



Reforming State Criminal Justice Systems

*Why It's Important, How It's Being Done, and
Lessons Learned*

Chapel Hill, NC
September 11, 2015

Andy Barbee, Research Manager

Council of State Governments Justice Center

- National non-profit, non-partisan membership association of state government officials
- Engages members of all three branches of state government
- Justice Center provides practical, nonpartisan advice informed by the best available evidence



CSG Justice Center is involved in several criminal justice initiatives

Justice Reinvestment

csgjusticecenter.org

a data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety.

THE STEPPING UP INITIATIVE *a national initiative to reduce the number of people with mental illnesses in jails*

Justice Reinvestment in Nebraska
Analysis and Policy Framework

Overview

Nebraska's prisons are overcrowded—more corrections facilities report that their facilities are at 100 percent of capacity. Many people incarcerated in prison are individuals with mental illness, and when not being treated in court.

From FY2004 to FY2015, the prison population increased 27 percent. Corrections spending increased 27 percent during this period, from \$1.9 billion in FY2004 to \$2.47 billion in FY2015.

State budget reported other and state debt (total between 2004 and 2015) prison alternatives increased and are now saving \$100 million. If the general revenue restricted program will become more cost-effective, reducing from 100 percent of support to 50 percent of (December 31, 2014) a projected 10 percent of support (\$30 million) by FY2017.

In October 2014, the Nebraska Department of Correctional Services (NDCS) released a plan. The plan proposed to add 1,000 prison beds at a cost of \$100 million, which would bring the prison population down to 130 percent of capacity by FY2017. The plan also recommended that the state build new beds on existing sites to understand the true cost of building new prison capacity and then evaluate whether existing building projects will provide the best return on the state's public safety investment.

In 2014, Governor Dave Iversen, Chief Justice Michael Heavrin, Speaker Greg Stuber, and other state policymakers have both parties asked the Council of State Governments (CSG) Justice Center to use its data-driven "justice reinvestment" approach to help the state determine population growth, reduce corrections spending, and reinvest a portion of savings in strategies that can reduce recidivism and increase public safety.

Projected 5-Year Outcomes of Justice Reinvestment Policy Framework

- Reduce prison overcrowding: **10%** Increase in Prison Population
- Avert prison construction and operations costs: **\$306.4 Million**
- Invest in recidivism-reduction strategies: **\$32.8 Million**
- Estimated cost: **\$2.8 Million** in additional cost for 2016
- Support victims of crime: **70%** Increase in Prison Population
- Reduce the number of people released from prison without supervision

JUSTICE #CENTER

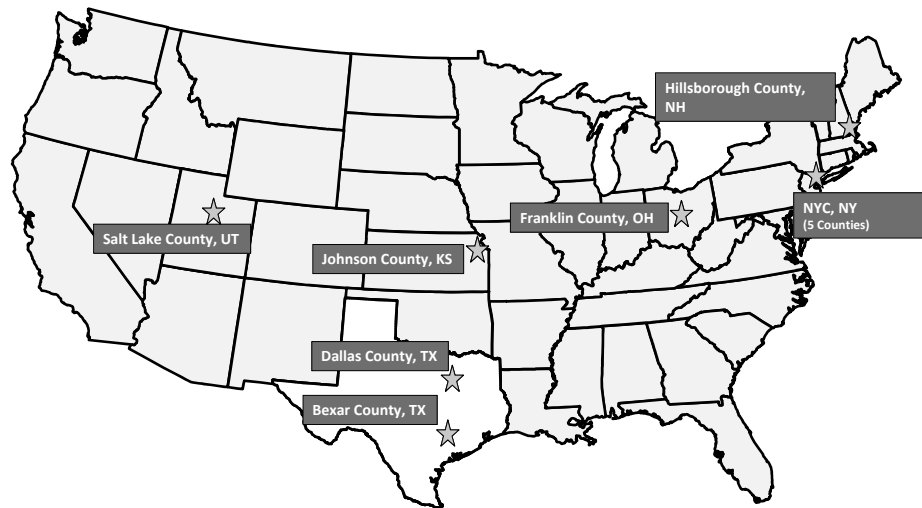
Cluser to Home
An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms

JUSTICE #CENTER PPRI

THE SCHOOL DISCIPLINE CONSENSUS REPORT:
Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System

JUSTICE #CENTER

CSG Justice Center's work includes extensive technical assistance to counties across the country



Collaboration with counties to address system pressures



THE STEPPING UP INITIATIVE

89 counties to date have passed "Stepping Up" resolutions – 7 in North Carolina

- | | | |
|-----------------------|--------------------|----------------------|
| Aitkin (MN) | Alameda (CA) | Alamosa (CO) |
| Arapahoe (CO) | Athens (OH) | Bernalillo (NM) |
| Boone (MO) | Brazos (TX) | Broward (FL) |
| Charlotte (FL) | Coconino (AZ) | Codjington (SD) |
| Columbia (OR) | Cook (IL) | Craven (NC) |
| Dakota (MN) | Dallas (TX) | Dare (NC) |
| Dauphin (PA) | DeKalb (GA) | Del Norte (CA) |
| Douglas (NE) | Dunn (WI) | Durham (NC) |
| East Baton Rouge (LA) | Fairfax (VA) | Fairfax (VA) |
| Fairfield (SC) | Forsyth (NC) | Franklin (OH) |
| Fulton (GA) | Fulton (GA) | Grant (OK) |
| Greenlee (AZ) | Guilford (NC) | Hennepin (MN) |
| Hernando (FL) | Hillsborough (NH) | Huron (MI) |
| Island (WA) | Jasper (IA) | Johnson (IN) |
| Johnson (KS) | Lake (IL) | Lake (OH) |
| Lancaster (NE) | Larimer (CO) | Lee (IA) |
| Leon (FL) | Linn (IA) | Macon (NC) |
| Marathon (WI) | Maricopa (AZ) | Marshall (IA) |
| Martin (FL) | McLean (IL) | Mendocino (CA) |
| Merrimack (NH) | Miami-Dade (FL) | Mobile (AL) |
| Montgomery (AL) | Multnomah (OR) | Olmsted (MN) |
| Orange (CA) | Orangeburg (SC) | Palm Beach (FL) |
| Pettis (MO) | Pike (PA) | Polk (IA) |
| Portage (OH) | Pottawattamie (IA) | Prince George's (MD) |
| Ramsey (MN) | Rockland (NY) | Salt Lake (UT) |
| Sandoval (NM) | Santa Fe (NM) | Sarpy (NE) |
| Shelby (OH) | Skagit (WA) | Story (IA) |
| Summit (OH) | Tarrant (TX) | Wake (NC) |
| Warren (IA) | Westmoreland (PA) | Winona (MA) |
| Wise (TX) | Yuma (AZ) | |

