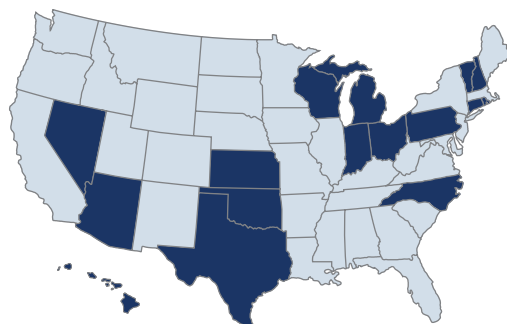




Lessons from the States:

Reducing Recidivism and Curbing Corrections Costs Through Justice Reinvestment



Over the past 20 years, state spending on corrections has skyrocketed—from \$12 billion in 1988 to more than \$52 billion by 2011.¹ Declining state revenues and other fiscal factors are putting a serious strain on many states’ criminal justice systems, often putting concerns about the bottom line in competition with public safety. Strategies tested in numerous states, however, show that there are effective ways to address the challenge of containing rising corrections costs without sacrificing public safety.

Policymakers are exploring targeted and data-driven criminal justice policies to realign resources, maximize their impact, and promote cost savings and safer communities. A recent report published by the Pew Center on the States found that great savings could be found in improving recidivism rates: “If just the 10 states with the greatest potential cost savings implemented policies that reduced their recidivism rates by just 10 percent, together they could save more than \$470 million in a single year.”²

Six Lessons

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

In 2007, Texas became the first state in the country to complete the justice reinvestment process, which resulted in \$443 million in upfront savings. Since then, 15 other states have designed justice reinvestment strategies. From their experience, six key lessons have emerged that can inform the work of other states tackling similar issues. These states have generated significant cost savings and improvements in public safety through the measures on the right:

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

Lesson #1:

Conduct a Comprehensive Data Analysis

Policymakers often do not have information about what factors are driving crime, reoffense rates, and the growth of correctional populations. Many state policymakers are forced to make decisions about prison and public safety policies without comprehensive, independent analyses of their criminal justice data. State agencies often also lack the capacity to conduct regular evaluations and audits of programs and systems to determine if they are reducing crime and the numbers of people returning to prison. Without comprehensive data and the ability to interpret it, states are unable to develop policies that respond to the unique criminal justice challenges they face.

For example, Wisconsin's Department of Corrections, which has an annual budget of \$1.2 billion, maintains a reasonably modern and effective data system. As a result of budget cuts over the past years, however, the agency had no research department and no capacity to analyze the data collected. This exacerbated the problem of identifying the root causes of the state's 14 percent prison growth from 2000 to 2007 and the 71 percent increase in corrections spending from 1999 to 2009.

States that have succeeded in reducing correction costs and improving public safety have used a variety of analyses of state-specific data. By examining crime, arrest, conviction, jail, prison, and probation and parole supervision data, policymakers can identify the key drivers of prison population growth and prioritize investments in key areas of the system that need reinforcing. Additionally, analyzing the need for, and access to, various services (including substance abuse and mental health treatment programs) and resources critical to reducing recidivism ensures that services are deployed where they are most needed. State leaders from all three branches of government can work with experts to translate this data into practical policies that help save taxpayer dollars and enhance public safety.

In Oklahoma, for example, a growing state prison population threatened to cost an estimated \$249 million in additional spending by 2021. Facing these rising costs, state policymakers asked experts to collect and analyze vast amounts of state criminal justice, mental health, and substance abuse data. The data highlighted three key challenges: high rates of violent crime, inadequate supervision and treatment, and growth in key segments of the prison population. By better understanding these issues, leaders in Oklahoma were able to develop a set of 11 policy recommendations that specifically targeted these key challenges. By adopting these policies, Oklahoma will significantly slow the projected growth in the state prison population between 2013 and 2021, saving an estimated \$175 million in averted costs while investing in strategic law enforcement initiatives and enhancing supervision in the state.

