

MEMORANDUM

DATE: December 3, 2014

TO: Members of the Advisory Commission on the Administration of Justice

FROM: Nicolas Anthony, Senior Principal Deputy Legislative Counsel

SUBJECT: Update on Pew Justice Reinvestment Summit and Pew Results First Initiative

At the Advisory Commission on the Administration of Justice's meeting held on October 21, 2014, several members of the Commission requested an update as to ongoing research and continuing staff communication with the Pew Charitable Trusts (regarding the Justice Reinvestment Initiative process). This memorandum responds to that request and provides an update as to staff's recent involvement with Pew on several fronts.

As you may be aware, several Commission members were recently invited to a National Justice Reinvestment Summit held by the Pew Charitable Trusts. Simultaneously, members from the Pew-McArthur Results First Initiative convened a set of Policy Overview and Technical Working Group meetings in Carson City.

JUSTICE REINVESTMENT SUMMIT

On November 17-19, 2014, the Pew Charitable Trusts along with the Justice Center of the Council of State Governments and the Bureau of Justice Assistance of the U.S. Department of Justice held a joint Justice Reinvestment National Summit in San Diego, California. A copy of the Conference Agenda, along with supporting materials from recent justice reinvestment reforms in other states, is attached for your review.

The National Summit provided a platform to learn about new trends in justice reinvestment including: trends in other states (such as California's passage of Assembly Bill 109 (2011) and Proposition 47 (2014)); leading change in the Legislature; what works in drug policy; data driven justice reforms; juvenile justice; and performance measures. Several plenary sessions focused on the growing bipartisan support to curb criminal justice spending and better utilize resources to protect communities. Attendees heard from national policy experts such as former Speaker Newt Gingrich, Grover Norquist and Van Jones.

RESULTS FIRST INITIATIVE

The Results First Initiative is a joint project of the Pew Charitable Trusts and the MacArthur Foundation, which works with states to implement cost-benefit analysis that helps states invest in policies and programs that are proven to work. Results First studies individual programs in states and then compares that information on a dollar-cost basis to programs that are working in other states. Attached for your information are two issue briefs which provide an overview and greater background.

On November 17-18, 2014, Results First consultants from the Pew Charitable Trusts convened two meetings in Carson City to provide an overview of the Results First Initiative. As described by the consultants, Results First intends to begin with a review of the programs within the adult criminal justice system in Nevada. It is anticipated that the project could then be expanded into other policy areas such as juvenile justice and child welfare.

The two meetings in Carson City were attended by representatives of the Legislature, Judiciary, Nevada Department of Corrections, Board of Parole Commissioners, Division of Parole and Probation, as well as representatives from numerous criminal justice agencies throughout the State. During the initial meeting on November 17, 2014, it was indicated that Results First typically takes about one year to implement. As such, and in light of the impending 2015 Legislative Session, several participants thought that it might be beneficial to wait on applying for Results First until after the conclusion of the 2015 Legislative Session. With that said, technical stakeholders from various state agencies are still planning on meeting to gather preliminary data over the next several months. The Nevada Department of Corrections has voluntarily agreed to begin taking a preliminary inventory of their existing programs.

In terms of next steps, the Results First representatives asked for a formal letter of commitment from the new legislative leadership, the Governor and the Judiciary. At present, staff is continuing to work with the three branches of government to gauge their level of support and commitment as to timing and resources.

CONCLUDING REMARKS

I trust this information is helpful. Should you have any questions, please do not hesitate to contact me at (775) 684-6830 or nanthony@lcb.state.nv.us.

Justice Reinvestment National Summit

Conference Agenda

Monday, November 17

11:00 am – 6:30 pm	Registration <i>(Indigo Foyer)</i>
3:00 pm – 4:30 pm	Putting It All Together: How the Office of Justice Programs Can Help <i>(Indigo A)</i>
5:00 pm – 6:30 pm	Welcome Reception <i>(Promenade Plaza – Level 1)</i>

Tuesday, November 18

7:30 am–4:00 pm	Registration <i>(Indigo Foyer)</i>				
8:00 am–9:00 am	Continental Breakfast <i>(Indigo DH)</i>				
9:00 am–9:45 am	Welcome and Keynote Address <i>(Indigo BCFG)</i>				
9:45 am–10:30 am	Seismic Shifts: California Realignment and its Aftershocks <i>(Indigo BCFG)</i>				
10:30 am–10:45 am	Morning Break				
10:45 am–11:45 am	Preparing Community Supervision Systems for Lasting Change <i>Indigo 206</i>	The Ongoing Role of Prosecutors <i>Indigo A</i>	Sustaining Change through Communication <i>Indigo E</i>	Engaging Judges in Justice Reinvestment <i>Indigo 204A</i>	Performance Measures: Using Data to Improve Policy Implementation <i>Indigo 204B</i>
12:00 pm–1:30 pm	Delivering on the Promise of Justice Reinvestment: Corrections Directors' Perspective <i>Indigo DH - Lunch Served</i>				
1:30 pm–2:45 pm	Oversight Councils as Reform Leaders <i>Indigo 206</i>	Ensuring Quality in Correctional Programming <i>Indigo 204A</i>	Reinvestment: One-Time Appropriation or Enduring Funding? <i>Indigo E</i>	Leading and Maintaining Reform in the Legislature <i>Indigo A</i>	Performance Measures: Prioritizing Beds for Serious, Chronic, Violent Offenders <i>Indigo 204B</i>
3:00 pm–3:45 pm	Fighting Crime on a Budget: What Works? <i>(Indigo BCFG)</i>				
3:45 pm–4:15 pm	Afternoon Break				
4:15 pm–5:15 pm	What Works in Drug Policy? <i>Indigo 206</i>	The 21st-Century Parole Board <i>Indigo E</i>	Getting the Most Out of Behavioral Health Services <i>Indigo A</i>	Performance Measures: Improving Recidivism as a Performance Measure <i>Indigo 204B</i>	
5:30 pm–7:00 pm	Reception <i>(Indigo Terrace)</i>				

Wednesday, November 19

7:30 am–10:15 am	Registration <i>(Indigo Foyer)</i>				
7:30 am–8:45 am	Continental Breakfast and State Discussions <i>(Indigo DH)</i>				
9:00 am – 10:00 am	Criminal Justice in the Press <i>(Indigo BCFG)</i>				
10:15 am–11:30 am	Appetite for Reform: Harnessing Public Opinion and Building Broad Support <i>Indigo 206</i>	Aligning Incentives <i>Indigo 204A</i>	Moving on to Juvenile Justice Reform <i>Indigo E</i>	Projections Meet Reality <i>Indigo A</i>	Show Me the Evidence: Documenting Success to Build on Reforms <i>Indigo 204B</i>
11:45 am–12:30 pm	Bipartisan Discussion and Closing Comments <i>(Indigo BCFG)</i>				
12:30 pm–2:00 pm	Departing Lunch <i>(Indigo DH)</i>				

Justice Reinvestment National Summit

Sustaining Success, Maintaining Momentum

Hilton San Diego Bayfront, San Diego, Nov 17-19, 2014

Keynote and Plenary Sessions

Welcome and Keynote Address

Tuesday, Nov. 18, 9 – 9:45 a.m., Indigo BCFG

Welcome Remarks:

Adam Gelb, director, Pew's public safety performance project

Adam Gelb directs Pew's public safety performance project, which helps states advance policies and practices in adult and juvenile sentencing and corrections that protect public safety, hold offenders accountable, and control corrections costs. As the project lead, Gelb oversees Pew's assistance to states seeking a greater public safety return on their corrections spending, as well as a vigorous research portfolio that highlights strategies for reducing recidivism while cutting costs. Gelb speaks frequently with the media about national trends and state innovations, and regularly advises policy makers on implementation of practical, cost-effective policies. Gelb has been involved in crime control and prevention issues for the past 25 years as a journalist, congressional aide, and senior state government official. He began his career as a reporter at the Atlanta Journal-Constitution and staffed the U.S. Senate Judiciary Committee during negotiations and final passage of the Violent Crime Control and Law Enforcement Act of 1994. From 1995 to 2000, as policy director for the lieutenant governor of Maryland, Gelb was instrumental in developing several nationally recognized anti-crime initiatives. He served as executive director of the Georgia Sentencing Commission from 2001 to 2003. Before joining Pew, he was vice president for programs at the Georgia Council on Substance Abuse. Gelb graduated from the University of Virginia and holds a master's degree from Harvard University's Kennedy School of Government.

Michael Thompson, director, Council of State Governments Justice Center

Michael Thompson has worked on criminal justice policy issues for nearly 20 years. He started with the Council of State Governments (CSG) in 1997 as a policy analyst and the sole staff person assigned to the criminal justice program for the CSG's Eastern Regional Conference. Under his leadership, that program launched major projects in the areas of victim rights, criminal justice and mental health collaboration, and prisoner reentry. Since transforming the regional criminal justice program into the national CSG Justice Center, Thompson designed the Justice Reinvestment Initiative and conceptualized the organization's work in school discipline. The Justice Center's work has prompted major policy initiatives that have enjoyed broad bipartisan support in states across the country. A nationally recognized expert in criminal justice issues who is often quoted in major media outlets, Thompson has authored numerous publications and testified before Congress on multiple occasions. Before joining CSG, he worked for three years for the Office of the Court Monitor in San Juan, Puerto Rico—an office established by a U.S. District Court judge. Thompson received his bachelor's degree with Honors from Middlebury College.

Denise E. O'Donnell, director, Bureau of Justice Assistance, U.S. Department of Justice

Denise E. O'Donnell was sworn in as the director of the Bureau of Justice Assistance (BJA) on June 6, 2011, after being nominated for the post by President Barack Obama and confirmed by the U.S. Senate. In 1985, O'Donnell joined the U.S. Attorney's Office in the Western District of New York and worked as a career federal prosecutor for more than a decade. She was appointed a U.S. attorney by President Bill Clinton in 1997 and served as the top federal prosecutor in western New York from 1997-2001. O'Donnell served as vice chair of the U.S. Attorney General's Advisory Committee in Washington, where she was a member of the Investigations & Intelligence, Northern Border, and Civil Rights subcommittees. Prior to joining BJA, O'Donnell served as the deputy secretary for public safety in New York state, overseeing 11 homeland security and criminal justice agencies, and as commissioner of the New York State Division of Criminal Justice Services, the state administrative agency for BJA funds. O'Donnell served as chair of the New York State Commission on Forensic Science from 2009-2011 and as chair of the New York State Commission on Sentencing Reform from 2010-2011. She was a member of the Conviction Integrity Advisory Panel for the Manhattan District Attorney's Office and of the Chief Judge's Wrongful Convictions Task Force in New York. O'Donnell obtained a master's degree in social work from the State University of New York at Buffalo, and graduated summa cum laude from the University at Buffalo Law School.

Keynote Speaker:

Karol Mason, assistant attorney general, Office of Justice Programs, U.S. Department of Justice
Karol Mason was nominated to be Assistant Attorney General for the Office of Justice Programs by President Barack Obama and confirmed by the U.S. Senate on April 25, 2013. As head of the Office of Justice Programs, she oversees an annual budget of more than \$2 billion dedicated to supporting state, local, and tribal criminal justice agencies; an array of juvenile justice programs; a wide range of research, evaluation, and statistical efforts; and comprehensive services for crime victims. Ms. Mason previously served the Department of Justice as Deputy Associate Attorney General where her primary responsibilities were to oversee the grant making components: the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services. She also led Attorney General Holder's Defending Childhood Initiative, and helped create its Task Force on Children Exposed to Violence, bringing in the Departments of Education and Health and Human Services as partners. Mason was responsible for the implementation of the Combined Tribal Assistance Solicitation (CTAS), which consolidates all of the Justice Department's tribal grants under a single solicitation. Mason received her J.D. from the University of Michigan Law School, where she was note editor for the University of Michigan Journal of Law Reform. She received her A.B. from The University of North Carolina at Chapel Hill.

