

**JUSTICE**  **CENTER**  
THE COUNCIL OF STATE GOVERNMENTS  
*Collaborative Approaches to Public Safety*

**Statement by**

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**“An Assessment of Reentry Initiatives, Recidivism and Corrections Spending”**

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**U.S. House of Representatives**

Chairman Wolf, Ranking Member Fattah, and Members of the subcommittee, thank you for the invitation to testify about issues concerning corrections and public safety. This committee’s relentless and bipartisan focus on unacceptably high recidivism rates in this country has begun to yield significant, exciting dividends. I am pleased to appear before you again and provide an update on state and local efforts to address prison reentry, reduce recidivism, and design comprehensive policy frameworks that reduce corrections spending and increase public safety.

## **Problem**

State and local governments are facing historic fiscal challenges. Only by slashing billions in spending will they be able to balance their budgets. An obvious target for such budget cutting is spending on corrections. One of the fastest growing areas of state spending is the prison budget - second only to the growth in spending on health care.<sup>1</sup> In Michigan, one out of every three state employees works for the Department of Corrections.<sup>2</sup> In Ohio, one out of every four state workers is an employee of the state's corrections department.<sup>3</sup> And, in Vermont, spending on corrections has increased from 4 percent of state general funds to 12 percent of state general funds over the last 20 years.<sup>4</sup>

Haphazard cuts to corrections budgets can have serious public safety implications. Americans have made it clear they want a correctional system that keeps communities safe and holds people who commit crimes accountable for their behavior. But they also want and deserve a system that makes the most of their tax dollars—especially in perilous economic times, when public funds are scarce and there are compelling, competing needs such as education and health care that must be addressed. In working round the clock to balance their budgets, governors and legislative leaders are sizing up their options regarding prison spending.

The first option is to do nothing at all, which in and of itself has serious consequences: in many states, it means crowding in prisons will intensify, creating dangerous conditions inside the walls, prompting potential involvement by the federal courts, and handing off a more acute problem to the next legislature and governor.

The second option is to make crude cuts. Although this approach may provide instant fiscal relief, it creates public safety problems: people are pushed indiscriminately out of prison and into communities where there are little or no services to facilitate their reentry and inadequate community supervision to monitor them closely.

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<sup>1</sup> National Association of State Budget Officers, *Fiscal Year 1988 State Expenditure Report*, p. 71 (Washington, DC: National Association of State Budget Officers, 1989),

<http://www.nasbo.org/Publications/StateExpenditureReport/StateExpenditureReportArchives/tabid/107/Default.aspx>. National

Association of State Budget Officers, *Fiscal Year 2008 State Expenditure Report*, p. 54 (Washington, DC:

<sup>2</sup> State of Michigan Civil Service Commission, "Annual Workforce Report: First Quarter, Fiscal Year 2007-08." (Lansing, MI: Michigan Civil Service Commission, 2007).

<sup>3</sup> Council of State Governments Justice Center, "Justice Reinvestment in Ohio: Reducing Spending on Corrections and Reinvesting in Strategies to Increase Public Safety." (New York, NY: Council of State Governments Justice Center, 2009).

<sup>4</sup> Council of State Governments Justice Center. *Justice Reinvestment State Brief: Vermont*. (New York, NY: Council of State Governments Justice Center, 2008).

There is another option, which a growing number of states are pursuing. It involves conducting an exhaustive analysis of their system, involving all decisions makers and key stakeholders, and working across party lines. An approach based on data-analysis and common sense policy and practice changes to reduce recidivism and costs – often referred to as Justice Reinvestment – aids state and corrections officials determining what policies and programs will have the biggest impact on crime and reduction in recidivism.

### **Justice Reinvestment Summit**

In 2009, the Commerce, Justice, Science Subcommittee convened a series of hearings on reentry and recidivism. It was an unprecedented examination by Congress of the challenges confronting government officials and community-based organizations trying to improve success rates of people released from prison and jail. The hearing also spotlighted innovative, promising reentry programs underway across the country.

