## **Facts and Trends**

- Despite mounting corrections spending, recidivism rates remain high. According to the most recent data from the Bureau of Justice Statistics, 36 percent of people released from state prisons were incarcerated for a new crime within 3 years of release and 45 percent were incarcerated within 5 years.<sup>1</sup>
- A 10-percent cut in recidivism rates nationally would save states a combined \$635 million in one year of averted prison construction costs.
- Research has identified practices and programs that can effectively reduce recidivism.
- Policymakers often do not have information about which factors are driving crime, recidivism rates, and the growth of correctional populations. Most state policymakers make decisions about prison and public safety policies without comprehensive, independent analyses of their criminal justice data.

# Federal Funding for the Justice Reinvestment Initiative<sup>4</sup>

Recognizing the early successes of Justice Reinvestment, in 2010, Congress appropriated funding to the Bureau of Justice Assistance to create the Justice Reinvestment Initiative.

FY2010	\$10M
FY2011	\$8.3M
FY2012	\$6M
FY2013	\$5.88M
FY2014 Omnibus	\$27.5M
FY2015	\$27.5M
FY2016	\$27.5M
FY2017	\$25M
FY2018 Omnibus	\$25M
FY2019 Omnibus	\$27M
FY2020 Omnibus	\$28M

# The Justice Reinvestment Initiative

# **Background**

Over the past 31 years, state spending on corrections has skyrocketed nationally—from \$12 billion in 1988 to \$63.5 billion in 2019.<sup>2</sup> This cost puts a serious strain on many states' criminal justice systems, often placing concerns about the bottom line in competition with public safety. Strategies tested in many states, however, show there are effective ways to address the challenge of containing rising corrections costs while also increasing public safety.

## **Justice Reinvestment Works**

Justice Reinvestment is a data-driven approach to reduce corrections and related criminal justice spending, and reinvest savings in strategies that improve public safety. Justice Reinvestment helps states identify the drivers of rising corrections costs and crime and develop state-specific solutions. By managing criminal justice populations more cost-effectively, states generate savings to reinvest in evidence-based strategies to increase public safety while holding people accountable. With help from technical assistance providers, states that adopt a Justice Reinvestment approach collect and analyze data on drivers of corrections costs and prison population growth, identify and implement changes to increase efficiencies, and measure both the fiscal and public safety impacts of those changes.

Assisted by the federal investment in the Justice Reinvestment Initiative (see sidebar), more than 35 states have used the Justice Reinvestment approach since 2010 to pursue policies to slow overall prison growth, and for some states, reduce the total prison population. Through Justice Reinvestment, together these states reported cost savings exceeding \$1.1 billion in averted prison operating and construction costs while also investing hundreds of millions in effective supervision and treatment programs to make communities safer.<sup>3</sup> It is projected that savings will grow to more than \$4 billion as a result of Justice Reinvestment.

#### **Justice Reinvestment States**

CURRENT STATES PAST STATES



# Justice Reinvestment in Action: Selected Case Studies

#### Texas Effort Leads to Creation of JRI

With a prison population of 155,000 people in 2007, Texas state officials projected needing to build 17,000 additional prison beds at a cost of \$2 billion by 2012. Texas legislative leaders rejected plans to fund additional prison construction and instead pursued a data-driven Justice Reinvestment approach. In 2007, Texas implemented policies that increased substance addiction and mental health treatment capacity in the prison system and expanded probation and parole diversion options that ultimately saved more than \$1.5 billion in construction costs and \$340 million in annual averted operating costs. Texas has since closed eight prisons, has reduced recidivism, and crime rates are near historic lows. Texas's success helped spur the creation of the Justice Reinvestment Initiative.

#### **Alabama**

In 2014, Alabama had the most crowded prison system in the nation (195 percent of capacity), and caseloads for probation and parole officers averaged close to 200 cases per officer. In 2015, state leaders enacted SB 67 to address these challenges by strengthening community-based supervision through the use of graduated sanctions for violations of probation and parole, diverting people convicted of the lowest-level drug and property offenses from prison to community corrections programs, and ensuring supervision for everyone upon release from prison. These policies are projected to reduce Alabama's prison population by 16 percent and avert up to \$380 million in construction and operating costs by FY2021. At a time when budgets were cut dramatically, the legislature appropriated \$95.6 million between FY2016 and FY2019 to fund SB 67.

