

Measuring Progress toward Safety and Justice:
A Global Guide to the Design of
Performance Indicators across the Justice Sector

Summary Paper

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Measuring Progress Toward Safety and Justice: A Global Guide to the Design of Performance Indicators across the Justice System / Summary Paper was produced by a team of researchers at the Vera Institute (Todd Foglesong, Zainab Latif, Cybele Merrick, Joel Miller, James Parsons, and Timothy Ross) under the direction of Vera Director Christopher Stone and with editorial assistance from Jennifer Trone. The complete *Guide* is available on-line at www.vera.org/indicators.

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About this Summary

This paper summarizes the guidance on performance indicators developed by the Vera Institute of Justice for programme managers implementing the Safety, Security, and Access to Justice Initiative for the British Department for International Development.

The *Guide* does not prescribe the use of particular indicators, for these must be the result of a process undertaken in each country and programme. Instead, the *Guide* explains a series of design principles for creating indicators, describes the process of developing small baskets of powerful indicators, and provides examples. For fuller explanations of topics raised in this summary and many more examples, please consult the complete *Guide*. The *Guide* is available on-line at www.vera.org/indicators.

1. Using Indicators Effectively

An indicator is a measure that helps ‘answer the question of how much, or whether, progress is being made toward a certain objective.’* There are three levels of indicators that should be integrated in any comprehensive system of performance measurement:

Strategic Indicators used at the highest policy levels to measure progress towards an overarching purpose, such as reducing the level of violence in society or assuring equal access to justice across lines of gender, ethnicity, or economic class;

Institutional Indicators used to measure intermediate outputs of particular safety or justice organisations—such as the number of criminal convictions prosecutors obtain or the quality of legal services provided to people in poverty—that are expected to contribute to broader policy goals;

Activity Indicators used to measure the daily activities—such as arresting suspects or delivering training—through which an institution can attain its objectives.

The *Guide* is principally concerned with the first two levels: strategic and institutional indicators. Activity indicators are essential for front-line management, but they do not tell senior officials whether the activity is producing the outcomes they desire.

Countries vary in the availability and quality of data from which you can build indicators. Nevertheless, the following eight principles are applicable in most cases:

1. Start with the outcome you want to measure, not the indicator that you assume is important.
2. Develop small baskets of indicators rather than individual indicators to avoid ambiguity and minimize the distortion of data that are inevitably flawed.
3. Use indicators that are sensitive to changes occurring in relatively short time periods: a month, a quarter of a year, or a year.

* See the *Guide*, p. 3, note 1, for additional definitions and sources.

4. Disaggregate the data in your indicators to isolate the experiences of relatively powerless groups, such as people living in poverty.
5. Avoid creating perverse incentives that lead organisations either to distort their own reports or to act in ways that undermine the outcomes you want to produce.
6. Use the simplest and least expensive solutions available, even in the most data-rich environments.
7. Build confidence in your indicators among senior officials, front-line staff, justice professionals, and leaders of NGOs in the sector.
8. Design indicators that make sense to most people, using language that is easily understood by the general public.

The data sources on which indicators depend are always problematic, but it is best to work with data that a government can continue to collect and use after the reform program is complete. When using administrative data, the most reliable sources will be those that an organisation uses for its own operational purposes. When collecting survey data, design surveys to be affordable and replicable.

Surveys present special problems, but there is no substitute for systematically collecting opinions from the people who experience the work of the safety and justice sector, even in the most poorly resourced environments. Unless a government already conducts a representative national survey on a regular basis, consider using small group and expert surveys, such as those used frequently by the World Health Organization.

2. Strategic Indicators

Strategic indicators cut across the separate organisations in the safety and justice sector, allowing cabinet committees, interdepartmental working groups, treasury officials, or public-private coalitions to monitor and demonstrate results across the sector as a whole. The *Guide* focuses on two strategic objectives for the sector: improving safety and security and expanding access to justice.

2.1 Safety and Security

For both citizens and government officials, perceptions of safety and security are at least as important as reducing actual attacks on people and their property. Moreover, measuring both experience and perception is particularly important because they are not directly correlated. Fortunately, experience in several countries demonstrates that governments can improve public security *and* make people feel safer.

