ALLIANCE FOR COMMUNITY & JUSTICE INNOVATION

IMPACTFUL LEGISLATION:
Making the Case for Legislating Implementation and Evaluation Supports

FEBRUARY 2022

Prepared by:

ΔCJI

INTRODUCTION

Whether it is creating something altogether new, or requiring a shift in practice, legislation imposes new demands on organizational infrastructure and requires implementation capacity and support. The science is clear, effective implementation is not easily accomplished. The implementation burden of change efforts invariably requires new ways of thinking, relating, and doing business, especially when those changes are required through legislation. Most agencies are not equipped to effectively implement legislative changes quickly and efficiently. According to the implementation science literature, even with expert level implementation support, change efforts can take between 2 and 4 years to reach full fidelity. Given the volume of legislation that requires changes to systems each year, there is no way within the current pace and structure to do this well.

A review of 5 years of criminal legal legislation in a western state and showed that in 2021 alone, 80% of criminal legal bills that passed required a shift in policy, practice, or programming within an existing agency. In addition, 51% of passed legislation required an entirely new policy, practice or element of programming. Over the five years, a total of 205 criminal legal bills were passed and less than 15% did not require implementation.[1] This translates to a tremendous implementation responsibility placed on state and local agencies every year with no guarantee that changes make it into practice and yield results.

Generally, legislation mandates change. Of the 179 criminal legal bills that were reviewed for this research, 67% required a shift in current practice, 38.5% required an entirely new practice. Furthermore, 17% involved the creation of a new law. Of the 179 bills reviewed, only about 25% included funding, less than 4% provided additional full-time employees, less than 3% included a pilot process or evaluation supports.

According to the research, most implementation efforts, regardless of industry, discipline, or funding, fail. There is an 80-90% failure rate of policies which require people to do something differently (shifts in policy, practice, and programming).[2] Most agencies impacted by legislation do not have existing infrastructure and capacity to implement significant changes well and most legislation does not include these considerations. Without the necessary implementation capacity and infrastructure, the majority of change efforts, legislative or otherwise, are at significant risk of failure, costing taxpayers and the community millions. Without purposeful leadership and support, full implementation, defined as 50% of the people engaged in the change have met a measure of fidelity, can take more than a decade to accomplish with some studies citing even longer if it happens at all.[3] Understanding this gap illuminates why our efforts to make change through legislation alone have such limited impact on system outcomes overall.

As each legislative session approaches full swing, agency heads and legislators must consider how they craft, structure, and design legislation so they are set up for success. This requires using an implementation framework to account for the people, data, organizational culture, leadership, and feedback dynamics involved.

