

JUSTICE STRATEGIES

Testimony on Justice Reinvestment **Prepared for the Colorado House and Senate Judiciary Committee** **April 27, 2009**

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I am a criminal justice policy analyst and Director of Justice Strategies, with expertise on sentencing, and corrections policy. From 1985 to 1993 I was Director of Court Programs at the Vera Institute of Justice. Over the past decade I served as program director for the State-Centered Program of the Edna McConnell Clark Foundation, as a research associate for the RAND Corporation, and a senior research fellow at the University of Minnesota Law School. In 1999 I received a Soros Senior Justice Fellowship from the Open Society Institute. Most recently I have served as a research associate for the Brennan Center for Justice, the Drug Policy Alliance, the Sentencing Project and the Mississippi ACLU.

I have come before you today to provide information about Justice Reinvestment, an innovative strategy developed at the Open Society Institute for reducing spending on corrections, increasing public safety, and improving conditions in the “high stakes” neighborhoods from which most people are sent to prison, and to which they return when they are released.

The idea of “justice reinvestment” springs from a realization that mass incarceration impacts many urban neighborhoods in ways that serve to perpetuate cycles of crime and incarceration. The millions of dollars that are spent each year to imprison large numbers of people from impoverished neighborhoods in places like Hartford, Connecticut; Wichita, Kansas; and Phoenix, Arizona provide relatively little in terms of public safety when compared with the positive benefits of providing substance abuse treatment, housing, education and jobs. Proponents of justice reinvestment urge that steps be taken to reduce spending on prisons and invest a portion of the savings into the infrastructure and civic institutions of high impact neighborhoods to empower the residents and improve the quality of their lives.

The concept of “justice reinvestment” has theoretical grounding in research findings that show how the policy of mass incarceration is, itself, a generator of the crime problems policymakers intended to eliminate with “get tough” laws such as our Rockefeller Drug Laws. Ground-breaking research has documented the effect of sending so many young people to prison. Dina Rose and Todd Clear examined crime statistics in Tallahassee

neighborhoods and found that in neighborhoods where incarceration rates shot up the most, crime rates increased more there than in other neighborhoods in the following year. And when crime dropped in Tallahassee overall, it fell the least in the high-incarceration zones.¹

Dina Rose theorizes that when too many young people are pulled from their neighborhoods, incapacitation reaches a “tipping-point” that can send crime rates spiraling up. Simply churning large numbers of young people from the inner-city through the prison system destabilizes neighborhoods already stressed by poverty and crime. Networks of informal social control in such locations, imperfect as they are, may still serve to keep the level of crime within limits. Those involved in low-level non-violent criminality may still provide support and care for their children, and may supply other important pro-social supports for their neighbors and friends. Viewed purely as an economic asset, each prisoner represents a net financial loss to their family and home community.

Justice Reinvestment in Connecticut

Since a pilot program introduced the concept in 2004 in Connecticut, the Justice Reinvestment idea has spread. Planning efforts have since taken root in Rhode Island, Kansas, Arizona and Texas. In Connecticut, the Council of State Governments provided a report, authored by James Austin, Michael Jacobson, and Eric Cadora, three national experts on parole and re-entry.² The “Building Bridges” report called for various changes to the state parole and probation systems to greatly reduce admissions to prison for technical violations of supervision and reduce the prison population.

Eric Cadora prepared maps that graphically displayed the disproportionate representation of residents of just a handful of low-income neighborhoods within the state prison system. Cadora’s “justice mapping” technique has revealed that many urban neighborhoods in the US contain “million dollar blocks” – places where so many residents are sent to prison that the total cost of their incarceration will be more than \$1 million.

The maps helped to illustrate the high incarceration rates in certain New Haven neighborhoods that were incurring significant prison expenditures: \$19.9 million for residents from “The Hill,” \$15.3 million for “Fair Haven,” and \$8.6 million for “Newhallville.” Four neighborhoods in Hartford account for almost half of the flow of prisoners from that city into state prisons: Northeast, Asylum Hill, Barry Square, and Frog Hollow. Incarcerating Hartford’s prisoners was costing the state \$64 million each year.

