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**Justice Reinvestment:  
Vision and Practice**

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**Abstract**

Justice reinvestment was introduced in the early 2000s as a means to respond to the massive growth in incarceration in the United States that had occurred during the past three decades by diverting offenders from prison and redirecting a portion of the associated corrections expenditures into communities to build their capacities to manage offenders locally. Over the next 17 years, the concept evolved into a Congressionally funded federal grant program that shifted the focus of reinvestment away from community reinvestment and toward a state-agency practice improvement model that ultimately aimed to improve public safety. A distinct form of justice reinvestment, the Justice Reinvestment Initiative (JRI), was the dominant practice of justice reinvestment in the United States. It was organized as a public-private partnership that engaged states in bipartisan efforts to enact legislative reforms and other policies to address sentencing and corrections practices and adopt high-performing evidence-based practices (EBPs) that would yield the desired public safety benefits. JRI contributed to legislative reforms and adoption of EBPs, especially in community supervision. The federal JRI effort has not yet provided peer-reviewed, published evidence that it has achieved its objectives.

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## INTRODUCTION

When Susan Tucker and Eric Cadora introduced the concept of justice reinvestment in 2003 (Tucker & Cadora 2003), the prison population in the United States had increased from approximately 200,000 persons in the early 1970s to 1.3 million persons. It would continue to rise to approximately 1.6 million around 2007, before beginning a slow decline (Bronson & Carson 2019, Carson 2018). Calling this expansion of incarceration a costly national dependence on a penal policy that sacrificed rather than enhanced public safety, they proposed that public safety could be improved by reducing the size and costs of correctional populations, redirecting a portion of the cost savings toward investments in local communities, and “devolving accountability and responsibility to the local level” (Tucker & Cadora 2003, p. 2). Under their model, locally directed investment in education, jobs, housing, healthcare, and other community amenities would enhance or rebuild communities, thereby leading to less crime and less incarceration. Locally based supervision of offenders would improve the accountability of local justice agencies and offenders, lower costs, and facilitate offender integration into communities.

Over the next 15 years, the concept of justice reinvestment evolved, obtained the support of private foundations, was adopted internationally, and resulted in more than \$160 million in federal investment in the United States. It has been described as “the largest effort within the United States—and now in other Western nations—to reverse what many have lamented as the use of mass incarceration” (Austin & Coventry 2014, p. 127); presented as providing a viable solution to the problem of increasing corrections expenditures and “dissatisfaction with current returns on public safety investment[s]” (La Vigne et al. 2014, p. 7); and credited with widespread adoption of evidence-based corrections programs (Klinge 2015).

The Justice Reinvestment Initiative, or JRI, a public–private partnership between the Bureau of Justice Assistance (BJA) and the Pew Charitable Trusts (Pew), was the main form of justice reinvestment in the United States. It shifted the focus of reinvestment from individual communities to managing costs and legislating reforms that would improve the efficiency of criminal justice system operations as a means to reduce recidivism and improve public safety. At least 35 states participated in some form of justice reinvestment between 2007 and 2017 (Pew 2018), and many were projected to have or were credited with having smaller prison populations than would have occurred in the absence of JRI reforms. Collectively, the states were projected to avert billions of dollars in corrections costs over periods as long as 11 years (Harvell et al. 2017, LaVigne et al. 2014).

Nongovernmental entities such as the Council of State Governments (CSG) and Pew, who also provided technical assistance (TA) to JRI participants, and the Urban Institute, which was responsible for assessing outcomes and impacts of JRI, have tracked and recorded many examples of JRI efforts in states and localities. Each has devoted space on their respective website [Council of State Governments (<https://www.csg.org/>), Pew (<https://www.pewresearch.org/>), Urban Institute (<https://www.urban.org/>)] to justice reinvestment, with literally hundreds of articles, fact sheets, reports, and stories, mostly touting successful reinvestment efforts, sharing lessons learned, or otherwise promoting the value of JRI.

However, independent reviews of justice reinvestment have been limited and largely critical. Two books (Brown et al. 2016, Fox et al. 2013) reviewed justice reinvestment in the United States, the United Kingdom, and Australia. Both argued that it was a major movement in criminal justice reform that could be used to reduce crime through investment in social justice (Fox et al. 2013), had the potential to create a new dialog about how to reduce incarceration and the racial disparities within it, and build community capacity (Brown et al. 2016). Both concluded that it had not yet achieved its goals. A special edition of *Criminology & Public Policy* devoted to mass incarceration included a proposal for justice reinvestment and a set of commentaries that generally were less

sanguine about its prospects than the books. Assessments of it within the broader contexts of the politics of mass incarceration (Gottschalk 2015), the economics of prison growth (Pfaff 2016), sentencing reform of the 2000s (O’Hear 2017), and community supervision practices (Klinge 2015) have pointed out some of its internal contradictions. Finally, despite its scope and the public attention given to justice reinvestment, it was not given a prominent place in either of two recently published volumes devoted to criminal justice reform. Neither Erik Luna’s four-volume *Reforming Criminal Justice* (Luna 2017a) nor Michael Tonry & Daniel Nagin’s *Reinventing American Criminal Justice* (Tonry & Nagin 2017) devoted a chapter to it, although several of the papers in Luna’s volumes gave it limited attention in their discussions of prison or supervision reform efforts.