During those hearings, Congressmen Mollohan and Wolf anticipated the dilemma confronting states and counties today: finding a way to incubate and sustain effective reentry programs in the face of intensifying budget problems. They challenged the Council of State Governments and the Pew Center on the States to convene a summit of the nation's leading corrections and criminal justice experts, researchers, and practitioners to identify what works in reducing recidivism and to summarize the latest research and promising programs and policies. Their instructions were not just to catalog programs, but to zero in on the strategies relevant to all jurisdictions, boiling down the research and the experiences of places across the country to report those key elements of recidivism reduction.

With support from the Bureau of Justice Assistance, (a division of the Office of Justice Programs in the U.S. Department of Justice), the Pew Center on the States Public Safety Performance Project, the Public Welfare Foundation, and the Open Society Foundations, the Council of State Governments Justice Center convened the National Summit on Justice Reinvestment and Public Safety on January 27, 2010 in Washington, D.C. The goal of this meeting was to highlight data-driven, fiscally responsible policies and practices that increase public safety and reduce recidivism and spending on corrections.

Supported by members of Congress on both sides of the aisle, and bringing together the nation's leaders in reducing recidivism, the summit was the first event of its kind on Capitol Hill. More than 300 people – including state supreme court chief justices, state corrections commissioners, jail administrators, police chiefs, victim advocates, and state legislative leaders – participated. Congressman Frank Wolf (R-VA), Congressman Alan B. Mollohan (D-WV), Congressman Adam Schiff (D-CA) and

Senator Sheldon Whitehouse (D-RI) addressed the attendees. Over the course of the day, criminal justice experts and researchers presented data in a manner that stimulated provocative questions and thoughtful discussions.

### **The National Justice Reinvestment Summit Report**

The Justice Reinvestment Summit Report summarizes the rich information presented during the conference—highlighting the promising practices, the latest thinking on criminal justice policy, published research, and the experiences of states, counties, and communities in reducing recidivism, increasing public safety, and cutting corrections spending. The report distills the data and experiences of jurisdictions into four fundamental strategies for developing cost-effective corrections policies that can reduce recidivism. It also features states that have designed policy changes frameworks to address recidivism and reduce corrections spending.

The four key strategies summarized in the report are:

1. Focus on Individuals Most Likely to Reoffend
2. Base Programs on Science and Ensure Quality
3. Implement Effective Community Supervision Policies and Practices
4. Apply Place-Based Strategies

#### ***Focus on Individuals Most Likely to Reoffend***

It might seem like an obvious and straightforward principle to identify and focus community supervision and treatment resources on those at the highest risk for reoffending, but criminal justice policies, programs, and current practices in many states do not concentrate on the offenders most likely to commit more crime, or are not using validated assessment tools to identify that high-risk group accurately. Available research confirms that programs are most successful when they employ validated risk assessment instruments to sort and tailor supervision levels and intervention programs to an individual's needs.<sup>5</sup>

The Justice Reinvestment Summit Report highlights several practical examples of the application of this strategy:

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<sup>5</sup> Report of The National Summit on Justice Reinvestment and Public Safety: Addressing Recidivism, Crime, and Corrections Spending. New York: Council of State Governments Justice Center, January 2011.

- In Texas, the parole board uses risk assessment tools and data to inform release decisions. The guidelines provide that individuals incarcerated in state prisons who committed a low-severity crime and are classified as low probability for reoffending be approved for release between 76 and 100 percent of the time, whereas high-risk/high-severity offenders be paroled just 6-15 percent of the time. Each year, the parole board issues a report showing how the actual parole approval rates for the previous year compare to these guidelines.
- In Hennepin County, MN, the drug court focuses programming on high-risk individuals, as identified by a risk assessment tool. The court uses specialized case management, which includes early and long-term treatment intervention; frequent and random drug testing; judicial supervision; intensive probation supervision; and assistance with employment, school, and education. Program outcomes support the notion that drug courts work effectively for individuals at high risk for recidivating. In two years of operation, 61 defendants have graduated from the year-long Hennepin County program and, after 15 months, 89 percent of drug court program participants had stayed crime free.<sup>6</sup>
- In Arizona, the governor signed legislation in 2008 authorizing courts to use risk assessments to triage their caseloads. Shortening the length of a low-risk offender's probation by up to 20 days a month for every month served without a violation of the conditions of supervision enables officers to focus more of their time on high-risk cases. By reducing the amount of time probation officers supervise people who are successful on probation, officers concentrate their resources on individuals who are most likely to reoffend and may pose the greatest threat to public safety.
- The New York City Department of Probation implemented and tested an automated reporting system using kiosks in the mid-1990s for a limited group of low-risk probationers. Adopting kiosks allowed NYC Probation to assign large numbers of probationers considered to be low risk for reoffending to a system of supervision that required substantially fewer probation officers. This freed up resources to provide more intensive supervision to high-risk probationers, which revealed that they were not complying with conditions of release. The percentage of high-risk probationers who missed at least one in-person appointment increased from 40 percent in 2000 to 63 percent in 2004. This behavior would not have been uncovered had they not reallocated

