

The Influence of Research on Criminal Justice Policy Making

Arthur H. Garrison

Criminal justice policy making is a vertical and horizontal political dynamic. The criminal justice researcher who understands the decision-making process within state criminal justice policy-making agencies can influence decisions by providing research to meet policy makers' needs. This paper provides a schematic view on the criminal justice decision-making process and discusses how researchers can make their work relevant within it.

Key Words: criminal justice research • criminal justice policy making • agency decision making

Criminal justice policy research seeks to provide assessment and analysis of crime and provide strategies for its reduction. The pages of criminal justice and criminology journals, reviews, and books are replete with research and policy analysis. One issue that has received less attention, however, is how criminal justice policy planning agencies use criminal justice research in program development and policy making. To receive federal funding, each state maintains a criminal justice policy planning agency. State and local law enforcement agencies, the judiciary, corrections, and non-profit organizations receive funds through these criminal justice planning agencies to support criminal justice initiatives. Criminal justice researchers can make their work more relevant to criminal justice policy makers by understanding the politics, power, and policy dynamics that govern how these agencies operate.

Criminal Justice Planning: Values Matter

Criminal justice policy and planning are moral-based entities. By this I mean that they operate in an arena that deals with moral questions of right and wrong, what constitutes justice or injustice, as well as the application of individual responsibility, culpability, and blame. The presence of these moral attributes separates the field of criminal justice and

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criminal justice policy-making agencies from other policy agencies such as those in the natural or medical sciences. Unlike the social sciences and, for our discussion, criminal justice, the natural sciences don't involve the effects of human social weakness.

Emergency management agencies, for example, assess the damage of floods and how storms develop and affect areas. There is no debate in emergency management about the moral weaknesses of the atmosphere that results in the formation of a storm or the social strengths or weaknesses of the land as it is affected by the storm. In the natural sciences, cause and effect have no moral definition or consequences. In criminal justice policy making, all questions and proposed answers are defined morally and have ideological consequences.

Criminal justice policy also uses language that has inherent social and moral connotations such as *criminals*, *delinquency*, *community dysfunction*, *social isolation*, *individual and environmental criminogenic factors*. Criminologic theories focus on personal and societal causes of poverty and crime. Criminal justice policy is geared toward controlling social dysfunction. The cause of dysfunction, our various theories propose, are internal and external factors such as lack of political power, poverty mentality, lack of economic viability, lack of educational achievement, single female head of household families, absent fathers, and so on. Regardless of how these factors are viewed and explained, they all have moral connotations attached to them. More significantly, criminal justice policy is a subject the general public can easily relate to and develop opinions about (at least in regard to causation) without immersion and education in our discipline. Terms of art in criminal justice are much more easily integrated, without explanation, into the general political discourse than are terms such as "polygenetic theories of living organisms."

Criminal justice policy development on the first level of policy making has political, ideological, and moral assumptions. For example, is the presence of crime in a community a "criminal justice" matter or a "public health" matter? Is the solution to crime a *punishment* and containment model or a medical model in which *treatment* is the key factor? Is crime a matter of individual *chosen* behavior or the result of *environmental factors* that are beyond the control or responsibility of the individual, the equivalent of being in a home contaminated with influenza? There is a fundamental difference; after all, society places no moral culpability on a person who is born, goes home, and catches the flu. The environmental/public health approach to criminality proposes that crime is the result of a social illness requiring a medical model solution and that the *moral culpability* that comes with the classical approach to crime *is misplaced and detrimental* to those who *need treatment from criminal influences*. The merits of either proposition aside, much less the implications of each, both approaches to crime involve various moral and political assumptions. Explanations of crime involve subjective moral and political viewpoints

regardless of the science of criminal justice and criminology. These viewpoints form political reality and criminal justice agency policy decisions. To further illustrate this point we now turn to criminal justice planning agency policy making specifically.