Our review distinguishes between the concepts of justice reinvestment, which allows for justice funds to be reallocated to non-justice domains, and the JRI, which characterized the US experience. We describe the justice reinvestment concept as originally envisioned and how it evolved, particularly within the United States. We describe the transition from justice reinvestment to JRI, which represented a marked shift in the emphasis of reinvestment away from place- and community-based offender management to a state-level strategy that emphasized improving corrections departments’ practices through expanded use of evidence-based programming. This shift largely preserved the size and oversight function of the justice system, as reinvested dollars flowed from one sector of the justice system to another, as opposed to community-based, primary prevention efforts. Our review therefore focuses largely on the JRI experience and the extent to which it achieved its objectives. We conclude with observations about both justice reinvestment and JRI.

## ORIGINS AND EVOLUTION OF THE CONCEPT OF JUSTICE REINVESTMENT

The theoretical basis for justice reinvestment comes from the community development literature, but it borrows insights from research on the collateral consequences of incarceration. Individual-, community-, and system-level characteristics were seen as inextricably linked causes of crime that necessitated multipronged reforms to address. First, justice reinvestment’s systems-level approach sought to ameliorate the impact of concentrated mass incarceration and coercive mobility—the forced removal and return of community residents through incarceration (Clear et al. 2003)—by reforming sentencing and revocation policies to reduce the use of prison (Austin et al. 2013, Clear 2011, Tucker & Cadora 2003). Second, justice reinvestment emphasized the importance of bolstering family and community cohesion through the adoption of policies designed to revitalize distressed communities and increase the availability of preventive programs and educational and economic opportunities (Clear 2011, Tucker & Cadora 2003). Finally, justice reinvestment emphasized assessment of offenders to address their individual treatment and programmatic needs while also managing their public safety risk (Clear 2011). This also exhibited itself in the concept of local community control and accountability for offenders.

Tucker & Cadora (2003) viewed justice reinvestment as a means to reduce mass incarceration and build capacity in communities affected by it. They located the causes of mass incarceration in the tough sentencing and corrections policies of the 1980s and 1990s, such as the war on drugs, mandatory minimums, three-strike sentences, truth-in-sentencing, and diminution of judicial discretion. Pointing to findings that a relatively small number of neighborhoods accounted for a disproportionately high number of prison admissions (Clear 2008, Clear et al. 2003, Kurgan 2013, Lynch & Sabol 2001, Sampson & Loeffler 2010), Tucker & Cadora dubbed as million-dollar blocks those areas associated with massive corrections expenditures that have also struggled with pervasive crime despite record-high levels of incarceration. And they asked if some portion of those costs might not be put to different uses that would strengthen communities.

Following the arguments of Clear et al. (2003), Tucker & Cadora argued that high rates of removal of residents to incarceration introduced coercive mobility, which diminished informal social control in communities that, in turn, led to more crime. Offenders' opportunities for success were limited by high rates of reincarceration for technical violations while on parole, a dearth of training and treatment services available upon reentry, and the fragility of economic and social institutions in the neighborhoods to which they were returning. Opportunities for offender reintegration were exacerbated by the lack of programmatic, economic, and social support systems within the neighborhoods with high concentrations of crime and incarceration.

Under justice reinvestment, some of the monies that would have gone to cover the costs of imprisonment would flow from the state to local communities to manage offenders locally and invest in community institutions. Localities would be accountable to the state for any person who reoffends and goes to state prison. Locally tailored solutions would include, for example, allocating parole officers to neighborhoods rather than dispersing their workloads; designing prisoner reentry as a shared responsibility of governments, community institutions, families and friends, and the individual offender; and building communities through reinvestments targeted at improving local schools, housing, employment, and other objectives.

Eight years after Tucker & Cadora, Todd Clear (2011) proposed a justice reinvestment model for a place-based, detailed voucher system that diverted cost savings from states' corrections budgets to community-based organizations and employers on a per-offender, real-time basis. Approved organizations and employers who treated or employed diverted offenders in specific, high-incarceration communities would receive monthly subsidies so long as the offenders did not reoffend or become reincarcerated. Clear built local accountability into the model by eliminating the state subsidy for cases of supervised offenders reoffending for a new crime. To ensure emphasis on community revitalization and sustainability, the model required participating organizations to employ offenders and their families and provide key services, such as housing, educational or vocational training, and substance-abuse treatment.

