

The Justice Reinvestment Initiative

A Guide for States



Acknowledgments

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This project was supported by Grants 2019-ZB-BX-K002 and 2015-ZB-BX-K005 to the Urban Institute, awarded by the Bureau of Justice Assistance, a component of the Office of Justice Programs which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

Urban Institute staff who prepared this report include Samantha Harvell, Colette Marcellin, Andreea Matei, Julie Samuels, and Roderick Taylor. Zach VeShancey provided editorial support and Shannon Ryan with Made with Relish assisted with the design. The technical assistance providers (CNA, the Center for Effective Public Policy, the Crime and Justice Institute, the Council of State Governments Justice Center, and the Pew Charitable Trusts) reviewed and commented on earlier versions of the document.

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A Guide for States

The Justice Reinvestment Initiative (JRI) provides states a data-driven approach to managing criminal justice populations and investing savings in strategies to reduce recidivism and improve public safety. The 36 states that have participated in JRI have saved or averted more than \$1 billion and invested half of that in strategies to improve system outcomes. In this guide, we explain how JRI works, take readers behind the scenes of the initiative, and give them an idea of what is expected of states—and what can be gained—at each stage.

At its core, JRI is a process, one that more than half of states have used to identify and tackle their criminal justice challenges. It provides states a data-driven method to manage criminal justice populations more effectively and cost-efficiently and to invest savings in strategies to reduce recidivism and improve public safety. Technical assistance (TA) funded through the initiative provides an independent perspective, capacity to collect and analyze data, and guidance on strategies to implement system improvements. Moreover, though TA is essential, equally important is the interbranch, bipartisan, multidisciplinary workgroup of policymakers and justice system stakeholders that each state assembles to guide the process. These workgroups unite high-level leadership around a common goal, facilitate a consensus process to guide policy development, and sustain commitment and buy-in during and after implementation. Informed by data analysis and challenges identified with the help of TA and stakeholders, states use the JRI process to develop and implement tailored policy solutions, including changes to sentencing policy, supervision practice, behavioral health and reentry supports, and services for victims of crime. Overall, external TA, the workgroup model, and data-driven decisionmaking are JRI's defining features and provide a framework for improving criminal justice systems.

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Why JRI?

To guide states through a data-driven, consensus-based system improvement process, JRI offers them the following:

- **A tailored approach to justice system improvement.** Although participating states follow the same process, JRI is customized to their particular needs. Each state begins JRI with unique assets and specific challenges it hopes to address. The initiative's data-driven approach ensures an objective analysis of those challenges, and the consensus-based process helps states identify, consider, and advance tailored (and politically feasible) policy solutions.
- **Individualized technical assistance.** Technical assistance is a core JRI component and is provided at no cost to each state.¹ State requests for TA are carefully vetted and state leaders must commit their support for system improvement. Once the Bureau of Justice Assistance (BJA) approves states for TA, they receive intensive TA—typically over several years—to analyze criminal justice data and use findings to disinvest from ineffective policies and practices in favor of cost-effective solutions to reduce recidivism and improve public safety. Technical assistance typically includes guidance from data analysts, experts in policy and practice, meeting facilitators, consultants providing implementation support, and people representing external, objective perspectives that can foster discussion and innovation.
- **Capacity building.** The initiative unites state leadership from all three government branches and relevant criminal justice and related agencies around a clear charge and common goals. In addition to providing temporary external capacity through TA, JRI helps states build critical linkages, communication pathways, and performance-measurement and data-analysis capabilities. Participants have expressed that JRI's most valuable impact is the culture change it promotes by bringing together leaders across agencies and government branches, facilitating their buy in to system improvements, implementing changes to policy and practice, and uniting leaders around the goal of using data to better understand criminal justice challenges over the long-term.
- **Tangible results.** The 36 states that have participated in JRI have saved or averted more than \$1 billion and invested half of that in strategies to reduce recidivism and improve system outcomes.² They have reserved prison for people who pose the greatest risk to public safety, implemented probation and parole strategies to reduce recidivism, tracked the impact of system improvements, and freed up resources to invest in priorities including expanded behavioral health treatment, victim services, and local law enforcement.

Is JRI Right for Your State?

The JRI process is intensive, requires active participation and ongoing support from state leaders, and is designed to examine and solve system-level problems. Although states can use JRI to tackle many criminal justice and public safety challenges, it is not suitable for every

issue and is subject to funder approval. It is not designed to address single, predefined problems—such as how to reallocate probation caseloads or revamp law enforcement staffing plans—that can be resolved within a single agency and do not require legislative

or administrative policy change. It is more appropriate for larger-scale problems that affect multiple agencies or parts of state criminal justice systems. For example, addressing justice-involved people's behavioral health needs requires engaging multiple agencies (including behavioral health and criminal justice agencies, at minimum) in policy development, assessing availability of treatment for behavioral health needs, strategizing to expand community-based services and build a full continuum of care, and implementing ongoing cross-agency communication pathways to support effective performance measurement.

The initiative might be appropriate for your state if you answer yes to all of the following questions:

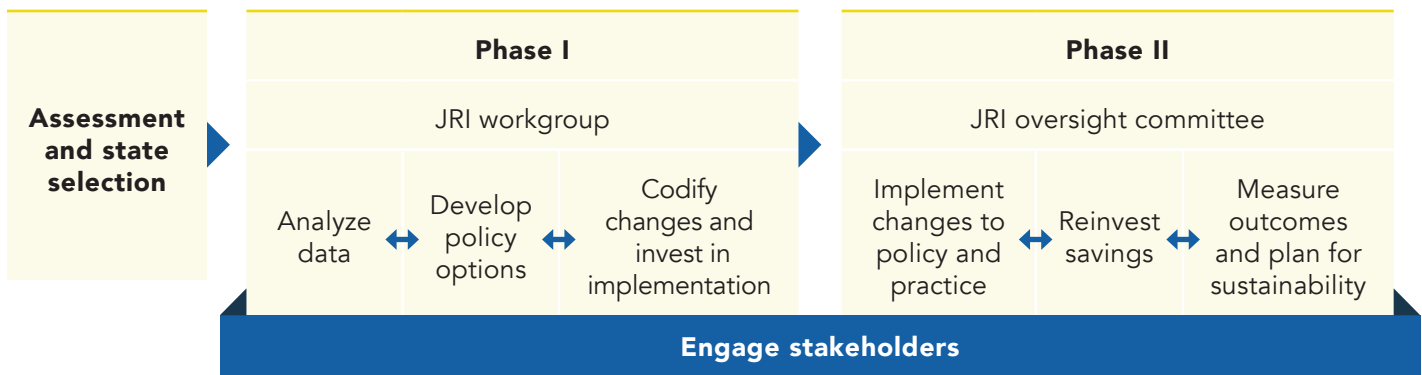
- Is there a systemic criminal justice problem you want to address?
- Do you have time—roughly a year—to develop policy- and practice-based solutions, and can you commit several more years to implement them?
- Are politics in your state conducive to legislative and/or administrative changes on this issue?
- Can you get the governor, chief justice, and leaders of the state senate and house to sign a public letter committing support to a data-driven, consensus-based system improvement process?
- Would key justice, health, and other agencies be willing and able to provide data, participate in policy development, and commit to making necessary changes to policy and practice?

In the rest of this guide, we provide a step-by-step overview of JRI, explaining each phase and presenting examples of how it has worked in participating states.

The JRI Process

The Justice Reinvestment Initiative provides a framework for a data-driven, consensus-based approach to justice system improvement (figure 1 offers an overview of core components). In short, states participating in JRI analyze their criminal justice data to better understand the factors driving corrections and supervision populations and costs. They then develop, fund, and implement targeted policy solutions to reduce recidivism and improve return on justice investments by better aligning their systems with research on best practices. The process has the following three phases:

- **Assessment and state selection** happens before the JRI process formally begins, and is a critical step during which partners assess whether a state is a good fit (see “State Partners” below for a list of key partners). If so, the state submits a request to be accepted into phase I of the JRI process.
- **Once approved, states begin phase I** by thoroughly analyzing criminal justice data with the help of an assigned TA provider, who helps states interpret the data, develop policy options, forge consensus, identify investment priorities, and codify policy changes through legislation (including appropriations), court rule, and/or agency policy. Phase I typically lasts one to two years.
- **Phase II** is the implementation phase, during which TA providers help states plan, educate, and build capacity to operationalize policy reforms, establish data metrics, track outcomes, and refine priorities for reinvestment. Providers are typically funded for two to three years of implementation, but states' efforts often continue well beyond the grant period. States also often receive subaward funding during phase II to support implementation and sustainability.