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<sup>6</sup> Report of The National Summit on Justice Reinvestment and Public Safety: Addressing Recidivism, Crime, and Corrections Spending. New York: Council of State Governments Justice Center, January 2011.

officers' caseloads to spend more time with high-risk probationers and used the probation kiosks for people categorized as low risk.<sup>7</sup>

### ***Base Programs on Science and Ensure Quality***

Thousands of programs designed to reduce reoffending have been established by well-meaning administrators over the years. Legislatures seeking to cut crime rates have made considerable investments in a wide variety of these initiatives, which have performed with varying levels of success. Some of these initiatives have even had the unintended consequence of making clients more likely to reoffend.

Resources must be invested in program models that studies demonstrate can reduce recidivism. Steps must then be taken to monitor the quality and performance of those models and to hold administrators accountable. Policymakers must ensure that taxpayer dollars are invested only in those strategies that research has shown are promising approaches or that have demonstrated success in making communities safer and healthier.

The good news is that studies show that implementing evidence-based programs and practices in areas like substance abuse treatment and job training in the community while offenders are under supervision can reduce reoffense rates by 10 to 20 percent.<sup>8</sup>

The Justice Reinvestment Summit Report illustrates how two states are working to ensure funding is focused on programs that have research demonstrating their efficacy.

- In response to a request from Washington state lawmakers seeking information on what programs to fund (and not to fund), the Washington State Institute of Public Policy (WSIPP) conducted a meta analysis, examining 500 research articles on correctional programming. Researchers found that intensive supervision with treatment is effective at reducing recidivism, while intensive supervision without treatment is not. Treatment-oriented supervision programs yielded a 17.9-percent reduction in recidivism.
- Oregon's Senate Bill 267 (Sections 3–9 of Oregon Laws, 2003) requires the Oregon Department of Corrections, the Youth Commission, and the Criminal to ensure effectiveness. For the biennium beginning in 2005, 25 percent of programs and interventions were expected to meet

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<sup>7</sup> Report of The National Summit on Justice Reinvestment and Public Safety: Addressing Recidivism, Crime, and Corrections Spending. New York: Council of State Governments Justice Center, January 2011.

<sup>8</sup> Ibid, Council of State Governments Justice Center, January 2011.

these criteria. For the 2007 biennium, this expectation increased to 50 percent, and in 2009 and future biennium, this increased to 75 percent. The agencies affected by this legislation must audit and report on their program spending.<sup>9</sup>

A comprehensive database of evidence-based programs will soon be available to the field and Congress. The National Reentry Resource Center is working with the Urban Institute and the John Jay College of Criminal Justice to develop a “what works” library, which provides a user-friendly, one-stop shop for practitioners who want to know what the research says about the design and implementation of evidence-based reentry practices, programs, and policies. By offering an organized, searchable, and routinely updated, compilation of the most recent peer-reviewed studies, this library will also assist the growing community of scholars who are developing a reentry research agenda. The Urban Institute and John Jay College developed classification criteria and categories of evidential strength, incorporating findings from the systematic review of “what works” literature. They also identified more than 500 evaluations of reentry interventions and developed procedures for rating and classifying the evaluations. An electronic prototype for the “what works” library will be developed, and focus groups will test its utility and user friendliness. The online library will be launched by the fall 2011, and fully populated with research by the fall of 2012..

