

Creating Public Value: Tightening Connections Between Policy Design and Public Management

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Policy design and public management should be tightly connected, so implemented public policies achieve intended outcomes. Yet policy designers often pursue their activities with limited awareness of how citizens and service managers experience current public programs. A focus on creating public value offers a way to tighten the connection between policy design and public management. Recent discussions of public value have emphasized three aspects of public management: delivering services, achieving social outcomes, and maintaining trust and legitimacy. Within those discussions, the efforts of policy designers have been underplayed. We explore the implications of the public value approach for policy design. Pursuit of public value calls for policy designers to listen closely to stakeholders, engage them in creative conversations, and draw on their situated expertise to guide policy development. We consider how explicit treatment of public value creation as a policy goal can improve the fit between original policy intentions and the delivery of public services. Our augmented model of public value creation offers both a new direction for empirical studies of the nexus between public policy and public management and a new perspective on what it means to be an effective policy designer.

KEY WORDS: public policy, policy design, public management, public value, implementation, stakeholder engagement, justice reinvestment

Governments mostly deal with problems that societies have placed in the “too hard” basket. It is no surprise, then, that few policy issues are simple. Further, public managers operating at the front lines of service delivery are continuously confronting tricky practical challenges. The world of policy design is notorious for involving political power plays and invoking the need for compromise. It is a tough business, where good ideas are often lost in the churn (Kingdon, 2011). At the same time, it is often a highly rarefied world. Policy design occurs far from the places where policy implementation happens. As such, it is removed from the gritty environments experienced daily by citizens and service managers as they translate policies into actions. Information relevant to policy design and the promotion of better outcomes does not automatically filter back to the policymakers in ways that can inform their design

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work. These differences between the worlds of policy designers and public managers mean implementation of the same policy can result in vastly different outcomes across organizations (Howlett & Rayner, 2007). The strategic choices public managers make and the actions they pursue materially influence policy outcomes (Meier & O'Toole, 2001). Given this, those charged with engaging in policy design should be fully aware of the contexts in which policy changes are implemented. Often, they are not.

Public policies and programs that effectively meet public needs are achieved through collective and collaborative processes. It is useful to explore the linkages between policy and practice through the lens of public value, a framework advanced over recent years (see, e.g., Alford & O'Flynn, 2009; Bozeman, 2007, 2009; Moore, 1995, 2013; Moulton, 2009; Talbot, 2009). Current explorations of public value fall into two distinct streams. Barry Bozeman (2007) focuses on the broad, societal level and defines public value as the set of normative agreements about the rights of citizens; the obligations of citizens to society, the state, and one another; and the principles on which governments and policies should be based. Bozeman has proposed that research on public value can be positive, exploring the apparent values held and espoused by a given society. At the same time, Bozeman has portrayed his work as normative, to the extent that he explores instances of "failure" where desired forms of public value are not being generated by society, market processes, or government. Others have contributed to this stream. For example, Stephanie Moulton (2009) has explored how cognitive frameworks and practices associated with specific forms of service delivery are shaped by broader institutional settings that, in turn, are shaped by broader public values. In contrast to Bozeman's work—and work inspired by it—Mark H. Moore's (1995) contribution to the literature on public value is more action-oriented. This has allowed Moore and others to use the conception of public value as a tool for assessing many instances of activity among public managers. We see Moore's use of the concept as amenable to the consideration of the practice of policy design. That is why we take Moore's work as our point of departure here, while recognizing and acknowledging the breadth and richness of current thinking about public value found in the public management literature (see, e.g., Bryson, Crosby, & Bloomberg, 2014; Williams & Shearer, 2011).

Mark Moore's public value framework (1995, 2013) emphasizes three aspects of public management: delivering actual services, achieving social outcomes, and maintaining trust and legitimacy. Within this framework the roles of those involved in policy design have been underplayed. There is a need to clarify to whom, and in what settings, responsibility for public value creation is conferred and the implications of this for public management. To date, Moore's framework has been predominantly applied to the interpretation of public management and the delivery of public services. What might a public value approach imply for those involved in policy-making? That question motivates this article, and opens the possibility for tightening connections between policy design and public management, both in their theorization and in their practice. In exploring this line of inquiry, we develop a coherent justification for more collaborative engagement between policy designers and public managers.

This article is intended to contribute primarily to normative theory concerning what makes for good policy design work. It begins from the perspective that the high level of disconnect between academic research and discussion concerning public policymaking, on the one hand, and public management, on the other, is problematic. Without doubt, academic specialization generates many benefits. Sometimes, however, specialization can lead scholars to ignore relevant intersections. This accounts for the limited attention that has been given to exploring points of disjuncture between the practices of policy designers and the practices of public managers. A greater focus on creating public value among all actors from policy designers through to public managers implementing public policies could improve citizen outcomes in many situations. Our argument suggests both a new direction for empirical studies of the nexus between public policy and public management and a new perspective on what it means to be an effective policy designer.