The two traditional indicators of safety in widest use are the change in the volume of crime from one period to the next and the relative rate of crime in one place compared with another. To construct either of these indicators, however, you must select the source of the crime data and select which crimes to count. Neither of these selections is straightforward.

The available sources of crime data are usually official police statistics or surveys that ask about victimization. Both are imperfect measures, and they can produce

inconsistent results. Police statistics are distorted by unreported and unrecorded crime, and surveys are distorted by memory and sampling errors. Both suffer from inconsistent categorization of criminal events.

As for the selection of which crimes to count, traditional indicators usually focus on a relatively narrow range. The International Crime Victim Survey, for example, which has been used effectively in almost 20 developing countries, asks respondents about seven specific household crimes (burglary, attempted burglary, vehicle theft, theft from vehicles, vandalism of vehicles, bicycle theft, and motorcycle theft) and an additional six personal crimes (robbery, theft from the person, assault and threats, sexual assault, consumer fraud, bribery and corruption).

Used together, police statistics and victim surveys provide a better sense of the experience of crime than either can alone, but neither tells officials much about people’s sense of security.

The *Guide* suggests taking a spatial approach to measuring safety and security, focusing on four distinct spaces: homes, streets and paths, public social spaces, and justice institutions themselves. For each of the four locations, you might create one index to measure experience and another index to measure perception. These should be disaggregated by gender, geography, and level of poverty, whenever possible. Table 2.1, below, shows how two such indicators might be constructed.

Table 2.1: Selected Sector-Wide Strategic Indicators for Safety and Security

Strategic purpose	Potential indicators	Possible data sources
Improve safety and security on streets and paths	Change in a street crime index (robberies, assault, and other crimes committed outside, weighted by seriousness as locally defined)	<ul style="list-style-type: none"> • Police statistics • Victim survey
	Change in a personal street security index (perception of safety in the streets)	<ul style="list-style-type: none"> • Perception survey • Small group interviews

2.2 Access to Justice

Access to justice should be wide and equal. The strategic indicators of progress toward such access might usefully, therefore, measure success in removing legal hurdles to reaching the justice system, creating a sense of entitlement to justice services among all segments of the population, and eliminating the expectation that people must bribe officials before they will provide justice.

Traditional indicators of access to justice focus almost exclusively on structural access (Do the laws create an independent judiciary?) and physical access to the courts (Have courts been built and staffed?). These should be supplemented with indicators that measure the capacity of the courts and lawyers to perform as promised, and the ability of people—particularly those of low status—to actually gain access. At the strategic level, the challenge is to measure the combined impact of providing more

responsive police, more available legal advisors, more convenient courts, and other justice services.

To measure progress across the sector, one could imagine at least three different approaches. One option would be to examine processes that depend on the simultaneous responsiveness of several institutions, such as the appropriate use of pre-trial detention, which depends almost equally on the efforts of police, prosecution, defence, courts, and prisons. A second option would be to measure what victims, witnesses, complainants, and accused persons know about their rights and available services. A third option would be measure progress in the elimination of bias and corruption across the system of justice.

The *Guide* suggests indicators that could measure progress in each of these areas. The measures draw heavily on inspections and small group surveys rather than on administrative data. Table 2.2 provides an example of two of these potential indicators, which should be disaggregated to reveal differences among various marginalized groups, including people in poverty.

Table 2.2: Selected Sector-Wide Strategic Indicators for Access to Justice

Strategic purpose	Potential indicators	Possible data sources
Expand awareness of rights to assistance and access	Change in the amount and quality of information available to victims, witnesses, complainants, and accused persons about their rights to assistance and access to institutions that can resolve their disputes	<ul style="list-style-type: none"> • Institutional visitors' reports • Court users survey • Survey of facility managers • Victim survey
	Change in the awareness of victims, witnesses, complainants, and accused persons about their rights to assistance and access to institutions that can resolve their disputes	<ul style="list-style-type: none"> • Perception survey • Small group interviews

3. Institutional Indicators

Institutional indicators measure progress toward objectives for a variety of specific state organisations responsible for safety, security, and accessible justice. Some of these deal principally with criminal justice, but others, such as the courts, are responsible for resolving the full range of legal disputes.