Oklahoma Justice Reinvestment Process

700,000+
data records analyzed

100+
in-person meetings
with stakeholders in the
criminal justice system

5
2-3 hour meetings of the
Justice Reinvestment
Working Group

100 Police Chiefs, Staff & Officers	24 Victims, Advocates & Survivors	40 Probation & Parole Officers	15 Behavioral Health & Treatment Providers	17 Members of the Defense Bar	12+ Hours with DAs Prater, Harris, Redmond, Mashburn, Fields & Wampler
12 Sheriffs		5 Community Sentencing & Private Supervision	20 Judges		

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Lesson #2:

Engage All Parties

Policymakers faced with high recidivism rates and increasing corrections costs must confront a complicated set of issues. The justice reinvestment process calls for states to establish a high-level, inter-branch, bicameral, bipartisan team of elected and appointed officials to work with researchers and criminal justice policy experts. This working group then consults with a broad range of stakeholders in the jurisdiction, which may include prosecutors, public defenders, judges, corrections and law enforcement officials, service providers, community leaders, victims and their advocates, people who have been incarcerated, county officials, and health and housing service providers. Bringing this diverse group of experts, officials, and stakeholders to the table increases buy-in from those involved in the process and is essential to accurately diagnosing systemic issues and effectively responding to them.

Ensuring that county and city officials and criminal justice stakeholders such as sheriffs, police chiefs, county commissioners, and local probation and treatment providers are consulted is critical to ensuring that policies developed help reduce costs, improve outcomes across the system, and do not shift risks or costs to other parts of the system.

County officials played a significant role in shaping the reforms that were enacted in Kentucky in 2011. Because Kentucky holds approximately one-third of state-responsible offenders in local jails, the state's rising prison population and the associated costs had a significant impact on counties. The Kentucky working group, which included a county executive, worked closely with counties to identify challenges and develop solutions that would benefit corrections systems at both the state and county levels. The resulting legislation assists counties in several ways. It improves the bail and pretrial release and supervision systems; allows a peace officer to issue a citation instead of making an arrest for minor misdemeanor offenses; and allows for the placement of offenders in local jails closer to their community for the last part of their sentences

District attorneys and victim advocates are particularly helpful in assessing gaps at the local level, in part because they have insight into the number and nature of crimes committed by individuals who never make it into the criminal justice system. Moreover, their connection to victims is a constant reminder of a fundamental goal of the criminal justice system, which is to reduce victimization.

Victim advocates in Hawaii, for example, were quick to point out the gap between victim restitution collection in a state-contracted private prison and the state-run facilities. Because restitution is intended to assist in repaying victims for expenses related to the crime they suffered and to hold offenders accountable for their behavior, the insight of victim advocates helped to focus policymakers' efforts. As a result, Hawaii is recasting its restitution collection infrastructure, to improve the collection practices for state facilities and increase monies repaid to victims.



North Carolina Governor Betty Purdue signs the Justice Reinvestment Act into law in 2011.

Lesson #3:

Focus on the People Most Likely to Reoffend

As growing prison and jail populations increasingly strain states' corrections budgets, policymakers must focus scarce resources where they can have the biggest return on investment for public safety. In spite of this, many states fail to focus their incarceration, treatment programs, and supervision priorities on the offenders most likely to commit future crimes. Research emphasizes the need to focus supervision services on high-risk offenders and the importance of using scientifically validated risk assessment tools to identify these individuals.

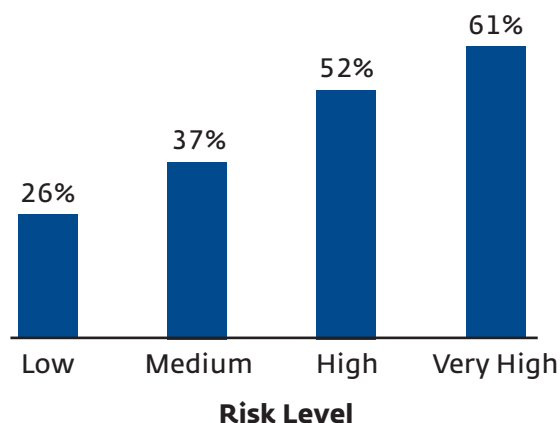
Historically, identifying individuals most likely to reoffend was mostly educated guesswork, but recent research has shown that modern assessment tools are very effective at objectively predicting an individual's risk of being rearrested. One recent study found that in the three years after their release, 10 percent of the individuals classified as low risk by a risk-assessment tool were rearrested, while 70 percent of those deemed high risk were rearrested.³ Because of the disproportionately higher risk of rearrest borne by a subsection of the population, spreading criminal justice resources to all risk levels equally does not maximize their impact. Instead, resources should be targeted towards those individuals who are the most likely to reoffend.

