

# **INNOVATIONS IN THE CRIMINAL JUSTICE SYSTEM**

**Mark Kleiman**  
**NRC Panel on Crime Trends**  
**April 29, 2014**

# Policing innovations

Problem-solving  
Community policing  
CompStat  
Focused crackdowns  
“Pulling levers”  
Procedural justice  
Crowdsourcing

# **Adjudication, supervision, and services**

Mandated services in lieu of punishment  
(e.g., drug diversion)

Problem-solving courts (e.g., drug courts)

Structured sanctions

Risk/needs assessment and behavioral  
triage

Job-oriented supervision

Swift-certain-fair

# **Swift-certain-fair: principles**

No rule without monitoring

No detected violation without a sanction

Minimum effective sanctions dose

Procedural justice

Warnings

Consistent sanctioning

Behavioral triage

Service mandates

only on demonstrated need

# Swift-certain-fair: implementations

DC Pretrial services

Project Sentry (Lansing)

DC Drug Court

Multnomah County Structured Sanctions

Break the Cycle

SWIFT

HOPE

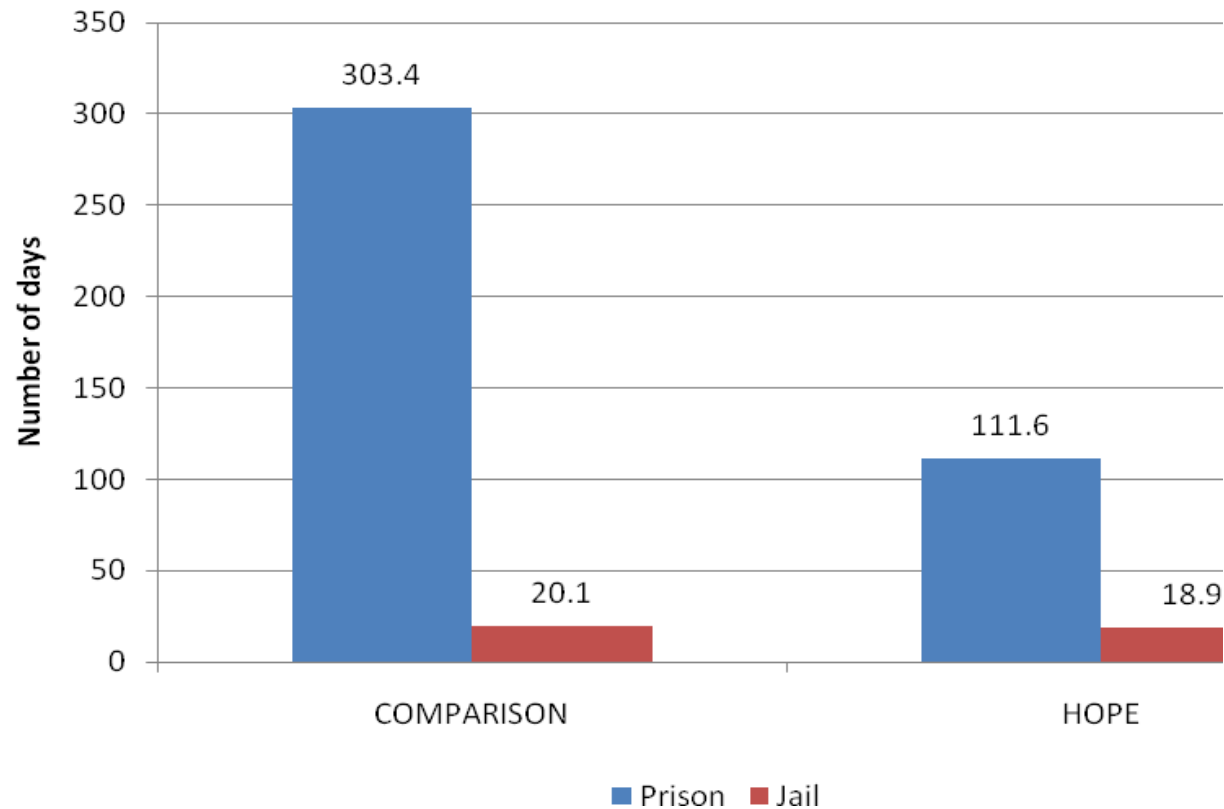
WISP

DFEs