Facilitator:

Jake Horowitz, director, state policy, Pew's public safety performance project

Jake Horowitz is the state policy director for Pew's public safety performance project (PSPP), overseeing state engagement and strategic planning for Pew's work to advance data-driven, fiscally sound policies and practices in the criminal and juvenile corrections systems that protect public safety, hold offenders accountable, and control costs. As lead on state policy for PSPP, Horowitz oversees the selection, partnerships with, and assistance provided to, states, including data analysis, policy development, and public- and policymaker education on sentencing and corrections reform. He is a frequent speaker on these issues and has testified before many state legislative bodies as well as professional and academic associations. Before joining Pew, Horowitz was a social science analyst at the U.S. Department of Justice's National Institute of Justice. He has also served as a legislative fellow in the U.S. House of Representatives and as a counselor and teacher at Eckerd Youth Alternatives. Horowitz holds a bachelor's degree in history from Reed College and a master's degree in public policy from Harvard University's John F. Kennedy School of Government.

Seismic Shift: California Realignment and its Aftershocks

Tuesday, Nov. 18, 9:45 - 10:30 a.m., Indigo BCFG

Panelists:

Jerry Powers, chief probation officer, Los Angeles County

Jerry Powers is the Chief Probation Officer for the Los Angeles County Probation Department (LACPD), a position he has held since 2008. LACPD is the largest probation services agency in the United States with over 6,200 employees supervising 80,000 adults and juveniles on probation in Los Angeles County. The newest of many projects that Powers has been tasked with is to oversee and implement is California's New Prison Realignment Plan (also referred to as Assembly Bill 109). Prior being appointed Chief in Los Angeles County, Powers served as Chief Probation Officer for the Stanislaus County Probation Department. From 2006 to 2008, Powers served two terms as President of the Chief Probation Officers of California (CPOC), where his primary role was to interact with the state's legislature and Governor's office on laws and issues that impacted probation services, operations, and budgets. In 2008 to 2011, Powers served as the CPOC's Legislative Chairperson. Powers was also appointed by Governor Arnold Schwarzenegger to the California Council on Criminal Justice in 2008, where he served as Vice Chair until the council was disbanded in 2011.

Ryken Grattet, research fellow, Public Policy Institute of California (PPIC)

Ryken Grattet is a Research Fellow at the Public Policy Institute of California (PPIC) and a Professor of Sociology at the University of California, Davis. He previously served as Assistant Secretary of Research in the California Department of Corrections and Rehabilitation. His current work focuses on California correctional policy at the state and local levels. He is the author of *Making Hate a Crime: From Social Movement to Law Enforcement* (with Valerie Jenness), *Parole Violations and Revocations in California* (with Joan Petersilia and Jeffrey Lin), and numerous articles in professional and policy publications. He recently published *Corrections Realignment and Data Collection in California* (with Mia Bird and Sonya Tafoya), *Is Public Safety Realignment Reducing Recidivism in California?* (with Magnus Lofstrom and Steven Raphael), and *Do Local Realignment Policies Affect Recidivism in California* (with Mia Bird).

Lenore Anderson, executive director, Californians for Safety and Justice

An attorney with extensive experience on criminal justice and public safety issues, Lenore Anderson serves as Executive Director of Californians for Safety and Justice, a nonprofit project of the Tides Center working to replace prison and justice system waste with common sense solutions that create safe neighborhoods and save public dollars. She is co-author of the Safe Neighborhoods and Schools Act (Proposition 47) and chair of the Yes on 47 Campaign, which was approved by California voters in November 2014. Anderson is also a regular media commentator on safety and justice issues. Previously she served as the Chief of Policy for the San Francisco District Attorney's Office, the Director of Public Safety for the Oakland Mayor, and the Director of the Mayor's Office of Criminal Justice for the Mayor of San Francisco. Lenore is also a co-founder and serves on the Board of Directors for the Center for Youth Wellness, an initiative to reduce the health impacts of chronic stress and trauma on urban youth. She holds a J.D. from NYU School of Law and a B.A. from UC Berkeley, and lives with her family in Oakland.

Linda Penner, chairman, California Board of State and Community Corrections

Linda Penner was chief probation officer for Fresno County, California, from 2005 to 2012. Under her stewardship, the department transitioned to evidenced-based practices for recidivism reduction that encompass community safety. She championed a culture of integrity and professionalism, and fairness and equity to courts and offenders. Penner recognized that public safety services must include rehabilitation services, and through her leadership the Fresno County Probation department initiated policies, practices, and services that promote fewer crime victims through an emphasis on assessment-based accountability and programs. As chief probation officer, Penner promoted a realignment safety net in the county through innovative supervision and service programs for the realigned population, including a multiagency supervision team and evidence-based services that form the nucleus of the public safety response to the legislation. Since 1977, Penner has held multiple positions while at the Fresno County Probation Department, including probation division director, services manager, probation officer, and group counselor. She has served on the Board of State and Community Corrections since 2012 and its predecessor, the Corrections Standards Authority Board, from 2007 to 2012. She has also been a member of the State Advisory Committee on Juvenile Justice and Delinquency Prevention, a committee of the board, since 2007. Additionally, she chaired the Fresno County Community Corrections Partnership for two years. In 2011, Penner was president of the California Probation Officers Association of California.

Moderator:

Jenifer Warren, consultant, Pew's public safety performance project

Jenifer Warren worked for more than twenty years as a staff writer for the Los Angeles Times, where her coverage ranged from legal affairs to the environment, agriculture, state government, and water policy. She served as bureau chief in San Francisco, where her coverage included the California Supreme Court, and she spent 13 years in the Times' state capital bureau, covering the Legislature, the Wilson, Davis and Schwarzenegger administrations, and a variety of policy areas. She also was a member of the LA Times' 1992 presidential campaign team. Prior to joining the Times, she worked for two smaller newspapers and a San Francisco-based wire service. She is the co-founder of Capitol Women Correspondents, a networking and professional development group for female journalists in Sacramento. The recipient of numerous journalism awards, Warren was a member of the LA Times team that won the 1993 Pulitzer Prize for coverage of the Los Angeles riots. She has a bachelor's degree in history from the University of California, San Diego, and is fluent in French.

Delivering on the Promise of Justice Reinvestment: The Corrections Directors' Perspective

Tuesday, Nov. 18, 12 – 1:30 p.m., Indigo DH

Panelists:

A.T. Wall, director, Rhode Island Department of Corrections

A.T. Wall is Director of the Rhode Island Department of Corrections, a position he has held since 2000. The Corrections Department is responsible for operating the state's prisons, jail operations, home confinement program and probation and parole supervision services. He is the longest serving Director in the history of the agency and also has the longest tenure in his current position of any director in the nation. Mr. Wall is the immediate past President of the Association of State Correctional Administrators, the membership organization of the fifty state corrections directors. Mr. Wall received a B.A. degree from Yale University and a J.D. degree from Yale Law School.

LaDonna Thompson, commissioner, Kentucky Department of Corrections

LaDonna H. Thompson is Commissioner of the Kentucky Department of Corrections (DOC). Her appointment to the post in 2008 marked the first time a woman has been chosen for the top position in the department. Prior to her appointment as Commissioner, Thompson spent two and half years as a Deputy Commissioner for DOC and Thompson began her career as one of the original correctional officers at the Eastern Kentucky Correctional Complex when it first opened. During her career in Corrections, Thompson has received numerous awards, including three honors for distinguished service. In 2005 she was a member of the inaugural class of the Commissioner's Executive Leadership Program, and in 2006 she was selected to attend the National Institute of Corrections Executive Leadership for Women training. Thompson also served as the Midwest representative for the Association of State Correctional Administrators and is the current chair of the Training Committee. She is also on the Board of Directors for the Association of Women Executives in Corrections. Thompson is a graduate of the Leadership Kentucky class of 2007, and is a 2007 recipient of the "Breaking the Glass Ceiling" Award presented by the National Center for Women and Policing. A graduate of Morehead State University, Thompson received her degree in psychology and sociology. She also received the 2013 lifetime achievement award from the ECU college of Justice and Safety.

Colette Peters, director, Oregon Department of Corrections

Colette S. Peters was appointed director of the Oregon Department of Corrections (DOC) in February 2012. She was named by Governor John Kitzhaber to lead the department after serving as director of the Oregon Youth Authority (OYA) for several years. Before her role at OYA, she was DOC's inspector general and assistant director for public services. As DOC director, she oversees the operations and policies of a corrections agency and is responsible for managing approximately 14,600 incarcerated adults in 14 prisons across the state. She is responsible for managing a department with 4,500 employees and a biennial budget of \$1.4 billion. Peters also works closely with Oregon's state-funded community corrections agencies to coordinate the local supervision of more than 31,500 offenders on probation and parole. Peters has gained a national reputation as a champion of using research and data to drive decision-making, improve outcomes for youth and adults in custody, and increase agency efficiency and effectiveness. As OYA director, her achievements included overseeing the development of new, more effective assessment tools to evaluate youth offenders' risk factors, treatment needs, and likelihood to reoffend. She also enhanced the agency's ability to quickly move youth into the appropriate treatment settings to ensure they receive the individualized supports they need to become productive, crime-free members of society.

David Guice, commissioner, Division of Adult Corrections, North Carolina Department of Public Safety

Upon David Guice's graduation from Mars Hill College, he began a 32-year career with the North Carolina Department of Correction working in the Division of Community Corrections. He has been a probation officer, supervisor, and administrator. In 2008 he was elected to serve in the North Carolina House of Representatives, representing House District 113. His greatest accomplishment in the General Assembly came with the passage of House Bill 642, the Justice Reinvestment Act. Guice was the primary sponsor of this bill and was responsible for shepherding it through the legislative process, ultimately getting the bill passed in both chambers with overwhelming bipartisan support. He resigned his position in the House on Jan. 1, 2012, after being appointed by Governor Beverly Perdue to return to work at the North Carolina Department of Public Safety serving as director of community corrections. In January 2013, Governor Pat McCrory appointed Guice to serve as commissioner of adult correction to oversee probation and prison operations across North Carolina. In September 2013, Juvenile Justice was integrated with Adult Correction with Guice serving as commissioner of this new division serving adult and juvenile offenders. In addition, he is on the Council of State Governments Justice Center's national board of directors and continues to serve on the North Carolina Sentencing and Policy Advisory Committee.

Moderator:

Mike Thompson, director, Council of State Governments Justice Center

Michael Thompson has worked on criminal justice policy issues for nearly 20 years. He started with the Council of State Governments (CSG) in 1997 as a policy analyst and the sole staff person assigned to the criminal justice program for the CSG's Eastern Regional Conference. Under his leadership, that program launched major projects in the areas of victim rights, criminal justice and mental health collaboration, and prisoner reentry. Since transforming the regional criminal justice program into the national CSG Justice Center, Thompson designed the Justice Reinvestment Initiative and conceptualized the organization's work in school discipline. The Justice Center's work has prompted major policy initiatives that have enjoyed broad bipartisan support in states across the country. A nationally recognized expert in criminal justice issues who is often quoted in major media outlets, Thompson has authored numerous publications and testified before Congress on multiple occasions. Before joining CSG, he worked for three years for the Office of the Court Monitor in San Juan, Puerto Rico—an office established by a U.S District Court judge. Thompson received his bachelor's degree with Honors from Middlebury College.

Fighting Crime on a Budget: What Works?