This original vision of justice reinvestment was met with a mixture of praise and skepticism. On one hand, the concept was characterized by the "elegance of the critique and solution" as an "aesthetically compelling idea" that gives "pleasure to the mind or senses," and had properties of "harmony of form or color, excellence of artistry, truthfulness, and originality" that policy makers and art galleries seek to find (Maruna 2011, pp. 661–62). It was described as an approach that would have broad appeal because it could provide "greater safety for citizens through redeploying some of the wasteful sums needlessly spent on imprisonment" (Allen 2011, p. 617). The National Research Council (NRC) offered that JRI could contribute to the neighborhood capacity building of the initial justice reinvestment efforts as part of an approach to "reduc[e] reliance on incarceration" (Travis et al. 2014, p. 353). Klingele (2015) expressed hopefulness that JRI's pragmatic approach could continue to bring political partisans together in a way that would potentially lead to more reform.

On the other hand, criticisms of the original concept of justice reinvestment pointed out that the concept was not fully developed and did not address important issues. First and foremost, justice reinvestment did not address the assumptions that sufficient funds could be diverted for community reinvestment and the mechanisms by which funding streams for community reinvestment would be sustained if prison costs decreased were not articulated. Questioning whether the savings that could be extracted from corrections would be sufficient without first obtaining very large reductions in the size of prison populations, Austin (2011, Austin et al. 2013) called for sentencing reforms that would curb admissions for new crimes and shorten lengths of stay. Their justice reinvestment proposals included reclassifying certain crimes as misdemeanors, reducing arrests for drug offenses, expanding early release eligibility for most offenders, imposing

shorter terms for many crimes, and eliminating mandatory minimums and life sentences for most crimes. If implemented, these would lead to much smaller prison populations and possibly greater amounts for reinvestment. Their model also required local municipal and county officials to act in coalitions to press for reforms that would reduce the concentration of incarceration in their communities as well as share in the political risks of legislating the reforms that reduced reliance on incarceration.

But even under the more radical approach preferred by Austin et al. (2013), it is not clear that there would be sufficient savings for community reinvestment. Kleiman (2011) estimated that if the prison population were halved and coupled with the necessary expansion of treatment services for offenders diverted to supervision, approximately \$10 billion in savings on the \$50 billion spent by states would occur. This amounted to approximately half of one percent of state expenditures, an amount that seems inadequate to address the community reinvestment needs. Furthermore, state legislatures appropriate funds, not averted costs or savings. It is therefore far from certain that state legislatures would appropriate the savings for local community reinvestment as opposed to other needs (Tonry 2011). Even under Clear's voucher model, it is not clear where state prison departments would get funding to pay the vouchers if their prison populations were reduced. More likely, state legislatures would appropriate smaller amounts for state prison departments under such a scenario.

Furthermore, the cost savings associated with reducing prison populations were generally overstated (Gottschalk 2015, Pfaff 2016, Tonry 2011). Estimates of savings based on per-capita or average costs per prisoner overstate the savings unless entire prisons are shut down. This is because most prison costs are fixed costs for personnel, operations, and amortization. These costs do not change without substantial reductions in the number of facilities and number of staff. The means by which states would implement reductions in force if significant prison population reductions occurred also were not addressed (Gottschalk 2015).

Additionally, justice reinvestment advocates did not address the potential for increasing inequities and disparities in resources, services, and the administration of justice that could arise from devolving authority to localities (Allen 2011). These pragmatic appeals to instrumental arguments about costs and benefits ignored the severity of sentencing in the United States (Maruna 2011, Mayer & Patti 2015, Tonry 2011).

## Early Justice Reinvestment Implementation Efforts

Between 2004 and 2008, Connecticut, Kansas, Texas, Rhode Island, and Arizona initiated justice reinvestment efforts (Austin & Coventry 2014). With financial support from the Open Society Foundations and later Pew, and with the TA from nonprofit research and TA firms, including the JFA Institute, CSG, and other organizations, the original justice reinvestment strategy was organized around three parts: working with state legislatures to analyze criminal justice populations to recommend ways to generate savings; engaging experts to steer investment opportunities; and organizing demand for neighborhood investment by affected communities (Austin et al. 2013).

Fox et al. (2013) and Brown et al. (2016) describe several of these early efforts. Most led to a variety of policy reforms that targeted administrative practices such as reducing revocations for technical violations of parole and probation, reestablishing good-time credits to reduce lengths of stay in prison, and holding parole hearings at the earliest possible date. Connecticut, Kansas, and Texas also expanded their community-based treatment and supervision practices in an effort to increase the use of alternative sanctions and provide greater reentry services.