3.1 Policing

Nurturing effective and respectful policing lies at the heart of any effort to make people safe from violence, theft, and intimidation and to ensure that everyone has equal access to justice. Because the police are usually a poor person's first point of contact with the formal justice system, how officers respond to requests for assistance is particularly important.

Indicators of performance that police organisations traditionally use focus on activity and productivity, such as arrests, seizures of illegal material (e.g. drugs or guns), and crimes solved. These activity indicators are useful, but they reveal only what officers do rather than their ability to serve the needs of all citizens. The other common indicator of police performance is crime itself, but because police statistics are easily manipulated, this indicator requires continuous and rigorous auditing.

In the last ten years, statistical indicators of police performance have undergone a minor revolution, as computer technology and increasingly sophisticated police management have greatly increased the range and timeliness of administrative data produced in routine police work. The result is evident, for example, in computer mapping of crime data, not only in Europe and North America but also in Asia, Latin America, and Africa—where Singapore, Brazil, Chile, and South Africa are leading development. Even in police organisations without technological resources, young police commanders are learning about the new systems through professional exchanges, regional training, and international cooperation.

Today, police organisations are increasingly interested in supplementing their traditional indicators with measures that track levels of public confidence in the police and their responsiveness to victims of crime. To illustrate how the first of these might be measured, Table 3.1 shows two potential indicators and their data sources.

Table 3.1: Selected Outcome, Indicators, and Data Sources for Policing

Institutional outcome	Potential indicators	Possible data sources
Improve public confidence in the police among the poor	Change in proportion of poor citizens who express confidence in the police	<ul style="list-style-type: none"> National and local public opinion surveys, disaggregated by income (or a proxy such as neighbourhood of residence), as well as gender, religion, ethnicity, etc.
	Change in proportion of leaders of poor communities who express confidence in the police	<ul style="list-style-type: none"> Polls of community leaders Views expressed during community meetings
	Change in proportion of poor victims who report crimes to the police	<ul style="list-style-type: none"> National and local surveys of victims disaggregated by income (or a proxy such as neighbourhood of residence), as well as gender, religion, ethnicity, etc. Interviews with victims who seek hospital treatment disaggregated by income (or a proxy such as neighbourhood of residence), as well as gender, religion, ethnicity, etc. Interviews with local service agencies

3.2 Prosecution and Legal Aid

While prosecution services and legal aid institutions seek different outcomes, their respective outcomes should be complementary. A prosecution service must demonstrate the ability of the criminal justice system as a whole to convict the guilty and free the innocent. At the same time, prosecution services must use discretion

fairly and deal respectfully and effectively with victims and witnesses of crimes. For their part, legal aid institutions must be concerned that their clients avoid harmful penalties and are satisfied with the fairness of the proceedings, including the adequacy of the legal advice they receive. Effective systems of performance indicators must allow both institutions to succeed at the same time, rather than encouraging one to flourish at the expense of the other.

For many prosecution services, pressure to increase conviction rates obscures other outcomes. The result is that conviction rates are sometimes calculated in ways that create perverse incentives for prosecutors to delay weak cases indefinitely.

Better methods of calculating conviction rates, matched with additional indicators, can relieve this pressure and align prosecution efforts with the rest of the justice sector. Those additional indicators focus on improving pre-trial practices, on reducing bias in the use of discretion, and on improving service to victims. Table 3.2 illustrates three potential indicators for the more equitable use of discretion by prosecutors.