FIGURE 1: THE JRI PROCESS

Technical Assistance

Technical assistance is central to JRI. During phase I, TA providers offer an external, objective perspective and the capacity to collect and analyze data and give feedback to state leaders on how state systems are working and opportunities for improvement. These providers are trusted, experienced criminal justice professionals with expertise in areas including system change, data analysis, and budgets. Although states can (and often do) review and use their own data, TA providers add critical value because they can comprehensively examine criminal justice systems, link data across agencies, and share new information with state workgroups. Technical assistance during phase I typically includes expert data analysis and system assessment, information sharing about best practices and lessons learned in other states, policy development support, stakeholder engagement coordination, and meeting planning and facilitation.

During phase II, TA providers help agencies change policy and practice, set up data monitoring, track progress, and determine savings and reinvestment opportunities. After working with states to develop an implementation plan, TA providers help agency leaders translate policy into frontline practice changes, educate stakeholders about system improvements and their implications for day-to-day work, and provide a range of

trainings to support implementation. They also support activities of the JRI implementation coordinator in states that hire dedicated JRI staff, and they facilitate consensus around and execution of the reinvestment process. In some cases, TA providers help state agencies design local grant programs and help facilitate competitive selection processes. They play a key role in performance measurement, helping states to identify and establish metrics to track progress, build capacity for ongoing data collection and analysis, and implement a sustainable process for data tracking beyond the formally funded implementation period. Lastly, TA providers support efforts to identify and reinvest savings or averted costs generated from system improvements.

State Partners

Eight organizations have assisted JRI states in some capacity since the inception of the initiative. The Bureau of Justice Assistance and the Pew Charitable Trusts (Pew) have funded JRI, and Pew has provided direct TA to some states. Since 2010, five other organizations have provided direct TA to states: the Center for Effective Public Policy, the Council of State Governments (CSG) Justice Center, the Crime and Justice Institute (CJI), the University of Cincinnati Corrections Institute, and the Vera Institute of Justice. The Urban Institute has provided oversight, coordination, and assessment support since 2010.

The initiative is tailored to each state, and the tasks within each phase are typically iterative rather than sequential. Below, we outline the core tasks and benchmarks states aim to

complete in each phase: assessment and state selection in step 1, phase I analysis and policy development in steps 2 through 6, and phase II implementation in steps 7 through 9.

Step 1: Assessment and State Selection

Before formally selecting a state to participate, JRI partners vet it to assess its needs and ensure that state leaders are engaged and committed, that relevant agencies support the effort and have (and will provide) needed data, and that the state's political climate is conducive to justice system review and improvement. Staff from at least one TA provider have a series of conversations with key state stakeholders to gather information for the vetting process. Providers then conduct an in-depth readiness assessment that explores state criminal justice trends, pertinent challenges, policy changes the state is already considering, data availability and quality, and assets and obstacles to policy change. In short, TA providers assess whether the state is eligible, a good fit, and prepared for a JRI engagement.

If TA providers determine that a state is a good fit, the state must submit a formal letter of interest to BJA and Pew that has been signed by leadership from its three government

branches. This letter, which documents the state's formal request to participate in JRI, is critical because it represents a formal commitment from all three branches to *collaboratively advance specific goals on a clearly defined timeline*. It provides the foundation for the consensus-based process and represents a mandate for what the state needs to do and how long it has to complete the process. It establishes a specific set of problems as a state priority and documents how state leaders are framing and planning to address it.

The formal request letter is one thing that distinguishes JRI from other justice reform initiatives. Pew and BJA review the letter and approve or deny the state's participation with input from the other JRI partners. If formally approved, the state is assigned a TA provider—typically the organization that led the readiness assessment—and can commence work.

STEP 1: ASSESSMENT AND STATE SELECTION

At This Point, States Have Done The Following:



- ✓ united leaders from all three state government branches around a common goal
- ✓ publicly committed to collaboratively addressing a specific set of problems
- ✓ set a timeline for policy development

Step 2: Establish an Interbranch, Bipartisan Workgroup

Each state that engages in JRI assembles an interbranch, bipartisan workgroup of policymakers and stakeholders from inside and outside the justice system. Supported by its TA provider, the workgroup confirms and finalizes its problem statement, establishes a shared vision for system improvement, and develops either administrative policy changes or policy proposals to present to the state legislature. States have convened JRI workgroups using statutes, executive action (e.g., executive orders), and existing committees and commissions (table 1).

Each JRI workgroup is carefully assembled and engages key policymakers and representatives from relevant stakeholder groups. Although membership varies by state, workgroups typically include representatives from state corrections agencies, probation and parole agencies, health agencies, prosecutorial and defense bars, state and local law enforcement, and the state court administrator. They also typically include members of the judiciary, business leaders, nonprofit service providers, community representatives, victim advocates, and people with lived experience in the justice system. Involving the right people ensures that

discussions reflect diverse perspectives and that policy options are thoroughly vetted. It also makes the workgroup’s recommendations at the end of phase I more legitimate (for example, policymakers might reject a workgroup’s sentencing recommendations if a prosecuting attorney did not participate in their development). Box 1 details workgroup membership in Louisiana and Oregon.

Members of state legislative, executive, and/or judicial branches chair most workgroups. Each workgroup typically meets 4 to 10 times during phase I (which lasts roughly 8 to 24 months) and holds a kickoff meeting to clearly define its goals; one to three meetings to establish the problem statement, review findings from data analysis and system assessments, and hear stakeholder and expert testimony; one to three meetings to lay out potential policy options; and one to two meetings to establish consensus and finalize recommendations. Some states’ workgroups have divided into subgroups to focus on policy areas and potential solutions with smaller sets of relevant partners. Most workgroups conclude phase I by submitting formal recommendations for changing policy and practice to state leaders.

TABLE 1: HOW STATES HAVE CONVENEED JRI WORKGROUPS

Statute	Executive Action	Charge Existing Commission
Special Joint Committee on Georgia Criminal Justice Reform (H.B. 265, 2011)	Arkansas Working Group on Sentencing and Corrections	Pennsylvania Commission on Crime and Delinquency
Kansas Justice Reinvestment Working Group (H.B. 2684, 2012)	North Carolina Justice Reinvestment Working Group	Louisiana Sentencing Commission
South Carolina Sentencing Reform Commission (S.B. 1154, 2010)	South Dakota Criminal Justice Initiative Working Group	Oregon Commission on Public Safety

BOX 1: JUSTICE REINVESTMENT INITIATIVE WORKGROUP MEMBERSHIP IN LOUISIANA AND OREGON

Members of the Louisiana Justice Reinvestment Task Force (assembled in 2016)

Secretary James LeBlanc (Chair), Louisiana Department of Corrections

Sheriff Michael Cazes, West Baton Rouge

Senator Dan Claitor, Louisiana State Senate

Flozell Daniels, Foundation for Louisiana

Public Defender James Dixon, Louisiana Public Defender Board

District Attorney Bofill Duhé, 16th Judicial District

Chief Justice Bernette Johnson, Louisiana Supreme Court

Hon. Lori Landry, 16th Judicial District Court

Representative Terry Landry, Louisiana House of Representatives

Representative Walt Leger, Louisiana House of Representatives

Representative Sherman Mack, Louisiana House of Representatives

Senator Daniel Martiny, Louisiana State Senate

Reverend Gene Mills, Louisiana Family Forum

Hon. Laurie White, Louisiana Sentencing Commission

Hon. Bonnie Jackson, 19th Judicial District Court was a former member of the Task Force

Oregon Behavioral Health Justice Reinvestment Steering Committee (assembled in 2018)

COCHAIRS

Patrick Allen, Director, Oregon Health Authority

Jason Myers, Sheriff, Marion County

MEMBERS

Kevin Barton, Washington County District Attorney

Eric Carson, Recovery Mentor

Suzanne Chanti, Lane County Circuit Court Judge

Emily Cooper, Legal Director, Disability Rights Oregon

Julia Delgado, Director of Programs, Urban League of Portland

Jim Doherty, Morrow County Commissioner

Andi Easton, Vice President of Government Affairs, Oregon Association of Hospitals and Health Systems

Lee Eby, Jail Captain, Clackamas County Jail

Joel Fish, Chief, Enterprise Police Department

Mitch Greenlick, State Representative, District 33

Janie Gullickson, Executive Director, Mental Health Association of Oregon

Eric Guyer, Director, Jackson County Community Justice

Claire Hall, Lincoln County Commissioner

Silas Halloran-Steiner, Director, Yamhill County Health and Human Services

Sandra Hernandez Lomeli, Youth Programs Director, Latinos Unidos Siempre (L.U.S.) Youth Organization

Cheryle Kennedy, Chairwoman, The Confederated Tribes of Grand Ronde

Allison Knight, Lane County Public Defender

Belinda "Linda" Maddy, Department of Public Safety Standards and Training Crisis Intervention

Training Coordinator, Crisis Intervention Teams Center for Excellence

Angel Prater, Executive Director of FolkTime

Floyd Prozanski, State Senator, District 4

Steve Sanden, Executive Director, Bay Area First Step

Paul Solomon, Executive Director, Sponsors, Inc.

