

THE NATIONAL SUMMIT ON JUSTICE REINVESTMENT AND PUBLIC SAFETY

Addressing Recidivism, Crime, and Corrections Spending

The National Summit on Justice Reinvestment and Public Safety

*Addressing Recidivism, Crime,
and Corrections Spending*

January 2011

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JUSTICE★CENTER
THE COUNCIL OF STATE GOVERNMENTS



Public Welfare
FOUNDATION

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The opinions and findings in this document are those of the authors and do not necessarily represent the official position or policies of the United States Department of Justice, the members of the Council of State Governments, or its justice reinvestment partners and funders.

Websites and sources referenced in this publication provided useful information at the time of this writing. The authors do not necessarily endorse the information of the sponsoring organization or other materials from these sources.

About the Justice Center: The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. It provides practical, nonpartisan advice and consensus-driven strategies—informed by available evidence—to increase public safety and strengthen communities. To learn more about the justice reinvestment approach, see www.justicereinvestment.org. For more about the CSG Justice Center, see www.justicecenter.csg.org.

About BJA: The Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, supports law enforcement, courts, corrections, treatment, victim services, technology, and prevention initiatives that strengthen the nation's criminal justice system. BJA provides leadership, services, and funding to America's communities by emphasizing local control; building relationships in the field; developing collaborations and partnerships; promoting capacity building through planning; streamlining the administration of grants; increasing training and technical assistance; creating accountability of projects; encouraging innovation; and ultimately communicating the value of justice efforts to decision makers at every level. Visit www.ojp.usdoj.gov/BJA/ for more information.

About Pew: The Pew Center on the States is a division of The Pew Charitable Trusts that identifies and advances effective solutions to critical issues facing states. Pew is a nonprofit organization that applies a rigorous, analytical approach to improve public policy, inform the public and stimulate civic life. Launched in 2006, The Public Safety Performance Project helps states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable, and control corrections costs. For more information, visit www.pewcenteronthestates.org.

About Public Welfare: The Public Welfare Foundation supports efforts to ensure fundamental rights and opportunities for people in need. The Criminal and Juvenile Justice Program seeks out opportunities for systems change to reduce the rate of incarceration and prison population in America while ensuring public safety. To learn more about the Public Welfare Foundation, see www.publicwelfare.org.

About The Open Society Foundations: The Open Society Foundations work to build vibrant and tolerant democracies whose governments are accountable to their citizens. To achieve this mission, the Foundations seek to shape public policies that assure greater fairness in political, legal, and economic systems and safeguard fundamental rights. On a local level, the Open Society Foundations implement a range of initiatives to advance justice, education, public health, and independent media.

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Foreword

In a series of hearings on prisoner reentry held before the U.S. House Commerce, Justice, and Science Appropriations Subcommittee in 2009, we heard of the challenges concerning prisoner reentry, recidivism, and how failure rates are straining our corrections system at all levels. An earlier Bureau of Justice Statistics study indicated that half of all individuals released from state prison were reincarcerated within three years.

While these problems are daunting, we learned that many states are already taking innovative steps. Witnesses during the hearings reported on many successful state and local initiatives to improve prisoner reentry and thereby reduce recidivism. We also learned of justice reinvestment initiatives that identify the major drivers of growth in a particular state's prison population and the implementation of evidenced-based statutory policies, administrative practices, and programs to help individuals break their cycle of reoffending.

We immediately recognized that corrections officials, policymakers, practitioners, and community and faith-based leaders in our home states and, indeed, nationwide require more information about what factors contribute to recidivism, the challenges in addressing them, and how to replicate promising solutions that are sensitive to the unique needs of a specific jurisdiction. We, therefore, called on state governments to convene a national summit to advance the thinking on and practical application of data-driven crime and corrections policies.

On January 27, 2010, the first National Summit on Justice Reinvestment and Public Safety was held at the U.S. Capitol. It examined how some states and local governments are successfully changing their crime and corrections policies to be more effective and fiscally responsible through evidence-based policies and practices. Leading researchers and experts in law enforcement, courts, corrections, reentry, and other community-based services were brought together to present the latest science, statistics, and innovations on reducing recidivism and corrections costs. The summit was convened by the Pew Center on the States, the U.S. Department of Justice's Bureau of Justice Assistance, the Public Welfare Foundation, and the Council of State Governments Justice Center.

This summit report summarizes the rich information presented during the conference—highlighting the promising practices and the latest thinking on criminal justice policy. This information is meant to help spur the expansion of data-driven practices. It is our hope that this summit report will serve as a “best practices” manual for policymakers and corrections professionals around the country as we work to improve our corrections system.



Congressman Frank Wolf



Congressman Alan B. Mollohan

December 2010

Acknowledgments

The Council of State Governments (CSG) Justice Center appreciates the leadership provided by Representatives Frank Wolf and Alan B. Mollohan for the support of state and local efforts to reduce recidivism through evidence-based reentry and justice reinvestment strategies. Their recognition that policymakers and practitioners across the nation need a new type of partnership with federal leaders to resolve these difficult issues has resulted in the first national summit to share “what works” and other advancements.

Special thanks are due not only to Congressmen Wolf and Mollohan for speaking at the summit, but also to their colleagues Senator Sheldon Whitehouse and Congressman Adam Schiff, who set the tone for a productive event—and together reflected the bipartisan commitment to lowering rates of recidivism and corrections spending while increasing public safety.

U.S. Attorney General Eric Holder provided specially taped remarks that reflected the Department of Justice’s strong support for exploring policies that are fiscally sustainable and successful in making communities safer and stronger. Laurie Robinson, Assistant Attorney General for the Office of Justice Programs, underscored that commitment in her call for thoughtful corrections policies “based on sound data” and ensuring that tough approaches to crime “are leavened with wisdom, with foresight, and with deliberation.”

Other presenters who aptly set the stage for the event at the summit’s opening were Mark Earley, President of Prison Fellowship; the Honorable Sue Bell Cobb, Chief Justice for the Supreme Court of Alabama; and the moderator, New York State Assemblyman Jeffrion Aubry, the CSG Justice Center board chair.

Among the experts who gave generously of their time and advice were the moderators and panelists for each summit session.¹ Their presentations and review of this publication ensure that it has true value to the field:

1. All titles and affiliations for moderators and presenters recognized in the acknowledgements reflect positions held at the time of the summit.

Case Studies of Successful Statewide Efforts to Reduce Recidivism and Corrections Spending

MODERATOR: *James Burch, Acting Director, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice*

PRESENTERS:

- Adam Gelb, Director, Public Safety Performance Project, Pew Center on the States
- Rep. Jerry Madden, Vice-Chair, Corrections Committee, Texas State House of Representatives
- Roger Werholtz, Secretary, Kansas Department of Corrections
- Michael Thompson, Director, Council of State Governments Justice Center

Focus on Individuals' Risk to Public Safety

MODERATOR: *Rep. Michael Lawlor, Co-Chairman, Joint Judiciary Committee, Connecticut*

PRESENTERS:

- Ed Latessa, Ph.D., Professor and Director of the School of Criminal Justice, University of Cincinnati
- Doug Marlowe, Ph.D., Director, Division on Law & Ethics Research at the Treatment Research Institute

Base Programs on Science and Ensure Quality

MODERATOR: *A.T. Wall, Director of Corrections, Rhode Island*

PRESENTERS:

- Steve Aos, Director, Washington State Institute for Public Policy
- Glenn Martin, Vice President of Development and Public Affairs, Fortune Society

Implement Effective Community Supervision Policies and Practices

MODERATOR: *Amy Solomon, Senior Research Associate, The Urban Institute*

PRESENTERS:

- Tony Fabelo, Ph.D., Director of Research, Council of State Governments Justice Center
- Michael Jacobson, Ph.D., President, Vera Institute of Justice
- Honorable Steven S. Alm, Judge, Hawaii First Circuit Court

Apply Place-Based Strategies

MODERATOR: *Eric Cadora, Director, Justice Mapping Center*

PRESENTERS:

- Frank Straub, Ph.D., Director for Public Safety, Indianapolis, Indiana
- Sandra Moore, President, Urban Strategies, Inc.

No original research was conducted for this summit or the report; instead the event drew on published articles and meta-analyses that summarize the findings of multiple studies. Many organizations, including Vera Institute of Justice, Urban Institute, Center for Effective Public Policy, Crime and Justice Institute, American Probation and Parole Association, Association of State Correctional Administrators, and others have worked for years to translate the growing body of evidence into policy and practice. This report benefits significantly from the efforts of these and other groups. A special thanks is also due to Nancy La Vigne, Director of the Urban Institute's Justice Policy Center, for taking the time to review the document and for sharing her extensive knowledge of relevant research.

The summit would not have been possible without the generous support and partnership of the Bureau of Justice Assistance, U.S. Department of Justice; the Pew Center on the States; and the Public Welfare Foundation.

The field also has benefitted greatly from the work of Susan Tucker, Director of Justice Reinvestment Initiatives at the New York City Office of Probation, and Eric Cadora, Director of the Justice Mapping Center, particularly from their early efforts to define justice reinvestment as a strategy to reduce corrections spending and use some of those savings to reinvest in communities receiving the largest numbers of people released from prison and jail.

Many staff members on Capitol Hill were instrumental in developing the summit and this report, including Tom Culligan with Congressman Wolf, Jill Butash, and Sally Moorhead with Congressman Mollohan, and Nicole Giambusso and Suzanne Renaud with Senator Whitehouse. We are immensely grateful to them for their time, knowledge, and commitment to this work.

Much of the success of the summit and this subsequent publication is due to the efforts of Government Affairs Consultant Jessica Nickel, who provided guidance at key junctures and helped make the summit and resulting publication a reality. She was assisted by Justice Center Government Affairs Assistant Jamal Nelson, who worked with Hill offices and made sure their voices were heard in this report.

The authors also gratefully acknowledge contributions from other Justice Center staff: Communications Director Martha Plotkin provided extensive reviews and editing of the report. Deputy Communications Director Regina Davis patiently coordinated all aspects of the publication process and provided essential copyediting. Director of Health Systems and Services Policy Fred Osher, M.D., Substance Abuse and Addictions Project Director Alexa Eggleston, Reentry Project Director Le'Ann Duran, and Public Affairs Assistant Leah Kane provided careful reviews of key sections of the report. Blake Norton, project director of law enforcement initiatives, and Laura Draper, policy analyst, also provided valuable feedback on place-based principles. Renée Brackett, Megan Grasso, and Shawn Rogers were instrumental in ensuring that all preparations were carefully executed to guarantee the summit ran smoothly. Crystal Garland, Marc Pelka, and Erica Tanne also provided much-needed data for the report.

Staff from the Pew Center on the States also provided critical assistance in the development and execution of the summit and this report. They include Joe Gavrilovich, Corinne Mills, Jennifer Laudano, Richard Jerome, Jake Horowitz, and Adam Gelb.

Finally, and most importantly, the advances in public safety strategies that make the most of state and local investments would not have been possible without the hard work of practitioners in the field. It is our hope that this report will spotlight their inspiring efforts and advance initiatives across the nation.

Summit Background and Report Summary

The Council of State Governments Justice Center and partner organizations convened the National Summit on Justice Reinvestment and Public Safety on January 27, 2010, in Washington, D.C. Supported by members of Congress on both sides of the aisle, the goal of this meeting was to highlight data-driven, fiscally responsible policies and practices that increase public safety and reduce recidivism and spending on corrections. The summit also was meant to facilitate information exchange and highlight the latest research from across the country. Congressman Frank Wolf (R-VA), Congressman Alan B. Mollohan (D-WV), and Senator Sheldon Whitehouse (D-RI) helped support the national summit, which included more than 300 attendees representing law enforcement, courts, corrections, policymakers from every level of government, and experts in reducing recidivism² and employing justice reinvestment strategies. This meeting was the first of its kind held on Capitol Hill to address these topics on a national platform. Criminal justice experts and researchers presented data in a manner that stimulated thoughtful questions and meaningful discussions.³

Justice Reinvestment Summit Report

This report summarizes the remarks, research, and case studies highlighted during the summit. It is meant to assist Congress and practitioners by providing a concise articulation of four key “what works” principles to reduce recidivism and increase public safety.

Chapter 1 provides an overview of the challenges facing American corrections. The number of individuals incarcerated or under supervision is high, and states generally bear excessive costs related to this population. Despite the money expended, in many states the problems of incarceration and recidivism are getting worse, not better. However, policymakers armed with data-driven research based on evidence culled from their specific

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2. Jurisdictions and researchers use differing definitions of “recidivism” that can complicate comparing rates across initiatives. For the purposes of this publication, recidivism refers to the repetition of criminal or delinquent behavior, most often measured as a new arrest, conviction, or return to prison and/or jail for the commission of a new crime or as the result of a violation of the individual’s terms of supervision. When possible, the measure—such as re-arrest or reincarceration—and the duration (e.g., within 12, 24, or 36 months of release) are provided in the discussion of program outcomes.
 3. A complete list of speakers is presented in appendix A.

states are better equipped to make decisions that are both cost effective and enhance public safety.

As described in chapter 2, there are important principles that underlie creating cost-effective corrections policies and programs. This starts with identifying those individuals who are likely to pose the greatest risk to public safety. Using the proper risk assessment tools enables criminal justice practitioners to evaluate individuals who are incarcerated or under community supervision and target those most likely to reoffend. The most effective corrections programs are based on models that have demonstrated success. Logical, research-based supervision practices deliver the greatest return on taxpayer dollars. Examples of effective policies, practices, and programs are provided in this section.

Case studies of statewide efforts in applying the justice reinvestment approach are presented in chapter 3. The process of implementing the approach is outlined, beginning with data analysis, followed by adopting policies and enacting strategies, and ending with performance measurement. Four states that adopted the justice reinvestment approach are highlighted: Texas, Kansas, Arizona, and New Hampshire. Each case study underscores how the approach can be implemented and adapted to suit the specific state's needs.

Chapter 4 concludes with a snapshot of useful national resources. Federal efforts to reduce recidivism and support state and local reentry efforts, such as the Second Chance Act and the Criminal Justice Reinvestment Act, are highlighted as well.

Some repetition of key themes in various sections of the report is by design—reflecting the interdependent relationships among major principles.

1

Addressing Expensive, Unsuccessful, and Unsustainable Corrections Policies

THE PURPOSE OF THE SUMMIT was to provide more information to policymakers and practitioners alike about an issue of concern nationwide: corrections policy and its impact on recidivism. Americans have made it clear they want a correctional system that holds offenders accountable and keeps communities safe. But they also want and deserve a system that makes the most of their tax dollars—especially in perilous economic times, when public funds are scarce and there are compelling, competing needs such as education and health care that must be addressed. By these measures, many states have been falling short, reaping a disappointing public safety return from their substantial investment in corrections. They recognize that policies that rely on simply building more and more prisons to address community safety concerns are not sustainable. Determined to find a better way, a growing number of policymakers across the country are asking what’s working well in crime and corrections policy and under what conditions a different approach may be warranted.



“The federal government must look to innovative state, local, and faith-based programs to reform our broken corrections system. I’m deeply concerned about the recidivism crisis that is straining our corrections system at all levels. This summit will, for the first time, bring together the best leaders and programs in corrections reform.”

— **Congressman Frank Wolf, Virginia**



By the Numbers

Over the past twenty-five years, the U.S. prison and jail population has skyrocketed to an all-time high, with 2.3 million people incarcerated. As the Public Safety Performance Project of the Pew Center on the States first reported in early 2008, one in every 100 adults in the nation

is behind bars.⁴ A breakdown by race of who is serving time reveals much higher rates for minorities.

The numbers make the United States the world's incarceration leader in two ways—how many people it imprisons and its rate of incarceration. Our nation has just 5 percent of the world's population, but confines 23 percent of the world's prisoners.⁵

Just as dramatic as prison growth statistics—but receiving far less public notice—has been the jump in the number of people on probation and parole. Over the past twenty-five years, the number of sentenced offenders under community supervision has doubled, and now exceeds 5.1 million. If you combine all prison and jail inmates, probationers and parolees, you'll find that one in every thirty-one adults in America—or 3.2 percent—is under some form of correctional control. That totals about 7.3 million people, which is more than the combined population of Chicago, Philadelphia, San Diego, and Dallas. And again, the rates are substantially higher for minorities.⁶

Correctional spending has followed a steep upward trajectory over the last twenty years to keep pace with rising prison populations. Calculations based on the most recent state budget data available at this writing, from 2008, show that annual state spending on corrections tops \$50 billion—or one in every fourteen discretionary dollars.⁷ Only Medicaid has grown faster than corrections as a proportion of state spending.⁸ From 1987 to 2008, correctional spending



“Although we can all agree that incarceration is sometimes necessary for public safety, in our work to protect the American people, we must recognize that incarceration alone does not provide the entire solution. Simply building more prisons and jails will not solve all of our problems. Any effective and economically sustainable public safety strategy must include investments that will help to reduce recidivism and to address the root causes of crime.”

— U.S. Attorney General Eric Holder



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4. Pew Center on the States Public Safety Performance Project, *One in 100: Behind Bars in America 2008* (Washington, DC: The Pew Charitable Trusts, February 2008).
 5. Pew Center on the States, “Smarter Choices, Safer Communities,” Presentation at the Bureau of Justice Assistance National Conference, Washington, DC, December 6, 2010; Walmsley, Roy, *World Prison Population List*. 8th edition (London: International Centre for Prison Studies, School of Law, 2009), http://www.kcl.ac.uk/depsta/law/research/icps/downloads/wtpl-8th_41.pdf.
 6. Pew Center on the States Public Safety Performance Project, *One in 31: The Long Reach of American Corrections* (Washington, DC: The Pew Charitable Trusts, March 2009), p. 5.
 7. National Association of State Budget Officers, *Fiscal Year 1988 State Expenditure Report* (Washington, DC: National Association of State Budget Officers, 1989), p. 71, <http://www.nasbo.org/Publications/StateExpenditureReport/StateExpenditureReportArchives/tabid/107/Default.aspx>; National Association of State Budget Officers, *Fiscal Year 2008 State Expenditure Report* (Washington, DC: National Association of State Budget Officers, 2009), p. 54, <http://www.nasbo.org/Publications/StateExpenditureReport/tabid/79/Default.aspx>.
 8. Pew Center on the States, *One in 31*.

grew 303 percent. By contrast, spending on higher education rose only modestly over that period, by 125 percent.⁹

Despite the dramatic increase in corrections spending over the past two decades, reincarceration rates for people released from prison remain unchanged. By some measures, they have worsened. National data show that about 40 percent of released individuals are re-incarcerated within three years.¹⁰ And in some states, recidivism levels have actually increased during the past decade. From 2003 to 2004, New Hampshire saw a 10-percent jump (40 percent to 44 percent) in its rate of offenders returning to prison within three years of release. It increased another 16 percent from 2004 to 2005 (44 percent to 51 percent).¹¹ Similarly, South Carolina experienced an 18-percent rise (28 percent to 33 percent) between 1999 and 2003.¹²

Challenges to Reducing Recidivism

States and local jurisdictions across the nation have been making important advances in addressing strategies to reduce recidivism. Their experiences have advanced the field as their lessons learned are shared and successes are replicated or tailored to the distinct needs of particular cities and states. But the work to date has also revealed common challenges that are difficult to address at the state and local level with existing resources.

Although many states and localities have made successful strides in prisoner reentry, elected officials in growing numbers of jurisdictions are finding that budget pressures and other conditions make it practically impossible to finance, on a large scale, strategies necessary to make someone's transition from prison to the community safe and successful. These strategies include improving probation and parole supervision practices; delivering effective substance abuse and mental health treatment; providing education, job training, and connections to employment; and ensuring appropriate housing. The desire to continue state and local investments in these initiatives—which complement recent federal support—is strong, but fiscal pressures make it difficult to achieve. State leaders are in the untenable

9. Ibid, p. 11. Note: Percentage increases presented here are based on budget figures that have not been adjusted for inflation.

10. This calculation excludes California from the sample, which due to its size and singularly high rate of reincarceration, skews the results. With California numbers included, approximately half of all individuals released from state prison were reincarcerated within three years. See Patrick A. Langan and David J. Levin, *Recidivism of Prisoners Released in 1994*, NCJ 193427 (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 2002).

11. The 2003 and 2004 cohort data come from Joan Schwartz, Ph.D. *Recidivism in New Hampshire: A Study of Offenders Returned to Prison within Three Years of Their Release* (New Hampshire Department of Corrections, September 2009). The 2005 cohort data are still preliminary and have not been published or finalized by the New Hampshire DOC at this writing.

12. Pew Center on the States Public Safety Performance Project, *South Carolina's Public Safety Reform: Legislation Enacts Research-Based Strategies to Cut Prison Growth and Costs* (Washington, DC: The Pew Charitable Trusts, 2010), p. 3.

position of choosing between what works or capturing short-term savings—recognizing that the impact of reducing programs in the short term will likely be an increase in recidivism.¹³

State and county officials are now facing a crisis in their criminal justice systems: prison costs are rising; proven prison and community-based programs are being slashed; and probation and parole supervision resources are stretched to their limit as incarceration costs eat up an increasing portion of state budgets. The impact of this reality is of tremendous concern—more effective and less costly community-based services for reentry dwindle and recidivism rates remain high. To fund the expansion or increased costs of the prison system, dollars continue to be siphoned from smart and effective criminal justice policies, which eventually may be eliminated altogether.

