency descriptions and summarize. • Observe similarities and differences between agency goals and priorities, policies and procedures, guidance about use of sanctions.

TABLE 1.1 *(Continued)*

CATEGORY	WHAT IS IT?	WHERE IS IT?	HOW DO WE GET IT?
Gather Information on the Offender Population	Statistical analyses, quantitative information, and profiles of the offender population. Population analyses could include trend analyses, recidivism studies, and/or population studies.	• Automated information systems: courts, probation, parole, corrections. • Manual records such as offender files, court records, police reports. • Manual data collection.	• Make a list of the questions and/or kinds of information desired about the offender population. • Develop a data-collection instrument and/or list of variables to be collected. • Determine a strategy for collecting and analyzing the data.
Identify Sanctions, Services, and Programs	A description of all of the options available for offenders and ex-offenders in a jurisdiction. These may be punitive, incapacitative, or rehabilitative in nature.	• Agency policy. • Statutes/sentencing laws. • Court policy. • Human services directories. • Bench books.	• Brainstorm a list of all of the sanctions available to respond to criminal offenses. • Determine what is known about each sanction, and develop a strategy for compiling this information. • Consider the development of a bench book and/or guide for supervising agents about each response that is available and for what kinds of offenses, or update an existing one. • Observe the range of sanctions. Are there gaps? What are the per diem costs of each program? Is there a set of principles underlying the use of sanctions?
Identify Community Resources	A summary of the resources available in the community that can support the team's goals.	• Organizations' annual reports. • United Way reports. • "Health of the Community" reports. • Chamber of Commerce reports.	• Make a list of all the human service agencies, businesses, charities, civic organizations, faith organizations, community leaders, and others that might have an interest in criminal justice. • Conduct a community survey or hold focus groups to learn more about the ways the community is interested in participating in criminal justice and the resources that exist in the community.

Source: Adapted from McGarry and Ney (2006) *Getting It Right. Collaborative Problem Solving for Criminal Justice.* Silver Spring, MD Center for Effective Public Policy.

1. Map the System. How is the criminal justice system organized to carry out its mission? How do offenders flow through the system from time of arrest through sentencing? One effective strategy for gaining a shared understanding of the entire criminal justice system is to complete a map, or flowchart, of the criminal justice process. A policy team documents all of the decision points in the criminal justice process, the decision makers at each point, and the flow of offenders through the process. A general model of case flow through the criminal justice system is shown in Figure 1.3 (Bureau of Justice Statistics, 2004).

There is enormous variety in how justice functions are distributed across jurisdictions. At the state level, for example, typical actors and agencies include a Commissioner and Department of Corrections, the Attorney General, the Probation and Parole Department, officials in the State Planning Agency and/or the Governor's Office of Criminal Justice, a Senate Judiciary Committee, and so on. Often, a state Sentencing Commission or other state body sets policy and makes decisions about the distribution of justice funds. The actual structure and operation of policing, courts, and corrections vary substantially by state and locality. At the county level, various public and private agencies may provide pretrial assessment and services, prevention and treatment programs, halfway houses, and so on. We want to find out what agencies have responsibility for different elements of the sanctioning system, and how they relate to each other.