In at least three states, some form of community reinvestment was attempted. Texas reallocated several million dollars from its reserves to expand its Nurse–Family Partnership program—an

effort to reduce violence and improve the health and well-being of low-income families (Clement et al. 2011). Connecticut outlined a plan to reinvest correctional savings, along with private investments and federal grants, to bolster employment opportunities in the state's high-incarceration communities (CSG 2003). Eventually, Connecticut invested in transitional housing for returning inmates (Austin et al. 2013). In 2007, Kansas lawmakers proposed a New Communities Initiative pilot project to revitalize high-incarceration neighborhoods in Wichita that was not implemented because of budget cuts to the state's corrections budget in the wake of the 2008 financial crisis. None of these early efforts resulted in or experienced sustained investments.

### **International Justice Reinvestment Experiences**

The United Kingdom and Australia also took on justice reinvestment efforts. A detailed review of these is beyond the scope of this article and has been outlined elsewhere (e.g., Brown et al. 2016, Wong et al. 2014). In the United Kingdom, concerns about the growth in the size and costs of corrections led the House of Commons Justice Committee to question the financial sustainability of the system (Fox et al. 2013). Prison population growth was seen as the result of the justice system treating prison as a free commodity and not holding justice system actors accountable for the consequences of their decisions (Brown et al. 2016).

As in the United States, the existence of high concentrations of offenders in certain areas supported the idea that local solutions were necessary, and early thinking about justice reinvestment focused on how to enhance local control and provide support to communities. Local decision-makers were viewed as able to secure local support, coordinate resources, and work with offenders to integrate them into local programs that would also build capacity in local communities (Allen 2007, 2011). Local administration would also improve accountability and the administration of justice (Stern & Allen 2007, Wong et al. 2014).

In practice, justice reinvestment as implemented in the United Kingdom has been described as narrow and focused on reducing individual reoffending and not on community reinvestment (Wong et al. 2014). It has been described as reflecting a choice by politicians to use the language of reinvestment to support a focus on reducing recidivism and costs, or "to make the 'reinvestment' a reality by capturing savings in the criminal justice system" (Brown et al. 2016, p. 61). A set of small-scale pilot projects were designed to divert offenders from custody or provide community-based, postrelease services for returning offenders. These were based on the delivery of a criminal justice services model rather than a community reinvestment model. However, the scale of the interventions was too small and the payments were insufficient to cover costs (Wong et al. 2014).

In Australia, early interest in justice reinvestment among community groups and members of the federal government led to the commissioning of a Senate inquiry outlining the potential of justice reinvestment to address the problem of overincarceration among the nation's disadvantaged peoples (Brown et al. 2016). Despite widespread agreement that Aboriginal, Torres Strait Islander, and mentally or cognitively impaired peoples are disproportionately impacted by the Australian justice system and that a justice reinvestment program rooted in localism is well suited to address this disparity, plans for the development and implementation of a federally supported reform program have not come to fruition (Brown et al. 2016). Instead, the bulk of justice reinvestment in Australia has proceeded piecemeal in various communities through the efforts of local or regional grassroots organizations. Although these initiatives may be associated with concomitant reductions in costs and increases in local social welfare indicators (KPMG 2018), few evaluations have been conducted. And, as evidence from the United Kingdom's experience suggests, such small-scale programs may be limited in their capacity to produce substantial savings and change (Wong et al. 2014).

## THE JUSTICE REINVESTMENT INITIATIVE

JRI has been the dominant form of justice reinvestment practiced in the United States. It was distinct from justice reinvestment in several ways. First, its investment goal was justice system agencies and not community development. Second, although it promised that corrections costs would be saved by reducing imprisonment, its primary aim was to improve the efficiency of justice system operations and not large-scale reductions in incarceration. And third, it gave primacy to state-level agency stakeholders over community advocates.

It was built on a model in which states secured support from key justice agency stakeholders; established bipartisan, interagency, or interbranch working groups of elected and appointed justice officials; used data to diagnose the sources of prison population growth; and enacted legislation or other evidence-based policy reforms to address the growth of correctional populations. JRI aimed to improve public safety while containing corrections costs (LaVigne et al. 2014). JRI's public safety, cost-reduction, and cost-containment goals had broad bipartisan appeal. Cost containment appealed to the political right. Reducing prison populations appealed to the political left. The emphasis on evidence-based practices appealed to those believing in the potential efficacy of government programs regardless of their political persuasion.

