



NATIONAL INSTITUTE OF JUSTICE

Courts Strategic Research Plan

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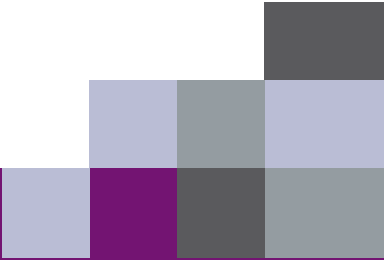
The National Institute of Justice is the research, development, and evaluation agency of the U.S. Department of Justice. NIJ's mission is to advance scientific research, development, and evaluation to enhance the administration of justice and public safety.

The National Institute of Justice is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance; the Bureau of Justice Statistics; the Office for Victims of Crime; the Office of Juvenile Justice and Delinquency Prevention; and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking.

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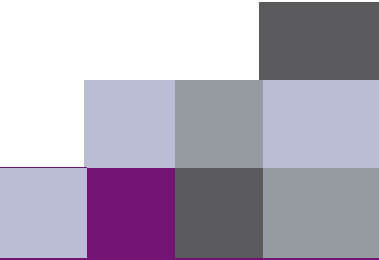
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Message From the Director

The role of courts is crucial to the fair administration of justice. The research agenda outlined in the National Institute of Justice's (NIJ) Courts Strategic Research Plan is intended to improve our knowledge and understanding of the role of courts in upholding justice.

NIJ's Courts Strategic Research Plan is part of a series of plans developed to support our overarching research goals on crime and justice topics, and the following guiding principles:

- Research can make a difference in individual lives, in the safety of communities, and in creating a more effective and fair justice system.
- Government-funded research must adhere to processes of fair and open competition guided by rigorous peer review.
- NIJ's research agenda must respond to the real-world needs of victims, communities, and criminal justice professionals.
- NIJ must encourage and support innovative and rigorous research methods that can provide answers to basic research questions as well as practical, applied solutions to crime.
- Partnerships with other agencies and organizations, public and private, are essential to NIJ's success.

The plans purposefully outline NIJ's current research agenda in broad and ambitious terms. We encourage researchers and practitioners to develop innovative projects that address timely concerns relevant to court workgroups and stakeholders. Applicants may be supported by competitively awarded cooperative agreements initiated by NIJ, investigator-initiated grants under recurring solicitations such as Research and Evaluation on the Administration of Justice and the Graduate Research Fellowship Program, or other funding mechanisms (e.g., contracts, interagency agreements, and NIJ Challenges).

Thank you for your contributions to the Nation's public safety and the fair and impartial administration of justice.



David B. Muhlhausen, Ph.D.
Director, National Institute of Justice



Introduction

About the National Institute of Justice

As the research, development, and evaluation agency of the U.S. Department of Justice (DOJ), the National Institute of Justice (NIJ) is dedicated to improving knowledge and understanding of crime and justice issues through science. NIJ provides objective and independent knowledge and tools to inform the decision-making of the criminal justice community to reduce crime and advance justice, particularly in state, local, and tribal jurisdictions.

Courts Research Mission

NIJ sponsors research, development, and evaluation to identify court tools, programs, and policies that satisfy criminal justice goals, including public safety, cost-efficiency, and fair and equitable treatment of victims and defendants. Together with NIJ's Policing and Corrections Research Portfolios, the Courts Research Portfolio furthers DOJ's mission to seek just punishment for those guilty of unlawful behavior and to ensure the fair and impartial administration of justice for all. Furthermore, it aligns with DOJ's priorities of supporting prosecutors and others in their efforts to reduce violent and other crime, and combating opioid and other drug abuse.

Strategic Research Plan Purpose

NIJ developed the Courts Strategic Research Plan to communicate NIJ's research agenda and advance its courts research mission. The strategic priorities and objectives outlined in the plan are interrelated and vital to the examination of opportunities and challenges faced by court systems. In addition to judges, court administrators, and other professionals, this document should be of interest to researchers in academia, government, and industry; federal, state, local, tribal, and international government agencies; developers of training and other educational resources; and justice policymakers, practitioners, and community stakeholders. NIJ will disseminate research findings resulting from this strategic plan among these partner and constituent audiences to maximize their impact.