Abbey Stamp, Executive Director, Multnomah County Local Public Safety Coordinating Council

Duane Stark, State Representative, District 4

Elizabeth Steiner Hayward, State Senator, District 17

Heidi Steward, Assistant Director, Offender Management and Rehabilitation, Oregon Department of Corrections

Kay Toran, President, Volunteers of America-Oregon

Nan Waller, Multnomah County Circuit Court Judge

Shannon Wight, Deputy Director, Partnership for Safety and Justice

Jackie Winters, State Senator, District 10

Sources: [Louisiana Justice Reinvestment Task Force Report and Recommendations](#) (Baton Rouge: State of Louisiana, 2017); ["Behavioral Health Justice Reinvestment in Oregon: Overview"](#) (New York: Council of State Governments Justice Center, 2018).

STEP 2: ESTABLISH AN INTERBRANCH, BIPARTISAN WORKGROUP

At This Point, States Have Done The Following:



- ✓ identified and assembled representatives from key stakeholder groups to guide system improvements
- ✓ formally charged the workgroup with a clearly defined task over a specific timeframe

Step 3: Engage Stakeholders

Stakeholder outreach and engagement is central to JRI. To be efficient, a workgroup must be a manageable size and typically cannot include members from all relevant stakeholder groups. Each represented group only has one or two members on the workgroup, and those members may not even reflect all the perspectives and opinions in their organization or community. Thus, workgroup members and TA providers engage state- and local-level stakeholders not represented on the workgroup by giving presentations and updates about the process and by collecting input through one-on-one conversations, phone calls, focus groups or roundtables, facility visits, surveys, and public hearings. This gives more stakeholders meaningful input in the process, and it gives workgroup members and TA providers a chance to inform people and build support for getting proposals through the policymaking phase.

Relevant stakeholders often include leaders from behavioral health agencies, service and treatment providers, business community members, community advocates, community supervision officers, county officials, defense attorneys, faith leaders, judges, law enforcement professionals, parole board members, people with current or past justice system involvement, prosecutors, victim advocates, and victims and survivors of crime. Workgroup members need stakeholder input to consider their many concerns and challenges, understand regional trends, identify obstacles to and unintended consequences of changes to policy and practice, and determine viable strategies. Public education is also critical for building support for system improvement. Box 2 offers an overview of stakeholder engagement in Oregon.

BOX 2: JRI STAKEHOLDER ENGAGEMENT IN OREGON

Workgroups and TA providers use different strategies to engage diverse stakeholders. In Oregon, the CSG Justice Center visited 22 counties to understand local, county, and tribal challenges. During the state's 2018 engagement, Oregon's JRI team engaged a wide range of Oregon leaders, policymakers, community representatives, and organization and agency staff across four categories and engagement types:

County meeting organized through LPSCCs

- District Attorneys
- Defense attorneys
- Judges
- Community corrections directors
- Sheriffs/jail commanders
- Police chiefs
- County commissioners
- County mental health programs
- Local behavioral health providers

Statewide organizations (criminal justice focus)

- Oregon Criminal Justice Commission
- Department of Corrections
- Oregon Judiciary Department
- Oregon Alcohol and Drug Policy Commission
- Association of Oregon Counties
- Oregon District Attorneys Association
- Office of Public Defense Services
- Partnership for Safety and Justice
- Oregon Disability Organization

Statewide organizations (behavioral health focus)

- Oregon Health Authority
- Oregon State Hospital
- GOBHI/OCBJHI/DPPST
- Oregon Prevention Education and Recovery Association
- CCO Oregon
- Oregon Health and Science University

Tribal engagement

- Confederated Tribes of Warm Springs
- Confederated Tribes of Umatilla
- Confederated Tribes of Grande Ronde
- Confederated Tribes of Coos, Lower Umpqua, and Siuslaw
- National Indian Child Welfare Association
- Red Lodge Transitions
- Legislative Commission on Indian Affairs

Stakeholders have participated in the process through emails, calls, and meetings, and have provided valuable insights through conversation and the sharing of reports and other project-related materials.

Source: Council of State Governments Justice Center, "Behavioral Health Justice Reinvestment in Oregon," presentation given to the House and Senate Committees on the Judiciary, September 2018.

STEP 3: ENGAGE STAKEHOLDERS

At This Point, States Have Done The Following:



- ✓ identified state stakeholders who should be engaged in the system improvement process
- ✓ collected input to inform policy development
- ✓ begun building support for likely system improvement strategies among key constituencies and the public

Step 4: Analyze Data, Identify Drivers, and Research Best Practices

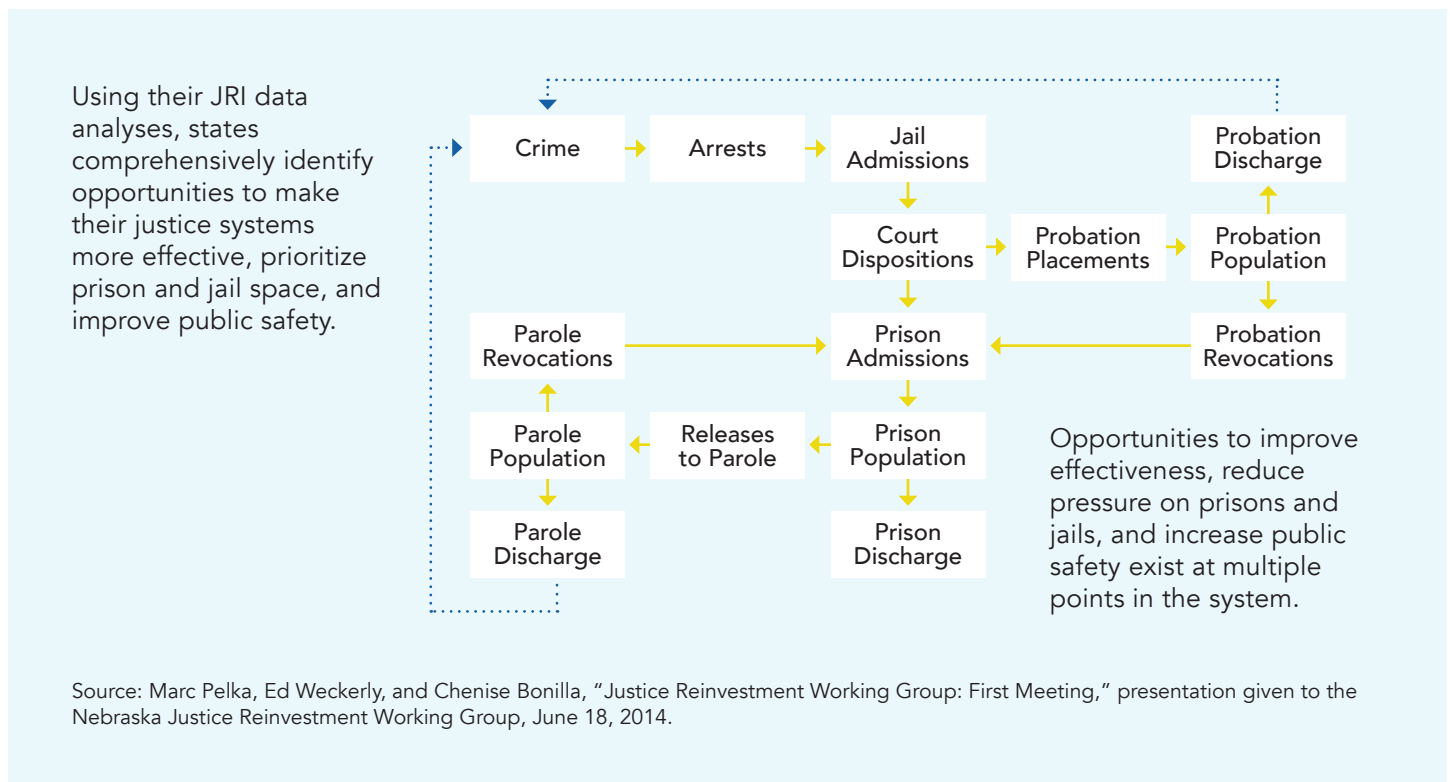
In JRI, data and research drive the identification and implementation of system improvements, distinguishing it from other justice reform initiatives. In each state, TA providers collaborate with workgroup members and researchers to identify, collect, analyze, interpret, and summarize large amounts of data on drivers of criminal justice populations and costs. More specifically, workgroups explore who is in the state’s criminal justice system, how they move through it, and how changing policy and practice can improve outcomes and efficiency. Data analyses typically include the following:

- **Individual-level administrative data analysis** from relevant agencies (e.g., law enforcement, courts, corrections, community corrections, and behavioral health) that helps workgroups understand key trends from

the previous 5 to 10 years (figure 2 offers a map of decision points workgroups typically analyze, and table 2 offers an overview of research questions answered through JRI).

