

Shifting Our Philosophical Approach



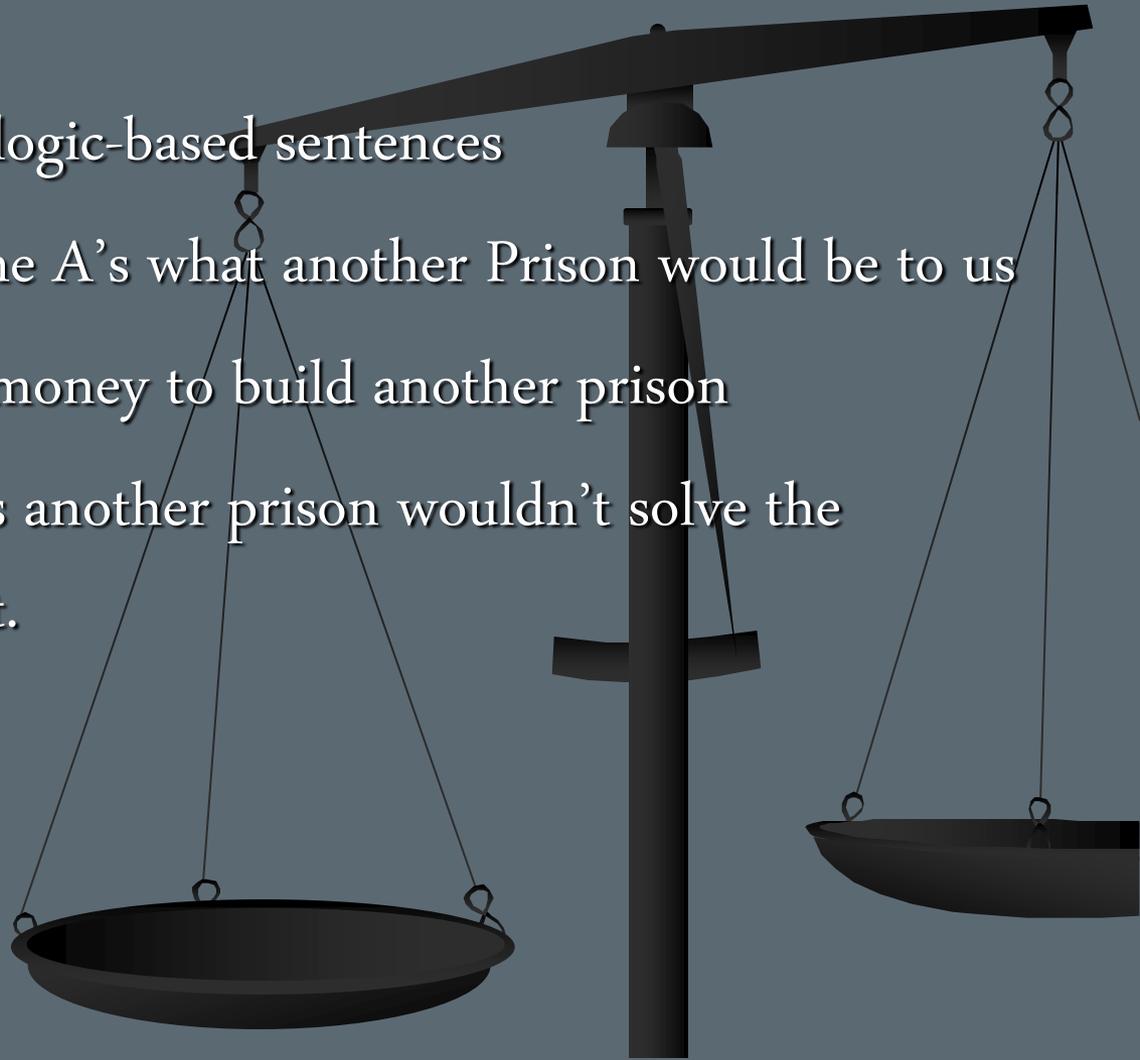
“Moneyball” metaphor

- What is Moneyball?
 - Using statistics and data to drive decision-making
 - Not relying on gut instinct alone
 - It is also based on money – getting the best return on investments
 - Moneyball says:
 - You don’t need a big name, expensive player, to win games.
 - To win games, you need runs.
 - To score runs, you need to get on base.
 - Its playing small ball.