Tuesday, Nov. 18, 3 - 3:45 p.m., Indigo BCFG

Speaker:

Grover Norquist, President, Americans for Tax Reform

Grover Norquist is president of Americans for Tax Reform (ATR), a taxpayer advocacy group he founded in 1985 at President Reagan's request. ATR works to limit the size and cost of government and opposes higher taxes at the federal, state, and local levels and supports tax reform that moves towards taxing consumed income one time at one rate. ATR organizes the Taxpayer Protection Pledge, which asks all candidates for federal and state office to commit themselves in writing to the American people to oppose all tax increases. In the 113th Congress, 219 House members and 41 Senators have taken the pledge. On the state level, 14 governors and 1,035 state legislators have taken the pledge. Norquist chairs the Washington, DC - based "Wednesday Meeting," a weekly gathering of more than 150 elected officials, political activists, and movement leaders. The meeting started in 1993 and takes place in ATR's conference room. There are now 60 similar "center-right" meetings in 48 states. Norquist also serves on the board of directors of the National Rifle Association of America, the American Conservative Union, the Parental Rights Organization, and the Center for the National Interest (formerly Nixon Center) and is a contributing editor to the American Spectator Magazine. Norquist has authored three books: *Rock the House*; *Leave Us Alone - Getting the Government's Hands Off Our Money, Our Guns, Our Lives*; and (with co-author John Lott) *Debacle: Obama's War on Jobs and Growth and What We Can Do Now to Regain Our Future*.

Criminal Justice in the Press

Wednesday, Nov. 19, 9 - 10 a.m., Indigo BCFG

Panelists:

Don Thompson, reporter, The Associated Press

Don Thompson has covered law enforcement for more than 30 years, the last 14 years for The Associated Press in Sacramento. His reporting has covered sweeping changes to California's criminal justice system in the last five years, including Criminal Justice Realignment (also known as AB 109) and the recent passage of Prop 47, which is projected to affect 40,000 offenders each year. He also reports on the state Legislature, and assists in AP's coverage of Northern California. He previously worked for newspapers in Colorado and Illinois.

Mike Ward, Austin bureau chief, Houston Chief

Mike Ward, an award-winning Texas reporter who coordinates the Chronicle's Austin reporting staff, focuses on covering Statehouse politics, criminal justice and ethics. His reporting in the past two decades has uncovered the VitaPro prison-food scandal, broke stories about lawmaker-lobbyists' ties that led to creation of the Texas Ethics Commission and investigated sexual abuse and mismanagement in the Lone Star juvenile-justice system that led to sweeping reforms. He has covered criminal justice issues for various newspapers for nearly four decades.

Ted Gest, contributing editor, The Crime Report

Ted Gest oversees the daily news digest "Crime and Justice News" for The Crime Report, and reports and blogs on criminal justice developments in Washington DC and elsewhere in the country. Ted covered the White House, the Justice Department, the Supreme Court, and legal/justice news during a 23-year career at U.S. News & World Report. He is president of Criminal Justice Journalists, the nation's only association of criminal justice reporters, which he founded in 1997. In September 2011, he began a part-time stint as public information officer for the Washington, D.C., Attorney General.

Moderator:

Bill Keller, editor-in-chief, The Marshall Project

Bill Keller is The Marshall Project's first editor-in-chief. Keller worked for The New York Times from 1984 to 2014 as a correspondent, editor, and, most recently, as an op-ed columnist. From July 2003 until September 2011, he was the executive editor of The Times. During his eight years in that role, The Times sustained and built its newsgathering staff, winning 18 Pulitzer Prizes, and expanded its audience by adapting the newsroom to the journalistic potential of the Internet. The newsroom also participated in the creation of a digital subscription plan to help secure the company's economic future. Before becoming executive editor, Keller had spent two years as an Op-Ed columnist and senior writer for The New York Times Magazine. He served as managing editor from 1997 to 2001, and as foreign editor from 1995 to 1997.

Keynote and Closing Remarks

Wednesday, Nov. 19, 11:45 - 12:30 p.m., Indigo DH

Speakers:

Newt Gingrich, former speaker of the house, United States House of Representatives

Newt Gingrich served the Sixth Congressional District of Georgia in the U.S. House of Representatives from 1978 to 1999. He is well-known as the architect of the "Contract with America," a popular set of proposals that led the Republican Party to victory in 1994, by capturing the majority in the U.S. House of Representatives for the first time in 40 years. Gingrich was elected and served as Speaker of the U.S. House of Representatives from 1995 to 1999. Under his leadership, Congress passed welfare reform, the first balanced budget in a generation, and the first tax cut in 16 years. In 1995, he was named TIME's "Man of the Year." Gingrich is a former college professor of history, environmental studies, and geography. He is the author of more than two dozen best-selling historical novels and public policy books including, *To Renew America*, *A Nation Like No Other*, *Gettysburg*, *Victory at Yorktown: A Novel*, and *Breakout*. Gingrich and his wife, Callista, also host and produce historical and public policy documentaries at Gingrich Productions. Recent films include *Nine Days that Changed the World*, *Ronald Reagan: Rendezvous with Destiny*, and *Rediscovering God in America*.

Van Jones, president and founder, Rebuild the Dream

Van Jones is a visionary leader at the forefront of the social, economic, environmental and racial justice movements of the last 20 years. He is the founder of two national initiatives: #YesWeCode, an initiative that helps train 100,000 low-opportunity youth coders to become high-level computer coders, and #Cut50, a national bi-partisan initiative that seeks to reduce the prison population by half in the next ten years. Van is the president and co-founder of Dream Corps Unlimited, a platform for bottom-up, people-powered innovations to help fix the U.S. economy. A Yale-educated attorney, Van has written two New York Times Best Sellers: *The Green Collar Economy*, the definitive book on green jobs, and *Rebuild the Dream*, a roadmap for progressives in 2012 and beyond. In 2009, Van worked as the green jobs advisor to the Obama White House. There, he helped run the inter-agency process that oversaw \$80 billion in green energy recovery spending. Van is also a CNN personality and contributor.



Oregon's 2013 Public Safety Reforms

One year later, sweeping law controls prison growth, invests savings in local public safety efforts

Overview

Anticipating substantial growth in prison population and costs, Oregon lawmakers in 2013 enacted comprehensive sentencing and corrections reform legislation (House Bill 3194). Since then, the state has stabilized its prison population and redirected nearly \$58 million in savings to front-line public safety programs that have been shown to cut crime and reduce recidivism.

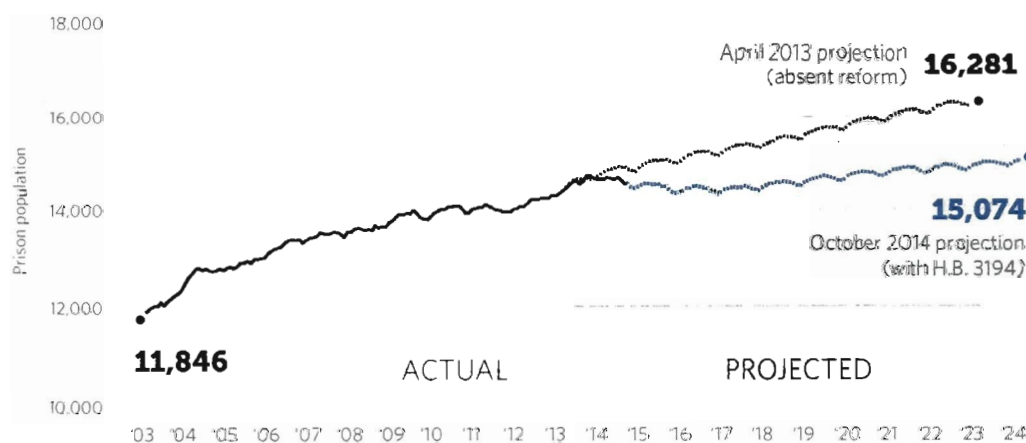
By expanding evidence-based sentencing options and investing in effective crime-prevention strategies, H.B. 3194 is projected to save the state \$326 million in prison construction and operating costs over 10 years. The law prioritizes prison beds for serious and violent criminals; enhances evidence-based, cost-effective community supervision practices to reduce the likelihood of recidivism; establishes performance objectives for criminal justice agencies; and promotes responsible use of corrections dollars.

The law was the product of the Commission on Public Safety, a bipartisan, interbranch group charged by Governor John Kitzhaber (D) with conducting a comprehensive review of the state's criminal justice system and developing policy recommendations. The Pew Charitable Trusts provided technical assistance to the commission and to state leaders.

Figure 1

Reforms Projected to Cut Prison Growth

Oregon expects to save \$326 million over 10 years



Sources: Oregon Department of Corrections (historical data), Oregon Office of Economic Analysis (projections)

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Highlights

Problem

Before Oregon passed its 2013 legislation, the state's sentencing and corrections policies were delivering a poor public safety return on taxpayer investments. Between 2000 and 2012, Oregon's prison population grew nearly 50 percent, from fewer than 9,500 inmates to more than 14,000.¹ During that period, the state's biennial corrections budget increased nearly 40 percent, from \$976 million to more than \$1.3 billion. At the same time, funding was cut for critical public safety programs, including state police, county sheriffs, community corrections, and victim services.² Absent reform, the state projected it would add 2,000 inmates by 2023 at a further cost to taxpayers of \$600 million.³

Findings

The state's Commission on Public Safety conducted a review of criminal justice data, programs, practices, and policies and found that the corrections system had become a more-expensive and less-effective way to hold offenders accountable than it had been a decade earlier. Between 2001 and 2011, Oregon's imprisonment rate increased eight times faster than the national average.⁴ Further, by 2011, state inmates stayed behind bars longer than they had at any point in the previous decade: Time served in prison jumped 22 percent for drug offenders and 20 percent for probation violators. At the same time, budget cuts for community corrections and other public safety priorities threatened to increase the state's recidivism rate.

Reforms

The commission developed policy recommendations to prioritize prison beds for serious and violent criminals; enhance evidence-based, cost-effective community supervision practices to reduce the likelihood of recidivism; establish performance objectives for and measure outcomes of criminal justice agencies; and promote responsible use of corrections dollars. These recommendations were codified into House Bill 3194, which won endorsement from stakeholders and policymakers alike. Both legislative chambers passed the bill with bipartisan support, and Gov. Kitzhaber signed it into law July 25, 2013.

Impact

H.B. 3194 is projected to reduce anticipated prison growth by 870 beds and save state taxpayers \$326 million in construction and operating costs through 2023. The law also immediately redirected nearly \$58 million over two years toward public safety improvements, including investment in victim services, sheriff's departments, and community corrections. One year later, the state has begun to realize the benefits of reform. The prison population has stabilized, and in the 2013-15 biennium, Oregon is projected to save \$17 million in prison costs, with much larger savings estimated in future years.⁵

“ With Oregon's biennial corrections budget now exceeding \$1.4 billion, we can no longer delay improvements to our corrections system here in Oregon. It's time for us to re-examine which policies are working and fix those that are not providing a clear benefit to our public safety.”

Governor John Kitzhaber, May 14, 2012

Impetus for reform

During the 1990s, Oregon earned national recognition for reducing crime, even as it maintained a modest incarceration rate and concentrated its prison beds on serious and violent offenders. In the decade that followed, however, the state increased the number of offenders it sent to prison and kept them there longer, leading to a rapidly growing incarcerated population and rising costs to taxpayers.

Between 2000 and 2012, the number of state inmates grew nearly 50 percent, from 9,491 to more than 14,000. At the same time, the state's corrections budget increased 33 percent, from \$977 million in fiscal 2001-03 to more than \$1.3 billion in fiscal 2011-13.⁶

Furthermore, between 2001 and 2011, the national imprisonment rate rose 2 percent, compared with 14 percent in Oregon.⁷ During the same period, 15 states reduced their imprisonment and crime rates simultaneously.

Without further policy changes, Oregon's prison population was projected to increase by more than 2,000 over 10 years, reaching almost 16,300 by 2023. Nonviolent offenders were projected to drive a significant portion of this growth. The state estimated that the increasing prison population would require reopening two closed facilities and building a third, at a total taxpayer cost of \$600 million.⁸

Even as prisons consumed an increasing share of the state's public safety budget, resources for front-line agencies suffered cuts. Oregon's community corrections programs, lauded across the country for their success in reducing recidivism, sustained a 20 percent reduction in state funding in the 2009-11 biennium. Many counties faced significant shortfalls as they attempted to hold offenders accountable at the local level. Public safety agencies, such as sheriff's departments, victim-service providers, and state police, also faced budget cuts. Taken together, these funding shortfalls raised the specter of more recidivism and increased victimization, which in turn would fuel even faster prison growth.