Criminal Justice Policy and Decision Making

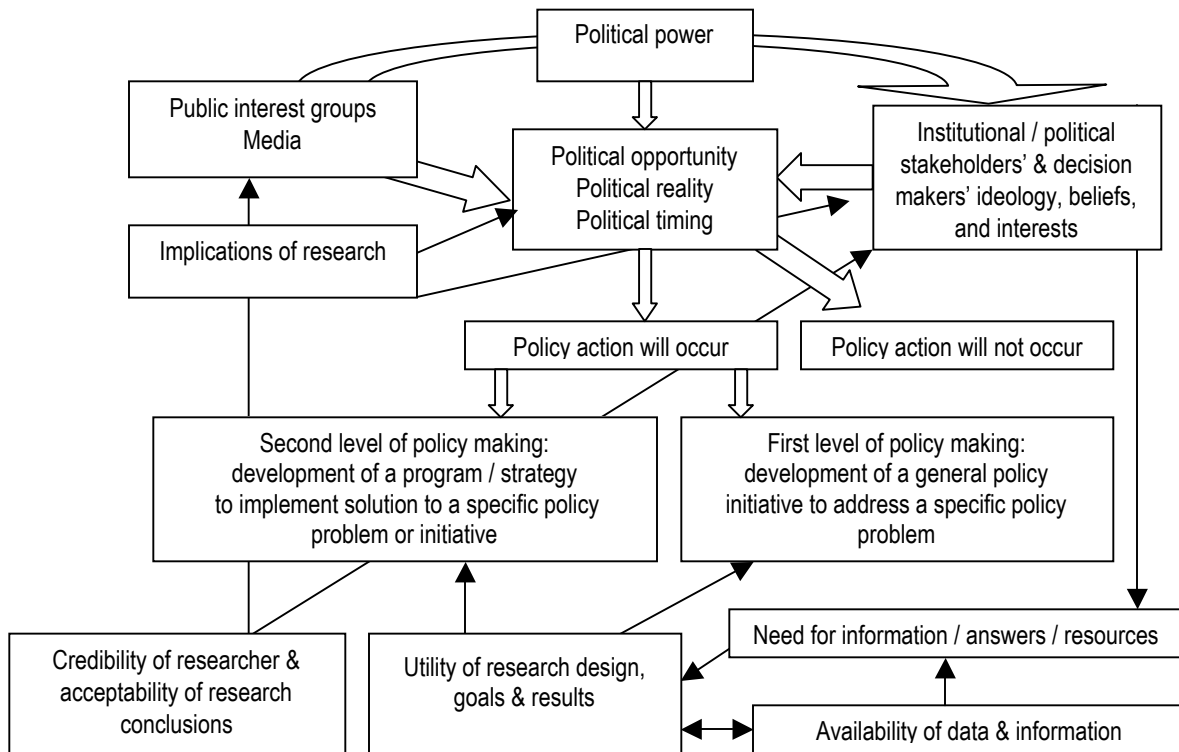
Criminal justice policy making is the result of a dynamic horizontal and vertical power decision-making system. Policy makers make decisions in a dynamic process in which various factors influence how, when, and what decision is made and what policy is instituted (Kaufman, 1969; C. Weiss, 1979; Rock, 1995; Roos & Shapiro, 1999; Vibe, Hovland, & Young, 2002). Policy is made on an incremental basis and it is developed on at least two levels, the first being the establishment of broad policy parameters and the second being the translation of policy parameters into policy programs (Lindblom, 1959; Lomas, 2000). Policy making is the result of the confluence of moral and political forces that allows an action to occur. As one eyewitness of criminal justice policy making observes:

The discourse of politicians about criminal justice is sometimes less rational and utilitarian than moralizing, and the two forms of argument do not necessarily converge. [Politicians] act from moral conviction, political need, and personal opportunism. Their response to much scholarly research, and especially to contradictory research . . . will be to ignore it, or to wish that it *had* never been conducted, and if it had been conducted, never published (Rock, 1995, p. 7, emphasis in original).

Criminal justice decision making is governed by the exercise of political power. Policy, above all, is “phrased politically” and policy proposals “must be designed to win approval from powerful individuals and organizations that can impede or accelerate their progress, from other politicians and from practitioners in the criminal justice system in particular” (Rock, 1995, p. 6).