- The term Moneyball came from concepts on Wall Street
- Billy Beane implemented it with the 2002 Oakland A's
- They sold off expensive players and bought only those who had the best statistical chance of getting on base.
- The book and the movie details the success of that season.
- The concept spread throughout baseball and beyond since then.
 - My 16 year old daughter – the stat the coaches all want to know is not just her batting average, but batting average plus on base percentage. A stat untracked before Moneyball.
 - Its spread to other sports as well, which now track previously undervalued and untracked offensive data.

What does Moneyball have to do with Sentencing?

- Everything if we want a logic-based sentences
- Johnny Damon was to the A's what another Prison would be to us
- We don't have Yankees money to build another prison
- Even if we did, logic says another prison wouldn't solve the problem we're looking at.
- So what is the problem?

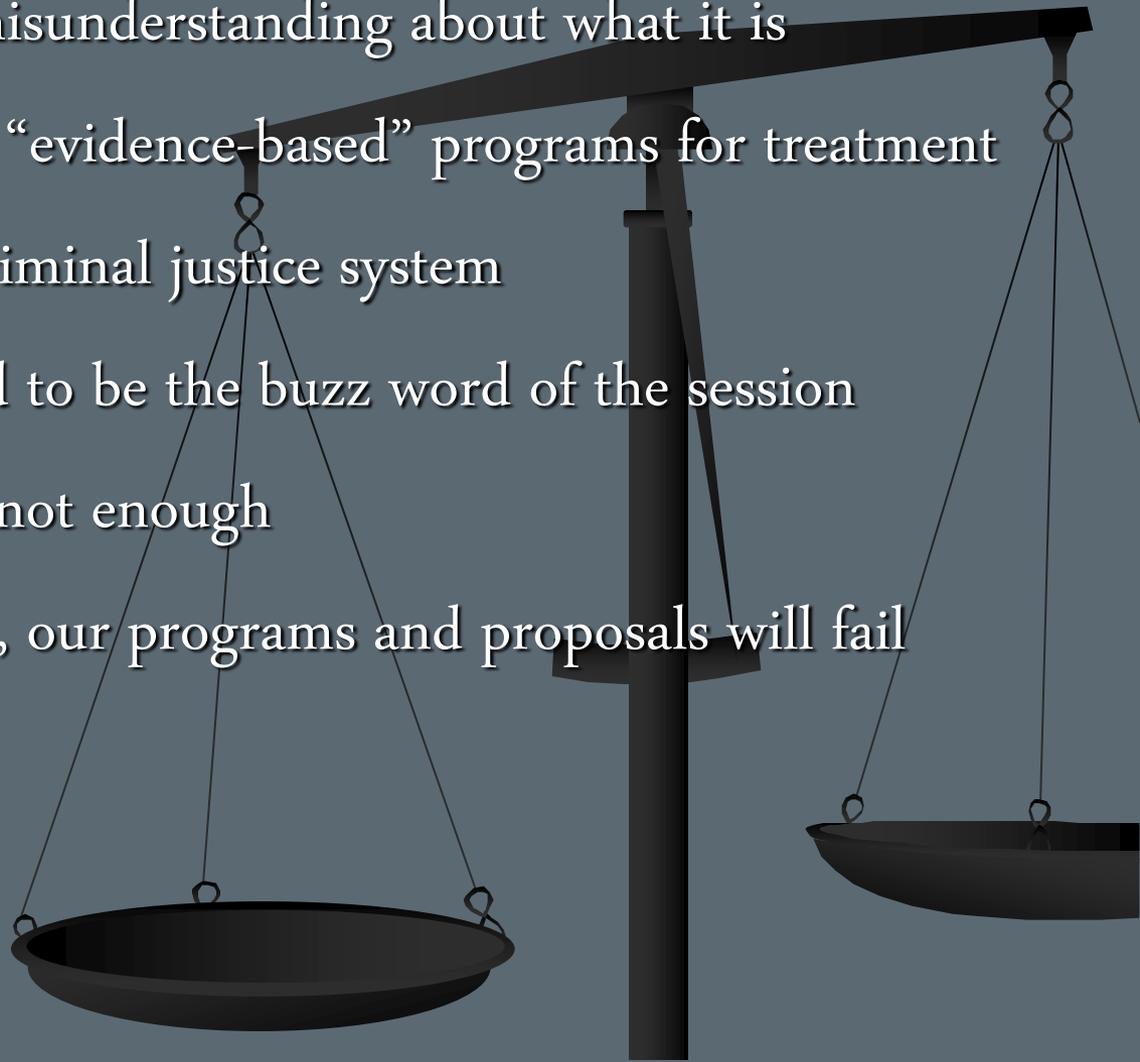


The Problem

- The goal is genuine public safety, not artificial “results”
 - Genuine public safety does not result from increased crime nor necessarily from conviction rates
 - Genuine public safety does not result from ignoring violations either
- Research has repeatedly shown:
 - Prison is effective for punishment and incapacitation
 - It is not the best place for rehabilitation of all offenders
- We have to quit looking for home runs every time
- We need to add some “small ball” hitters to our line up

Evidence-Based Practices is “Small ball”

- There still seems to be misunderstanding about what it is
- It is not just plugging in “evidence-based” programs for treatment
- It applies to the entire criminal justice system
- “Evidence-based” seemed to be the buzz word of the session
