

Minutes from March 25, 2016

OJP Science Advisory Board Meeting

In attendance:

Board Members

Dr. Ed Mulvey (Chair)
 Dr. Nicole Allen
 Mr. Jim Bueermann
 Ms. Sue Burton
 Dr. Jeffrey Butts
 Dr. Elsa Chen
 Dr. Robert Crutchfield
 Dr. Alexes Harris
 Dr. Gregory Herek (remotely)
 Dr. Gary LaFree
 Dr. Jim Lepkowski
 Dr. Colin Loftin
 Dr. Ojmarrh Mitchell
 Dr. Samuel Myers
 Dr. Rick Rosenfeld
 Dr. Ben Saunders
 Dr. Avelardo Valdez
 Dr. David Weisburd (remotely)

DFO Katherine Darke Schmitt

DOJ Staff:

Ms. Karol V. Mason
 Ms. Beth McGarry
 Dr. Kathy Browning
 Dr. Thom Feucht
 Dr. Howard Spivak
 Dr. Angela Moore
 Mr. Howard Snyder
 Ms. Brecht Donoghue
 Mr. Michael Allston
 Ms. Heather Warnken
 Ms. Jeri Mulrow
 Mr. Bob Listenbee
 Ms. Joye Frost
 Dr. Nancy Rodriguez
 Mr. Ben Roosa
 Dr. Ed Banks
 Ms. Sheila Jerusalem
 Dr. Allen Beck
 Ms. Juliene James
 Ms. Jen Tyson (remotely)
 Mr. William Leieron (remotely)
 Ms. Katie Gresham (remotely)
 Mr. Chris Zubowicz
 Mr. Johnathan Smith

At 8:32 a.m. Katherine Darke Schmitt, Designated Federal Official, called the meeting of the Office of Justice Programs (OJP) Science Advisory Board (“the Board”) to order.

Assistant Attorney General for the Office of Justice Programs Karol Mason delivered welcoming remarks, thanking Board members, Subcommittee Chairs, Designated Federal Officials, OJP subcommittee liaisons, and OJP staff for their contributions to the meeting. AAG Mason welcomed Board member Jim Lepkowski, who was not present at the August 2015 meeting, and Jeri Mulrow, soon to be the Acting Director of the Bureau of Justice Statistics.

Board Chair Ed Mulvey made opening remarks. Chair Mulvey thanked all attendees for coming to the meeting, including those Board members participating remotely via Web Ex. He thanked the subcommittees for their work and OJP staff for their collaboration on the

subcommittee tasks. The Chair announced the resignation of Board Member John Wetzel, for personal reasons. The Chair announced that the Board's next meeting will be in September. He reminded all attendees that this meeting of the Board is open to the public.

The Chair reviewed the OJP Science Advisory Board Bylaws and conducted a voice vote to approve the Bylaws. There was no opposition, and the Bylaws were adopted by unanimous voice vote.

The Chair led a discussion of products the Board might produce in their advisory capacity to support OJP. There was a discussion of the format products might take. The subcommittees, and the OJP Liaisons are the starting point for products. There was discussion about how Board products might be of value both to OJP and also to the field more broadly of justice system researchers and practitioners.

The suggestion was considered that regular communication with OJP Bureau leadership about Bureau priorities could help shape the subcommittees' agendas and Board's development of useful products. Katherine Darke Schmitt will facilitate that communication between the Board and OJP leadership.

REPORT OF THE SUBCOMMITTEE ON RESEARCH METHODOLOGY AND TRANSLATION

David Weisburd, Subcommittee Chair

Subcommittee Chair David Weisburd presented three issue papers and sets of draft recommendations the subcommittee is proposing for Board consideration.

- 1) What policy should be used to define the level of evidence necessary for OJP investment in criminal justice programs?

Recommendation 1:

In making decisions about investments in programs and practices, OJP should begin by defining whether the investment is for a pilot or innovative program, or whether the support is for wide-scale implementation of the program. The scale of evidence needed to justify support will vary depending on the scale of program implementation.

Recommendation 2:

For OJP investments in innovative practices we recommend that there be at a minimum evidence in basic research for the logic model of the program, or small scale pilot evaluation. When possible, evaluations that are brought by OJP to test innovative practices should use randomized experimental designs.

Recommendation 3:

Large scale support for wide implementation of a program or practice should be carried out only once there is a significant evidence base for the program. One experimental field trial is not enough to justify such a large scale investment. However, there is no clear metric for making this decision. The SAB recommends that the OJP take a stepwise approach building experimental evidence across a number of contexts before funding large scale implementation of programs and practices. Under specific circumstances a series of quasi-experimental trials may also provide such evidence.

2) What types of evidence should OJP use in drawing conclusions about efficacy of programs and practices? What role should randomized experiments have in the development of an evidence base for OJP?

