

4.3: The Stages of Policy Development

The stages of policy development can generally be categorized into 5 general stages. U.S. policy development encompasses several stages. Most policy models generally include the following stages: (1) identifying the issue to be addressed by the proposed policy, (2) placement on the agenda, (3) formulation of the policy, (4) implementation of the policy, and (5) evaluation of the policy. This is similar to the community police response acronym SARA (scanning, analysis, response, and assessment) and uses some of the same techniques, but on a much bigger, national level.



Dangerous Myths about Juvenile Sex Offenders

Identifying the Problem and Agenda Setting

Identifying the problem involves addressing what is happening and why it is an issue. In criminal justice, this might look at the increase of opioid use and overdoses or acts of youth violence. Once the issue is identified, there can be a serious debate about the plans of the policy. Once it is decided what the policy will look like, it is placed on the agenda. This is perhaps the most politicized part of the process as it involves many different stakeholders. It involves identifying the legislative, regulatory, judicial, or other institutions responsible for policy adoption and formulation.

Formulation and Adoption

The next stage involved adopting the policy. Depending on the nature of the policy, this could involve a new law or an executive order.

Implementation of the Policy

Implementation is about moving forward, taking action, and spending money. It involves hiring new staff or additional police officers. This is where policies often stall because of the lack of funding. For example, a popular program in 1990, Weed and Seed, involved “weeding” out criminals (targeting arrest efforts) and “seeding” new programs (instituting after-school programs, drug treatment facilities, etc.). The weeding portion of the program was a great success, but the program ultimately failed because of a lack of funding to adequately seed new community programming. Funding is a major roadblock for proper implementation.

Evaluation

Finally, the evaluation examines the efficacy of the policy. There are three different types of evaluation: Impact, Process, and Cost-benefit analysis. **Impact (outcome) evaluations** focus on what changes after the introduction of the crime policy. ^[1] Changes in police patrol practices aimed at reducing the level of residential burglaries in an area are evaluated in terms of subsequent burglaries. The difficulty with impact evaluations is that changes in the crime rate are rarely, if ever, due to a single intervening variable. For example, after the implementation of curfew laws for juvenile offenders, juvenile crime decreased. Can we say that was because of curfew laws? The entire crime rate for America decreased at the same time. Attributing a single outcome based on a solitary intervention is problematic.

Process evaluations consider the implementation of a policy or program and involve determining the procedure used to implement the policy. These are detailed, descriptive accounts of the implementation of the policy including the goals of the program, who is involved, the level of training, the number of clients served, and changes to the program over time. ^[2] Unfortunately, process

evaluations do not address the actual impact policy has on the crime problem, just what was done about a specific issue or who was involved. While this is indeed a limitation, it is essential to know the inner workings of a program or policy if it is to be replicated.

Cost-benefit evaluations, or analysis, seeks to determine if the costs of a policy are justified by the benefits accrued. A ubiquitous example of this would be an evaluation of the popular anti-drug D.A.R.E. program of the 1980s and 1990s. The D.A.R.E. program was a school-based prevention program aimed at preventing drug use among elementary school-aged children. Rigorous evaluations of the program show that it was ineffective and sometimes actually increased drug use in some youth. The cost of this program was roughly \$1.3 billion dollars a year (about \$173 to \$268 per student per year) to implement nationwide (once all related expenses, such as police officer training and services, materials and supplies, school resources, etc., were factored in). ^[3] Using a cost-benefit analysis, is that a good use of money to support an ineffective program?

Policy formation is often a knee-jerk reaction to the current problem. Many policies are the result of grassroots efforts to change something in their communities. For example, let us pretend the issue is youth crime in our city. Kids are roaming the streets like packs of wild dogs, jeering at the elderly, and generally making us feel unsafe. A proposed policy might be to hold parents accountable for their child's misbehavior. If parents are responsible, then they will take better care of their kids, right? Take, for example, Little Skipper. He's kind of a jerk. He smokes, curses, and recently stole his neighbor's car. Arrested after crashing into the drive-thru sign at the local Taco Bell, based on parental responsibility law, his mom and dad are to blame for his reckless driving fiasco. Let's look at the policy process.

1. How can this be instituted? Fine the parent? Sentence the parents to jail time? The policy needs to be a concrete solution to a problem. Many states use fines instead of jailing the parents. (Who's to watch over the children if the parents are locked up?) Fines sound great. This will make sure parents take an active interest in their children because they do not want to have to pay money if their kid gets into trouble.
2. Who needs to be involved in lobbying for this law? Legislators? Senators? Local police? Maybe even city officials, local school boards, and religious organizations. So it's put on the agenda and gets moved onto a ballot for an official vote. The citizens who think their city needs to be tough on crime vote to approve this policy.
3. Bam, it's law. It is implemented and now parents of juveniles delinquents are charged fines. This actually is a law in nearly every state. In the 1990s, Silverton, Oregon, was a model for communities interested in imposing ordinances that hold parents accountable for their children's behavior. In Silverton, parents can be fined up to \$1,000 if their child is found carrying a gun, smoking cigarettes, or using illegal drugs. Parents who agree to attend parenting classes can avoid fines. Within the first two months after the law was passed in early 1995, seven parents were fined and many others registered for parenting classes.

Oregon has ORS 30.761 (2017), which states:

1. In addition to any other remedy provided by law, the parent or parents of an unemancipated minor child shall be liable for actual damages to person or property caused by any tort intentionally or recklessly committed by such child. However, a parent who is not entitled to legal custody of the minor child at the time of the intentional or reckless tort shall not be liable for such damages.
2. The legal obligation of the parent or parents of an unemancipated minor child to pay damages under this section shall be limited to not more than \$7,500, payable to the same claimant, for one or more acts.

4. It is law, but is it effective? The evaluation stage of policy is critical. The goal is to curb youth crime and we might expect to see a decrease in the juvenile crime rate. However, charging parents fines for the misdeeds of their children actually *increases* recidivism! It's true! A study of 1,167 youth in Pennsylvania found that the total amount of fines, fees and/or restitution significantly increased the likelihood of recidivism ^[4]. Justice system-imposed financial penalties increase the likelihood of recidivism in a sample of adolescent offenders ^[5] In particular, males, non-whites, and youth with prior dispositions and adjudicated with a drug or property offense were at an increased likelihood of recidivism associated with owing fines and fees (Piquero and Jennings, 2016). This is problematic as fees not only increase recidivism but also increase the likelihood of a "revolving door" juvenile justice system for minority youth.

In the end, what is law is not always effective and what is effective is not always law. This is where evidence-based practices come in.

1. Lab, S. (2016). *Crime Prevention: Approaches, Practices, and Evaluations* (9th ed.). New York, NY: Routledge. ↩
2. Lab, S. (2016). *Crime Prevention: Approaches, Practices, and Evaluations* (9th ed.). New York, NY: Routledge. ↩
3. Shepard, E. (Winter 2001-2002) A new study finds. We wasted billions on D.A.R.E. *Reconsider Quarterly*, ↩
4. Piquero and Jennings, 2016, Piquero, A. and Jennings, W.G. (2015) ↩
5. Youth Violence and Juvenile Justice, 15 (3) p. 325-340). ↩

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