The Public Value Framework

Major differences in orientation and focus distinguish the “public values” literature associated with Barry Bozeman and the “public value” literature associated with Mark Moore. Bozeman (2007) claims that public value creation occurs when broader “public values” criteria are met, where there is some combination of input, process, output, and outcome measures. Public values for Bozeman, thus, are measurable, although clearly there can be disagreement about how the values are to be conceptualized and measured (Bryson et al., 2014). While for Bozeman management is an important means of implementing public values, he contends that many forces can result in public value formation. In contrast, Mark Moore and those with whom he has worked view public managers as stewards of public assets who manage them with an eye to enhancing public value. Often, they assume a fixed public policy environment and explore how public managers operate within it. For example, Benington and Moore (2010) write of public managers having “restless value-seeking imaginations” (p. 3). A major element of the Moore-inspired approach is a focus on partnerships and policy development to ensure “good choices are made in the public interest” (p. 4).

Both Bozeman and Moore locate value in the interests of the citizenry. Both emphasize the production of outputs and outcomes as sources of public failure. However, in Moore’s analysis, public value refers generally to outcomes of value to citizens and clients, with the public value increasing as the efficiency and effectiveness of production increases. Curiously, most authors who have contributed to the public value literature have not provided a definition of values, nor public values, and have only offered synonyms (Alford & O’Flynn, 2009; Benington, 2009; Smith, 2004; Stoker, 2006). In this article, we use the term “public value” as Mark Moore (1995) did in his initial definition. It is “the public sector equivalent of private value in corporate management.” Under this definition, public managers seek to enhance the value to citizens of their government-funded activities. While different stakeholders might initially hold divergent perceptions of what represents enhanced public value within a given context, those perceptions are unlikely to be fixed and

inflexible. Appropriate processes of consultation and deliberation can promote convergence in perceptions of public value. Indeed, public managers showcased in Mark Moore's books frequently enhance public value both through the services they deliver (program outputs) and through their interactions with stakeholders (managerial processes).

Significantly, Moore's public value framework was not conceived as an overarching theory of public management or public administration. Nonetheless, it came to prominence when the New Public Management (NPM) was in ascendency, both in public administration theory and in the practice of public management. NPM is grounded in economic models of behavior under information asymmetry and the design of contracts between principals and agents (Andrisani, Hakim, & Savas, 2002; Moe, 1984; Osborne & Gaebler, 1992). Against that backdrop, the public value framework has sometimes been viewed as offering a salutary antidote to NPM's strong focus on instrumental behavior and the development of structures that anticipate and channel such behavior toward socially desired results.

Moore presented the original formulation of his framework in *Creating Public Value* (1995). Within that book, Moore illustrated the framework's applicability, using many examples from state and local government settings in the United States. He subsequently elaborated on the original formulation. With John Benington, Moore assembled a group of scholarly investigations that amassed broader evidence concerning the applicability of the public value framework. Contributions to Benington and Moore's edited collection drew on evidence from various organizational settings most notably in the United Kingdom, but also from Australia, New Zealand, and elsewhere (Benington & Moore, 2010). Subsequently, Moore produced another book, *Recognizing Public Value* (2013). This offered a major elaboration on his original formulation. With cases again drawn from state and local government settings in the United States, Moore here gave close consideration to how public managers might effectively track and measure the public value generated by their efforts. Performance measurement and the application of a "public value scorecard" feature prominently in that work.

The core of Moore's public value framework consists of "the strategic triangle." We reproduce it in Figure 1. Energetic, results-oriented public managers must work within and seek to align the three points or corners of the strategic triangle. Those public managers begin by considering how—from their positions in government—they might create public value. Toward this end, they formulate "strategic goals," the attainment of which is expected to create intended public value (see the bottom right of the triangle in Figure 1). Those goals might emerge from thinking about how best to add public value for citizens through specific programs, services, or projects. However, public managers cannot engage in unilateral action, or chase after favored goals untethered from formal responsibilities and lines of accountability. Rather, they must seek support and legitimacy for their strategic goals from what Moore terms "the authorizing environment." To do this, public managers must engage in a variety of actions that involve leveraging their current powers, influencing others, negotiating for support, and nudging others toward sharing similar perceptions of specific situations and how public value might be increased within them.

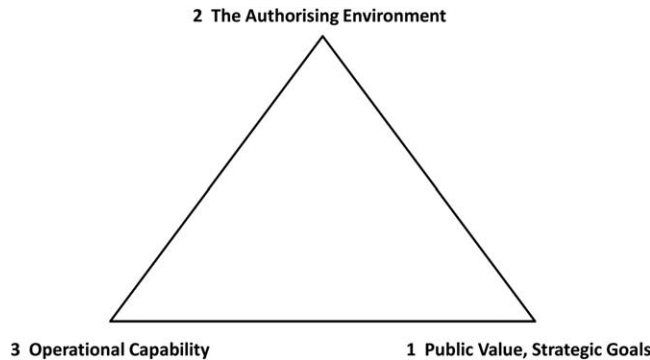


Figure 1. Creating Public Value—The Strategic Triangle.