JRI began in 2010 (LaVigne et al. 2014) with the first Congressional appropriation of \$10 million for “activities related to comprehensive criminal justice reform and recidivism reduction efforts by the States” (Pub. L. No. 111-117, 123 Stat. 3034, 2 U.S.C. § 661, p. 3,135). JRI was implemented as a public-private partnership between BJA and Pew, a rare if not unique organizational arrangement within the Department of Justice. Between 2010 and 2017, Congress appropriated approximately \$138 million for JRI (Harvell et al. 2017). In 2013 and 2016, BJA carved out JRI funds from other discretionary grant programs totaling approximately \$33 million (OJP 2017). Prior to 2010, BJA also used funds from its discretionary grant programs to support JRI TA providers (OJP 2017). These sums suggest a BJA investment in JRI that exceeded \$160 million.

### Justice Reinvestment Initiative Implementation

JRI's data-driven process (BJA 2010, 2013, 2015) involved seven steps (Davies et al. 2015, LaVigne et al. 2014, Welsh-Loveman & Harvell 2018) that fed back on themselves in a continuous cycle of reform:

1. Establish a bipartisan working group (inclusion criteria)
2. Analyze data and identify prison population drivers
3. Develop policy options
4. Codify and document changes
5. Implement policy changes
6. Reinvest savings
7. Measure outcomes

BJA-funded TA providers worked with government officials to identify drivers of correctional population growth, evaluate the cost-effectiveness of state spending on corrections, and develop data-driven policy options to improve corrections management strategies, increase public safety, and improve offender accountability (BJA 2006, 2013). These Phase I activities included developing bipartisan support for JRI efforts, building data infrastructures to track implementation and outcomes, demonstrating a willingness to implement evidence-based practices (EBPs) as part of JRI-reform efforts, and exhibiting the capacity to project what prison populations and corrections would be with and without the JRI reforms. Subsequently, states could become eligible for

Phase II grants for implementation. Phase II grant eligibility was based on a state's readiness (i.e., having demonstrated a commitment to reform and the completion of Phase I activities), including memorializing criminal justice reforms in legislation or another mechanism and a willingness to implement JRI reforms (BJA 2013). TA providers assessed readiness and made recommendations to BJA regarding Phase II grants.

BJA supported the work of an Oversight, Coordination, and Outcome Assessment (OCA) to monitor, track, and report on JRI efforts, impacts, and outcomes. The OCA was funded to accomplish multiple and potentially conflicting roles surrounding implementation and evaluation that included (BJA 2010, 2011, 2015):

- Giving guidance to TA providers to ensure fidelity to the JRI model.
- Reviewing TA provider recommendations about the readiness of states for JRI.
- Making recommendations to BJA about relevant criminal justice research on ways to improve the effectiveness of JRI.
- Providing guidance to BJA, TA providers, and the sites on performance measurement, data collection, and evaluation research.
- Monitoring, tracking, and reporting on JRI efforts, impacts, and outcomes, including effects on prison population size, costs, investment in high-performing strategies, and improvements in public safety and reductions in recidivism.
- Assessing which JRI strategies yielded the greatest impacts on public safety and producing a report on this.

BJA funded the OCA via a cooperative agreement mechanism that gave BJA a substantial role in the OCA project, including the rights to review and approve OCA activities.<sup>1</sup>

### **Justice Reinvestment Initiative's Technical Assistance-Driven Model Led to a Shift in the Focus of Reinvestment**

JRI relied on TA providers to engage and enroll states, working with them to develop bipartisan stakeholder groups, engineer solutions that addressed prison population growth, and assess states' readiness for JRI. The TA providers also made funding recommendations to BJA. The TA model resulted in a shift away from the focus on systemic and community factors tied to criminogenic risk, as originally described by Tucker & Cadora (2003) and operationalized by Clear (2011). Rather, JRI's reinvestment was put into state justice agencies, primarily community corrections, to improve their functioning. Whereas the community-reinvestment version of justice reinvestment was envisioned as a response to the problem of crime, JRI ultimately became a reform of criminal justice system processes practically designed to more effectively manage offenders. Brown et al. (2016, p. 115) note:

As originally conceived in 2003, and as reimaged by Austin et al. in 2013, justice reinvestment has at its core not just decarceration, but community-driven local capacity building in the places most in need of positive change. In practice, however, we have seen that many of the cornerstone ideas of JR have been altered, reconceived or abandoned. The most significant of these shifts has been the move away from localized, place-based justice reinvestment, and the failure to reinvest savings in communities that produce large numbers of prisoners.

Despite JRI's broad, bipartisan political appeal, advocates of the original vision of community-based justice reinvestment argued that the system-level approach of JRI excluded the communities most affected by incarceration and did not address the problem of mass incarceration as originally

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<sup>1</sup>The Urban Institute was selected as the OCA through a competitive solicitation process.



envisioned (Austin et al. 2013). O’Hear (2017) argued that JRI’s focus on improving correctional efficiency was only tangentially related to the goal of reducing prison populations. These criticisms of JRI’s system-level approach concluded that the entities responsible for managing the large-scale correctional populations in the United States could not be counted on to reduce mass incarceration. Rather, as O’Hear suggested, JRI-empowered corrections officials would be more likely to use their enhanced capacities to respond to problems of chronic antisocial behavior with even more correctional control.