Table 3.2: Selected Outcome, Indicators, and Data Sources for Prosecution

Institutional outcome	Potential indicators	Possible data sources
More equitable use of discretion	Change in the proportion of defendants held in detention on money bail who cannot pay their bail within one week	<ul style="list-style-type: none"> Administrative data from courts or jails
	Change in rates of diversion and non-prosecution (esp. public interest discontinuances) for different groups of defendants	<ul style="list-style-type: none"> Administrative data
	Change in level of perceived fairness in prosecution among disadvantaged victims	<ul style="list-style-type: none"> Special surveys upon exit from first interview and again after disposition

The most common indicators of adequate legal aid services measure the availability and workload of publicly paid lawyers. These have strong and weak variants—availability, for example, is best calculated as the proportion of *all* defendants who have actually consulted with a legally trained person. But they all stand in contrast to the indicator that individual lawyers for the poor most frequently use themselves: victories in court. The principal shortcoming of measures of courtroom victories is that they are relatively rare among the hundreds of cases that a legal aid lawyer typically handles, restricting the lawyer’s attention to a very thin slice of their responsibilities.

In order to better capture the quality of representation, indicators of availability and workload should be supplemented with others more directly related to client needs and interests. These could usefully include: More responsive and continuous representation, greater protection from harmful punishment, and improved satisfaction with the services provided. In measuring progress toward those goals, it is helpful to avoid indicators that focus only on representation provided in court and instead use indicators of the outcome and quality of representation generally. Table 3.3 illustrates two such indicators.

Table 3.3: Selected Outcome, Indicators, and Data Sources for Legal Aid

Institutional outcome	Potential indicators	Possible data sources
More responsive and continuous representation	Change in the average time between arrest and first contact with legal advisor or attorney	<ul style="list-style-type: none"> Administrative data from police and legal aid institution Client survey
	Change in the continuity of representation, as measured by the number of repeat contacts	<ul style="list-style-type: none"> Legal aid dockets Client survey

3.4 Judicial Performance

Courts stand as a metaphor for justice in most countries. Courts can help people realize their rights, solve disputes, obtain remedies, and affirm rules that protect individuals from injury and preserve social peace. But to do this well for everyone, courts must be easily accessible and understood, trusted, and efficient, especially for members of the public who are disenfranchised, discriminated against, underprivileged, or neglected.

In all regions of the world, court officials want to know whether their work serves the public and cultivates trust in the judiciary, but they have few, if any, indicators for those outcomes. Instead, most judiciaries merely track the volume of cases passing through the system, the speed of decision making, and the kinds of decisions they make.

These kinds of indicators can alert officials to blockages in a court’s ability to meet the public’s demand for judicial services, but they do not reveal much about the experience or quality of justice and provide little guidance for justice officials who want to serve the public well.

To measure the judiciary’s ability to serve the entire public, including the poor, performance indicators must capture whom the court serves, the capacity of the court to respond to the poor, the process by which justice is administered, and the outcomes. Table 3.4 illustrates four indicators of the judiciary’s progress toward raising confidence in the court system, especially among women, the poor, and other disadvantaged populations.

Table 3.4: Selected Outcome, Indicators, and Data Sources for the Courts

Institutional outcome	Potential indicators	Possible data sources
Improve public access to and confidence in the courts, especially among women, the poor, and other disadvantaged populations	Change in proportion of plaintiffs who have had no prior contact with the courts	<ul style="list-style-type: none"> Intake survey/filing form, disaggregated by income, gender, race, ethnicity
	Change in the spectrum of small claims poor plaintiffs file	<ul style="list-style-type: none"> Intake survey/filing form, disaggregated by income, gender, race, ethnicity
	Change in level of respect for the judiciary, comparing poor litigants who ‘win’ in court with those who ‘lose’	<ul style="list-style-type: none"> Exit polls and satisfaction surveys, disaggregated by income, gender, race, ethnicity

3.5 Non-Custodial Sentencing

Whatever their form, non-custodial sentences should be humane, economical, and effective at preventing subsequent crime. They should be equally available to poor and disadvantaged offenders. They should be used in response to all but the most serious offences. And they should be used to reduce overcrowding in jails and prisons.

Most indicators of performance for non-custodial sentencing are static and short-term, such as the total number of people under community supervision. In contrast, small-scale research studies have attempted more dynamic measures of impact—on community safety (reductions in recidivism), on the offender (acquisition of skills or recovery from addiction), and on the system (decreases in prison populations). Such studies can even estimate the time to which offenders would have been sentenced had they not received a non-custodial alternative, permitting officials to estimate prison displacement.