As Figure 1 shows, policy does not come about until there is a convergence of ideology, beliefs, and interest applied through the medium of political power upon or by policy makers, public interest groups, and/or the media to create a political climate in which a policy initiative can be considered, formulated, and implemented. Policy is as much a product of political expediency and timing created by the interplay of ideology, belief systems, and interests as it is about societal need. As C. Weiss explained 30 years ago “unless a social condition has been consensually defined as a pressing social problem, and unless the condition has become fully politicized and debated, and the parameters of potential action agreed upon, there is little likelihood that policy-making bodies will be receptive to the results of social science research” (C. Weiss, 1979, p. 427).

Figure 1. Policy Making



Note. Large arrows show the flow of decision-making power while small arrows show the flow of research.

As Figure 1 shows, research can influence the political ideological interests that, in turn, form policy within criminal justice planning agencies. To achieve influence in the decision-making cycle, the researcher must maintain both academic credibility and a reputation of producing unbiased research by policy makers (J. Weiss, 1976; Roos & Shapiro, 1999). The academic credibility and the lack of a political bias of the researcher are key factors to acceptability. If those who make decisions see a researcher as too liberal or too conservative, they will not consider his/her research results acceptable if they do not share the same political philosophy. It is better for a researcher to have no political reputation at all, thus leaving his/her academic and professional reputation the only factor known by those who make decisions.

Research must also have utility and operational usefulness. J. Weiss, also more than 30 years ago, defines useful research for policy making as meeting the demands of the political environment so policy makers will pay attention to it (1976). Writing about the

same time and reflecting on the nature of sociological research and its utility to governmental decision making, McCoy makes the following observation:

What at times is missing in sociological studies is the type of descriptive, substantive, up-to-date information that is needed for policy makers to make an objective decision. This type of information communicates much more effectively for most policy makers than the more technical analysis of academic sociological studies. [Although] sophisticated methodological research is needed and with appropriate analysis and interpretation can be of great value to policy makers, [there needs to be] more recognition [by] the profession . . . that we have more to contribute than grandiose methodology and research based on expensive grants (1975, p. 371).

These observations are just as true today. Policy makers need research that provides clear conclusions to aid them in the process of policy making. When policy makers are at the information-gathering stage of policy making, they are at their most receptive point to research. But if that research does not provide clear answers, or raises more questions than answers, or provides too many qualifiers, the research will not have significant influence on the decision making. C. Weiss reflects on this concern of social science research not providing “convergent conclusions” as follows:

As more studies are done, they often elaborate rather than simplify. They generate complex, varied, and even contradictory views of the social phenomena under study, rather than cumulating into sharper and more coherent explanation. The effect may be to widen and enrich our understanding . . . but the implications for policy are less simple and clear cut. When the diverse research conclusions enter the policy area, the direction they provide for policy is confused. Advocates of almost any policy prescription are likely to find some research generalizations in circulation to support their points of view (1979, p. 430).

As Figure 1 shows, the publication of research by media outlets is one method of finding and aiding advocates that will champion the results of the research. Roos and Shapiro (1999) observed this phenomenon in their work with a hospital staffing and funding policy development program:

Because the government appears to pay attention to us, the media pay attention to our reports; because the media give us extensive coverage, stakeholders are forced to respond to our analysis and findings. And the

response of the media and the stakeholders no doubt influences the government's perceptions and actions (p. 301).

Researchers should be prepared to take advantage of media because criminal justice policy development occurs within a political dynamic. Because research results address some aspect of criminal justice policy making, the results will always serve the political interests of the policy debate. The more media avenues the researcher cultivates to publicize his/her results, the more attention the results will receive and more influence the research will have in the process by the mere fact that the results are being debated within the decision-making process.