### ***Implement Effective Community Supervision Policies and Practices.***

More than five million people—one in 45 adults—are on probation or parole in the United States. This is more than two times the population of prisons and jails in this country. Over the last 25 years, the rate of growth of community supervision populations has exceeded even the growth of prison and jail populations, with far smaller budget increases.<sup>10</sup> In spite of increasing strains on probation and parole agencies, administrators have a better sense today than ever before of what makes community supervision effective at reducing recidivism: Policies must help parole and probation departments make the optimal use of their resources, and these supervision agencies must adopt best practices as identified by researchers and practitioners.

It is critical that supervision and services for people involved in the criminal justice system

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<sup>9</sup> Report of The National Summit on Justice Reinvestment and Public Safety: Addressing Recidivism, Crime, and Corrections Spending. New York: Council of State Governments Justice Center, January 2011.

<sup>10</sup> Pew Center on the States Public Safety Performance Project, *One in 31: The Long Reach of American Corrections* (Washington, DC: The Pew Charitable Trusts, March 2009).

address the following: 1) target high and medium-risk individuals; 2) concentrate on the timeframes when people are most likely to recidivate; and 3) provide a broad range of options for swift and certain sanctions that are proportionate to the violation and appropriate to the individual.<sup>11</sup>

The Justice Reinvestment Summit Report highlights several examples of places where these elements of effective community supervision have been implemented:

- The Georgia Department of Corrections (GDC) has established the Probation Options Management (POM) program. Through this program, the judge retains authority in all cases, and is still the only person who can revoke a probationer to prison, but GDC can modify the probationer's current supervision as long as the sanctions imposed are equal to or less restrictive than the maximum non-prison sanction set by the sentencing judge. Where this program was implemented, participants spent considerably less time in jail than non-POM probationers (a three- to five-fold decrease in jail time). Probation officers spent considerably less time in court, saving time and money. The implementation also shortened the interval between violation and sanction, resulting in an increase of the "swiftness" of sanction imposition, thereby likely reinforcing the behavioral link between the violation and its attendant sanction.
- The Travis County Probation Department created a centralized assessment process, ensuring that all probationers were subjected to risk/needs assessment, using the latest science-based tools. They redesigned supervision and sanctioning strategies to better match these assessments, and introduced a system of progressive sanctions to respond more consistently respond to violations. Since implementing these and other changes, the number of felony probation revocations (for technical violations or new criminal activity) in Travis County declined by 20 percent from FY 2005 to 2008. This is steepest decline in revocations of the five most populous counties in TX and significantly better than the statewide average decline of 1 percent.

### ***Apply Place-Based Strategies***

People released from prison and jail return to a handful of communities in each state where crime is concentrated and high rates of joblessness, inadequate housing, acute health issues, and lack of resources further exacerbate communities' capacity to receive people who have complex needs and challenges.<sup>12</sup> For example, in Wichita, Kansas, where probation and parole revocations account for more

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<sup>11</sup> Ibid, Council of State Governments Justice Center, January 2011.

<sup>12</sup> Ibid, Council of State Governments Justice Center, January 2011.

than two-thirds of the city's admissions to prison each year, one quarter of all people on probation or parole live in communities that are home to only 8 percent of the city's adult population. Ensuring that resources available to supervision agencies are concentrated on specific places is critical to reducing recidivism. The Summit Report illustrates how place-based strategies are applied in policing, probation and parole supervision, treatment and services, family supports, and other forms of community engagement. Two such examples come from Arizona and Maryland.

- A single neighborhood in Phoenix (Maricopa County) is home to 1 percent of the state's total population, but 6.5 percent of the state's prison population. The Maricopa County Adult Probation Department assigns officers in one Phoenix neighborhood to a probation office located in the community. The program resulted in two significant forms of increased compliance, when compared with a control group of probationers who reported to a central office outside the neighborhood.
- The Maryland Division of Probation and Parole encourages its officers to supervise individuals in the community. Under the Proactive Community Supervision (PCS) model, officers are encouraged to meet low risk supervisees at the offices of local community or faith based organizations. A 2006 study by researchers from Virginia Commonwealth University and the University of Maryland showed that 32.1 percent of the PCS participants were rearrested compared with 40.9 percent of a matched group receiving traditional supervision.<sup>13</sup>

### **Second Chance Act: Incubating Programs that Reduce Recidivism**

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

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<sup>13</sup> Faye S. Taxman, "The Role of Community Supervision in Addressing Reentry from Jails." Paper prepared for the Urban Institute, John Jay College, and Montgomery County, Maryland, Department of corrections and Rehabilitation Reentry Roundtable on Reentry from Jails, June 2006.