A balanced basket of indicators for non-custodial sentencing would capture the availability and use of non-custodial mechanisms, while also measuring the extent to which they serve community-wide interests. Rather than measuring reductions in re-offending—a measure difficult to calculate frequently and almost impossible to compare with results of custodial penalties—the *Guide* suggests measuring the legitimacy non-custodial penalties enjoy among the public and specifically among victims of crime. Table 3.5 illustrates how another outcome—increased availability and use of non-custodial penalties—could be measured by two indicators.

Table 3.5: Selected Outcome, Indicators, and Data Sources for Non-Custodial Sentencing

Institutional outcome	Potential indicators	Possible data sources
Increase availability and use of non-custodial sentencing for all but the most serious crimes	Change in the ratio of community to prison sentences, disaggregated by type of crime	<ul style="list-style-type: none"> Court administrative data
	Change in the proportion of courts with an adequate array of non-custodial penalties	<ul style="list-style-type: none"> Expert survey of court professionals and NGOs

3.6 Prisons

Where a genuine threat to public safety requires an offender to be removed from the community, that person should be housed in a safe, orderly, and humane setting. Achieving these standards in prison conditions benefits people living in poverty because nearly all prisoners and their families are poor. A prison sentence can cause loss of income to the prisoner’s family, and this should not be compounded by prison regimes that depend on families to provide food, clothing, and other basic necessities or to financially support prisoners during their incarceration.

Traditional prison indicators tend to focus on the quantity of prisoners rather than on the quality of care provided. Measures such as prison population (proportion of the

general population incarcerated) and ability to contain prisoners (number of escapes) say little about the experiences of people living in prison. Indicators of overcrowding and space per prisoner, which are also commonplace, come closer to measuring the quality of incarceration, but the size of the prison population tends to reflect the operation of other parts of the criminal justice system, which are better controlled through interventions in police, prosecution, and judicial institutions.

The challenge in designing indicators for prison is to identify simple measures that capture the experience of incarceration, particularly as it burdens prisoners and their families over the long-term. Two outcomes that can be usefully measured with a variety of data are the living conditions within prisons and prisoners' access to systems of redress. The necessary data could be routinely collected by official prison visitors or, alternatively, by NGOs systematically interviewing people leaving prison. Table 3.6 illustrates three indicators that could measure access to systems of redress.

Table 3.6: Selected Outcome, Indicators, and Data Sources for Prisons

Institutional outcome	Potential indicators	Possible data sources
Greater access to systems of redress for prisoners	Change in availability of information about the administrative complaint process and access to materials necessary to file complaints	<ul style="list-style-type: none"> • Routine inspections of a sample of prisons • Routine interviews with prisoners who have been released recently
	Change in time from filing to disposition of administrative complaints from prisoners	<ul style="list-style-type: none"> • Administrative data • Routine interviews with prisoners who have been released recently
	Changes in proportion of complaints substantiated and remedial action taken	<ul style="list-style-type: none"> • Administrative data • Routine interviews with prisoners who have been released recently

3.7 Accountability Mechanisms

Ombudsmen and other independent complaints bodies are crucial components of the justice sector, providing the poor with a real hope of redress if officials act in arbitrary or abusive ways. Their dual purposes are to build confidence among citizens in the institutions they oversee and to assure that officials are held accountable for arbitrary or abusive conduct.

Most of these oversight institutions are organized to receive complaints from individual citizens about individual instances of poor service or abuse. Some of them have the power to investigate those complaints themselves, while others monitor investigations conducted by the agencies responsible. In addition, some of these institutions systematically monitor patterns of misconduct within the police, judiciary, or prison departments; analyze data over time; and make both public and private recommendations about changes in management or training that might alter these patterns. Some initiate their own investigations into apparent patterns of misconduct that attract their attention. Some also are able to reward good behaviour within the

institutions accountable to them. Some hold public hearings, while others merely issue reports.