In 2011, for instance, North Carolina and Ohio both passed comprehensive legislation emphasizing this principle. In North Carolina, new legislation requires supervision agencies to concentrate resources on high-risk individuals and empowers probation officers to employ swift and certain sanctions to hold offenders accountable in a manner that is both cost effective and proven to have a bigger impact on reducing recidivism. In addition, the law ensures that treatment programs are targeted to people who have the greatest treatment needs and are most likely to reoffend and have the greatest treatment needs. Finally, the legislation strengthened and expanded an existing felony drug diversion program. Meanwhile, Ohio has embraced a similar approach by adopting criteria that instruct all of the state's community corrections agencies to prioritize placement for people who would benefit most from intensive supervision and treatment. Moreover, first-time property and drug offenders now face mandatory probation sentences and treatment attendance requirements. These requirements hold these offenders accountable in more meaningful ways and conserve prison space for more serious and violent offenders.

Using supervision and treatment resources more efficiently is expected to pay dividends in both North Carolina and Ohio. State leaders in North Carolina project \$560 million in averted costs and cumulative savings by 2017, and experts in Ohio estimate savings of half a billion dollars by 2015. And these savings do not account for the fact that holding high-risk individuals accountable promotes safer communities.

Likelihood of Recidivism Not the Same for All Individuals

Recidivism Rate by Risk Level



Figures represent the percentage of people within each risk category expected to return to Ohio prisons within three years of their release in 2008

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Lesson #4:

Reinvest in High-Performing Programs

While thousands of well-intentioned criminal justice programs have been designed over the years, not all of these programs have effectively met their goal of reducing recidivism and protecting communities. Programs are often maintained because outsiders assume they are effective or because of anecdotal evidence of impact. At best, ineffective programs divert limited resources. At worst, they may even have the unintended consequence of making participants more likely to reoffend. The need for better results coupled with a scarcity of resources has pushed states to develop programs that can be assessed according to their impact.

Researchers have made great strides in identifying the best practices and elements shared by successful programs. States now have a variety of mechanisms to help them identify and implement evidence-based practices and regularly evaluate their efforts.

Many states are using this body of research to guide their investments in high-performing programs. The Washington State Institute of Public Policy estimated the costs and benefits of 545 evidence-based adult corrections, juvenile corrections, and prevention programs by analyzing comparison group evaluations.⁴ The study found that some programs produce more favorable returns on investment. For example, intensive supervision programs combined with treatment were found to yield a 17.9 percent reduction in recidivism, while supervision without treatment led to no net decrease. The study was used to develop recommendations for the Washington state legislature, which then prioritized investment in the programs with demonstrated track records of success.

In Kentucky, legislation passed in 2011 requires that by 2016, 75 percent of state expenditures on supervision and intervention programs for pre-trial defendants, inmates, and individuals on parole and probation are spent on programs that are evidence based. In North Carolina, state leaders redirected funding for community-based drug treatment for individuals on supervision from an antiquated formula-based system into a performance-driven contract approach. This approach has provided the Department of Public Safety with more leverage to demand that programs apply evidence-based practices, serve the intended target populations, and reduce recidivism.

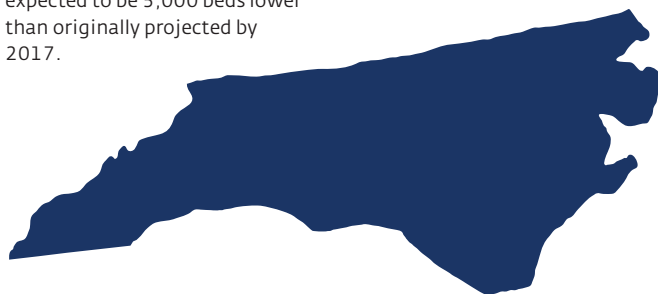
Justice Reinvestment in North Carolina

\$560 million

in averted costs and cumulative savings from the passage and implementation of the Justice Reinvestment Act, so that the prison population is now expected to be 5,000 beds lower than originally projected by 2017.