The Second Chance Act was a monumental first step in addressing recidivism rates nationwide. It is also the foundation to build on as criminal justice agencies and communities struggle to find more effective strategies to keep neighborhoods safe, promote public safety, and reduce victimization all while using resources more efficiently.

The Second Chance Act grant programs have been incredibly popular among state and local governments and community and faith-based organizations eager to implement or expand their reentry programs. In FY 2009, Congress appropriated \$25 million for programs authorized under the Second Chance Act. In this first year since the act's authorization, 955 applicants applied for SCA funding. Of the 955 applications, 67 grantees were funded in 2009, spanning 31 states. This level of demand established the Second Chance Act as one of the most competitive justice programs, with only a seven (7%) percent funding rate in the first year.

In FY 2010, Congress appropriated \$100 million for programs authorized under the Second Chance Act. That year, 1189 applications were received for Second Chance Act grant programs, and 187 awards were made to grantees in 45 states. Even with the increase in funding from fiscal year 2009 to 2010, less than 16% of applicants in 2010 received awards.

Two sites, each of which received one-year demonstration grants of approximately \$700,000 through the Second Chance Act, illustrate the application of the latest in evidence, research and practice to address recidivism and reentry.

In San Mateo, California, the County Manager's office has designed a reentry program to reduce recidivism among county jail inmates. To date, the program has assessed 285 inmates for eligibility and enrolled 123 of them. The program only accepts individuals who present a high risk for recidivism, based on a risk assessment instrument that has been "validated"—that is, checked for its ability to accurately predict risk. This assessment also identifies an individual's treatment and service needs, and uses these findings to develop individualized case plans. Funded by its SCA grant, a Reentry Coordinator and case managers oversee these case plans. The program links clients to residential and/or outpatient substance abuse treatment, employment training, life skills workshops, peer mentoring, and assistance in finding housing. The services, funded through the SCA grant, are available pre- and post-release. 73 of the 123 enrollees—59 percent—have been released from jail and connected to services in the community. Of that cohort, only 6.85 percent have returned to jail—giving the program a 93 percent success rate.

The Oklahoma Department of Corrections has used a SCA grant to establish a reentry facility for individuals who present medium or high risk of reoffending and have complex needs (such as addiction disorders, mental illnesses, low levels of education, or inadequate housing). All soon-to-be released from state prison, these individuals will have completed their sentences at the time of release and therefore will not be under community supervision. Recognizing the threat to public safety that this presents, the Department of Corrections opened the reentry transition facility to allow officials to work with an unsupervised population in need of structure and support. Located in downtown Oklahoma City (rather than in the state's more rural areas, where its prisons are located), the facility provides a direct bridge between prison and home. So far, the program has served 58 individuals. 24 of them have received or are receiving intensive mental health services; 18 are enrolled in an education or vocational program; and 53 are enrolled in a program designed to get them to change their criminal behavior.

### **Justice Reinvestment: Helping States and Counties Design a Policy Framework that Reduces Recidivism**

The Justice Reinvestment Initiative builds and expands on recent developments in addressing prisoner reentry and recidivism rates through the Second Chance Act. While the prisoner reentry programs under Second Chance Act fund important transitional services to help reduce recidivism and improve post-release success, the Justice Reinvestment Initiative provides the resources needed to provide the analysis and policy options for system-wide changes that can reduce recidivism, crime, and corrections spending. The Justice Reinvestment Initiative touches the many important points along the criminal justice system continuum, such as corrections, parole, probation, law enforcement, courts, community corrections and research capacity.