The Oregon Commission on Public Safety

In May 2012, Gov. Kitzhaber issued Executive Order No. 12-08 to convene the Commission on Public Safety. The governor charged the commission with analyzing Oregon's sentencing and corrections data, auditing existing policies, and identifying and recommending to the Legislature "fiscally responsible and sustainable, evidence-based policies and practices that will control corrections growth, hold offenders accountable, and protect public safety."⁹

The 12-member bipartisan commission included representatives from the executive, legislative, and judicial branches, as well as from law enforcement, community corrections, the prosecutors' and defense bars, and the public. (See page 11 for a list of members.) Pew and its partner, the Crime and Justice Institute at Community Resources for Justice, provided technical assistance to the commission by analyzing the state's sentencing and corrections trends and generating data-driven policy options to reduce recidivism and increase public safety.

The commission met 10 times to review findings, statistics, and trends; to hear testimony; and to discuss policy options. All meetings were open to the public and are archived online.¹⁰ To engage a broad audience from across the state, the commission held meetings in Bend, Salem, and Roseburg, and also considered input from victim round tables in Salem and Klamath Falls.

“

We have done a lot of things right in our public safety system in Oregon, but we must remain vigilant in maintaining these achievements. We cannot afford even small slips in our commitment to focus prison beds on those offenders who need it most, and to ensure we are using taxpayer dollars in the most effective way to protect public safety in our communities.”

Paul De Muniz, chief justice of the Oregon Supreme Court and chair of the Oregon Commission on Public Safety, Dec. 17, 2012

Based on its extensive analysis, the commission set out to craft a policy package that would help fine-tune Oregon’s already advanced corrections system and ensure that taxpayers receive better public safety returns. In December 2012, the commission issued a report articulating the major findings and featuring a comprehensive set of policy options to improve public safety, hold offenders accountable, and contain corrections spending.¹¹

Key findings

Through its comprehensive review of state data, the Commission on Public Safety identified several trends driving the size and growth of Oregon’s prison population:

Nonviolent felony offenders increasingly likely to receive prison sentences

Like most states, Oregon traditionally sentenced the majority of its felony offenders to probation rather than prison. The commission found that between 2000 and 2011, however, the state increased its use of prison, relative to probation, by 18 percent, particularly for nonviolent offenses. In 2000, Oregon courts sentenced just 14 percent of nonviolent felony offenders to prison, but by 2011 that proportion had grown to 19 percent. Meanwhile, the prison disposition rate—the percentage of convictions that result in a prison sentence—for violent offenders held about steady.¹²

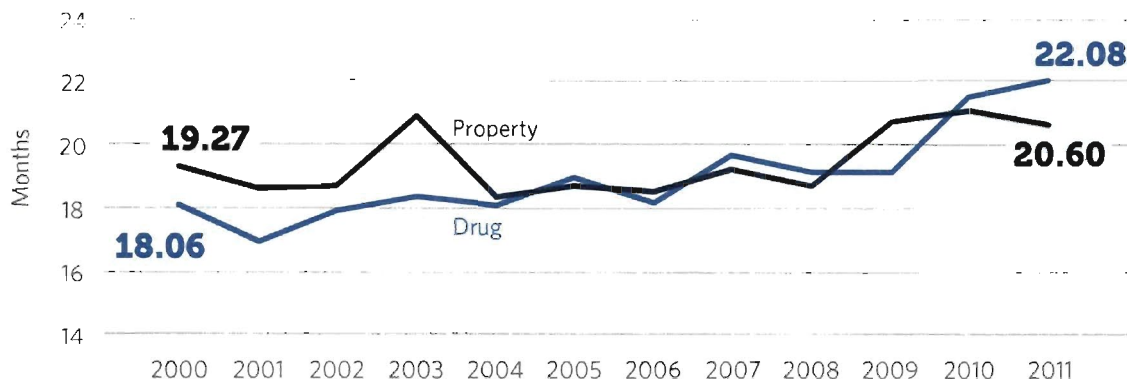
Increase in prison admissions and length of stay for nonviolent offenders

Between 2000 and 2011, nonviolent offenders in Oregon grew as a proportion of prison sentences (relative to violent offenders) and stayed in prison longer. Prison admissions for nonviolent crimes increased by almost 500 offenders a year, while admissions for violent crimes stayed about the same. Five of the top 10 offenses resulting in prison admissions in 2011 were drug or property offenses. During the same period, the average stay in prison for drug offenses climbed 22 percent, from 18 months to 22.

Figure 2

Nonviolent Offenders Stayed in Prison Longer, 2000-11

Time served increased 22% for drug offenders, 7% for property offenders



Source: The Oregon Department of Corrections

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Increase in prison admissions and length of stay for technical violations of supervision

The commission found that many inmates were in prison not for a new crime, but because they had violated the terms of their probation or post-prison supervision, such as missing appointments or failing drug tests. By 2011, technical violators made up nearly 20 percent of prison admissions, up from 15 percent in 2000. Over that period, length of stay for technical probation violations rose from 16 months to 19.

Gaps in evidence-based practices in community corrections

Despite earning national recognition for its achievements in reducing recidivism, Oregon faced gaps in its use of evidence-based practices and programs. In response to a survey conducted by the commission, half of community corrections agencies responsible for probation and post-prison supervision reported a reduction in drug- and alcohol-treatment availability, and 46 percent reported a reduction in mental health services, leading to significant geographic disparities in access.¹³ Additionally, the commission found gaps in the use of other proven supervision practices, including inconsistencies in the use of risk and needs assessments and a failure to employ earned discharge time credits to encourage compliance.

The Joint Committee on Public Safety and H.B. 3194

The report from the Commission on Public Safety laid the foundation for the work of the Joint Committee on Public Safety, a bipartisan group of lawmakers from both chambers, established by Oregon's House speaker and Senate president to consider the work of the commission. (See page 11 for a list of members.) The committee held 18 public hearings between January and May 2013 and passed H.B. 3194 by a 9-1 vote, advancing 14 of the commission's 19 recommendations. The legislation earned the endorsement of a broad coalition of stakeholders.

The Oregon Legislature passed H.B. 3194 with bipartisan support by votes of 19-11 in the Senate and 40-18 in the House. Gov. Kitzhaber signed it into law July 25, 2013.

H.B. 3194 received widespread endorsement

- Association of Oregon Counties
- Oregon Association of Chiefs of Police
- Oregon Association of Community Corrections Directors
- Oregon Association of State Police
- Oregon Coalition Against Domestic and Sexual Violence
- Oregon District Attorneys Association
- Oregon State Sheriffs' Association
- Partnership for Safety and Justice

H.B. 3194 was structured around 5 primary goals

Ensure prison beds are focused on serious and violent offenders

The law reflects a consensus in Oregon that many nonviolent offenders can serve shorter periods of incarceration and then be effectively supervised in the community without jeopardizing public safety. This cost-effective approach prioritizes the most expensive correctional resources—prison beds—for serious and violent offenders. Specifically, the law:

- Expands presumptive probation for marijuana and driving with a suspended license offenses.
- Allows judges greater discretion by removing mandatory minimum sentences for certain drug offenders with multiple convictions.
- Reduces the sentencing range for selected property offenses, including robbery in the third degree and identify theft.¹⁴

Enhance evidence-based, cost-effective community supervision practices

To expand the tools available to community corrections agencies and the state Department of Corrections to change offender behavior and reduce recidivism, the law:

- Implements earned discharge in probation to encourage good behavior, reduce recidivism, and allow community supervision officers to focus more oversight and resources on higher-risk offenders.



We are proud to have been a part of the effort to pass H.B. 3194, which represents a triumph of common sense and evidence-based policymaking and will pay dividends to Oregon for many years to come.”

Representatives Andy Olson (R-Albany) and Chris Garrett (D-Lake Oswego), members of the Commission on Public Safety and the Joint Committee on Public Safety, in an op-ed in the *Statesman Journal*, Aug. 11, 2013

- Expands transitional re-entry leave from 30 days to 90, allowing eligible offenders to spend this period in the community with a focus on re-entry supervision and programming.
- Requires supervising community corrections officers to use risk and needs assessments to determine probation supervision terms and conditions.
- Establishes a pilot program for re-entry courts, enabling judges to monitor an offender’s compliance with community supervision.
- Implements statewide, evidence-based standards for specialty courts (drug, mental health, and veterans’) to ensure that they operate uniformly and use best practices to reduce recidivism.

Establish performance objectives and measure outcomes

To help policymakers and corrections officials assess and manage the overall performance of Oregon’s public safety system, the law:

- Creates an oversight group to monitor the outcomes of the reforms.
- Expands the definition of recidivism to include rearrest, reconviction, and reincarceration to facilitate research and comparisons with other jurisdictions.
- Requires a cost-benefit analysis of community corrections investments to ensure that public dollars are spent on programs that reduce recidivism.
- Establishes the Oregon Center for Policing Excellence within the Department of Public Safety Standards and Training to ensure that law enforcement leaders receive cutting-edge training on emergency response, crime reduction strategies, and professional standards.

Promote sustainable use of corrections resources

To measure, report, and reduce costs, the law:

- Gives the Department of Corrections a target for reducing costs per day by 5 percent over 10 years, while ensuring that the reduction does not jeopardize public safety outcomes or decrease funding for prison security or recidivism-reduction programs.
- Improves the state correctional forecast process so prison population changes are attributed to specific policies whenever possible.
- Requires that fiscal impact analyses of proposed sentencing and corrections legislation include a 10-year horizon.
- Establishes a Justice Reinvestment Account to provide grants to counties that are able to reduce recidivism and utilization of state prison.

Reinvest in Oregon's public safety system

Alongside H.B. 3194, Oregon lawmakers passed nearly \$58 million in new investments to support public safety programs recommended by the Commission on Public Safety, including an additional:

- \$17.09 million for community corrections.
- \$5 million for county jails.
- \$7.29 million for victim services.
- \$8.93 million for drug courts.
- \$3.46 million for state police.
- \$1 million to create an Oregon Center for Policing Excellence.
- \$15 million to create a Justice Reinvestment Grant Program, a fund to support county efforts to reduce recidivism and expand prison alternatives.
- \$190,000 for the administration of the Justice Reinvestment Account.

Signs of success

Though it will take several years for the impact of H.B. 3194 to be fully felt, early signs are promising. The prison population has stabilized, and in October 2014 the state projected that the number of inmates will grow by less than 4 percent over the next 10 years—a third of the growth projected before the passage of H.B. 3194.¹⁵

The reduced forecast has allowed the state to postpone reopening shuttered facilities and shelve plans to build an additional prison. In total, state officials estimate that the measure will save \$17 million during the 2013-15 budget cycle.¹⁶ Savings projections for the next budget cycle are much higher—an estimated \$67 million.¹⁷

Investments in local public safety

H.B. 3194 allocated significant investments to counties to strengthen local public safety efforts. In the 2013-15 biennium alone, the state gave localities an additional \$37 million, including \$5 million for county sheriffs, \$17 million for community corrections, and \$15 million for the Justice Reinvestment Grant Program.

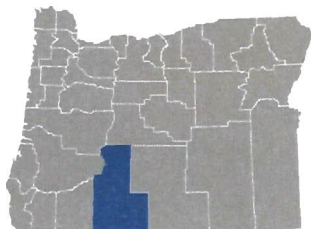
The law created the grant program to distribute savings from averted prison growth into local programs designed to reduce recidivism and crime, such as community corrections, re-entry, substance abuse treatment, and mental health services. Funding is divided among Oregon's 36 counties and distributed according to local needs. Each county submitted a proposal describing how it planned to reduce recidivism and safely reduce its use of state prison beds.

Counties began using grant funds in summer 2013 to implement or expand policies and programs proved to reduce recidivism. Three counties illustrate the success of these efforts.