\$4 million

reinvested annually by North Carolina in additional community-based treatment programs to improve outcomes for people on supervision.



North Carolina Department of Corrections

Lesson #5:

Strengthen Community Supervision

Over the last 25 years, the rate of growth of community supervision populations has exceeded the growth rate of prison and jail populations. Despite this trend, community corrections agency budgets have typically failed to increase in proportion to the population growth. More than five million people—1 in 45 adults—are on probation or parole in the United States. This is more than twice the population of prisons and jails in this country.⁵

The research and development of supervision strategies in recent years has led to a more concrete understanding of the elements that make community supervision effective at reducing recidivism. Among the principles that are agreed upon by experts are the following:

- a) **Swift and Certain Sanctions** – Officers need access to a range of options for administering appropriate responses to individuals who violate conditions of supervision and these responses must occur swiftly and with a consistency that lets offenders know with certainty that they are being held accountable for violations.
- b) **Evidence-Based Practices** – Supervision agencies must commit to implementing practices that researchers and practitioners have proven to be effective.

Swift and Certain Sanctions

Many parolees and probationers are sent to prison for technical violations of their supervision conditions, such as missing an appointment or failing to attend drug treatment, rather than for committing a new criminal offense. A significant number of states have tested strategies that hold these violators accountable in the community without compromising public safety. This has helped to conserve prison beds for higher-risk offenders.

States that have implemented swift, certain, and graduated sanctions for certain violators have found they are more effective at preventing future offenses, while also delivering a greater return on investment. Research shows that providing immediate consequences when a person does not comply with conditions of release is far more important in preventing future criminal behavior than the degree of punishment that is meted out.⁶

Several states allow supervising officers to respond to noncompliance by utilizing a designated range of graduated sanctions (such as required community service, increased reporting to supervising officers, or short jail stays) without initiating a revocation process through the courts. This enhances the timeliness and effectiveness of the sanction while reducing the burden on the rest of the criminal justice system.

For example, 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. This new 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 what the judge imposed at sentencing. 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), and probation officers spent considerably less time in court, saving the state time and money. Swift and certain policies like these around the country have reduced recidivism and technical violations.

Evidence-Based Practices

Probation and parole agencies can improve the quality of supervision by using evidence-based policies and practices.

The Urban Institute released a report in 2008 that identified 13 ways for parole agencies and line officers to modify their practices to enhance community supervision (and outlined evidence and research that support these strategies).⁷ The report highlighted the need to focus resources on moderate- and high-risk parolees because this population is more likely to benefit from treatment and supervision, resulting in a decreased threat to public safety. The report also discussed the importance of front-loading supervision resources. Parolees' substance abuse, mental health, unemployment, 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 immediately after release, when individuals are most likely to commit new crimes or violate the conditions of their supervision.

According to the report, practitioners and researchers also agree on the need to promote place-based supervision. To facilitate check-ins and other activities, organizing caseloads by neighborhood efficiently allocates scarce resources and eliminates costly and time-consuming travel from one part of a city to another.⁸ In doing so, neighborhood-oriented parole officers will have greater opportunities to collaborate with key stakeholders, such as treatment providers and employers. This helps to open lines of communication with parolees, their family members, and members of the community, as well as foster trust between those parties and other important stakeholders.

The report also described the importance of assessing and addressing criminogenic risk and need factors. Experts agree that parolees and probationers “should be assessed to determine criminogenic risk and need factors” in order to “determine supervision levels so that appropriate interventions can be delivered.”⁹

State leaders in Kentucky included these strategies in its 2011 Justice Reinvestment legislation. This legislation requires that risk and needs assessment information be incorporated in the decision-making process, including for pretrial supervision, at sentencing, in evaluating parole suitability, and throughout the period of probation and parole supervision. It also allows parole and probation officers to focus on those individuals most likely to reoffend by requiring the use of administrative caseloads for low-risk offenders.