Among the indicators more frequently used to measure the performance of these institutions are measures of productivity: the number of investigations completed and the duration of those investigations. While these are important, the greater challenge is to reveal how much access to justice these mechanisms provide, especially to people in poverty. Responsible officials might therefore focus on outcomes such as increasing confidence in the accountability mechanism among people in poverty and enhancing their ability to hold people accountable for abusive or arbitrary conduct. Table 3.7 illustrates a possible basket of indicators for the first of these objectives.

Table 3.7: Selected Outcome, Indicators, and Data Sources for Accountability Mechanisms

Institutional outcome	Potential indicators	Possible data sources
Improved confidence in the grievance process among people in poverty	Change in proportion of less serious complaints from people in poverty	<ul style="list-style-type: none"> Administrative data on complaints
	Change in proportion of poor complainants	<ul style="list-style-type: none"> Administrative data on complainants
	Change in awareness of the grievance process and expression of confidence in it by people in poverty	<ul style="list-style-type: none"> Annual public survey, systematic stratified focus groups of citizens, or survey of people who file complaints

3.8 Non-State Justice Institutions

Because people in poverty often rely on non-state institutions for safety and justice, measuring their performance is an essential part of monitoring the safety and justice sector as a whole. Yet these institutions present two special challenges for performance measurement: non-state institutions take a seemingly infinite number of forms, and non-state institutions keep almost no records that are useful for measurement purposes.

Some are ancient organizations, some sprout up in urban centres as a result of under-governance or lawlessness, and some are off-shoots of state institutions. In some places, they supplement or complement state institutions. In other places, they operate in lieu of state institutions.

Most observers believe that non-state justice institutions are valuable assets and present unique opportunities for advancing safety, security, and access to justice among the poor. Most observers also believe that non-state justice institutions frequently fail members of the communities they serve. Not all segments of society are equally served by non-state justice institutions: women, the elderly, and the poor are sometimes left out of the decision-making process. Non-state institutions also can coerce conciliation, force confessions, and serve the interests of unelected individuals and powerful groups.

Performance indicators should alert everyone concerned with non-state institutions about the extent to which their greatest advantages and disadvantages are realized in practice. But even the best indicators will only begin to answer important questions about a set of institutions so poorly understood.

Most of the indicators currently in use focus on the process of resolving disputes—just one of the functions a non-state justice institution can provide. Just like indicators used to assess state justice institutions, these measurements focus on process, speed, volume, and outcome of decision making. The *Guide* recommends that these should be supplemented with measures that assess the extent to which these institutions

- Make their work more transparent
- Improve the protection of rights
- Enhance cooperation between non-state and state institutions.

Table 3.8 illustrates how four indicators might be used to measure progress toward the second of these three goals.

Table 3.8: Selected Outcome, Indicators, and Data Sources for Non-State Justice Institutions

Institutional Outcome	Potential indicators	Possible data sources
Improve rights protection	Change in proportion of women who express confidence in non-state institutions	<ul style="list-style-type: none"> • Public surveys and interviews
	Change in proportion of disputes resolved through mediation	<ul style="list-style-type: none"> • Expert surveys or administrative data
	Change in perceived consistency of decisions and actions	<ul style="list-style-type: none"> • Special visits • Expert surveys
	Change in perceptions of equal and dignified treatment	<ul style="list-style-type: none"> • Expert or public surveys and exit interviews, disaggregated by gender, age, social status, occupation, etc.

Collecting data on non-state institutions presents special challenges. First, these institutions may not record their actions or preserve records; and second, state agents may be inappropriate data collectors to fill this gap. The best solution may be to work with the non-state institutions to mobilize local citizens, non-governmental organizations, or other structures to participate in a routine, systematic collection of basic data.

The development of performance indicators will be less threatening and more successful if the process is conducted in cooperation with the administrators of non-state institutions and involves the communities those institutions serve.

One relatively simple way to achieve this is to organize local citizens to conduct periodic structured visits to non-state institutions, in the way that prison visitors or police station visitors operate in many countries. Such visitors could be drawn from different segments of society and trained to follow a standard protocol.