Background

Courts play an integral role in the administration of justice as collaborators and intermediaries between defendants, victims, law enforcement, corrections, and the community. The most visible role of the courts is in legal proceedings — hearings or trials to adjudicate criminal and other court cases involving pretrial detention, violations, misdemeanors, felonies, revocations, and appeals as well as civil and other related matters. In practice, judges, prosecutors, and others engage in a variety of prevention, investigation, and service activities to promote public safety, cost-efficiency, and fair and equitable treatment.

This plan builds on the foundation of NIJ’s interdisciplinary Courts Research Portfolio, which is informed by a range of multidisciplinary and collaborative fields.¹ These include the behavioral, social, and forensic sciences; health and physical sciences; technology; engineering; and mathematics. The proposed research agenda is guided by the understanding that: (1) responses to criminal behavior are based on theories of incapacitation, retribution, rehabilitation, specific and general deterrence, and restitution and (2) effective responses are fair, proportionate to the crime, informed of collateral consequences, and delivered swiftly, with certainty, and with just severity. The plan’s priorities and objectives respond to the findings of contemporary research and to needs and requirements identified by prosecutors, defense counsel, judges, and other criminal justice stakeholders.² NIJ hopes they spark interest in studies to address both long-standing and emerging issues, whether they directly or indirectly influence court outcomes.

Scope and Definitions

The focus of this plan is on cases involving adult defendants and offenders. Court practices referenced may be similar to those in juvenile, dependency, or other civil court matters; however, recognizing the general differences in purpose, systems, and populations involved, this plan does not explicitly cover research needs related to those systems. Moreover, other NIJ research portfolios³ and strategic plans (see list in Reference Documents) may address topics that overlap with court research interests (e.g., investigation and charging, restorative justice). Future strategic plans may address juvenile justice systems and juveniles tried as adults in criminal courts, for example.

¹ For more information on the Courts Research Portfolio, visit <https://nij.ojp.gov/topics/courts>.

² For example, see Daniel S. Lawrence et al., *Prosecutor Priorities, Challenges, and Solutions*, Arlington, VA: RAND Corporation, 2019, https://www.rand.org/content/dam/rand/pubs/research_reports/RR2800/RR2892/RAND_RR2892.pdf.

³ Other NIJ research portfolios include Corrections, Crimes and Prevention, Forensic Sciences, and Policing.

Following are a few basic terms used to define and distinguish key concepts. Other points of clarification are provided throughout the document as footnotes with applicable references.

- The **court workforce** is the individual court and related agency staff who fulfill specific roles that serve the court. These practitioners are judges, prosecutors, defense counsel, interpreters, court reporters, bailiffs, clerks, victim/witness assistants, court coordinators and administrators, jury commissioners, and other courthouse staff. Across and within agencies, these individuals collaborate in various **court workgroups**⁴ to carry out trial and other functions that help the court meet its goals.
- **Criminal justice stakeholders** include law enforcement, forensic science, medicolegal death investigation, pretrial service, jail detention, community and institutional corrections, and other criminal justice agencies.
- Other **court stakeholders** include jurors, victims, witnesses, defendants, victim advocates, treatment and other service providers, the media, and other community representatives.

Research Partners and Shared Goals

NIJ envisions that meeting the court research priorities outlined in this plan will require interdisciplinary collaboration among many partners who share the goals of advancing the administration of justice and protecting public safety. These groups range widely from academic and other research organizations that conduct objective research, development, evaluation, and policy analysis studies to the myriad practitioners and other stakeholders who are research participants, users, and potential initiators.

NIJ will continue to collaborate with professional organizations and federal agencies to promote the Courts Strategic Research Plan. Partnerships may leverage funding, in-kind support, and other resources to collect, analyze, and review research applicable to court practice. Activities may include supporting translation and dissemination of research findings suitable for training and technical assistance, conferences, and other media. NIJ may also educate national, state, and local policymakers and criminal justice stakeholders on the benefits of evidence-based court practice, highlighting promising practices and opportunities for support. Finally, NIJ will solicit feedback from courts and other stakeholders on the strategic research plan and its effects to increase its potential impact.

⁴ A workgroup is a core unit that regularly interacts to achieve court goals, and membership may vary. We acknowledge that prosecutors and public defenders are not part of the judicial branch, and probation officers may be assigned directly to courts.