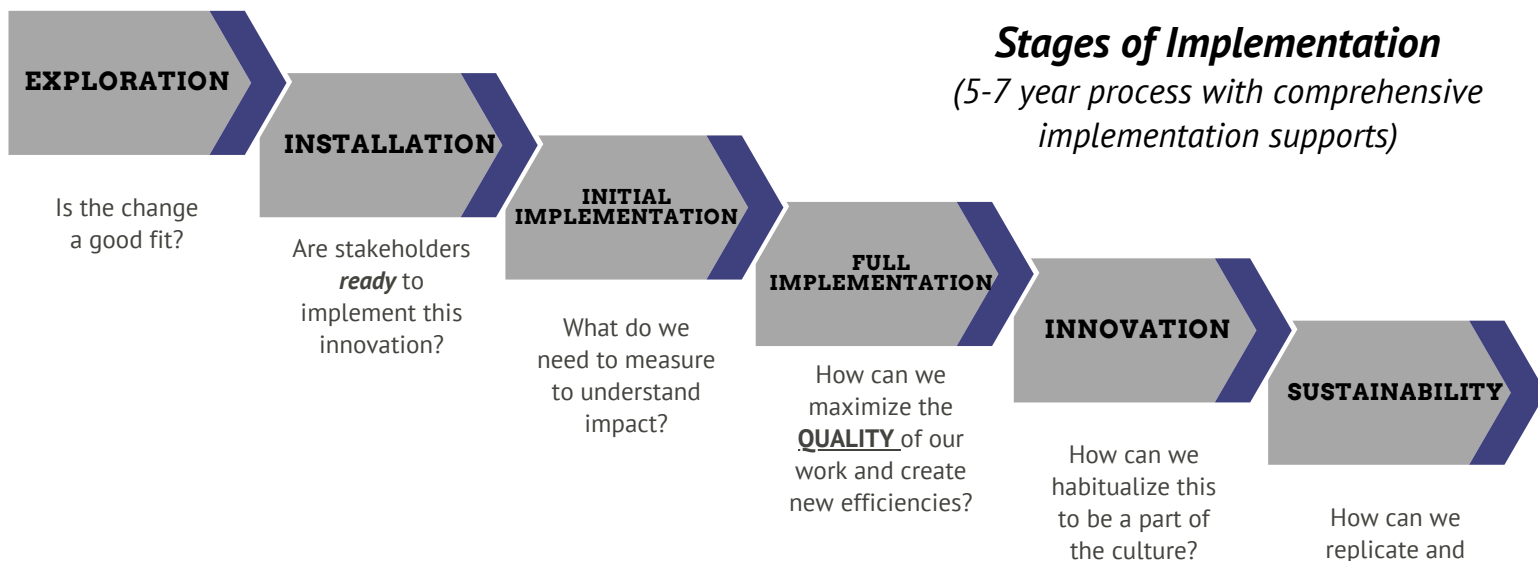## THE FIVE DYNAMICS OF EFFECTIVE IMPLEMENTATION

1 26 bills were passed to clarify language or move things around in statute

2 Fixsen, D. L., Van Dyke, M., & Blase, K. A. (2019). Science and implementation. Active Implementation Research Network.

3 Fixsen, D. L., Naoom, S. F., Blase, K. A., Friedman, R. M., Wallace, F., Burns, B., … & Shern, D. (2005). Implementation research: A synthesis of the literature; Fixsen, D. L., Van Dyke, M., & Blase, K. A. (2019). Science and implementation. Active Implementation Research Network.

SETTING THE STAGE

Implementation is a process and not an event; it takes time, focus, and intentionality. Different stages of the process require different activities. Understanding that implementation is a process allows you to anticipate issues which predicatbly arise.

Stages of Implementation
(5-7 year process with comprehensive implementation supports)

EXPLORATION

Is the change a good fit?

INSTALLATION

Are stakeholders *ready* to implement this innovation?

INITIAL IMPLEMENTATION

What do we need to measure to understand impact?

FULL IMPLEMENTATION

How can we maximize the QUALITY of our work and create new efficiencies?

INNOVATION

How can we habitualize this to be a part of the culture?

SUSTAINABILITY

How can we replicate and scale for the greatest social impact?

In most implementation efforts, evaluation of program effectiveness begins far too early, often during installation or initial implementation phases. This can lead to new models and strategies being labeled as "not working" before they have ever been fully implemented.

THE IMPLEMENTATION IMPACT TOOL
FOR LEGISLATORS AND AGENCY HEADS

The Implementation Impact tool should be used as a conversational guide between legislators, bill drafters, and impacted stakeholders to identify the implementation and organizational supports needed for success. The following tool highlights 10 Implementation Impact domains for consideration:

- Identified Problem
- Identified Solution
- Requirements
- Impacts
- Decision Making
- Results
- Pilot Testing
- Outcomes Obtained
- Culture
- Competing Interests

Review and discuss each row. Identify and mark the box that **best** describes the impact of the legislation on the agency, stakeholder group, and/or system that is required to implement the change. Add column totals together to reach the final total to be used in the considerations matrix.

LEGISLATION IMPLEMENTATION IMPACT TOOL FOR LEGISLATORS AND AGENCY HEADS

Review and discuss each row below. Identify the statement in the 'Low', 'Medium', and 'High' column that best describes the impact.