Klamath County

Pooled investments to expand treatment programs and community corrections

Population, 65,910; Justice Reinvestment Grant, \$342,740



Before H.B. 3194, Klamath County was unable to respond effectively to violations of community supervision due to a critical shortage of treatment services and jail beds. Faced with offenders who repeatedly violated the terms of their supervision, officials were left with two options: Ignore violations or revoke offenders to state prison.¹⁸

After H.B. 3194 became law, the county was able to pool reinvestment dollars—totaling nearly \$900,000, with funds from the Justice Reinvestment Grant, Community Corrections Department, local mental health provider, and Sheriff's Department—to open a treatment-focused jail facility. Opened in fall 2013, the secure facility is designed for short-term sanctioning of offenders on supervision, as an alternative to revoking them back to prison, while addressing their substance abuse and mental health problems.¹⁹

Additionally, with new resources freed up for managing higher-risk offenders, Klamath County was able to make funds available to expand services available to all supervisees. In fall 2013, the county opened a one-stop shop in its Community Corrections Center to provide cognitive behavioral therapy, peer mentoring, outpatient alcohol and drug treatment, and other services.

Note: Population data from United States Census Bureau. Grant data from the Partnership for Safety and Justice.

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“The Oregon Commission on Public Safety “has come up with an innovative, effective way to promote public safety and save money, to rely on approaches that have been proven to work and to apply the state’s resources to the needs of communities rather than build new prisons.”

The Oregonian, editorial, June 30, 2013

Clackamas County

Used grant funds to expand re-entry services and specialty courts

Population, 388,263; Justice Reinvestment Grant, \$961,758



Before 2013, Clackamas County officials were unable to accept many transitional re-entry leave requests from eligible inmates because of a lack of approved housing options. After passage of H.B. 3194, officials used their reinvestment dollars to open an additional 14 beds at a work-release facility with the aim of supporting eligible inmates' efforts at successful re-entry. The county's grant also funded other re-entry services, including a probation officer focused on transition and a peer mentor.²⁰

In addition to its investments in re-entry, Clackamas County used grant funding to expand evidence-based programs. New dollars went to specialty courts, including child care for the Family Drug Court and Adult Drug Court, which removed a significant barrier to participation for a number of parents. The county has also used the grant monies to support its HOPE (Hawaii Opportunity Probation Enforcement) court program, a research-proven intervention that imposes swift and certain sanctions for failed drug tests and other probation violations.

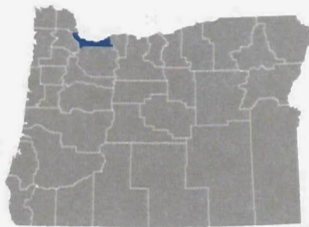
Note: Population data from United States Census Bureau. Grant data from the Partnership for Safety and Justice.

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Multnomah County

Directed grant toward improved offender assessment tools

Population, 766,135; Justice Reinvestment Grant, \$3,165,000



With funding from the Justice Reinvestment Grant, Multnomah County sought to improve the decision-making process through which offenders are diverted from prison, as well as to invest nearly \$1.61 million into additional treatment services. Before the law, the county, which has long benefited from a number of successful alternatives to incarceration, struggled to ensure that the maximum number of offenders who could be safely supervised in the community were not only being diverted from

prison, but also being directed to the program that would best address their risks and needs.²¹

In summer 2014, the county piloted an enhanced presentence investigation process for the majority of prison-bound offenses. Offenders charged with these crimes are now directed to an extensive assessment within 21 days of arraignment, ensuring that the defense counsel, prosecution, and judge have the necessary tools to decide which offenders can be safely and effectively supervised in the community.

Note: Population data from United States Census Bureau. Grant data from the Partnership for Safety and Justice.

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Commission on Public Safety

Justice Paul De Muniz (chair), Oregon Supreme Court

Judge John Collins, Yamhill County Circuit Court

John Foote, district attorney, Clackamas County

State Representative Chris Garrett (D-District 38)

Larry Matasar, Oregon Criminal Defense Lawyers Association

Jason Myers, sheriff, Marion County

State Representative Andy Olson (R-District 15)

Colette S. Peters, director, Department of Corrections

State Senator Floyd Prozanski (D-District 4)

Scott Taylor, director, Multnomah County Department of Community Justice

State Senator Jackie Winters (R-District 10)

Dick Withnell, public member

Joint Committee on Public Safety

State Representative Jeff Barker (D-District 28)

State Senator Betsy Close (R-District 8)

State Representative Chris Garrett (D-District 38)

State Representative Wally Hicks (R-District 3)

State Representative Wayne Krieger (R-District 1)

State Representative Greg Matthews (D-District 50)

State Representative Andy Olson (R-District 15)

State Senator Floyd Prozanski (D-District 4)

State Senator Arnie Roblan (D-District 5)

State Senator Jackie Winters (R-District 10)

Access the full text of the commission report at: <http://www.oregon.gov/CJC/Documents/CP5%202012/FinalCommissionReport12.17.12.pdf>

Access the complete legislation at: <https://olis.leg.state.or.us/liz/2013R1/Measures/Text/HB3194/Enrolled>.

Endnotes

- 1 Unless otherwise cited, the analyses in this report were conducted for the Commission on Public Safety by The Pew Charitable Trusts using data provided by the Oregon Department of Corrections.
- 2 Legislative Fiscal Office, Budget Information Report, "Correctional Spending Trends" (September 2011), http://www.oregon.gov/CJC/docs/2011_report_correctional_spending_trends_updated.pdf.
- 3 Oregon Office of Economic Analysis, "April 2013 Corrections Population Forecast" (April 2013), <http://www.oregon.gov/DAS/OEA/docs/prison/DOCForecast201304.pdf>.
- 4 Bureau of Justice Statistics Prisoners series, Imprisonment rate of sentenced prisoners under the jurisdiction of state or federal corrections authorities, date of version: Nov. 19, 2013, <http://www.bjs.gov/index.cfm?ty=nps>. BJS regularly updates previously published data. These data accessed from BJS' Correctional Statistical Analysis Tool in September 2014.
- 5 *Corvallis Gazette-Times*, "Editorial: Prison Report Offers Good News for State" (April 2013), http://www.gazettetimes.com/news/opinion/editorial/editorial-prison-report-offers-good-news-for-state/article_907e4dbe-bc5c-11e3-9d55-001a4bcf887a.html.
- 6 Legislative Fiscal Office, Budget Information Report, "Correctional Spending Trends."
- 7 Bureau of Justice Statistics, "Publications & Products: Prisoners," <http://www.bjs.gov/index.cfm?ty=pbse&sid=40>; and FBI, Uniform Crime Reports, <http://www.fbi.gov/about-us/cjis/ucr>.
- 8 Oregon Office of Economic Analysis, "April 2013 Corrections Population Forecast."
- 9 Office of the Governor, State of Oregon, Executive Order No. 12-08: Reconvening the Governor's Commission on Public Safety (May 2012), http://www.oregon.gov/CJC/docs/2012cps_executive_order.pdf.
- 10 For agendas, presentations, and audio, see <http://www.oregon.gov/CJC/Pages/2012ComPubSaf.aspx>.
- 11 Oregon Commission on Public Safety, Report to the Governor (December 2012), <http://www.oregon.gov/CJC/Documents/CPS%202012/FinalCommissionReport12.17.12.pdf>.
- 12 During this period, the prison disposition rate for violent offenders grew from 50 percent to 52 percent.
- 13 Oregon Association of Community Corrections Directors, "OACCD Member Survey Results" (November 2011).
- 14 This provision of the law is scheduled to expire July 1, 2023.
- 15 Oregon Office of Economic Analysis, "April 2013 Corrections Population Forecast"; and Oregon Office of Economic Analysis, "October 2014 Corrections Population Forecast" (October 2014), <http://www.oregon.gov/DAS/OEA/docs/prison/DOCForecast201410.pdf>.
- 16 *Corvallis Gazette-Times*, "Editorial: Prison Report Offers Good News for State."
- 17 Les Zaitz, "Oregon Prison Population to Drop as Sentencing Reforms Take Hold," *The Oregonian* (October 2013), http://www.oregonlive.com/politics/index.ssf/2013/10/oregon_prison_population_to_dr.html.
- 18 Interview with Kiki Parker-Rose, director, Klamath County Community Corrections (August 2014).
- 19 The jail facility also accepts a limited number of lower-level felony offenders (those sentenced to less than 365 days) with an identified treatment need.
- 20 Interview with Chris Hoy, director, community corrections, Clackamas County (September 2014).
- 21 Interview with Lily Yamamoto, Justice Reinvestment project manager, Multnomah County Local Public Safety Coordinating Council, and Suzanne Hayden, executive director, Citizens Crime Commission (August 2014).

Contact: Christina Zurla, communications manager **Email:** czurla@pewtrusts.org **Project website:** pewtrusts.org/publicsafety

The Pew Charitable Trusts is driven by the power of knowledge to solve today's most challenging problems. Pew applies a rigorous, analytical approach to improve public policy, inform the public, and invigorate civic life.



Justice Reinvestment State Brief: **Kansas**



This brief is part of a series for state policymakers interested in learning how particular states across the country have employed a data-driven strategy called justice reinvestment to better manage corrections spending, increase public safety, and redirect some of the savings toward efforts that will improve conditions in the neighborhoods to which most people released from prison return. Over the past two years, Kansas policymakers worked with the Council of State Governments Justice Center, and with the support of the Bureau of Justice Assistance, a component of the U.S. Department of Justice, and the Public Safety Performance Project of The Pew Charitable Trusts' Center on the States, to pursue a justice reinvestment strategy.¹

Highlights

The prison population in Kansas was projected to increase 22 percent by 2016 at a cost of approximately \$500 million in additional construction and operating costs.

An analysis of the prison population identified high rates of failure on community supervision and low rates of in-prison program completion as key factors driving the projected growth.

To reduce recidivism rates, state lawmakers enacted both a 60-day credit for people in prison who complete certain programs and a grant program for local community corrections agencies to increase success rates among those under supervision by 20 percent. The measures are expected to avert \$80 million in state spending over the next five years.

Policymakers reinvested \$7 million of the projected savings in additional treatment programs and efforts to improve community-based supervision, and are focusing these efforts on high-crime neighborhoods.

State, county, city, and community leaders are collaborating on the New Communities Initiative, a major neighborhood reinvestment project.

1. The JEHT Foundation recently awarded the Kansas Department of Corrections a \$4.67 million multi-year grant to support the state's prison reentry and risk reduction efforts. The Open Society Institute has provided significant support to state, county, and city leaders who are working together to develop the New Communities Initiative.

Criminal justice policy in Kansas has long been regarded as “tough and smart.” It is tough because serious and violent offenders are held in prison for long terms. It is smart because policymakers have made research-driven decisions about which offenders can be safely and effectively supervised in community corrections programs. This combination has allowed Kansas to curb spending on prison construction while ensuring space is available to keep violent offenders behind bars.

Nonetheless, criminal justice policies enacted in 2006 which increased sentence lengths, along with other developments, were poised to place this balanced criminal justice policy framework under significant pressure. With the prison population projected to increase by 22 percent, policymakers were faced with the prospect of appropriating nearly \$500 million over ten years to build and operate approximately 1,292 additional prison beds. Kansas policymakers instead identified another path and applied a justice reinvestment strategy.

“If we do not address the problem today, we are effectively deciding to spend hundreds of millions of dollars on future construction and operation of more prisons...Kansas will miss the opportunity to become safer.”