The genesis for the Justice Reinvestment project was a call from state governments – CSG members. Increasingly reluctant to finance the construction of another prison, but wary of the ramifications of doing nothing, our members (who are both the conservative Republicans and liberal Democrats from all three branches of state governments across the country) delivered these instructions to us: help us cut spending on corrections, reduce failure rates of people released from prison, and increase public safety in the neighborhoods where people released from prison return.

In response, we developed a data-driven strategy called Justice Reinvestment, a bipartisan, data-driven approach for policymakers seeking to determine how best to reduce corrections spending and

reinvest in strategies that are most likely to reduce recidivism and increase public safety. The Justice Reinvestment approach has three phases: 1) analyze data and develop policy options; 2) adopt new policies and put reinvestment strategies into place; and 3) measure performance.

Justice Reinvestment has a proven track record. This appropriations subcommittee heard testimony in 2009 from a key Republican lawmaker in Texas and the then-Secretary of Corrections in Kansas, who detailed the Justice Reinvestment work and accomplishment in their states.

In 2007, the prison population in Texas was projected to grow by more than 14,000 people over a five-year period at a cost to taxpayers of an additional \$523 million for the construction and operation of new facilities in the 2008 and 2009 fiscal biennium.<sup>14</sup> Analysis conducted by CSG Justice Center experts found that probation revocations, reduced funding for residential treatment programs for people on probation and parole, and reduced parole usage led to the buildup of the prison population. During the 2007 legislative session, state lawmakers enacted a package of criminal justice policies to avert the growth in the prison population and save \$443 million. To improve success rates of people under supervision, the legislature reinvested \$241 million to expand the capacity of treatment and diversion programs, and enhance the use of parole for low-risk offenders. Since the enactment of the policies, the prison population did not grow as originally projected and recidivism and crime rates appear to have fallen.

In 2007, the Kansas prison population was projected to increase 22 percent by 2016 at a cost of approximately \$500 million in additional construction and operating costs over a ten year period.<sup>15</sup> Justice Reinvestment analysis found that parole and probation revocations accounted for 65 percent of prison admissions, consuming 27 percent of prison capacity at a cost to taxpayers of \$53 million annually. Ninety percent of revocations were for violations of conditions of release, with alcohol or drug use accounting for 32 percent of parole revocations. During the 2007 legislative session, state policymakers approved a package of recidivism reduction policies and appropriated \$7.9 million to expand reentry programs and strengthen community supervision through the adoption of evidence-based strategies.<sup>16</sup> The legislation included: creation of a performance-based grant program for community supervision (probation) programs to design local strategies to reduce revocations by 20 percent; establishment of a 60-day program credit to create an incentive for people who successfully complete

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<sup>14</sup> Council of State Governments Justice Center, "Justice Reinvestment State Brief: Texas," 2007.

<sup>15</sup> Council of State Governments Justice Center, "Justice Reinvestment State Brief: Kansas," 2007.

<sup>16</sup> Ibid, Justice Center.

educational, vocational, and treatment programs prior to release; and, restoration of earned time credits for good behavior for nonviolent offenders.

The work in these states was made possible through funding support provided by the Pew Center on the States and the Bureau of Justice Assistance in the Office of Justice Programs at the US Department of Justice. As more states learned about the experiences of Kansas and Texas, governors and legislative leaders, and court officials sought technical assistance and other forms of support needed to employ a reinvestment approach in their jurisdictions.

Demand from these state leaders, however, overwhelmed the limited resources available to them. Recognizing the immediacy of the challenges confronting state and local leaders, this Subcommittee made available \$10 million in FY 2010 for state and local governments requesting federal support for their justice reinvestment initiatives.

With this funding, the Bureau of Justice Assistance has moved exceptionally quickly. BJA engaged the Council of State Governments Justice Center, the Vera Institute of Justice, the Center for Effective Public Policy, and the Crime and Justice Institute to respond to state and local governments that wanted to pursue a justice reinvestment approach in their jurisdictions. In addition, BJA designated the Urban Institute to coordinate and evaluate these efforts and serve as a one-stop resource for people seeking information about justice reinvestment.

Governors, legislative leaders, and court officials in five states immediately approached BJA, demonstrating convincingly that they had already taken extraordinary steps to work across party lines and launch a justice reinvestment approach. They urgently needed assistance from the federal government. BJA subsequently instructed CSG and Vera to provide intensive technical assistance to these states: Alabama, Indiana, Louisiana, North Carolina, and Ohio.