The authorizing environment is comprised of a range of authority figures and relevant stakeholders (see the top of the triangle in Figure 1). Through engagement with the authorizing environment, public managers gain awareness of the mandates governing their work and what discretion they might have in pursuing legitimized “strategic goals.” In many instances, creation of public value on the part of public managers will be the result of their doing little more than following the orders of those to whom they report. However, the public value framework assumes public managers will go beyond serving as well-paid subalterns. Explicit in the framework is the notion that public managers can perform at their best when they enjoy a degree of earned autonomy, and when they feel confident in exploiting it. Generally, entities in the authorizing environment will include political leaders (governors, mayors, key cabinet members), senior public managers (chief executives and departmental secretaries), relevant interest groups (professional associations, unions, business lobbies), and others (the media, engaged citizens, users of the public services in question and their advocates). Within the framework, significant levels of political savvy are expected to be deployed by public managers seeking to create public value in ways that are fully supported by those figures comprising the authorizing environment.¹ Moore’s insights regarding those interactions resonate with insights coming from the political science literature on problem framing (Rochefort & Cobb, 1994; Stone, 1997), construction of target groups (Schneider & Ingram, 1997), and the formation of advocacy coalitions (Sabatier, 1988; Sabatier & Jenkins-Smith, 1993).

The third corner of the strategic triangle concerns the harnessing and deployment of operational capability (see the bottom right of the triangle in Figure 1). Acting in their own sphere of authority and off their own initiative, public managers will often have some level of control over the allocation of resources to the pursuit of strategic goals. However, effective forms of horizontal cooperation across traditional organizational boundaries can free up greater operational capability for the pursuit of specified strategic goals. Beyond that, effective negotiation with key figures in the authorizing environment can be a vital means by which operational capability will be allocated to the pursuit of the goals in question. Importantly, those with greater

political or organizational authority can make calculated trade-offs among a set of public goals. At the same time, such authority figures must be cognizant of the opportunity costs associated with the pursuit of one set of strategic goals over others. Here, we see that careful construction of arguments and generation of support from coalitions of relevant stakeholders will usually be critical to securing operational capability for the pursuit of particular public value goals.

In sum, Moore's public value framework highlights a number of key considerations for public managers who aspire to create public value and whose roles allow them a degree of decision-making discretion and control of operational capability. Those considerations include: How much autonomy or task discretion should public managers assume, and how might they effectively negotiate the terms of their work? To what extent should public managers canvas citizens and other service suppliers when exploring opportunities for enhancing the public value they deliver? How can public managers innovate to generate public value, and what are the organizational prerequisites for effective innovation? In general, no hard-and-fast answers are available here. Rather, public managers need to be pragmatic, flexible, and nondogmatic as they work to create public value. What works well in one set of circumstances might not necessarily work well elsewhere. That said, scope exists for public managers to learn from the actions of others, and—in the process—acquire new understandings of practices and approaches they might adopt to improve their effectiveness in public value creation.

Policy Design

Viewed as a contribution to public policy scholarship, on initial consideration, Moore's work on creating public value relates most directly to the implementation literature. A somewhat bland interpretation of the framework is that it considers how public managers situated within established agencies make sense of and negotiate their engagements with clients. As such, the work relates directly to earlier contributions such as Michael Lipsky's (1980) study of bureaucratic discretion at the "street level." Like Lipsky, Moore recognizes both the constraints imposed on public managers and the opportunities they face to creatively engage with citizens in pursuit of better social outcomes. Yet, there is also a dark side to bureaucratic discretion, and that side has featured prominently in the literature on policy and program implementation. For implementation scholars, the most fundamental motivating research question has been: What accounts for the oft-observed disjuncture between policy intentions and actual program practices? The matter was captured well in the lengthy subtitle to Pressman and Wildavsky's classic, *Implementation* (1973): "How great expectations in Washington are dashed in Oakland; or, Why it's amazing that federal programs work at all, this being a saga of the Economic Development Administration as told by two sympathetic observers who seek to build morals on a foundation of ruined hopes." The dark side to bureaucratic discretion is that it creates opportunities for (wilful) misinterpretation of directives, sloth, and self-aggrandizement. It goes a long way toward explaining the gap between policy intentions and observed program outcomes.

From the pessimistic perspective on bureaucratic discretion, it is easy to appreciate why critics of Moore's work have expressed unease at its portrayal of public managers as restless and imaginative (Rhodes & Wanna, 2007). Put simply, the discretion or relative autonomy that public managers must enjoy to devise innovations and work with others in pursuit of public value could just as readily be exploited for self-serving or value-destroying ends. Indeed, it was exactly such concerns about bureaucratic power, the cultivation of cozy relations between interest groups and public managers, and massive complacency and institutional inertia in public agencies that fuelled the rise of the NPM (Dunleavy & Hood, 1994; Friedman, 1962; Niskanen, 1974). The NPM introduced well-specified performance contracts between the executive and agency chiefs, and gave those chiefs powerful incentives to limit the discretion enjoyed by public managers further down the hierarchy. At the same time, NPM actually opened spaces for trusted public managers to exercise more autonomy. The focus on generation of outputs and—more optimistically—the attainment of valued social and economic outcomes creates incentives for agency chiefs to extend greater autonomy to their subordinates. Public managers who—through good actions—have earned the trust of their superiors—can be granted freedom to innovate in the pursuit of better outcomes for their clients (Mannion, Goddard, & Bate, 2007). Making space for selected public managers to set strategic goals and pursue public value is quite possible within systems that tighten accountabilities and generally limit bureaucratic discretion.