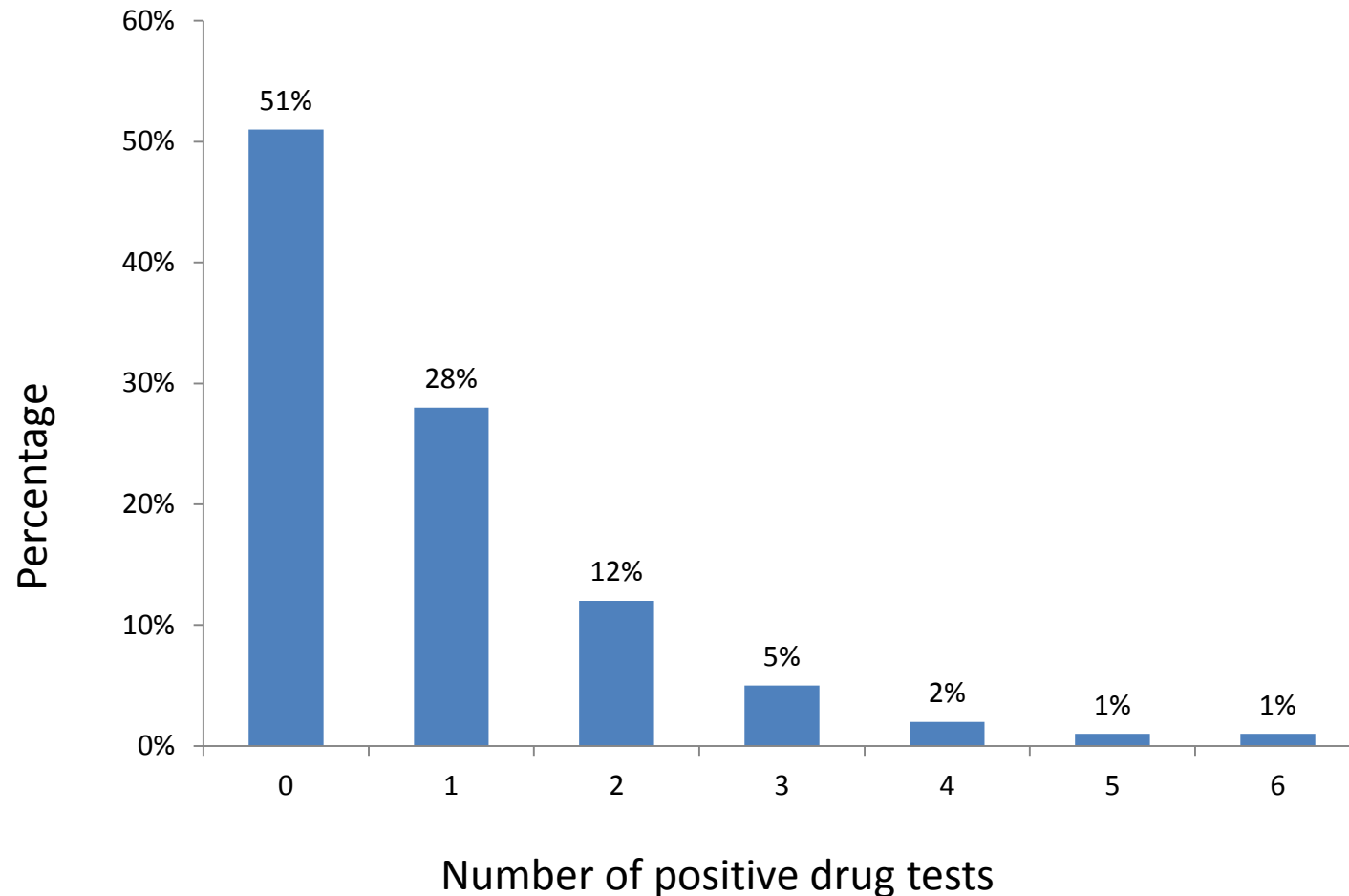
Washington State Swift-and-Certain

Sobriety 24/7

# DAYS BEHIND BARS: HOPE v. Controls

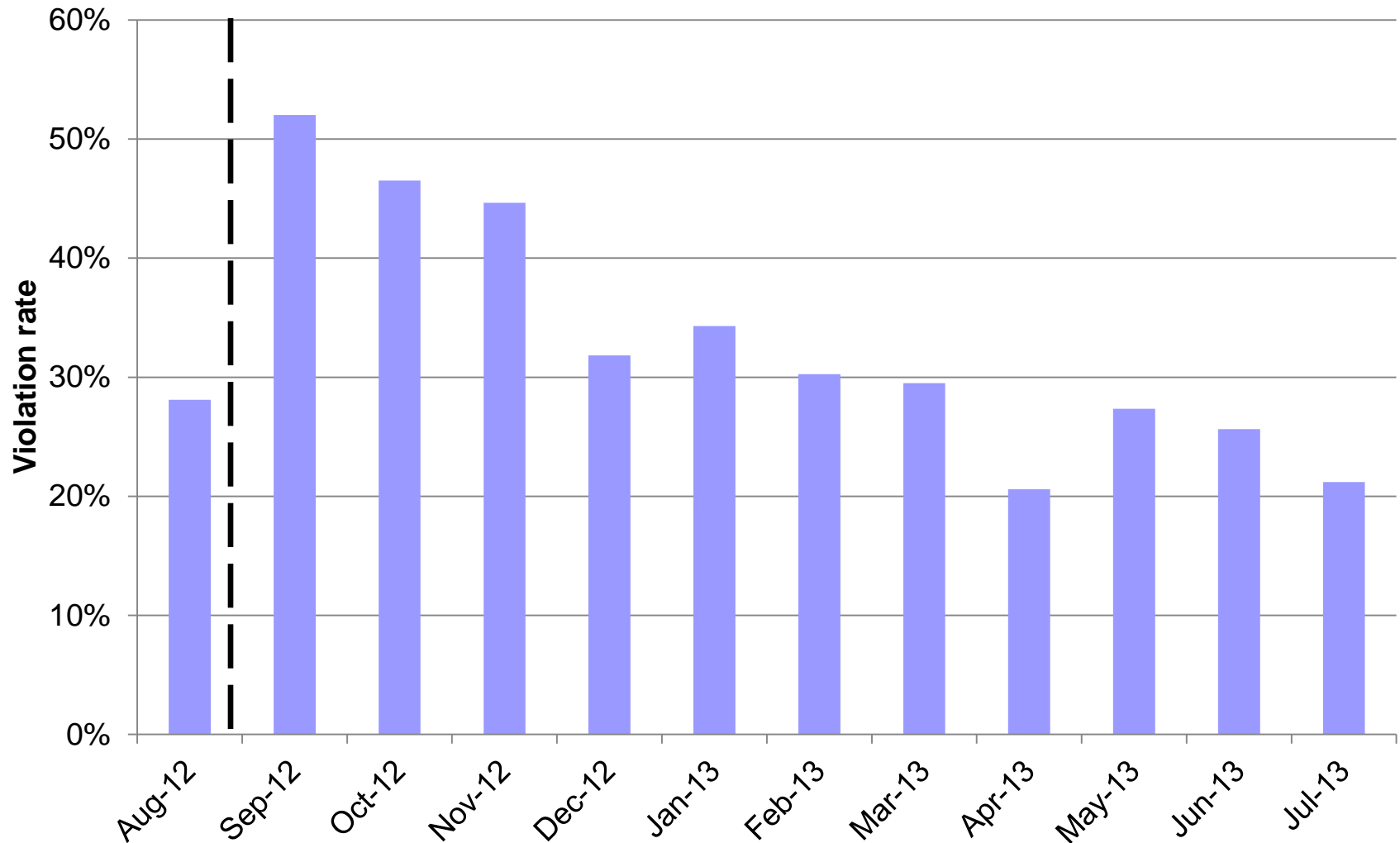


# Distribution of positive drug tests



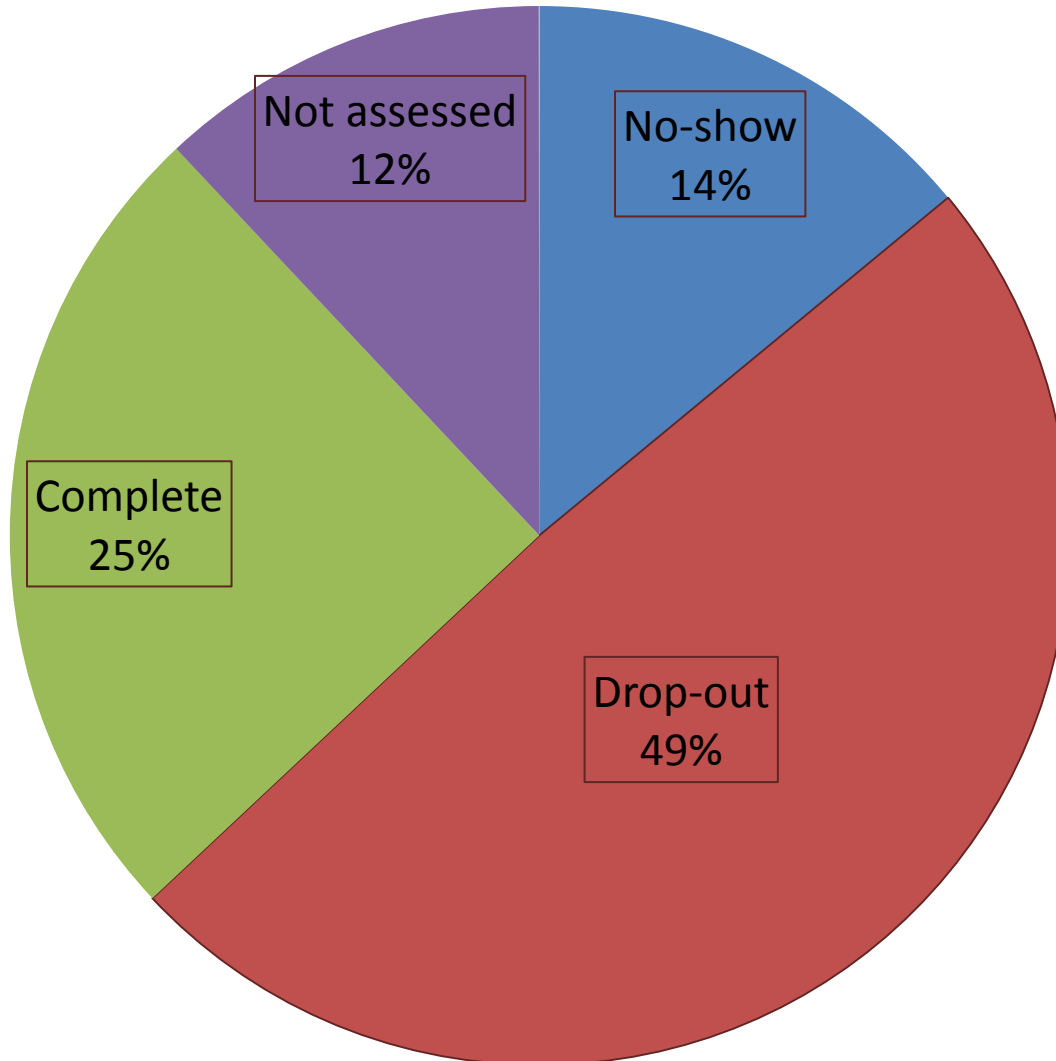
\*\* Results are from the Hawaii RCT. But a similar pattern holds at other SCF sites