Of course, each of these states is unique; comprehensive analyses conducted in each state are yielding distinct sets of findings. These are examples of the findings in three states.

### ***Ohio***

Prison crowding is a significant problem in Ohio: 13,000 more inmates are being held behind bars in this state than the system was designed to hold. The state's prison population projections indicate that the the system will experience a net growth of 4,000 more people within the next four years, pushing crowding to 140 percent of capacity. Building additional prison beds and staffing them to house these inmates would cost the state nearly half a billion dollars. As it is, the state spends \$1.1

billion annually on corrections. And, this year alone, policymakers are working to fill an \$8 billion budget deficit.

One driver of growth in the prison population are low-level nonviolent property and drug offenders, 10,000 of whom are admitted to Ohio prisons annually. They serve an average of 9 months in prison, during which time few receive treatment for their addictions or services to assist with behavior change. After prison, three-quarters of them are released to the community completely unsupervised. Ohio policymakers agree that this costly “revolving door,” while contributing to sizeable increases in prison crowding and costs, is doing little to impact public safety.

State leaders are reviewing policy options, including imposing mandatory community supervision and drug treatment for low level offenders who have substance abuse problems. Such an approach would translate to lengthier supervision than the prison terms to which these offenders are currently subjected and ensure they get the treatment they need.

### *Indiana*

Between 2000 and 2009, Indiana’s prison population grew by over 40 percent, a rate of increase three times faster than what other states in the region experienced. If existing policies remain unchanged, Indiana’s prison population will continue to grow. Current projections show the prison population increasing by nearly 21 percent over the next 6 years.

One factor fueling Indiana’s prison growth that policymakers are examining is the wide variation from county to county in the number of people who have their probation revoked and are sentenced to prison. In St. Joseph County, 11 percent of terminations from probation involved people whose probation was revoked and who were incarcerated in prison. In Marion County, by contrast, 33 percent of probationers—triple St. Joseph County’s rate—had their probation revoked because of violations of their conditions of supervision.

Within nearly every county in Indiana, there are multiple supervision agencies with overlapping authority. In Lake County, for example, there are 14 probation departments. Policies and practices vary widely from one probation department to the next (and often within the same probation department). Agencies do not coordinate operations, they have overlapping authority, and they do not share information about individuals under supervision. This makes adoption of countywide policies

impossible and prevents supervision resources within each county from being distributed where they could impact public safety the greatest.

Governor Mitch Daniels announced in his state of the state address that addressing this finding, and others that the analyses yielded, would be one of his top three legislative priorities. Among the policy options now under consideration is the creation of a probation improvement fund that provides counties with economic incentives to reduce probation revocations and coordinate with other supervision agencies, and support the adoption of best practices that can help cut crime. Strengthening probation will help increase public safety and lower crime.

### ***North Carolina***

North Carolina, where policymakers are working to address a \$3.7 billion deficit this year, is facing pressures on its state prison system similar to those described for Ohio and Indiana. In North Carolina, even though the crime rate has declined and arrests have remained stable since 2000, the prison population has followed the opposite trend, increasing by almost a third since 2000. Spending on corrections has increased by more than two-thirds over the same time period.

High numbers of people released from prison re-offend, either committing a new crime or violating conditions of community supervision, and are returned to prison within three years. Analyses conducted for the state through its justice reinvestment initiative found that 85 percent of people in North Carolina who complete a prison sentence return to the community completely unsupervised. That means no community supervision officers are watching these individuals upon returning to the community, ensuring they comply with their conditions, fulfill their reporting requirements, and complete programming and treatment as needed.

Research demonstrates that if people released from prison are going to reoffend, it is most going to happen relatively early: within the first three years after release from prison, two-thirds of inmate recidivism occurs within the first year.<sup>17</sup> North Carolina policymakers are therefore exploring policies that would ensure everyone completing a prison term first undergoes a period of community supervision. This approach helps achieve the goals of managing growth in spending while at the same time increasing public safety.

