



The Justice Reinvestment Initiative

Experiences from the States

The Urban Institute

July 2013

Justice Reinvestment is a data-driven approach to criminal justice reform designed to **generate cost savings that can be reinvested** in high-performing public safety strategies.

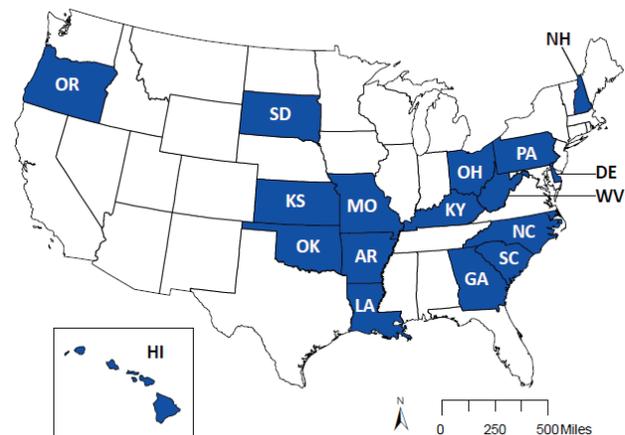
Overview

States across the country are increasingly seeking cost-effective and evidence-based strategies to enhance public safety and manage their corrections populations. In response, Congress appropriated funds to the Bureau of Justice Assistance (BJA) to launch the Justice Reinvestment Initiative (JRI) in 2010, in partnership with the Pew Charitable Trusts (Pew). JRI convenes states' justice system stakeholders and policy leaders to devise data-driven approaches to criminal justice reform designed to generate cost savings that can be reinvested in high-performing public safety strategies. This policy brief describes the experiences of 17 participating JRI states: Arkansas, Delaware, Georgia, Hawaii, Kansas, Kentucky, Louisiana, Missouri, New Hampshire, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, and West Virginia.¹

JRI in Action

States participating in JRI first establish bipartisan, inter-branch teams of elected and appointed state and local officials to work with researchers and criminal justice policy experts. States also engage a wide array of stakeholders: judges, prosecutors and defense attorneys, victims' advocates, corrections staff, law enforcement agencies, local officials, and service providers. States then develop policy solutions that target correctional population and cost

JRI States



drivers identified through systemwide data analyses that determine the key causes of a state's correctional costs and populations and the main barriers to enhanced public safety. Through legislation and other policy modification, these solutions are incorporated into the state's criminal justice operations. Following the passage of JRI legislation, reforms are implemented and a portion of the resulting savings is reinvested in evidence-based efforts to support additional public safety improvements. Training and technical assistance are provided to help states implement the JRI legislation and policy solutions and develop systems for tracking the impact of the reinvestment strategies.

JRI Collaborators

Bureau of Justice Assistance: Funds and oversees JRI

Pew Charitable Trusts: Funds and supports JRI through education and research and provides technical assistance

Vera Institute of Justice: Provides technical assistance for JRI states

Council of State Governments Justice Center: Provides technical assistance for JRI states

The Urban Institute: Assesses and coordinates JRI

Correctional Population and Cost Drivers

Each state's criminal justice system is unique, requiring the justice reinvestment process to identify the specific factors behind prison growth and corrections costs in the state. However, the following drivers have been found in common across several JRI states:

Parole and Probation Revocations Probationers and parolees are returning to jail and prison for failing to comply with the terms of community supervision, either by committing new crimes or violating the terms of their release. A substantial portion of revocations—sometimes greater than half—are technical violations rather than new crimes.

Sentencing Policies and Practices Analyses of sentencing types, sentence lengths, and offender characteristics reveal that sentencing policies and practices play a significant role in prison growth in most states. Many states have high or increasing incarceration rates in lieu of probation and state-specific diversion programs. Increased lengths of stay—both longer sentences meted out by the courts and actual time served—have also contributed to prison population growth over time.

Insufficient and Inefficient Community Supervision and Support Many states have insufficient community supervision and services for released offenders. In addition, some states lack assessment tools to target supervision and reentry support to those who need it most.