— STATE SENATOR JOHN VRATIL, R-OVERLAND PARK,
CHAIR, JUDICIARY COMMITTEE

STEP 1

Analyze the Prison Population and Spending in the Communities to Which People in Prison Often Return

In 2006, state policymakers in Kansas requested intensive technical assistance from the Council of State Governments Justice Center. In response, the Justice Center provided state officials with an analysis of the prison population that identified the factors driving the projected 22 percent increase in the prison population:

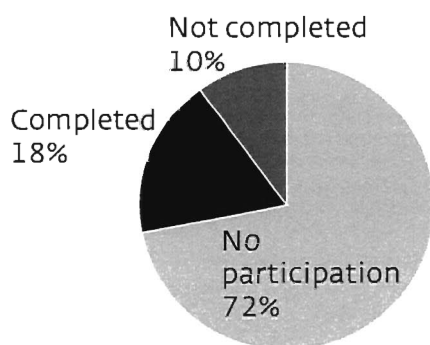
- In FY 2006, probation and parole revocations accounted for 65 percent of prison admissions, consuming 27 percent of prison capacity at a cost to taxpayers of \$53 million annually.²
- That same year, 90 percent of revocations were for conditions violations, with alcohol or drug use accounting for 32 percent of parole revocations. Additionally, 58 percent of people revoked on probation supervision demonstrated a need for substance abuse or mental health treatment.³
- Most people were released from prison without participating in programs that could reduce their risk of reoffending. Half of people in need of substance abuse treatment and 72 percent of people needing vocational education did not participate in relevant risk reduction programs prior to their release from prison.⁴

"We've got a broken corrections system. Recidivism rates are too high and create too much of a financial burden on states without protecting public safety. My state and others are reinventing how we do business by employing justice reinvestment strategies that can put our taxpayers' dollars to better use."

— U.S. SENATOR SAM BROWNBACK, R-KANSAS

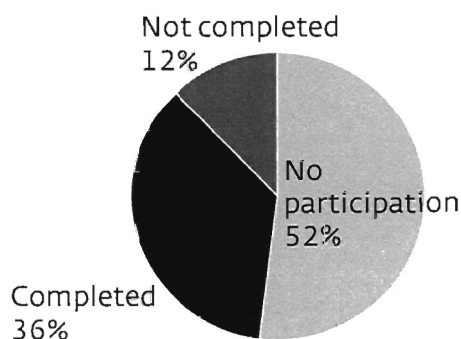
Offenders in Need of Vocational Education:

Program participation & completion prior to release



Offenders in Need of Substance Abuse Treatment:

Program participation & completion prior to release



2. Dr. Tony Fabelo, "Tough and Smart: Opportunities for Kansas Policymakers to Reduce Crime and Spending," Presentation, December 12, 2006.

3. Dr. Fred Osher, "Kansas' Opportunity to Improve Public Safety Through Effective Treatment," Presentation, February 5, 2007.

4. Ibid; Department of Corrections Analysis, October 2006. Ibid; Department of Corrections Analysis, October 2006.

STEP 2

Identify Options to Generate Savings and Increase Public Safety

Following the analysis of the prison population, leaders in the state legislature established a bipartisan legislative task force and worked with the Justice Center to identify policy options that would increase public safety by reducing recidivism and avert as much of the projected prison growth as possible.

To gain a sense of public attitudes toward these and related issues, state legislators commissioned a public opinion survey, which revealed that despite the enactment of various laws designed to incarcerate serious, violent offenders for longer periods of time, most Kansans continued to believe, incorrectly, that people currently sentenced to prison serve less time in prison than they did 10 years ago.⁵

The same poll results also showed that Kansans overwhelmingly supported providing substance abuse treatment to people in prison, and assumed, again incorrectly, that such services were widely available behind the walls. When told that strategies designed to keep offenders from failing on probation and ending up in prison could be employed to avert growth in the population, the vast majority of Kansans preferred these strategies or the combination of these strategies with some prison construction over only building more prisons.⁶

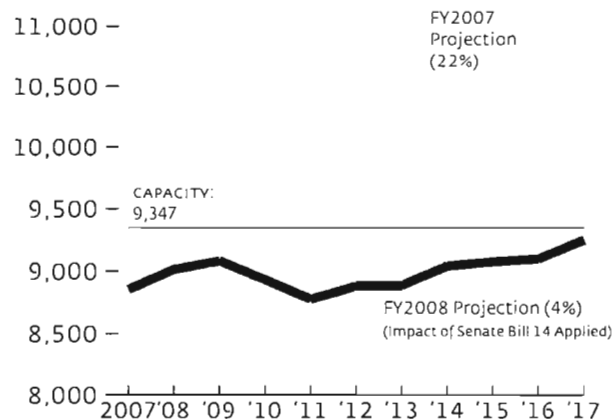
At the recommendation of the task force, in May 2007, the Kansas Legislature approved a package of criminal justice legislation which included:

- creation of a performance-based grant program for community corrections programs to design local strategies to reduce revocations by 20 percent;
- establishment of a 60-day program credit to increase the number of people who successfully complete educational, vocational, and treatment programs prior to release; and
- restoration of earned time credits for good behavior for nonviolent offenders.⁷

"We've already spent millions ensuring that Kansans are safe by locking up offenders for longer periods of time. Now it's time to make Kansas safer by making sure that when offenders inevitably finish their sentences, they are productive taxpaying members of our community."

— STATE REPRESENTATIVE MICHAEL O'NEAL, R-HUTCHINSON, CHAIR, JUDICIARY COMMITTEE

**Kansas Projected Prison Population
(FY2007 & FY2008)**



5. Council of State Governments Justice Center, "Kansas Criminal Justice Public Opinion Survey," April 2007. The Survey Research Center at the Institute for Policy and Social Research at the

University of Kansas conducted the polling. The survey results are available at: <http://justice.reinvestment.org/states/kansas/pubmaps-ks>.

6. Ibid.

7. Kansas Legislature, Senate Bill 14, "An Act Concerning the Department of Corrections," enacted 2007. For full text of bill, see <http://www.kslegislature.org/bills/2008/14.pdf>.

STEP 3

Quantify Savings and Reinvest in Select High-Stakes Communities

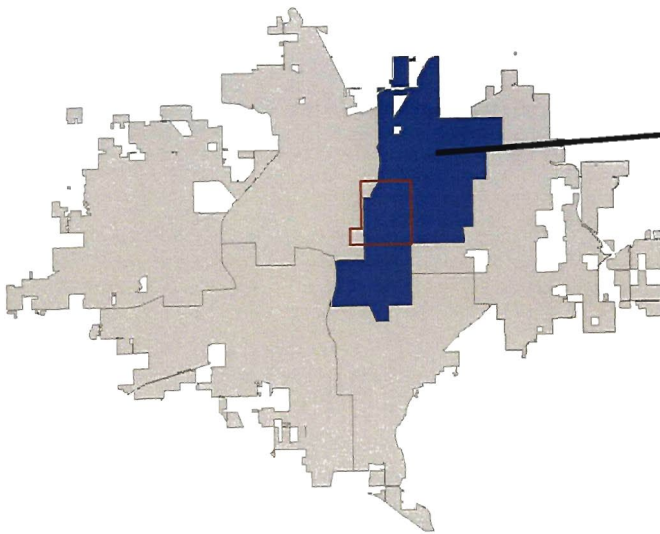
If the new policies are implemented successfully, the state of Kansas will avoid having to build 1,292 additional prison beds over the next 10 years and save \$80.2 million over 5 years in averted construction and operating costs.⁸ As part of the legislative package enacted, policymakers appropriated \$4.5 million to reinvest in the community corrections grant program and \$2.4 million to reinvest in substance abuse and vocational programs.⁹

Data collected and analyzed through the technical assistance made available by the Justice Center prompted state agencies to establish the New Communities Initiative (NCI), a major neighborhood reinvestment project in Wichita, coordinated by state, county, community, and city leaders. Geographic analyses of Wichita revealed that in 2004, Kansas taxpayers spent \$11.4 million to incarcerate people from a single neighborhood, as well as an additional \$8.7 million on food stamps,

unemployment insurance, and Temporary Assistance to Families. To integrate these funding streams and achieve better outcomes for this collective set of resources, NCI leaders are designing a common set of strategies around these issue areas: children and youth, behavioral and physical health, adult education and economic vitality, safe and secure communities, and housing, which has been identified as a key issue given the high incidence of dangerous and neglected housing in the area.

"Reducing recidivism helps fight crime in the short-term. In the long-term it frees up resources to reinvest in neighborhood-based strategies which improve conditions for the whole community."

— REPRESENTATIVE JANICE PAULS (D-HUTCHINSON),
RANKING MINORITY LEADER, JUDICIARY COMMITTEE



State spending on corrections for people sent to prison from Wichita is approximately \$28.9 million annually. Of that sum, 39 percent (\$11.4 million) is spent on offenders who lived in a single district—Council District 1. In that same district, \$8.7 million in additional taxpayer dollars is spent on food stamps, unemployment insurance, and Temporary Assistance to Families. (The area outlined in red denotes the boundaries of the New Communities Initiative).

8. This figure is dependent on when the state decides to build additional facilities.

9. The package also included bonding authority to build prisons should it become necessary,

although based on the plan enacted, the state may not have to build for 5 years.

STEP 4

Measure the Impact and Enhance Accountability

For the state of Kansas to realize the objectives in the legislative package, state and local government officials will need to address several challenges. The statute's goal of reducing probation revocations, for example, will require unprecedented levels of collaboration among judges, community-based treatment providers, community corrections agencies and other local stakeholders. Together, these groups must design new, effective supervision strategies, which are tailored to the unique aspects of their counties to improve the success of people on supervision.

No single state agency can coordinate these efforts across the counties, as they require support and leadership from multiple state and local systems. People under supervision must be connected to community-based mental health and substance abuse treatment, housing, and employment—

services all funded by distinct state agencies. Similarly, the NCI seeks to bring together funding streams and services from multiple state agencies in order to realign those resources around a common set of neighborhood-based strategies for improving public safety and the quality of life of all residents.

To centralize accountability and integrate the efforts of these distinct government agencies, state policymakers established the Kansas Reentry Policy Council (KRPC), which maintains a statewide, multi-system vision for reducing recidivism. The KRPC includes the secretaries of five cabinet agencies, leaders of the judiciary, and designees of the legislative leadership. It will collect information and report to the legislature about the state's progress in establishing and realizing a comprehensive risk reduction and reentry plan.

"Building more prisons does not solve our problems. We must continue to identify and pursue the most cost-effective ways of reducing recidivism and increasing public safety."

— GOVERNOR KATHLEEN SEBELIUS, D

To learn more about the justice reinvestment strategy in Kansas and other states, please visit:
www.justicereinvestment.org.

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The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Justice Center provides practical, nonpartisan advice and consensus driven strategies, informed by available evidence, to increase public safety and strengthen communities.



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To learn more about the Public Safety Performance Project, please visit: <http://www.pewpublicsafety.org/>.

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Kentucky: A Data-Driven Effort to Protect Public Safety and Control Corrections Spending

Over the past decade, Kentucky has had one of the fastest growing prison populations in the nation. Despite a decline during the past three years, the Commonwealth's inmate population is 45 percent larger than it was at the start of the decade, compared with 13 percent growth for the U.S. state prison system as a whole.¹

Looking back over a longer period, the state's prison population has jumped more than 260 percent since 1985, from about 5,700 inmates to more than 20,700 this year.² At year-end 2007, one of every 92 adults in Kentucky was behind bars, compared with one of every 100 adults nationally.³

This high rate of prison expansion is not due to an increase in crime. Kentucky's serious crime rate has been well below that of the nation and other southern states since the 1960s, and the current crime rate is about what it was in 1974.⁴ Nevertheless, the Commonwealth's imprisonment rate went from well below to slightly above the national average between 1985 and 2009.⁵

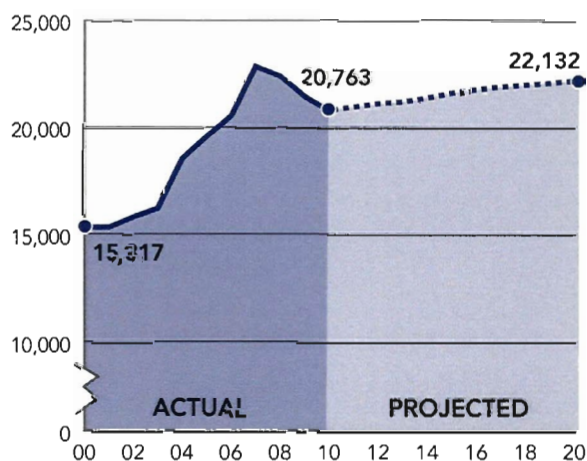
Today, both men and women are more likely to be behind bars. In fact, Kentucky now has the 6th highest incarceration rate for females.⁶

Rising Costs, Low Public Safety Return

During the past two decades, the Commonwealth's spending for this increased incarceration has grown dramatically. In FY 1989, general fund corrections spending in Kentucky totaled \$117 million. In FY 2009, the bill was estimated at \$513 million, an increase of 338 percent.⁷ Nationally, state general fund spending on corrections rose 272 percent during that 20-year period, from \$12.9 billion to an estimated \$48 billion.⁸

Prison Population Growth

Kentucky's prison population is projected to grow by nearly 1,400 inmates during the next 10 years at an estimated cost of at least \$161 million in operations and construction.



