

Primer

House Appropriations Committee (D)

JOE MARKOSEK, DEMOCRATIC CHAIRMAN

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Justice Reinvestment Initiative: Fall 2016

Pennsylvania's first Justice Reinvestment Initiative launched in 2011 to develop reforms designed to save tax dollars by reducing the state's prison population and reinvesting the savings in victim services, state and local recidivism reduction initiatives, and improvements to the state parole process. The Council of State Governments, Pew Center on the States, and funding assistance from the federal Bureau of Justice Assistance helped to launch JRI and spur the adoption of acts 122 and 196 of 2012.

This update highlights the outcomes of JRI 1 and previews what is in store for 2017.

The first Justice Reinvestment Initiative will end June 30, 2017; its last year of savings will be reinvested in the 2017/18 budget. As of June 30, 2016, total savings and reinvestments were \$51.3 million and \$13.6 million, respectively.

A new set of reforms, PA's second Justice Reinvestment Initiative, developed with state leaders and the Council of State Governments, is on track to be introduced in January 2017.

Justice Reinvestment

What is Justice Reinvestment?

The U.S. Department of Justice's Bureau of Justice Assistance launched the Justice Reinvestment Initiative in 2006, and it is now a model for states and local governments to find savings in criminal justice while maintaining public safety, and reinvest those savings in programs and services designed to keep people out of jail and prison. Typically, savings are generated by reducing the number of non-violent offenders in prison.

JRI starts with collaboration between the three branches of state government and key criminal justice stakeholders, including prosecutors, public defenders, judges, victim advocates, and human services. A research partner then helps with data analysis, stakeholder feedback, and the development of policy recommendations based on what the group learns.

Collaboration between various levels of government and key stakeholders is a cornerstone of the approach. This method ensures the recommended policy changes will be effectively implemented.

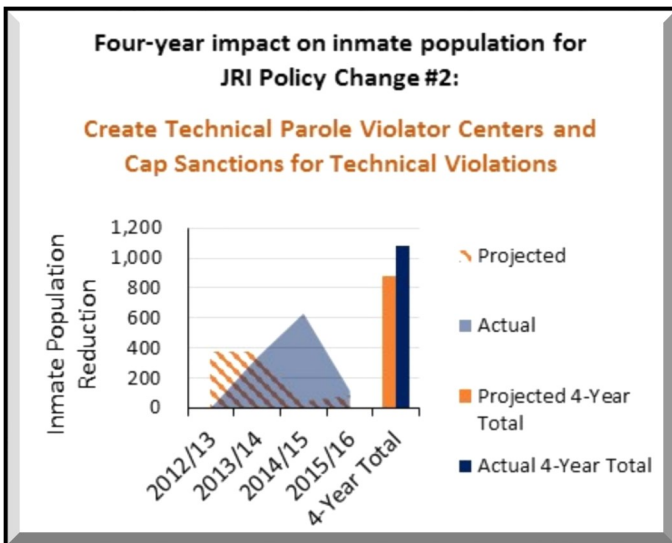
What changes did Justice Reinvestment make in 2012?

The five policy changes listed below were made during the 2012 Justice Reinvestment Initiative to reduce the state prison population by 1,260 inmates in five years, or 2.4 percent of the inmate population. Two more changes – expanding the definition of crimes of violence and expanding eligibility for county intermediate punishment programs – were also made but were not expected to affect the prison population:

1. Second-degree misdemeanor sentences of up to two years can no longer be sent to state prisons without consent of the secretary of corrections. **Expected impact: ↓ 38 inmates**
2. Replace the ineffective pre-release program with technical parole violator centers where parolees can serve short sanctions (up to 60 days) if they violate a rule of parole; sets maximum prison time for first three technical violations at six, nine, and 12 months. **Expected impact: ↓ 925 inmates**
3. Expand eligibility for sentencing alternatives that have good outcomes: boot camp, recidivism risk reduction incentive, and state intermediate punishment. **Expected impact: ↓ 127 inmates**
4. Allow DOC to transfer illegal immigrants to ICE (Immigration and Customs Enforcement) before they serve their full sentence in the state prison. **Expected impact: ↓ 45 inmates**
5. Allow counties to adopt swift, certain, and fair probation sanctioning practices modeled after the [HOPE model](#) made famous for its success in Hawaii. **Expected impact: ↓ 125 inmates**

Have the changes been effective?