While acknowledging the obvious place of the public value framework within the public management literature and its intersections with the literature on policy implementation, we believe more exciting connections can be drawn between the public value framework and the policy literature. When we bring policy design into the public value framework, we open space for considering how energetic actors can pursue the creation of public value, through problem framing and agenda-setting efforts as well as through the kind of efforts explored closely by Moore and others.

We define policy designers as any people working in and around government whose primary role is to craft proposals for policy directions. Following Howlett (2010) we suggest policy designers include legislators, their advisors, policy analysts in government agencies, and members of government task forces and advisory committees. We note that there are also times in the policy process when “outsiders” can have some influence on policy design, although engaging in policy design would not be considered their core area of activity. While politicians and senior public servants situated in authoritative decision-making positions ultimately “make” public policy, they do so most often by following the advice provided to them by those they rely on to provide expert judgment on the merits and demerits of proposed courses of action (MacRae & Whittington, 1997). Such outsiders include political party staffers, interest-group representatives and lobbyists, consultants, and university-based researchers. This list is not exhaustive. In terms of their activities, we see policy designers as primary developers of proposals for policy changes. Those changes may be incremental or more significant in nature. In the vast majority of cases, policy design work involves adjusting, expanding, replacing, or removing elements of pre-existing public policies.

Policy designers tend to have functional roles that keep them largely separated from program management, service delivery, and face-to-face engagement with stakeholders and citizen groups. While we appreciate that some policy design work can take place during implementation processes, it tends to focus on specific operational issues rather than broad system concerns. For the most part, in highly developed systems of democratic government, there remains a significant degree of separation between the daily activities of policy designers and those of public managers.

Here, we consider the theoretical and practical implications of deliberately moving the focus on public value creation “up the line.” We focus particularly on how policy designers can deliberately shape authorizing legislation and the development of public organizations so as to generate greater public value. In drawing attention to the nexus between policy design and public value creation, we acknowledge that our contribution is not altogether original. We note that occasionally Moore has documented instances of public managers taking actions that have promoted coalition development. In turn, those coalitions have lobbied for, and achieved, legislative changes in line with further pursuit of the public value those public managers initially sought to generate.²

This article makes three contributions. First, we emphasize the pursuit of public value through policy design. This is an underexplored application of the public value framework. Second, we show how seeking to enhance public value—in the spirit of Mark Moore’s work—tends to change the practices of policy designers. In particular, the public value focus leads policy designers to take great care to explore and appreciate the interface between public managers and clients. This has long been discussed as a gap in analytical practice (see, e.g., Elmore, 1979). It continues to be seen as such (see, e.g., Fullan, 2008). Third, we show how the focus on public value creation can tighten connections between academic portrayals of public policy and public management. Public value creation provides a coherent link across all elements of government action, from the conception and design of public policies to their effective implementation and evaluation. At a normative level, this tightening of connections raises an expectation that policy designers will engage in closer dialogue with public managers and make better use of evidence concerning policy and program impacts than has been the case in the past.

Public Value, Policy Design, and Public Management

The intent of creating and increasing public value should drive all policy design and public management efforts. Frequently it does, although the intent might not be espoused in such language. There are various complicating factors. First, a range of terms are used to describe the goals and motives of concerned citizens, stakeholders, and politicians. Those terms tend to change with time and across specific arenas of government activity. Rather than talk of adding public value, advocates for policy change might describe themselves as being passionate about better schools, or intent on reducing poverty and so on. Second, even if everyone talked explicitly in terms of

public value, there would always be contestation concerning what actions on the part of government contribute to it. Advocates for school choice might believe that competition in the delivery of public education will raise educational outcomes for students and, hence, contribute to public value. For them, market-like incentives are expected to drive improvements in pedagogical practice in schools. Meanwhile, educationalists adopting a more sympathetic view of the challenges faced by teachers might, for their part, claim that better funding of existing public schools would do more to raise educational outcomes and add public value. For them, parental choice and introduction of market-like competition among schools mostly just distract committed teachers from building effective relationships with children and families. In such instances, everyone agrees in the pursuit of public value. **The problem is that they have apparently incompatible views concerning how to create and increase it.** These considerations pose challenges for anyone seeking to elevate and expand the application of the public value framework.

We suggest that, in practice, two things can greatly increase the likelihood that policy design efforts will contribute to the creation and enhancement of public value. First, there should be explicit discussion of policy goals and the outcomes they are intended to promote. Second, there should be a high level of engagement with evidence during policy deliberations. We discuss each of these points in turn, and note challenges to our claim that discussion of goals and engagement with evidence are practices worth pursuing.