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<sup>17</sup> [1] Patrick A. Langan and David J. Levin, *Recidivism of Prisoners Released in 1994*, NCJ 193427 (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 2002).

In addition to efforts in these states, the Bureau of Justice Assistance invited state and county leaders to submit letters expressing interest in using the justice reinvestment approach and to request this very intensive form of research and technical assistance from these national experts. . Response, from states in particular, has been impressive. Fourteen additional states and 23 localities have applied for assistance under the justice reinvestment program. Selection of new justice reinvestment sites will be made this spring, according to BJA. Jurisdictions have applied for either assistance with analysis and policy development, referenced as Phase 1, or implementation of policy options and expansion of efforts, referenced as Phase 2.

The demand and enthusiasm for federal resources and advanced expertise in this area is high. Governors in office for less than a month submitted lengthy letters explaining the dire circumstances in their states and the need for assistance. Republican and Democrat legislative leaders, court officials, and executives have collaborated to express their desire to take a smarter, data-driven approach to corrections and recidivism challenges facing their systems.

Justice Reinvestment has proven that just a small infusion of funds from federal government can enable huge advances within the states, particularly those don't have the capability to do it themselves as a result of the current economy. The initiative allows us to take everything that has been learned over the past few decades on criminal justice, corrections and supervision policy, and recidivism reduction to devise data-driven approaches tailored to each state's unique criminal justice and corrections systems to manage the costs of a corrections and better protect public safety.

## **Recommendations**

For years, high recidivism rates in this country seemed an unfortunate, but inescapable, reality. Now, as Chairman Wolf recently said, we are starting to turn a corner. To maintain this course it is important to ensure that recent advances in research and practice take root and policies are changed to help reduce recidivism and protect public safety. Here are three recommendations to help further these goals:

1. *Continue funding for programs authorized under the Second Chance Act.* The Second Chance Act has made available funding for state and local governments and community-based organizations seeking to implement and expand innovative programs to reduce recidivism. The intensely competitive process that these funds prompted, coupled with technical assistance

provided to grantees, have yielded exciting reentry initiatives across the country. Lessons learned from these experiences have positioned experts to explain, as highlighted in the Summit Report, what are the keys to reducing recidivism. It is essential that Congress continue its funding of programs authorized under the Second Chance Act because it drives reentry programs toward the strategies that are most likely to have an impact.

2. *Convene state and local leaders to ensure translation of strategies highlighted in Summit Report into policy and practice.* This committee's bipartisan and relentless focus on recidivism, as reflected in part through the investments made in the Second Chance Act, has helped change the mindset of state and local leaders across the country. Whereas "reentry" was rarely mentioned even among corrections administrators just 15 years ago, today, every state corrections administrator and many mayors, sheriffs, and county executives, have designated a high level person whose exclusive responsibility to oversee that jurisdiction's work in reentry. Governors and legislators have established high level, interagency, bipartisan reentry commissions focused on lowering recidivism. To harness and make the most of this momentum, the federal government should convene state and local government leaders across the country and challenge them to embrace, and fully operationalize, what we now know are essential elements of reducing recidivism.
3. *Maintain funding for Justice Reinvestment initiatives.* Unfortunately, pilot programs and an improved knowledge base are not enough to help states navigate the dilemmas they face as they attempt to cut corrections spending while increasing public safety. This is where the justice reinvestment approach is indispensable. The resources made available through this initiative, which help states and local jurisdictions bring in objective, outside experts to help them analyze their corrections system, develop smart and cost effective solutions, and ensure public safety, are in high demand.

## **Conclusion**

In sum, thanks in large part to the work of this committee, key resources -- the knowledge, the practical tools, and the concrete examples -- are available to state and local governments determined to reduce recidivism. And, the combination of declining revenues and soaring corrections expenditures have created an imperative, unlike anything in recent memory, to cut spending on prisons and jails and

reinvest in the strategies that will have the greatest impact on public safety. Now, more than ever, is when states and counties need the right guidance and support from the federal government -- not only to help them avoid decisions that could inadvertently compromise public safety, but to ensure they capitalize fully on the information currently at their disposal.

Thank you again for getting us to this historic moment; we look forward to working with you to continuing to make our communities safer.