

**The Bill Blackwood
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Evidence-Based Practice: A Law Enforcement Responsibility

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ABSTRACT

The relatively recent establishment and expansion of governmental social programs within past decades has resulted in a citizenry hostile to any new taxation, especially from the paradoxical viewpoint of monies benefiting the American justice system. Current criminal justice policies and programs are lacking a common-sense foundation built upon evidence-based practices (Mears, 2010). The criminal justice system, and by extension the policies under which it operates, is lacking research to support what society is undertaking with criminal justice policy, or to even question current practices regarding returns on public investments.

This lack of evidence-based practice would be questionable at best to any business model within the private sector where investment would be measured by returns and standardized means testing would be conducted throughout processes. Lack of integrity measures, methodologies, and accountability are topics of concern requiring focus in order to fix the broken criminal justice system. As proper stewardship is a responsibility assumed by any state entity as a public trust regarding expenditures of tax dollars, the justice system requires and demands a business model to follow to assure taxpayers are seeing a return for their investment, and subsequently, a fair and equitable justice system.

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INTRODUCTION

Criminal justice programs can no longer monetarily afford to develop programs or policies in a 'knee-jerk' fashion as reactive solutions to societal issues. Evidence-based practices (EBP), or evaluation research, is essential to ensuring proper fiduciary accountability and program effectiveness within our criminal justice system. While evaluation research is not exclusive to the law enforcement profession, its inherent scientifically-based methodologies align themselves well with criminal justice goals. Evaluation research is at the forefront of progressive criminal justice organizations striving for proper stewardship of public funds and measurable results of programs or initiatives.

Criminal justice entities across the nation are undertaking new ways to meet societal demands with ever-constricting funding and budgets. These monetary cuts are systematic across all organizations, as evidenced by National Institute of Corrections (Camp, Hardyman, May, & Camp, 2008) prison staffing analysis that shows prison administrators are forced to reduce their budgets by 5% to 10% annually. This example is exponentially discerning when the aforementioned scenario is happening throughout the justice system, including police and courts. Depletion of operational funding is creating a 'do more with less' dynamic among organizations while they are also facing increased scrutiny regarding stewardship of public funds. The American justice system must face new realities regarding funding allocations and the distribution thereof.

Politicization of crime, false dichotomies presented to the public as limited options for solutions, changes in societal ideological trends as influenced through the political spectrum, and isolated or extreme examples of justice system failures used as

subterfuge in order to make rapid policy changes are all influential upon justice system policies. The common ground among all previous listed is the dynamic that exists between elected officials and their constituents. To limit society in selecting one or two of these factors as being more influential than others as a driving force within the policy process is a false choice unto itself.

All of these factors must be viewed comprehensively to understand why criminal justice policy is developed, and even more troubling, susceptibility to lack of accountability. American justice system policy operates within a vacuum of political expediency influenced heavily by political pressure. The following will present the importance the justice system must place on employing evidence-based practices to ensure proper implementation of public policy.

Evidence-based practice (EBP) originated within the medical field during the 1990s, where its apparent success at improving service procedures led to other disciplines adopting its methodology (Coggan, 2004). In 2009, all federal agencies were provided strategic performance goals and instructed to utilize evidence-based practices for their attainment ("Driving Federal Performance," 2009). EBP is quickly becoming the standard for organizations that wish to employ best practice solutions to many contemporary issues.

Evidence-based practices follow a simple evaluation hierarchy to determine program performance or proper expenditures of funds. As according to Mears (2010), there are five dimensions to the evaluation research hierarchy: the need for policy is apparent and identified, policy rests on a solid theoretical foundation, and policy is implemented with integrity, is effective, and achieves its goals in a cost-efficient manner.

Following these five dimensions will inevitably lead to a solid foundation on which any policy or program can be built and lead to measured accountability.

Funding and allocation of resources has become an extremely competitive endeavor, especially between governmental organizations. Federal, state, and local governments are quickly scrambling for funding which has been historically taken for granted. Instituting policies built upon a foundation of evidence-based practices ceases political exploitation of the public and ensures accountability of public funds by promoting effective criminal justice expenditures and programs.

As society becomes more demanding for solutions to issues that have been inconsequential from a historical perspective, they are quickly guided to pre-selected or limited solutions that produce bad policy. These policies are usually grounded in emotional response, are expensive, and produce very little return for their vast costs. Law enforcement entities nationwide should immediately begin to utilize an evidence-based methodology to develop organizational policies or programs.

POSITION

Politicians for many years have engaged in 'scapegoating' to divert attention from root causes of crime. It is easier for a politician to blame a rise in crime on soft sentencing practices, lack of proper staffing levels of police, or the need to build more prisons to house offenders rather than address the underlying reason of why incidents of crime have risen. It could simply be the result of a severe economic downturn within an area and associated high levels of unemployment.

Society is void of argument when politicians present solutions to criminal issues and frequently demand instant action to crises. Politicians' political capital is not only

safe when identifying and taking stances on a specific criminal crisis, but it will arguably increase as a result. In short, criminal acts and those who commit them are a safe and easy way for politicians to build support.