Our first proposal is that there should be explicit discussion of policy goals and the outcomes they are intended to promote. When everyone is explicit about the goals they are seeking, space is opened up for broad and productive discussion of how those goals might be achieved and where incompatibilities might exist. Moore's public value framework provides a vocabulary that can usefully be employed by all to clarify points of agreement and convergence versus points of disagreement and divergence. Tina Nabatchi (2012) has also proposed strategies for identifying and deliberating about public values. That said, the political work of engaging with people holding different views, creating opportunities for discussion, and negotiating ways forward is tough stuff (Bryson, Crosby, & Middleton Stone, 2006). **It requires policy designers to exhibit people skills that have not necessarily been viewed as essential in their stock-in-trade** (Mintrom, 2003). What is the likelihood that deliberation will lead to better outcomes? There is no definite answer to this question. If we were to propose that "public value" is a lot like "social welfare," then we could immediately invoke Arrow's (1951) Impossibility Theorem to claim that deliberation offers no guarantee that individuals and groups espousing divergent initial preferences will strike on a set of agreed actions that improve outcomes for all concerned. Yet, as many others have argued, Arrow's mathematical model does not necessarily mirror many practical circumstances. **Plenty of contributors to the literature on democratic decision making would argue—and offer evidence to support their arguments—that deliberation does represent a productive avenue through which to identify positive improvements in policy settings** (see, e.g., Dahl, 1998; Fishkin, 2009; Gutmann & Thompson, 2004). Indeed, **some scholars have proposed that even apparently intractable policy controversies can be resolved through reasoned, reflective**

conversation among people who might start out at loggerheads with each other (Forster, 1999; Schön & Rein, 1994).

Our second proposal is that there should be a high level of engagement with evidence during policy deliberations. The heat can be taken out of many policy disputes with a simple phrase: "It's an empirical question" (Nisbett & Ross, 1980). Pursuit of public value calls for close engagement with evidence concerning what works when it comes to service delivery. Fortunately, evidence-based policymaking is gaining traction in many jurisdictions around the world (Bogenschneider & Corbett, 2011; Cartwright & Hardie, 2012). At a practical level, policy designers can gain many insights into how public policies can serve to enhance public value simply by making more effort to engage with public managers and citizens who transform policies into actions and outcomes on a day-to-day basis. When insights from local sites are combined with evidence from programs elsewhere and insights from in-depth research, the chances are greatly enhanced that policy designers will add to the creation and enhancement of public value. That said, we need to be realistic about some of the challenges associated with bringing new evidence into discussions (Pfeffer & Sutton, 2006). When parties are in strong disagreement and mutual suspicions are running high, a degree of skepticism is likely to meet any efforts to produce new evidence in support of particular positions, or to "make the facts clear." We acknowledge that when trust is limited, introduction of evidence can fuel conflict rather than promote sound decision making. But trust is not a fixed phenomenon. Plenty of scholarship illustrates how provision of evidence can support the building of trust. Trust can be built by displaying evidence and engaging in practices that allow for monitoring, auditing, and other forms of verification. Ongoing interactions also appear important for raising levels of mutual respect and trust (see, e.g., Axelrod, 1984; Covey, 2006; Fukuyama, 1995; Ostrom, 1990). Moore's (1995) emphasis on trust-building in working with leaders and stakeholders in the authorizing environment reminds us that little can be achieved in any engagements—be they discussions of evidence or negotiations over disputes—until a degree of mutual respect has been attained among parties (see also Mintrom, 2003).

In light of the foregoing discussion, we propose six questions to guide empirical investigations of the nexus between public value, policy design, and public management. The questions are:

1. In what sense were policy designers explicitly seeking to promote public value in this instance?

This question leads to examination of the motives that initiated a particular episode of policy design work. Through seeking to address it, we are forced to consider the arguments made for policy change. Ideally, responses to this question will reveal how specific contributors made their arguments, the degree of consensus that emerged through deliberations, and how public value was defined.

2. How did policy designers explicitly engage with public managers for the purpose of improving societal outcomes through the policies being developed?

This question leads to examination of the degree of explicit engagement that occurred between policy designers and program managers. Such engagement can break down barriers between policy development and policy implementation. We anticipate that greater engagement is positive for promoting the attainment of greater public value.

3. What evidence from current organizational practices—in the jurisdiction of interest, or elsewhere—influenced policy design?

This question leads to examination of the use of relevant evidence in policy design. Appropriate evidence can support policy learning, and hence improve the likelihood that policy changes will generate public value in ways that were fully anticipated. Use of evidence need not be restricted to evidence from the practices of public managers in one's own jurisdiction. Evidence from elsewhere often informs policy design. By asking about information use, we can also gain insights about the mechanisms by which specific policy innovations diffuse among jurisdictions.

4. How did policy designers look ahead to program management and explicitly seek to raise the likelihood that implementation would generate valued outcomes?

This question leads to examination of the degree to which policy designers were thinking about the workability of proposed policy changes. It leads us to consider how insights from relevant aspects of current public management might guide policy development and the enhancement of public value.

5. What evidence confirms that this episode in policy design and implementation was a departure from prior "business as usual" policy design and public management practices in this aspect of government activity?

This question leads to examination of the practices of policy designers, especially the extent of their engagement with public managers responsible for implementing policy changes. Documenting departures from "business as usual" can reveal process innovations that might support the creation of enhanced public value.

6. What general insights emerge from this case for those seeking to tighten connections between public value, policy design, and public management?

This summary question is intended to guide scholars of the policymaking process to consciously and collectively construct a body of evidence concerning the promotion of public value both during policy design and during policy implementation.