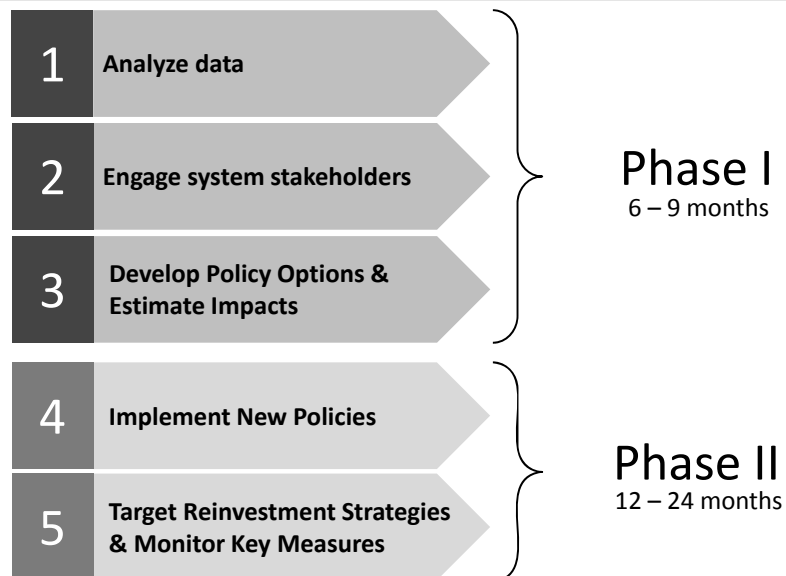


JUSTICE REINVESTMENT

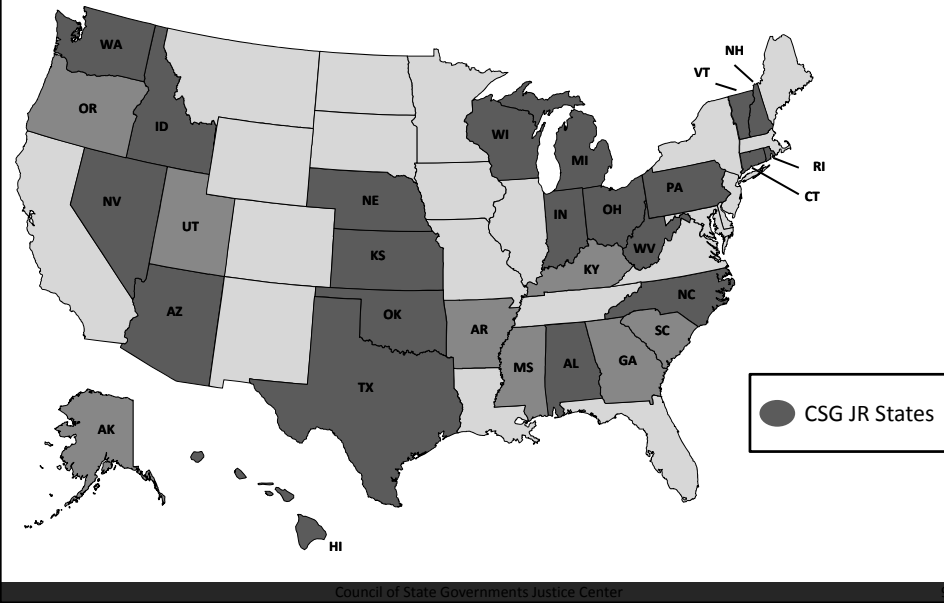
A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety

The Justice Reinvestment Initiative is supported by funding from The Pew Charitable Trusts and the U.S. Department of Justice's Bureau of Justice Assistance (BJA).

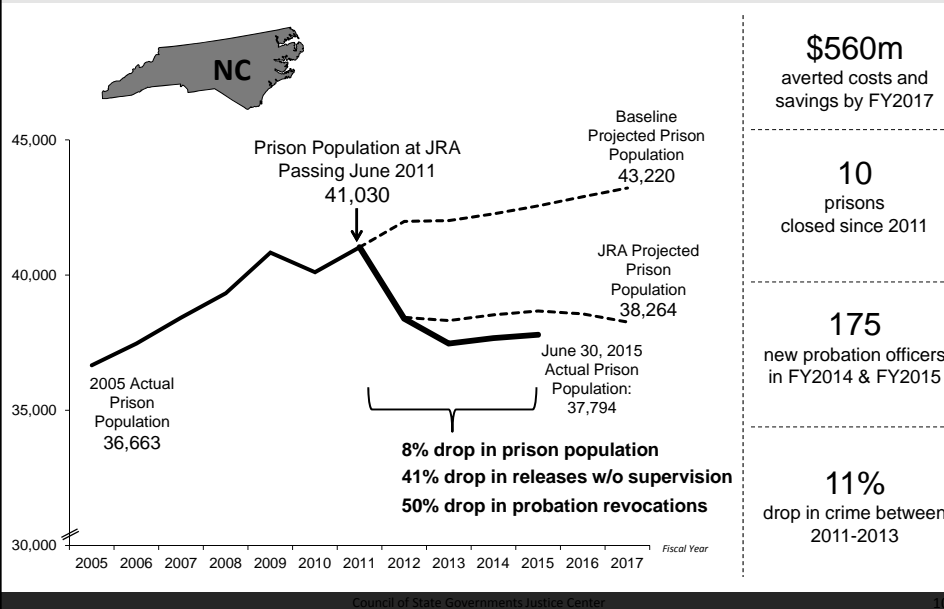
Justice Reinvestment enables two phases of technical assistance to states