Not only are states finding that a crime-fighting strategy that focuses so heavily on incarceration is fiscally not sustainable, evidence from the states demonstrates that policymakers should not assume that simply incapacitating more people will have a corresponding increase in public safety. For example, from 2000 to 2007, Florida has increased its incarceration rate 16 percent, whereas New York State’s incarceration rate went in the opposite direction, decreasing 16 percent. Despite this contrast, New York’s drop in crime rate over the same period was double Florida’s decrease in crime. In short, although New York invested considerably less money in prisons than did Florida, New York delivered greater public safety to its residents.¹⁴

Congress has recognized that reversing stubbornly high (and in some cases climbing) recidivism rates must be a national public safety priority. It has provided resources, technical assistance, and other support that can be applied across the country (see chapter 4). In passing and funding the Second Chance Act, for example, Congress has enabled state and local governments and community-based organizations to design, test, evaluate, and promote innovative programs that increase the likelihood that individuals’ leaving prison or jail will become law-abiding, contributing members of communities and families. Efforts



“When you put all of this together—the very high cost and the relatively low returns, along with the emerging field of evidence-based practices—it is increasingly persuasive to state policymakers and at the federal level as well that we can do something about this.”

— Adam Gelb, Director,
Public Safety Performance Project,
Pew Center on the States



13. Center on Sentencing and Corrections, *The Continuing Fiscal Crisis in Corrections: Setting A New Course* (New York: Vera Institute of Justice, 2010), p. 12.

14. Pew Center on the States, *One in 100*. Also see <http://www.ebudget.ca.gov/pdf/GovernorsBudget/5210.pdf>.

are also underway to provide more data-driven strategies to policymakers at every level of government who are committed to addressing recidivism—information that is currently lacking in most jurisdictions.¹⁵

Information for Policymakers to Make Safe and Fiscally Sustainable Decisions

State and local policymakers from across the political spectrum are increasingly looking for ways to get a better public safety return on their substantial investment in corrections. They are finding, however, that they have limited access to the kind of detailed, data-driven explanations about offending and corrections trends that are needed to inform policy development. It is often difficult to gather timely and accurate information that can guide decision making from diverse agencies located within multiple systems.

The staffing, independent expertise, and technology needed to conduct credible analyses must also be addressed to guide meaningful corrections and criminal justice policy reforms. In many states, outdated computer systems make it challenging to collect and analyze data from different agencies on crime, arrests, convictions, mental health/substance abuse treatment, and trends in jail and prison populations. In others, budget cuts have eroded staffing in correctional research divisions, leaving agencies without enough resources and qualified personnel to conduct population projections and other studies necessary to guide policymaking. Additional expertise also may be needed to implement new policies and take them to scale.

Budget cuts in Oklahoma, for instance, have reduced the Department of Corrections research staff by one-third, preventing it from producing complete inmate population projections for the coming years. Oklahoma's state sentencing commission also was eliminated. In 2003, Wisconsin had to eliminate its Department of Corrections' five-person program planning and evaluation unit.



“If you look at most of the programs that [justice reinvestment] will be funding, they are going to take more probation time, more judge time, more DA time. We've got to find a way to incentivize all of those [professionals] to spend that extra time.”

— **Honorable Sue Bell Cobb,**
Chief Justice for the
Supreme Court of Alabama



15. See Michael Thompson, Congressional Testimony, House Appropriations Subcommittee Hearing on Justice Reinvestment, April 1, 2009, <http://www.justicereinvestment.org/summit/report>.

Still other states struggle with information gaps because they have fragmented correctional systems that make even the seemingly simple task of counting probationers a challenge. In Ohio, for example, multiple probation agencies within each county do not provide the state with the numbers of probationers they are supervising, so the state does not have a count of its probation population on which to base policy and budget decisions.¹⁶ As states struggle to collect and analyze their own data, they are increasingly looking to other jurisdictions and researchers who have identified effective practices and approaches.

Identifying “What Works” Principles

The justice reinvestment summit highlighted the experiences of states that have contributed to a growing body of research about practices that are fiscally responsible and can reduce crime. This report highlights four themes in the next chapter that emerged during the course of the summit that represent promising approaches to reducing recidivism and making better investments in public safety.

Focus on Individuals Most Likely to Reoffend

Research clearly indicates that successful programs begin with carefully sorting offenders according to their risk to public safety—separating those most likely to reoffend from those less likely to do so. Traditionally, this high-stakes sifting was mostly educated guesswork, handled by prosecutors, judges, and probation or parole officers. Today, improved risk assessment tools can help officials more accurately predict a person’s propensity for committing a new crime, and whether that crime will be a violent one. Using those “risk scores,” officials can then design their responses accordingly, tailoring supervision levels and intervention programs to the individual’s needs.



“Circumstances in Connecticut made us ask, How do you identify the relatively small percentage of actual [violent] predators?”

— Rep. Michael Lawlor,
Connecticut



Base Programs on Science and Ensure Quality

Another lesson learned is the importance of investing in programs and practices that have a strong foundation in research. Although the preferred approach may vary among states, the

16. Council of State Governments Justice Center, *Justice Reinvestment in Ohio: Summary Report of Analyses*, (New York: Council of State Governments Justice Center, 2010), http://justicereinvestment.org/files/ohio_conference_report.pdf.

programs should be based on the best available science, should include a desired outcome for individuals who have been incarcerated, and ensure a means for measuring progress. Studies show that implementing evidence-based programs and practices can reduce reoffense rates by 10 to 20 percent.¹⁷

Implement Effective Community Supervision Policies and Practices

Improved community supervision is a critical component of an initiative to address corrections costs and reduce recidivism. Beyond targeting resources at the individuals classified as posing the highest risk, it is critical that supervision and services are concentrated at the times when most people commit new crimes or violate their conditions of supervision, and in places where these individuals can be found. Within the first three years after release, nearly two-thirds of inmate recidivism occurs within the first year, strongly indicating that monitoring and support will achieve the most crime reduction during this period.¹⁸ Policies and practices also must provide parole and probation officers with a broad range of options for swift and certain sanctions that are proportionate to the violation and appropriate for the individual under supervision.



“One out of every thirty-one adults is under correctional control somewhere in the United States; [that] is not a great scenario for this country.”

— **Mark Earley, President,
Prison Fellowship**



Apply Place-Based Strategies

People released from prison and jail return disproportionately to a handful of communities in each state. Often distressed with high rates of joblessness, inadequate housing, and acute health issues, these places lack the resources and capacity to receive people who have complex needs and challenges. Crime patterns are also localized, and crime is typically concentrated in these sites as well. Corrections and law enforcement professionals are increasingly interested in sharing information that can lead to more effective resource allocation and coordination in these affected neighborhoods to reduce crime and reoffending. Law enforcement and community correction officers also are exploring how partnering with community-based agencies delivering health, employment, and other social services can improve public safety outcomes. This section examines place-based efforts that focus on the sites where crime is high and people under corrections supervision are concentrated.

17. Elizabeth Drake, Steve Aos, and Marna Miller, “Evidence-Based Public Policy Options to Reduce Crime and Criminal Justice Costs: Implications in Washington State,” *Victims and Offenders*, 4 (2009): 170–96, <http://www.wsipp.wa.gov/rptfiles/09-00-1201.pdf>.

18. Patrick A. Langan and David J. Levin, *Recidivism of Prisoners Released in 1994*, NCJ 193427 (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 2002).

Justice Reinvestment Implementation

The four themes described above are reflected in approaches that many states are trying to take to address recidivism. Republicans and Democrats in states across the country, concerned that billions of dollars are being appropriated and spent with little understanding of what the impact will be on public safety, have joined together to explore “justice reinvestment”—a data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease crime and strengthen neighborhoods. Bipartisan leaders from all three branches of government, along with criminal justice stakeholders, engage in a process that reflects these key principles and ensures that policymaking will be based on comprehensive data and will be tailored to the distinct needs of a particular state.



“Justice reinvestment is not a program, but an approach. It relies on data, bipartisanship, the engagement of the three branches of government, and a keen understanding that there is no one-size-fits-all solution to every state’s and county’s problems with its corrections systems.”

— **Jeffrion Aubry, New York State Assemblyman**



The justice reinvestment approach reviewed in chapter 3 includes three stages:

1. Analyze data and develop policy options.

Using a variety of state-specific data, experts analyze and then develop practical, consensus-based policies that reduce spending on corrections to reinvest in strategies that can improve public safety.

2. Adopt new policies and put reinvestment strategies into place.

Jurisdictions receive help to translate the new policies into practice, and ensure that related programs and system investments achieve projected outcomes.

3. Measure performance.

Elected officials and administrators receive updated information on the effect of enacted policies on jail and prison populations and on rates of reincarceration and criminal activity.¹⁹

19. Justice reinvestment implementation has been broken down in a number of ways. The Urban Institute, for example, has discussed the approach using a six-step process in its *Justice Reinvestment at the Local Level Planning and Implementation Guide* (see <http://www.urban.org/uploadedpdf/412233-Justice-Reinvestment.pdf>). The Bureau of Justice Assistance, U.S. Department of Justice has outlined a four-step process in its grant-related materials about justice reinvestment technical assistance (see <http://www.ojp.usdoj.gov/BJA/grant/10JusticeReinvestmentSol.pdf>). For the purposes of this publication, the focus was on the three-step broad process outlined by the Justice Center in its work with states. Readers should also note that organizations such as the Pew Center on the States Public Safety Performance Project, the Vera Institute of Justice, the Center for Effective Public Policy, the Crime and Justice Institute, and others are working with states in similar ways to accomplish related goals.

Federal Support for State Innovation

Congress and federal agencies have taken on an unprecedented and critical role in supporting the kinds of state efforts described in this report to reduce recidivism, control corrections costs, and invest in better public safety solutions. Through the passage of key legislation (described in chapter 4), such as the Second Chance Act, and resulting grant support from the Department of Justice’s Bureau of Justice Assistance and other federal agencies, the efforts to use a justice reinvestment approach and address the challenge of reentry have benefited from what Congress and federal partners do best: They seek out the kinds of promising, innovative programs and strategies that have been incubated in state and local government laboratories in collaboration with community-based service providers across the United States. They promote replication in ways that appreciate that every state and jurisdiction has unique needs, systems, and resources. And they encourage private-sector involvement that can help sustain efforts to reduce recidivism and crime.

In that spirit, this report is meant to advance the debate and promising work in states across the nation that need to make smart and effective decisions about crime and corrections policies. It is meant to give policymakers at every level of government and their partners in communities a framework for thinking about key issues, examples from states facing common challenges, and information about national clearinghouses and initiatives that can provide technical assistance and resources.

“

“The resource that can have the most significant impact at the local level is the technical assistance. ...It is essentially the glue that holds the resources together and what takes the programs and the initiatives to the next level of implementation.”

— James Burch, Acting Director,
Bureau of Justice Assistance,
Office of Justice Programs,
U.S. Department of Justice

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2

Principles for Cost-Effective Corrections Policies and Programs

AT THE SUMMIT, a broad cross-section of leaders in government and criminal justice identified four principles—the focus of informative expert panel discussions—that are critical to any effort intended to increase public safety, lower recidivism, and reduce spending on corrections:²⁰

- A. Focus on Individuals Most Likely to Reoffend
- B. Base Programs on Science and Ensure Quality
- C. Implement Effective Community Supervision Policies and Practices
- D. Apply Place-Based Strategies

This section of the report describes each of these four principles, summarizing the relevant research and identifying program examples and case studies from the field.

Principle A: Focus on Individuals Most Likely to Reoffend

Identifying and focusing community supervision and treatment resources on those individuals in the criminal justice system who pose the greatest likelihood of reoffending might seem like an obvious and straightforward principle for any strategy designed to increase public safety. Nonetheless, criminal justice policies, programs, and current practices in many states do not focus on the offenders most likely to commit more crime, or are not using validated assessment tools to identify that high-risk group accurately.

Even jurisdictions that do identify individuals who pose the greatest risk for reoffending do not always direct their resources to this particular group. In some jurisdictions, for

20. For videos of each panel discussion and the conference agenda, with a description of the panels and a list of expert presenters and moderators, see <http://www.justicereinvestment.org/resources/summit>.

example, state probation and parole officers assess everyone on supervision for their risk of recidivism, but have still dedicated the same amount of time to supervising low- and high-risk individuals. Many reentry programs focus on treatment and services for individuals identified as low risk because these individuals simply seek out their help in greater numbers or show the greatest promise for success.

Most jurisdictions do not have the information they need to make a judgment regarding on whom to focus resources to make the greatest investment in public safety and successful community reintegration. Their systems are not identifying or prioritizing individuals deemed likely to reoffend. Without the use of objective and validated risk assessments and policies to focus supervision and treatment resources on the group of individuals identified as posing the greatest risk for committing new crimes, the criminal justice system can end up dedicating the most intensive and expensive sanctions or programs to the people who need it least and are not likely to reoffend in any case.

Screenings and assessments may also identify many people who have a low risk for recidivism but need to access community-based health care and other services. There is no question that these services have true value and that collaborative strategies to link individuals to treatment are important. Unfortunately, most community-based organizations just do not have the capacity to serve all the people who need their help, and criminal justice agency budgets cannot be used to fill the service gap that would meet the general demand for treatment resources. Criminal justice professionals committed to reducing recidivism must concentrate their efforts on stretching the relatively small amount of funding that is allocated for supervision and services to people most likely to reoffend.

Key Findings in Research and Practice

Validated risk assessment tools are remarkably effective at identifying who is at a high risk of recidivating. This section summarizes key research findings on risk assessment and shows how “criminogenic” needs—needs that produce or tend to produce crime—relate to risk as identified by assessment tools.²¹



“Assessment is really the engine that drives effective correctional programs. If you’re not doing assessment well, the chances that you’re going to have effective correctional practices go way down, whether it’s in the community or in the prison.”

— **Dr. Ed Latessa, Professor and Director, University of Cincinnati**



21. “Criminogenic needs” are sometimes referred to as “dynamic risk factors.” These are the risk factors that can be changed with intervention and treatment, such as unemployment or drug use.

Risk Assessment Tools

Risk assessment tools help users sort individuals into low-, medium-, and high-risk groups. They are designed to gauge the likelihood that an individual will come in contact with the criminal justice system, either through a new arrest and conviction or reincarceration for violating the terms of supervision. They usually consist of ten to thirty questions designed to ascertain an individual's history of criminal behavior, attitudes and personality, and life circumstances. Risk assessments can be (and are) administered at any point in the criminal justice system—from first appearance through pre-sentencing, placement on probation, admission to a correctional facility, the period prior to release, and post-release supervision. They are similar to tools used by an insurance company to rate risk: they predict the likelihood of future outcomes based on an analysis of past activities (e.g., criminal history) and present conditions (such as behavioral health or addiction).

Objective risk assessments have been shown to be generally more reliable than any individual professional's judgment. More recent risk assessment instruments, including third- and fourth-generation risk assessment tools, incorporate professional judgment, while giving priority to questions that are weighed objectively. When professionals conduct assessments without validated tools, generally no forms are filled out and tests for reliability and validity are not conducted. Research has shown that professional judgments alone are, by far, the least accurate risk assessment method.²² Too often, these judgments are no more than “gut” reactions that often vary from expert to expert on the very same individual. Unfortunately, the corrections field tends to rely on this risk methodology for some of its most important decisions such as release to the community or placement in high-security units.²³ When practitioners try to gauge the risk of recidivism in the absence of a validated and objective tool, individuals who appear to be at high risk of reoffending may actually be unlikely to commit another crime. Conversely, individuals who seem to pose little risk may actually be likely to reoffend.

- Validated risk assessment tools have been very effective at predicting who will be re-arrested. One study found that over a period of three years after their release from prison,



“Risk and needs assessments tell you who goes where to give you the best bang at the least cost and at the least risk to public safety.”

— Dr. Doug Marlowe,
University of Pennsylvania



22. Stephen Gottfredson and Don Gottfredson, “Accuracy of Prediction Models,” in *Criminal Careers and “Career Criminals,”* Alfred Blumstein, Jacqueline Cohen, Jeffrey A. Roth, and Christy A. Visher, eds. (Washington, DC: National Academy Press, 1986) pp. 212–90; Norval Morris & Marc Miller, “Predictions of Dangerousness,” in *Crime and Justice: An Annual Review of Research* 16, Michael Tonry and Norval Morris, eds. (Chicago: University of Chicago Press, 1985).

23. James Austin, “The Proper and Improper Use of Risk Assessment in Corrections,” *Federal Sentencing Reporter*, 16, no. 3 (2004):194–99.

10 percent of the individuals classified as low risk were re-arrested for a new crime or for violating the terms of their supervision. Seventy percent of the individuals placed in the high-risk group were re-arrested.²⁴

- Although risk assessment tools vary somewhat in the types of questions presented and how well they differentiate among individuals with a high versus a low probability of recidivating, the primary *static* predictors of whether someone will reoffend are the same: current age, past criminal history, age at first arrest, and type of crime committed.²⁵
- Researchers have found seven central *dynamic* risk factors that predict recidivism among individuals under community supervision.²⁶ Dynamic risk factors can be mediated by clinical interventions. These factors include the following:
 1. Anti-social personality pattern (e.g., antagonism, impulsivity, risk-taking)
 2. Pro-criminal attitude (e.g., negative expressions about the law)
 3. Anti-social associates
 4. Poor use of leisure/recreational time
 5. Substance use
 6. Problematic circumstances at home (e.g., neglect or abuse, homelessness)
 7. Problematic circumstances at school or work (e.g., limited education, unemployment)

Risk assessments gauge the degree to which these dynamic dimensions influence whether the individual will recidivate by committing a new offense or violating the terms of his or her supervision.

- Studies show that a history of criminal behavior (particularly number of prior convictions) is one of the most predictive static risk factors in anticipating future criminal behavior. Other static predictive criteria are the individual's current age and his or her age at first



“The simple way to think about the risk principle is that if half of the people coming out of prison never go back again, which half are we worried about? We’re worried about the half that do.”

— **Dr. Ed Latessa,**
Professor and Director,
University of Cincinnati



24. Edward Latessa, Paula Smith, Richard Lemke, Matthew Makarios, and Christopher Lowenkamp, *Creation and Validation of the Ohio Risk Assessment System: Final Report* (Cincinnati: University of Cincinnati Center for Criminal Justice Research, 2009); Christopher Lowenkamp and Edward Latessa, “Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders,” *Topics in Community Corrections* (Washington, DC: National Institute of Corrections, 2004).

25. D. A. Andrews and James Bonta, *The Psychology of Criminal Conduct*, 5th Edition (Cincinnati: Anderson Publishing Company, 2010).

26. Ibid.

arrest.²⁷ Although substance abuse, lack of housing, and unemployment are relatively less predictive, as dynamic risk factors they can be affected by treatment and social service supports.

- In a study that looked at five domains of risk in an assessment tool used at prison intake, the individual's criminal history and the nature of the crime for which the person was arrested were the most predictive elements of future criminal activity, followed by whether or not he or she lived a "criminal lifestyle."²⁸ Next was the individual's level of education and finances, followed by whether he or she had a history of substance abuse. Although substance abuse and other needs can undoubtedly contribute to certain individual's likelihood of committing crime, this study illustrates the greater importance of assessing criminal behavior risk factors.

Criminal justice agencies across the country employ a host of different risk assessment tools. Much time is often spent in the selection of a particular tool. Many experts caution, however, that which tool is used may be less important than how well staff administers and uses it.

- Risk assessment tools must be regularly evaluated to ensure they are doing what they are supposed to do. Assessment tools with more subjective questions (such as marital or family factors, use of leisure time, and peer relationships) must be checked regularly to ensure that staff members who conduct assessments are rating similar individuals consistently.²⁹
- Staff should be carefully trained on the proper administration and use of an assessment tool.
- An assessment tool that's effective for one population might not be well-gearred for another. For example, because a group of probationers is generally less likely to reoffend than a group of parolees who have served time in prison and have more extensive criminal histories, different tools and cut-off scores for who is considered low, medium, or high risk must be used. Each risk assessment tool may need to be tailored for the target population. Female offenders, sex offenders, and other special populations can also require a modified risk assessment instrument and different cut-off scores.
- Similarly, each risk assessment tool must be validated to test whether a low-risk group identified by the tool actually turns out to have a lower rate of recidivism than the medium- and high-risk groups.³⁰

27. Edward Latessa et al., *Creation and Validation*.

28. Ibid.

29. Christopher Baird, *A Question of Evidence: A Critique of Risk Assessment Models Used in the Justice System: Special Report* (Oakland, CA: National Council on Crime and Delinquency, 2009).

30. Ibid.

Understanding How Needs Relate to Risk

Although there is obvious value to conducting risk and needs assessments, community supervision agencies (e.g., probation and parole) and behavioral health systems (mental health and drug treatment) rarely coordinate how to assign individuals to appropriate supervision and treatment that can reduce reoffending and reincarceration. For example, the behavioral health system has traditionally focused on assigning people to treatment options based on the severity of their mental illnesses and/or co-occurring substance use disorders, as determined by clinical disability and functional impairment. In contrast, the community supervision system has traditionally focused on screening and assessing the risk factors associated with criminal behavior. Screening and assessment strategies that incorporate both of these two key dimensions—risk of recidivism and needs based on functional impairment—do not exist in most communities. As a result, community supervision officers and mental health professionals struggle to match individuals on probation or parole to appropriate programs and to allocate scarce treatment and supervision resources effectively.