In the next section, these questions structure our discussion of an illustrative example concerning how policy designers have worked closely with program managers to generate more public value in the domain of criminal justice.

An Illustrative Example

Justice Anthony Kennedy of the U.S. Supreme Court recently stated his views on the American criminal justice system to members of the U.S. Congress

who serve on a House appropriations subcommittee. "In many respects, I think it's broken" he said. "The corrections system is one of the most overlooked, misunderstood institutions we have in our entire government." Justice Kennedy went on to say that "[t]his idea of total incarceration just isn't working . . . [a]nd it's not humane."³ In making these comments, Justice Kennedy was pointing out a disjuncture between the intentions of policies previously promulgated by the U.S. Congress and present policy outcomes. An implication of his remarks is that policy decisions about sentencing and corrections were made in the U.S. Congress without meaningful consideration of their long-term costs and benefits, or of their broader social impacts. Speaking from experience within the criminal justice system, Justice Kennedy told some of the nation's most powerful policy-makers that the system their predecessors designed is seriously flawed. In so doing, he suggested a fundamental public value deficit.

Indeed, criminal justice is harsher in the United States than in any other Western country. The prison population has increased approximately sevenfold since 1970 (Manza & Uggen, 2006). The system is notorious for imprisoning more types of criminal offenders than is the case in other countries, and for keeping them in prison longer (Whitman, 2003). Beginning in the 1970s, "tough on crime" policies were justified as a means to promote public safety (see, e.g., Martinson, 1974). The broader social and political implications of this approach have been extensively documented by scholars of "the carceral state" (Gottschalk, 2008; Western, 2006). With corrections expenditures increasing and incarceration levels at the highest rates in recorded history, it has become evident that criminal justice system programs and practices are not producing the desired social outcomes. This has resulted in recent reforms to criminal justice systems at the state level in the United States (Subramanian & Delaney, 2014). Here, we explore how those involved in designing and managing Kansas's criminal justice system sought to enhance public value. Extensive political work was required to promote and secure sustainable policy changes. Nonetheless, evidence suggests these efforts have ultimately enhanced public value in clear, measureable ways (Clement, Schwarzfeld, & Thompson, 2011). Most importantly, this example is indicative of many similar forms of state-level activity occurring in this policy domain at the state level—if not at the federal level—across the United States (LaVigne et al., 2014).

In 2003 Susan Tucker and Eric Cadora of the After Prison Initiative at the Open Society Institute in New York put forth the idea of Justice Reinvestment (Tucker & Cadora, 2003). The authors highlighted a data-driven approach to improve public safety by identifying the drivers of incarceration and recidivism and reinvesting savings in practices that have been empirically shown to improve safety and hold offenders accountable. Since 2004, more than 20 states have adopted Justice Reinvestment strategies (Austin et al., 2013). Policymakers in Kansas have been through the process of introducing justice reinvestment twice. Policy change efforts made in 2007 were successful but unsustainable due to the financial crisis (Engel, Larivee, & Luedeman, 2009). By the time Kansas policymakers renewed their efforts in 2012, more than 15 states had adopted a Justice Reinvestment strategy.

1. In what sense were policy designers explicitly seeking to promote public value in this instance?

Criminal justice policies enacted in Kansas in 2006 increased sentence lengths and placed an already fragile criminal justice system under significant pressure. With the prison population projected to increase by 22 percent, policymakers were faced with the prospect of appropriating nearly \$500 million over 10 years to supply and operate approximately 1,300 additional prison beds (Council of State Governments Justice Center, 2007a; Kansas Sentencing Commission, 2006). Kansas policymakers chose to identify another path. Rather than spending millions on locking up offenders for longer periods of time, Kansas policymakers explored a Justice Reinvestment strategy to raise the likelihood that when offenders completed their sentences and re-enter society, they would become productive, taxpaying members of the community (Clear, 2011; Clement et al., 2011). Policymakers in the state had become aware of the Justice Reinvestment movement. In seeking to introduce Justice Reinvestment measures in Kansas, these legislators were seeking to enhance the public value generated by the state's criminal justice system.

2. How did policy designers explicitly engage with public managers for the purpose of improving societal outcomes through the policies being developed?

Kansas established a bipartisan legislative taskforce and worked with the Council of State Governments Justice Center (CSG) to identify policy options that would increase public safety by reducing recidivism and avert as much of the projected prison growth as possible (Chettiar & Gupta, 2011). No single state agency can coordinate efforts across counties in Kansas, as they required support and leadership from multiple local systems. Policy analysts from CSG connected key stakeholders from community-based mental health and substance abuse treatment, housing, and employment, and corrections to maintain a state-wide multisystem vision for reducing recidivism, improving public safety and the quality of life of all residents (Council of State Governments Justice Center, 2007a). In bringing public managers from a range of settings into policymaking discussions, the analysts from CSG were able to draw on insights from their previous work in other states, including Arizona, Rhode Island, Texas, and Vermont.

In 2007, the Kansas legislature enacted legislation establishing a performance-based program for community corrections. Despite producing immediate results, with revocation rates declining 21.9 percent and a 26.2 increase in successful completion of community supervision, significant cutbacks undermined this progress (Bellamy, Zeidman, & Jayaram, 2012). Since 2009, budget cuts to the 2007 program increased the incarceration rate and increased parole and probation revocation rates (Engel et al., 2009).