Criminal Justice Policy Planning Agencies

Marshall (1984) recommends that researchers "should study the settings where key people make decisions" and recognize that in government "organized groups vie for control" and the researcher should understand the different types of groups vying for control (p. 235). Marshall divides the various actors within policy making into four groups: elites, those who control information; bureaucrats, those who protect the goals of the agency; ostriches, those who are in the system and obfuscate or avoid the rules of the agency; and pussycats, those who delight in providing information to researchers (p. 236). Added to this mix of players within government policy making are lobbyists, the media, and public opinion. Criminal justice policy-planning agencies, like all government agencies, have historically operated on a hierarchical, sometimes an autocratic, and bureaucratic structure (Wilson, 1887; Simon, 1946; Nelson, 1982). More important for the researcher to understand, criminal justice policy and planning making is an exercise of use or non-use of political power in which final decision making usually involves an individual or a group of individuals within criminal justice policy-planning agencies. Researchers should understand that the implementation or the failure to implement a policy or program can result as easily from "because I said so" as from dispassionate analysis and reason based research that affects or creates a policy consensus.

To add to Marshall's descriptions, elites are the elected and appointed politicians who have the authority to prevent or implement policy under their own authority and discretion. These people can make things happen under the "because I said so" dynamic. Bureaucrats, especially those on the senior level, have the power to implement, delay, and/or improve policy directives from elites. From the view of junior bureaucrats, senior bureaucrats can appear or actually have almost the same powers as elites. Ostriches and pussycats can be junior or mid-level staff. Ostriches bury their heads in their own program areas or responsibilities and don't concern themselves with issues, programs, or policies

that don't concern them directly. Ostriches can be junior staff that have decades of experience and are full of historical knowledge about the agency but have failed to move above middle management and are either satisfied where they are and are generally easy to work with or are embittered staffers and are better avoided. Pussycats are usually junior staff and, due to personality or inexperience, are much more open to influence and are easier to get along with. Although Marshall (1984) focuses on how the researcher should approach each type of agency actor to gain access into political and bureaucratic agencies to secure data for research, her observation that actors within government agencies function within an environment of "manipulation and power plays" (p. 249) is an excellent segue into our discussion of how criminal justice policy planning agencies operate and how researchers can make their work relevant to this particular type of government planning institution.

State criminal justice policy planning agency directors are generally political appointees of the state governor. They either report directly to the governor or a policy and planning board. The typical criminal justice planning board membership includes the institutional agencies and interests within the criminal justice system. The purpose of the board is to set statewide programming policies and determine the distribution of federal criminal justice program funds throughout the system to both government and private agencies. These interagency interests reflect bureaucratic and interagency rivalries—which alone can create or prevent the initiation of policies and programs—as well as political views on the purpose and function of the criminal justice system. As a result of this political and bureaucratic dynamic, the planning board exercises political power on the policy maker and determines whether a policy is implemented.

Aside from the bureaucratic political interests in policy making, there is another aspect to the "politics" of decision making—*political timing*. The British Navy included citrus in the diet of its sailors to combat scurvy 263 years after medical science proved the utility of its use against the disease, and although the link between smoking and lung cancer was made in 1950, it was not until the 1990s that a comprehensive public policy initiative to end smoking, at least among persons younger than 18 years of age, was implemented (Lomas, 2000). Truth is truth, but timing governs when that truth is recognized and put into operation. Researchers can influence that timing if the implications of their research creates or supports an ongoing political focus on an issue and people who care about that problem, by virtue of the research, have a galvanizing focal point. Social science and criminal justice research can have an effect—both in the long-term or short-term. Long-term effect can be years away, but it is effect nonetheless. It's a matter of timing.

Returning to the first level of decision making, Figure 1 depicts how a researcher can influence one or more of the key people on the board by providing them with research results that resonate favorably with the moral and political ideologies of those members. Those members make the entire board aware of the research and begin debate on the board. The politics and power dynamics of the board will then determine whether a policy determination will occur and what policies, if made, they will dictate to the director for implementation. This is not to say that the whole issue of criminal justice program and policy decision making is governed by politics or personal agendas, but researchers must be cognizant of the fact that “social science research must fulfill the demands made by the political environment in which policy makers work” (Weiss, 1976, 235), which is petty, superficial, and bureaucratic on the one hand and significant, principled, and consequential on the other.

The planning agency conducts the second level of planning, the implementation of policy objectives into policy programs. Once the board instructs the director on the policy initiative to pursue, the details of implementation usually become a “staff” issue, which is at the discretion of the director. Thus the decision-making power for implementation shifts is to a single decision maker—the agency director. Researchers must know what level of decision making a policy or a particular initiative or program is under to determine how their research can be influential. If an agency needs information, assessment, or data on a policy initiative in its planning stages, research that provides clear and operational information will have a greater influence on the process.