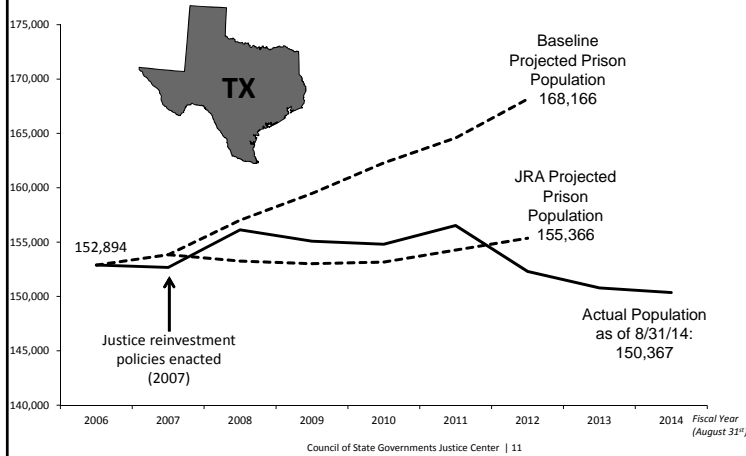
Nationwide, states are using data, technology, and evidence-based practices to undertake meaningful reform



Impacts of North Carolina's Justice Reinvestment policies have exceeded projections



Costs and prison and jail populations in Texas have all decreased significantly since Justice Reinvestment



\$340m
averted operational costs

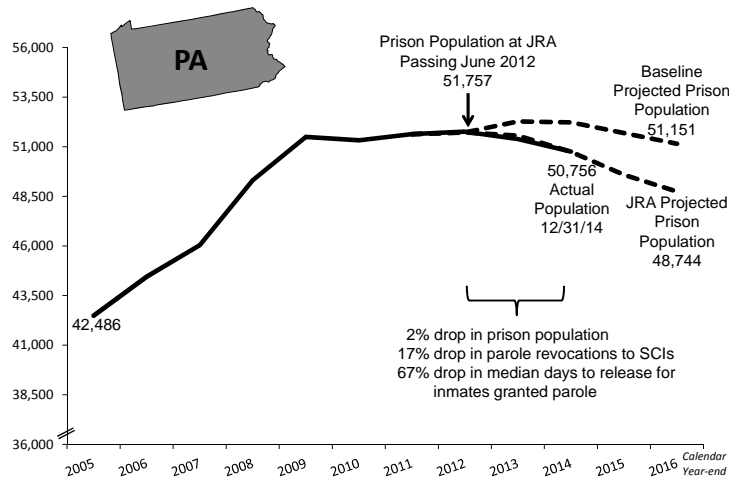
\$241m
reinvested in treatment and programs

-8%
decrease in county jail population 2007-2012

-20%
drop in crime between 2007-2013

Source: Projection figures were calculated by the CSG Justice Center and the Texas Legislative Budget Board in 2007. For more information, see the CSG Justice Center's "Assessing the Impact of the 2007 Justice Reinvestment Initiative" (2009) and "Texas Justice Reinvestment Scenarios (2007)". The savings and reinvestment figures are also included in the 2009 report.

Pennsylvania achieved population decreases and large savings since Justice Reinvestment



\$174m
averted costs and savings by FY2017

9.5%
increase in proportion of parole cases heard by Parole Board

7%
drop in crime between 2011-2013

Source: FY12-13 Baseline prison population projection was published in the Governor's 2011 budget. Prison population figures are courtesy of the Pennsylvania Department of Corrections.

Overview



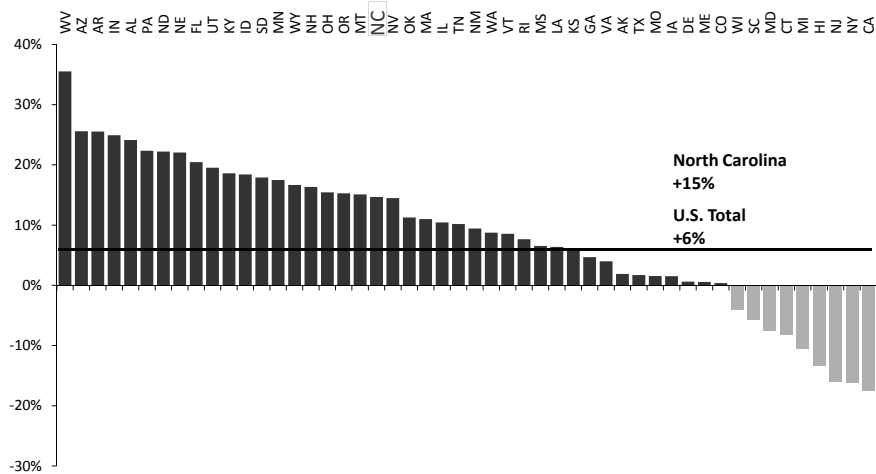
Why reform?

How have approached reform?

Lessons learned

All but a handful of states experienced growth in their state prison populations from 2004-2013

Prison Population Percentage Change, 2004-2013



Source: BJS, Prisoners reports <http://www.bjs.gov/index.cfm?ty=pbse&sid=40>

National momentum for criminal justice reform

FRONT PAGE
JUNE 29, 2015 ISSUE
PRISON REVOLT
A former law-and-order conservative takes a lead on criminal justice reform.
BY BILL KELLER



Patrick J. Nolan's own experience led to a decade of conservative policy experimentation in state courts.

In the mid-nineteen-eighties, after convictions of six members of the prosecution and one member of the defense ended in acquittal, one of the nation's most prominent conservative California legislators, where an idea reported that lawmakers were on the prowl for representatives of a defunct company announced plans to build a Sacramento, provided that a state he could be provided. They offered to a who would help secure their financial future.

Patrick J. Nolan, an expert law-and-order, was the leader of the Reagan would face a bill making the company DuPont, who was aware of the agency wanted to meet Nolan to continue his relationship with DuPont. On June 29, 1986, Nolan and a legislative aide, Kevin Watson, arrived at a budget vote in the Sacramento House. They declared the agency's offer of champagne (it was not yet made) in front of that party, advised the vote, engaged in some awkward small talk, and left twenty minutes later, with two five-thousand-dollar checks. One was made out to a Republican campaign committee. The other was left blank, apparently to use if Nolan would pocket the money. He filled in the name of a Party PAC.