#### Arkansas

Between 2004 and 2015, Arkansas's prison population grew 31 percent. As a result of this increase, prison facilities were at capacity, and a growing number of people sentenced to prison were being held in county jails awaiting transfer to prison. In 2017, Governor Asa Hutchinson signed the Criminal Justice Efficiency and Safety Act (Act 423). Act 423 strengthens probation and parole supervision practices, establishes a more effective and less costly approach for sanctioning violations of supervision, creates crisis intervention training requirements for law enforcement agencies, and establishes crisis stabilization units throughout Arkansas to divert people who have mental illnesses away from county jails to provide treatment at the local level. With these changes, Arkansas is estimated to avert \$288 million in corrections costs by FY2023.

#### Missouri

Between 2010 and 2016, Missouri's violent crime rate increased 13 percent, while arrests for these crimes declined. At the same time, Missouri's prison population swelled, driven mostly by admissions for supervision violations. Comprehensive Justice Reinvestment legislation was signed into law in 2018 and aims to provide resources to local law enforcement to help reduce violent crime, increase community-based treatment for people in the criminal justice system who have substance addictions and mental illnesses, and increase support for victims, among other measures. The state expects to reduce recidivism and avert \$485 million in corrections costs by FY2023.

#### **North Carolina**

In 2011, North Carolina faced rising corrections costs and a prison population projected to grow 10 percent by FY2020. In response, state lawmakers passed comprehensive legislation in 2011 that focuses supervision and treatment resources where they can have the biggest impact, empowers probation officers to employ swift and certain sanctions to respond to probation violations, and ensures that every individual convicted of a felony who leaves prison will receive supervision. Between FY2011 and FY2019, probation revocations declined approximately 25 percent, admissions to prison declined 16 percent, and the state's prison population dropped 12 percent, allowing the state to close 11 small prisons. The state's crime rate has fallen 26 percent since enactment of Justice Reinvestment legislation. North Carolina reports saving and averting more than \$543 million in corrections costs.

#### Oklahoma

In 2015, Oklahoma had the second-highest imprisonment rate in the country and the highest rate of imprisonment among women. The state prison population was projected to grow 25 percent by 2026 at a total cost of almost \$2 billion. In 2018, Governor Mary Fallin signed a number of bills that expanded access to alternatives to incarceration, adjusted sentences for people convicted of nonviolent offenses, and created release opportunities and improved reentry processes. Together, the bills are projected to avert 67 percent of the anticipated growth in Oklahoma's prison population over the next decade, avoiding the need for 4,800 additional prison beds and saving taxpayers more than a billion dollars in new prison construction. Governor Fallin was able to invest \$12 million in corrections and treatment programs in the 2018 budget, including substance addiction and mental health treatment and performance incentive funding focused on improved outcomes for women in the justice system.

#### Pennsylvania

Between 2007 and 2011, Pennsylvania's prison population increased 12 percent, resulting in overcrowded prisons and a need to build new facilities. In 2012, policymakers enacted legislation to improve community correction programs, divert people convicted of low-level misdemeanors from prison, and reduce parole revocations. In 2018, the state recorded the largest one-year decline in its prison population since 2007. A second round of Justice Reinvestment began in 2015, culminating in new legislation enacted in 2019 that aims to eliminate delays in releasing people with short sentences from prison and streamline the process used to direct people into drug treatment. The legislation is expected to reduce the state prison population by more than 600 people over 5 years, saving taxpayers an estimated \$45 million in corrections costs.

#### **South Carolina**

By 2010, South Carolina's correctional population had nearly tripled during the past 25 years and was projected to grow 13 percent by 2014. In 2010, the state passed legislation that changed sentencing policies to prioritize prison space for people convicted of chronic and violent offenses, improved parole, strengthened community supervision, and ensured ongoing oversight of sentencing and corrections reforms. Since then, the prison population has decreased 14 percent, helping the state avoid nearly half a billion dollars in costs, while the crime rate has also fallen.

- 1. Bureau of Justice Assistance, "Recidivism of Prisoners Released in 30 States In 2005: Patterns from 2005 to 2010," NCJ: 244205 (Washington, DC: U.S. Department of Justice, 2014); The Pew Charitable Trusts, "State of Recidivism: The Revolving Door of America's Prisons" (Washington, DC: The Pew Charitable Trusts, 2011).
- 2. National Association of State Budget Officers, "Fiscal Year 2014–2016 State Expenditure Report" (Washington, DC: National Association of State Budget Officers, 2016); The Pew Charitable Trusts, "States Cut Both Crime and Imprisonment" (Washington, DC: The Pew Charitable Trusts, 2013).
- 3. The Urban Institute, Reforming Sentencing and Corrections Policy: The Experience of Justice Reinvestment Initiative States (Washington, DC: The Urban Institute, 2016).
- 4. Federal funding leverages additional support from The Pew Charitable Trusts.