Courts Strategic Research Plan: Priorities and Objectives

NIJ sponsors research, development, and evaluation to identify court tools, programs, and policies that satisfy criminal justice goals, including public safety, cost-efficiency, and fair and equitable treatment of victims and defendants.

NIJ has identified four strategic research priorities for the Courts Strategic Research Plan, under which a comprehensive set of objectives and action items may be organized:

- I. Promote and support research to develop the courts workforce and enhance court workgroups.
- II. Promote and support research to advance court practice.
- III. Promote and support research on the fair and impartial administration of justice.
- IV. Promote data and research capacity building.

The first three priorities follow NIJ's plan framework: personnel, organizational practice, and individual/community affected by (and influencing) the criminal justice system. This plan begins with individual court and related agency staff, who operate within a complex system of prosecutor and other offices, which in turn collaborate with external criminal justice agencies and the larger community of defendants and other stakeholders. The fourth priority reflects a concern about access to valid and reliable information, which is critical to the success of the respective missions of NIJ, the courts, and related agencies.



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Strategic Priority I: Promote and Support Research To Develop the Courts Workforce and Enhance Court Workgroups

The plan begins with individual staff and all phases of professional development — education, recruitment, training, mentoring, coaching, leadership, and retention. This is relevant to trial and administrative staff of the court and related agencies who contribute to the court’s performance. In various units within and across agencies, workgroups help the court meet its goals for access to justice; expedition and timeliness; equality, fairness, and integrity; independence and accountability; and public trust and confidence.⁵ The focus is not only on individuals, but also on interpersonal supports and organizational values that affect workgroup norms. Furthermore, we should examine these factors in the context of today’s limited budgets and advances in forensic science and technology that present both greater resources and higher demands. Access to professional development opportunities promotes innovations (e.g., learning networks) and permits evaluation of the impact of investments in training new staff, enhancing the skill sets of tenured staff, and revitalizing court workgroups and agency units.

Objectives

Objective I.A: Research strategies to develop the courts workforce.

- Study the staffing, skills, education, and experience needed for today’s workforce.
- Examine the challenges of and evaluate solutions for workforce recruitment and retention.
- Study, develop, and assess the resources necessary to support workforce development.

⁵ See National Center for State Courts Performance Measurement Resource Guide in Reference Documents.

Objective I.B: Research training and education to enhance court workgroup functions.

- Evaluate the impact of education curricula on court workgroup functions.
- Evaluate the impact of coaching/mentoring and training on court workgroup functions.
- Examine the relationship between training, court culture,⁶ and court workgroup functions.
- Evaluate the impact of supervisory and leadership training on court workgroup functions.
- Examine the relationship between training, cultural competency,⁷ and court workgroup functions.
- Study, develop, and assess training technologies that enhance court workgroup functions.

⁶ Court culture refers to how judges, attorneys, administrators, and other staff proceed in achieving daily tasks as a function of official and unofficial policies, communication networks, and authority allocations.

⁷ Cultural competency in research and practice denotes being respectful of and responsive to needs that vary according to race, ethnicity, language, literacy, age, gender, sexual orientation, disability, religion, income level, and other characteristics.

Strategic Priority II: Promote and Support Research To Advance Court Practice

This section addresses the basic concerns of courts and related agencies: operations (e.g., dockets, security), case management (e.g., diversion, failure to appear), hearings (e.g., jury trials), procedures (e.g., rules of evidence, court rules), and policies (e.g., vertical/horizontal prosecution, competency determinations, plea bargaining). These concerns require constant assessment and change for the court to maintain its capacity to respond to contemporary court case needs. Topics of interest include information sharing, videoconferencing and other technologies, specialized case units or court dockets, forensic evidence, pretrial services, sentencing, victims, witnesses, and juror management.

Objectives

Objective II.A: Research strategies to advance court operations.

- Study, develop, and assess information sharing that enhances court operations.
- Evaluate the impact of forensic evidence⁸ on court operations.
- Evaluate the impact of victim, witness, or juror support and management strategies on court operations.
- Evaluate the impact of facilities management — including computer security and other safety protections — on court operations.
- Evaluate the impact of staffing, budget, and other resource allocations on court operations.
- Study the effects of interpreter service policies and procedures on court operations.
- Study, develop, and assess technologies⁹ that enhance court operations.