Research, Evaluation, and Researchers

Research within criminal justice planning and decision making has utility on numerous levels of decision making. Research over time is part of a process that includes providing background information for policy deliberations, creating context for understanding problems, and creating solutions that occur over time. At the outset of the policy-making process, policy makers seek completed research that provides background for the policy they want to develop. When presenting research results and explaining the utility of the results to policy makers, the researcher “should communicate to the policy maker what was done, what was found, and what that all means in language that the policy maker can follow. The researcher should focus on variables [that] policy makers can do something about” (J. Weiss, 1976, p. 235). This is where qualitative research is influential (McCoy, 1975) because it provides knowledge regarding problem definition, understanding of prior research, programmatic approaches, and studies of what factors have been implemented or not implemented that are relevant to the new policy development (C. Weiss, 1979; Rist, 1994).

Researchers seeking to influence government agency policy making understand that policy making is not a linear process involving problem assessment, application of research to the problem, and the development of policy based on dispassionate research and analysis (Lindblom, 1959; J. Weiss, 1976; C. Weiss, 1988, 1991; Trostle, Bronfman, & Langer, 1999; Roos & Shapiro, 1999). With the goal of making research more relevant and useful, researchers must understand that (1) there can be no single “correct” decision in government decision making, (2) evaluations and research results will never be so comprehensive or convincing enough to provide the “final” answer in a policy debate, (3) those who don’t have the responsibility or authority for making final policy decisions do not seek out policy research, (4) policy makers, when in doubt about what information they need, seek information that is socially or politically acceptable in their organization, (5) policy makers are comfortable with the status quo and don’t change easily, and (6) the political use of research to support a predetermined policy position is a worthy use of research because it provides an avenue for all parties to access the research (C. Weiss, 1979, 1982, 1988, 1991).

Researchers also must recognize that policy makers and academics have different roles in policy making and the two roles should not be confused. For example, academics focus on maintaining their professional credibility when assessing data and addressing policy issues, while policy makers focus on the art of the possible, power dynamics, program success, and the utility of the data and information within research reports, evaluations, studies, and white papers. Roos and Shapiro (1999), while working to provide various government agencies and stakeholders with research on national health policy, observe that in the political policy-making arena; (1) “critics will sometimes identify one factor left out of an analysis and then dismiss the result” because they oppose the results on political grounds (p 292); (2) academics focus on complexity and nuance in data, but focus on complexities and qualifications is not well received in the public policy arena; and (3) with the same information, academics make observations and policy makers make policy statements. Roos and Shapiro warn that policy research can have “political” consequences affecting the interests of those who make policy and determine whether the research or the researcher has credibility.

The major credential that academics bring to the policy process is an independent, scientific approach. However, because the stakes are high and some issues are likely to be hotly disputed by special interest stakeholders, the analyses must be able to withstand critical scrutiny to maintain credibility (Roos & Shapiro, 1999, p. 291).

Researchers should stay clear of “political” debates on what their research means for future policy making. This is not to say that researches should allow their results to be misrepresented to achieve a political goal. When dealing with research and conclusions based on government data, one should remember that all government data are imperfect data (Roos & Shapiro, 1999), data can be interpreted legitimately in different ways, and the choice of possible interpretations of data can result from “political” objectives and have the same legitimacy as pure academic scrutiny.