3. What evidence from current organizational practices—in the jurisdiction of interest, or elsewhere—influenced policy design?

In early 2012, with a new governor, Kansas requested technical assistance from the Pew Center on the States and the U.S. Department of Justice's Bureau

of Justice Assistance to renew Justice Reinvestment efforts. With the initial effort faltering, the prison population burgeoned. The rate of new commitments in 2010 rose 13 percent; arrest rates had been steadily increasing for violent, property, and drug crimes; prison sentences were up 9 percent since 2009; probation revocations had been increasing since 2009; and fewer offenders, both in prison and in the community, were being treated for substance abuse (Chettiar & Gupta, 2011). Based on its initial, but short-lived success in the state, Kansas sought to redouble the Justice Reinvestment effort to achieve the following three objectives: (1) stronger probation supervision, (2) successful re-entry, and (3) safer communities (Barbee, Bettsworth, & Hall, 2012). This renewed interest in Justice Reinvestment in Kansas showed policy designers were open to learning from recent policy initiatives in other states, and reflecting on evidence from their own state.

4. How did policy designers look ahead to program management and explicitly seek to raise the likelihood that implementation would generate valued outcomes?

To garner systemwide input and support, the CSG Justice Center conducted focus groups and meetings with stakeholders outside the working group, including frontline staff from corrections, probation, and treatment providers as well as prosecutors, victim advocates, judges, and local law enforcement. During the initial phases of the Justice Reinvestment process in Kansas, 1.2 million data records were analyzed, more than 75 in-person meetings were conducted with nearly 250 stakeholders in the criminal justice system, and the working group met on four formal occasions to develop policy options (Council of State Governments Justice Center, 2013a). On implementation, the Kansas Sentencing Commission (KSC) appointed a full-time analyst to monitor performance. Each month data is compiled and presented to stakeholders, including the governor. In addition, the KSC assists stakeholders through education efforts to increase understanding of new and amended legislation that affect them. This extensive effort to connect with public managers in the state criminal justice system and others beyond the typical circle of policy designers indicated a strong desire to make policy changes that could be effectively implemented in the state (Council of State Governments Justice Center, 2012).

5. What evidence confirms that this episode in policy design and implementation was a departure from prior "business as usual" policy design and public management practices in this aspect of government activity?

To gain a sense of public attitudes on criminal justice, Kansas policymakers commissioned a public opinion survey (Council of State Governments Justice Center, 2007b). This survey revealed that despite the enactment of various laws designed to incarcerate serious, violent offenders for longer periods of time, most Kansans continued to believe, incorrectly, that people currently sentenced to prison served less time for identical crimes than had inmates sent down 10 years earlier. The same poll results showed that Kansans overwhelmingly

supported providing substance abuse treatment to people in prison and assumed—again incorrectly—that such services were already available. When informed that strategies designed to keep offenders from failing on probation and ending up in prison could be employed to avert growth in the prison population, the vast majority of those surveyed preferred this alternative to simply building more prisons. The use of a public opinion survey demonstrated that policy designers in Kansas were keen to enhance the quality of the information they drew on to guide their policy choices. It further illustrates how efforts were made to expand the range of voices being listened to during policy development.

6. What general insights emerge from this case for those seeking to tighten connections between public value, policy design, and public management?

Following a long period in which it was broadly accepted in criminal justice circles that “nothing works” in rehabilitating offenders and supporting their successful transition to the community, an increasing body of evidence was developed to refute this view. The design of Justice Reinvestment relies on emphasizing data analysis to drive justice system decision making and the use of research to promote efficiency and generate cost savings that can support the adoption and expansion of additional evidence-based policies, while reducing the strain on state budgets (LaVigne et al., 2014). The narrative of justice reinvestment, promoted by public managers responsible for the implementation, oversight, and leadership of the initiative in Kansas was designed to make “prudent decisions on behalf of Kansas taxpayers” whilst strengthening the connection between policy designers, managers in correctional facilities, and the community (Council of State Governments Justice Center, 2013b). The intention was to deliver more effective interventions and reduce the likelihood of re-offending. In 2014, Kansas allotted an upfront “reinvestment” of \$2 million to enhance behavioral health services (Kansas Department of Corrections, 2013). This funding demonstrates Kansas’ commitment to connecting offenders with the treatment services and community-based programming required to reintegrate into society. This strategy does not claim to solve the problem of mass incarceration but it does show that viable alternatives are available. As an alternative to the status quo, justice reinvestment promises to deliver public value in the form of reduced prison costs, lower levels of recidivism, and more socially engaged, productive lives for former convicts.

Discussion

We have reviewed Mark Moore’s public value framework, considered how it can be extended to incorporate policy design, and used the augmented framework to make sense of a specific justice reinvestment initiative. Our findings suggest fruitful directions for theorizing, new research, and for the practice of policy design. Here, we briefly touch on each.