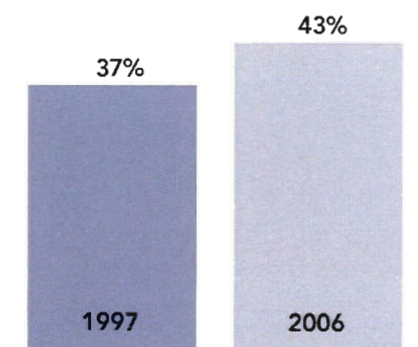
SOURCE: Projections were calculated by JFA Institute, 2010.

In Kentucky, average state spending per prisoner rose about 10 percent between FY 2005 and FY 2009, and it currently costs about \$19,000 per year to house each inmate.⁹ Meanwhile, resources to reduce recidivism and hold offenders accountable in the community are scarce. Spending for offenders on probation and parole between FY 2005 and FY 2009 dropped from \$3.26 per day to \$2.64 per day.¹⁰

Greater spending on prisons has not translated into a better return for public safety. The state's recidivism rate—the number of offenders who return to prison within three years of release—has actually increased slightly in the past several years, from 37 percent for offenders released in 1997 to 43 percent for those released in 2006.¹¹ In addition, while the state's crime rate has declined 6 percent over the past 10 years, that drop is only one-third the size of the 19 percent drop nationwide, ranking Kentucky 47th among all states in the percentage change in its crime rate during that period.¹²

Recidivism on the Rise

The percentage of offenders who returned to prison within 3 years of release has increased over the past decade.



SOURCE: Kentucky Department of Corrections

With the state prison system already at full capacity and local jails holding more than one-third of state-responsible inmates (significantly higher than the 6 percent average for all states),¹³ policy makers in Kentucky are considering data-driven alternatives that will contain prison growth and corrections spending while protecting public safety.

What Is Driving the Prison Growth?

Although deeper analyses must be conducted, a preliminary inquiry indicates several leading causes of Kentucky's prison growth:

■ Increase in Arrests and Court Cases.

While reported crime has remained basically flat between 2001 and 2009, adult arrest rates increased 32 percent during that time. This was driven by a 70 percent increase in arrests for drug offenses, a 22 percent increase in arrests for Part 1 offenses and an increase of 33 percent for Part 2 offenses.¹⁴ Meanwhile, the number of criminal cases filed in Kentucky's Circuit Courts rose from 25,591 in 2002 to 32,026 in 2008.¹⁵

■ **High Percentage of Offenders Being Sentenced to Prison.** Kentucky chooses to sentence offenders to prison as opposed to probation or another alternative sentence at a much higher rate than most other states. In 2009, Circuit and District Courts sentenced 57 percent of all convicted felony offenders to prison, which is quite high compared with other jurisdictions.¹⁶ The federal Bureau of

Justice Statistics reports that in 2006, 41 percent of all felony convictions resulted in a sentence to state prison.¹⁷

- **Technical Parole Violators.** Offenders on parole who are sent back to prison and who do not have a new felony conviction have nearly doubled as a percentage of prison admissions. Such parole violations accounted for 10.2 percent of total prison admissions in FY 1998, yet rose to 19.5 percent of all admissions in FY 2010. Admissions by parole violators who have a new felony conviction accounted for just 2.2 percent of total admissions in FY 2010, up from 1.8 percent of total admissions in FY 1998.¹⁸

- **Drug Offenders.** Between 2000 and 2009, the percentage of all admissions who were drug offenders rose from 30 percent to 38 percent. In addition, 25 percent of current prison inmates are being held for drug offenses.¹⁹

The Cost of Doing Nothing

Despite these longer-term trends, Kentucky's prison population has declined now for three years in a row. A significant reason for this drop has been an increase in the parole grant rate. Parole officials indicate the grant rate has risen as a result of the use of a validated risk assessment tool. As a result of using this tool, the parole board began granting release at a higher rate

to lower-risk offenders who committed less severe offenses. However, even with the current level of parole, prison growth is expected to resume in Kentucky if no changes are made to the state's criminal justice system. If current policies remain, independent researchers and the Department of Corrections project the prison population will increase by nearly 1,400 inmates during the next 10 years.²⁰

Even with [a] significant increase in spending, Kentucky has not seen an associated increase in public safety. The state's recidivism rate...has not improved at all."

—Chief Justice John D. Minton Jr., Kentucky Supreme Court, August 11, 2010

If the state does not act to contain this growth, policy makers will have to significantly increase Kentucky's current spending on corrections. According to new projections, by 2020, the state would have to spend at least \$161 million more on corrections to cover this growth. This includes an additional \$120 million in cumulative operational costs for the Kentucky Department of Corrections, and \$41 million for construction of an additional 800 prison beds. These additional beds would still leave the state

nearly 600 beds short, requiring officials to find beds within existing facilities.²¹ In addition, if the prison construction is financed through bonds, debt service would nearly triple the cost.²²

Gearing Up for Action

Seeking new ways to protect public safety while controlling the growth of prison costs, the state in 2010 established a bipartisan, inter-branch Task Force on the Penal Code and Controlled Substances Act. This group will guide a detailed analysis of Kentucky's sentencing and corrections data; solicit additional input from a wide range of stakeholders; use that information to develop tailored policy options, including proposals that would reinvest a portion of any savings from averted prison spending into evidence-based strategies to strengthen mandatory supervision programs and reduce recidivism; and facilitate the construction of a package of legislative and administrative reforms. The Task Force consists of chairs of the Senate and House Judiciary Committees, the secretary of the Justice and Public Safety Cabinet, the chief justice of the Kentucky Supreme Court, a former commonwealth attorney, a former public advocate and a county judge-executive.

To support the Task Force, Governor Steve Beshear, Chief Justice John Minton Jr., Senate President David Williams, House Speaker Greg Stumbo and other leaders

from the Kentucky General Assembly requested technical assistance from the Public Safety Performance Project of the Pew Center on the States. Pew and its partners have provided assistance to a dozen states, analyzing state data to identify what is driving prison growth and developing research-based, fiscally sound policy options to protect public safety and strengthen offender accountability while containing corrections costs. Pew is partnering in Kentucky with two well-respected criminal justice consulting organizations, the Crime and Justice Institute and the JFA Institute, and will provide assistance to the state through the 2011 legislative session.

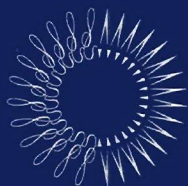
Launched in 2006, the Public Safety Performance Project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable and control corrections costs.

The Pew Center on the States is a division of The Pew Charitable Trusts that identifies and advances effective solutions to critical issues facing states. Pew is a nonprofit organization that applies a rigorous, analytical approach to improve public policy, inform the public and stimulate civic life.

www.pewcenteronthestates.org

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Results First in Your State

The Pew-MacArthur Results First Initiative, a project of The Pew Charitable Trusts and the John D. and Catherine T. MacArthur Foundation, works with states to implement an innovative cost-benefit analysis approach that helps them invest in policies and programs that are proven to work.

This model was initially developed by the Washington State Institute for Public Policy. State policymakers in Washington have used this approach for more than 15 years to craft sound budget and policy choices. The model can be used to assess programs in key state policy areas, currently including adult criminal and juvenile justice, child welfare, education, mental health, and substance abuse. The model will be expanded to assess programs in additional policy areas over time.

Since 2011, more than 14 states have worked with Results First to adopt the model and begin applying this rigorous analysis to their policy and budget decisions. More states will join the initiative in the coming months.

How States Can Participate

States are selected for participation in Results First based on several factors. One is a commitment to making evidence-based policy decisions. Another is the ability to provide the data needed to operate the cost-benefit analysis model. A third is a willingness to dedicate resources to the effort, including staff with data, statistical-analysis, and fiscal-analysis skills.

To determine whether a state is prepared to join the Pew-MacArthur Results First Initiative, our staff holds several conference calls with state representatives to discuss the model and the implementation process. Then, Results First staff conduct an initial site visit to assess the state's preparedness to participate in the initiative, meet with stakeholders, explore analytical and data capabilities, identify the level and nature of technical assistance to be provided, and discuss goals.

The Role of Results First Staff

Once a state has joined the Results First Initiative, Results First staff will:

Provide the cost-benefit analysis model to the state and supply periodic updates that incorporate new research and enhancements identified through our work in participating states.

Provide orientations to state policymakers and staff to explain the approach to cost-benefit analysis and how the model can help inform policy and budget deliberations.

Help the state establish policy and staff work groups that guide and implement the model. The policy work group typically includes executive, legislative, and/or judicial officials who will consider the model's results when making policy decisions.

Help the staff work group implement the model. This assistance includes periodic site visits by Results First staff and its technical assistance contractors as well as regular communication via virtual meetings, conference calls and email. The Results First team supplies extensive assistance during the implementation period (typically six to 12 months) as well as ongoing support to help the state customize the model and use the results to inform policy and budget deliberations. Major areas of this technical assistance include:

- Developing implementation plans and schedules.
- Tailoring the model by adding state-specific information for all data elements and/or studies to the model's summary of national research.
- Identifying data sources and analyzing program and fiscal data.
- Assisting the state in running the model and interpreting the results.

Help generate and advance reform options as requested by the state. The model enables states to explore a wide range of topics, but policymakers must identify the specific questions they wish to analyze. Results First staff can help states identify these policy questions and use the model to identify and evaluate solutions.

Share lessons learned among participating states. Results First periodically convenes meetings of participating states to promote information sharing and identify ways to further strengthen the cost-benefit analysis model. Results First staff also regularly compiles case studies highlighting progress in states.

The Role of Partner States

Submit a formal letter of commitment signed by state policy leaders, ideally from both the executive and legislative branches, to demonstrate commitment to implementing the cost-benefit model and considering the results in policy deliberations.

Once a state has joined the Results First Initiative, state staff will:

Appoint a policy work group to oversee state efforts, identify questions for analysis, and use the results to help shape state policy and budget decisions.

Establish a staff work group to manage the implementation process. The staff work group should:

- Be viewed as an honest broker so that stakeholders have confidence in the process and its results.
- Have access to the data needed to run the model.
- Possess the technical skills needed to operate the model.
- Designate a project manager to lead the effort.
- Make the project a clear priority for all those involved.
- Have regular meetings with key stakeholders to report progress, raise implementation issues and discuss results.

Develop an implementation plan. With guidance from Results First and in coordination with the policy and staff work groups, the project manager will develop a detailed implementation plan that:

- Identifies key steps.
- Identifies sources for required program and fiscal data.
- Designates staff to analyze the data.
- Establishes a timeline.
- Identifies key issues (e.g., data limitations) that will need to be addressed throughout the process.
- Specifies how and when status reports and results will be reported.

Collect and analyze the state-specific data necessary to implement the cost-benefit model.

Commit staff resources to implement the model and analyze findings, with support from Results First staff and contractors.