Recommendation 1:

Research studies using randomized controlled trial (RCT) methods are always preferred, but the resources required for RCT studies should be deployed in a way that achieves the most accurate information possible across the widest spectrum of policy and program issues. For research questions with only moderate consequences and where there are significant obstacles to RCT designs (or where RCT designs cannot be carried out), salient questions may be answered with non-experimental methods at a level of accuracy that is still sufficient for decision-making.

Recommendation 2:

The value of a particular program or practice should be judged at least in part by the strength of available research evidence, but such an assessment should account for the decision-making processes that lead to the creation of the programs and to the funding of research required to generate evidence.

3) What types of outcomes should OJP consider in drawing inferences about the effectiveness of justice programs and practices?

Recommendation 1:

The intended primary and secondary outcomes for programs should be identified early in program development, their relationships to program activities should be articulated (e.g., in the form of a logic model), and they should inform data collection, performance measurement and program evaluation.

Recommendation 2:

OJP should prioritize and give greater weight to evidence related to behavioral outcomes.

Recommendation 3:

Throughout the program development and program evaluation process, OJP should ensure that careful consideration is given to the identification, mitigation, and measurement of potentially harmful unintended consequences.

Recommendation 4:

OJP should encourage and support the use of cost/benefit analysis, particularly for effectiveness research that estimates program outcomes under conditions of routine practice.

Recommendation 5:

OJP should encourage the collection of data on informal social controls and legitimacy evaluations as part of evaluations of programs.

Recommendation 6:

OJP should encourage and support clear articulations of program implementation requirements and measures of implementation fidelity.

Recommendation 7:

OJP should acknowledge the distinctions between program outcomes achieved through efficacy research and effectiveness research and apply greater weight to evidence derived from effectiveness research.

The Chair and subcommittee member Dr. Myers emphasized that the goal of the subcommittee's work in drafting these recommendations was to address what level of evidence OJP should consider sufficient for different levels of program investment. It was agreed that this kind of product is very useful to OJP to both inform and justify considerations of program design and investment. There was a discussion about the language in the recommendations and whether there was full agreement among Board members about the wording pertaining to randomized control trials (RCTs). After this discussion, it was recommended that the subcommittee (1) draft a brief introductory contextual paragraph, making explicit this purpose about tying levels of evidence and funding commitments; (2) redraft the language around RCTs to avoid implicitly or explicitly devaluing quasi-experimental or more qualitative research strategies and their applicability in certain kinds of studies / program evaluations; and (3) expand the text to address implementation science.

The Board took a 10 minute break at 10:17 a.m.

REPORT OF THE PLACE-BASED AND COMMUNITY COLLABORATION SUBCOMMITTEE

Nicole Allen, Subcommittee Chair

Subcommittee Chair Nicole Allen reported that the subcommittee does not yet have products to share with the Board, but is in the process of drafting an Advisory Statement for consideration at the next meeting, that includes a set of recommendations regarding best practices in the evaluation of place-based and collaboration-based efforts. She described the issues the subcommittee has discussed in its working sessions.

While locally-informed and tailored by design, place-based/community collaboration-based (should a word be here?) frequently require OJP funded sites to use performance outcome measures. This creates the opportunity to track desired processes and outcomes within sites (e.g., infrastructure changes, reductions in community violence), encourage attention to key change areas (e.g., requiring regular data gathering primes attention to desired changes), identify key features that may explain site-to-site variability (e.g., readiness for change, sustainability factors) and create potential common metrics for potential cross-site comparison. At the same time, such data gathering efforts can be responsive enough to reflect variation from one place to the next.

Place-based and community collaboration-based efforts require concerted attention to cultural and contextual variability. This could reflect issues related to race, ethnicity, class (concentration of poverty), and many other facets of local realities/history that are likely to affect the implementation of evidence-based practice, local disparities and disproportionality, and related research processes. This may also be reflected in local access to resources and undue burden with unfunded evaluation or data gathering mandates.

OJP place- and community collaboration-based efforts occur in the context of other federally- and locally-funded efforts across multiple sectors. Some efforts emphasize cross-sector coalition building. These efforts can occur, as appropriate, at multiple levels to encourage a comprehensive approach to issues and a broader perspective on outcomes. The subcommittee plans to develop recommendations and principles to present to the Board based on these issues.

There was a discussion of the need to make data and research available to the communities being studied.

There was a discussion of what “place-based” means in 2016. Factors including geography, proximity, virtual communities, and affiliation communities were considered.

The Assistant Attorney General asked the Board to consider that OJP wants to be able to measure and talk about the success of community collaborations. There was a discussion of the challenges in assessing the impacts of collaborations, including the difficulty in ascribing causal relationships to that kind of activity and the strategies that do potentially reveal outcomes of collaboration building work. This is a younger literature base.