- **A criminal justice system assessment** through which TA providers, workgroup members, and analysts draw on interviews and focus groups, file reviews, statutes, policies, and practices to understand how people move through the state’s justice system.
- **A scan of best practice** that summarizes the research on evidence-based, research-informed changes to policy and practice and identifies solutions, such as adopting risk-need-responsivity principles or swift, certain, and fair responses.

FIGURE 2: COMPREHENSIVELY IDENTIFYING OPPORTUNITIES FOR JUSTICE SYSTEM IMPROVEMENT



Data and research can help stakeholders with diverse perspectives find common, neutral ground. By grounding problem analyses and policy development in state data and best practice in US state criminal justice systems, workgroups can develop broadly appealing, effective plans that help tailor solutions and produce the outcomes state leaders want. These plans also create baselines for assessing the impact of policy changes on prison populations and costs (figure 3).

States adopt different plans for data analysis, but most use a framework to identify and plan their analyses. Table 2 details questions states can answer to better understand who is in their criminal justice system and how people are moving through it. Not every JRI state pursues every question, and some states lack the data—because of issues with availability or with quality—to answer specific questions.

TABLE 2: KEY RESEARCH QUESTIONS GUIDING JRI DATA ANALYSIS

Crime

- What are your state’s overall crime rates and trends? What are its violent crime and property crime rates?
- How do rates compare regionally and nationally?
- Has violent crime increased, decreased, or stayed the same over the past decade? What about property crime?
- How do crime rates vary geographically?

Arrests

- Have arrests increased, decreased, or remained constant over a given period?
- How do arrests vary by offense type (e.g., drug, property, violent, other)?
- How do arrests for certain offense types compare with crime reporting of those offense types?
- What proportion of arrests involve people with behavioral health needs? Has that changed?
- How do arrests compare with reported crime?

Jails

- How many jail admissions were there last year? How many people were detained? Has that changed?
- How many people were in jail on an average day last year? Has that changed?
- How many people in jail are being held pretrial? Has that changed?
- How many people were admitted to jail last year while awaiting a hearing for a probation violation? How long is the average wait?

- What is the average length of stay for people in jail? For people held pretrial? Postconviction?
- What proportion of people in jail have behavioral health needs? Has that changed?

Courts and sentencing

- Have criminal court filings increased, decreased, or stayed the same?
- What was the felony disposition rate last year? Has that changed?
- What proportion of people convicted of a crime were sentenced to prison? Probation? Split-sentenced? Have disposition rates changed?
- What is the average sentence for people disposed to prison? Probation? Have either changed?
- Do disposition rates vary by county or court district?
- Do disposition rates vary by offense type (e.g., drug, property, violent, other)? Have rates changed among offense types?
- How does your state use problem-solving courts? Does this vary by district?

Probation supervision

- How many people were on probation supervision last year? Has that changed?
- What is the average probation term? Has that changed?
- What proportion of people admitted to probation have behavioral health needs? Has that changed?
- What proportion of probation terms end in revocation? Has that changed?
- What is the average time served for people revoked to prison from probation? Has that changed?

Prison admissions, population, and releases

Prison admissions

- What proportion of admissions are for new crimes? Revocations?
- What proportion of admissions are for violent offenses? Drug offenses? Property offenses? Other?
- What were the 10 most common admission offenses last year?
- What proportion of admissions last year had a prior felony offense? Has that changed?
- Do any of these statistics vary by gender? Race or ethnicity? Geography?
- What proportion of people admitted to prison have behavioral health needs? Has that changed?
- How have admissions changed?

Prison releases

- What proportion of people released last year were eligible to earn time off their sentence (through good behavior, program completion, etc.)? Has that changed?
- What proportion of eligible people earned time off their sentence? How much time do people earn, on average? Have either of these changed?
- What proportion of people in prison last year were ineligible to earn time off?

Prison population

- How large has your state's prison population been each year?
- What is the demographic profile (e.g., gender, race/ethnicity, age) of your state's prison population? How has that changed over a given period?
- What proportion of people incarcerated in a given year were incarcerated for new crimes? Revocations?

- What proportion of people incarcerated in a given year were incarcerated for violent offenses? Drug offenses? Property offenses? Other?
- What were the 10 most common offenses among people in prison last year? Has that changed?

Time served

- What were average prison-sentence lengths last year? How have those changed over a given period?
- How has time served changed over the past decade?
- Have trends varied by offense type (e.g., were they different for drug, property, and violent offenses)? By geography?

Parole decisions and supervision

- What proportion of people in prison were eligible for parole? Has that changed? Does that vary by offense type (e.g., drug, property, violent, other)?
- What proportion of people in prison who were eligible for parole last year were released to parole supervision? Has that changed over the past decade?
- What is the parole grant rate? How does your state define it? Has that changed? What is the average amount of time from parole eligibility to release?
- How many people were on parole supervision last year? Has that changed?
- What is the average parole supervision term? Has that changed over the past decade?
- What proportion of people admitted to parole have behavioral health needs? Has that changed?
- What proportion of people on parole supervision were revoked to prison last year? Has that changed?
- What is the average time served for people revoked to prison from parole? Has that changed?

STEP 4: ANALYZE DATA, IDENTIFY DRIVERS, AND RESEARCH BEST PRACTICES

At This Point, States Have Done The Following:



- ✓ developed a clear, objective picture of who is involved in the criminal justice system and how they are moving through it
- ✓ begun identifying policy strategies
- ✓ understood best practice at various points in the criminal justice process

Step 5: Develop Policy Options and Build Consensus

Data analyses ought to clearly identify drivers of corrections and supervision populations, costs, and other key findings. By iteratively analyzing data, engaging stakeholders, reviewing policies, and presenting to and meeting with stakeholders, TA providers and workgroup leaders work toward consensus around the problems and potential changes to policy and practice. During policy development, TA providers link the scan of best practices with state-specific drivers to craft state-specific solutions. Analyses from Maryland, North Carolina, and Utah are useful examples and yielded the following findings:

- Analyses in **Maryland** confirmed that only 37 percent of people in prison were paroled, and that those who received parole were released (on average) nine months after becoming eligible.³ To address this, the Maryland Justice Reinvestment Coordinating Council recommended expanding eligibility for geriatric and medical parole. To streamline release, it also recommended automatically triggering administrative release when people convicted of nonviolent crimes became eligible for parole and completed their individualized case plans.⁴
- Analyses in **North Carolina** revealed that more than half of prison admissions were for probation revocations, and three-quarters of those were for technical violations of supervision.⁵ Policy recommendations for improving outcomes and reducing recidivism among people on probation included focusing probation resources on those at greatest risk of reoffending, authorizing graduated responses to probation noncompliance, and incentivizing probation completion.⁶

- Analyses in **Utah** showed that 62 percent of people sentenced to prison were convicted of nonviolent offenses.⁷ The Commission on Criminal and Juvenile Justice recommended prioritizing prison for people convicted of serious and violent offenses by revising sentencing guidelines and penalties for some drug offenses (among other strategies).⁸

Though most policy proposals are tailored to specific drivers, each workgroup must collaboratively consider sets of recommendations and balance them according to the group's consensus. Recommendations reached through consensus carry weight because they have been well-vetted by diverse stakeholders and crafted in a way that appeals to them. Although consensus does not mean workgroup members unanimously support every provision, it does signal that a majority of this carefully selected group feels the changes to policy and practice will improve system outcomes. A workgroup's recommendations constitute the foundation for subsequent policymaking, and a workgroup's support fuels efforts to codify changes through laws, administrative policies, and court rules. The workgroup's key findings and recommendations are presented in a report that summarizes the problems and challenges and outlines policy options and projected impacts.

When building consensus and vetting policy options, workgroups often also consider forecasts of populations and costs. Forecasting helps workgroup members understand the potential impacts of individual policy options (and sets of options) on corrections and supervision populations, and it helps members consider costs and benefits when making decisions and recommendations (box 3 elaborates on JRI forecasting, and figure 3 offers an example projection from South Carolina).