# DFE violation rate over time

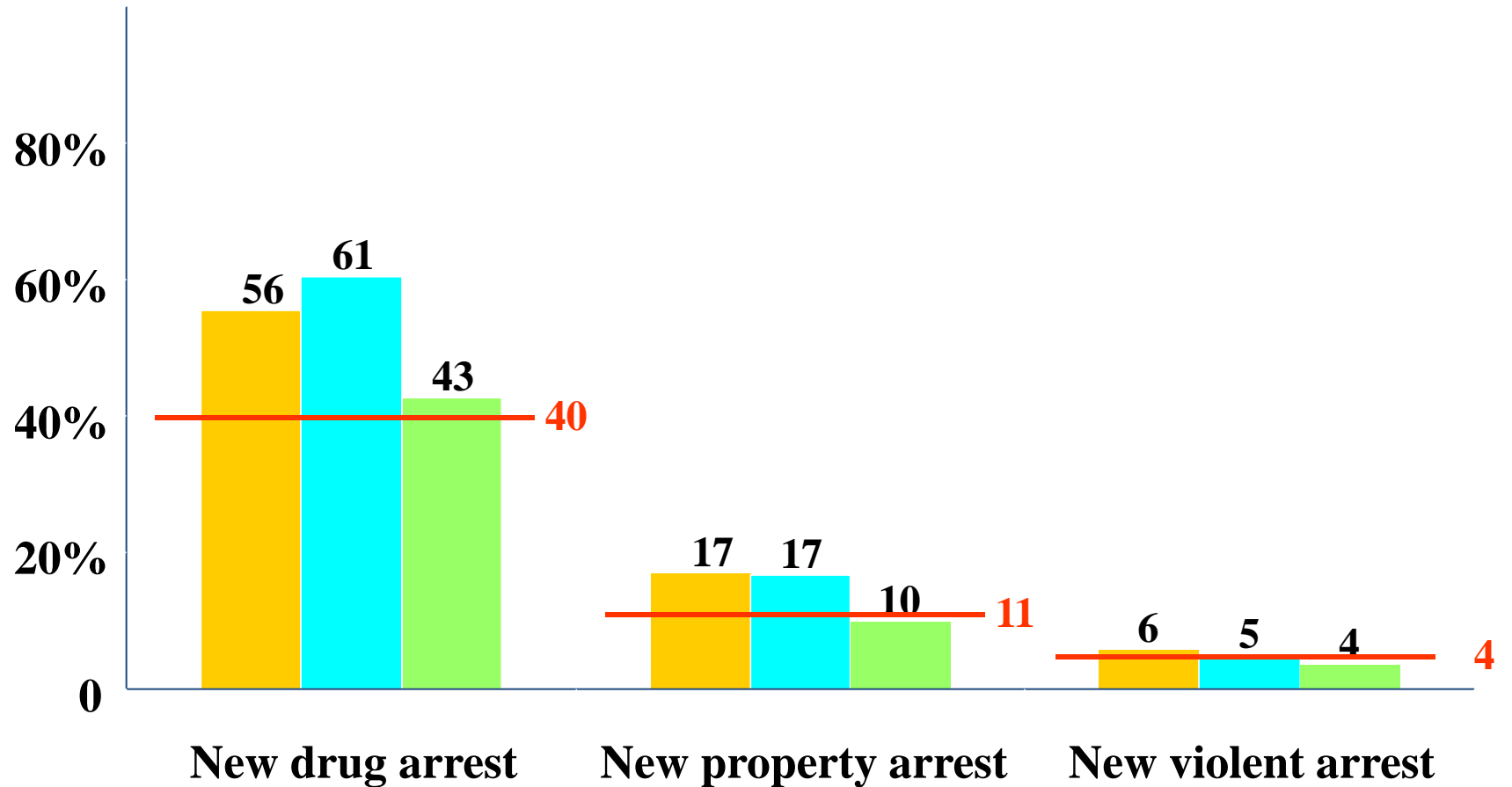




# PROPOSITION 36 COMPLIANCE



# PROP 36 OUTCOMES



**Referred but untreated**  
**Entered but did not complete treatment**  
**Completed treatment**

**Comparison Group**

# **Swift-certain-fair: operations**

Warning

Frequent or random drug testing

Color-codes and daily call-in

Phasedown of frequency

after sustained compliance

Quick adjudication

Immediate warrant service

# SCF pitfalls and fixes

## Pitfalls

Growing too fast

Incentive-management failures

Absconding must be more expensive  
than showing up to take your medicine

Slippage and toxic mercy

## Fixes

Phased growth

Compliance-management systems

# SCF extensions

Populations: juveniles, pretrial, early release

Monitored behaviors: GPS

Sanctioning:

- Nonincarcerative first sanction

- Finding the optimal escalation pattern

- Adding rewards to sanctions

- Integration with job development process

# **SCF unknowns:**

## **Psychological mechanisms**

Just “Smart deterrence,” or changing decision styles?

- Delay discounting
- Impulsivity
- Self-efficacy/locus of control

Habituation to new lifestyle

What can Cognitive-behavioral therapy and motivational interviewing add?

# **SCF unknowns:**

## **Non-cjs outcomes**

Health and health-care utilization

Employment

Family

Housing

# **SCF unknowns: the long run**

Post-supervision outcomes

Scaling and long-term operational development

Effects on incarceration



# SCF as justice reinvestment

Make SCF the default form of community supervision

Make community supervision the default sentencing option

Start releasing prisoners to SCF

Budget-neutral or better if SCF reduces incarceration