Subcommittee Chair Allen suggested that in collaboration-based projects one has to know what intermediate steps or changes that might occur that would be indicators of positive change: organizational shifts, changes in infrastructure, etc. The researcher wants to capture what change is documentable in the intermediary that will affect the long-term.

REPORT OF THE DATA COLLECTION AND STATISTICS SUBCOMMITTEE

Rick Rosenfeld, Subcommittee Chair

Subcommittee Chair Rick Rosenfeld reported that the subcommittee focused on four issues: (1) enhancing participation in OJP data collection efforts of hard to reach or hard to identify groups; (2) upgrading research capacities in OJP agencies; (3) developing a rapid response capacity at OJP to address crime and justice problems as they emerge; and (4) facilitating access by external users to OJP data sets.

The subcommittee discussed strategies the Bureau of Justice Statistics (BJS) could use to enhance participation in OJP data collection efforts by building relationships with criminal justice agencies and organizations. With regards to surveying hard-to-identify populations, it was noted that BJS has begun to incorporate questions about gender identity and sexual orientation into some data collections, in addition to serving on the OMB working group that is developing guidance for federal statistical agencies about how to design such items.

Subcommittee Chair Rosenfeld acknowledged that discussions about upgrading research capacities in OJP agencies are significantly linked to resource availability for both statistical software licenses and training for staff. The subcommittee recommended that there be conversation with the OJP OCIO and OJP leadership to establish agency-wide priorities for access to statistical software and training. Katherine Darke Schmitt will work on the logistics of such a meeting.

The subcommittee also recommended that OJP consider implementing a recurring set of workshops or seminars focused on the express research needs of the OJP agencies to which all OJP personnel would be invited.

Subcommittee Chair Rosenfeld proposed that there is a need to develop a rapid response capacity at OJP. To accomplish this there would need to be a strategy to build capacity to respond in a more deliberate and organized fashion to requests that come from the White House or Congress for information. Chair Rosenfeld suggested the subcommittee would think about what kinds of data are available for such rapid responses.

Following the subcommittee presentation the Board had a conversation about facilitating access to OJP data sets by external users. It was suggested that there are researchers and practitioners who would like to use OJP data in their day-to-day work, but cannot because access to the data are restricted. The restrictions can be lifted, but only with IRB review. For agencies without IRBs, like State Statistical

Analysis Centers, this creates a hardship. It was suggested that OJP consider allowing such agencies be able to use the OJP IRB in order to access the restricted data. Seri Irazola of the National Institute of Justice (NIJ) will be in touch with Katherine Darke Schmitt about next steps on this issue.

The Board broke for lunch from 12 noon to 1 p.m.

OJP OFFICE FOR CIVIL RIGHTS (OCR), DOJ CIVIL RIGHTS DIVISION (CRT)

Overview of CRT's and OCR's Recent Efforts to Enhance Diversity in Law Enforcement.
Johnathan Smith, USDOJ Civil Rights Division
Chris Zubowicz, OJP Office for Civil Rights

Recently, the lack of racial and ethnic diversity within police departments has become an issue of national prominence due to the events in Ferguson, Missouri and other communities around the country where there are significant disparities between the demographics of police departments and the communities in which they work. In December 2014, President Obama created the White House Task Force on 21st Century Policing (Task Force) to strengthen public trust and foster strong relationships between local law enforcement and local communities. Under "Pillar One: Building Trust and Legitimacy," the Task Force underscored the importance of a police "workforce that contains a broad range of diversity, including race, gender, language, life experience, and cultural background." The Division enforces laws that prohibit employment discrimination by public employers, including police departments. The Division, in addition to its traditional enforcement activities, is committed to pursuing systemic policy solutions to increase diversity in police departments, recognizing that diversity is a critical building block for effective and fair law enforcement. The Division understands that many police departments are committed to improving the diversity of their workforce, and are seeking assistance with these efforts.

To that end, the Division—in partnership with the U.S. Equal Employment Opportunity Commission (EEOC)—is planning to produce a report that will identify the barriers that undermine equal employment opportunity and diversity, as well as the best practices that departments can use to reduce those barriers and promote fairness in the processes they use to recruit, hire, retain, and promote personnel. While the report will address the issues faced by police departments of all sizes, it will have a specific focus on the unique challenges facing small departments. After initially identifying the barriers, the report will highlight best practices that have been effective in increasing and maintaining diversity as well as promoting equal opportunity. The report, which is designed to complement the enforcement and outreach work of the Division and the EEOC, will assist individual police departments interested in creating a workforce that more closely reflects the community they serve and is designed to serve.