We are in the final year of the five-year Justice Reinvestment Initiative. Looking at the outcomes from the first four years we find that several provisions of the JRI legislation were implemented later than initially expected, including the restructuring of pre-release centers as parole violator centers and instituting caps on the length of time a parolee can serve for a technical violation. This change was expected to produce 73 percent of the total population decline for JRI. *Want to better understand this and other important policy changes? Read our [2013 Justice Reinvestment primer](#).*



Overall, Justice Reinvestment reduced the inmate population by 361 people in its first two years. Although less than the anticipated 937 population decline during that time, **by June 30, 2016, JRI boasted a four-year inmate population reduction of 1,115** – just shy of the 1,216 target. Policy changes for technical parole violators described above generated most (97 percent) of the population reduction. That change alone exceeded its population reduction target by 23 percent (shown above).

How much money has Justice Reinvestment saved?

Justice Reinvestment savings are calculated by multiplying the amount of population decline by the cost of incarcerating those inmates. Timing is key. If the population drops by 10 inmates in January, the formula recognizes that and estimates a full year of savings. If the population drops by an-

other 10 inmates in June, the savings amount is only half of that amount. Because of this, a delay in the start of population decline has an effect not just on when money is saved but on how much can be saved in five years.

The chart below shows the amount saved in each year since Justice Reinvestment was enacted. To date, the commonwealth has saved \$51 million. **JRI is on track to produce \$92 million in savings by the end of 2016/17.**

	Reinvestment cap	Saved	Reinvested
Year 1	75%	\$0	\$0
Year 2	\$21 M	\$1	\$1
Year 3	25%	\$12	\$3
Year 4	25%	\$38	\$10
Year 5	25%		
Total to date		\$51	\$14
2012 projected total		\$139	\$49
2016 projected total		\$92	\$24
Percent of target expected		66%	48%

How much of the savings are reinvested?

Savings are annually calculated and a portion of that amount is appropriated for reinvestment the following fiscal year. The amount that can be reinvested is set by Act 196 of 2012. Savings that are not reinvested are counted as savings toward the General Fund and represent avoided costs for Corrections' budget.

After four years, \$14 million has been reinvested, or 27 percent of the amount saved. In the first two years of JRI, when almost all of the amount saved could have been reinvested, the program generated \$1.4 million in savings, which was far less than the \$19.4 million that was projected. However, as explained above, savings increased dramatically during the next two years.

Because a smaller portion (25 percent) of year three, four, and five savings are available to be reinvested, the total reinvestment amount by the end of year five will not catch up to projections as much as savings will. The chart above shows the amount that can be reinvested each year according to statute.



If PA is saving money, why is the corrections budget still increasing every year?