These views coincide with those of other advocates of the original vision of justice reinvestment. For example, Vanita Gupta, eventually appointed as the Principal Deputy Assistant Attorney General to head the Civil Rights Division at the US Department of Justice, expressed similar concerns. She argued that by limiting the stakeholders primarily to state-level actors at the expense of local community stakeholders, JRI became a more conservative effort that limited the scope of reform so much that the JRI would not have an impact on mass incarceration (Brown et al. 2016). Ultimately, these advocates argued, this led JRI to become a conservative, status-quo-preserving reform effort (Austin et al. 2013). Ultimately, as we discuss later, JRI has not been shown to produce reductions in prison populations.

Hence, it is important to understand how JRI became a TA-driven and state-focused effort. We argue that two factors led to this. The first was federal funding priorities and the second was the expertise and experience of the entities that obtained funding through the competitive JRI grant programs. Dating back to and likely before the Government Performance Results Act of 1993 (Pub. L. 103-62, S.20), an evidence-based policy movement coincided with managerialism in the public sector and the belief that effective federal programs could be implemented independently of ideology and that federal performance could and should yield measurable benefits and results.

By the mid-2000s, building on the work of Sherman and colleagues (Sherman et al. 2012) and the existence of “what works” clearinghouses, Laurie Robinson, the nominee for the Assistant Attorney General position for the Office of Justice Programs, described a role for federal funding to address crime that included developing and disseminating knowledge about what works and funding TA (COSSA 2010, Robinson 2017). Her testimony coincided with the evidence agenda promoted by the Office of Management and Budget (OMB). Beginning in the mid-2000s, OMB issued a series of memoranda to federal agencies in which it requested the agencies develop budget requests to strengthen the development and use of evidence, focus on a relatively small number of high-quality programs that would yield credible evidence of impacts, and direct larger shares of agency resources toward evidence-based practices (Burwell et al. 2013, Orszag 2009). As a federal programmatic, grant-making agency, BJA budget plans were subject to OMB review, and it had to align its objectives with OMB’s. Given the federal priority on evidence-based practices and the relative lack or absence of evidence about effective community-based justice reinvestment efforts coupled with knowledge of EBPs that focused on offenders’ risk and needs, federal funding priorities emphasized the evidence-based practices that helped to shift the focus of JRI toward the state-agency and TA-led models.<sup>2</sup>

Second, according to interviews conducted by Brown and colleagues, the focus on EBP was also associated with JRI’s move toward investments in criminal justice system improvements. This shift

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<sup>2</sup>At CrimeSolutions.gov (<https://crimesolutions.gov/TopicDetails.aspx?ID=35>), the Justice Department’s “what works” clearinghouse for justice programs, there are no programs identified as evidence-based that mimic justice reinvestment into the community. By comparison, CrimeSolutions.gov identifies several reentry and community-corrections programs as evidence-based. These include intensive supervision, treatment for mentally ill inmates, reduced probation caseloads, and day treatment programs.

aligned with the expertise of the JRI TA providers that obtained the competitive grants that BJA provided for TA. Quoting TA providers, Brown et al. (2016) report that they believed that there was not a consensus regarding evidence-based methodologies for community development from justice-reinvested funds. By comparison, the criminogenic risk and needs literature (see James 2018 for a summary) provided guidance on EBPs. Furthermore, the EBP focus was consistent with JRI TA providers' expertise in working with state agencies. The TA providers argued that a justice system focus for JRI better aligned with their skills and experience than a focus on communities (CSG 2013b). As Brown and colleagues report, one TA provider acknowledged "we're not community redevelopment experts" (Brown et al. 2016, p. 95). Although JRI TA providers did not dispute the fact that disadvantaged communities had great needs, they also pointed to legitimate weaknesses in state corrections systems' operations and argued that these problems needed to be addressed. These problems provided opportunities for change without needing to take a place-based approach to justice reinvestment. Thus, the combination of federal funding priorities, competitive grantmaking, and the experience and expertise of TA providers reinforced a state-agency model that reflected the expertise of the TA providers and addressed a reasonable need to improve agencies and the supervision that they provided. According to our argument, federal funding priorities in combination with funded expertise combined to shift the focus of justice reinvestment toward corrections' systems improvement.