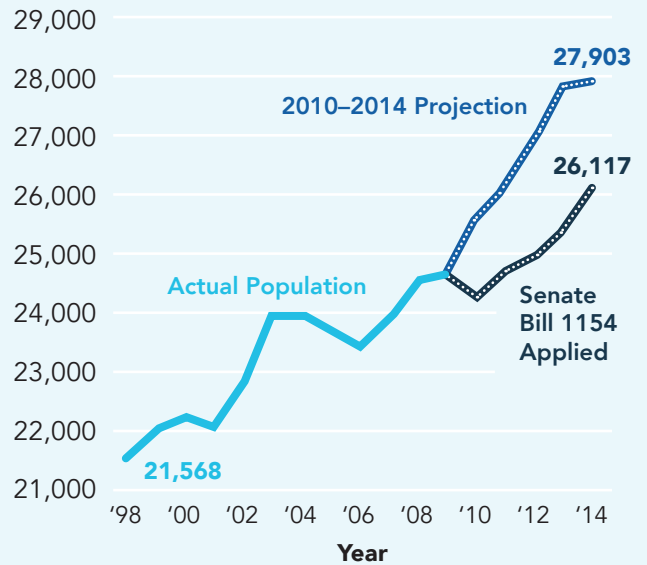
BOX 3: FORECASTING PRISON POPULATION CHANGES AND COST SAVINGS

Forecasting provides critical insights about policy changes’ potential impacts. Early in the JRI process, the workgroup either identifies an existing projection or works with TA providers to project its state’s prison population 5 to 10 years in the future if no changes are implemented. This “baseline projection” accounts for existing trends in corrections populations and projects what would happen to those populations if the state did nothing. As the workgroup considers policy options, TA providers typically forecast or estimate how specific policy changes would impact future corrections populations and costs. As figure 3 shows, South Carolina’s JRI package (passed through S.B. 1154) was estimated to reduce the state prison population’s growth by 1,786 people (6.4 percent) over five years. Such projections are also critical for estimating potential cost savings for reinvestment, and South Carolina was projected to avert \$241 million during those five years. As of 2019 the state had met that projection, having saved or averted \$491 million.

Source: Samantha Harvell, “Justice Reinvestment Initiative (JRI): South Carolina” (Washington, DC: Urban Institute, 2019).

FIGURE 3: PROJECTED IMPACT OF JRI IN SOUTH CAROLINA

Prison Population



Source: South Carolina’s Public Safety Reform: Legislation Enacts Research-Based Strategies to Cut Prison Growth and Costs (Washington, DC: The Pew Charitable Trusts, 2010).

STEP 5: DEVELOP POLICY OPTIONS AND BUILD CONSENSUS

At This Point, States Have Done The Following:



- ✓ crafted tailored recommendations that address the problem that prompted the JRI engagement
- ✓ drawn on research on best practice
- ✓ allowed a diverse group of stakeholders to vet recommendations
- ✓ presented balanced recommendations that a majority of the workgroup supports

Step 6: Codify Changes and Invest in Implementation

Once a state has identified policy solutions and its workgroup has issued recommendations, the next step is to codify concrete policy proposals through legislation, administrative action, or other means. Policy packages often include changes to state criminal codes and criminal justice agencies' policies and practices, as well as requirements for calculating and reinvesting savings. Technical assistance providers work with state stakeholders to articulate and advocate for the investments or appropriations for research-informed practices that will improve efficiency, reduce recidivism, and contain costs.⁹

Most states codify policy provisions through legislation, which documents those changes as the official intent of elected representatives and affects the practices of other government branches. Legislation articulates a state's consensus goal for a "new normal" in criminal justice, and it gives agencies and courts clear direction, sets requirements, and provides room to exercise discretion and implement changes. Codifying changes through law also makes them harder to reverse and more likely to endure leadership changes and staff turnover by becoming business as usual. Many states also include requirements for establishing oversight committees.

Importantly, one of the benefits of JRI being funded as a public-private partnership is that private resources can support outreach and education where public funds cannot. Federal funds are not used to support TA providers' efforts to draft legislation or advance legislative proposals through products like talking points, testimony, bill summaries, or public opinion polling.

Some states have codified changes through agency-level administrative policy and/or court rules rather than—or in addition to—legislation. For example, Rhode Island implemented several changes through court rules and an upfront appropriation from its state legislature. Through those rule changes, the state developed a process for early probation termination and strengthened probation oversight. It then built on that foundation and passed comprehensive bills codifying some of those new probation rules, modernizing the state parole system, creating a new diversion program for people with mental health and substance use disorders, recalibrating penalties for some offenses, and investing in the Crime Victim Compensation Program during the subsequent legislative session.¹⁰

Though states use different strategies to garner and maintain support for JRI legislation and other administrative policy changes, state leaders have typically worked with TA providers and workgroups to educate policymakers, stakeholders, and the public through briefings, presentations, and media outreach. To support these efforts, TA providers often produce talking points, testimony, one-page bill summaries, section-by-section summaries, information sheets, and materials with information from public opinion polls. Throughout the adoption process, proponents of the workgroup's policy recommendations are asked to explain the state's mandate from leadership, its process for change, its problem statement, its data analyses, and its consensus positions to stakeholders who are not involved in or are opposed to the effort. This is where data and consensus help advocates legitimize and cultivate broad support for the changes.

Most states also invest in implementation either as part of JRI legislation or in accompanying budget bills to fund practice changes, training, and implementation support. As Urban has noted, \$193 million of the \$557 million that states invested in JRI priorities through fiscal year 2017 was in the form of this upfront investment.¹¹ That investment included the following:

- **Alabama** invested \$16 million in JRI implementation, including \$7 million to hire additional probation and parole officers, \$4 million to expand community-based behavioral health treatment and services, and \$600,000 to create and implement a victim notification database.
- **Oregon** invested nearly \$58 million upfront during its 2013 JRI engagement in a range of priorities, including \$17 million to support community corrections improvements, \$7 million in victim services, \$2.5 million to support state police, \$1 million to create the Oregon Center for Policing Excellence, and \$15 million to establish and implement a local grant program to support county efforts to reduce recidivism and expand prison alternatives.
- **Utah** invested approximately \$15 million upfront, including \$2.3 million to make necessary IT system improvements and support implementation, data collection, and research, and \$9 million to expand community behavioral health treatment and services.

STEP 6: CODIFY CHANGES AND INVEST IN IMPLEMENTATION

At This Point, States Have Done The Following:



- ✓ enacted key changes to policy and practice to address the problems identified through JRI
- ✓ invested in implementation and system improvements
- ✓ completed phase I

Step 7: Translate System Improvements into Policy and Practice

After states enact changes during phase I, they may request assistance to implement and sustain them in phase II (described in steps 7, 8, and 9), during which they operationalize policy changes and plans to sustain them. The implementation phase requires substantial work and commitment from agency leaders and managers, collaboration among implementing agencies, and ongoing support from lawmakers and key stakeholders. Technical assistance providers work with states to identify the agencies responsible for implementing changes, map implementation goals, anticipate and address challenges, and develop performance measures to track progress and, ultimately, outcomes.

To initiate phase II, states submit formal letters to BJA requesting TA. States must show that they are committed to fully implementing the changes, that they have identified focus areas, and that they have support from key stakeholders. They also must commit to regularly reporting data for the duration of the phase II project. If approved, TA providers help states transition to implementation by developing implementation plans that map activities that must be completed to operationalize each policy change, roles and responsibilities of state and TA staff, and timelines. Box 4 includes an excerpt from Maryland's implementation plan.

The implementation phase includes distinct elements of planning and oversight, educating agency staff and other stakeholders, building agency capacity, measuring outcomes, and reinvesting savings (measuring outcomes and reinvestment are detailed in steps 8 and 9).

In addition to intensive TA support, during phase II, BJA also offers financial support for states' implementation efforts through subaward funding that directly enables state agencies to further build capacity and sustain changes.

Oversight

States participating in JRI form an oversight council or group to monitor, support, and measure progress. Generally, oversight bodies hold agencies and systems accountable for implementation, provide assistance to overcome challenges in implementation, assess and share progress with the public (often including annual reports), track performance measures and suggest necessary course corrections, and advise on savings and reinvestment issues. These bodies are sometimes created through legislation (e.g., in Nebraska), but like the phase I workgroups, they can be administratively appointed (e.g., in Missouri) (box 5). The oversight body may retain members from phase I, but it is often necessary to bring in a different group of stakeholders to translate policy changes into practices to oversee and guide implementation. Many states also have a core implementation team of agency leaders and/or deputy-level managers who work closely with TA providers and report on-the-ground progress toward implementation goals to the oversight body. Providers customize their support to each state's priorities and needs, helping agencies, oversight bodies, and core implementation teams understand the importance of data-driven decisionmaking to implementation and how to set up data monitoring and outcomes analysis to support and sustain the changes to policies and practices.