Even if dynamic risk factors have been identified, most behavioral health treatment options for people with mental illnesses or co-occurring substance use disorders who are under community supervision do not address these risk factors for criminal behavior. Officials from both the criminal justice and behavioral health systems, however, are discovering that even the best, evidence-based traditional behavioral health treatment may not have the desired impact on public safety unless specific dynamic criminogenic risk factors such as substance use or lack of problem-solving skills are addressed.

The level of supervision and treatment should increase with corresponding risk and needs, as should the degree of coordination and integration between community corrections and treatment providers. From a strictly public safety perspective, criminal justice treatment dollars should be prioritized for people with high functional impairment who present a high risk of recidivating. Case management plans should include intensive supervision (such as probation and parole officers with specialized high-risk/high-needs caseloads) integrated with comprehensive treatment services. For individuals with less criminogenic risk, but high treatment needs, linkage to community-based treatment programs should be facilitated. For individuals who either present less criminogenic risk or have lower functional impairments, interventions should be time-limited and targeted to specific goals.³¹

31. See Seth Prins and Laura Draper, *Improving Responses to People with Mental Illnesses under Community Corrections Supervision: A Guide to Research-Informed Policy and Practice* (New York: Council of State Governments Justice Center, 2009), figure 2, p. 20.

Using Risk and Need Assessments to Allocate Corrections Supervision and Community-Based Program Resources

Parole and probation caseloads and resources for treatment and services are severely strained in most communities. Large caseloads limit the frequency of contact community supervision officers can have with high-risk individuals. Long waiting lists for substance abuse and mental health treatment, housing, and employment and education programs force officials to prioritize among people who need such services. Although many individuals who have a lower risk for recidivating have health, housing, and employment needs that should be addressed, research shows that to achieve *public safety goals*, more intensive supervision should be dedicated to those who present a higher risk for recidivating. Risk assessment can help ensure that resources will be deployed in a way that increases community safety.

- Dr. Ed Latessa and his colleagues at the University of Cincinnati analyzed the impact of a wide variety of supervision and residential programs on the reoffense and violation rates of more than 21,000 individuals. They found that putting high-risk individuals into residential programs and other community corrections programs reduces their reoffense rate. Interestingly, the inverse is also true: placing low-risk individuals into those programs actually increases their likelihood of reoffending.³²

How is this possible? First, low-risk individuals faced more strict program requirements than they would have under a less-supervised treatment program, and were more likely to be

Courts Using Assessments

The National Center for State Courts (NCSC) has convened a National Working Group of court, prosecutor, public defender, probation and parole leaders, and risk and needs assessment scholars. At this writing, the group is developing a set of guiding principles, informed by research and practice, to help courts and probation agencies effectively use risk and needs assessment information in sentencing and probation violation proceedings. The project is part of the NCSC's Center for Sentencing Initiatives, which explores the expanded use of evidence-based practices and risk and needs assessments to help identify sentencing options that protect the public, hold offenders accountable, and reduce recidivism (see <http://www.ncsconline.org/csi>). The NCSC also has a companion project, funded by the Bureau of Justice Assistance, to help courts with the selection of specific assessment instruments.

32. Edward Latessa, Lori Brusman Lovins, and Paula Smith, *Follow-up Evaluation of Ohio's Community Based Correctional Facility and Halfway House Programs—Outcome Study* (Cincinnati: University of Cincinnati Center for Criminal Justice Research, February 2010); Christopher Lowenkamp and Ed Latessa, "Increasing the Effectiveness of Correctional Programming Through the Risk Principle: Identifying Offenders for Residential Placement," *Criminology and Public Policy* 4, no. 2 (2005): 263–90.

sanctioned for a violation of the terms of their supervision. Second, some supervision or programs' onerous reporting requirements disrupted the activities in their supervisees' lives most likely to reduce recidivism—such as a job or spending time with pro-social peers and family members. Employment and family support was what made them low risk from the start. Third, the programs placed low-risk offenders alongside more high-risk individuals—creating a form of “social learning” in which their associations with more hardened offenders made them more likely to commit a new crime.³³

Risk assessments help supervision officials and program planners triage resources to ensure that more intensive supervision and services go to people who will benefit from more rigorous interventions. Emergency rooms use this triage strategy to ensure that those most in need of care receive priority. The analogy to an emergency room also helps explain why dedicating too much attention to low-risk offenders doesn't make them better, but worse. If 100 healthy adults were required to spend five to six hours a day at the hospital (the equivalent of what most day reporting centers require of offenders), chances are increased that some of those healthy adults would catch a cold or other illness with which they otherwise wouldn't have come into contact. It interrupts any healthy activities in which they might otherwise be engaged. Placing low-risk individuals in programs that put them in contact with higher-risk individuals also increases their exposure to negative behaviors and attitudes that can increase their likelihood of recidivating.

Program Examples

How Specialty Courts Use Risk Assessments

Some jurisdictions are beginning to use assessment tools prior to sentencing. Judges regularly need to make subjective assessments of the risk that an individual poses when considering a sentence, as well as myriad mitigating and aggravating factors—some of which have no relation to propensity for future criminal acts. They often lack access to the information that can be revealed during a risk assessment.

Many researchers and experts have been considering whether a risk assessment should play a larger role in informing sentencing decisions. The question of the courts' using this information to guide decisions about whether someone should be sentenced to probation, jail, or prison is still under debate. Certainly, the use of risk assessment tools can help inform judges as they make decisions regarding what conditions of probation to set. Another role for risk assessment tools is their value in determining which offenders are given alternative sentencing options such as problem-solving courts (e.g., drug courts and mental health

33. Christopher Lowenkamp and Ed Latessa, “Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders,” *Topics in Community Corrections* (Washington, DC: National Institute of Corrections, 2004).

courts). Problem-solving courts that focus only on higher-risk individuals have been shown to be effective.

According to Doug Marlowe, drug courts are “expected to have the greatest effects for high-risk offenders who have more severe antisocial backgrounds or poorer prognoses for success in standard treatments.”³⁴ Research shows that drug courts have had the greatest positive impact for high-risk participants who were “relatively younger, had more prior felony convictions, were diagnosed with antisocial personality disorder, or had previously failed in less intensive dispositions.”³⁵ In a meta-analysis of drug courts, Christopher Lowenkamp and his colleagues found that on average, high-risk participants were twice as successful in drug court as low-risk participants.³⁶ Similarly, a countywide evaluation of drug courts in Los Angeles found that virtually all reductions in re-arrests attributed to the program were among the higher-risk participants.³⁷

- In Hennepin County, MN, the drug court accepts high-risk individuals, as identified by a risk assessment tool. The court uses specialized case management, which includes early and long-term treatment intervention; frequent and random drug testing; judicial supervision; intensive probation supervision; and assistance with employment, school, and education. Program outcomes support the notion that drug courts work effectively for individuals at high risk for recidivating. In two years of operation, sixty-one defendants have graduated from the year-long Hennepin County program and, after fifteen months 89 percent of drug court program participants had stayed crime free.³⁸

How Community Supervision Decisions Can Be Informed by Risk Assessment

Risk assessment tools are now used widely for individuals *post*-sentencing, in both parole and probation supervision. Risk and needs assessments should be used by supervision agencies to determine the intensity of supervision and the types of services and interventions that offenders receive. More than any other part of the criminal justice system, community supervision agencies (probation, parole, post-release supervision) have been adopting the use of assessments to focus resources on those individuals who are most likely to reoffend. Shortening the length of time spent actively supervising probationers and parolees who have complied with their conditions of supervision enables officers to concentrate their attention on high-risk individuals.

34. Douglas Marlowe, *The Facts on Adult Drug Courts* (Alexandria, VA: National Association of Drug Court Professionals, 2010), <http://www.ndcrc.org/content/facts-adult-drug-courts>.

35. *Ibid.*

36. Christopher T. Lowenkamp, Edward J. Latessa, and Alexander M. Holsinger, “Are Drug Courts Effective: A Meta-analytic Review,” *Journal of Community Corrections*, Fall (2005): 5–28.

37. Jonathan Fielding, Grace Tye, Patrick Ogawa, Iraj Imam, and Anna Long, “Los Angeles County Drug Court Programs: Initial Results,” *Journal of Substance Abuse Treatment* 23, no. 3 (2002): 217–24.

38. Drug Court Program: Hennepin County, Minnesota, <http://www.hennepin.us/portal/site/HennepinUS/menuitem.b1ab75471750e40fa01dfb47ccf06498/?vgnnextoid=88bc2cb70bd23210VgnVCM20000048114689RCRD>.

- In Arizona, the governor signed legislation in 2008 authorizing courts to use risk assessments to triage their caseloads. Shortening the length of a low-risk offender’s probation by up to twenty days a month for every month served without a violation of the conditions of supervision enables officers to focus more of their time on high-risk cases. By reducing the amount of time probation officers supervise people who are successful on probation, officers concentrate their resources on individuals who are most likely to reoffend and may pose the greatest threat to public safety.
- In New Hampshire, state policymakers have similarly focused supervision resources on offenders who, according to the results of a validated risk assessment instrument, present the highest likelihood of reoffending or having their probation or parole revoked. Legislation enacted in 2010 makes sure that probation and parole officers do not spend too much time supervising individuals who pose a low or moderate risk of reoffending. If a low- or moderate-risk offender is successful during the initial several months of supervision (first nine months for misdemeanor probationers and first twelve for felony probationers), the new law directs probation and parole officers to place the successful individual on administrative supervision, which frees up resources to increase supervision for those who are violating conditions or are more likely to reoffend. By mandating supervision for at least nine months after release from prison, the law reflects what study after study have demonstrated to be true: Supervision can make the most impact on recidivism by focusing on the period when individuals are most likely to reoffend. State data confirm that within a three-year period, half of all people released on parole who reoffend or violate conditions and are returned to prison do so within the first eight months of their release.³⁹

CASE STUDY:

Automated Reporting in New York City

The New York City Department of Probation implemented and tested an automated reporting system using kiosks in the mid-1990s for a limited group of low-risk probationers. Adopting kiosks allowed NYC Probation to assign large numbers of probationers considered to be low risk for reoffending to a system of supervision that required substantially fewer probation officers. This freed up resources to provide more intensive supervision to high-risk probationers, which revealed that they were not complying with conditions of release. The percentage of high-risk probationers who missed at least one in-person appointment increased from 40 percent in 2000 to 63 percent in 2004. This behavior would not have been uncovered had they not reallocated officers’ caseloads to spend more time with high-risk probationers and used the probation kiosks for people categorized as low risk. At the same time, increased supervision

39. Joan Schwartz, *Recidivism in New Hampshire: A Study of Offenders Returned to Prison Within Three Years of their Release, FY 2005 Cohort* (Concord, NH: New Hampshire Department of Corrections, 2010).

supported public safety outcomes. Two-year re-arrest rates for high-risk probationers declined from 52 percent to 47 percent after they were assigned to more intensive supervision. Two-year re-arrest rates for low-risk probationers assigned to the kiosk reporting program declined from 31 percent to 28 percent. Based on the initial success of the system, NYC Probation dramatically expanded the use of kiosk reporting in 2003 to include all low-risk probationers under community supervision.⁴⁰

How Programming Requirements Relate to Risk and Desired Outcomes

Individuals in prison, jail, or on community supervision are often required to complete various programs even when they pose a low risk to recidivate. For example, state parole boards often require all individuals in need of drug treatment to complete a treatment program prior to being released from prison. For individuals who present a low risk, such treatment can greatly improve health outcomes and quality of life; accessing care is critical to their recovery. Therefore, efforts to link them to community-based programs supported by health insurance are central to reentry planning. However, research shows prison-based treatment is not likely to have much impact on their recidivism rate after release. For the greatest public safety impact, programs should be prioritized based on risk level. In circumstances where program resources are scarce, requiring offenders who have a low risk of recidivating to complete programming can lead to waiting lists for all offenders and delay release decisions, which end up increasing lengths of incarceration, driving up the prison population, and requiring additional prison construction.

How Risk Assessment Can Inform Release Decisions and Reentry Programming

In states where parole boards make the decisions about when most people will be released from prison, these officials use risk assessment to inform their conclusions. Doing so enables states to ensure that they do not hold people in prison who present a low risk longer than necessary. Consequently, states can make the best use of limited prison beds to incapacitate the most dangerous offenders.

- In Texas, where the parole board governs nearly every release decision about when someone is released from prison, guidelines ensure that individuals incarcerated in state prisons who committed a low-severity crime and are classified as low risk are supposed to be approved for release between 76 and 100 percent of the time, whereas high-risk/high-severity offenders are only paroled 6–15 percent of the time. Each year, the parole board issues a report showing how the actual parole approval rates for the previous year compare

40. James Wilson, Wendy Naro, and James F. Austin, “Innovations in Probation: Assessing New York City’s Automated Reporting System,” *JFA Newsletter*, July 2007.

CASE STUDY:

Wisconsin Department of Corrections

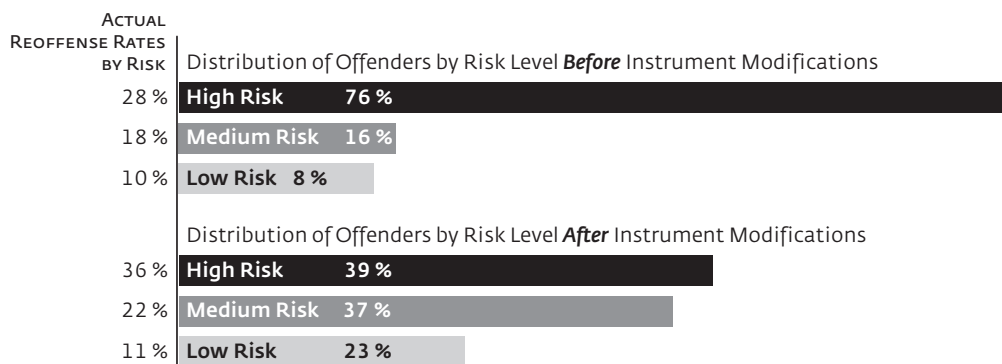
The state of Wisconsin had been using a risk assessment instrument that had not been re-validated since the 1980s. Budget cuts eliminated their research department, leaving them with little ability to examine their instrument or see if it accurately predicted risk. This created numerous unforeseen problems. The fact that nearly 80 percent of the supervision population was classified as high risk (see figure 1 below) suggested that the risk instrument's purpose—differentiating the population by risk to assign supervision resources accordingly—was no longer being achieved.

Legislation signed into law in 2009 required the use of a valid and reliable risk instrument in release and supervision decisions. Wisconsin used outside experts to validate its risk instrument, examine if there were gender or racial disparities in the instrument, and assess scoring accuracy.

The validation study determined that several factors in the risk assessment instrument were either not predictive of recidivism or were weighted inaccurately. The instrument did not accurately classify both probationers and parolees because the tool treated the populations alike in how they were scored. As a result, low-risk parolees were being classified like low-risk probationers, but had recidivism rates similar to medium-risk probationers.

After Wisconsin adjusted the risk assessment instrument, it was determined that the population had a significantly lower percent of high-risk offenders than determined by the old instrument. Modifications to the instrument resulted in an estimated 25-percent reduction in workload requirements for supervision officers (since lower-risk populations require fewer hours of supervision) while better identifying the priority population that posed the greatest risk of reoffending.

Figure 1: Identification of Offenders Most Likely to Reoffend (Pre- and Post-Instrument Modification)⁴¹



41. Mike Eisenberg, Jason Bryl, and Tony Fabelo, *Validation of the Wisconsin Department of Corrections Risk Assessment Instrument* (New York: Council of State Governments Justice Center, 2009), <http://justicereinvestment.org/files/WIRiskValidationFinalJuly2009.pdf>.

to these guidelines. The report even includes a breakdown by parole board member, so it is possible for the public to see the extent to which each board member is making decisions based on the offenders' risk to public safety.⁴²

- In Michigan, the Department of Corrections (DOC) uses a risk assessment tool to identify medium- and high-risk individuals to enroll in the Prisoner Reentry Initiative (MPRI). MPRI strives to provide seamless supervision and services for these higher-risk individuals by integrating state, local, and community-based resources from the time of entry to prison through their transition, reintegration, and aftercare in the community. Approximately 10,000 prisoners are assessed a year, and between 60 and 75 percent are classified as medium to high risk. DOC administers the risk assessment tool on three separate occasions: at the reception facility shortly after sentencing; around nine months prior to release; and shortly after returning to the community. At each point, the results from the risk assessment automatically integrate with the individual's personalized Transition Accountability Plan (TAP); in other words, the transition plan is updated repeatedly for every MPRI participant. The DOC has trained more than 14,000 personnel—prison staff, probation and parole officers, and community providers—on how to use the assessment tool and interpret the TAP.

Principle B: Base Programs on Science and Ensure Quality

Researchers are very clear on the second principle highlighted during the summit—that resources must be invested in program models that studies demonstrate can reduce recidivism. Steps must then be taken to monitor the quality and performance of those models and to hold administrators accountable. Thousands of programs designed to reduce reoffending have been established by well-meaning administrators over the years. Legislatures seeking to cut crime rates have made considerable investments in a wide variety of these initiatives, which have performed with varying levels of success. Some of these initiatives have even had the unintended consequence of making clients more likely to reoffend. Policymakers must ensure that taxpayer dollars are invested only in those strategies that research has shown are promising approaches or that have demonstrated success in making communities safer and healthier.

Like any good investor, policymakers must also establish processes for continually monitoring the quality and outcomes of programs they have supported. It isn't sufficient, for example, simply to invest in a drug treatment program because probationers need it, and trust that it will reduce criminal and destructive behaviors. Policymakers must ensure there is oversight to encourage their funded treatment programs to engage the right clients and have expert staff deliver effective services that adhere to research-based best practices.

42. Texas Board of Pardons and Paroles, "Parole Guidelines Annual Report FY2009," December 2009.

Officials should examine programs to ensure that their leaders are qualified and directly involved in the program development and operations, staff selection and training, and service delivery. Staff training, as well as staff attitudes toward the programming, also should be assessed. All evaluation work can help support future program funding and sustainability. Only by assessing the quality of the agency's day-to-day operations and longer-term program outcomes can a policymaker have confidence that a given investment will generate returns in increased public safety.

Key Findings in Research and Practice

Corrections agencies too often fund programs that are unsupported by research. If a program doesn't reduce recidivism, agencies are wasting their investments in these efforts. The reasons for these unproven investments are sometimes cultural—well-established programs are assumed to be effective because they've been around for a long time. Other

What Works Library

The National Reentry Resource Center is working with the Urban Institute and the John Jay College of Criminal Justice to develop a "what works" library, which provides a user-friendly, one-stop shop for practitioners who want to know what the research says about the design and implementation of evidence-based reentry practices, programs, and policies. By offering an organized, searchable, and routinely updated compilation of the most recent peer-reviewed studies, this library will also assist the growing community of scholars who are developing a reentry research agenda.

The Urban Institute and John Jay College developed classification criteria and categories of evidential strength, incorporating findings from the systematic review of "what works" literature. They also identified more than 500 evaluations of reentry interventions and developed procedures for rating and classifying the evaluations. In 2011, they will begin to code and tag the evaluations and develop practitioner-friendly, one-page overviews of each evaluation. An electronic prototype for the "what works" library will be developed, and focus groups will test its utility and user-friendliness. The online library will be launched by fall 2012.*

* *Hearing on Reauthorization of the Second Chance Act*, September 29, 2010, p.13, <http://judiciary.house.gov/hearings/pdf/Duran100929.pdf>. Authorized by Congress and supported by the Bureau of Justice Assistance, the National Reentry Resource Center supports states, local governments, and community- and faith-based organizations as they design and implement reentry initiatives. The CSG Justice Center has also developed a National Criminal Justice Initiatives Map to highlight programs implemented in the United States, <http://www.nationalreentryresourcecenter.org/>.

times, political interests dictate that funding is maintained for programs that research has long since deemed ineffective. Often agencies stick with what they're already doing because they lack the resources to research best practices. Statutes or regulations may also require an agency to offer a specific type of program to a predetermined category of offenders, such as a particular program for all individuals convicted of a drug offense, regardless of whether research has found the program to be successful.

Program Models Supported by Research to Reduce Recidivism

Many reviews of correctional program outcomes have been conducted in recent years. For example, the Washington State Institute of Public Policy (WSIPP) conducted one of the most frequently cited meta-analyses of correctional programs across the nation. It has conducted literature reviews of more than 500 research articles on correctional programming to provide recommendations to the Washington state legislature for programs to fund—and to avoid funding. For dozens of program models, WSIPP estimates the percentage reduction or increase in the recidivism rate, the cost of implementing the program for each participant, and the average costs associated with victimization and the criminal justice system per program participant.⁴³

WSIPP's findings from the analysis of more than 500 studies include the following:

- Intensive supervision with treatment is effective at reducing recidivism, while intensive supervision without treatment is not. Treatment-oriented supervision programs yielded a 17.9-percent reduction in recidivism

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“Research, practice—especially in the past decade—have identified new strategies and policies that can make a significant dent in recidivism rates. Corrections agencies should do more to adopt these practices.”

— **A.T. Wall, Director, Rhode Island Department of Corrections**

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“Evidence-based practices are important; ... but there is still something about caring and hope and faith that is the other piece we never want to lose.”

— **Glenn Martin, Vice President of Development and Public Affairs, The Fortune Society (and Formerly Incarcerated)**

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43. Drake et al., “Evidence-Based Public Policy Options.” Costs to victims fall into two categories: (a) monetary costs, which include medical and mental health care expenses, property damage and losses, and the reduction in future earnings incurred by crime victims; and (b) quality-of-life cost estimates, which place a dollar value on their pain and suffering.

rates, whereas intensive supervision with an emphasis on surveillance without treatment resulted in no net decrease in recidivism.