### **State Participation in the Justice Reinvestment Initiative Coincided with Widespread Legislative Sentencing Reforms**

Twenty-eight states participated in the JRI process between 2010 and 2016 (Harvell et al. 2017, LaVigne et al. 2014) and were included in the Urban Institute's OCOA assessment reports.<sup>3</sup> JRI states were defined as those involved in a time-limited JRI engagement that had previously engaged in criminal justice policymaking and intended to continue to do so after their JRI engagements end. This definition excluded California, which implemented justice reinvestment under Assembly Bill 109 following the US Supreme Court decision in *Brown v. Plata* (2011). That decision in 2011 ordered California to reduce the size of its prison population. AB 109 defined the purpose of justice reinvestment as "managing and allocating criminal justice populations more cost-effectively, generating savings that can be reinvested in evidence-based strategies that increase public safety while holding offenders accountable" (Petersilia 2014, p. 334). AB 109 aimed to support local community-based programs and EBPs.

The Urban Institute's reports on states' JRI experiences describe what were identified as drivers of correctional population growth, the reform responses by the states, the adoption of EBPs, and estimates of impacts on prison populations and costs. Commonly reported prison population drivers among JRI states were parole and probation violations, with technical violations for drug and alcohol offenses identified as the primary cause of revocations in many states. Existing sentencing practices and insufficient community corrections programs were also identified as drivers (Harvell et al. 2017, LaVigne et al. 2014).

JRI practices varied among the states. Eighteen of the twenty-eight states that participated in JRI by 2016 adopted a variety of sentencing reforms, including changes to penalty classifications, mandatory and presumptive sentencing guidelines, sentencing enhancements, and alternative

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<sup>3</sup>As Brown et al. (2016) and others point out, there were several, locally based justice reinvestment efforts, such as BJA's funding for local jails (BJA 2008), and the Urban Institute produced a handbook for local practitioners on justice reinvestment (Parks et al. 2016). We exclude a discussion of these because they were few relative to the state JRI efforts and because of space limitations.

sentencing options. Twenty states implemented changes to their prison-release practices through practices such as expanded parole eligibility, use of good-time credits, and streamlined parole processes. Commonly enacted community corrections reforms included graduated sanctions, caps on the number of times a person can be revoked, and legislation to expand community-based supervision and treatment programs.

JRI implementation occurred during a period of vigorous sentencing reform activity among the states. Between 2000 and 2016, every state in the United States passed legislation that had one or more elements of the types of legislative reforms that were documented as occurring under JRI. As cataloged in various state legislative tracking efforts by the National Conference of State Legislatures, the Sentencing Project, and the Vera Institute (Austin 2010; Brooke-Eisen & James 2012; Lawrence 2008; Mauer 2011; NCSL 2010, 2017; Porter 2017; Subramanian & Moreno 2014; Subramanian & Delany 2014), state legislative actions during this period addressed the use of EBPs and diversion programs and the possibility of requiring or encouraging the use of risk-assessment instruments, downgrading offenses (mostly property or drug), altering mandatory minimum sentences, expanding the use of specialty courts, adding alternatives to prison, increasing the use of good-time credits to shorten stays in prison, addressing parole revocation practices, and providing for programming to address returning prisoners.

Although it is difficult to determine whether JRI caused the sentencing reform activity, the pace of legislative enactment appeared to increase during JRI. Our review of the dates that states enacted sentencing reforms indicates that the majority of the states that participated in JRI enacted JRI-type legislative reforms prior to their participation. One condition for JRI participation was evidence of sentencing and criminal justice reform, the passage of sentence legislation prior to participating in JRI could be viewed as evidence of a JRI impact on reform.

The sentencing reforms of the 2000s, whether adopted before or during JRI, focused on making sentencing less severe, but according to the NRC and others, they did not substantially alter the major punitive laws passed during the 1980s and 1990s that increased certainty and severity of sentencing (Stemen & Rengifo 2011, 2012; Stoll & Raphael 2013; Tonry 2017; Travis et al. 2014). Rather, the NRC characterizes them as “relatively minor and target[ing] less serious offenses” (Travis et al. 2014, p. 74), even though the reforms rolled back some mandatory minimums (Luna 2017b). O’Hear (2017) echoes this conclusion and points out that reductions in sentencing for some offenses tended to be offset by increases for other offenses.

JRI emphasized reserving prison space for persons who have committed serious or violent crimes or who pose a high public safety risk (BJA 2015, 2016). However, doing this means that large-scale reduction in prison populations could not occur, as more than half of state prisoners are incarcerated for violent crimes and most prisoners have long prior criminal histories. As a number of writers have pointed out, the key to reducing mass incarceration is reducing the number of persons held for violent offenses (Austin et al. 2013, Gottschalk 2015, O’Hear 2017, Pfaff 2017, Tonry 2017). Bureau of Justice Statistics (BJS) data show that between 2000 and 2016, the increase in violent offenders accounted for almost all the growth in prison populations, with habitual and weapons offenders accounting for the next largest share. The number of state prison inmates held for violent crimes increased by 95,000 persons and the share held for violent offenses increased to 54% from approximately 50%.