BOX 4: MARYLAND JRI IMPLEMENTATION PLAN EXCERPT

Policy	S.B. 1005 summary	Implementation steps/planned training and technical assistance	Agencies responsible
Community Supervision Risk and Needs Assessment and Screener	<ul style="list-style-type: none"> ■ Requires the conduct of a validated risk screener on all offenders placed on parole, probation, or mandatory release supervision ■ Use of a validated risk and needs assessment on offenders screened as moderate or high risk to reoffend ■ Assessment tool shall be independently validated every three years 	Develop risk-and-needs screener policies and procedures based on requirements of S.B. 1005 <ul style="list-style-type: none"> ■ Select a validated risk screener ■ Test risk screener in Offender Case Management System ■ Develop policies and procedures on risk screener administration ■ Distribute polices and forms to other staff to elicit feedback on possible modifications ■ Finalize policies prior to training rollout 	Division of Parole and Probation (DPP)
		Train staff on the risk screener <ul style="list-style-type: none"> ■ Identify staff and management in need of training ■ Create risk screener training curriculum, including content and evaluation ■ Arrange training ■ Conduct training ■ Monitor training progress 	DPP
		Develop a quality assurance plan for the screener <ul style="list-style-type: none"> ■ Including inter-rater reliability training, agreement, and activities ■ Sustainability plan for inter-rater reliability ■ Ensure data are being captured correctly and accurately in OCMS 	DPP
		Develop risk-and-needs assessment policies and procedures based on requirements of S.B. 1005 <ul style="list-style-type: none"> ■ Select a validated risk-and-needs assessment ■ Develop policies and procedures on risk-and-needs assessment administration ■ Distribute polices and forms to other staff to elicit feedback on possible modifications ■ Finalize policies prior to training rollout 	DPP
		Train staff on the Level of Service Inventory-Revised (LSI-R) <ul style="list-style-type: none"> ■ Identify staff and management in need of training ■ Create training curriculum, including content and evaluation ■ Arrange training ■ Conduct training ■ Monitor training progress 	DPP
		Develop a quality assurance plan for the LSI-R <ul style="list-style-type: none"> ■ Including inter-rater reliability training, agreement, and activities ■ Sustainability plan for inter-rater reliability ■ Ensure data are being captured correctly and accurately in OCMS 	DPP
		Create a sustainability plan for LSI-R training <ul style="list-style-type: none"> ■ Identify how to sustain LSI-R training after technical assistance has completed ■ Train the trainer for the LSI-R 	DPP

Source: "Maryland JRI Implementation Plan" (Boston: Crime and Justice Institute, 2018).

BOX 5: JRI OVERSIGHT BOARD MEMBERSHIP IN MISSOURI

The following constitute the membership of Missouri's Justice Reinvestment Executive Oversight Council (established via executive order)

1. The lieutenant governor
2. A member of the state senate from both the majority and minority party appointed by the president pro tempore of the state senate
3. A member of the state house of representatives from both the majority and minority party appointed by the speaker of the state house of representatives
4. A member of the Missouri Supreme Court appointed by the chief justice of the Missouri Supreme Court
5. The director of the Missouri Department of Corrections (who serves as council chairperson)
6. The director of the Missouri Department of Mental Health
7. The director of the Missouri Department of Public Safety
8. The director of the Missouri Department of Social Services
9. The director of the Missouri Department of Economic Development
10. The chairman of the Parole Board
11. A representative from the Missouri Sheriffs' Association
12. A representative from the Missouri Police Chiefs Association
13. Such other members as the governor may appoint

Source: [Missouri Secretary of State John R. Ashcroft, Executive Order 18-08](#).

Educating

Conducting outreach to agency staff and key stakeholders who are responsible for implementing or are affected by the changes is a key activity early during implementation. Technical assistance providers work with states to develop bill summaries, overview documents, training materials and events, and practitioner guides. Some materials are general, providing an overview of changes; others are agency- or role-specific, such as talking points for leadership at the state department of corrections to convey the importance of changes to their staff or bench guides for judges to explain changes in criminal provisions or sentencing modifications (box 6).

A critical benefit of educating staff and stakeholders is securing their buy-in. Technical assistance providers may accompany key agency leaders or legislative champions on listening tours across the state to demonstrate that the input of judges, prosecutors, law enforcement, defense attorneys, and other key stakeholders will be incorporated into how new policies and practices are implemented. Providers and implementation champions also present at regularly scheduled meetings of key statewide stakeholders, like judicial conferences or county association gatherings. Some states have also set up groups to educate not only state agency staff, but key players from across the criminal justice system. These groups ensure diverse voices are heard during implementation and provide an opportunity to educate group members about the policy changes and prepare them to discuss the importance of the changes to their colleagues. For example, Nebraska set up five “issue-specific teams”—on reentry coordination, county reinvestment, sentencing changes, restitution, and data metrics—whose members included county officials, jail administrators, sheriffs, victim advocates, prosecutors, defense attorneys, and others. The TA providers also educate implementing agencies and oversight groups about the science of implementation so they have a framework for the work ahead of them.

BOX 6: LEGISLATION SUMMARIES AND PRACTITIONER GUIDES

Several states have developed summaries or brief practitioner guides offering accessible overviews of legislative changes enacted through JRI. Those include the following:

- Louisiana's [*Justice Reinvestment Reforms Practitioners' Guide*](#)
- Maryland's [*Practitioner Guide to S.B. 1005*](#)
- Missouri's [*What Justice Reinvestment Means for the Department of Corrections: The Main Changes*](#)

Building Capacity

Agencies need to translate enacted changes into revised policies, practices, and programs, which often requires additional training and TA. Depending on their specific legislative changes, states may need to develop and adopt new tools—such as risk assessments for probation supervision or structured decisionmaking tools for parole release—and then train staff to use them, or conduct gap analyses for behavioral health or prison programming to determine what programs are needed and where. In addition, states may need help establishing or redesigning a program or process, or even setting up a new organization.

Technical assistance providers tailor their support to each state's priorities and needs and reflect the unique policy packages that are passed in each state (box 7). Such support can include assisting local and state planning efforts, educating staff and stakeholders about system improvements and what they mean for daily practice, working with state agencies to create new behavioral health programs, developing and providing training (and training for trainers) on research-informed practices, helping states identify,

develop, and validate structured decisionmaking tools, and assisting agencies and the oversight committee in determining appropriate outcome measures and setting up processes for regular outcome monitoring. Providers also plan with stakeholders and oversight councils to sustain implementation, monitoring, and continuous quality improvement. Technical assistance is generally conducted over one to two years, with providers gradually reducing visits and support to ensure states are prepared to lead and sustain changes after phase II assistance ends.

The following examples illustrate how TA providers have supported states in implementation:

- **Idaho** committed to improving its recidivism-reduction programming. The CSG Justice Center worked with the Idaho Department of Corrections (IDOC) to determine whether its programs served the right people, whether they were evidence based, and how well they were being run. CSG Justice Center staff analyzed how Idaho was spending money on programming, observed the programming, and assessed IDOC's capacity to ensure quality control. The assessment revealed inefficiencies in programming and found that IDOC's programs were not evidence based and were likely not reducing recidivism as much as the state wanted. In response, IDOC streamlined its program offerings to five core risk-reduction programs and provided them at all of its facilities. This decreased the need for transfers and reduced the time it takes for someone to become parole ready. The new or improved programs better align with core recidivism-reduction principles and replace proprietary programs with free public domain programs, saving IDOC money. Before JRI and this assessment, IDOC used out-of-state jail beds to serve its overflowing population, but it can now bring all the people it held in out-of-state facilities back in state. Since

receiving these results, IDOC has begun extensive staff training, providing more than 200 classes of these core programs in its facilities at any given time. The training and subsequent increase in available program slots has led to more people completing program requirements before their parole hearings, saving taxpayer money and ensuring people are better prepared for release to the community.

- **Mississippi** was required to use risk assessment to inform case planning and decisionmaking to ensure resources were focused on people at highest risk of reoffending. After conducting a validation study of the risk assessment used for people on parole and probation and finding that it did not accurately predict likelihood of recidivism and return to prison, CJI designed a new, more accurate risk-and-needs assessment for institutional and community corrections populations. It helped implement the new tool, training staff on its use. In addition, it trained Mississippi Department of Corrections staff on principles of effective intervention, which emphasize what works to reduce recidivism and improve supervision outcomes.
- **North Dakota** invested in community-based behavioral health services. The CSG Justice Center helped the Departments of Corrections and Rehabilitation and Human Services set up a program to improve health care outcomes and reduce recidivism by delivering high-quality community behavioral health services linked with effective community supervision. In addition to facilitating an unprecedented collaboration between the two agencies, CSG Justice Center staff helped agency staff identify the program structure and services, establish eligibility for program participants and service providers, set up a performance-based payment structure, create outcome measures, communicate progress, and educate community providers, parole and probation officers, and other stakeholders. As of August 2019, one and a half years after services

began, the program had 1,019 participants working with 35 providers across the state and had served more than 1,900 people. Sixty-one percent of participants had met three of four outcome measures reported monthly, which include maintaining stable housing, maintaining stable employment, demonstrating reduced substance use or improved mental health functioning, and avoiding additional criminal justice involvement.