- Drug treatment in the community is more effective than drug treatment in prison. Community-based treatment yields an 8.3-percent reduction in recidivism rates, whereas prison-based treatment (either therapeutic communities or outpatient) also reduces recidivism, but by a lesser 6.4 percent.
- Prison education programs work. Basic or postsecondary education programs reduce recidivism rates by 8.3 percent. So do correctional industries programs, which reduce recidivism rates by 6.4 percent.
- In general, community-based programs have a greater impact on recidivism rates than those based in prisons. According to the WSIPP study, the latter reduced recidivism rates by an average of 5 to 10 percent, whereas intensive supervision with community-based services reduced recidivism rates by 18 percent.
- Cognitive-behavioral therapy in prison or in the community reduces recidivism rates by 6.9 percent.

Elements of Effective Programs

The sections above stress that recidivism-reduction programs must focus on individuals' needs and factors that are associated with criminal behaviors (as determined by objective and validated assessment tools). Yet further refining program goals requires a close examination of the hierarchy of these needs resulting from such problems as anti-social peer associations, substance use, lack of problem-solving and self-control skills, and other factors that are highly correlated with criminal conduct. From the perspective of risk reduction, programming that addresses issues such as self-esteem, physical conditioning, understanding one's culture or history, and creative abilities are not effective.⁴⁴

The most effective programs are behavioral in nature and focus on present circumstances and risk factors linked to the behavior of the person who committed the crime. They are action- rather than talk-oriented, and they are designed to teach pro-social skills. Cognitive behavioral programs help people who have committed crimes identify how thinking patterns influence feelings, which influence actions. They include structured social learning programs where new skills, behaviors, and attitudes are consistently reinforced. Cognitive behavioral programs that target areas such as attitudes, values, and beliefs have a greater likelihood of influencing future criminal behavior, an individual's choice of peers, whether he or she abuses substances and expresses anger, and his or her interactions with family. Most

44. Edward Latessa, *From Theory to Practice: What Works in Reducing Recidivism?* (Cincinnati: University of Cincinnati Press, 2007).

effective cognitive behavioral programs are action-oriented, by including components for people to practice skills through role play with a trained instructor. Common non-behavioral interventions often include fear tactics and other emotional appeals, talk therapy, nondirective client-centered approaches, lectures, milieu therapy (in which the patient's social environment is manipulated for his or her benefit), and self-help. There is little empirical evidence that these non-behavioral approaches will lead to long-term reductions in recidivism.⁴⁵

Program Examples

How the Correctional Program Checklist Can Improve Quality

The Correctional Program Checklist (CPC) is a tool developed by the University of Cincinnati for assessing correctional intervention programs in prison and the community.⁴⁶ It is used by correctional administrators in a number of states to ascertain how closely correctional programs reflect known principles of effective intervention. Several studies conducted by the University of Cincinnati on both adult and juvenile programs were used to develop and validate the indicators on the CPC.

The CPC measures two program components:

1. **Capacity**—the degree to which the program has the capability of using evidence-based practices.
2. **Content**—the extent to which the program meets the principles of risk (programs should serve high-risk offenders), need (programs should target the needs that predict risk), responsivity (programs should be intensive and structured), and effective treatment.

The designers of the CPC have found that all of the checklist items, if addressed, are correlated with reductions in recidivism. As such, it serves as a quality assurance mechanism. The CPC helps funders determine whether services are delivered with fidelity to evidence-based practices. Other quality assurance items encourage users to make certain they identify and properly use assessment protocols, ascertain whether the program has undergone process and/or outcome evaluations, and determine the results of such evaluations.

The CPC is applicable to a wide range of programs (adult, juvenile, community, institutional). It looks into the “black box” of a program and raises questions regarding how the program is administered, funded, and evaluated. The findings from the checklist inform recommendations designed to improve the integrity of the program and to increase effectiveness.

45. Ibid.

46. To learn more about the CPC, see <http://www.uc.edu/corrections/training.html#ProgramEval>.

How Oregon Requires that Corrections Programs Meet Evidence-Based Standards

Oregon's Senate Bill 267 (Sections 3–9 of Oregon Laws, 2003) requires the Oregon Department of Corrections, the Youth Commission, and the Criminal Justice Commission to ensure that a specified portion of their programs or interventions are tested, cost-effective approaches to reducing a person's propensity to commit crimes. For the biennium beginning in 2005, 25 percent of programs and interventions were expected to meet these criteria. For the 2007 biennium, this expectation increased to 50 percent, and in 2009 and future biennium, this increased to 75 percent. The agencies affected by this legislation must audit and report on their program spending and are warned that "the Legislative Assembly shall consider the agency's failure to meet the requirement...of this section in making appropriations to the agency for the following biennium."⁴⁷

Ensuring Program Evaluations Are Rigorous

The most rigorous evaluations will randomly assign individuals to either a control or a treatment group and then measure the recidivism rate of each. However, random controlled trials often are not feasible, so researchers will create a control group that is matched to the participants in the treatment group on a number of key variables and then compare the recidivism rates.

Results are skewed when studies don't compare everyone in the treatment group to the control group, but instead only look at the subset of treatment participants who *successfully completed* the program. Individuals who complete programs will, by definition, have a lower recidivism rate. A study's results will not be useful if they do not gauge outcomes by measuring the recidivism rate of everyone who was admitted to the treatment program—not just those who completed it.

For example, one evaluation of a reentry program garnered significant attention after showing that only 17 percent of program graduates (compared with 35 percent of the matched comparison group) were arrested during the two-year post-release period—well below many other previous research estimates. However, the results only took into account individuals who completed the program. The re-arrest rate for all participants was slightly higher (36 percent) than the matched comparison (35 percent). In other words, the program did not reduce recidivism.

47. Pew Center on the States Public Safety Performance Project, *Policy Framework to Strengthen Community Corrections* (Washington, DC: The Pew Charitable Trusts, 2008). The Oregon bill is available at <http://www.leg.state.or.us/03orlaws/sess0600.dir/0669ses.htm>.

How Washington State Ensures Quality Investments

Long-term forecasts made in the late 1990s indicated that Washington State needed to construct several new prisons in the coming decades—with commensurate costs in the millions of dollars. The legislature directed WSIPP to project whether there are evidence-based options that can reduce the future need for prison beds by lowering crime and recidivism rates, which would in turn save money for state and local taxpayers.

In a meta-analysis (described above), WSIPP analyzed 545 comparison-group evaluations of adult corrections, juvenile corrections, and prevention programs and then estimated the costs and benefits of many of these evidence-based options and found that some programs produce more favorable returns on investments. From this review, WSIPP provided recommendations to the 2007 state legislature, which allotted \$48 million in the biennial budget for the expanded use of these programs.

Washington state officials, at this writing, are in the process of assessing whether the programs funded are following a model and being implemented to meet high-quality standards. For example, based on WSIPP’s 2007 recommendations, the legislature invested heavily in aggression replacement training (ART) for juvenile offenders in the court system. The authorizing legislation charged the court system with establishing a quality assurance (QA) process to ensure that ART was implemented faithfully to the research model. In implementing this process, the QA team found early on that six of the twenty courts either were not following the ART model or had instructors who were not competently delivering the model. In response, the state established a QA process and training for instructors to oversee all aspects of ART, which serves between 1,000 and 1,400 youths under the age of eighteen in twenty-nine jurisdictions across the state every year. A QA specialist coordinates between four and eight “train-the-trainer” conferences a year, visits ART classes around the state, organizes semi-annual conferences for jurisdiction training leaders, and conducts monthly conference calls for these trainers. Every active trainer is required to submit a videotape of his or her performance in an ART class, which is evaluated by the specialist and his team. If the trainer doesn’t receive a “competent” mark, he or she is placed on a formal improvement plan and is expected to undergo additional training. The QA specialist monitors trends in ART classes—graduation rates, attendance, evaluations, and other measures—to troubleshoot the trainers’ performance.

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“The juvenile programs have been one of the main parts of our overall crime-fighting portfolio—that’s because some of those programs have the highest reduction in recidivism rates and per dollar spending. They have the highest rates of return.”

— Steve Aos, Washington State Institute for Public Policy

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Research found that courts that did not implement the ART model, according to the evidence base, did not reduce recidivism, whereas those faithful to the model reduced recidivism rates by 8.3 percent.⁴⁸ Thus, the quality assurance process helps ensure that the legislature’s investment in ART programs in the juvenile court system yields reductions in crime and associated cost benefits.

How Ohio Evaluates Correctional Programs

Ohio spends more than \$100 million in community-based programs for individuals leaving prison and jail each year. The programs they fund are well-established and derived from evidence-based practices. A distinguishing feature of Ohio’s criminal justice programming is its leadership’s commitment to evaluating the impact of each of these programs on reducing recidivism. Two major studies, commissioned and funded by the state Department of Rehabilitation and Correction (DRC) with the University of Cincinnati, document how some programs have reduced recidivism rates for all participants admitted to their programs dramatically, whereas other programs have actually increased recidivism rates when compared with a matched sample. The two studies looked at outcomes from hundreds of specific halfway house and community-based correctional facility programs and evaluated each program for its record in reducing recidivism among participants.

Overall, the programs that increased recidivism rates cancelled out the positive impacts that other programs were having, meaning that statewide the investment had not reduced overall recidivism rates. Based on the most recent study, the Ohio DRC is using the program-by-program data to cancel contracts with the worst performing programs, while putting others on “probation” and requiring the programs to be restructured and produce better outcomes.⁴⁹

How Wisconsin Enhances Accountability in Community Corrections

In 2009, Wisconsin legislators took a hard look at why the state’s prison population was growing so rapidly. People on supervision were failing at high rates, and while the state invested in programs to reduce their recidivism, the quality of the funded programs hadn’t been assessed and long waiting lists existed for the current programs. To address the problem, the state invested an additional \$10 million during the 2010–2011 fiscal biennium to expand a variety of evidence-based program models. A percentage of those new funds were set aside, however, to assess the quality of the state’s current investments

48. Drake et al., “Evidence-Based Public Policy Options.”

49. Edward Latessa et al., *Follow-Up Evaluation*.

in recidivism-reduction programs and their adherence to evidence-based practices so that the state could determine which programs to continue or expand funding for and which to reform or stop supporting. The state has contracted with national experts to train Wisconsin-based staff in administering the Correctional Program Checklist to be used in assessing the quality of a selected number of currently funded community-based correctional programs.

Principle C: Implement Effective Community Supervision Policies and Practices

More than five million people—one in forty-five adults—are on probation or parole in the United States. This is more than two times the population of prisons and jails in this country.⁵⁰ Over the last twenty-five years, the rate of growth of community supervision populations has exceeded even the growth of prison and jail populations, with far smaller budget increases. In eight states that provided long-term spending figures, the amount of money spent on prisons was eight times greater than that spent on probation and parole. And although less than one in three individuals subject to correctional authorities is behind bars, almost nine of every ten dollars spent on corrections are dedicated to prisons.⁵¹

In spite of increasing strains on probation and parole agencies, administrators have a better sense today than ever before of what makes community supervision effective at reducing recidivism: Policies must help parole and probation departments make the optimal use of their resources, and these supervision agencies must adopt best practices as identified by researchers and practitioners.

Officers need access to a range of options for administering appropriate, swift, and certain responses to any individual who violates his or her conditions of supervision. This may require changes in statute or administrative policies. At the line level, supervising



“We have five million people on probation or parole supervision. The failure rates among these groups are high, and they drive up our prison and jail populations—where they cost almost 20 times more to ‘supervise’ than in a community setting. At the same time, there is a lot of consensus about what effective supervision should look like.”

— Amy Solomon, Senior Research Associate, The Urban Institute⁵²



50. Pew Center on the States, *One in 31*.

51. *Ibid.*

52. Title reflects position held at the time of the summit.

officers should have all required skills, receive any needed training, and be offered incentives to help motivate individuals under their control to change their behaviors.

Yet, in spite of this growing knowledge base about the elements of effective supervision policies and their implementation, most probation and parole agencies have not yet fully adopted evidence-based practices.

Key Findings in Research and Practice

The Crime and Justice Institute (CJI), with support from the National Institute of Corrections (NIC), identified eight evidence-based practices (EBPs) for effective community supervision (see sidebar).⁵³ Since the release of their landmark findings in 2004, experts in the field have been thinking about how to implement these best practices and ensure they are reflected in state, organizational, and line-level policies.

State-Level Policy to Improve Agencies' Effectiveness

State-level policies should lay the groundwork for local parole and probation agencies' success. In December 2008, the Pew Center on the States convened the nation's leading experts and practitioners in community corrections to identify the policies that state leaders could put in place to increase the effectiveness of local agencies. In addition to using risk and needs assessments, as well as evidence-based practices, the recommended strategies (discussed below) include clearing obstacles that interfere with officers' ability to sanction supervisees swiftly and effectively, and providing fiscal incentives to agencies that are able to reduce the rate of probation or parole revocation and reoffense.⁵⁴

Eight Principles of Effective Supervision

- 1) Assess offender risk/need levels using actuarial instruments
- 2) Enhance offender motivation
- 3) Target interventions
- 4) Provide skill training for staff and monitor their delivery of services
- 5) Increase positive reinforcement
- 6) Engage ongoing support in natural communities
- 7) Measure relevant processes/practices
- 8) Provide measurement feedback

53. Crime and Justice Institute, *Implementing Evidence-Based Policy and Practice in Community Corrections*, second edition (Washington, DC: National Institute of Corrections, 2009), http://www.cjinstitute.org/files/Community_Corrections_BoxSet_Oct09.pdf.

54. Pew Center on the States, *Policy Framework to Strengthen Community Corrections*.

- Enable probation and parole to use swift and certain sanctions.

Pew found that in many states, supervising officers are unable to respond quickly when individuals violate their terms of supervision. The court’s process for considering an individual’s status and determining whether to violate him or her is often too cumbersome to accommodate the need for swift and certain sanctions. Probation and parole officers often will not go back to the court or parole board until an individual has committed a number of violations, at which point revocation to prison becomes the likely penalty—regardless of the supervisee’s level of threat to the community. Sanctioning supervision violators by returning them to jail and prison for low-risk behaviors, such as missing appointments, takes up space that should be used for more dangerous inmates.

Demonstrating that there will be immediate consequences, and following through on that assertion, when a person does not comply with conditions of release is far more important than the degree of punishment that is meted out. At the same time, the response should be proportionate to the violation. Several states allow supervising officers to respond to noncompliance within a certain range of graduated sanctions (including increased reporting to supervising officers or limited jail terms), without initiating a revocation process through the courts. This enhances the timeliness and effectiveness of the sanction.

- Create financial incentives for community supervision agencies that are tied to performance.

Inadequate funding of community corrections agencies puts incredible strain on these organizations, which has significant, unintended consequences. To do more with less, there is little incentive for officers to keep supervisees on overflowing caseloads instead of returning them to prison or jail at the first opportunity. Helping people comply with conditions of release, and assisting them with their reintegration into the community and their families, requires considerable work, which is not often rewarded. In fact, such work, while reducing revocation rates, will result in an officer’s caseload remaining high or even swelling. Conversely, a community supervision officer who reflexively returns violators back to prison or jail can reduce his or her caseload, and in effect make the agency’s budget dollars go further. The net result often is greater use of incarceration for low-risk offenders.

States and localities can re-align their fiscal relationships in ways that reward performance. Pew recommends the following: “If corrections agencies are successful in cutting the rate of individuals sent back to prison for new crimes or violations, the state reaps savings by avoiding prison costs. By sharing some of those savings with successful probation and

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“We know what to do; we have the knowledge. But implementing what we know works in probation departments across the country is the challenge.”

— **Tony Fabelo, Ph.D., Director of Research, CSG Justice Center**

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parole agencies, states can help build stronger community corrections systems without necessarily appropriating new funds.”⁵⁵

Administrative Policies that Can Enhance the Quality of Supervision

Probation and parole agencies can adopt policies that improve efficiency and enhance the quality of supervision. The Urban Institute (Urban), with support from NIC and the JEHT Foundation, convened a group of experts and practitioners in 2008 who reached consensus on thirteen ways in which parole agencies and line officers can modify their practices to enhance community supervision—a key step in improving outcomes for prisoner reentry efforts.⁵⁶

1. Define success as recidivism-reduction and measure performance.

The typical strategies employed by community corrections agencies to accomplish the goal of public safety have focused more in the recent past on “monitoring, surveillance, and external controls.” The Urban report describes an emerging consensus that parole should adopt risk-reduction and behavioral change strategies to increase public safety.

2. Tailor the conditions of supervision.

Conditions of release should be

- **realistic**—few in number and attainable;
- **relevant**—tailored to individual risks and needs; and
- **research-based**—supported by evidence that they will change behavior and result in improved public safety and reintegration outcomes.



“Probation and parole supervision agencies are by far the two most under-resourced parts of the criminal justice system and they operate under the wrong incentives that encourage them to violate as many people as they can.”

— **Michael Jacobson, Ph.D., President,**
Vera Institute of Justice



55. Ibid.

56. Amy Solomon, Jenny Osborne, Laura Winterfield, Brian Elderbroom, Peggy Burke et al., *Putting Public Safety First: 13 Parole Supervision Strategies to Enhance Reentry Outcomes* (Washington, DC: The Urban Institute, December 2008). Although the report didn’t look at probation agencies and populations, many of the same principles apply. The Urban Institute and the Pew Center on the States also issued a complementary policy brief addressing improved supervision generally. *Putting Public Safety First: 13 Strategies for Successful Supervision and Reentry* (Washington, DC: The Pew Charitable Trusts, 2008).

3. *Focus resources on moderate- and high-risk parolees.*

The Urban report found a broad consensus that “staff and programming resources ought to be focused on populations at a moderate to high risk of reoffending.” From a public safety perspective, this population is more likely to translate treatment and supervision into behaviors that are of less threat to a community. (See principle A.)

4. *Front-load supervision resources.*

Parolees’ substance abuse, mental health problems, unemployment, lack of housing, and other service needs are “especially high in the first days, weeks, and months after release from prison.” Supervision strategies should address the risk of early recidivism and better align resources during the period after release when individuals are most likely to commit new crimes or violate their conditions of supervision.

5. *Implement earned discharge.*

Lower-risk parolees can earn their way off supervision early by meeting specific goals and strict guidelines. Urban observes that “a system of earned discharge stands in sharp contrast to current practice in which parolees generally ‘successfully’ complete their parole term based on the amount of time spent under supervision,” but without regard for how well they have done since leaving prison.

6. *Promote place-based supervision.*

To facilitate check-ins and other activities, “[o]rganizing caseloads by neighborhood (in urban settings) efficiently allocates scarce resources and eliminates costly and time-consuming travel from one part of a city to another.”⁵⁷ Neighborhood-oriented parole officers can find increased opportunities for collaboration, such as with treatment providers and employers; open lines of communication with parolees, their family members, and members of the community; and gain greater trust from the parolees, their families, and other important stakeholders.

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“Probation and parole agencies are the key to the reinvestment potential. These agencies are in a place where they can have huge potential to reduce crime and prison populations”

— **Michael Jacobson, Ph.D.,
President, Vera Institute of Justice**

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57. Solomon et al., *Putting Public Safety First*.

7. *Engage partners to expand intervention capacities.*

Greater coordination between parole and community-based organizations will “reduce duplicative efforts and allow parole agencies—as well as those groups that serve formerly incarcerated people—to spend less time tracking and placing people in programs and more time... affecting behavior change.”⁵⁸ Most important, coordination across agencies makes it more likely that parolees receive the services they need.

Line-Level Practices

Six of the thirteen strategies identified in the Urban publication focused on ways in which parole officers can improve individual case outcomes. Each of these strategies requires the supervising officer to develop a strong relationship with the parolee. Parole officers should conduct the following activities:

8. *Assess criminogenic risk and need factors.*

Experts agree that parolees and probationers “should be assessed to determine criminogenic risk and need factors” (see principle A) and “determine supervision levels so that appropriate interventions can be delivered.”⁵⁹

9. *Develop and implement supervision case plans that balance surveillance and treatment.*

Urban points to research that “clearly shows that a combination of surveillance and treatment is more effective at reducing recidivism than surveillance alone.”⁶⁰

10. *Involve parolees to enhance their engagement in assessment, case planning, and supervision.*

According to Urban, parole officers should use motivational interviewing and positive reinforcement techniques to enhance engagement and clearly communicate conditions of supervision, review assessment information and develop case plans with parolees, work with parolees to update and modify goals and supervision case plans as appropriate, and explain the reasoning behind such adjustments.⁶¹

58. Ibid.

59. Ibid.

60. Steve Aos, Marna Miller, and Elizabeth Drake, *Evidence-Based Adult Corrections Programs: What Works and What Does Not* (Olympia: Washington State Institute for Public Policy, 2006), <http://www.wsipp.wa.gov/rptfiles/06-01-1201.pdf>.