Pat Nolan now lives outside Washington, D.C., in Loudon, Virginia. Recently, he returned to his hometown for a copy of the FBI's indictment of the meeting. (There was a video, but Nolan says he never saw it when he moved east, in 1996.) Nothing

The Washington Post

5 reasons Congress could soon do something big on criminal justice reform

Lawmakers in states across the country have begun to discuss and, in some cases, take bipartisan action on criminal justice reform.

While some of these efforts have been driven by concerns about racial disparities in sentencing and the long-term effects of mass incarceration, it is the growing conviction that have helped them gain momentum from five states like California and Illinois to Utah, Texas, Mississippi, Alabama, Nebraska and Georgia.

But now it seems that concerns about both the fiscal and social costs of mass incarceration have blown up to the federal level and made this an increasingly bipartisan — and thus, potentially successful — legislative effort.

Here's a look at five major events in 2015 giving champions of sentencing reform new hope that, as Congressional Budget Committee Chairman Rep. Amodeo (D-Ill.) told Politico in April, "something is changing." (The source has been altered for each reference.)

1) Obama made it a priority

In January, President Obama called for criminal justice reform in his State of the Union address. Obama pointed out that both incarceration and crime rates are falling, still, the United States continues to far surpass other advanced nations in the rate of its population in its country prisons. From its program, Mr. Obama and other voters have made the need for better policy and increased fairness in the criminal justice system clear.

2) Odd couples united for the cause

In February, Bill O'Reilly (a critic of what the publication called political "odd couples" — that is, Republican-Democrat duos who have worked together to reduce the cost of incarceration) announced a long period of time or where they are better charged by such an experience. One bill would require federal prisoners to participate in programs that aim to reduce the prison return rate and reduce the sentences of those who do so.

Another bill would reduce the mandatory minimum sentences that federal judges must currently hand down to

THE HUFFINGTON POST

Bi-partisan Criminal Justice Reform Bill Could Cut Crime, Reduce Recidivism And Save Money



A new bill proposed by the House Judiciary Committee would do exactly that and bring more than \$1 billion in savings to the federal government by 2020, according to a report by the House Judiciary Committee. The bill would also reduce the number of people in the nation's prisons by 10 percent, and reduce the number of people who are re-arrested within three years of release by 10 percent.

The bill, which would also reduce the number of people in the nation's prisons by 10 percent, and reduce the number of people who are re-arrested within three years of release by 10 percent.

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Enthusiasm for criminal justice reform is high among both Democrats and Republicans.

Effects of incarceration are garnering national attention

The Growth of Incarceration in the United States: Exploring Causes and Consequences

The Growth of INCARCERATION in the United States

Exploring Causes and Consequences

Committee on Causes and Consequences of High Rates of Incarceration
Jeremy Travis, Bruce Western, and Steve Redburn, Editors
Committee on Law and Justice
Division of Behavioral and Social Sciences and Education

NATIONAL RESEARCH COUNCIL OF THE NATIONAL ACADEMIES

THE NATIONAL ACADEMIES PRESS
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- Almost one quarter of the world's prisoners are held in the US
- US incarceration rate has quadrupled in the last forty years
- Growth a result of "increasingly punitive political climate surrounding criminal justice policy formed in a period of rising crime and rapid social change."
- "Because recidivism rates decline markedly with age, lengthy prison sentences...are an inefficient approach to preventing crime by incapacitation."

Need for criminal justice reform has created odd bedfellows

"But on issues of sentencing reform and prison recidivism, Republicans — especially several governors in Southern states — have been the leaders, earning praise from prison reform groups on both sides of the aisle for efforts to save money by implementing rehabilitation programs and curbing skyrocketing prison costs."



-Washington Post, March 7, 2014



"And surely we can agree that it's a good thing that for the first time in 40 years, the crime rate and the incarceration rate have come down together, and use that as starting point for Democrats and Republicans, community leaders and law enforcement, to reform America's criminal justice system so that it protects and serves all of us."

-President Barack Obama, 2015 State of the Union Address

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Criminal justice is a hot topic among Presidential candidates



Hillary Clinton

"We also need probation and drug diversion programs to deal swiftly with violations, while allowing low-level offenders who stay clean and stay out of trouble to stay out of prison"



Marco Rubio

"There is an emerging consensus that the time for criminal justice reform has come. A spirited conversation about how to go about that reform has begun. Unfortunately, too often that conversation starts and ends with drug policy. That is an important conversation to have."



Ted Cruz

"Harsh mandatory minimum sentences for nonviolent drug crimes have contributed to prison overpopulation and are both unfair and ineffective relative to the public expense and human costs of years-long incarceration."



Rick Perry

"By [offering] treatment instead of prison for those with drug and mental health problems — upon entrance and exit from prison — the United States can eliminate our incarceration epidemic."

Washington Post, "How Rubio's stance on drug laws stands out in GOP presidential field", April 28, 2015

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Consensus is growing, but substantive action remains a goal

TIME

Bipartisan Push for Criminal Justice Reform Sets Its Agenda, July 23, 2015

- “A bipartisan coalition leading a landmark push for criminal justice reform has set its agenda, but many of the details remain to be filled in.”
- “The Coalition for Public Safety...announced a new campaign to reform sentencing laws and reintegrate offenders back into society.”



Grover Norquist

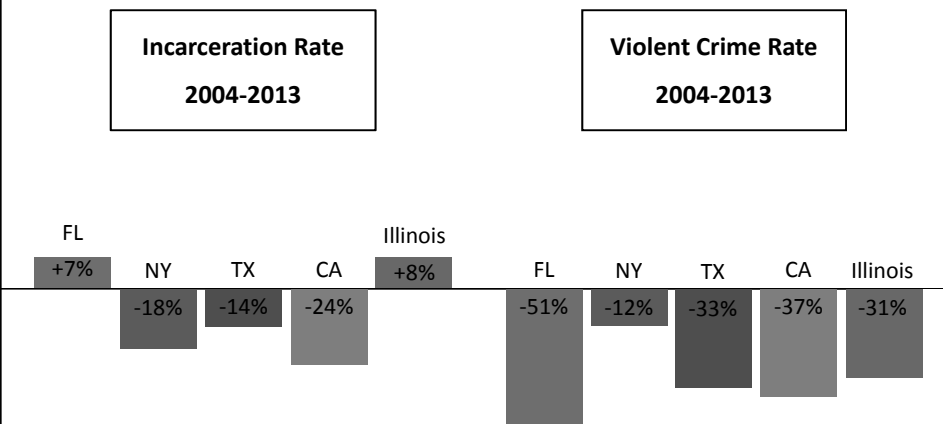
“Some of the other issues are blocked by partisan stalemate. This is one where we could actually move things forward. We’re just going to have to defeat the forces of the status quo.” -Grover Norquist, President, Americans for Tax Reform

Altman, Alex. “Bipartisan Push for Criminal Justice Reform Sets Its Agenda”, Time Magazine. July 23, 2015.