¹ Clear, Todd R., Dina R. Rose, Elin Waring, and Kristen Scully. “Coercive Mobility and Crime: A Preliminary Examination of Concentrated Incarceration and Social Disorganization” *Justice Quarterly* vol. 20 no. 1, March 2003.

² The report is available at http://www.csgeast.org/programs/criminal_justice/BuildingBridges.pdf

Responding to the call for reform, lawmakers embraced a comprehensive approach to cut down on the number of people who are sent to prison for technical violations of both probation and parole. Parole and probation officials were asked to submit plans to the legislature explaining how technical violations could be reduced by 20 percent.

At the same time, legislators appropriated \$13.4 million to provide expanded supervision and program services. More than \$7 million of this amount was provided for contracts for new residential beds, including \$2.4 million for 130 drug treatment beds targeted to people diverted from pretrial incarceration; \$500,000 for people enrolled in alternative to incarceration programs; and \$4.4 million for 310 new halfway house beds for returning prisoners.

The appropriation also included new probation and parole staff positions to improve supervision and support services, including \$4.2 million for 68 new probation officers, and \$450,000 for 12 new community release officers and a new a job development coordinator to work with people nearing release from prison. One million dollars was earmarked for creation of “Building Bridges” pilot projects in New Haven and Hartford to provide housing and aid re-entry for parolees, in keeping with the philosophy of “justice reinvestment.”

According to a Legislative Program Review Committee assessment of the implementation of HB 5211 (now Public Act 04-234), in 2003 one of every four prison admissions in Connecticut was for a violation of probation. More than half were triggered by a technical violation, not a new crime.³ To address the problem, HB 5211 provided funds for two new probation programs:

- **Probation Transition Program (PTP)**

People sent to prison to serve a “split sentence” are released to probation supervision once the prison component of their sentence has been served. To assist their reentry, people assessed as “high risk” are referred to the PTP unit, operated in partnership with Community Partners in Action, a nonprofit agency based in Hartford. Probation officers and CPA staff members meet with split-sentenced prisoners within 90 days of release to provide them with information about their obligation to report to probation, to collect information about where they plan to reside after release, and to identify their needs for specific re-entry services. A service plan is developed that might cover housing, employment, substance abuse treatment, and mental health services. Once released, a PTP participant receives an average of four months of intensive case management before being transferred to a standard probation caseload. Each PTP officer carries a caseload of just 25 participants.⁴

³ Public Act 04-234 “An Act Concerning Prison Overcrowding, Final Implementation Monitoring Project Status Report, January 2008.” Hartford, CT: Legislative Program Review and Investigations Committee.

⁴ Ibid.

- **Technical Violation Unit (TVU)**

People who are failing under standard probation supervision are referred by their probation officer through the chief probation office of their unit. As with PTP, caseloads are capped at 25 people. For the next 30 to 60 days, participants receive services from contract providers under tightened supervision requirements. During a second phase the person's progress to stabilization is assessed. If the result is positive, the person will be prepared for transfer back to a standard probation caseload.⁵

The Legislative Program Review report found that decreases in the number of probation violations since initiation of these programs had reduced the number of prison admissions for such violations. The success of these interventions has since been documented by a research team at Central Connecticut State University.⁶ Three years after release from prison, the technical violation rate for the PTP participants (20 percent) was significantly lower than for a PTP comparison group (38 percent), indicating that PTP has exceeded the 20 percent goal set for reduction of technical violations. The rates of violation that involved a new arrest (39 percent for PTP participants and 42 percent for PTP comparison group) indicate that the lower technical violation rate in the PTP did not result in increasing new arrests.

The total violation rate for people referred to the TVU (counting both technical violations and those involving a new arrest) was 70 percent. The program's evaluators say that in theory all of them would have actually been violated in the absence of the TVU alternative. If this is correct, the reduction they report in violations is encouraging.⁷

⁵ Ibid.