⁸ Forensic evidence includes a variety of case information derived from the identification, analysis, and interpretation of physical evidence or data, such as biological (e.g., DNA) and physical traces and digital/multimedia evidence (e.g., in the case of cybercrimes). It may also include information derived from forensic psychological examinations, such as victim or defendant interviews.

⁹ Technologies include a variety of tools, protocols, and systems ranging from text messaging to videoconferencing, computer-generated presentations, and security equipment.

Objective II.B: Research strategies to advance case management.

- Examine the effects of evidence (such as forensic analysis, delays, and management) on case management.
- Evaluate the impact of legal and other court procedures on case management.
- Evaluate the impact of changes in court policies and practices on case management.
- Evaluate the impact of pretrial processes on case management.
- Evaluate the impact of information sharing on case management.
- Evaluate the impact of specialized prosecution and defense units on case management.
- Evaluate the impact of specialized court dockets on case management.
- Study, develop, and assess technologies that enhance case management.



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Objective II.C: Research strategies to advance case outcomes.¹⁰

- Study the effects of court workgroup characteristics and dynamics on case outcomes.
- Evaluate the impact of information sharing on case outcomes.
- Examine the relationship between court decision-making¹¹ and case dispositions.
- Evaluate the impact of legal defense programs¹² on case outcomes.
- Examine factors that influence criminal and other court filing decisions and their effects on case outcomes.
- Evaluate the impact of diversion and other prosecutor programs on case outcomes.
- Evaluate the impact of specialized or problem-solving courts on case outcomes.
- Study the effects of investigative and trial applications of forensic evidence on case outcomes.
- Evaluate the impact of victim services on case outcomes.

Objective II.D: Research strategies to advance court policies and procedures.

- Evaluate the impact of court policies and procedures on the use of forensic and other evidence.
- Examine the relationship between testimony (from victims, witnesses, and experts) and the actions of prosecutors, defense counsel, judges, or juries.
- Evaluate the impact of court policies and procedures on expert witness testimony, including testimony for forensic evidence examinations.
- Evaluate the impact of bail and other pretrial legislation on court policies and decision-making.
- Evaluate the impact of case law, sentencing guidelines, mandatory minimums, and other postconviction legislation on court policies and decision-making.
- Study the effects of court policies and procedures on the implementation of technology.
- Evaluate the impact of court policies and procedures on competency determinations.

¹⁰ Outcomes may relate to the individual defendant/offender, the victim, or other parties affected by incarceration and the legal, financial, and other case consequences.

¹¹ Court decision-making refers to the determinations made by judges, prosecutors, defense counsel, and others regarding whether and how to proceed at each stage of the case.

¹² Legal defense programs vary in organization (public defender, assigned counsel, and contract attorneys, including representation for conflict cases), indigence determination, resources, and other ways.

Strategic Priority III: Promote and Support Research on the Fair and Impartial Administration of Justice

The court and its related agencies have long served multiple functions in the administration of justice and protection of public safety. This includes monitoring cases to prevent wrongful conviction, providing appropriate counsel, ensuring that victims' voices are heard, and preserving the perceived legitimacy of the judicial system. More recent examples include leading crime prevention initiatives, supervising pretrial programming, and overseeing reentry programs.

Courts are not alone in having multiple and evolving roles. The role of prosecutors is not only to prosecute individual cases brought by law enforcement, but also to identify and address the legal and safety concerns of their jurisdictions. The role of defense counsel is not only to advocate for defendants, but also to improve the legal system and help communities through education and service. Judges have a duty to promote public confidence in the courts.¹³ While courts may lead such efforts, they cannot do so without the guidance and resources contributed by community stakeholders, including providers of mental health, alcohol, and drug treatment and other services.

Objectives

Objective III.A: Research the dynamics of community and criminal justice stakeholders and their influence on the court.

- Examine the effects of court workgroup relationships on the administration of justice.
- Examine the effects of court relationships with other criminal justice stakeholders on the administration of justice.
- Examine the influence of perceived legitimacy and public trust on victim, witness, and juror participation.
- Study the effects of stakeholder advocacy and reforms on court priorities.
- Examine the effects of procedural and distributive justice on court relationships with the community.