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Changes in crime rates don't necessarily correspond with changes in incarceration rates



Source: BJS, *Prisoners in 2013*, and *Prisoners in 2004*. FBI UCR Online Data Tool, *Crime in the U.S. 2013*; Illinois Statistical Analysis Center, www.icja.org/sac/.

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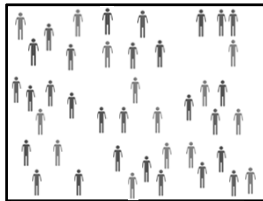
Knowledge on Improving Criminal Justice Outcomes Has Increased Dramatically Over the Last 20 Years

Academics and practitioners have contributed to this growing body of research

The collage includes:

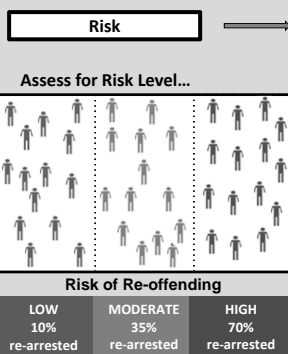
- A journal article titled "Risk Principle of Case Classification in Correctional Treatment" by D. A. Andrews and Craig D. Gendreau.
- A book cover for "The Psychology of Criminal Conduct" by G.A. Higgins and James Rhee.
- A screenshot of the CrimeSolutions.gov website, showing search results for "Programs" and "Practices".

Assessing risk to reoffend and focusing supervision resources accordingly reduces recidivism



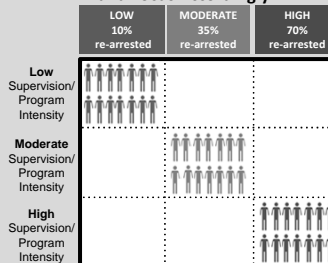
"One size fits all" approach is ineffective at changing behavior and reducing reoffense patterns

Resources should be guided more by risk of reoffense, as measured through a validated assessment tool



Assess risk of re-offense and **focus** supervision on the **highest-risk** offenders

...and Focus Accordingly



Effective community supervision requires clear policies about focusing resources

Level of Supervision

- ✓ Higher risk receive more intense supervision
- ✓ Transitioning up/down intensity of supervision
- ✓ Preparing for court review to early discharge

Treatment Referral

- ✓ Higher risk/needs prioritized over lower risk/needs
- ✓ Type of treatment
- ✓ Coordinating treatment and supervision plans
- ✓ Conditions for successful completion

Sanctioning

- ✓ Imposed according to severity of violation AND individual risk
- ✓ Clearly communicated to defendant
- ✓ Explicit checks and balances with local stakeholders (i.e. jail)

Effective jail sanctioning requires local collaboration

When Appropriate:

- Not all violations, even of the same type, warrant a jail sanction
- Determined by policy and guided by risk along with nature of violation

Taking into Custody:

- Sign-off by probation/parole managers
- Follow protocols for securing appropriate warrant

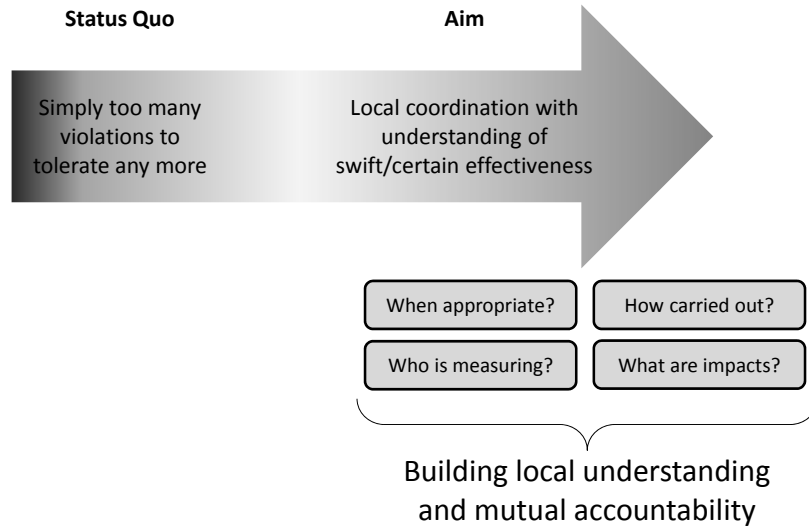
Presenting to Jail:

- Appropriate paperwork
- Clear information gathered allowing for security and medical screening by jail

Release from Jail:

- Clear orders as to release date
- Violator shall return to supervision

Ideal is to create legal structures for supervision officers to arrest violators and bring to jail

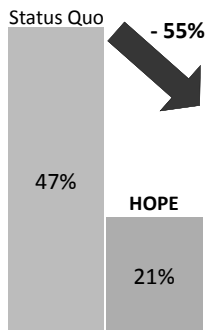


Swift and sure policies in other states show declining arrests, time spent in jail, and prison population

Hawaii HOPE

Intensive, random drug testing with swift, certain, and brief jail sanctions to supervision violations.

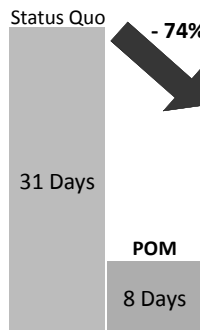
Arrested



Georgia POM

Prompt sanctions to correct behavior of troublesome probationers.

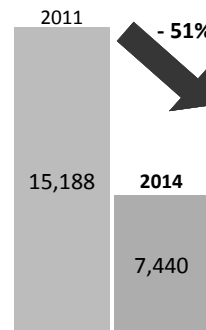
Days in Jail



North Carolina

Swift and certain "dips" of brief jail sanctions and "dunks" of prison sanctions in response to violations.