61. Solomon et al., *Putting Public Safety First*.

11. *Engage informal social controls to facilitate community reintegration.*

Recently released prisoners overwhelmingly cite family ties as the most influential factor in their staying out of prison.⁶² Parole officers “should not focus on parolees as solitary individuals upon whom to impose interventions and conditions of supervision, but as people who belong to and interact within important social relationships.”⁶³

12. *Incorporate incentives and rewards into the supervision process.*

Research indicates that “positive reinforcements should be used four times as often as negative sanctions to enhance individual motivation toward positive behavior change and reduced recidivism.”⁶⁴

13. *Employ graduated, problem-solving responses to violations of parole conditions in a swift and certain manner.*

Researchers agree that “many parolees who violate their conditions without committing a new offense can be managed in the community without compromising community safety or using expensive prison beds.”⁶⁵

Program Examples

How Jurisdictions are Changing Policies to Employ Swift and Certain Probation Sanctions

Probation officers are faced with overwhelming caseloads and cumbersome court processes for sanctioning violators. As a result, they often are unable to detect when probationers break the rules, or to respond with meaningful penalties when they do. Some probationers, seeing that slip-ups won't bring immediate consequences, incur violations for failed drug tests, missed appointments, and other transgressions. When they are eventually brought back to court for a violation hearing, they may receive the ultimate sanction: a stay in prison. Facing this problem, some jurisdictions have authorized probation officers to issue sanctions that are immediate and well-known to supervisees without having to go to a judge for revocation.

62. Nancy G. La Vigne, Christy Visser, and Jennifer Castro, *Chicago Prisoners' Experiences Returning Home* (Washington, DC: The Urban Institute, 2004).

63. Solomon et al., *Putting Public Safety First*.

64. Crime and Justice Institute, *Implementing Evidence-Based Policy and Practice in Community Corrections*.

65. Solomon et al., *Putting Public Safety First*.

- A 2004 Georgia law (HB-1161) authorized the Georgia Department of Corrections (GDC) to establish an administrative process to sanction probation violators without judicial amendment to the original court order. Handled administratively within GDC, this system, called the Probation Options Management (POM) program, is an alternative to traditional judicial modification of court orders for violators. The judge retains authority in all cases, and is still the only person who can revoke a probationer to prison, but GDC can modify the probationer’s current supervision as long as the sanctions imposed are equal to or less restrictive than the maximum non-prison sanction set by the sentencing judge. Probation officers also have the authority, without judicial approval, to impose drug testing, mental health and substance abuse evaluations, and participation in and successful completion of rehabilitative programming. In the four judicial circuits where POM was tested, program participants spent considerably less time in jail than non-POM probationers (a three- to five-fold decrease in jail time). Probation officers spent considerably less time in court, saving time and money. POM implementation also shortened the interval between violation and sanction, resulting in an increase of the “swiftness” of sanction imposition, thereby likely reinforcing the behavioral link between the violation and its attendant sanction.⁶⁶
- In 2004, Circuit Court Judge Steven Alm created Hawaii’s Opportunity Probation with Enforcement (HOPE), a partnership of probation, prosecutors and defense counsel, police, wardens, and treatment providers. HOPE identifies high-risk (including violent and drug-abusing) felons who are likely to fail on probation. The judge initially warns them that any violation will result in a jail sanction. Probation officers conduct frequent random drug tests and respond to violations (e.g., positive drug tests, missed appointments, failures at treatment) with on-the-spot arrests or, for absconders, the immediate issuance of a bench warrant. Hearings are usually held two business days after arrest, typically resulting in a short jail term, longer for absconders. Treatment is mandated only for those who can’t stop using drugs on their own. When a violation is detected, the probation officer completes a “Motion to Modify Probation” and sends it to the judge. Unlike a probation revocation, a modification order does not sever the probation relationship. It typically results in a short jail term ordered by the judge. In a



“The reason HOPE has been successful is because the offenders think that it is fair. There is a consequence for their actions, but it is a proportional consequence.”

— **Hon. Steven Alm, Judge,
Hawaii First Circuit Court**



66. Applied Research Services, *An Evaluation of Georgia’s Probation Options Management Act* (Atlanta: Applied Research Services, October 2007).

one-year, randomized controlled trial, HOPE probationers were 55 percent less likely to be arrested for a new crime, 72 percent less likely to use drugs, 61 percent less likely to skip appointments, and 53 percent less likely to have their probation revoked. As a result, they served or were sentenced to 48 percent fewer days of incarceration than the control group.⁶⁷ Judge Alm currently supervises 1,600 felons (one out of six on Oahu) in HOPE.

How States Have Incentivized Community Corrections Performance

A number of states and localities are realigning their fiscal relationships in ways that encourage local authorities to develop cost-effective, community-based sanctions for carefully selected individuals under supervision who otherwise would be sent to prison.⁶⁸ By sharing some of those savings with the successful agencies, states can help build stronger community corrections systems without necessarily appropriating new funds.

Incentive funding can be used to implement evidence-based practices, support victim services, and provide effective substance abuse treatment and other risk-reduction programs. The same type of incentive can be applied to state probation and post-release supervision agencies as well. If state agencies save costs by reducing prison admissions while protecting public safety, some of those savings can be channeled back to those agencies so they can continue to cut crime and recidivism.

- In Arizona, Senate Bill 1476 (signed into law in 2008) created a performance-based funding mechanism for probation departments to employ best practices to reduce crime and violations committed by people under probation supervision. The state awards to counties that successfully reduce crime and probation revocations 40 percent of the cost savings generated by these reductions. The county is then required to reinvest this supplemental funding in victim services, substance abuse treatment, and strategies to improve community supervision and reduce recidivism. From FY 2008 to 2010, revocations from probation to prison declined by 28 percent statewide, and revocations to jail declined by 39 percent. At the same time, the number of probationers convicted of a new felony declined statewide by 31 percent. Altogether, the decrease in recidivism rates saved the state an estimated \$8.4 million in averted prison costs.⁶⁹

67. Pew Center on the States Public Safety Performance Project, *The Impact of Hawaii's HOPE Program on Drug Use, Crime and Recidivism* (Washington, DC: Pew Charitable Trusts, January 2010); Angela Hawken and Mark Kleiman, *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE* (Washington, DC: National Institute of Corrections, December, 2009), available at <http://www.ncjrs.gov/pdffiles1/nij/grants/229023.pdf>.

68. Pew Center on the States, *Policy Framework to Strengthen Community Corrections*.

69. Arizona Supreme Court, Adult Probation Services Division, *Probation Revocation and Crime Reduction Report: Fiscal Year 2010*, 2010.

- In the 2007 session, the Kansas state legislature appropriated funding under Senate Bill 14 for the Kansas Department of Corrections (KDOC) to award \$4 million as grant funds to community corrections agencies. KDOC awards grants to agencies that develop plans to reduce revocations by 20 percent. Since the policy has been enacted, revocations from community corrections declined 25 percent from 2006 to 2009. During the same period, state leaders have witnessed a 28.6-percent increase in probationers successfully completing supervision.⁷⁰

How Travis County (TX) Revamped Probation Policies and Practices to Reduce Recidivism

With funding from the Texas Department of Criminal Justice-Community Justice Assistance Division (TDCJ-CJAD), the Travis County Probation Department engaged in a two-year process to retool its probation system according to evidence-based practices. The process started with an assessment of the department in 2005 and continued with a plan to change key aspects of its operations in 2006 and 2007. This effort was supported by local judges, prosecutors, the defense bar, and county commissioners.

By 2007, the Travis County probation department had implemented a number of key changes. It created a new centralized assessment process based on scientific tools to assess risk/needs, redesigned supervision and sanctioning strategies to better match these assessments, and introduced a system of progressive sanctions to more consistently respond to violations. The department also reconfigured the intake processes to free up probation officer time for working with probationers on their supervision plans. To improve accountability and encourage a focus on case work and supervision strategies, it created process and outcome tracking reports and redesigned its personnel performance evaluation system.

The results of Travis County's efforts were highly encouraging. Evaluations by TDCJ-CJAD and the state's Legislative Budget Board found the following:

- The number of felony probation revocations (for technical violations or new criminal activity) in Travis County declined by 20 percent from FY 2005 to 2008. This is the steepest decline in revocations of the five most populous counties in Texas and significantly better than the statewide average decline of less than 1 percent.
- Travis County had the largest reductions in the number of *felony technical probation revocations* of the five most populous counties and the statewide average. From FY 2005 to 2008, Travis saw a reduction of 48 percent compared with the statewide reduction of 5 percent. Controlling for the size of the population under supervision, the Travis County

70. Kansas Department of Corrections, *2010 Risk Reduction Initiative Report—SB 14*, <http://doc.ks.gov/publications/the-senate-bill-14-risk-reduction-initiative>.

technical revocation rate decreased from 5.9 percent to 3.4 percent during this same period, the lowest of the most populous counties and lower than the statewide average of 5.3 percent in 2008.

- The reduction in technical revocations in Travis County for the three years studied averted \$4.8 million in state incarceration costs, and from 2007 to 2008 there was a reduction of 14 percent in the number of jail days used by probationers with a motion to revoke.

Principle D: Apply Place-Based Strategies

Place matters. People released from prison and jail return disproportionately to a small number of communities in each state—communities that typically lack social services, housing, employment, and other stabilizing forces. The percentage of people on probation or parole that are concentrated in certain ZIP codes (or even city blocks) is also stunning. Crime, too, tends to be centered around particular locations, such as street corners, lots, buildings, bars, or stores.

The first principle in this chapter highlighted the importance of identifying and focusing risk-reduction strategies on those individuals most likely to reoffend. Strategies should also be applied in the places where crime is most likely to occur and the places where people under supervision reside. Law enforcement agencies have been shifting to geographic-driven policing strategies as part of their movement toward more proactive approaches over the past two decades—and researchers have documented the success of these strategies in reducing crime. Probation and parole supervision agencies are still in the beginning phases of using data to organize their supervision resources and strategies in similar ways. Together, law enforcement and community supervision staff can use geographic data to locate these communities and then collaboratively apply place-based strategies that research has shown to be effective.

Ensuring that resources available to supervision agencies are concentrated on specific places is particularly critical to reducing recidivism. For individuals to change their criminogenic behavior, services and supports crucial to their success must be nearby. Similarly, supervision officers need to observe each person's conduct, not just on the other side of a desk, but in the place where behavior matters the most: the community where the person being supervised resides. This commonsense notion is supported by research demonstrating that the location where services—such as health, employment,



“The brunt of most correctional activities in the United States is borne by just a few neighborhoods in every major city in every state of the country.”

— **Eric Cadora, Director,
Justice Mapping Center**



and education—are provided influences whether a person’s transition from prison or jail is safe and successful. Specifically, serving people in the communities where they live has a greater impact on recidivism than limiting services to those provided while someone is still incarcerated. Many corrections agencies devote most, and in some cases all, of their recidivism-reduction resources to prison-based programs, believing that staff working inside facilities can “rehabilitate” people while they are incarcerated even when there is little or no community-based aftercare. Abdicating responsibility for what happens after the person is in the community, however, ignores the reality that recidivism occurs in particular places, not in jail or prison. There should be reentry planning that encourages continued access to recidivism-reduction services tailored to the places where individuals go after their release.

These same communities and places often face other acute social problems, including unemployment, low rates of high school graduation, inadequate housing, and health issues. When officials from criminal justice agencies and those from other systems come together, they typically realize that despite deploying a disproportionate share of resources in the same neighborhoods, they are missing opportunities to coordinate and integrate public resources, and align them with private investments, to improve outcomes for families and conditions in the neighborhood generally. Accordingly, criminal justice officials are increasingly thinking about housing, education, and job creation in specific communities as integral to a comprehensive crime-fighting strategy.

Key Findings from Research and Practice

High-Crime Places

In any given city, there are typically discrete areas that account for a high proportion of all crime and disorder.

- In Boston, researchers found that between 1980 and 2008, 3 percent of all street segments in the city accounted for more than half of all the city’s gun violence incidents. The researchers found that “the urban gun violence epidemic... may be best understood by examining highly volatile micro-level trends at a relatively small number of places in urban environments.”⁷¹
- Another study in Jersey City, New Jersey, found that about 4 percent of streets and intersection areas generated nearly half of the city’s narcotics arrests and almost 42 percent of the disorder arrests.⁷²

71. Anthony A. Braga, Andrew V. Papachristos, and David M. Hureau, “The Concentration and Stability of Gun Violence at Micro Places in Boston, 1980–2008,” *Journal of Quantitative Criminology*, 26, no. 1 (2009): 33–53.

72. David Weisburd and Lorraine Green Mazerolle, “Crime and Disorder in Drug Hot Spots: Implications for Theory and Practice in Policing,” *Police Quarterly* 3 (September 2000): 331–49.

- In one study in Minneapolis, Minnesota, 3 percent of the city’s addresses accounted for 50 percent of calls for service to the police.⁷³

Where Most People Entering and Returning from Prison and Jail Reside

People who commit a crime and are convicted, incarcerated, and placed on supervision by the criminal justice system, tend to reside in particular neighborhoods.⁷⁴

- In New York City, neighborhoods that are home to 17 percent of the city’s adult population account for more than 50 percent of residents sent to prison every year from the city.
- Seven of Houston’s eighty-eight neighborhoods are home to only about 5 percent of the city’s adult population, but grapple with more than a quarter of all returning prisoners to the city.
- In Austin, Texas, three of the city’s forty-one ZIP codes are home to only 3.5 percent of the city’s adult population, but absorb more than 17 percent of people returning from prison a year.
- A single neighborhood in Phoenix is home to 1 percent of the state’s total population, but 6.5 percent of the state’s prison population.
- In Wichita, Kansas, where probation and parole revocations account for more than two-thirds of the city’s admissions to prison each year, one quarter of all people on probation or parole live in communities that are home to only 8 percent of the city’s adult population.
- Despite housing only 3.5 percent of Miami’s population, a single ZIP code is home to 16.1 percent of all parolees in the city and 10.7 percent of all probationers.
- In Raleigh, North Carolina, nearly half of all parolees (47 percent) and one-third of all probationers (34 percent) come from two ZIP codes, where less than 9 percent of the city’s population lives.

73. Lawrence Sherman, Michael Buerger, and Patrick Gartin, “Repeat Call Address Policing: The Minneapolis RECAP Experiment,” *Final Report to the National Institute of Justice* (Washington, DC: Crime Control Institute, 1989).

74. Data in the following bullets were generated from the National Justice Atlas of Sentencing and Corrections, an interactive mapping utility that gives policymakers, the media, researchers, and the public a neighborhood-level view of where prison inmates and offenders on probation and parole are from and where corrections spending is highest. The National Justice Atlas was developed by the Justice Mapping Center and can be found online at <http://www.justiceatlas.org>.

Place-Based Policing Strategies

Law enforcement regularly considers hot spots—areas with “a greater than average number of criminal or disorder events... [or] where people have a higher than average risk of victimization”⁷⁵—when deciding how to allocate scarce resources.

- A Police Foundation report found that seven in ten departments with more than 100 sworn officers reported using crime mapping to identify crime hot spots.⁷⁶
- A seminal study by Sherman and Weisburd found that hot spot policing—increasing the “dosage” of police presence in a high crime area—can help reduce disorder in that area.⁷⁷ The researchers conducted a one-year randomized trial in Minneapolis in which they identified 110 crime hot spots. They increased police presence in half of them, and basic patrol practices were continued in the other half. This increased dosage of police presence (not measured by arrest, citation, or anything other than observations of a police car) resulted in decreased crime and disorder. Reductions in total crime calls in the experimental sites ranged from 6 to 13 percent. Observed disorder—defined as “signs of crime,” such as fights, drug sales, solicitation for prostitution, playing loud music or shouting, rummaging through garbage cans, or public urination—was only half as prevalent in the hot spots with additional police presence. The study concluded that substantial increases in police patrol presence can cause modest reductions in crime and significant reductions in disorder in hot spots.⁷⁸
- Research underscores the need to consider what police actions in these hot spot locations will most influence crime and disorder. A randomized study of police responses to crime and disorder hot spots in Lowell, Massachusetts, found that the greatest crime-prevention impact occurred when police used situational strategies to address physical and social incivilities (e.g., partnering with community organizations and local agencies to rehabilitate abandoned buildings, improve street lighting, or evict problem residents). Increasing the number of misdemeanor arrests in hot spots also had an impact, but to a lesser degree.⁷⁹

75. John E. Eck, Spencer Chainey, James G. Cameron, Michael Leitner, and Ronald E. Wilson, *Mapping Crime: Understanding Hot Spots* NCJ 209393 (Washington, DC: U.S. Department of Justice, National Institute of Justice, August 2005).

76. David Weisburd, Stephen Mastrofski, and Rosann Greenspan, *Compstat and Organizational Change* (Washington, DC: Police Foundation, 2001).

77. Lawrence Sherman and David Weisburd, “General Deterrent Effects of Police Patrol in Crime ‘Hot Spots:’ A Randomized, Controlled Trial,” *Justice Quarterly* 12, no. 4 (December 1995): 625–48.

78. Police presence does not suggest that “stop and frisk” or other controversial practices have been employed, but rather that law enforcement has increased the visibility and number of patrols in an area. Law enforcement has increasingly worked with residents and city leaders to consider what strategies may have a disproportionate impact on minority communities and what tactics would produce the best results in response to requests for action in crime-ridden neighborhoods.

79. Anthony A. Braga and Brenda J. Bond, “Policing Crime and Disorder Hot Spots: A Randomized Controlled Trial,” *Criminology*, 46, no. 3 (2008): 577.

Community Supervision Approaches that Consider “Place”

Supervising probationers and parolees where they live, rather than having all individuals report to a central office, can improve compliance and contact between an officer and the person he or she is supervising.

- Many experts have observed that “the supervision of probationers has been conducted in government office buildings in a fortress-like fashion far removed from where offenders live or carry on their lives.”⁸⁰ The same holds true for parolees. Saddled with crushing caseloads, court demands and buried in paperwork, community supervision officers in many jurisdictions find it nearly impossible to make time to venture into the neighborhoods where people they supervise live.
- The Maryland Division of Probation and Parole encourages its officers to supervise individuals in the community. Under the Proactive Community Supervision (PCS) model, officers are encouraged to meet low-risk supervisees at the offices of local community or faith-based organizations. The underlying logic is that supervisees are more likely to relate their difficulties in a more welcoming, traditionally non-criminal justice environment. The program’s results demonstrate the value of this approach: a 2006 study by researchers from Virginia Commonwealth University and the University of Maryland showed that 32.1 percent of PCS participants were re-arrested compared with 40.9 percent of a matched group receiving traditional supervision.⁸¹
- When parole and probation officers get into the field, and they see where (and how) someone under supervision lives and where that person goes for treatment and services, they develop a nuanced understanding of how that person is complying with the conditions of release. The composite report rendered from place-based supervision is far more useful than the limited snapshot of information obtained when a probationer or parolee sits down opposite the officer at a desk in a downtown office and recounts what he or she is doing.
- The Maricopa County (AZ) Adult Probation Department assigns officers in one Phoenix neighborhood to a probation office located in the community. The program resulted in two significant forms of increased compliance, when compared with a control group of probationers who reported to a central office outside the neighborhood. Individuals who were supervised in their neighborhood were almost

80. Edward E. Rhine, “Why ‘What Works’ Matters Under the ‘Broken Windows’ Model of Supervision,” *Federal Probation* 66, no. 2 (September 2002): 38–42.

81. Faye S. Taxman, “The Role of Community Supervision in Addressing Reentry from Jails.” Paper prepared for the Urban Institute, John Jay College, and Montgomery County, Maryland, Department of Corrections and Rehabilitation Reentry Roundtable on Reentry from Jails, June 2006.

twice as likely to pay restitution and perform community service as the control group. They were more likely to initiate contact with a probation officer, and officers were more likely to initiate contact with them. Officers in the neighborhood probation program made more referrals to community agencies than did those from the central office.⁸²

A number of strategies can promote a place-based approach to supervision.

- Situating community corrections officers in satellite offices within communities with concentrations of supervisees makes field work easier and less time-consuming than traveling back and forth from a downtown office.
- Officers' caseloads can be organized according to place, rather than by judicial docket or random assignment.
- Performance reviews and incentives can be structured to ensure that officers spend time in the field; for example, supervisors can review probation and parole officers' case notes to confirm how many site visits they conducted and the quality of those visits.

Supervision and law enforcement collaborations can lead to more shared information that can enhance surveillance and support for high-risk individuals residing in particular neighborhoods where crime, disorder, and recidivism rates are higher than citywide averages. Supervision organized by place also enables agencies to partner with community stakeholders (e.g., political leaders, community and faith-based leaders, community organizations, etc.) and families of people under supervision.⁸³

Place-Based Treatment and Agency Services

Programs provided in jail- and prison-based settings can reduce recidivism, but their impact is modest compared with community-based services after release, particularly while the person is under supervision in the community.

- The greatest reductions in recidivism often occur in programs that are based in the community, not programs based in institutions. For example, the Washington State Institute for Public Policy, in its meta-analysis of 545 corrections programs, found that prison-based programs to address criminogenic factors reduced recidivism rates by an average of 5–10 percent (not percentage points), whereas intensive supervision with community-based services reduced recidivism rates by 18 percent.

82. Maricopa County, Arizona, Adult Probation, "Coronado Neighborhood Supervision Evaluation: Executive Summary," February 1999.

83. For more on police partnerships with parole and probation agencies, see Matt Schwarzfeld, Deirdre Mead Weiss, Martha Plotkin, and Laura Draper, *Planning and Assessing a Law Enforcement Reentry Strategy* (New York: Council of State Governments Justice Center, 2008).

- The research demonstrates the importance of providing community-based services nearby. For example, researchers have found that individuals addicted to drugs are more likely to participate in treatment if these services are provided close to where they live.⁸⁴ These findings suggest that treatment resources concentrated in a particular neighborhood will be more effective than a similar commitment of resources in prison.