Research topics of special interest to CRT and OCR

1. Why diversity is important in the law enforcement context
2. Barriers to achieving diversity in this context
3. Best practices for achieving diversity in this context

There followed a discussion about parts of the recruiting, training, promotion, and retention pipeline that might have unintended negative effects on some candidates / officers. Some of these barriers are field tests biased against some kinds of applicants, criminal history review standards that preclude some individuals from applying even if there is not literature explicitly linking those criminal history barriers with successful service as a law enforcement officer, and biased promotion tests.

Strategies for increasing the pool of qualified and interested young people were discussed, including criminal justice tracks in high schools, special charter schools, and law enforcement “academies” for high school students. There was a conversation of the impact of law enforcement officers in schools being used to enforce school rules and policies, and the negative impact the research shows that that has on some youth who become justice system engaged at an early age as a result.

There was also a discussion of whether some police departments have a culture (informal norms and practices) that might discourage women from persistence in law enforcement careers. It was proposed that research built around observations and interviews over a sample of small, medium, and large agencies might identify those cultural aspects that dissuade minorities.

The discussion concluded with a conversation about what research strategies might answer the questions “do consent decrees work to increase minority participation in police departments?” and, “what are the impacts of greater diversity among law enforcement officers?” Board members who would like to participate in continuing discussions about this and about the issue of diversity in law enforcement agencies should communicate to Katherine Darke Schmitt and Chair Mulvey.

REPORT OF THE JUSTICE SYSTEM TRANSPARENCY AND ACCOUNTABILITY SUBCOMMITTEE

Bob Crutchfield, Subcommittee Chair

Subcommittee Chair Bob Crutchfield outlined three issues the subcommittee discussed in its meeting:

- 1) Definitions of two key concepts, transparency and accountability. One of the subcommittee’s products will be working definitions of these terms.

- 2) Data archiving. The subcommittee proposes that all OJP data collection efforts should require archiving of data. Two other subcommittees are also thinking about archiving: Data Collection and Place-Based. NIJ, the Office of Juvenile Justice and Delinquency prevention (OJJDP), and BJS are working together and are moving towards having a single schedule for data archiving. Any policy on data archiving should address some caveats: (1) across the agencies there are differences in the kind of data they have and how they should be used; (2) there is some restricted data, requiring IRB approval before they can be used; (3) acknowledgement of the difference between research data and program operational data (the latter might not be appropriate for archiving); and (4) there are resource implications for augmenting the data archiving policies including staff time and contract capacity. The Board discussed what it means to require that data are archived in a timely fashion. The Board also discussed what enforcement action might OJP take if a grantee does not archive their data. As a work product the subcommittee proposes drafting a memo on the value of a data archiving and acknowledging the complexities and difficulties. The draft will be reviewed by the other subcommittees in order to produce one single Board statement for next fall.
- 3) The subcommittee also considered OJP transparency and accountability in grant funding. OJP Liaisons were charged to come back in the fall to make presentations about how their Offices make decisions about grant funding to educate the Subcommittee.

There followed a discussion of the research base on justice system transparency and accountability. A short-range product the subcommittee will work on is a memo that summarizes what they've learned from literature searches and a discussion of the gaps in that body of work.

The Board considered the question "what are the limits of transparency? At what point might it become harmful?" The discussion identified literature that supports the conclusion that lack of transparency is harmful, but also identified a dearth of evidence that increased transparency is beneficial.

The Board also discussed the ethical use of archived data, and debated the merit of producing a policy statement in that area.

The Board broke between 2:40 and 3:00 p.m.

NEW BUSINESS / PRIORITY SETTING

Chair Ed Mulvey

Transparency in OJP Grant Making

The Chair identified transparency in OJP grant making as an issue the Board should take up in the short term, as many of the subcommittees had conversations about

this issue. The Board will consider the issue of how research can be improved by making the OJP grant making process more transparent to applicants. NIJ Director Rodriguez pointed out that “grant making” subsumes several discrete processes, some of which vary from office to office.

Chair Mulvey suggested that a group of interested Board member might convene by teleconference to further consider this topic and how the Board might be useful to OJP.

Strategies for Increasing Diversity in the Research Community

Chair Mulvey reported that the issue of increasing diversity in the research community has been raised at earlier Board meetings, without significant progress. The Chair asked the Board to consider how to best think about this issue.

The Board and OJP staff discussed efforts OJP has made to increase diversity; for example, solicitations targeting minority populations and young researchers as principal investigators, thoughtfully constructing diverse peer review panels, and inviting research in areas likely to attract minority researchers. NIJ Director Rodriguez reported on new efforts NIJ is making to collect demographic information voluntarily from applicants and reviewers. The Board also discussed methods other federal agencies, such as the National Institutes of Health (NIH), use to increase diversity among their grantees.

CLOSING REMARKS

Chair Mulvey proposed that since the subcommittees had established their priorities and next steps during their reports this morning, there was no further need to address that topic.

The meeting was adjourned at 3:40 p.m. by Designated Federal Official Katherine Darke Schmitt.