IMPLEMENTATION IMPACT	LOW (1 POINT EACH)	MEDIUM (2 POINTS EACH)	HIGH (3 POINTS EACH)
IDENTIFIED PROBLEM	Root cause has been identified and agreed upon by those involved	Root cause is difficult to identify by those involved	The issue is complex, cause and effect are not clear, there are many factors to consider
IDENTIFIED SOLUTION	Those involved generally agree on the solution and path forward	Reasonable experts may disagree on the solution	The solution is unclear, reasonable experts disagree on the cause of the problem and the path forward
REQUIRES	Shift in existing policy, practice and/or program within an existing group/agency AND/OR The change is a technical process and can begin quickly	New policy, practice, and/or program within an agency existing group/agency AND/OR There are several possible changes that could be made and would require process and/or policy change	New group, agency, and/or program AND/OR The change requires staff, stakeholders, and others to shift how they think, what they believe and/or how they behave
IMPACTS	Singular agency or department AND/OR Only one or two places within an agency	Singular group with multiple agencies (e.g. programs across the state) AND/OR Several places within the agency	Multiple agencies and/or stakeholders AND/OR Across multiple systems and requires engagement with outside stakeholders
DECISION MAKING	Centralized among a few	Across levels within an agency	Across multiple agencies and/or stakeholders
RESULTS	Intra-agency outputs (report, data, # of people served, etc.)	Intra-agency outcomes (training, process changes, etc.)	Interagency outcomes (program completion, recidivism, trend data, etc.)
PILOT TESTING	An effective solution has been tried before with success and can be repeated	A model or promising practice exists in another state or context	The solution has never been tried before
OUTCOMES OBTAINED THROUGH	Outputs only	Staff actions and behaviors only	The people being served
CULTURE	Staff and stakeholders agree that this is a positive way forward and are energized by the opportunity	Staff and stakeholders are mixed as to their feelings on these changes and/or are expressing less than optimal motivation	Staff and stakeholders are opposed, or have broken off into groups about the change. There is disagreement at all levels. AND/OR staff are expressing exhaustion/burnout
COMPETING INTERESTS	There are few, if any, implementation efforts currently going on within the agency	There are other implementation efforts taking place but they have progressed beyond initial implementation AND current efforts are aligned with proposed legislative changes	There are other implementation efforts taking place and some or all are in initial stages of implementation. Some or all of current efforts compete with or will impact ability to implement proposed legislative changes.
TOTAL	/10	/20	/30

Count the number of points identified in each of the Low (1 point), Medium (2 points) and High (3 points) columns to create the total overall score.

TOTAL OVERALL SCORE (ADD EACH COLUMN)	

IMPLEMENTATION IMPACT CONSIDERATIONS MATRIX

ΔCJI

Use the total overall score from the previous page to identify the most appropriate consideration column in the matrix below. Considerations include time, funding, and success metrics needed to support a successful legislative effort.

LOW 10-12	MEDIUM 12-22	HIGH 23+
Time for: • Creation of detailed implementation plan • Engagement and feedback from necessary stakeholders and staff • Communication strategy • Evaluation metrics ***9-12 months** *minimum*	**Time for:** • Assess implementation capacity and infrastructure • Creation of detailed implementation plan • Engagement and feedback from necessary stakeholders and staff • Communication strategy • Evaluation metrics ***12-24 months** *minimum*	**Time for:** • Assess implementation capacity and infrastructure • Creation of detailed implementation plan • Engagement and feedback from necessary stakeholders and staff • Communication strategy • Pilot testing • Process and implementation evaluation metrics • Plan iteration and adaptation ***24-36 months** *minimum*
Funds for: • Technical solutions • Implementation team support and iteration	**Funds for:** • Training • Policy development • Skill development • Process evaluation • Implementation infrastructure supports	**Funds for:** • Training • Policy development • Skill development • Process evaluation • Implementation infrastructure supports • Expert level implementation specialists
Success metrics: • Outputs - 1-3 years • Outcomes - 2-5 years*	**Success metrics:** • Outputs - 2-4 years • Outcomes - 2-7 years*	**Success metrics:** • Outputs - 2-4 years • Outcomes - 4+ years*

Timeframes are based on comprehensive implementation supports

If you would like to learn more about implementation in action, you can read about the 5 Dynamics of Effective Implementation HERE.

For implementation support and assistance, please contact us at info@acji.org.

www.acji.org **4**