Family and Other Community Engagement

Probation and parole agencies must engage family and community members to improve outcomes and rates of success for individuals under supervision.

- Studies have found that increased contact with family during incarceration can reduce the likelihood of recidivism.⁸⁵ Family members can provide motivation, help individuals address addiction, and encourage loved ones to find and keep jobs. People who work in the justice field understand this but rarely know how to tap families as a resource.⁸⁶
- Faith-based and community organizations (nonprofits, grassroots organizations, churches, ministries, other houses of worship, and their affiliated bodies) can supply critical services to people released from prisons and jails. In some jurisdictions, faith-based and community organizations may be the only resource for this population. They offer shelter, housing services, food, clothing, employment training, substance use and mental health treatment, mentoring opportunities, and countless other supports.
- Faith-based and community organizations have established ties with individuals and families in their neighborhoods. In particular, staff and volunteers at these organizations have been successful at fostering positive and lasting relationships with people released from prisons and jails. These kinds of relationships can be strong motivating factors for people to seek ongoing support and remain committed to rejecting a life of crime.
- Geomapping and data matching between systems' client rosters or databases can help determine the extent to which people who are incarcerated and people who are

84. Faye Taxman and Cynthia Lum, "Pathways (and Distractors) to SA Treatment for Probationers." Presentation at the Addiction Health Services Research Conference. October 2008, [http://gemini.gmu.edu/ebct/Presentations/presentations/Addiction/Pathways\(and%20Distractors\)SATreatment_oct15.pdf](http://gemini.gmu.edu/ebct/Presentations/presentations/Addiction/Pathways(and%20Distractors)SATreatment_oct15.pdf).

85. C. F. Hairston, "Family Ties During Imprisonment: Do They Influence Future Criminal Activity?" *Federal Probation* 52, no. 1 (1988): 48–52; C. Dowden and D. A. Andrews, "What Works for Female Offenders: A Meta-Analytic Review," *Crime and Delinquency* 45, no. 4 (1999): 438–52.

86. The Vera Institute's Family Justice Program provides extensive training and strategic support to government and community partners to help them effectively draw on the resources of families and communities. The program's systemic interventions are designed to benefit people at greatest risk of cycling in and out of the justice system. See <http://www.vera.org/videos/family-justice-program>.

released from prison and jail correspond to different systems' and organizations' service populations. Establishing the extent to which service populations overlap is useful in identifying new sources of funding. State and local government officials and community leaders can cobble together funding for an initiative by coordinating, blending, or leveraging funding streams that are managed by distinct system officials but intersect among the same targeted people, families, and communities.

Spending Concerns

The small number of “high-stakes” neighborhoods that account for large portions of those admitted to prison and those under probation and parole supervision already account for a disproportionate slice of states' overall corrections spending, but these resources are tied up in operating institutional corrections facilities.

- Michigan taxpayers spent more than \$430 million to imprison people from Wayne County (which includes Detroit) in 2007. This was one-third of the state's overall spending on corrections for that year. Wayne County is home to less than 20 percent of the state's population.⁸⁷
- In 2007, Arizona spent more than \$70 million to incarcerate residents from a single ZIP code. The prison admission rate for this neighborhood was 31.8 per 1,000 residents,⁸⁸ versus a statewide average of 2.2 per 1,000 residents.⁸⁹
- The four Texas counties that receive the most residents from, and contribute the most residents to, the prison system cost the state more than \$1 billion in incarceration costs a year. In Houston, ten of the city's eighty-eight neighborhoods account for almost \$100 million a year in prison expenditures.⁹⁰

87. Justice Mapping Center analysis of the Michigan Department of Corrections data on 2007 admissions to prison. Council of State Governments Justice Center, *Justice Reinvestment in Michigan: Analysis of Crime, Community Corrections and Sentencing Policies* (New York: Council of State Governments Justice Center, January 2009), <http://justicereinvestment.org/states/michigan/pubmaps-mi>.

88. “Justice Reinvestment: A Framework for Reducing Spending on Corrections and Increasing Public Safety” presentation, April 22, 2009, http://www.ncga.state.nc.us/fiscalresearch/frd_reports/frd_reports_pdfs/Session%20Briefings/Justice_Reinvestment.pps.

89. Heather C. West and William J. Sabol, *Prisoners in 2007*, Bulletin, Table 4. NCJ 224280 (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, February 2009), <http://bjs.ojp.usdoj.gov/content/pub/pdf/p07.pdf>.

90. The National Justice Atlas of Sentencing and Corrections, see <http://www.justiceatlas.org>.

The Fate and Impact of Distressed Neighborhoods

Research suggests that high rates of incarceration in a neighborhood may exacerbate already distressed conditions.⁹¹ Studies also indicate that people on probation and parole supervision are more likely to recidivate when they live in distressed neighborhoods.

- Neighborhoods become less capable of suppressing crime when there are high levels of social disorganization—the absence or breakdown of communal institutions (e.g., family, school, church, and local government) and communal relationships that traditionally foster cooperative efforts among people. Communal relationships occur less frequently where large numbers of people have been incarcerated. Research by Todd Clear, Dina Rose, and others suggests that high rates of incarceration in distressed areas will lead to more crime because of the disruption of families and social networks that help organize a community.⁹²
- A study of people on supervision in Multnomah County, Oregon, found that those who return to distressed neighborhoods are re-arrested at a greater rate than those who return to stronger communities, even when the study controlled for differences among the individual offenders that would make them more or less likely to reoffend.⁹³

When people have relinquished control over and care for their neighborhood, instability that is conducive to crime can take hold. People show a commitment to where they live when housing is in good condition, public areas are clean, streets are safe, and jobs and amenities are present. Officials increasingly need to think about how criminal justice resources already being spent on these high-stakes areas can be reinvested in strategies that will not only reduce recidivism more effectively but also lay the foundation for residents to stabilize their own community.

“

“If you just think about reinvesting savings in more probation and parole services... and don't think about reinvesting those savings in a bigger context—if you don't think about a housing strategy as part of it in these very tough places—then you are really not leveraging your savings to the broadest extent.”

— Sandra Moore, President,
Urban Strategies, Inc.

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91. “Distressed neighborhoods” are those that suffer high rates of crime, high poverty, and poor access to social services. They are sometimes referred to as “disadvantaged” or “high-stakes” neighborhoods.

92. See, for example, Dina Rose and Todd Clear, “Incarceration, Social Capital, and Crime: Implications for Social Disorganization Theory,” *Criminology* 36, no. 3 (1998): 441–80. Also see Todd R. Clear, *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse* (New York: Oxford University Press, 2007).

93. Charis K. Kubrin and Eric A. Stewart, “Predicting Who Reoffends: The Neglected Role of Neighborhood Context in Recidivism Studies,” *Criminology* 44, no. 1 (2006): 165.

Program Examples

How an Employment Program Can Help Rebuild Neighborhoods Where Offenders Live

In 2008, Michigan's governor, senate majority leader, and house speaker commissioned a study by the Council of State Governments Justice Center of the state's crime, corrections, and sentencing policies. The study team located a handful of neighborhoods where the vast majority of parolees and probationers reside. As a result of the findings, policymakers considered opportunities to reinvest savings from corrections to neighborhood-based projects that reduced crime and connected people under community supervision to sustainable employment. The Inner-City Neighborhood Project (ICNP) was established as the framework to accomplish these goals. ICNP is a collaboration among the Michigan Council on Crime and Delinquency, the Department of Corrections, local offices of the Michigan Prisoner Reentry Initiative (MPRI), local law enforcement, Habitat for Humanity, and private employers.

ICNP operates in neighborhoods in four cities (Detroit, Saginaw, Grand Rapids, and Benton Harbor). The neighborhoods were selected by program staff and local officials because they have high concentrations of individuals returning from prison and high rates of unemployment, crime, and blight among the housing stock. Reentering individuals work in construction or light manufacturing in these neighborhoods. They help rebuild the neighborhoods where they live through wage labor and community service. This promotes a sense of ownership in their own community and fosters better relations between returning individuals and residents. Police partners help track individuals by attending program activities and visiting work sites.

How Wichita (KS) Leveraged Criminal Justice Resources for Community Development

With the number of people in prison rising, state legislators and corrections officials searched for cost-effective ways to prevent crime beyond just building and operating additional prison space. Through a detailed analysis of where people admitted to prison come from, corrections administrators identified a small number of neighborhoods across the state and within Wichita that accounted for a disproportionate share of prison admissions. At the same time, representatives of other state, county, and city agencies analyzed where their resources and services were being deployed. When these officials came together, they realized that despite investing a much greater share of their resources in the same set of neighborhoods, they were missing opportunities to coordinate and integrate these public resources and align them with private efforts to achieve common outcomes for residents. In response, they formed the New Communities Initiative.

Legislative leaders, with the governor’s support, decided to reinvest a portion of the state dollars that would have otherwise been spent on prison construction into the redevelopment of neighborhoods where most of the state’s prison admissions come from and where the majority of released individuals return. The leaders decided initially to focus their efforts on a specific geographic area in central northeast Wichita that has had the highest incarceration rate in the state—representing one-sixth of the total area of the city of Wichita, but accounting for \$11.4 million (39 percent) of the \$28.9 million the state was spending on corrections for the entire city.⁹⁴ A 2007 survey identified more than 800 vacant houses and 1,400 tax-delinquent properties (with an estimated annual loss of \$631,000 in tax revenue) in the target area.

The city set aside \$250,000 for creating a detailed strategic plan for this initiative. At this writing, the city is poised to issue a formal request for a proposal from urban planning and development consultants experienced in creating such housing and community redevelopment strategies.

How the Local Initiatives Support Corporation (LISC) Builds Partnerships between Police, Community Developers, and Residents

Although community developers and police share the same core goal—to make a neighborhood a safer, better place to live—they often face challenges in working together due to differences in the way they do business or lack of understanding about each other’s resources. Through its Community Safety Initiative (CSI), LISC, the largest community development support organization in the country, helps to establish partnerships among law enforcement, residents, business owners, and members of other neighborhood institutions in troubled neighborhoods to reduce persistent crime, disorder, and fear. Police and community developers craft joint responses to youth violence, gang activity, drug markets, and reentry.

Since 1999, CSI’s congressionally funded partnership with the Department of Justice has leveraged more than \$6.2 million in private investment to support community safety, which in turn has paved the way for more than \$263 million in commercial and residential



“If we do not ensure that the places we send ex-offenders back to are stable environments, it almost doesn’t matter if the people we’re sending back are stable.”

— Frank Straub, Ph.D., Director for Public Safety, Indianapolis, Indiana



94. Kathryn Cortes and Shawn Rogers, *Reentry Housing Options: The Policymakers’ Guide* (New York: Council of State Governments Justice Center, 2010).

real estate development. Projects that address graffiti, street lighting, and drug houses help build a stable economic base and attract new investments. For example, CSI invested nearly \$415,000 in eastern Kansas City, Missouri, leveraging \$66 million in residential, commercial, and mixed-use redevelopment. This attracted a new financial call-in center valued at \$20 million, which brought 300 full-time jobs and a \$14.5 million payroll to an under-served minority community.⁹⁵

How Performance Incentive Funding Keeps Low-Risk Probationers in the Community

Government is not inclined to think about how to concentrate criminal justice and social service resources in particular places because of existing incentive structures. Too often localities do not have inducements to keep probationers who commit technical violations under their jurisdiction, which can destabilize efforts to rebuild a community. Judges also are inclined to sentence a probation violator to prison, transferring authority to the state. Economic incentives should be aligned to promote supervision in the community for lower-risk offenders when appropriate, where they can access treatment resources, find work, and reconnect with their families.

- Adult Redeploy Illinois, created by state legislation, provides financial incentives to local jurisdictions for designing community-based programs to treat offenders in the community instead of sending them to state prisons. Participating counties are given financial support if they agree to reduce by 25 percent the number of individuals sent to state custody who are charged with less serious offenses, to develop plans for community-based treatment, and to develop a continuum of community-based sanctions and treatment alternatives for offenders who would otherwise be incarcerated.⁹⁶
- California's Community Corrections Performance Incentive Act (SB 678, 2009) helps reduce crimes committed by probationers and the number of probationers revoked to prison by giving supervising departments a share of the savings realized by the state in reduced incarceration costs when they decrease both new offenses and revocations to prison. By linking funding to performance, this legislation creates a positive incentive for probation departments to improve their supervision practices to enhance public safety and limit costs to taxpayers.

95. Local Initiatives Support Corporation, *Community Safety Initiative* one-pager, available at http://www.lisc.org/docs/brochures/2008/OnePagerCSI_11-07.pdf.

96. Adrienne Austin, *Criminal Justice Trends: Key Legislative Changes in Sentencing Policy, 2001–2010* (Washington, DC: Vera Institute of Justice, 2010).

3

Case Studies of Statewide Efforts to Reduce Recidivism and Corrections Spending

STATE LEADERS ACROSS THE NATION are struggling to address unprecedented corrections spending and asking themselves whether their investments are yielding the best public safety results. Many have examined the research and key principles for reducing recidivism, but translating that knowledge into practical policies and implementation steps can be daunting. There is reason to be optimistic, however: A growing number of states have partnered with experts to use a comprehensive data-driven approach that integrates information from multiple government agencies spanning social service, criminal justice, health, and myriad other systems. The discussion and case studies that follow demonstrate the advances made by these justice reinvestment strategies to anchor and build statewide multidisciplinary, bipartisan initiatives.



“Looking at data to learn what causes prison population growth can lead to substantial, much needed, and bipartisan change.”

— **U.S. Senator Sheldon Whitehouse, Rhode Island**



How the Justice Reinvestment Approach Works

Typically, there are three distinct phases when the Justice Center works with policymakers at the state level to apply the justice reinvestment approach. To get started, policymakers establish a small, high-level, interbranch, bicameral, and bipartisan team of elected and appointed officials to work with the Justice Center’s criminal justice policy experts. These experts then consult with a broad range of stakeholders in the jurisdiction, which may include prosecutors; public defenders; judges; corrections and law enforcement officials; service providers and community leaders; victims and their advocates; people who have been

incarcerated; and health, housing, human service, education, and workforce professionals. Together, these policymakers, experts, and stakeholders work to accomplish the following:

1. Analyze data and develop policy options.

Experts analyze crime, arrest, conviction, jail, prison, and probation and parole supervision data provided by state and local agencies. They map specific neighborhoods where large numbers of people under criminal justice supervision live. This information is then cross-referenced with reports of criminal activity and the need for various services (including substance abuse and mental health treatment programs) and resources (such as unemployment or food stamp benefits). State policymakers and experts also assess available services critical to reducing recidivism. Using that state-specific information, the Justice Center staff helps to develop practical, data-driven, and consensus-based policies that reduce spending on corrections to reinvest in strategies that can improve public safety.

2. Adopt new policies and put reinvestment strategies into place.

Once government officials enact the policy options agreed upon during the first step in the process, they must verify that the policies are adopted effectively. Jurisdictions often receive assistance in translating the new policies into practice and ensuring that related programs and system investments achieve projected outcomes. This assistance includes developing implementation plans with state and local officials and keeping policymakers apprised through frequent progress reports and testimony to relevant legislative committees.

3. Measure performance.

Finally, the Justice Center ensures that elected officials receive brief, user-friendly, and up-to-date information that explains the impact of enacted policies on jail and prison populations and on rates of reincarceration and criminal activity. Typically, this includes a “dashboard” of multiple indicators that make it easy for policymakers to track—in real time—the changes in various components of the criminal justice system.



“At the heart of this new strategy, is a simple, but critical question: What is the most effective way to spend limited resources in order to protect and improve public safety? We answered that question, made the tough choices, and implemented a new and effective program that protects the public and minimizes expenditures.”

— **Rep. Jerry Madden, Vice Chair, Corrections Committee, Texas State House of Representatives**



Applying the Approach

As of September 2010, the justice reinvestment approach has been applied by the CSG Justice Center in eleven states.⁹⁷ Work in these states was made possible through funding support provided by the Bureau of Justice Assistance, U.S. Department of Justice and the Public Safety Performance Project of The Pew Center on the States.⁹⁸

Because each state is different and has its own distinct circumstances, justice reinvestment does not result in the same one-size-fits-all policies being adopted. Despite these differences, the states that have pursued such an initiative all share a common result: reduced spending on corrections, with the averted costs or savings reinvested in strategies to increase public safety.

At the county level, justice reinvestment can help prioritize jail space for those who pose the greatest risk to the public and provide processes for identifying which individuals can be safely supervised or served in the community instead, where treatment and supports may be more readily available. Justice reinvestment can also help achieve substantial cost savings by expediting case processing for individuals awaiting trial or disposition; revising probation policies; creating more alternatives to jail before sentencing; and preventing jail residents from reoffending by increasing reentry preparation and services before and after their release.

With support from the Bureau of Justice Assistance, the Urban Institute has worked with three counties on justice reinvestment projects: Alachua County, Florida; Allegheny County, Pennsylvania; and Travis County, Texas. Each county has experienced tremendous growth in its jail population and has looked to justice reinvestment as a means of avoiding new and costly jail construction. To date, the sites have collected and analyzed data to help understand what drives their criminal justice costs.



“Too often our approach for dealing with the problems of recidivism and public safety has not actually looked for good analysis—to look for whether our gut instincts are vindicated by what actually works out in the field. [We have looked for] support for tried and true programs, which may have been tried but not so true.”

— **Congressman Adam Schiff,**
California



97. Phase I was completed in the following states: Arizona, Connecticut, Kansas, Nevada, Michigan, New Hampshire, Pennsylvania, Rhode Island, Texas, Vermont, and Wisconsin.

98. The states themselves have also been an important funding partner in this work, typically making a significant financial contribution to cover a portion of the costs associated with the technical assistance provided. In addition, private foundations (some national and others local), including the Open Society Institute, the JEHT Foundation, the New Hampshire Charitable Foundation, and the Joyce Foundation have made the justice reinvestment approach possible in some of these jurisdictions.

These analyses have led local leaders to make data-driven decisions about how they can allocate resources better. In Travis County, the fact that many repeat residents of the jail 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 repeated jail incarceration. Allegheny County also identified a high proportion of repeat jail residents. Many have extensive histories of substance addiction, which prompted county policymakers to work on opening more treatment beds in the jail and to ensure that the facility is operating within its recommended capacity. These examples illustrate how local justice reinvestment efforts can identify opportunities to reduce county correctional costs and reinvest resources in strategies with a more cost-beneficial impact on public safety and community well-being.

Case Studies

Though nearly all of the states that have completed Phase I work with the Justice Center have adopted bipartisan policies, there are four—Texas, Kansas, Arizona, and New Hampshire—selected for closer examination because they reflect how justice reinvestment can be adopted in very different contexts.⁹⁹ The sections that follow (in chronological order) provide a snapshot of how justice reinvestment is applied in each of these states.

Texas Statewide Effort

In 2006, Texas state leaders requested intensive technical assistance from the Justice Center to implement a justice reinvestment approach to avert an increase in spending on corrections and reinvest in strategies to increase public safety.¹⁰⁰

The Challenge Policymakers Faced in Texas

Despite significant growth in the Texas state prison population over a more than twenty-year period, by 2007, the population was projected to grow further still.

- Between 1983 and 1997, the growth in the prison population forced the state to build 108,000 new prison beds at a cost of \$2.3 billion.¹⁰¹ Despite this investment, by 2007, the

99. For additional case studies and information on work in other states, see <http://www.justicereinvestment.org/states>.

100. Much of the information to follow is based on the Justice Center’s report, *Justice Reinvestment in Texas: Assessing the Impact of the 2007 Justice Reinvestment Initiative*, http://www.justicereinvestment.org/files/Texas_Bulletin.pdf.

101. CSG Justice Center, *Recent and Projected Growth of the Texas Prison Population* (New York: Council of State Governments Justice Center, January 2007), <http://www.justicereinvestment.org/files/texas-growth.pdf>; “Prison System,” in *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/PP/jjp3.html> (accessed September 2, 2010).

prison population exceeded capacity by 3,000 individuals and was projected to increase by 14,000 people within five years at a cost of an additional \$523 million to build and operate more prison space in the FY 2008–09 biennium.

Data-Driven Analysis & Policy

In response, the Justice Center provided state policymakers with an analysis that identified the factors contributing to the growth of the prison population.

- Between 1997 and 2006, the number of probation revocations to prison increased 18 percent, despite a 3-percent decline in the total number of people under community supervision.¹⁰²
- Reductions in funding for community-based substance abuse and mental health services led to a shortfall of treatment beds, with more than 2,000 people awaiting space in various treatment programs or facilities.¹⁰³
- The percentage of people approved for parole remained lower than suggested by the Texas Parole Board’s guidelines, which are based on risk levels and crime severity. Had the guidelines been followed, an additional 2,252 individuals might have been released in 2005.¹⁰⁴

In May 2007, the Texas legislature enacted a justice reinvestment package of criminal justice legislation that many policymakers consider to be the most expansive redirection in state corrections policy since the early 1990s.