- **Oregon** set up community grant programs to establish or expand services. During its first round of justice reinvestment, it set up a formula grant program to support local counties sending fewer people to state prison and reducing recidivism by allocating state funding to their efforts. During its second round of justice reinvestment, it created a behavioral health grant program for counties and tribal governments to address the needs of high utilizers of health care and local criminal justice resources.

In addition to TA support, BJA funds states through subawards to support implementation and sustainability needs. States have used this funding to support staff training and program evaluations, enhance data systems and data tracking, establish quality assurance mechanisms, and create a full-time position to lead and coordinate implementation. Specific examples include the following:

- **Alabama** brought in research consultants to update the sentencing commission's prison population model to recalculate prison population projections and update its statistical software to accurately measure and analyze the impact of justice reinvestment policies on the prison population. The revamped projections model and revisions to statistical software code enabled the commission to accurately analyze and evaluate projected impacts and provide data needed to inform implementation efforts across agencies.

- **Kansas** used the funds to undertake a statewide training effort, training department of corrections managers in supervisory skills, probation and parole officers and community providers in best practices in behavioral health, court services supervisors in core correctional practices, and judges in evidence-based sentencing and sanctioning practices.
- **Nebraska** purchased software that automated its parole supervision sanctions and incentive matrix. This made the new matrix easy for parole officers to use and allowed agency leadership track interactions between parole officers and clients, facilitating data collection to track outcomes and changing officer practices.

BOX 7: TAILORING IMPLEMENTATION ASSISTANCE TO STATE NEEDS

To implement lasting change, TA providers use each state’s distinctive policy package as a guide for the work and tailor their assistance to states’ particular strengths and needs. For example, **Utah** enacted JRI legislation in 2015 to improve behavioral health treatment for people who are justice involved, adjust drug sentences, and strengthen probation and parole supervision. At the time of implementation, Utah had existing oversight structures, strong data systems and capacity, sufficient time to plan for implementation, and had been implementing evidence-based practices in justice supervision for 10 years, so the CJJ team focused on developing detailed performance measures and supplemental training for probation and parole staff to support full adoption of a graduated response system. **Arkansas**, on the other hand, needed a different type of assistance from the CSG Justice Center: a large part of its policy package focused on brand-new interventions that the state lacked the infrastructure to support, particularly establishing crisis stabilization units

(CSUs) throughout the state to divert people with mental illnesses away from county jails and provide local treatment. CSG Justice Center staff collaborated with state and agency leadership to create and operate CSUs, providing intensive TA that included assistance drafting the application and evaluation process for selecting counties to operate CSUs; advising on the scope of work that outlined program delivery requirements, target population, budget and billing, and data reporting; helping the state develop data systems to efficiently share required reporting data and impact evaluation; and providing information on staffing and service models, billing procedures and funding sources, coordination with law enforcement, and other common best practices. Staff from the CSG Justice Center also supported state and county leaders in engaging law enforcement to encourage officers to refer people experiencing a crisis to the CSUs. Arkansas and Utah exemplify how TA providers can customize technical assistance to maximize JRI’s efficacy.

STEP 7: TRANSLATE SYSTEM IMPROVEMENTS INTO POLICY AND PRACTICE

At This Point, States Have Done The Following:



- ✓ convened an oversight body to hold agencies accountable
- ✓ developed a detailed plan for translating high-level policy changes into practice on the ground
- ✓ educated agency personnel and external criminal justice stakeholders about the requirements
- ✓ expanded agency knowledge and skills regarding new tools and research-informed practices
- ✓ adopted changes to policy and practice
- ✓ established measures of success and a plan to track progress

Step 8: Reinvest Savings

The JRI model is designed to help states enact policy changes that will free up resources to invest in strategies that improve public safety. Without the savings and reinvestment model, data and systems analysts would merely be uncovering pressing and costly criminal justice challenges. Through JRI, states can prioritize challenges and free up resources to fund solutions. Each state therefore considers how it will calculate and reinvest savings, something states have done in various ways.

Savings

Once a state has enacted a JRI package, it uses forecasted savings (box 3) to set expectations. Most JRI savings are averted costs (e.g., averted costs of more facilities or people in prison), but some states include actual budget savings from reduced incarceration (for a detailed discussion of JRI savings calculations, see Harvell and coauthors' [Reforming Sentencing and Corrections Policy: The Experience of Justice Reinvestment Initiative States](#)). In some states, JRI legislation clearly stipulates when and how to calculate savings (box 8), but legislation in most states does not.

Reinvestment

States prioritize and reinvest savings differently. Most invest up front in system improvement priorities with or alongside JRI legislation, and roughly a third of all JRI investment has occurred before changes to policy and practice were implemented (for details on JRI reinvestment, see Urban's "[Justice Reinvestment Initiative Data Snapshot: Unpacking Reinvestment](#)"). Many JRI states have also invested savings after implementing system improvements. States have prioritized reinvestment to strengthen and expand community supervision and behavioral health treatment options; improve programming in prisons; implement pretrial reforms; and invest in victim services, law enforcement, and local corrections (box 9).

BOX 8: LEGISLATIVE REQUIREMENTS FOR CALCULATING SAVINGS

The following states provided clear requirements for calculating savings in their JRI legislation:

- **Kentucky's** H.B. 463 (2011) directed its department of corrections to document averted costs and generated savings resulting from provisions specified in the bill. The bill defined the baseline population for calculating savings as people in penitentiaries and local jails in fiscal year 2010–11. It also detailed how to calculate average costs for incarceration and community supervision—for example, it stipulated that such costs should include health care expenses. The bill also stipulated that savings be calculated for decreases in the incarcerated population owing to mandatory reentry supervision and accelerated parole hearings, as well as decreases in people under community supervision through earned discharge. Moreover, it specified that net savings should account for supervision costs for people released because of these policies.
- One provision in **Maryland's** JRI legislation (S.B. 1005, 2016) established an oversight panel (the Justice Reinvestment Oversight Board) charged with annually calculating savings from JRI system improvements. The law specifies that the board will collaborate with the Maryland Department of Public Safety and Correctional Services to base annual savings on the difference in the state prison population on October 1 of the current year and October 1 of the previous year, multiplied by the average variable cost.
- In **Pennsylvania**, H.B. 135 (2012) directed the state budget office to develop a formula to calculate savings in the department of corrections budget from fiscal year 2013–14 to fiscal year 2017–18, and to deposit a clearly specified percentage of those savings into a justice reinvestment fund for programs that improve criminal justice service delivery. The bill stipulates that the calculation may include decreases in the prison population resulting from diversion to county facilities, elimination of prerelease programs, and parole-system efficiencies resulting from S.B. 100 (Pennsylvania's companion JRI legislation, also enacted in 2012).

Sources: Public Safety and Offender Accountability Act, Kentucky H.B. 463, 11th Reg. Sess. (2011); Justice Reinvestment Act, Maryland S.B. 1005, Reg. Sess. (2016); H.B. 135, 2011 Reg. Sess. (PA, 2012).

BOX 9: INVESTING IN LOCAL LAW ENFORCEMENT AND CORRECTIONS

Although most JRI reinvestment supports community-based supervision and treatment, states have also prioritized funding for local corrections and law enforcement. Examples include the following:

- **Arkansas** allocated more than \$6 million to establish regional CSUs to serve people who demonstrate severe mental health and substance use needs to law enforcement, and \$500,000 to train all law enforcement officers on the purpose and functions of crisis intervention teams.
- **Kentucky** invested \$26 million in the Local Corrections Assistance Fund to support local corrections facilities and programs that house nearly half the population committed to state custody.
- In the first year after implementation, **Louisiana** invested \$8.5 million in recidivism reduction and victim services. This included funding for a dedicated forensics server for the Louisiana Bureau of Investigation’s Cyber Crimes Unit, improved programming for people sentenced to prison and housed in local jails, and community-based programs to strengthen and better coordinate reentry and expand alternatives to prison.

Sources: Welsh-Loveman and Harvell, “Justice Reinvestment Initiative Data Snapshot”; CSG Justice Center Staff, “[Arkansas to Open Four Crisis Stabilization Units](#),” Council of State Governments Justice Center, August 17, 2017; Communication with the Kentucky Justice and Public Safety Cabinet, October 2017; “[Louisiana’s Reinvestment Into Recidivism Reduction and Victim Services](#)” (Boston: Crime and Justice Institute, 2019).

STEP 8: REINVEST SAVINGS

At This Point, States Have Done The Following:



- ✓ generated savings to fund research-informed strategies to improve public safety
- ✓ invested in those strategies

Step 9: Measure Outcomes

Because JRI is data driven, states focus on outcomes by developing data collection processes that support ongoing assessment. Partners and stakeholders measure outcomes to understand how well changes to policy and practice are working. Tracking outcomes also helps states build support for ongoing investment and identify areas that need more attention.