Lesson #6:

Incentivize Performance

A number of states are realigning their fiscal relationships with municipalities and counties, as well as with criminal justice agencies, in ways that reward performance. By working closely with key entities to develop cost-effective policies and practices and then sharing some of the savings generated with the successful agencies, states can help build more effective criminal justice systems without necessarily appropriating new funds.

Incentive funding is most commonly used with community correction systems to encourage local authorities to utilize and improve community-based sanctions for carefully selected individuals under supervision who otherwise would be sent to prison.¹⁰ The same type of incentive can also be applied to probation and post-release supervision agencies.

If state agencies save money by lowering the number of prison admissions while protecting public safety, then some of those cost savings can be channeled back to those agencies that produced the savings so they can continue to cut crime and reduce recidivism. This mechanism can be used to implement evidence-based practices, support victim services, and provide effective substance abuse treatment and other risk-reduction programs.

For example, in the 2007 session, the Kansas state legislature appropriated funding to establish a \$4 million grant program to fund community correction agencies committed to reducing revocations by 20 percent. Since the policy was 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.¹¹

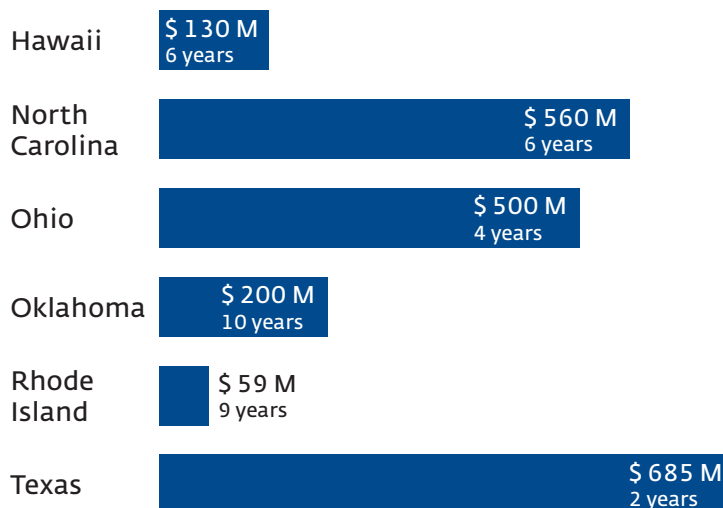
In 2009, California passed SB 678, the Community Corrections Performance Incentive Act, which awards counties that successfully reduce the rate at which they send probationers to state prison by sharing 40–45 percent of the savings the state accrues from not housing revoked offenders. In the first year of implementation, the state probation failure rate—the number of probationers sent to state prison divided by the probation population—declined from 7.9 percent during the baseline years of 2006–2008 to 6.1 percent in 2010, a 23 percent reduction in revocations that generated state savings of \$179 million.¹²

Conclusion

As states work to reduce rising corrections costs and growing prison and supervision populations, they must also balance these challenges with the need to maintain or increase public safety. The six key lessons highlighted above have been used by states to accomplish this balance. While many states have implemented research, policy, and practices along these lines, other states are just beginning to do so and are utilizing these lessons as guidance in the process.

The Justice Reinvestment Initiative has yielded results in public safety and cost savings in 16 states since 2005. States can address both public safety and fiscal challenges with guidance on the best policies and programmatic investments for corrections systems.

Estimated Savings through Justice Reinvestment



Figures in millions of dollars

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Notes

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2. Pew Center on the States, [State of Recidivism: The Revolving Door of America's Prisons](#) (Washington, DC: The Pew Charitable Trusts, April 2011).

3. 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).

4. The Washington State Institute for Public Policy, [Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates](#) (Olympia, WA: The Washington State Institute for Public Policy, October 2006).

5. Pew Center on the States, [One in 31: The Long Reach of American Corrections](#) (Washington, DC: The Pew Charitable Trusts, March 2009).

6. Pew Center on the States, [Policy Framework to Strengthen Community Corrections](#) (Washington, DC: The Pew Charitable Trusts, December 2008), chap. 3.

7. 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).

8. Ibid.

9. Ibid., 24.

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12. Pew Center on the States, [The Impact of California's Probation Performance Incentive Funding Program](#), (Washington, DC: The Pew Charitable Trusts, February 2012).

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To learn more about the justice reinvestment strategy, please visit:
justicereinvestment.org



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