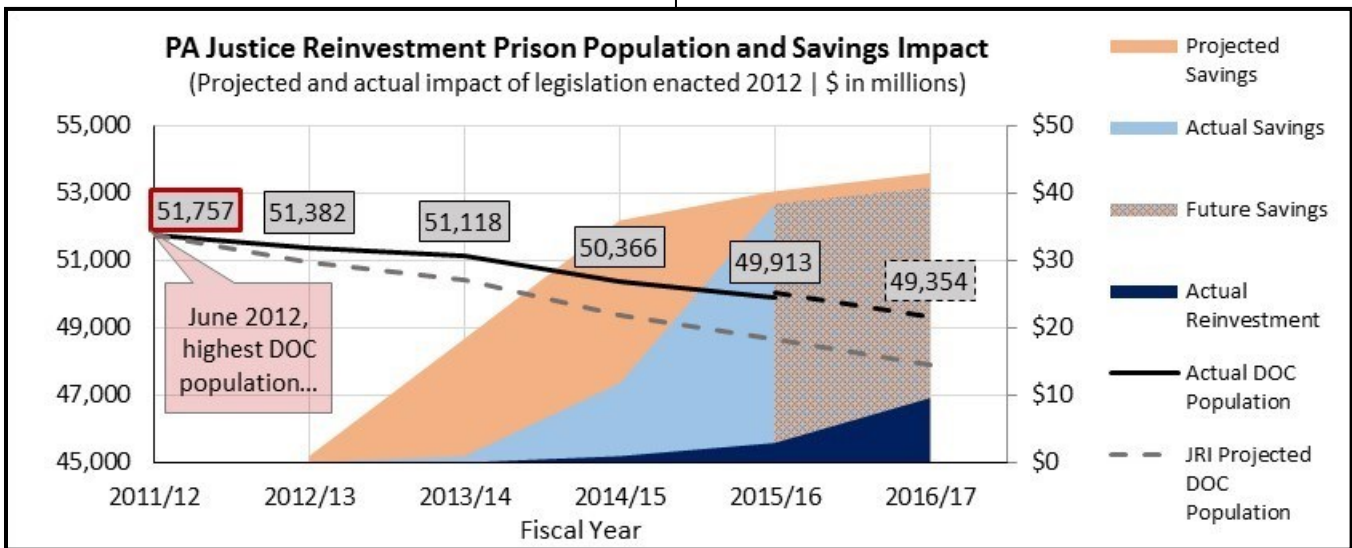
With more than 1,000 fewer inmates, \$51 million in savings to date and a projected five-year total of \$92 million, JRI is a step in the right direction. But the corrections budget has still grown 5 percent annually over the past five years. There are three main reasons for Corrections’ budget to rise even when the state prison population declines.

- 1) The budget includes costs that rise independently of annual population changes. The largest of these are personnel and inmate healthcare. Inmate healthcare costs increase as the inmate population ages and higher standards of care are required.
- 2) The population changes aren’t big enough to produce significant savings compared to the overall department budget. Savings (minus reinvestment) in 2015/16 amounted to just 1.2 percent of the total corrections budget. To see significant savings that could counteract year to year increases, a population change large enough to close multiple housing units and even prisons would be required.
- 3) Other policy changes and legislation have not consistently supported efforts to rein in spending. Legislation that provides for sentencing enhancements or increases the average sentence length through mandatory minimum sentences results in larger prison populations because those policies increase length of stay and prison admissions.

A small increase in sentence length can mean the difference between county jail and state prison for offenders facing a sentence near the tipping point of

Where are the savings reinvested?

Reinvestment dollars fund victim services and the development of a risk assessment tool in each of the five years of JRI. Beginning in the third year, funding is allocated for grants to counties for innovative policing and county probation, corrections initiatives for community re-entry, and to divert offenders with short sentences away from state prison, and an initiative to streamline the parole process. These newly funded initiatives will see a 7 percent increase in 2017/18 if savings for 2016/17 meet recent estimates.



two years. Not only is the cost of state prison nearly 60 percent more than county jail, but the state bears the added burden of footing 100 percent of the bill.

We know longer sentences and higher prison populations cost more money, but do they improve public safety?

A recent [Justice Center study](#) conducted for the Justice Reinvestment Initiative showed that inmates leaving state prison are no less likely to commit another crime compared to similar inmates leaving county jail after serving the same length sentence. Recidivism (the percentage of inmates who reoffend) is one common measure of whether or not a punishment improves public safety. The study also found that even less expensive alternatives to incarceration, like probation and county intermediate punishment, have similar outcomes to county jail.

A look ahead...

A second round of Justice Reinvestment is underway in Pennsylvania. Pennsylvania has partnered with Council of State Governments again and expects to release a policy proposal report Dec. 14, 2016. Based on these proposals, new legislation will be introduced in the 2017/18 legislative session.

What can PA learn from the first four years of Justice Reinvestment?

1. To be conservative when estimating how fast a new policy will be implemented.
2. To set caps on reinvestments that move with fluctuations in savings.
3. To establish ways to track all expected outcomes so leaders and the public can continue to evaluate policy changes with data.
4. Legislators can use Justice Reinvestment research to evaluate other justice related legislation and support bills that are consistent with public safety and cost savings goals.

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Miriam A. Fox, Executive Director

Chloe Bohm, Budget Analyst

Mark Shade, Communications Director