- Saying the buzz word is not enough
- If we just give lip service, our programs and proposals will fail



“Tough” on Crime

- My own history is from a law enforcement perspective
- Public perception from “scared straight,” boot camps, etc.
- Media – KSL report on AP&P Matrix recently
- Some legislators – “evidence-based programs” at the new prison
- Some programs – ECR touted as a reform because it gets more cases through sentencing faster.
 - Faster, harsher, tougher doesn’t mean it addresses recidivism
 - If it doesn’t address recidivism, is the public actually safer?

What are Evidence-Based Practices?

- It is a systemic approach
- Its not just a matter of plugging in Evidence-Based Treatment
- Ben and Audrey will further describe what evidence-based practices are and what research is currently available
- The four key components are:

Risk - Need – Responsivity - Fidelity



Risk

- Generally, we do a good job of assessing risk
- The Sentencing Guidelines address risk in great detail
- Areas we could look at closer:
 - How are we evaluating risk in Utah?
 - Are the instruments used validated?
 - Have they been validated locally?
 - Is there a validated universal tool that could be used at the misdemeanor level or in courts that do not have Pre-Trial Services?
 - Can we require the use of a validated universal tool statewide?

Need

- Research shows focusing on criminogenic need reduces recidivism.
- Focusing on non-criminogenic needs can actually increase it.
- Questions to ask:
 - What Pre-Sentence Assessments are currently being used?
 - Are they validated? Locally?
 - Should we require the use of a validated PSA statewide?
 - Should need be addressed in the Sentencing Guidelines themselves?
 - Or just in the AP&P Matrix?