In addition to tracking system-level trends (e.g., prison populations and recidivism rates), states work with TA providers during phase II to develop targeted performance metrics to measure specific system improvements. States monitor trends in these metrics for years after JRI (typically via the oversight entity) to track whether policies are working as intended and make necessary course corrections. For example, a state working to make parole release more efficient might plan to track annual parole board activity and monthly grant rates, and to ensure hearings and releases occur on time. That information could be used to assess whether changes

in policies and practices are yielding their intended impacts and, if not, prompt further discussion and brainstorming on how to make the process more efficient and increase the proportion of hearings and releases occurring on schedule. A state implementing a behavior response matrix for people on probation and parole might track sanctions and incentives, successful completions, and revocation rates. That information could be used to examine whether interim responses are being used and having their intended impact on revocation rates and, if not, prompt discussion about why and how to address the source of the problem. It could be that supervision officers' responses are inconsistent with the matrix guidance, but it also could also be that revocations are still increasing despite their using them. Those two possibilities would require a different response, and data tracking and analysis helps illuminate challenges and potential strategies to address them. States publicly report this information to different degrees (box 10).

BOX 10: REPORTING PERFORMANCE MEASUREMENT

To meaningfully measure performance, states must develop metrics tailored to specific policy changes, collect and analyze data consistently, and regularly use and report findings. Although all states collect and track data to some extent, they report performance measures at different intervals and to different degrees. Some JRI states publish annual or semiannual progress overviews, often pursuant to requirements in JRI legislation. Such overviews include the following:

- the **North Carolina** Sentencing and Policy Advisory Commission's annual "[JRA Implementation Evaluation Report](#)"

- the **Utah** Commission on Criminal and Juvenile Justice's "[JRI Annual Reports](#)"

Some states maintain interactive data dashboards that allow users to explore topics of interest. Examples include the following:

- the **Oregon** Criminal Justice Commission's "[Statistical Analysis Center](#)"
- **Pennsylvania's** "[Justice System Joint Performance Measures](#)"

STEP 9: MEASURE OUTCOMES

At This Point, States Have Done The Following:



- ✓ gained an understanding of what JRI system improvements have accomplished and areas for additional work

Justice Reinvestment as an Iterative Process: States with Multiple JRI Engagements

The Justice Reinvestment Initiative is iterative and often ongoing, and each engagement is one part of a state’s overall justice system improvement efforts. States that have engaged in JRI have typically spent years working to change policy and practice to improve outcomes and protect public safety, and that work continues after formal JRI participation ends. In fact, as of December 2020, at least 11 states—Arkansas, Georgia, Kansas, Kentucky, Louisiana, Missouri, Ohio, Oklahoma, Oregon, Pennsylvania, and South Carolina—had engaged in JRI more than once (box 11 offers a case study on Georgia, which has formally and informally engaged in JRI multiple times). Many states, such as Hawaii, South Dakota, and Utah, have subsequently used JRI to address challenges in their juvenile justice systems (for more on such efforts, see Urban’s “[State-Led Juvenile Justice Systems Improvement: Implementation Progress and Early Outcomes](#)”).

States have repeated JRI for reasons that include the following:

- to build on success from an initial engagement and deepen system improvement efforts
- to strengthen JRI legislation that was watered down, rolled back, or poorly implemented
- to pursue system improvements considered “off the table” in the original engagement
- to address a new criminal justice challenge identified after the initial effort (e.g., provide additional funding or fill a service gap)¹²

In summary, the Justice Reinvestment Initiative is a data-driven process that has enabled states to develop and implement system improvements to manage their criminal justice populations more effectively and to invest savings in strategies to reduce recidivism and improve public safety. It involves two phases guided by technical assistance providers and tailored to each state. The process requires buy-in, collaboration, and consensus from state policymakers and justice system stakeholders throughout phases I and II. The initiative’s unique features—external TA, the workgroup model, and data-driven decisionmaking—provide a helpful framework for states to understand and improve their criminal justice systems.

BOX 11: AN ITERATIVE APPROACH TO SYSTEM IMPROVEMENTS IN GEORGIA

Georgia is a prime example of an iterative JRI state. It was one of the earliest to engage in JRI and enacted H.B. 1176 in 2012 to curb anticipated prison population growth, improve public safety, and cut corrections costs. The next year, it used a similar JRI process to improve its juvenile justice system and launched the Prisoner Reentry Initiative to transform its approach to recidivism reduction. Early successes allowed it to invest in standardizing and expanding accountability courts, improve programming and treatment services for people in prison, and fund the Prisoner Reentry Initiative. Despite this progress, Georgia still had the highest

probation rate in the US in 2017, and it returned to JRI to identify data-driven solutions. In 2017, it passed targeted probation-improvement policies through S.B. 174 to focus resources on people at highest risk of reoffending. In the first year after S.B. 174, average caseload sizes decreased and the actively supervised probation population fell 25 percent. System improvements through JRI have helped Georgia prioritize prison for people convicted of serious offenses, avert millions of dollars in unnecessary prison costs, and invest \$68 million to expand alternatives to prisons and improve programming inside them.

Sources: Samantha Harvell, Chloe Warnberg, and Chelsea Thomson, "[Justice Reinvestment Initiative \(JRI\): Georgia](#)" (Washington, DC: Urban Institute, 2019); "[Georgia's 2013 Juvenile Justice Reform: New Polices to Reduce Secure Confinement, Costs, and Recidivism](#)" (Washington, DC: Pew Charitable Trusts, 2013); "[Georgia Council on Criminal Justice Reform](#)," Georgia Department of Community Supervision, February 2018; "Georgia Council on Criminal Justice Reform," Georgia Department of Community Supervision; "[Georgia](#)," Council of State Governments Justice Center, accessed September 10, 2019; Michael P. Boggs and Carey A. Miller, "[Report of the Georgia Council on Criminal Justice Reform](#)" (Atlanta: State of Georgia, 2018).

Notes

- 1 The initiative was founded as a public-private partnership between the Bureau of Justice Assistance and the Pew Charitable Trusts in 2010. Over the years, BJA has steadily invested more in JRI as congressional appropriations have increased. Pew's investment has decreased in recent years because it has shifted its focus to other work. Since 2019, the Bureau of Justice Assistance has provided most of the resources for JRI.
- 2 Samantha Harvell, Jeremy Welsh-Loveman, Hanna Love, Julia Durnan, Joshua Eisenstat, Laura Golian, Edward Mohr, et al., [Reforming Sentencing and Corrections Policy: The Experience of Justice Reinvestment Initiative States](#) (Washington, DC: Urban Institute, 2016); Jeremy Welsh-Loveman and Samantha Harvell, "[Justice Reinvestment Initiative Data Snapshot: Unpacking Reinvestment](#)" (Washington, DC: The Urban Institute, 2018).
- 3 [Final Report](#) (Crownsville: Maryland Justice Reinvestment Coordinating Council, 2015).
- 4 [Final Report](#), Maryland Justice Reinvestment Coordinating Council.
- 5 "[Justice Reinvestment in North Carolina: Analysis and Policy Framework to Reduce Spending on Corrections and Reinvest in Strategies to Increase Public Safety](#)" (New York: The Council of State Governments Justice Center, 2011).
- 6 "Justice Reinvestment in North Carolina," Council of State Governments Justice Center.
- 7 [Justice Reinvestment Report](#) (Salt Lake City: Utah Commission on Criminal and Juvenile Justice, 2014).
- 8 [Justice Reinvestment Report](#), Utah Commission on Criminal and Juvenile Justice.
- 9 Welsh-Loveman and Harvell, "Justice Reinvestment Data Snapshot."
- 10 Rhode Island phase II request letter to BJA and Pew, December 8, 2017.
- 11 Welsh-Loveman and Harvell, "Justice Reinvestment Data Snapshot."
- 12 See [Reforming Sentencing and Corrections Policy: The Experience of Justice Reinvestment Initiative States](#) for additional examples.

For More About JRI

Partners and states have produced many resources about JRI over the past decade. Urban, which serves as the oversight, coordination, and assessment provider for the initiative, published several of these. They include two comprehensive assessment reports—the [*Justice Reinvestment Initiative State Assessment Report*](#) (January 2014) and [*Reforming Sentencing and Corrections Policy: The Experience of Justice Reinvestment Initiative States*](#) (December 2016)—[rigorous policy assessments of the impact of individual policies in a handful of states](#), and [one-page summaries](#) for each JRI state. All of Urban’s JRI publications reside on their JRI [website](#). Partners including the [CSG Justice Center](#), the [Crime and Justice Institute](#), and [the Pew Charitable Trusts Public Safety Performance Project](#) have released state-specific publications that are relevant to JRI.