- The new policies included an expansion of in-prison and community-based treatment and diversion programs to reduce rates of reoffense and revocations to prison, such as
 - residential and outpatient treatment programs for people on probation with substance abuse needs;
 - a combined total of 1,700 beds in intermediate sanction facilities and halfway houses to divert probation and parole violators away from prison or to assist them in reentry; and

102. Texas Department of Criminal Justice, Community Justice Assistance Division, Statistical Tables, December 2006.

103. Memorandum from Deanne Breckenridge, Texas Department of Criminal Justice, December 7, 2006. As of December 2006, there were 1,386 offenders awaiting space in a Transitional Treatment Center, 823 offenders were in county jails awaiting treatment space in a Substance Abuse Felony Punishment (SAFP) facility, 174 were in prison awaiting in-prison therapeutic treatment, and there were 1,206 fewer therapeutic treatment beds in state jails, as these were eliminated in prior budget cuts.

104. Sunset Advisory Commission: Texas Department of Criminal Justice, Board of Pardons and Paroles, *Correctional Managed Health Care Committee Staff Report*, October 2006.

- a combined total of 3,200 new beds for intensive in-prison and jail-based alcohol and substance abuse treatment programs, including a facility targeting people with DWI offenses.
- The new policies enhanced parole and probation by
 - establishing a maximum limit for parole caseloads to ensure adequate supervision;
 - reducing probation terms for drug and property offenders from a maximum of ten years to a maximum of five years;
 - establishing incentives for counties that created progressive sanctioning models for probation officers to respond effectively to violations of supervision; and
 - expanding drug courts and other specialty courts to place individuals who committed minor crimes into treatment programs that would reduce their likelihood of reoffending.

Impact of the Justice Reinvestment Policies

After the enactment of the justice reinvestment policies in 2007, the state experienced declines in the rate of recidivism for people on community supervision.

- Between 2006 and 2009, the parole revocation to prison decreased 29 percent and the probation revocation to prison rate declined by 3 percent.¹⁰⁵
- The prison population has stabilized and is projected to experience minimal growth. From January 2007 to December 2008, the Texas prison population increased by only 529 individuals; at the beginning of the 2007 legislative session, the projected increase for that period was 5,141 individuals if the justice reinvestment strategies had not been implemented.¹⁰⁶
- Since then, from December 2008 to August 2010, the prison population decreased by 1,125 individuals.¹⁰⁷
- Although the state’s nonpartisan Legislative Budget Board projected in 2007—before the enactment of the Justice Reinvestment Initiative—that the prison population would grow by approximately 17,000 people over five years, it now projects that the population will be stable and remain below operating capacity through 2015.¹⁰⁸

105. Texas Legislative Budget Board, “TDCJ Projection Monitoring Data,” Communication with CSG Justice Center; Texas Department of Criminal Justice-Community Justice Assistance Division, *FY 2009 Statistical Report*.

106. Legislative Budget Board, “Reduce the Prison Population by Reducing Parole Process Delays” in *Texas State Government Effectiveness and Efficiency: Selected Issues and Recommendations*, January 2009.

107. Legislative Budget Board, Personal communication regarding monthly TDCJ population trends, October 2010.

108. Legislative Budget Board, *Adult and Juvenile Correctional Population Projections, Fiscal Years 2010–2015*, June 2010.

By enacting these policies, the state realized immediate savings in its FY 2008–09 budget.

- The expansion of these programs translated into a net savings of \$443.9 million in the FY 2008–09 budget by reducing funding for contracted bed space and canceling funding for the construction of the new prison units originally proposed.¹⁰⁹

Reinvestments in Strategies to Increase Public Safety

As a part of the 2007 legislative package, state policymakers reinvested funding that would have otherwise been spent on prison construction and operations in additional treatment and diversion programs.

- The state allocated \$241 million to expand the capacity of substance abuse, mental health, and intermediate sanctions facilities and programs that focused on people under supervision who would otherwise likely be revoked to prison.

As a part of its justice reinvestment strategy, the state reinvested a portion of its savings in the Nurse-Family Partnerships Program.

- In 2007, the legislature appropriated \$4.3 million for fiscal years 2008–09 to the Nurse-Family Partnerships (NFP) program, a nationally recognized model that pairs nurses with first-time, low-income mothers during the child’s first two years.¹¹⁰ The funds were meant to provide services to 2,000 families in “high-stakes” communities with the goals of preventing family violence and increasing self-sufficiency.

To learn more about the justice reinvestment strategy in Texas, see <http://justicereinvestment.org/states/texas>.

109. Council of State Governments Justice Center, *Justice Reinvestment in Texas: A Case Study* (New York: Council of State Governments Justice Center, September 2007), <http://www.justicereinvestment.org/states/texas/pubmaps-tx>. The savings represent the difference between the original request for appropriations by the administration and the final adopted plan and do not consider potential future savings or cost-avoidance due to the impact of the plan on the projected prison bed shortfall and on reductions in recidivism.

110. The Colorado Blueprints for Violence Prevention, a national initiative to identify models that provide effective violence prevention and intervention strategies, conducted a rigorous evaluation of 600 model programs and identified the NFP program as one of eleven proven models that prevent violence.

Kansas Statewide Effort

To avert the projected 22-percent increase in its prison population in the coming decade, Kansas leaders became interested in justice reinvestment and asked for help in implementing its strategies in 2006.

The Challenge Policymakers Faced in Kansas

Kansas had a reputation for implementing “tough and smart” criminal justice policy. In 2006, the Kansas leaders wanted to examine whether recent policy changes increasing sentence lengths, along with other changes, would place unsustainable pressure on the state criminal justice system and if there were wiser investments they could make in public safety.

- A prison projection for 2007 estimated that the population in Kansas would increase by 22 percent by 2016.¹¹¹
- To accommodate the growth, the state would need to appropriate nearly \$500 million over ten years to expand and operate approximately 1,300 new beds.¹¹²

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“It was clear to us that our governor and legislature wanted us to cap the cost and reduce recidivism.”

— **Roger Werholtz, Secretary,
Kansas Department of Corrections**

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Data-Driven Analysis & Policy

In response, the Justice Center provided state policymakers and stakeholders with an analysis that identified the factors contributing to the growth of the prison population.

- In FY 2006, probation and parole revocations accounted for 65 percent of prison admissions, consuming 27 percent of prison capacity at a cost to taxpayers of \$53 million annually.¹¹³
- That same year, 90 percent of revocations were for conditions violations, with alcohol or drug use accounting for 32 percent of parole revocations. Additionally, 58 percent of people revoked on probation supervision demonstrated a need for substance abuse or mental health treatment.¹¹⁴

111. Kansas Sentencing Commission, *Fiscal Year 2007 Adult Inmate Prison Population Projections*, 2006.

112. Council of State Governments Justice Center, *Justice Reinvestment State Brief: Kansas*, October 2007.

113. Tony Fabelo, “Tough and Smart: Opportunities for Kansas Policymakers to Reduce Crime and Spending,” Presentation, December 12, 2006.

114. Fred Osher, “Kansas’ Opportunity to Improve Public Safety Through Effective Treatment,” Presentation, February 5, 2007.

- Most people were released from prison without participating in programs that could reduce their risk of reoffending. Half of the people in need of substance abuse treatment and 72 percent of the people needing vocational education did not participate in relevant risk-reduction programs prior to their release from prison.¹¹⁵

In May 2007, at the recommendation of a bipartisan task force, Kansas lawmakers approved a legislative package (SB 14) that included

- creation of a performance-based grant program for community corrections programs to design local strategies that could reduce revocations by 20 percent;
- establishment of a sixty-day program credit to increase the number of people who successfully complete educational, vocational, and treatment programs prior to release; and
- restoration of earned-time credits for good behavior for nonviolent offenders.¹¹⁶

Impact of the Justice Reinvestment Policies

After enacting justice reinvestment strategies in 2007, the state experienced declines in the number of people revoked to prison from community supervision.

- Between FY 2006 and FY 2010, the number of probationers revoked to prison for violations decreased by 16 percent.¹¹⁷
- During the same period, the number of parolees revoked to prison for violations decreased by 34 percent.

By using a justice reinvestment approach, Kansas averted the growth projected in the prison population. That may change if new trends are left unaddressed.

- Before the enactment of SB 14, the state prison population was projected to increase by 700 people between 2007 and 2010. Instead, due to Senate Bill 14 and the Department of Corrections' expanded prisoner reentry efforts, the population increased by a mere ten individuals.

“

“We were able to reduce our prison population by about 7 percent and close six small facilities. Parole revocation rates on a monthly basis were cut from 203 in 2005 to 96 in FY2009.”

— **Roger Werholtz, Secretary,
Kansas Department of Corrections**

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115. Ibid; Kansas Department of Corrections Analysis for the CSG Justice Center, October 2006.

116. Kansas Legislature, Senate Bill 14, “An Act Concerning the Department of Corrections,” enacted 2007.

117. Kansas Sentencing Commission, *Fiscal Year 2011 Adult Inmate Prison Population Projections*, 2010. Note: The bullets that follow are all from this source.

- Increased sentence lengths, along with a more recent increase in new prison commitments, however, may cause the prison population to begin to increase again.

Reinvestment in Strategies to Increase Public Safety

State, county, city, and community leaders collaborated on the New Communities Initiative (NCI), a neighborhood reinvestment project.

- Data collected and analyzed through the technical assistance made available by the Justice Center prompted state agencies to establish NCI, a Wichita project that brought together state, county, community, and city leaders.
- Geographic analyses of Wichita revealed that in 2004, Kansas taxpayers spent \$11.4 million to incarcerate people from a single neighborhood, as well as an additional \$8.7 million on food stamps, unemployment insurance, and Temporary Assistance for Needy Families for the same group of individuals.¹¹⁸
- To integrate these benefits and achieve better outcomes for this investment of public resources, NCI leaders are designing a common set of strategies around these issue areas: children and youth, behavioral and physical health, adult education and economic vitality, safe and secure communities, and housing.

To learn more about the justice reinvestment strategy in Kansas, see <http://justicereinvestment.org/states/kansas>.

Arizona Statewide Effort

In 2008, a bipartisan group of state policymakers in Arizona asked the CSG Justice Center to help them implement a justice reinvestment approach to make fiscally sound decisions about corrections policies that would advance public safety goals.

The Challenge Policymakers Faced in Arizona

In 2008, state elected officials in Arizona faced a number of converging trends:

- A prison population projection released in 2008 estimated that if existing policies remained unchanged, the prison population would increase by 50 percent over a ten-year period, outpacing the 26-percent growth rate of the state's resident population.¹¹⁹

118. Council of State Governments Justice Center, *Justice Reinvestment State Brief: Kansas* (New York: Council of State Governments Justice Center, October 2007), <http://www.justicereinvestment.org/states/kansas/pubmaps-ks>.

119. Council of State Governments Justice Center, *Recent and Projected Growth of the Arizona Prison Population* (New York: Council of State Governments Justice Center, February 2007), http://www.justicereinvestment.org/files/Arizona_1-pager_v4.pdf.

- To ensure sufficient bed space for the increasing number of prisoners, the Department of Corrections would need \$2–\$3 billion to build and operate new prisons by 2017.¹²⁰
- At the same time, there was little evidence that such a massive investment would make Arizona residents significantly safer. Corrections spending between FY 1997 and FY 2007 increased by 100 percent; however, in 2008, the state’s crime rate was the highest in the nation.

Data-Driven Analysis & Policy

To determine what was driving increases in the prison population, the Justice Center provided state policymakers and stakeholders with an analysis based on a comprehensive review of data from multiple agencies.

- High rates of failure among people on probation supervision contributed significantly to the projected growth in the prison population.¹²¹
- In FY 2006, more than 4,000 probationers were revoked to prison for conditions violations at a cost of \$100 million to the state. Of those admitted to prison for failing on probation, 79 percent were identified as property or drug offenders.¹²²
- People who violated the conditions of their probation accounted for one-third of all prison admissions. These probation violators served, on average, sixteen months in prison after their probation was revoked.¹²³

In June 2008, the Arizona Legislature enacted, with overwhelming bipartisan support, the *Safe Communities Act*, which established incentives for people on probation to comply with their conditions of release and encouraged county probation departments to adopt evidence-based practices to improve community supervision and reduce recidivism.

- People on probation may be eligible to earn up to twenty days off their term of supervision for every thirty days they demonstrate positive progression and compliance with their conditions of supervision, participate in their community service assignments, and adhere to court-ordered restitution payments.
- Probationers who violate conditions of release lose whatever time they initially earned off of their period of supervision.

120. Ibid.

121. Ibid.

122. Council of State Governments Justice Center, *Reducing Crime and Generating Savings: Options for Arizona Policymakers* (New York: Council of State Governments Justice Center, February 2008).

123. Ibid; Council of State Governments Justice Center, *Recent and Projected Growth of the Arizona Prison Population* (New York: Council of State Governments Justice Center, February 2007); Keith Hardison and James Austin, The JFA Institute, Internal Memorandum to the Council of State Governments Justice Center, *Assessment of Arizona’s Probation Technical Violators*, April 2007.

- Probation departments that reduce crime (measured by fewer new felony convictions committed by people on probation) and revocations to state prison receive a portion of the savings they have generated for the state.
- Forty percent of the savings associated with reduced probation revocations will be returned to the county. The county must reinvest those savings to supplement, not supplant, existing state and county funding used for victim services, probation risk-reduction strategies, and substance abuse treatment at the county level.¹²⁴

Impact of the Justice Reinvestment Policies

An analysis conducted by the state of the new policies revealed a decline in probation revocations from the FY 2008 baseline to FY 2010.

- The number of people on probation who were revoked to state prison declined from 6,801 to 4,913, a drop of 1,888 revocations or nearly 28 percent.¹²⁵
- The number of people revoked from probation to county jails declined from 719 to 441, a drop of 278 revocations or almost 39 percent.¹²⁶
- The number of probationers who were convicted for another felony crime while on supervision also declined from 3,174 to 2,188, a decline of nearly 31 percent.¹²⁷
- If the rate of revocations to the Department of Corrections had remained at 2008 levels, the state would have to spend \$35.9 million in 2010 to house the additional prisoners.¹²⁸

Reinvestment in Strategies to Increase Public Safety

Policymakers at the state, county, and local level worked to design and implement a comprehensive public safety strategy in neighborhoods with high crime and incarceration rates.

- In 2008, policymakers from the Governor’s Office, Department of Corrections, Maricopa County, and experts from Arizona State University (ASU) leveraged their collective resources and expertise to focus and coordinate the supervision of people on probation and parole and address substance abuse, mental illness, and poverty among other issues.

124. Arizona Legislature, Senate Bill 1476, “An Act Amending Arizona Revised Statutes,” June 2008.

125. Arizona Supreme Court, Adult Probation Services Division, *Probation Revocation and Crime Reduction Report: Fiscal Year 2010*, 2010.

126. Ibid.

127. Ibid.

128. Ibid. Note: Savings are based on a daily cost of \$57.29 per inmate, the rate at which Arizona contracts for private prison beds. Probationers revoked to state prison serve an average of 333 days, according to the Arizona Department of Corrections.

- State parole and county probation offices worked with social workers, churches, and other community groups to provide job training, counseling, and other social services to people on community supervision. Additionally, they worked to link returning offenders, youth, and families to services that can help reduce juvenile delinquency and recidivism.
- Maricopa County officials also partnered with ASU to establish a Community Crime Analysis Center (CCAC) to analyze crime trends and the effectiveness of crime-reduction strategies being deployed in identified neighborhoods by state, county, and local officials and community-based organizations.

To learn more about the justice reinvestment strategy in Arizona, see <http://justicereinvestment.org/states/arizona>.

New Hampshire Statewide Effort

In June 2009, state policymakers requested intensive technical assistance from the CSG Justice Center to help develop a statewide policy framework that reduces spending on corrections and reinvests in strategies that can increase public safety and reduce recidivism.

The Challenges Policymakers Faced in New Hampshire

- Between 1999 and 2009, despite New Hampshire's low and stable crime rate, the prison population increased 31 percent and spending on corrections doubled to more than \$100 million.¹²⁹
- Recidivism among people released from prison increased in each of the years between 2003 and 2005, pushing the state recidivism rate from 40 to 51 percent, which is above the national average.
- Resources for treatment and sanctions to hold probationers and parolees accountable in the community are scarce.

Data-Driven Analysis & Policy

Guided by a bipartisan, bicameral, and inter-branch working group of state leaders and informed by input collected from hundreds of criminal justice system practitioners and stakeholders, the CSG Justice Center analyzed data across state agencies and individual county correctional agencies.

129. Unless otherwise noted, the analysis presented in this section consists of personal communications from the New Hampshire Department of Corrections personnel to the CSG Justice Center staff.

- Between 2000 and 2009, parole revocations increased from 35 to 43 percent of all admissions to prison.
- In 2009, probation and parole revocations for condition violations (for which there was no new offense conviction) together accounted for 57 percent of all admissions to prison.
- Seventy-five percent of revocations due to condition violations involved parolees who had used drugs or alcohol, and 41 percent had failed to access and/or complete a behavioral health treatment program.¹³⁰
- In 2009, 22 percent of people in prison were being held beyond their minimum sentence date, most for failing to complete prison programs or for misconduct, for a median of 500 days at an estimated cost of \$20 million to taxpayers.¹³¹
- Sixteen percent of 2009 prison releases consisted of people who completed their maximum sentence incarcerated without serving any parole supervision.

The Justice Reinvestment Act (2010 Chapter 247/SB500), following legislative approval by wide, bipartisan margins, was signed into law in June 2010. Employing a five-part approach to reduce recidivism, improve public safety, and reduce costs to taxpayers, the law

- focuses supervision and resources on high-risk offenders by reducing the length of supervision for low-risk offenders;
- enables probation officers to employ short, swift jail sanctions for minor probation violations, when permitted, by judges at sentencing;
- establishes a seven-day residential intermediate sanction for minor parole violators and a designated ninety-day parole revocation facility to re-engage parole violators in treatment and comply with supervision;
- ensures that everyone leaving prison receives at least nine months of supervision; and
- requires nonviolent offenders to serve no more than 120 percent of their minimum sentence.

The new law is expected to have a significant impact by FY 2015.

- By providing probation and parole officers with additional sanctioning and treatment options, and focusing supervision resources on the high-risk, high-need population, parole revocations are projected to be reduced by 40 percent and probation revocations by 20 percent.

130. Analysis based on a review of parole revocation hearing files covering a three-month period in 2009.

131. Number recorded as of November 2009.

- By reducing recidivism, the prison population will be gradually reduced by 646 people, or 23 percent, from the January 2010 census.
- The recidivism-reduction policies are estimated to amount to between \$7.8 and \$10.8 million cumulative state corrections savings.
- Beyond spending reductions, the law averts \$179 million in new construction and operating costs between 2012 and 2021 that the Department of Corrections had estimated to accommodate projected prison population growth. This estimate includes \$99 million in new construction and \$80 million in additional operating costs.¹³²

Reinvestment in Strategies to Increase Public Safety

- New Hampshire, unlike many states, appropriates no state dollars to the Department of Corrections for substance use treatment to effectively monitor and sanction people on probation and parole.
- Federal support under the American Recovery and Reinvestment Act and Second Chance Act grants, however, will begin expanding available treatment resources for the high-risk, high-need supervision population.
- It is anticipated, according to the intent of the Justice Reinvestment Act, that these resources, upon their expiration, will be replenished by savings generated by reductions in the prison population and associated correctional costs.

To learn more about the justice reinvestment strategy in New Hampshire, see http://www.justicereinvestment.org/states/new_hampshire.

132. Crabtree, Rohrbaugh & Associates, *The State of New Hampshire Comprehensive Master Plan, Department of Corrections*, July 10, 2008. Cost estimates are adjusted for inflation estimated at 3 percent annually.

4

National Resources

Federal Funding Opportunities

Federal legislation in recent years has resulted in the seeding of grant programs that have stimulated innovation and progress in addressing prisoner reentry and other corrections policies. Below is a list of some relevant federal grant programs available to state and local governments and other eligible entities.

Second Chance Act Programs

The Second Chance Act (P.L. 110-199) was signed into law on April 9, 2008, to improve outcomes for people returning to communities from prisons and jails. This first-of-its-kind legislation authorizes federal grants to government agencies and nonprofit organizations to enhance reentry efforts by providing employment assistance, substance abuse and mental health treatment, housing supports, family programming, mentoring, and other services that can help reduce recidivism.

Highlights

- The Second Chance Act, administered by the Bureau of Justice Assistance, U.S. Department of Justice, provides funding for a variety of reentry-focused programs to reduce offending and improve the outcomes for adults and youth returning home, including
 - reentry demonstration projects;
 - nonprofit organization mentoring efforts;
 - reentry courts;
 - family-based, substance abuse treatment;
 - education in prisons, jails, and juvenile facilities (evaluation and improvement);

- technology careers training demonstration projects;
 - reentry substance abuse and criminal justice collaboration; and
 - reentry research.
- The establishment of a National Reentry Resource Center is meant to help grant recipients implement the provisions of the Second Chance Act.

Funding Details

Second Chance Act grant programs are announced annually and are dependent on funding by Congress. The program received \$25 million in FY2009 and a total of sixty-eight grants were awarded. The program received \$100 million in FY2010 and 188 grants were awarded.

Eligibility

Demonstration grants, reentry court grants, substance abuse treatment grants, and technology career training demonstration grants are available to states, units of local government, and federally recognized Indian tribes. Mentoring grants are available to nonprofit organizations and federally recognized Indian tribes.

How and When to Apply

- The application period each year is typically February through April via www.grants.gov.
- Application information and deadlines can be found at www.grants.gov.
- For other grant information, visit <http://www.nationalreentryresourcecenter.org/about/second-chance-act>.