⁶ Stephen M., Cox, Kathleen Bantley, and Thomas Roscoe, "Evaluation of the Court Support Services Division's Probation Transition Program and Technical Violation Unit" (State of Connecticut, Judicial Branch, December 2005. Online at http://www.jud.ct.gov/CSSD/research/PTP-TVU_Final.pdf) and "Third Addendum to the Final Report of the Court Support Services Division's Probation Transition Program and Technical Violation Unit" (August 2008)

⁷ From inception in October 2004 through August 31, 2008, 2,358 people were released from prison through the PTP. During the same period probation officers referred 2,842 people to the TVU in lieu of violation. The research involved tracking outcomes of participants in three study groups over a period of three years. The PTP and TVU groups were made up of all participants admitted to each program from inception in October 2004 to May 1, 2005. A PTP comparison group was made up of all split-sentenced probationers from the courts where PTP units were initiated and whose cases were closed during June, July, and August 2004. The data comparisons are presented here:

| New Arrests and Probation Violations Across Study Groups* | | | |
|---|----------------|---------------------------|----------------|
| | PTP (n=397) | PTP Comparison (n=134) | TVU (n=349) |
| Violations of Probation and New Arrests Within One Year | | | |
| New Arrests | | 82 (21%) | 24 (18%) |
| Technical Violations | | 69 (20%) | 51 (38%) |
| New Arrests and Tech. Violation | | 122 (35%) | 70 (18%) |
| Totals | | 32 (24%) | 53 (15%) |
| | 230 (58%) | 107 (80%) | 244 (70%) |

*Study group differences were statistically significant at p.<.05

Since 2004, when the justice reinvestment concept was first introduced in Connecticut, the idea has spread. Planning efforts have since taken root in a number of other states, including two of Colorado's neighbors: Arizona and Kansas.

Justice reinvestment in Arizona

Correctional managers in Arizona struggle with unbridled prison population growth. Recent projections indicate that if current trends continue the state prison population will grow by 52 percent over the next ten years, twice the rate of increase projected for the state's general population, costing taxpayers billions of dollars. Analysis of population growth reveals the high rate of failure among people on community supervision as the primary driving factor behind prison growth: parole and probation revocations account for 17 and 26 percent of admissions respectively.

As in Connecticut, geographical analysis showed that a handful of neighborhoods contribute a greatly disproportional share of the people who go to prison and return upon release. South Phoenix contains just 1 percent of state residents yet accounts for more than 6 percent of the prison population. The cost of incarcerating residents from a single Phoenix zip code mounts to \$70 million annually.⁸

The Arizona Governor's Office and the Department of Corrections are collaborating with Maricopa County (Phoenix) and experts at the Council of State Governments to develop a plan to reduce crime and incarceration rates in such high-risk neighborhoods. To begin, they decided to focus on parole and find ways to change lives. The Legacy Project, a pilot program in South Phoenix's 85041 zip code area, is changing the way that parole officers supervise recently released prisoners.⁹

Zip code 85041 has concentrations of poverty, crime, and delinquency that have spanned decades, with half of the area's families receiving public welfare, food stamps, and/or state-funded health benefits. More than 200 people returned to the neighborhood from prison over the past year.

Prior to release, people who will return to 85041 are housed together for "transition-specific planning." They meet the social workers and parole agents who will work with them after release to help them and their families achieve stability.

The effort is to move the focus away from a "zero tolerance" approach to technical rule violations toward assessment of criminogenic factors such as poverty, unemployment, substance abuse, and mental illness. Supervision agents are teaming up with state social workers, sharing office space and facilitating access to needed services such as health

⁸ "Reducing Crime & Generating Savings: Options for Arizona Policymakers" (New York: The Council of State Governments Justice Center, February 2008. Online at <http://justicereinvestment.org/states/arizona/pubmaps-az>)

⁹ Amanda J. Crawford and Yvonne Wingett, "Ending a Cycle of Crime: Ex-cons Get a Helping Hand." (*The Arizona Republic*, June 15, 2008)

insurance, unemployment or disability benefits, and food stamps. They assist people coming out of prison to secure drug treatment and job training.