As politicians have become more adept to the political landscapes and constituent ideologies, they generally present their solutions to a crime problem. Their solutions generally lack any regard for criminogenic needs or future repercussions that could have devastating long-term effects. Solutions, programs, or policies are presented in a manner usually predicated by political posturing and delivered in a 'do what I say to do, or nothing will be done' manner (Mears, 2010). Society has generally forgotten the fact they have other options outside of what is being presented to them and move to support whatever measure is placed before them.

Society focuses on the idea of how policy is developed in a vacuum of extremes. Extreme and individual based examples of justice system failures are increasingly used as segue to capitalize on desired political outcomes. To put this more simply, politicians prey on public fear by citing horrific examples of institutional failures, such as terrorist acts, to promote solutions that are in line with political goals. This window of discourse is best explained by Chicago Mayor Rahm Emanuel's exclamation of "Never let a crisis go to waste. It's an opportunity to do things you could not do before" (Yandle, 2013, p. 2). In other words, move the political agenda forward when a crisis happens and people are more susceptible to solutions they would otherwise reject.

When implementing policy, one must first question the actual need for policy. Too many times politicians and reactionary forces come together to implement policy without first questioning if the policy is even needed. Take for example the current

issue of gun control and the highly publicized microcosm in which it is being exploited. Lawmakers and gun control proponents are using recent mass shootings as a segue to push further gun laws. What is absent from the debate is if further laws are needed. The question must be asked as to whether current laws are being enforced, and if not, whether they would have prevented any of the horrific events.

By taking the automatic assumption of needing more gun laws without first examining the fundamental questions associated with an evidence-based need, the process automatically moves to implementation. As with anything the government implements, it comes with an associated monetary cost, including staffing and processes. By first examining actual need, alleviation of unnecessary costs can be negated by recognizing the need may not actually exist.

Policies must then be scrutinized as to whether or not they are based in sound theory. This can be done through many measures, but it is mainly built upon empirical research that has already been conducted or can be extrapolated through current data. Returning to the issue of gun control to frame an example of accountability measures takes into account that gun laws vary greatly between states. Texas and California are extreme opposites regarding firearm regulation, specifically, Texas embracing less restrictive regulation and California enacting numerous laws prohibiting and regulating personal ownership of firearms.

As according to Rogers (2012), California experienced 1,220 murders by firearm while Texas had a total of 699 during 2011. These figures showing homicides involving firearms are adjusted for per capita ratios of 100,000 people. This figure is counterintuitive as to increasing regulation positively correlating to the use of firearms in

murders. This example should provide pause to any legislator as to proposing further gun regulations devoid of a proper evaluative process.

The dynamic of these gun control laws would be an interesting research study to anyone wishing to take an evaluation approach to instituting additional gun control policy. Again, this is an example of using current theory or practices to establish whether or not a proposed policy is sound; most topics can be examined through a logical foundation based in available theory. Using sound and logical theory is an additional course to further governmental accountability by alleviating wasted expenses on programs lacking sound footing.

Making sure policies are implemented correctly is instrumental to any program outcomes. Organizations can establish all the policies or programs they want, but it is crucial to know whether or not they are successful and whether or not they are implemented as intended. Evaluation research alleviates this concern by ensuring policies and their associated processes are implemented according to their design.

Take for example the process of building a house. If the architect designs the house according to standards set by the homeowner and the contractor decides to use sub-standard materials outside of what was intended, it cannot be judged as to whether or not building the home was a good or bad idea. The answer is to hire an individual who oversees the building process and makes sure the house is being built according to what the homeowner established.

In this same way, policies must be overseen to ensure they are being implemented as intended. No matter how well intentioned the government may be in instituting policy, the argument can be made there is very little integrity measures taken.

By instituting quality control measures to ensure policy is following pre-established guidelines, policies can be judged on effectiveness by relying upon output data furthering accountability.

Policy must be judged based on its effectiveness. This step is crucial in determining whether or not a policy has produced a desired outcome. Returning to the previous example of building a house, it needs to be questioned as to whether or not the house was built was what the homeowner wanted or envisioned. If the answer is no, then another house needs to be built. What is comparative of governmental process is the scenario of an implanted policy not producing what was wanted or intended, but it stays in place. By ensuring the effectiveness of a policy, it subjects programs to constant adjustment until the desired result is found.

Lastly, instituting cost efficient policy should be an inherent goal. If it is assumed all steps of the evaluation hierarchy have been followed, and the results are what were intended by the policy, then examination of the associated program costs are judged acceptable or non-acceptable compared to what was produced. The argument can be made every governmental program or policy should be subjected to this final step in the evaluative process.

Again, examine the house building scenario. If it is decided a house was needed, the idea of building a house was based on others input and experiences, the house was built according to specific plans, and what was desired, but in the end it cost exponentially more than what it was worth to the homeowner, then there is failure in the process. This cost-efficiency or cost-benefit ratio is instrumental to evaluation research and governmental accountability. If the costs associated with any governmental

program are outweighed by the benefit, then this is a failure of public trust through wasteful spending of public resources.