Criminal Justice Improvement and Recidivism Reduction through State, Local, and Tribal Justice Reinvestment

The Omnibus Consolidated Appropriations Act of 2010 (P.L. 111-117) authorized \$10 million in funding to the Bureau of Justice Assistance (BJA) for a Criminal Justice Reform and Recidivism Reduction Competitive Grant Program. This program focuses on a Justice Reinvestment model. “Justice reinvestment” is defined by BJA as a data-driven model that “(1) analyzes criminal justice trends to understand what factors are driving the growth in jail and prison populations; (2) develops and implements policy options to manage the growth in corrections expenditures, generates savings in public revenues, and increases the effectiveness of current spending and investment to increase public safety and improve

offender accountability; (3) reinvests a portion of the savings into the justice system to further reduce corrections spending and into the community to further prevent crime; and (4) measures the impact of the policy changes and reinvestment resources and holds policymakers accountable for projected results.”

Highlights

- The program authorizes the U.S. Attorney General to make grants to states, local governments, and tribes to help jurisdictions manage the growth in spending on corrections and increase public safety.
- Sites awarded grants by the Attorney General must demonstrate a commitment to work in a bipartisan approach to analyze the data and develop criminal justice policy options; demonstrate access to data from across the criminal justice system; identify agency or consultant capacity to analyze data; and establish a multi-branch, bipartisan interagency task force.
- The program closely mirrors the Justice Reinvestment Act (S. 2772/H.R. 4080), introduced by Senators Sheldon Whitehouse (D-RI), John Cornyn (R-TX), and Patrick Leahy (D-VT) and by Congressmen Adam Schiff (D-CA) and Dan Lungren (R-CA). The bill establishes a grant program to help states and local jurisdictions implement justice reinvestment initiatives and is pending before Congress at this writing.

Funding Details

Justice Reinvestment grants are announced annually and are dependent on funding by Congress. The program received \$10 million in FY 2010.

Eligibility

Awards are limited to selected national technical assistance providers. All requests for state, local, and tribal participation in the justice reinvestment initiative shall be made to BJA which will assign technical assistance providers to support a jurisdiction’s participation in the justice reinvestment initiative.

How and When to Apply

Application information and deadlines can be found at <http://www.ojp.usdoj.gov/BJA/JRI>.

Mentally Ill Offender Treatment and Crime Reduction Act

The Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) provides resources to state and local governments to design and implement initiatives focusing on people with mental illnesses in the criminal justice system to increase public safety, reduce state and local spending, and improve their prospects for recovery.

Highlights

- MIOTCRA was signed into law by President Bush in 2004 and authorized a \$50 million grant program to be administered by the Bureau of Justice Assistance, U.S. Department of Justice. This law created the Justice and Mental Health Collaboration Program (JMHCP) to help states and counties design and implement collaborative efforts between criminal justice and mental health systems.
- In 2008, Congress reauthorized the MIOTCRA program for an additional five years. The reauthorization bill also expanded training for law enforcement to identify and respond appropriately to individuals with mental illnesses, and supported the development of law enforcement receiving centers as alternatives to jail booking, to assess individuals in custody for mental health and substance abuse treatment needs.

Funding Details

JMHCP grants are announced annually and are dependent on funding by Congress. In FY 2009, the program received \$10 million and a total of forty-three grants were awarded. In FY 2010, the program received \$12 million and sixty-two grants were awarded.

Eligibility

Applicants are limited to states, units of local government, federally recognized Indian tribes, and tribal organizations. Each application must demonstrate that the proposed project will be administered jointly by a unit of government with responsibility for criminal or juvenile justice activities and a mental health agency.

How and When to Apply

The application period each year is typically February through April via www.grants.gov.

- Information on the grant program can be found at www.grants.gov.

Prison Rape Elimination Act

The Prison Rape Elimination Act (PREA) of 2003 (P.L. 108-79) was signed into law on September 4, 2003, to address the problem of sexual abuse of individuals in the custody of U.S. correctional facilities. PREA calls for federal, state, and local corrections systems to have a zero-tolerance policy regarding rape (as defined by PREA) in prisons, jails, police lock-ups, and other confinement facilities.

Highlights

- The major provisions of PREA are to
 - develop standards for detection, prevention, reduction, and punishment of prison rape;
 - collect and disseminate information on the incidence of prison rape; and
 - award grants and technical assistance to help state governments implement the Act.
- PREA applies to all public and private institutions that house adult or juvenile offenders and to community-based correctional agencies.

Resources

The Bureau of Justice Assistance (BJA) is developing a Resource Center for the Elimination of Prison Rape. This center furthers the Justice Department's mission by providing training, technical assistance, and implementation grants to help state, local, and tribal jurisdictions achieve compliance with PREA national standards.

- For more information, see <http://www.ojp.usdoj.gov/nij/topics/corrections/institutional/prison-rape/prea.htm#note2go>.

Residential Substance Abuse Treatment for State Prisoners

The Residential Substance Abuse Treatment (RSAT) for State Prisoners Program was created by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322). RSAT assists state and local governments with developing and implementing substance abuse treatment programs in state and local correctional and detention facilities and with creating and maintaining community-based aftercare services.

Highlights

- The Bureau of Justice Assistance administers the RSAT Formula Grant Program to states. RSAT programs provide individual and group treatment activities for offenders and must
 - last between six and twelve months;

- be provided in residential treatment facilities set apart from the general correctional population;
- focus on the substance abuse problems of the inmate; and
- develop the inmate’s cognitive, behavioral, social, vocational, and other skills to solve substance abuse and related problems.

Funding Details

The program received \$9,697,555 in FY 2009 and \$28,399,395 in FY 2010.

Eligibility

States may apply for a formula grant award under this program. “State” means any of the fifty states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands. The award is made to the state offices designated under Section 507 of the Omnibus Crime Control and Safe Streets Act of 1968 to administer the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The state office, known as the state administering agency (SAA), may award subgrants to state agencies and units of local government.

All applicant states must agree to implement or continue to require urinalysis or other proven reliable forms of drug and alcohol testing of individuals assigned to RSAT programs in correctional facilities. States must also give preference to subgrant applicants who will provide aftercare services to program participants.

How and When to Apply

The formula grant announcement is typically released December through February each year. Applicants must apply through the Office of Justice Programs’ Grant Management System.

- For more information, see <http://www.ojp.usdoj.gov/BJA/grant/rsat.html>.

Ten Online Resources

There are numerous online resources and websites available that provide practical information, valuable tools, and descriptions of innovative approaches for state and local governments and their community partners. This list of online resources represents an excellent starting point for policymakers, practitioners, or anyone seeking more information on the strategies and principles discussed in this report.

- JUSTICE REINVESTMENT PROJECT OF THE CSG JUSTICE CENTER
 - This site provides information for policymakers, members of the criminal justice field, and the media on the justice reinvestment approach. It includes federal legislation, an overview of the strategy, state examples, and facts and trends.

www.justicereinvestment.org

- NATIONAL PAROLE RESOURCE CENTER
 - The National Parole Resource Center (NPRC) provides information about parole and the critical role that paroling authorities play in the American criminal justice system. The organization is a partnership of the Center for Effective Public Policy and the Association of Paroling Authorities International.

<http://nationalparoleresourcecenter.org>

- NATIONAL REENTRY RESOURCE CENTER
 - Established by the Second Chance Act and directed by the CSG Justice Center with support from the Bureau of Justice Assistance, the resource center helps advance the reentry field through training, technical assistance, distance learning, and knowledge development.

www.nationalreentryresourcecenter.org

- NATIONAL INSTITUTE OF CORRECTIONS, U.S. DEPARTMENT OF JUSTICE
 - The agency provides training, technical assistance, information services, and policy/program development assistance to federal, state, and local corrections agencies.

www.nicic.gov

- PEW CENTER ON THE STATES PUBLIC SAFETY PERFORMANCE PROJECT
 - The center advances state policies that serve the public interest by conducting credible research, bringing together diverse perspectives, and analyzing states' experiences to determine what works and what does not. Resources include timely reports and briefs covering a range of issues such as community supervision, prison population, and probation and parole, and the latest news on public safety.

http://www.pewcenteronthestates.org/initiatives_detail.aspx?initiativeID=31336

- AMERICAN PROBATION AND PAROLE ASSOCIATION (APPA)
 - APPA has grown to become the voice for thousands of probation and parole practitioners including line staff, supervisors, and administrators. This CSG affiliate offers various books and manuscripts focusing on the latest topics in community corrections, up-to-date information on the status of community corrections across the United States, and a directory for users to locate and contact community corrections agencies in each state.
www.appa-net.org/eweb/

- URBAN INSTITUTE
 - The Urban Institute gathers data, conducts research, evaluates programs, offers technical assistance overseas, and educates Americans on social and economic issues—to foster sound public policy and effective government. It has extensive resources on prisoner reentry and local justice reinvestment efforts and provides technical assistance and practical materials on key topics.
www.urban.org

- CENTER FOR EFFECTIVE PUBLIC POLICY (CEPP)
 - The center assists criminal and juvenile justice policymakers and practitioners with developing effective solutions to complex problems. CEPP provides training curricula, books, video seminars, reference materials, and policy and practice briefs. The center provides training and technical assistance on specific issues such as evidence-based correctional policies and practices; systemwide assessments of strengths and needs; and parole and probation violations.
www.cepp.com

- THE CENTER FOR MENTAL HEALTH SERVICES NATIONAL GAINS CENTER
 - The SAMHSA National GAINS Center has operated since 1995 as a national locus for the collection and dissemination of information about effective mental health and substance abuse services for people with co-occurring disorders in contact with the justice system.
<http://www.gainscenter.samhsa.gov>

- VERA INSTITUTE OF JUSTICE
 - The Vera Institute of Justice combines expertise in research, demonstration projects, and technical assistance to help leaders in government and civil society improve the systems people rely on for justice and safety. Vera’s Center on Sentencing and Corrections and its Cost-Benefit Analysis Unit help policymakers advance criminal justice policies that promote fairness, protect public safety, and ensure that resources are used efficiently.
www.vera.org

Appendix A: Summit Participants and Sponsors



The National Summit on Justice Reinvestment and Public Safety

Addressing recidivism, crime, and corrections spending

Agenda

January 27, 2010

Capitol Visitor Center • U.S. Capitol • Washington, DC

9:00 – 10:30 A.M.

Opening Session

In the past 20 years, state spending on corrections has grown at a rate faster than every state budget category other than Medicaid, increasing from more than \$12 billion in 1988 to more than \$50 billion in 2008. The Pew Center on the States reports that more than 1 in 100 American adults are now behind bars.

Despite this huge increase in cost, recidivism rates remain high. Bureau of Justice Statistics research indicates that half of all individuals studied who were released from state prison were reincarcerated within three years. Most of the people released from prison, and many people released from jail, are placed under some form of community supervision. There are 5.1 million people (1 in 45 adults) on probation or parole today.

Keynote speakers will discuss the need to address recidivism rates and corrections spending. They will consider how best to assist states and localities that are struggling with unsuccessful and unsustainable prison and corrections policies.

CONGRESSIONAL AUDITORIUM

KEYNOTE SPEAKERS

- **Congressman Alan B. Mollohan, D-WV**
- **Congressman Frank Wolf, R-VA**
- **Attorney General Eric Holder, U.S. Department of Justice**
- **Laurie Robinson, Assistant Attorney General for the Office of Justice Programs, U.S. Department of Justice**
- **Senator Sheldon Whitehouse, D-RI**
- **Congressman Adam Schiff, D-CA**
- **Mark Earley, President, Prison Fellowship**
- **Honorable Sue Bell Cobb, Chief Justice, Supreme Court of Alabama**
- **Assemblyman Jeffrion Aubry, Chair, Corrections Committee, New York State Assembly**

JUSTICE CENTER
THE COUNCIL OF STATE GOVERNMENTS

 **THE PEW**
CENTER ON THE STATES

 **BJA**
Bureau of Justice Assistance
U.S. Department of Justice

Public Welfare
FOUNDATION

10:30 – 11:30 A.M.

Case Studies of Successful Statewide Efforts to Reduce Recidivism and Corrections Spending

This session provides a summary of key corrections trends, an overview of the Justice Reinvestment strategy, and reviews how the strategy was applied in Texas and Kansas. In 2007, the Texas prison population was projected to grow by more than 14,000 people in five years. Lawmakers enacted policies to avert the anticipated growth and save \$443 million, of which more than \$200 million was redirected to programs that helped reduce recidivism and improve public safety. Kansas's prison population was expected to increase 22 percent by 2016 at a cost of approximately \$500 million. Kansas policymakers directed \$7.9 million to expand treatment programs and strengthen probation and parole; from 2007 to 2009, the state prison population decreased by 4 percent and recidivism rates declined by more than 20 percent.

CONGRESSIONAL AUDITORIUM

MODERATOR: **James Burch**, Acting Director, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice

PRESENTERS:

- **Adam Gelb**, Director, Public Safety Performance Project, Pew Center on the States
- **Rep. Jerry Madden**, Vice-Chair, Corrections Committee, Texas State House of Representatives
- **Roger Werholtz**, Secretary, Kansas Department of Corrections
- **Michael Thompson**, Director, Council of State Governments Justice Center

11:30 A.M. – 1:00 P.M.

Lunch Break

Individuals registered for the afternoon session are encouraged to have lunch at the Capitol Visitor Center or other nearby restaurants. A map of the Visitor Center is included on page 4.

1:00 – 5:00 P.M.

Addressing Recidivism, Crime, and Corrections Spending

DIRKSEN SENATE
OFFICE BUILDING, ROOM G-50

Welcome and Introductory Remarks:
Senator Sheldon Whitehouse, D-RI

Panel 1: Focus on Individuals' Risk to Public Safety

Panelists will discuss the need to conduct assessments to determine which individuals are most likely to commit new crimes and pose risks to public safety, and then to focus supervision, interventions, and other resources on addressing factors that drive criminal activity.

MODERATOR: Rep. Michael Lawlor, Co-Chairman, Joint Judiciary Committee, Connecticut

- Ed Latessa, Ph.D., Professor and Director of the School of Criminal Justice, University of Cincinnati
- Doug Marlowe, Ph.D., Director, Division on Law & Ethics Research at the Treatment Research Institute

Panel 2: Base Programs and Practices on Science and Ensure Quality

This panel will explore strategies to ensure that resources are allocated to those practices, programs, and policies that research has demonstrated reduce recidivism and the need to regularly monitor performance.

MODERATOR: A.T. Wall, Director of Corrections, Rhode Island

- Steve Aos, Ph.D., Associate Director, Washington State Institute for Public Policy
- Glenn Martin, Vice President of Development and Public Affairs, Fortune Society

Panel 3: Implement Effective Community Supervision Policies and Practices

Members of this panel will highlight state-of-the-art community supervision policies and practices, including responses to violations of conditions of probation and parole that are swift, certain, and proportionate. Speakers will also discuss incentives that can help reduce recidivism.

MODERATOR: Amy Solomon, Senior Research Associate, The Urban Institute

- Tony Fabelo, Ph.D., Director of Research, Council of State Governments Justice Center
- Michael Jacobson, Ph.D., President, Vera Institute of Justice
- Honorable Steven S. Alm, Judge, Hawaii First Circuit Court

Panel 4: Apply Place-Based Strategies

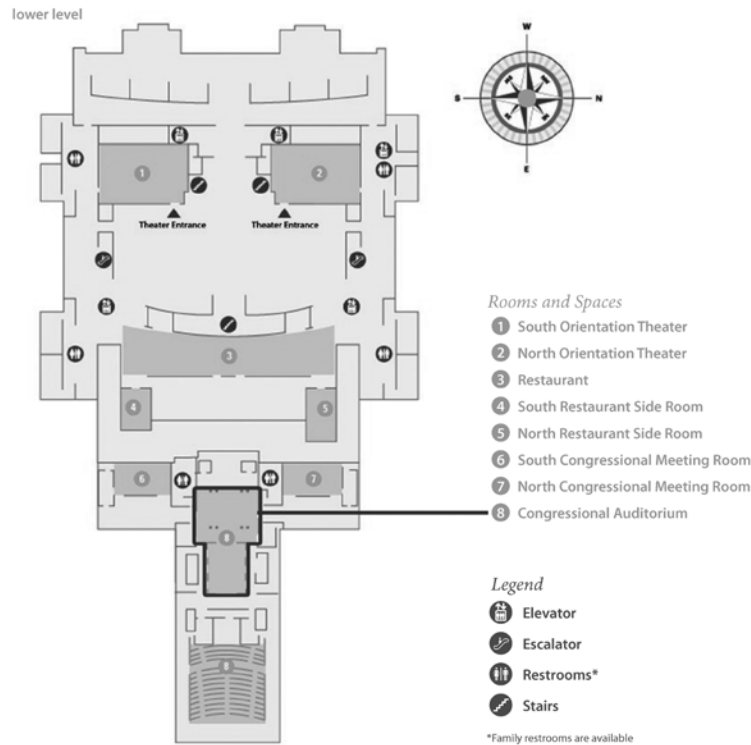
In nearly every state, there are neighborhoods that receive disproportionately large numbers of people released from prison and jail. Panelists will highlight opportunities to coordinate services and resources to improve safety and the quality of life in these "high-stakes" communities.

MODERATOR: Eric Cadora, Director, Justice Mapping Center

- Frank Straub, Ph.D., Director for Public Safety, Indianapolis, Indiana
- Sandra Moore, President, Urban Strategies, Inc.

The National Summit on Justice Reinvestment and Public Safety 3

Capitol Visitor Center – Managed Rooms and Spaces



About the Justice Center: The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. It provides practical, nonpartisan advice and consensus-driven strategies—informed by available evidence—to increase public safety and strengthen communities. To learn more about the justice reinvestment approach, see www.justicereinvestment.org. For more about the CSG Justice Center, see www.justicecenter.csg.org.

About Pew: The Pew Center on the States is a division of The Pew Charitable Trusts that identifies and advances effective solutions to critical issues facing states. Pew is a nonprofit organization that applies a rigorous, analytical approach to improve public policy, inform the public and stimulate civic life. Launched in 2006, The Public Safety Performance Project helps states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable, and control corrections costs. For more information, visit www.pewcenteronthestates.org.

About BJA: The Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, supports law enforcement, courts, corrections, treatment, victim services, technology, and prevention initiatives that strengthen the nation's criminal justice system. BJA provides leadership, services, and funding to America's communities by emphasizing local control; building relationships in the field; developing collaborations and partnerships; promoting capacity building through planning; streamlining the administration of grants; increasing training and technical assistance; creating accountability of projects; encouraging innovation; and ultimately communicating the value of justice efforts to decision makers at every level. Visit www.ojp.usdoj.gov/BJA/ for more information.

About Public Welfare: The Public Welfare Foundation supports efforts to ensure fundamental rights and opportunities for people in need. The Criminal and Juvenile Justice Program seeks out opportunities for systems change to reduce the rate of incarceration and prison population in America while ensuring public safety. To learn more about the Public Welfare Foundation, see www.publicwelfare.org.

4 The National Summit on Justice Reinvestment and Public Safety

Appendix B: Hearing Testimony

The request for the summit and this subsequent report arose from a series of eight hearings on corrections, reentry, and recidivism held by the U.S. House Appropriations Subcommittee on Commerce, Justice, and Science in 2009. Links to the testimony and statements are below.¹³³

Major Challenges Facing Federal Prisons, Part 1, Tuesday, March 10, 2009
Harley Lappin, Director, Federal Bureau of Prisons ([Testimony](#))

Major Challenges Facing Federal Prisons, Part 2, Tuesday, March 10, 2009
Phil Glover, National Legislative Director, AFGE Council of Prison Locals ([Testimony](#))
Bryan Lowry, President, AFGE Council of Prison Locals ([Testimony](#))

Offender Drug Abuse Treatment Approaches (Transcript), Tuesday, March 10, 2009
Faye Taxman, PhD, Professor, Administration of Justice Department, George Mason University ([Testimony](#))

Assessment of the Serious and Violent Offender Reentry Initiative, Wednesday, March 11, 2009
Christy Visher, PhD, Professor, University of Delaware and The Urban Institute ([Testimony](#))
Pamela Lattimore, PhD, Principle Scientist, RTI International ([Testimony](#))

Innovative Prisoner Reentry Programs, Part 1, Wednesday, March 11, 2009
Dennis Schrantz, Deputy Director, Michigan Department of Corrections ([Testimony](#))
George T. McDonald, Founder and President, The Doe Fund, Inc. ([Testimony](#))
Pat Nolan, Vice President, Prison Fellowship ([Testimony](#))

133. To access these testimonies online, please see <http://www.justicereinvestment.org/summit/report>.

Innovative Prisoner Reentry Programs, Part 2, Wednesday, March 11, 2009

Jennie S. Amison, Director, Gemeinschaft Home ([Testimony](#))

Judge Stephen Manley, Superior Court of California, County of Santa Clara ([Testimony](#))

“What Works” for Successful Prisoner Reentry, Thursday, March 12, 2009

Jeremy Travis, President, John Jay College of Criminal Justice ([Testimony](#))

James M. Byrne, PhD, Professor, University of Massachusetts, Lowell ([Testimony](#))

Justice Reinvestment, Wednesday, April 1, 2009

Mike Thompson, Council of State Governments Justice Center ([Testimony](#))

Rep. Jerry Madden, Vice-Chair, House Corrections Committee, Texas House of Representatives ([Testimony](#))

Roger Werholtz, Secretary, Kansas Department of Corrections ([Testimony](#))

www.justicecenter.csg.org