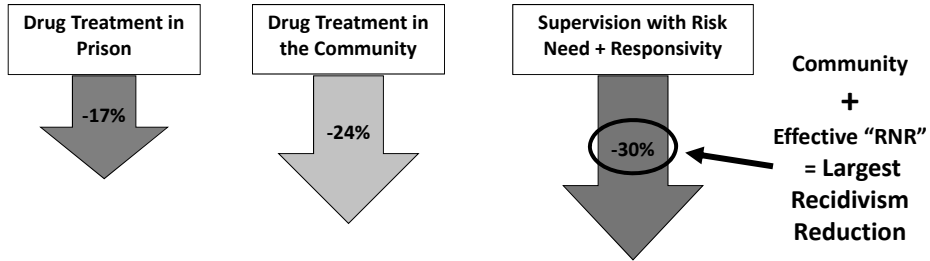
Prison Admissions



Source: *An Evaluation of Georgia's Probation Options Management Act*, Applied Research Services, October 2007; *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE*, Hawken, Angela and Mark Kleiman, December 2009.

Community-Based Treatment and RNR Principles of Programming and Supervision Yield Best Outcomes

Research shows that programs delivered in the community have greater impacts on recidivism



Source: Lee, S., Aos, S., Drake, E., Pennucci, A., Miller, M., & Anderson, L. (2012). *Return on investment: Evidence-based options to improve statewide outcomes*, April 2012 (Document No. 12-04-1201). Olympia: Washington State Institute for Public Policy.

Overview

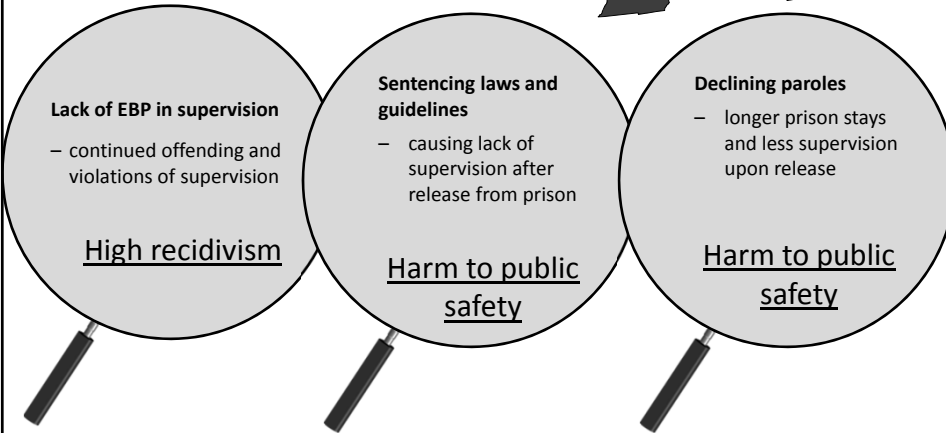
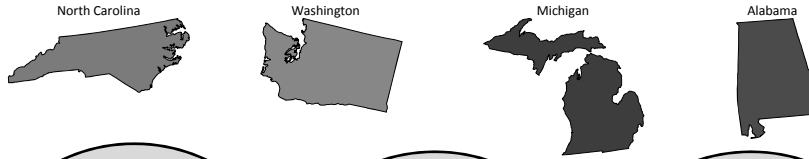
Why reform?



How have states approached reform?

Lessons learned

Through Justice Reinvestment, states have found their challenges go beyond the “costs of building more prisons”

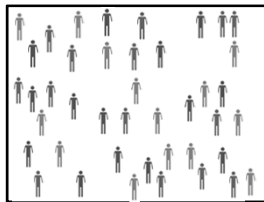


North Carolina’s probation system had high rates of failure and post-release supervision was almost non-existent



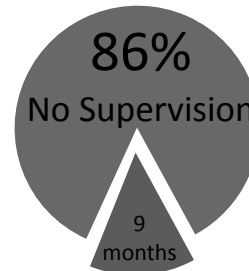
Findings

“One size fits all” approach



\$120 million
spent monitoring
100,000+ probationers

Most prison releases unsupervised

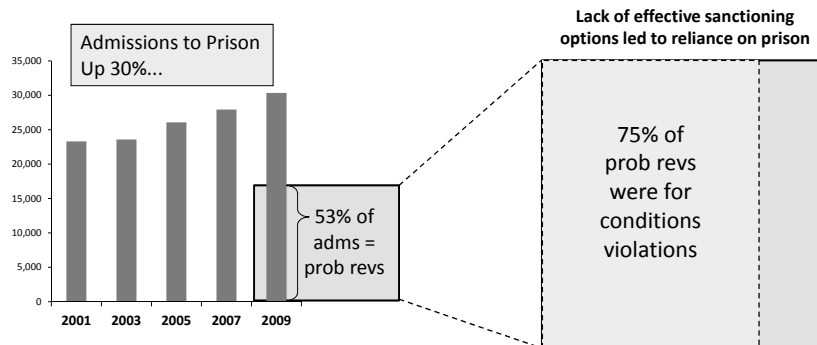


Source: Council of State Governments Justice Center, *Justice Reinvestment in North Carolina: Analysis and Policy Framework to Reduce Spending on Corrections and Reinvest in Strategies to Increase Public Safety*, April 2011

Pressures on North Carolina's prison system were directly impacted by the failures in probation



Problem



Source: Council of State Governments Justice Center, *Justice Reinvestment in North Carolina: Analysis and Policy Framework to Reduce Spending on Corrections and Reinvest in Strategies to Increase Public Safety*, April 2011

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North Carolina's JR process identified ways for strengthening probation and safely reducing prison pressures



Policy Options

- ❖ Require use of risk assessment to guide supervision
- ❖ Establish intermediate sanctions for technical violations
- ❖ Reinvest \$8M into community-based treatment
- ❖ Require supervision upon release from prison for all
- ❖ Cap length of prison sanctions for technical violators

Source: Council of State Governments Justice Center, *Justice Reinvestment in North Carolina: Analysis and Policy Framework to Reduce Spending on Corrections and Reinvest in Strategies to Increase Public Safety*, April 2011

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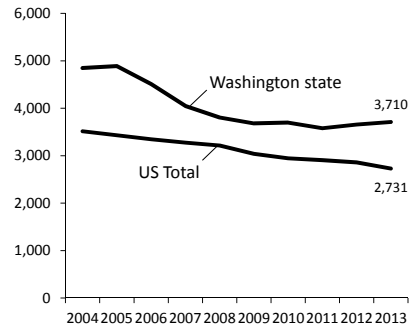
Washington's property crime problem was a major contributor to a growing prison population



Findings

Washington's property crime rate ranked highest in the nation in 2013.