Parole System Processing Delays and Denials Parole boards in some states have reduced their parole grant rates over time. Others states have identified long delays in the release of inmates after their parole eligibility dates due to release procedures. Systemwide inefficiencies slow parole processing and delay the transfer of eligible candidates to less costly parole supervision.

Policy Responses

In recent years, JRI states have passed a wide variety of legislation, budget initiatives, and other policy and practice reforms to safely address the drivers of corrections costs and populations. Below are some of the most common JRI legislative provisions and policy reforms:

Risk and needs assessments help predict a person's risk to reoffend and identify criminal risk factors. These assessments inform decisions about detention, incarceration, and release conditions as well as the allocation of supervision and treatment resources. In Ohio, JRI legislation requires adoption of a common set of risk assessment instruments across the state's criminal justice system.²

The expansion or improvement of **problem-solving courts** focuses on arrestees with substance abuse and mental health disorders. Georgia funded a \$10 million expansion of these courts and required the establishment of statewide policies to guide their operation and certification to ensure the adoption of sound practices.³

Intermediate and graduated sanctions establish swift and certain responses, such as short jail stays, for parole and probation technical violators. These sanctions serve as alternatives to reincarceration. The HOPE model⁴ for probationers, which couples swift and certain punishment with drug testing, will be piloted in several JRI states, including Arkansas, Kentucky, North Carolina, and South Dakota. To supplement sanctions, incentives and positive responses for good behavior encourage compliance with supervision requirements. Some states have developed response matrices that include both

Evidence-Based Practices

Evidence-based practices (EBPs) are programs and policies that research finds effective. They are a key component of JRI states' policy reforms. Through JRI, states learn how to translate EBPs into policy, apply EBPs to organizational practice, and consider the use of EBPs when making funding decisions. JRI states are implementing the following EBPs:

- Requiring risk and needs assessments
- Implementing problem-solving courts
- Employing intermediate sanctions and incentives
- Requiring the use of EBPs by justice agencies
- Monitoring the effectiveness of new programs

JRI Responses by State	
Response	Participating States
Risk and needs assessments	AR, DE, GA, HI, KS, KY, LA, NC, NH, OH, OK, OR, PA, SC, SD, WV
Intermediate and graduated sanctions	AR, DE, GA, KS, KY, LA, MO, NC, NH, OK, OR, PA, SC, SD, WV
Problem-solving courts	AR, GA, KY, LA, SD, WV
Good time and earned credits	AR, DE, GA, KS, KY, LA, MO, NC, NH, OH, OR, PA, SC, SD, WV
Penalty changes	AR, GA, HI, KY, LA, NC, OH, OR, PA, SC, SD
Streamlined parole processes	AR, HI, KY, LA, PA, WV
Expanded parole eligibility	AR, KS, LA, NH, SC
Community-based treatment	AR, DE, HI, KS, KY, NC, OH, OK, PA, SD, WV
Mandatory supervision requirements	KY, KS, NC, OH, OK, SC, WV
Accountability measures	AR, DE, GA, HI, KS, KY, LA, MO, NC, OH, OK, PA, SC, SD, WV

sanctions and rewards, promoting offender accountability and positive behavior change.

Expanded incentives, such as **good time and earned credits**, promote program and supervision compliance in prison and community supervision. In Delaware, inmates may reduce time served by up to 60 days a year if they successfully complete

recidivism reduction programs.⁵

Penalty changes reorient and reclassify offenses, revise mandatory minimums, provide safety valves and departure mechanisms, and expand non-incarceration options. In Kentucky, JRI legislation modified the state’s controlled substances act by using presumptive probation for first- and second-time drug possession offenses and establishes a quantity-based scale of penalties for drug sales offenses.⁶ Stemming from its JRI legislation, Oregon reduced the length of sentences for certain property and drug crimes, such as identity theft and marijuana offenses.⁷