Lomas (2000) observes that (1) policy making is a process not a discrete product; (2) the researcher must involve decision makers in the process of evaluations; (3) the researcher should seek to provide policy makers with a “summary and synthesis of knowledge across the entire spectrum of stages in the [research] process” (p. 141); (4) political context matters with regard to the acceptability and use of research; (5) research serves three frameworks for the context of decision making: the *institutional structure* of the decision-making entity (how, as a matter of power and politics, decisions are made and implemented), the *values that influence* decision making, and the *need for information*; and (6) one shouldn’t confuse a decision made due to political necessity (sensible) with acting contrary to research results (irrational). Policy makers “are as influenced by [political and moral] values as they are by the evidence. What appears to the researchers to be an irrational response . . . is sensible from the perspective of a decision maker trying to minimize [political] conflict . . .” (Lomas, 2000, pp. 143–144). Trostle, Bronfman, and Langer (1999) explain that (1) policy is affected by multiple forces other than research, and empirical research is only one small force among many in the decision-making process, and (2) while the process of research is linear, the political decision-making process is not. Stolz (2002) reminds the researcher that interest groups are a powerful enhancer or inhibitor of policy and they can be champions as well as opponents of research results. Research with “readymade partisans who will fight for [it has] a better chance of making a difference in the outcome” of policy debates (C. Weiss, 1979, p. 429). Researchers must also learn how to communicate to citizen groups and associations who in turn can influence decision makers and the decisions they make that affect the public (McCoy, 1975; Roos & Shapiro, 1999). These truths don’t negate the value of academic research, but these truths should make clear that *sciens gratia scientia* has very limited utility to those who make policy.

Researchers and Their Clients: Some Practical Observations

Research results rarely have a direct effect on the direction of policy at one moment in time. Policy researchers have to build relationships over time with policy makers so policy makers use their research. There are some practical reasons for creating and fostering

long-term relationships with criminal justice planning agencies. First, research must provide, as much as is possible, conclusions and results that decision makers can put into operation. A program evaluation or assessment of a policy must provide clear direction and “advice” on what the policy maker should consider in policy making. The summary and recommendations section are just as important as the research and analysis sections of the study. Research has little value to policy makers if the results provide data but fail to provide conclusions that can lead to a new policy or adjustment of a current policy. It may be politically expedient either to accept or reject the researcher’s conclusions, but the research will be viewed as useless without them.

Second, research should focus on questions that matter to the reader, and the presentation of research should make it clear to the reader what the results mean. The report should explain clearly the meaning of statistical results. Charts, graphs, and tables should be clear and understandable without detailed explanations. If understanding a chart requires a high level of statistical sophistication, the researcher should simplify the chart. There are fundamental differences between publications for policy makers, publications for criminal justice journals that practitioners read, and publications for journals that only researchers read. Tewksbury, DeMichele, and Miller similarly caution that “criminal justice and criminology [publications and research] are becoming less able to communicate with system administrators and practitioners” due to the trend of using sophisticated statistical methodologies and reporting results in the accompanying quantitative language (2005, p. 277). They correctly observe the following:

The use of advanced statistical techniques, producing fruitful findings in their own right, has the potential to limit the audience for criminal justice and criminological research findings. There are few criminal justice administrators—much less practitioners—who are versed in sophisticated statistical knowledge, thus minimizing the impact of criminal justice and criminological research findings on the everyday functioning of the justice system (Tewksbury, DeMichele, and Miller, 2005, p. 277).

The researcher should tailor reports and studies to the audience the researcher is trying to reach. (The researcher can draft research publications at different levels of sophistication for different intended audiences.)

Third, the researcher should prepare policy and research papers so policy makers find them easy to read and easy to use in policy discussions. Papers should have an aesthetic appeal and not “look” difficult to read, and their design should guide the eye so a

person can read them quickly and easily. The less time it takes to read a report or study, the more likely it is that the policy maker will read the entire document.

Conclusion

Research has a place in policy making, but that place is a supportive role in the decision-making process. In criminal justice policy planning agencies, moral ideologies dictate decision making. Criminal justice decision making is implemented through a hierarchical and bureaucratic system in which political realities and opportunities govern final decision making and implementation of policy. Criminal justice policy making is incremental, it's a process. Researchers who understand this dynamic process will have more influence within that system. As C. Weiss (1979) concludes, "social scientists [need] to pay attention to the imperatives of policy making systems and to consider soberly what they can do, not necessarily to increase the use of research, but to improve the contribution that research makes to the wisdom of social policy" (p. 431). McCoy adds: "If we can avail ourselves of existing opportunities to use our skills and knowledge, a funny thing might happen to our research on the way to the publisher—it might be used" (1975, p. 371).

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