¹³ See links to American Bar Association Standards by role under Reference Documents.

Objective III.B: Research the impact of court strategies on the administration of justice and public safety.

- Evaluate the impact of pretrial strategies on the administration of justice and public safety.
- Evaluate the impact of community prosecution and other strategies on the administration of justice and public safety.
- Evaluate the impact of holistic and other defense strategies on the administration of justice and public safety.
- Evaluate the impact of specialized dockets and other judge-led strategies on the administration of justice and public safety.
- Study the effects of conviction integrity and other case reviews on rightful/wrongful convictions and misconduct.

Strategic Priority IV: Promote Data and Research Capacity Building

External and in-house court researchers need valid and reliable data collection and analysis resources to support problem identification, performance measurement, and rigorous research and evaluation efforts. Practitioners and other stakeholders also rely on these data and research findings to make operational, programmatic, and policy decisions. Courts must navigate technical limitations, resource constraints, and other policy, legal, and ethical barriers to ensure that critical information is collected and readily accessible, data integrity and security are maintained, and necessary data sharing and collaboration can occur with stakeholders outside of the courts. We need to identify strategies that enhance the capacity of courts and related agencies to collect, analyze, and share data to improve the quality of research and increase the use of evidence in court practice.

Objectives

Objective IV.A: Research strategies to enhance the capacity of courts and related agencies to collect and analyze data.

- Study, develop, and assess tools and procedures to improve the quality, accuracy, and completeness of court records.
- Study, develop, and assess tools and procedures to enhance secure access to records and minimize record-keeper burden.
- Study, develop, and assess data scraping and other innovative techniques to leverage court information for data extraction and analysis.
- Study, develop, and assess efforts to facilitate the data collection, information sharing, and analysis capabilities of court practitioners.
- Study, develop, and assess efforts to facilitate research and innovation testing by court practitioners.

Objective IV.B: Research and support the use of evidence-based¹⁴ practices by courts and related agencies.

- Study, develop, and assess performance measures that examine policy and procedure implementation.
- Assess the integration and long-term effects of evidence-based practices in court education and training programs.
- Partner researchers with practitioners to develop court research-to-practice initiatives.
- Assess the use and effects of evidence-based practices among courts.

¹⁴ Evidence-based means integrating the best available research findings, practitioner expertise, and other resources with the needs, values, and preferences of those affected.

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NIJ Courts Strategic Research Plan Workgroup

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Reference Documents

Other NIJ Strategic Research Plans

National Institute of Justice Corrections Strategic Research Plan, 2018-2023,
<https://www.ncjrs.gov/pdffiles1/nij/251919.pdf>

National Institute of Justice Law Enforcement Advancing Data and Science (LEADS) Initiative Strategic Plan, 2018-2023,
<https://www.ncjrs.gov/pdffiles1/nij/251765.pdf>

National Institute of Justice Policing Strategic Research Plan, 2017-2022,
<https://www.ncjrs.gov/pdffiles1/nij/250915.pdf>

National Institute of Justice Strategic Research and Implementation Plan: Sentinel Events Initiative, 2017-2021,
<https://www.ncjrs.gov/pdffiles1/nij/250472.pdf>

National Institute of Justice Safety, Health, and Wellness Strategic Research Plan, 2016-2021,
<https://www.ncjrs.gov/pdffiles1/nij/250153.pdf>

National Center for State Courts Performance Measurement Resource Guide

<https://www.ncsc.org/Topics/Court-Management/Performance-Measurement/Resource-Guide.aspx>

National Association for Court Management Core Competencies

<https://nacmnet.org/who-we-are/initiatives/core-competencies/>

American Bar Association Standards

Prosecutors: https://www.americanbar.org/groups/criminal_justice/standards/ProsecutionFunctionFourthEdition.html

Defense Counsel: https://www.americanbar.org/groups/criminal_justice/standards/DefenseFunctionFourthEdition.html

Judges: https://www.americanbar.org/groups/professional_responsibility/publications/model_code_of_judicial_conduct/mcjc_canon_1/ruke1_2promotingconfidenceinthejudiciary.html