Streamlined parole processes and **expanded parole eligibility** facilitate the release of eligible offenders to parole supervision, shortening lengths of stay while ensuring that appropriate supervision conditions are met to protect public safety. Non-violent offenders constituted 82 percent of the population admitted to Louisiana prisons in 2010. In response, JRI legislation expanded parole eligibility to first-time non-violent, non-sex offenders after serving 25 percent of their sentence and made second-time offenders eligible for parole after serving 33 percent of their sentence.⁸

Many states **expand and increase community-based treatment** programs. Georgia reinvested \$5.7 million into residential substance abuse treatment programs, extending access to effective recidivism reduction programs.⁹

Mandatory supervision requirements ensure that certain prisoners receive post-release supervision. In Kentucky, JRI legislation mandates release to parole supervision for all those who have reached their maximum sentence in prison without being paroled.¹⁰

Accountability measures include mandatory data reporting, annual reports of criminal justice performance measures, and upgrades and integration of data. Additionally, JRI states are creating dashboards to monitor JRI legislation implementation and ensure sustainability of the initiative over time.

Savings and Reinvestment

The JRI process has enabled states to identify and realize savings through reduced corrections and justice system spending. These savings result from a number of reforms, including reducing prison operating costs, averting spending on new prison

construction, and streamlining justice system operations. North Carolina's 2011 JRI policy reforms are expected to save the state \$560 million by 2017, including \$293 million in reduced prison operating costs and \$267 million in averted costs from such projects as correctional facility construction.¹¹ Similarly, South Carolina's JRI policies will avert \$175 million the state would have had to spend on correctional construction absent JRI.¹²

JRI states reinvest some portion of savings into evidence-based and high-performing criminal justice programs. To date, reinvestments have taken three main forms: reinvestment of tangible savings, up-front reinvestment, and reallocation of existing funding.

Reinvestment of tangible savings occurs when states track avoided justice spending and reinvest these savings. Some states create performance incentive funding formulas that tie funding to criminal outcomes. Ohio's JRI legislation offers funds to probation agencies to reduce the number of probationers returned to correctional facilities because of technical violation revocations.¹³

Up-front reinvestment occurs when states fund programs on the basis of projected future savings. This strategy addresses the lag time between policy enactment and realization of savings. Anticipated savings gave Hawaii's legislature the confidence to invest over \$3 million in the first year after JRI legislation passed. These funds will expand community-based treatment programs, cover new

staff to complete risk and needs assessments, reestablish a research and planning division, and support victims' services staff.¹⁴ South Dakota's 2013 JRI legislation invested \$8 million in the first year in expanded probation officer training, substance and mental health treatment programs for offenders, and drug and DUI courts, with the expectation that such reforms would be supported by future savings and averted spending.¹⁵

Reallocation redirects existing funds to address criminal justice system weaknesses and inefficiencies highlighted by the JRI process. North Carolina redirected \$8 million in justice spending to community-based treatment programs,¹⁶ while Arkansas reallocated funding from its corrections budget to a nearly \$9 million investment in community-based sanctions and services.¹⁷ When South Carolina reduced the number of supervised offenders being revoked to prison through targeted policy reforms, the state saved \$4.2 million that it would have had to spend to reincarcerate them.¹⁸ Legislation recommends, but does not require, that up to 35 percent of these savings be reallocated in the state's probation and parole systems.¹⁹

Projected savings vary across states and time periods, ranging from **\$7.7 million (over five years)** to **\$875 million (over ten years)**. Total projected savings amount to **\$3.3 billion**, and states are projected to reinvest a total of **\$374 million** in public safety initiatives.²⁰ These interim findings hold promise that JRI can improve the effectiveness of the criminal justice system, generating cost savings through data-driven policy and the implementation of evidence-based practices designed to enhance public safety.

Authors

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Up-Front Reinvestment in West Virginia

The West Virginia JRI Working Group developed a set of policy options that will allow the state to reinvest \$25 million in criminal justice reforms between 2014 and 2018. Having devised a plan, up-front reinvestment is now under way: the 2013 budget supports \$3 million in substance abuse treatment for high-risk probationers and parolees, and \$500,000 for training and quality assurance for EBP in the first year of reinvestment.