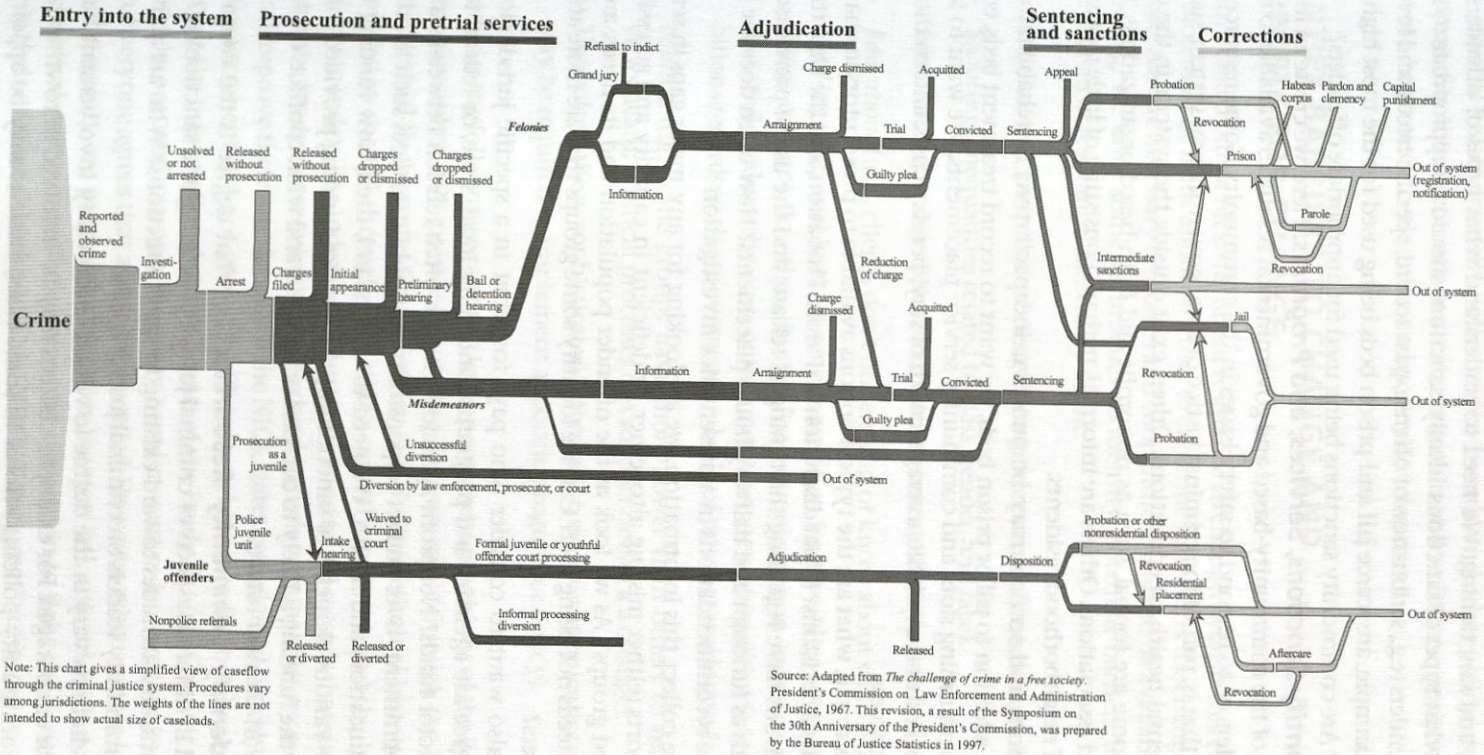
2. Document and Assess Current Policy and Practice. Sentencing and sanctioning policy in any jurisdiction is usually the result of formal and informal interactions between diverse policymakers. Here, we conduct an analysis of the formal policies in place in each agency that provide the framework for how those agencies operate. We want to develop a picture of how things work in a specific system: the steps in the process, how long the steps take, and the kinds of options available to decision makers.

Next, we want to develop an understanding of why things happen as they do. First, we complete a factual profile of each agency in the system. Second, we gather and summarize those agencies' policies as they affect the system and its process. Part of understanding why the process works as it does is to understand what each organization within the system brings to its work in terms of its mandate, its resources, and its policies.

However, formal policy often only begins to define the manner in which decisions are made and processes are carried out. In most communities, written policy guides only a small portion of activity. Inevitably, informal practices emerge to fill the gaps. Informal practices sometimes are developed with clear purpose and great care; sometimes they simply evolve over time. Understanding informal practice is therefore as critical as understanding current policy; informal practice both accounts for most of what occurs and is ultimately more readily changed than formal policy.

3. Gather Information on the Offender Population. Who are the offenders in the system and what do they look like? We need to know about the volume and characteristics of offenders that move through each stage of criminal justice

What is the sequence of events in the criminal justice system?



Note: This chart gives a simplified view of caseflow through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.

Source: Adapted from *The challenge of crime in a free society*. President's Commission on Law Enforcement and Administration of Justice, 1967. This revision, a result of the Symposium on the 30th Anniversary of the President's Commission, was prepared by the Bureau of Justice Statistics in 1997.

FIGURE 1.3 *Criminal Justice* [illegible] *iart*

Source: President's Commission on [illegible] nistration of Justice (1968), The Challenge of Crime in a Free Society (Washington, DC: U.S. Government Printing Office) [illegible] ice Statistics web site at: http://bjs.ojp.usdoj.gov/content/justsys.cfm).