Washington has consistently had a high property crime rate.



Source: Council of State Governments Justice Center, *Justice Reinvestment in Washington: Analysis and Policy Framework*, January 2015

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Sentencing policies resulted in a lack of supervision for property offenders

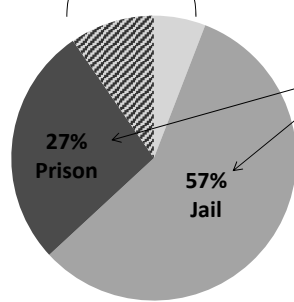


Problem

Statute limited supervision following a prison term to violent, sex, and drug offenders

2013 Sentences for Felony Property Offenses

Receive suspended sentence with supervision or following prison release



84% of felony property offenders sentenced to jail or prison with no supervision following release

Source: Council of State Governments Justice Center, *Justice Reinvestment in Washington: Analysis and Policy Framework*, January 2015

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Washington's JR process identified ways to enhance community supervision and law enforcement practices



Policy Options

- ❖ Require supervision for low-level repeat property offenders upon release from jail or prison
- ❖ Reinvest \$8M per biennium into law enforcement practices that can reduce crime
- ❖ Reinvest \$23M per biennium into supervision and community-based programming and treatment

Source: Council of State Governments Justice Center, *Justice Reinvestment in Washington: Analysis and Policy Framework*, January 2015

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Michigan's sentencing structure highly complex and designed to reduce disparity

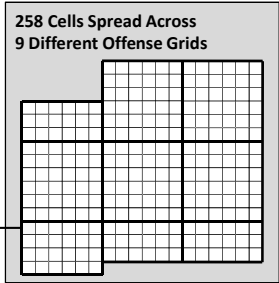


Findings

Stacked sentencing grids for Michigan offense classes:

- Sentencing Grid for Class M2 (Second Degree Murder)—MCL 777.61
- Sentencing Grid for Class A Offenses—MCL 777.62
- Sentencing Grid for Class B Offenses—MCL 777.63
- Sentencing Grid for Class C Offenses—MCL 777.64
- Sentencing Grid for Class D Offenses—MCL 777.65
- Sentencing Grid for Class E Offenses—MCL 777.66

Each grid shows offense levels (I, II, III, IV, V) and ranges (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50) with corresponding sentencing ranges.



Defendant is "scored" and sentencing controlled by parameters within guidelines

Source: Council of State Governments Justice Center, *Applying a Justice Reinvestment Approach to Improve Michigan's Sentencing System: Summary Report of Analyses and Policy Options*, May 2014

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Despite complexity of guidelines, actual sentencing in Michigan displayed considerable disparity



Findings

	A	B	C	D	E	F
I				402	128	103
II				359	141	69
III				77	26	
IV			69	36		
V	10	27				
VI	7	9				

Very different sentencing

Supervision "Behind Bars"

43 Prison

Avg. min. term imposed = 17 mos.;
Range of 6-36 mos.

224 Jail

Avg. term imposed = 6 mos.;
Range of 1-365 days.

Probation Only

134

Avg. term imposed = 24 mos.;
Range of 9-60 mos.

Despite falling in the same cell on the same grid, defendants punished disparately:

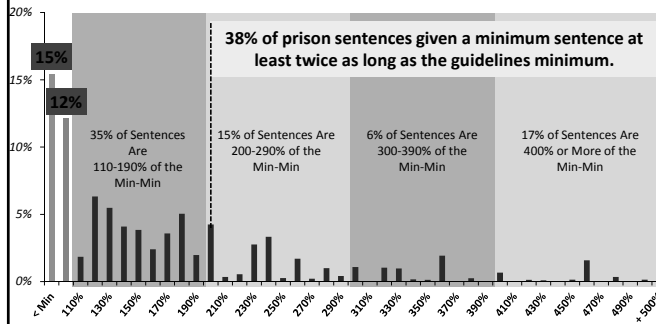
- As little as a few months in jail, or
- As much as 5 years on probation, or
- Minimum of up to 3 years in prison with potential for parole supervision.

Source: Council of State Governments Justice Center, *Applying a Justice Reinvestment Approach to Improve Michigan's Sentencing System: Summary Report of Analyses and Policy Options*, May 2014

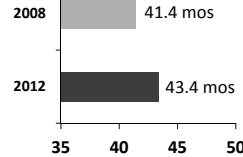
Built-in disparity in Michigan's sentencing structure created pressures on prison system



Problem



Length of Minimum Sentence Imposed Increased 5%



Source: Council of State Governments Justice Center, *Applying a Justice Reinvestment Approach to Improve Michigan's Sentencing System: Summary Report of Analyses and Policy Options*, May 2014

Michigan's JR process resulted in recommendations to significantly reduce disparity in sentencing



Policy Options

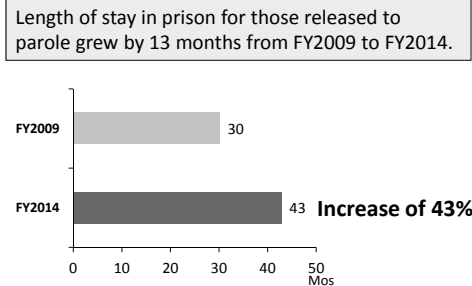
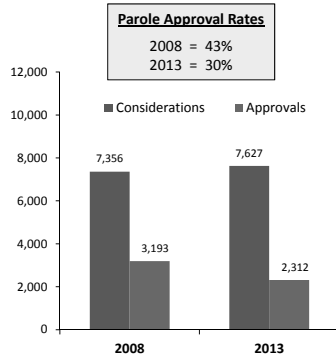
- ❖ Make the “zones” within the grids more narrow in types and lengths of sentences that can be imposed
- ❖ Require judges to set maximum sentence lengths resulting in less ambiguity on total potential length of incarceration