At a theoretical level, the focus on creating and enhancing public value suggests that policy designers should pay more attention to evidence on local factors that shape policy effectiveness. Contributors to the development and application of the Advocacy Coalition Framework (ACF) have done much to demonstrate how relationships among a range of stakeholders can serve to improve the development of effective policies over a sustained time period (Weible, Sabatier, & McQueen, 2009). With its attention to policy learning over lengthy time periods, the ACF explicitly considers the ways that policy designers can benefit from engagement with those involved in program implementation. Likewise, some contributions to the literature on policy entrepreneurship have emphasized the importance of diverse networks of contacts as conduits for relevant information and know-how that can support efforts to engineer policy change (Mintrom, 2013; Mintrom, Salisbury, & Luetjens, 2014; Mintrom & Vergari, 1998). To date, however, none of these explorations have explicitly considered how the public value framework might offer new insights for theorization of policy advocacy and policy design. When the pursuit of public value is put at center stage, the relational nature of policy design work is thrown into stark relief. We see clearly that policy design work can only be considered worthwhile when it takes full account of how public managers, citizens, and clients will interpret and engage with new policy settings. A rich line of theorizing is suggested. For example, there would be value in considering conditions under which traditional processes of policy design can effectively accommodate new forms of participation. This would open space for considering conditions under which broadening of participation must also be supported by reforms to processes of policy design themselves. Greater inclusion of public managers in policy design also opens the intriguing possibility that greater trust and system legitimacy thereby established might smooth policy implementation.

For empirical researchers, drawing connections between policy design and public value suggests that many insights into effective policy development could be gained by investigating the ways policy designers engage with evidence and seek out advice from public managers, clients, and citizens. Of course, most processes of policy development have long made space for public consultation and expert engagement. Yet, there are often times when—despite such interactions—problems still arise during implementation. For those set on achieving good results out of justice reinvestment initiatives, policy designers have had to seriously confront all the messy reality of the world of public managers and their clients. Evidence from the film industry suggests that better results emerge when projects draw on the expertise of many people with distinctive forms of situated knowledge (Ferriani, Cattani, & Baden-Fuller, 2009). Reliance on input from “old hands” alone is by no means the most effective way to achieve good results. That insight suggests the public value framework could offer fruitful guidance for policy researchers keen on extending our understanding of the many interactions and hard political work in which policy designers must engage so as to increase the likelihood of policy changes yielding valued social outcomes. Research along these lines could usefully intersect with studies of innovation in government (Borins, 2008).

Finally, at the practical level, we believe this emphasis on creation of public value could greatly contribute to the training of policy designers and public

managers alike. As has been suggested, the public value framework does not simply give policy designers a new terminology to describe what they already do. Taken seriously, the framework suggests that policy designers could do a lot more to inform their work with high-quality evidence on what works, as well as with knowledge and insights offered by public managers immersed in the complexities of service delivery. Viewed from the perspective of promoting public value, policy designers in many contexts could benefit from acquiring a range of new skills for interpretation of evidence, effective engagement with stakeholders, and reflective practice.

Conclusion

The focus on contributing public value should be present across all elements of government action, from the conception and design of public policies to their effective implementation and evaluation. Often it is not. Too many public policy design efforts are poorly informed by evidence of how service managers perform in their roles and citizens and clients experience public programs. A well-documented consequence is that identical policy intentions can result in quite different organizational practices and societal outcomes across different local settings. In this article, we have considered how Mark Moore's public value framework (1995, 2013) could usefully inform the practices of policy designers. The expansion of the framework to incorporate policy design and legislative activity immediately offers a coherent way of tightening connections between policy design and public management. Given that, our theoretical move also opens space for new conversations between contributors to the public policy literature and contributors to the literature on public management. Much room exists for further theory development and empirical research along lines we have suggested. We anticipate other lines of scholarly work could usefully apply the public value framework in ways that creatively join the public policy and public management literatures.

At a normative level, this tightening of connections suggests that policy designers who engage in closer dialogue with public managers and the world of service delivery will be better placed to initiate policy changes that serve to create and enhance public value. Our illustrative example highlighted such engagement. Further, in our example, improved social outcomes appear to have been promoted. More outcomes of this kind could have salutary effects for society, and simultaneously increase citizen trust in government. In most jurisdictions the world over, both are desperately needed. Looking ahead, a fundamental challenge is to have employees in every function of government recognize the imperative of delivering public value. While not all people on the government payroll interact with citizens and clients, all should at least recognize the facilitative aspect of their work, and appreciate how their actions can serve to generate valued outcomes. That fundamental challenge can be addressed using a variety of approaches. Of those, the most crucial involves prompting a conceptual shift. Exposing students of government to the concept of public value, and demonstrating its broad applicability—from design to delivery—is a terrific place to start.

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Notes

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1. Recent scholarship has elaborated on this point. See especially Hartley, Alford, Hughes, and Yates (2014). Working within the public value framework, these authors highlight the importance of “political astuteness” among public managers seeking to create public value. They test their propositions using quantitative and qualitative evidence from Australia, New Zealand, and the United Kingdom.
2. See, for example, Moore’s discussion (2013, pp. 302–303) of a public manager in Oregon whose actions prompted such a chain of events.
3. These quotes were published in a *New York Times* editorial, 4 April 2015.

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