Responsivity

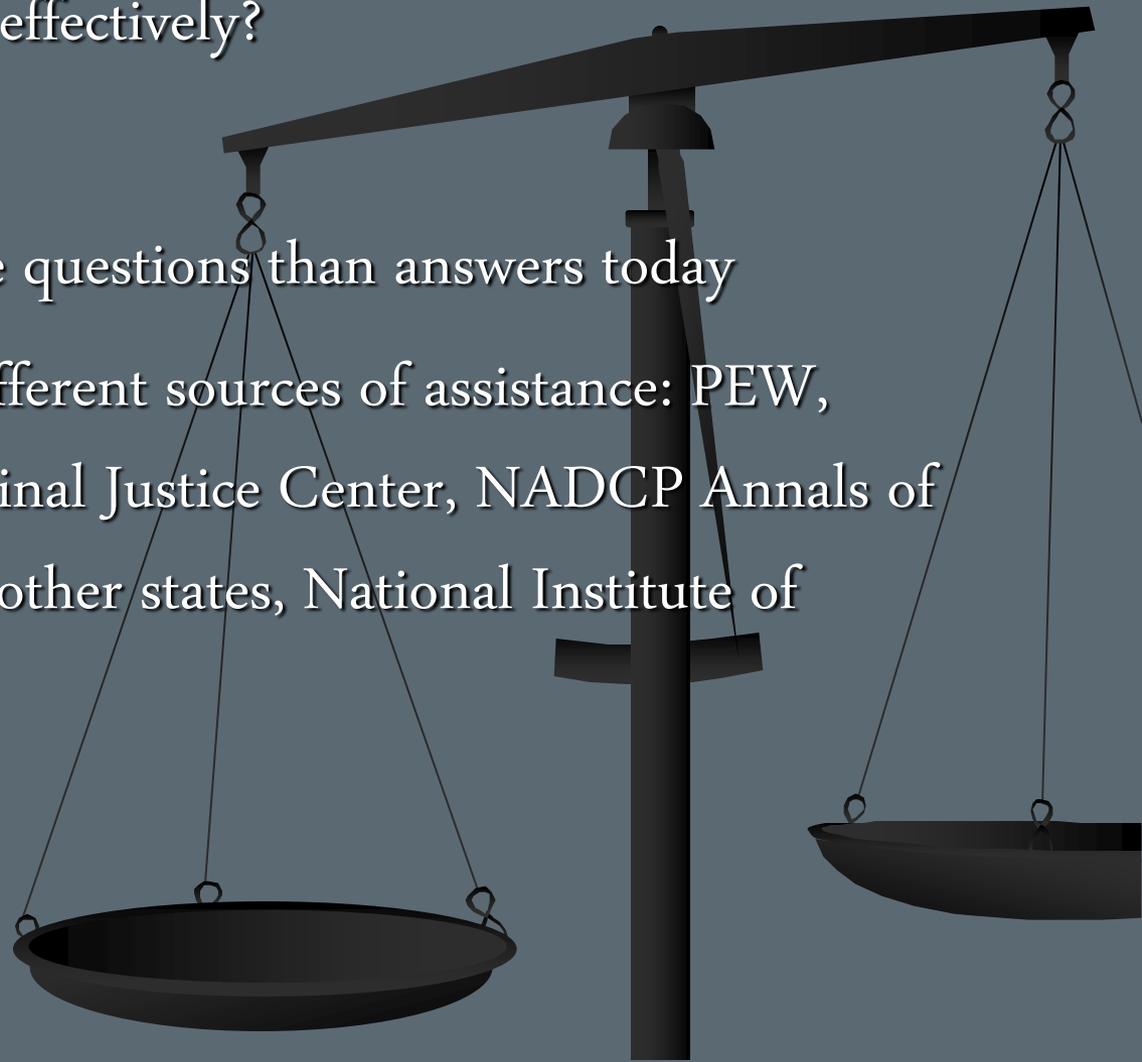
- Responsivity is ultimately dependent upon an appropriate Risk & Needs Assessment.
- If appropriately assessed, sentencing should be directly responsive to the assessment.
- Matches the appropriate sentence, including treatment, supervision, incarceration, and/or imprisonment to the offender.
- How specifically should responsivity be incorporated into the Guidelines, if at all?

Fidelity

- Once the appropriate response is determined, the next question is whether we are consistent in our application?
- Several treatment programs have recently undergone the Correctional Program Checklist, should it be required statutorily?
- Is fidelity applied to sentencing and judges already? JPEC?
- Is it a principle that we implement through legislation to ensure that programs, treatment, supervision, and/or prison are consistent with the sentences imposed?