Source: Council of State Governments Justice Center, *Applying a Justice Reinvestment Approach to Improve Michigan's Sentencing System: Summary Report of Analyses and Policy Options*, May 2014

While facing crushing overcrowding, Alabama's parole rates were dropping and driving up time served in prison



Findings



Source: Council of State Governments Justice Center, *Justice Reinvestment in Alabama: Analysis and Policy Framework*, March 2015

Alabama's prison system was discharging more people from custody unsupervised and compromising public safety

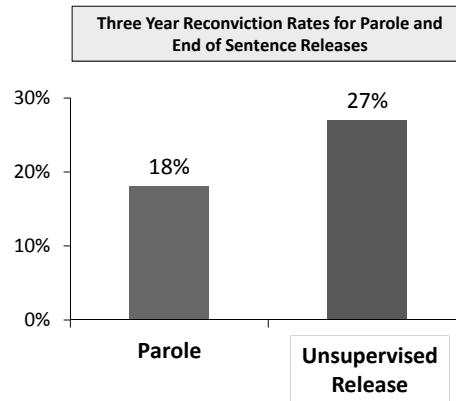


Problem

2,852
FY2013
releases from
prison to no
supervision

More than 90 percent were not previously paroled

18 percent were imprisoned for violent person and/or sex-related crimes



Source: Council of State Governments Justice Center, *Justice Reinvestment in Alabama: Analysis and Policy Framework*, March 2015

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Alabama's JR process yielded policies to establish parole guidelines and increase supervision for those leaving prison



Policy Options

- ❖ Require parole board to implement decision-making guidelines based primarily on factors associated with recidivism
- ❖ Change sentencing laws so that all prison sentences have a guaranteed minimum term of post-release supervision

Source: Council of State Governments Justice Center, *Justice Reinvestment in Alabama: Analysis and Policy Framework*, March 2015

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Overview

Why reform?

How have states approached reform?



Lessons learned

Lessons learned: constructive approaches to criminal justice reform

JUSTICE CENTER
April 2013

Lessons from the States: Reducing Recidivism and Curbing Corrections Costs Through Justice Reinvestment

Over the past 20 years, state spending on corrections has skyrocketed—from \$12 billion in 1988 to more than \$12 billion in 2011. Declining state revenues and other fiscal factors are putting a serious strain on many states' criminal justice systems, often putting concerns about the bottom line in competition with public safety. Strategies tested in numerous states and local jurisdictions, however, show that there are effective ways to address the challenge of containing rising corrections costs while also increasing public safety.

Six Lessons

Many states under tight fiscal constraints face the challenge of growing corrections costs and increasing inmate populations. A number of these states have responded with "justice reinvestment" strategies to reduce corrections costs, revise sentencing policies, and increase public safety. Justice reinvestment is a data-driven approach that ensures that policymaking is based on a comprehensive analysis of criminal justice data and the latest research about what works to reduce crime, and is tailored to the distinct public safety needs of the jurisdiction. In the first phase, experts analyze a variety of state-specific data to develop practical, consensus-based policies that reduce spending on corrections and generate savings that can be reinvested in strategies to improve public safety. In the second phase, jurisdictions translate the new policies into practice and monitor data to ensure that related programs and system investments achieve their projected outcomes.

Since 2007, with support from the U.S. Department of Justice's Bureau of Justice Assistance and The Pew Charitable Trusts, 17 states have worked with the Council of State Governments Justice Center to develop justice reinvestment strategies. Of these states, four have recently adopted policies that are projected to generate more than \$1 billion in savings over five years. Justice reinvestment efforts in Texas alone resulted in \$1.5 billion in construction savings and \$36 million in annual averted operations costs. Six lessons have emerged from these experiences that inform the work of other states in tackling rising corrections costs and public safety challenges.

- 1 Conduct a Comprehensive Data Analysis
- 2 Engage Diverse Constituencies
- 3 Focus on the People Most Likely to Reoffend
- 4 Invest in High-Performing Programs
- 5 Strengthen Community Supervision
- 6 Incentivize Performance

Successful justice reinvestment efforts have included:

Strong leadership

Comprehensive data analysis

Broad stakeholder engagement

Key focus on evidence-based practices

Incentivizing positive outcomes

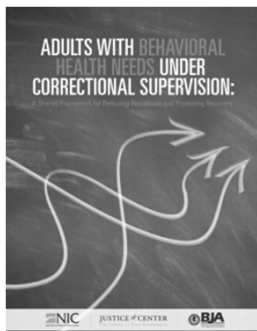
State policymakers are using justice reinvestment approach to tackle a growing range of strategies and policies

2012 to 2015	↑	Improve restitution collection
	↑	Craft win-wins for state and counties
	↑	Improve pre-trial assessment & supervision
	↑	Redesign programs and training strategies
	↑	Assess and validate risk assessment practices
	↑	Support data-driven law enforcement strategies
	↑	Integrate evidence-based practices in treatment programs
2010 to 2012	↑	Improve supervision quality
	↑	Realign sentencing and parole policies
	↑	Better targeting for treatment programs
	↑	Structure supervision sanctions based on risk
2006 to 2010	↑	Fund more treatment programs
	↑	Reduce revocations to prison and jail
	↑	Focus on statewide recidivism reduction

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Improving behavioral health assessment and access to services is an emerging focus in criminal justice reform

Report released by CSG in 2012 introducing an evidence-based framework for improving outcomes for adults with behavioral health disorders involved in the criminal justice system.



Work in Franklin County, Ohio led to key policy recommendations for reducing the number of people with behavioral health disorders cycling in and out of jail.



Investments in community-based treatment for people on supervision with substance use needs was a key strategy to the justice reinvestment policy framework in West Virginia.

Striking the right balance is never easy...some examples

“Public safety” exceptions to caps on length of sanction in prison

- *If statute worded too broadly, loss of effective cap*

Efficacy of 90 day sanctions vs. 45 days...or 5 days...

- *Research doesn't indicate better outcomes with longer sanctions, or with limited number of capped sanctions*

Discussion



Thank You

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