To further advance the principles of justice reinvestment and reduce the rate of probation violation, last year the Arizona Legislature enacted the "Safe Communities Act," a measure that created incentives for success for those sentenced to county-based probation supervision. Probationers are eligible to have their supervision term reduced by 20 days for each month of compliance with probation conditions, performance of community service, and payment of restitution to victims. Any county probation agency that sees a reduction in recidivism and revocations will receive 40 percent of the prison bed savings to provide greater access to drug treatment and training programs, and to expand services to victims of crime.

Justice reinvestment in Kansas

The most ambitious experiment with justice reinvestment is taking shape in Kansas. Before the effort got underway, two-thirds of people admitted to Kansas prisons were sent for violation of community supervision, 90 percent of which were technical violations. State officials, as part of a justice reinvestment strategy, have made a concerted effort to cut these violations in half. Key stakeholders realize that lasting reductions in recidivism will depend on neighborhood revitalization and the provision of substance abuse, mental health, employment, and housing services in the communities where people return to from prison.

Maps provided by Eric Cadora and the Justice Mapping Center are helping them to understand the problems in "high stakes" communities. Northeast central Wichita is the neighborhood with the highest incarceration rate in Kansas. Council District 1 accounts for \$11.4 million of the funds spent on prison commitments over the course of a single year. The annual price tag for imprisonment of probation and parole violators is \$5.5 million. People from District 1 occupy almost 600 prison beds, more than twice the number used by any other council district.¹⁰

Nearly a third of those released from prison in Kansas are homeless or lack appropriate housing options. A Department of Corrections' collaboration with the Kansas Housing Resources Commission and the Department of Social and Rehabilitation Services is working to address housing and related needs. A reentry specialist is working in Wichita to expand access to affordable housing opportunities.

A community advisory committee has been formed that includes members of the city council and the state legislature along with representatives of the local housing department, police department, and faith community. The committee is charged with the development and implementation of a neighborhood-based housing development project.

¹⁰ Michael Thompson, Tony Fabelo and Eric Cadora, "Building Community Capacity to Reduce Crime and Save Prison Space" (Council of State Governments PowerPoint presentation to the Wichita Summit, April 18, 2005).

They plan to target a neighborhood in Council District 1 that is currently peppered with hundreds of abandoned, boarded-up houses and blighted properties.

The Kansas justice reinvestment project is focused on redevelopment of neighborhood housing. Prisoner labor could contribute to improving the housing stock while prisoners learn construction skills. Richard Baron, partner in McCormick Baron Salazar – an experienced developer of economically integrated urban neighborhoods in St. Louis – has traveled to Wichita to confer with local officials, local developers, and the heads of state agencies. The city is creating a city redevelopment authority empowered to acquire abandoned properties and prepare them for development.

Members of the Governor's Health and Human Services Cabinet have toured the neighborhood and formulated plans for integration of state resources now being expended for Medicaid, TANF, child welfare and foster care, parole, and probation to create a more neighborhood-focused model for service delivery. Leaders of several banks, hospitals, private foundations, schools, and universities have joined government officials in Wichita as partners in the New Communities Initiative. Urban Strategies, McCormick Baron's non-profit partner organization, is facilitating the development of social capital and public services in the target area.

Corrections Secretary Roger Werholtz has championed the justice reinvestment concept. He says that the effort is working well, with the number of parolees being returned to prison dropping from 203 a month in 2003 to 106 a month in 2008, and convictions for new crimes by people on parole plummeting from 424 a year in the late 1990s to 280 a year in the past three years.¹¹

Conclusion

Colorado's crime rate has been sustained at a historic low for the past eight years.¹² Yet Colorado's high rate of recidivism and technical violations places an onerous financial burden on taxpayers. In recent years the prison system has mushroomed in size, and correctional costs have been spiraling upward. Proven models for reform are available. Enactment of these reforms could result in many millions of dollars in budget savings for reinvestment in targeted community development efforts. Investments with a particular focus on housing, job creation and education at the neighborhood level could produce long-term gains in reduced levels of crime and safer neighborhoods for all Coloradans.

¹¹ Editorial, "Kansas a Leader on Parole Reform" (*The Wichita Eagle*, May 27, 2008).