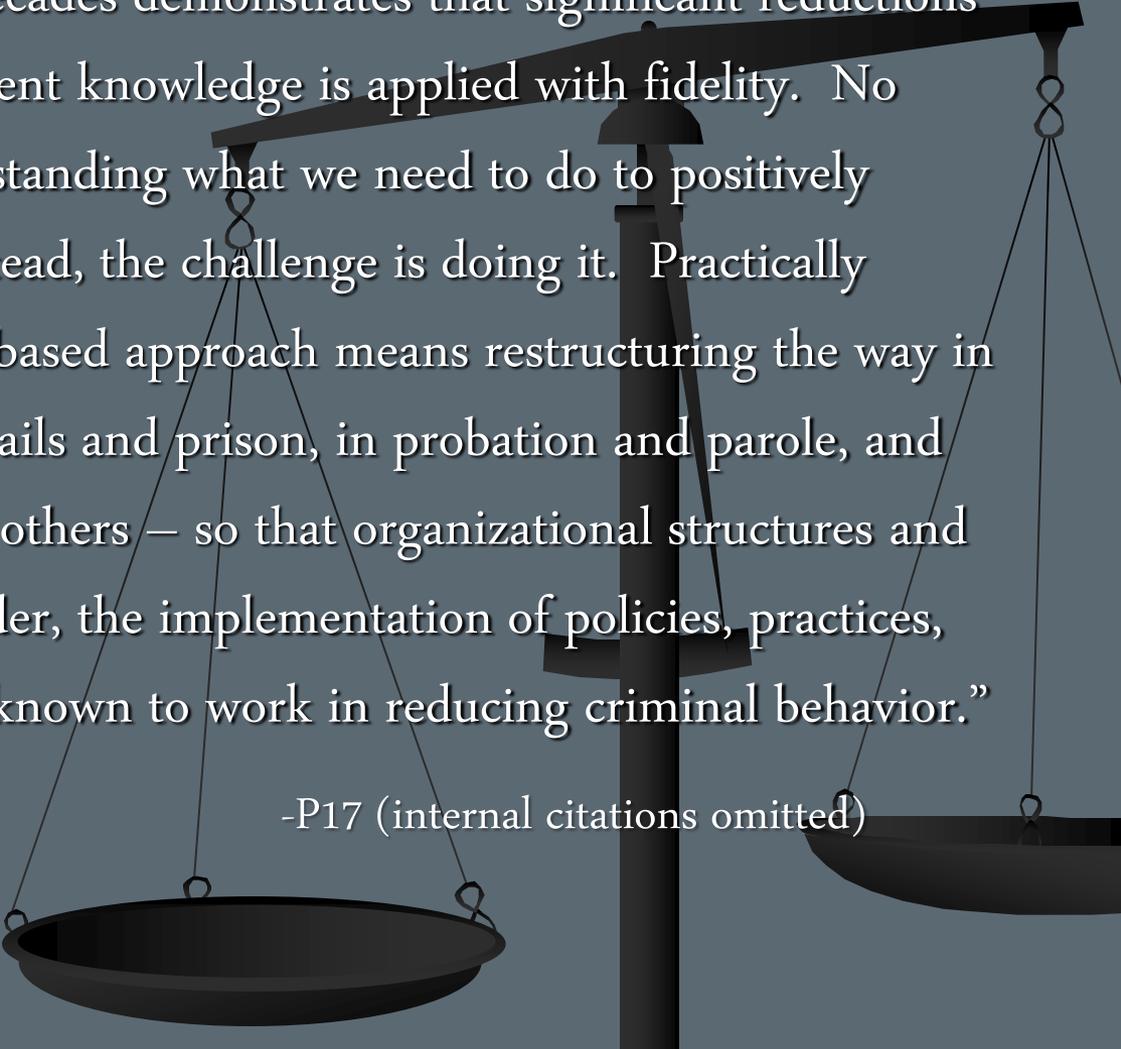
Implementing Evidence-Based Practices

- How to implement EBP effectively?
- Still in early stages
- We may leave with more questions than answers today
- We have a number of different sources of assistance: PEW, University of Utah Criminal Justice Center, NADCP Annals of Research & Knowledge, other states, National Institute of Corrections.



‘Dosage Probation’

National Institute of Corrections January 2014



“[R]esearch over the past two decades demonstrates that significant reductions in recidivism are possible if current knowledge is applied with fidelity. No longer is the challenge in understanding what we need to do to positively influence offender behavior; instead, the challenge is doing it. Practically speaking, adopting an evidence-based approach means restructuring the way in which we do business – in our jails and prison, in probation and parole, and among judges, prosecutors, and others – so that organizational structures and cultures enable, rather than hinder, the implementation of policies, practices, programs, and services that are known to work in reducing criminal behavior.”

-P17 (internal citations omitted)

Priorities for today

- We don't need all the answers today
- Need to be on the same page philosophically
- Recidivism through Evidence-Based Practices will be our filter
- Decide on subcommittees & working groups
- Next meeting of full Sentencing Commission
- Next meeting of subcommittees & working groups
- Executive Committee to Attend CCJJ Meetings for PEW Results