COUNTER POSITION

Applying evidence-based practices to implement policy is not without criticism. Researchers' concerns of this methodology include lack of consideration for criminological practitioners' experience and slow institutional changes regarding processes within the law enforcement culture. Both of these concerns may present themselves as reasonable when viewed superficially, but they can quickly be negated by examining in a deeper context.

A specific criticism of EBP is professional experiences of practitioners is not of relevance, nor considered (Williams-Taylor, 2007). A cursory understanding of evaluation research would lead to the belief it is rigid in reliance upon empirical data and excludes cultural, environmental, or social differences within application. This concern is rooted in practitioners believing an evidence-based solution cannot manifest itself while including qualitative variables.

However, evaluation research lends itself well to adaptation within differing environments and applications. Its innate flexibility towards assimilation among differing disciplines is a core strength as long as the foundational hierarchy of methodologies are followed. Qualitative measures can easily be transposed into empirical data if proper procedures are followed.

Recognizing qualitative measurement or cultural targeting may present challenges and be necessary, a practitioner's experience can be integrated into EBP by converting empirical information into qualitative data during the theory evaluation phase,

the second step within the evaluation hierarchy. This is easily accomplished by questioning a sample of participants using a simple Likert scale. To further refute the above example of evaluation research excluding expertise of professional experience, Buysse and Wesley (September 2006) described evidence-based practice as decisions made that integrate the best available research evidence along with family and professional expertise.

Law enforcement is steeped in culture and tradition. As with any profession or organizational culture rooted in a lengthy history, changes in their methods are met with suspicion and resistance. What becomes exponentially complex within law enforcement organizations is that they have traditions and cultures that are shared globally, nationally, and within individual organizations. These entities can develop traditions, methods, and workplace cultures within a microcosm. It is commonplace to find two organizations separated by only a few miles that not only have completely different operating procedures and methods of targeting crime but workplace cultures as well.

This differentiating dynamic among law enforcement entities is one reason implementation of new criminal justice programs is problematic. Critics of evidence-based practices point to the fact that the justice system is almost immune to new ideas or programs, in short, because it is difficult to 'get everyone on-board'. This criticism is best summarized by one estimation showing once research is conducted proving an effective practice or policy, its widespread adoption by individual agencies can be up to 17 years (Balas & Boren, 2000).

However, this age-old criticism of implementing new policies within the justice system cannot be allowed to discourage individuals recognizing the need for change. Numerous applications and methodologies exist for leadership within law enforcement agencies to make foundational cultural and tradition changes within their organizations. The path to making changes towards evidence-based practices within law enforcement will not be simplistic or easy. An important step towards maximizing usage of EBP is applying practices not within individual agencies scattered throughout regions, but systematically and with full interoperability among all agencies. This information and methodology sharing will minimize barriers of individual agency cultural differences by creating a common goal to establish evidence-based policies.

Gehl (2004) provided a clear path to interagency cooperation by the creation of multiagency teams. Leadership within organizations should immediately begin the creation of these teams with the task of establishing evidence-based practices. By approaching policy shifts and implementation in this manner, it negates the critical argument of employing EBP across our justice system as too lengthy regarding time frame of implementation.

RECOMMENDATION

Evidence-based practices, or evaluation research, is the foundation the modern criminal justice system must employ when implementing new policy or programs. Benefits of EBP are numerous, but creation of pro-active police policy and programs that produce desired results in a cost-efficient manner are paramount to its application. EBP provides organizations immunity to reactive and exploitive solutions presented by political pressures while bolstering public trust regarding stewardship of public funds.

The evaluation hierarchy begins the process of proper policy implementation by first examining the actual need for a new policy or program. This important step is crucial when insulating society from unneeded or reactionary policy implementation and exploitation of the public by political structures. If an actual need for a new policy or program becomes apparent, the evaluative process ensures the proper steps to ensuring positive outcomes and desired results while promoting cost-effective solutions.

Critics of evidence-based practices point to its lack of considerations made for input from experienced professionals among disciplines. This criticism is unfounded as research methodologies are clearly established which easily integrate qualitative input from any source deemed necessary. Researchers and organizational leaders must be educated to have a deeper understanding of EBP to minimize this concern.

Additional criticism of evaluation research methods is the slow and systematic establishment of policies and programs among individual law enforcement entities. While this argument may be true, there are many ways to alleviate this issue, and it must not be an impetus to challenging the current criminal justice practices. Establishment of multiagency teams will minimize cultural and traditional barriers inherent in most individual organizations and promote interagency cooperation for common practices.

The American justice system is facing a new reality regarding funding which it has historically taken for granted. It is being tasked with society demanding increased services while budgets are minimized annually. This dynamic is causing law enforcement organizations to embrace a 'do more with less' paradigm regarding new programs or policy implementation.

Basing policy or programs in evaluation research methodologies is a natural solution to organizational challenges. Insulation from development of policy within political extremes, political 'scapegoating', and wasteful spending on programs that do not work are just a few of the benefits of creating a justice system built upon a solid foundation of evaluation research. Law enforcement entities nationwide should immediately begin to utilize evidence-based practices to develop organizational policy or programs.

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