Source: West Virginia State Budget Office, Governor's Budget Presentation-FY2014 (Charleston, WV, 2013).

For more information on JRI, visit <http://www.ojp.usdoj.gov/BJA/JRI> or email justicereinvestment@urban.org

This project was supported by Grant No. 2010-RR-BX-K072, awarded by the BJA. The BJA is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. The views expressed are those of the authors and should not be attributed to the Urban Institute, its trustees, or its funders.

Notes

1 Other states—such as Arizona, Nevada, Texas, Vermont, and Wisconsin—engaged in similar corrections and sentencing efforts but did so before JRI was formally established and congressional funds were appropriated for that purpose.

2 Council of State Governments Justice Center, *Justice Reinvestment in Ohio: Policy Framework to Reduce Corrections Spending and Reinvest Savings in Strategies That Can Reduce Crime* (New York: Council of State Governments Justice Center, 2011).

3 Pew Center on the States, *2012 Georgia Public Safety Reform* (Washington, DC: The Pew Charitable Trusts, July 2012).

4 Hawaii’s Opportunity Probation with Enforcement (HOPE) program works closely with probationers who are likely to violate the conditions of their supervision. Probationers are given random, frequent drug tests and a short jail sentence (three days) if they fail a drug test or miss a probation meeting.

5 Juliene James and Suzanne Agha, *Justice Reinvestment in Action: The Delaware Model* (New York: Vera Institute of Justice, 2013).

6 Pew Center on the States, *2011 Kentucky Reforms Cut Recidivism, Costs* (Washington, DC: The Pew Charitable Trusts, July 2011).

7 House Bill 3194, 77th Oregon Legislative Assembly, 2013 regular session.

8 State of Louisiana Sentencing Commission, “Louisiana Legislature Adopts All Recommendations of The Louisiana Sentencing Commission,” press release, June 2012.

9 Pew Center on the States, *2012 Georgia Public Safety Reform*.

10 Pew Center on the States, *2011 Kentucky Reforms Cut Recidivism, Costs*.

11 Council of State Governments Justice Center, *Justice Reinvestment in North Carolina: How North Carolina Is Reducing Corrections Costs and Recidivism* (New York: Council of State Governments Justice Center, 2011).

12 Pew Center on the States, *South Carolina’s Public Safety Reform* (Washington, DC: The Pew Charitable Trusts, June 2010).

13 Council of State Governments Justice Center, *Justice Reinvestment in Ohio: Policy Framework to Reduce Corrections Spending and Reinvest Savings in Strategies That Can Reduce Crime*.

14 Council of State Governments Justice Center, *2012 Justice Reinvestment in Hawaii: Improving Public Safety by Expanding Treatment Programs and Strengthening Victim Services* (New York: Council of State Governments Justice Center, 2012).

15 Pew Center on the States, *South Dakota’s 2013 Criminal Justice Initiative: Legislation to Improve Public Safety, Hold Offenders More Accountable, and Reduce Corrections Spending* (Washington, DC: The Pew Charitable Trusts, June 2013).

16 Council of State Governments Justice Center, *Justice Reinvestment in North Carolina: How North Carolina is Reducing Corrections Costs and Recidivism*.

17 Pew Center on the States, *Partnership: The Public Safety Performance Project of the Pew Center on the States*, presentation to BJA (Washington, DC: The Pew Charitable Trusts, November 2011).

18 Donna Lyons, “States Are Reshaping Policies to Save Money and Maintain Public Safety with ‘Justice Reinvestment’ Reforms.” *State Legislatures* (National Conference of State Legislatures) 39(1): 22–25.

19 Pew Center on the States, *South Carolina’s Public Safety Reform*.

20 Information for these projections comes from technical assistance providers. Projection and reinvestment numbers do not include Louisiana or Oregon.