

Statement by

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At a hearing on

H.R. 4080, the “Criminal Justice Reinvestment Act of 2009,” and H.R. 4055, the “Honest Opportunity Probation with Enforcement (HOPE) Initiative Act of 2009”

by the

U.S. House of Representatives Committee on the Judiciary,
Subcommittee on Crime, Terrorism, and Homeland Security

May 11, 2010

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to speak today about the justice reinvestment and HOPE initiative bills under consideration by this committee. I am the director of the Justice Policy Center at the Urban Institute, where we have engaged in extensive research on the impact of correctional policies on individuals, communities, and state and county budgets. We have documented best practices regarding incarceration policies, reentry preparation, and postrelease supervision practices. In the course of conducting that research, we have spoken with state and local government leaders who strongly desire guidance on the most efficient strategies for allocating their scarce and often diminishing criminal justice resources to improve public safety. It is this appetite for a more effective criminal justice system that makes justice reinvestment, the HOPE project, and similar models so compelling.

As has been well documented, most states, counties, and cities are grappling with burgeoning criminal justice populations. While recent statistics indicate that some states

have experienced their first declines in prison populations in many years, other states' populations continue to grow (The Pew Center on the States 2010). Local governments are in a similar predicament. City and county governments have experienced a 30 percent increase in the number of people in jail or under criminal justice supervision in the past 10 years alone (Glaze, Minton, and West 2009). The escalation in these local criminal justice populations has been accompanied by an 80 percent spike in county correctional costs in the past decade (Gifford and Lindgren 2000; Perry 2008). Most of these expenses are driven by jail costs: on average, county jail populations increased by 33 percent in the past decade, outpacing the 24 percent increase in state prison populations and the 17 percent increase in probation and parole populations during the same period (Glaze et al. 2009). These costs create difficult choices for public officials, many of whom are forced to freeze or reduce spending on education and human services to balance their budgets. In effect, jail population growth can divert funds from programs and social services aimed at preventing people from entering the criminal justice system in the first place.

What can city and county managers do to control these costs without compromising public safety? They can engage in justice reinvestment, a process designed for public officials who want to rethink how they allocate resources throughout their criminal justice and social service systems. This process is for leaders who are aiming not just to contain criminal justice costs, but also to achieve a greater public safety benefit from current resources. Justice reinvestment is not, however, a single decision, project, or strategy. Rather, it is a multistage and ongoing process whereby local stakeholders collaborate across city and county systems to identify drivers of criminal justice costs and then develop and implement new ways of reinvesting scarce resources—both within the

jail system and in the community—to yield a more cost-beneficial impact on public safety.

Justice reinvestment can help prioritize jail space for those who pose the greatest risk to public safety while also guiding which individuals would be better off in the community, where services and treatment may be more readily available. Justice reinvestment can also help achieve substantial cost savings by expediting the case processing of those awaiting trial or disposition; revising probation policies; creating more alternatives to jail for unsentenced populations; and preventing jail residents from returning by increasing reentry preparation and services before and after their release. The HOPE project is one such justice reinvestment strategy, as it aims to increase the successful completion of probation by imposing swift, certain, yet inexpensive consequences for probation violations.

The Urban Institute is working with three counties on justice reinvestment projects: Alachua County, Florida, home to the city of Gainesville; Allegheny County, Pennsylvania, for which Pittsburgh is the county seat; and Travis County, Texas, which includes Austin. Each site has experienced tremendous growth in its jail population and looked to justice reinvestment as a means of avoiding new and costly jail construction in the future.

To date, the sites have collected and analyzed data to help understand what drives their criminal justice costs. In Alachua County, where 40 percent of the county's government funds was spent on criminal justice in the past fiscal year, 85 percent of jail detainees are unsentenced. This led local officials to reexamine the bail bonding process, the use of bond reduction hearings, and the effectiveness of pre-trial diversion programs.

In Travis County, analyses revealed that frequent jail residents¹ make up slightly less than one third of the jail population but account for over two-thirds of jail bed use. The fact that many repeat residents are chronic inebriants has led officials to begin exploring the development of a sobriety center as a less expensive and potentially more effective alternative to jail incarceration for these repeat residents.

Allegheny County also identified a high proportion of repeat jail residents. Many have extensive histories of substance addiction, which prompted county decisionmakers to create a goal of developing more substance abuse treatment beds in the jail and ensure that the jail is operating within its recommended capacity.

These three pilot sites have not yet implemented their interventions, so it is too early to measure how effective they are. However, their purpose is to reduce the costs of the criminal justice system to free up resources that can be reinvested in more cost-effective prevention activities in the jail and the community. The Urban Institute's work with these sites has been supported by a grant from the U.S. Department of Justice, Bureau of Justice Assistance. The grant covers the costs of Urban Institute staff in providing data analysis and technical assistance, but it does not support staff time or other costs incurred by the sites. The Criminal Justice Reinvestment Act would therefore provide greatly needed resources to these sites and other state, local, and tribal jurisdictions to help manage the growth in spending on corrections and increase public safety. The grants provided through the Act would also support a comprehensive analysis of crime, recidivism, and criminal justice system expenditures to evaluate the cost-effectiveness of

¹ Frequent jail residents were defined as those individuals who were booked two or more times in the past two and a half years.

corrections spending and develop data-driven policy options that can increase public safety.

In this time of shrinking budgets and increasing demands on the criminal justice system, the Justice Reinvestment Act and the complementary HOPE Initiative Act hold promise in helping jurisdictions create more efficient systems that manage and allocate scarce resources cost-effectively, generating savings that can be reinvested in more prevention-oriented strategies. By following this process, justice reinvestment can yield benefits for communities affected by crime as well as for jurisdictions whose budgets are strained by increases in the local criminal justice population.

Thank you for your time. This concludes my formal statement. I welcome any questions you may have.

Note

The views expressed are those of the author and should not be attributed to the Urban Institute, its trustees, or its funders.

References

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