Collaborate with Results First to strengthen the model and build a learning community of states. This includes helping to compile lessons-learned reports and sharing information with other participating states.

The Pew Charitable Trusts

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Achieving Success With the Pew-MacArthur Results First Initiative

A State Progress Report 2011-13

Overview

Fourteen states and three California counties have partnered with the Pew-MacArthur Results First Initiative, a joint project of The Pew Charitable Trusts and the John D. and Catherine T. MacArthur Foundation, to apply a customized, innovative cost-benefit approach to policy and budget choices.¹

These jurisdictions are still in the early stages of implementing the Results First cost-benefit analysis model and using it to inform their decisions. In 2013, six states—Connecticut, Iowa, Massachusetts, New Mexico, New York, and Vermont—completed implementation of the Results First analytic model, which typically takes one year, and provided results to legislators and key stakeholders through testimony, presentations, and written reports. At least two others—Illinois and Santa Barbara County, CA—anticipate completion in time to support their 2014 policy processes. The remaining jurisdictions will complete implementation later in 2014 and plan to use the results to inform their 2015 legislative sessions.



The six states that have deployed their Results First models have already seen important policymaking successes, including:

- Shifting, cutting, or allocating a total of \$38 million in funding, with anticipated returns of as much as \$38 for every \$1 invested over the next seven to 10 years.
- Using the model to analyze proposed criminal justice policies.
- Passing legislation that incorporates the Results First approach into state policy and budget processes as a matter of law.

This brief highlights individual successes and identifies opportunities for states and counties to expand efforts to improve outcomes across a range of policy areas, including adult criminal and juvenile justice, child welfare, education, mental health, and substance abuse.

How states participate in Results First

States that wish to begin using cost-benefit analysis to improve their policymaking contact Results First and issue a formal partnership invitation. With support from Results First staff, these states then customize the analytic model using their own program and costs data. This implementation process typically takes one year, but once it is complete, states have the tools they need to compare the effectiveness of programs and to use the findings to drive budget decisions.

These analyses can include existing and proposed state programs and provide a clear ranking of each policy option's probable return on investment. Then, with technical assistance from Results First staff, states report the cost-benefit findings to policymakers in a timely manner and in an accessible, easy-to-understand format to inform budget debate and decision-making and improve the returns on taxpayer investments.

States' successes using Results First

Although states are still in the early stages of their implementation processes, several achieved significant successes in 2013—particularly in directing funds to evidence-based programs, analyzing programs and policy proposals, and establishing legislative frameworks for using the Results First approach in policymaking. These efforts demonstrate their commitment to making policy and budget decisions based on evidence of cost-effectiveness.

Directing funds in the budget process—The Results First approach enables states to spend their money more wisely and achieve higher returns on their investments. For example:

- **Iowa** launched its Results First model in 2013, and the initial reports prompted state lawmakers to allocate \$250,000 in new funding to support vocational education programs in prisons after the analysis showed that they would reduce recidivism and result in increased returns of approximately \$1 million in benefits over 10 years.
The model also demonstrated that the state's existing community-based domestic violence treatment program, which cost \$1 million annually, was ineffective in reducing recidivism among abusers and was losing \$3 for every dollar invested.² In response, the state partnered with the University of Iowa to pilot an alternative program known as Achieving Change Through Value-Based Behavior, commonly known as ACTV, with the goals of increasing public safety, improving outcomes, and spending money more responsibly. Formal evaluation findings are forthcoming, but early ACTV results suggest positive outcomes.
- In **Massachusetts**, preliminary analyses using the cost-benefit model helped policymakers recognize the power of the Results First approach to strengthen public safety by identifying the best investment of limited taxpayer dollars, according to Mike Coelho, assistant secretary of the Executive Office of Public Safety and Security, who is leading the state's Results First initiative. Consequently, Massachusetts has committed to spending approximately \$5 million of its Edward Byrne Memorial Justice Assistance Grant funds on highly effective programs.
- Decision-makers in **New Mexico** have used the Results First model to direct \$17.15 million to effective programs that are expected to generate approximately \$55 million in returns over seven years.³ New Mexico's Legislative Finance Committee, which houses the model, worked with the state's Sentencing Commission, Corrections Department, and Children, Youth and Families Department to produce reports that evaluated adult criminal justice, child welfare, and early education program cost and benefits and ranked the programs using a *Consumer Reports*-style list.

Using the cost-benefit model helped policymakers recognize the power of the Results First approach to strengthen public safety by identifying the best investment of limited taxpayer dollars.

Analyzing the costs and benefits of legislative proposals outside the budget process has helped states understand their long-term fiscal impact.

These reports included analyses of the additional costs that New Mexico will incur if it continues to fund the same mix of programs without considering effectiveness or alternatives that offer improved outcomes and higher returns. For example, the 2012 report estimated that if current trends held, offenders released in fiscal year 2011 would cost taxpayers an estimated \$360 million in corrections funds alone due to reincarceration over the next 15 years.⁴

- **New York** Governor Andrew Cuomo directed \$15 million for Alternative to Incarceration Programs.⁵ From these funds, \$5 million were allocated through a competitive grant program, and the state's Results First cost-benefit work contributed to the selection process. The state will perform ongoing evaluations of programs receiving the funding to ensure that taxpayer dollars are spent effectively and produce the maximum public safety return.⁶
- The **Vermont** fiscal 2014 budget reduced funding for the state's correctional high school graduation program, Community High School of Vermont, by \$600,000, after an issue brief highlighting findings from the Vermont Results First model showed that the program was not running at full capacity and had a high per-student cost.⁷ The state plans to produce similar issue briefs to help inform policy and budget decisions, including reviews of electronic monitoring programs.

Analyzing the costs and benefits of legislative proposals outside the budget process has helped states understand their long-term fiscal impact. Two states used their Results First models to analyze the potential effects of sentencing policy options and to inform key stakeholders:

- **Illinois'** Sentencing Policy Advisory Council used the Results First approach to assess the fiscal impact of 2013 proposed legislation that would have increased sentences for offenses involving the unlawful use of a weapon.⁸ The analysis indicated that the proposed change would result in significant costs for the state.
- In 2012, **Iowa's** Public Safety Advisory Board assessed mandatory minimums for drug traffickers and found high costs with no evidence of significant reductions in recidivism. The report also found that the state would reduce the prison population and save taxpayers \$1.2 million over 10 years if policymakers eliminated mandatory minimum terms for lower-risk drug offenders and reinvested a portion of the projected savings in evidence-based treatment programs. The advisory board recommended that validated risk assessment become a standard part of presentence reports to the courts.



Making Results First an integral part of state government is an important step toward building long-term support and establishing a strong foundation for the use of evidence in policy and budget decision-making. Three states passed legislation to create a sustained structure for Results First:

- In 2013, the **Connecticut** Legislature established the Results First Policy Oversight Committee to implement the model with a goal of supporting cost-effective policies and programming in the state. The committee is required to submit annual reports to the governor and General Assembly that recommend measures to implement the Results First model.⁹
- The **Massachusetts** Legislature set up the Special Commission on Criminal Justice in 2011 to implement the Results First model and help advance a variety of reforms.¹⁰ A law passed in 2013 made the commission permanent and directed it to use the Results First approach to develop legislation that would decrease corrections spending and use the savings to reduce crime, improve public safety, and address other budget priorities.¹¹
- In 2013, the **Vermont** Legislature passed Act 61, which created a Criminal Justice Consensus Cost-Benefit Working Group to develop the Vermont Results First model.¹² The group is required to use the model to deliver cost-benefit information that will enable policymakers to evaluate strategies and programs and identify options that achieve net social benefit.

By implementing and expanding the model, policymakers will be better able to allocate funds effectively across policy areas and achieve higher returns on their investments, improving their states' fiscal health and enhancing outcomes for citizens.

Opportunities to expand evidence-based policymaking

States have made substantial progress over the past 2½ years in implementing the Results First model and using it to inform and strengthen policy and budget decisions. These efforts have yielded millions of dollars in targeted funding, cost savings, and cost avoidance that will improve long-term outcomes for citizens. But significant opportunities remain to increase the use of cost-benefit analysis to inform critical budget and policy decisions. Specifically, states can:

- **Expand their analyses to identify and assess all funded programs in targeted policy areas.** To date, the states and counties participating in Results First have focused their work on a subset of programs that are included in the cost-benefit analysis model. States can expand their analyses to include all currently funded programs in the policy areas they are assessing, using the Results First approach to determine which programs are successful and which lack rigorous evidence of effectiveness, and to consider where they could make adjustments to align them to or replace them with evidence-based programs.
- **Implement the Results First model in a broader array of policy areas** such as child welfare, pre-k-12 education, substance abuse, and mental health. Although most states' initial models have addressed adult criminal and juvenile justice policy, states such as New Mexico have begun to tailor their models to also examine the child welfare and education arenas.
- **Ensure that programs are implemented with fidelity** to their research-based designs to safeguard effectiveness and maximize predicted outcomes. States can evaluate what systems are in place for reviewing and monitoring for fidelity and consider which programs may need improved oversight.

Conclusion

States are achieving success in using the Results First approach to make more informed budget and policy decisions through the power of evidence. By implementing and expanding the model, policymakers will be better able to allocate funds effectively across policy areas and achieve higher returns on their investments, improving their states' fiscal health and enhancing outcomes for citizens. Results First will continue to work with states to transform the way they make their policy and budget choices. This assistance includes helping states to expand their cost-benefit models to other critical policy areas and increasing participation in Results First across the country.

Endnotes

- 1 The 14 states and three California counties are Connecticut, Florida, Idaho, Illinois, Iowa, Kansas, Massachusetts, Mississippi, New Mexico, New York, Oregon, Rhode Island, Texas, Vermont, Fresno County, Santa Barbara County, and Santa Cruz County.
- 2 Iowa Department of Corrections, "Return on Investment: Evidence-Based Options to Improve Outcomes" (May 2012), http://www.doc.state.ia.us/Research/DOC_HandoutROI_OffenderPrograms.pdf.
- 3 New Mexico Legislative Finance Committee, "Evidence-Based Programs to Reduce Recidivism and Improve Public Safety in Adult Corrections" (July 2013), <http://www.nmlegis.gov/lcs/handouts/CCJ%20072213%20Item%201%20LFC%20Results%20First%20Brief.pdf>.
- 4 New Mexico Legislative Finance Committee, "Reducing Recidivism, Cutting Costs and Improving Public Safety in the Incarceration and Supervision of Adult Offenders" June 14, 2012, <http://www.nmlegis.gov/lcs/handouts/BHS%20101812%20NM%20Corrections%20Department%20LFC%20Program%20Evaluation.pdf>.
- 5 Governor Andrew M. Cuomo, "Building on Success," New York 2014 State of the State, Jan. 8, 2014, 177, <http://www.governor.ny.gov/assets/documents/2014-SOS-Book.pdf>.
- 6 New York State Division of Criminal Justice Services, "Request for Proposals, Alternatives to Incarceration" (2013) 1, <http://www.criminaljustice.ny.gov/ofpa/pdffdocs/ATI-RFP-Due-Sep-16-2013.pdf>.
- 7 Vermont Legislative Joint Fiscal Office, "Community High School of Vermont" (March 1, 2013), http://www.leg.state.vt.us/jfo/issue_briefs_and_memos/Community_High_School_of_Vermont2.pdf.
- 8 Illinois Sentencing Advisory Council, "HB 2265/SB 2267 Sentence Enhancements for Unlawful Use of a Weapon (UUW) Offenses, 720 ILCS 5/24-1.1, 5/24-1.6 and 5/24-1.8" (2013), http://www.icjia.state.il.us/spac/pdf/HB2265_SB2267_SPAC_Analysis.pdf.
- 9 2013 Conn Pub Acts 13-247, § 42.
- 10 2011 Mass Acts ch 68, § 189.
- 11 2013 Mass Acts ch 38, § 18(M)(c).
- 12 2013 Vt Laws 61.

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