The exclusion of violent offenders from JRI efforts was nearly codified in federal law. In 2010, two bills were introduced in the 111th Congress (S.2772 and H.R. 4080) that would have established a JRI grant program. The top priority for JRI implementation grant recipients under the bills was to “improve public safety and improve individual and system accountability while reducing or maintaining criminal justice growth through policies which ensure that—violent offenders are incarcerated...” [S. 2772; Sec. 4(b)(6)(A)(i)].

Neither bill made it to the floor for a vote, but the introduction of S.2772 was met with strong support from JRI TA providers, including CSG, Pew, and the Urban Institute. These TA providers provided testimonies on behalf of the bills. CSG, for example, applauded the bills (CSG 2013a) and devoted a page on its website to track the legislation. If the bills had been enacted, they would have precluded federal JRI efforts from addressing violent offenders. Despite the bills' exclusions of violent offenders, CSG and the other providers supported the bipartisan nature of the legislation, the support for JRI grant programs, and the manner in which the legislation built on CSG's efforts in other states. Other than considering that prison was appropriate for them, JRI did not address violent offenders.

### **Adoption of Evidence-Based Practices Under the Justice Reinvestment Initiative Was Widespread but Left Unanswered Questions About Their Impacts**

A second area in which JRI had success was in the widespread adoption of risk-based tools to manage populations and the use of risk-and-needs tools to provide treatment. Twenty-one of the twenty-eight states that participated in JRI required the creation and/or use of risk instruments in the areas of pretrial diversion, community supervision, and parole decisions. These instruments are meant to inform justice officials' decision-making by identifying low-risk offenders (i.e., non-violent) who are least likely to recidivate and would, therefore, be appropriate candidates for early release or community supervision. Ten states' legislative reforms included explicit requirements that certain programs, especially in the areas of community corrections, be considered evidence-based to receive funding. At least 24 of the JRI states implemented EBP in community corrections (Harvell et al. 2017). These were based largely on the criminogenic risk and needs model (Lowenkamp et al. 2006).

Although there was widespread adoption of EBP under JRI, concerns have been raised about this. Leading researchers in EBP point out that widespread but shallow adoption of EBP in community corrections "recognizes the data points but has been missing the person" (Lowenkamp et al. 2012, p. 11). They argued that unless therapeutic practices were implemented correctly, correctional officers could focus too much on compliance with supervision requirements and lose their ability to motivate behavior change (Lowenkamp et al. 2012) or that treatment based on instrumental rather than humanistic values was not legitimate (Harris et al. 2015, Whitehead et al. 2007). Other EBP researchers echoed the concern about rapid adoption of EBP in community corrections agencies. Taxman (2013) argued that community corrections agencies operated for decades in a culture of command and control that emphasized contacts, a focus on proscribed behaviors, and threats of violations. To effectively use EBPs, the agencies would have to change their cultures and move away from an enforcement and contact-driven model to a more holistic approach to engaging offenders. Otherwise, as Klingele (2015, p. 540) pointed out, the risk of adopting EBPs without the culture change and with "conscious attention to their limits" is that they can result in greater use of incarceration in response to proscribed behaviors.

A second concern was that by measuring the adoption of EBPs as an indicator of success, JRI was measuring the wrong thing. Rather than counting and classifying various EBPs adopted in JRI states as the summary reports did (e.g., Harvell et al. 2017, LaVigne et al. 2013), Taxman and colleagues (Taxman et al. 2014) argued that JRI performance measures for EBP should focus on the measures of offender needs, system-wide availability of EBPs that were responsive to these needs, and system-wide utilization of the EBPs. Taxman's measures make sense if the goal is to assess the capacity of states to meet offender needs and to deliver services. These alternative performance measures have not been included in the state assessment reports.

## The Justice Reinvestment Initiative Overstated the Potential Savings

A major motivation for participating in JRI was its promise of lower-cost corrections systems. Clear (2011) and Pfaff (2016) describe this as using the fiscal crisis following the Great Recession as an opportunity for reform. The argument for lower-cost corrections was based on the 40-year low in crime rates coupled with all-time highs in prison populations and corrections spending. JRI advocates argued that prison populations could be safely reduced, thereby freeing up some of the corrections expenditures for other purposes, including funding community corrections. As described in one of the state assessment reports, state corrections expenditures consumed too large a proportion of states' budgets, and during periods of state budget strain, "money spent on corrections draws resources away from investment in public services crucial to a state's long-term prosperity, such as education and infrastructure" (LaVigne et al. 2014, p. 6).

This popular argument about corrections expenditures appears in different forms, including the NRC report (Travis et al. 2014) and reports by the Vera Institute and the National Association of State Budget Officers (NASBO). These reports cite the increase in corrections expenditures over time and report a roughly \$80 billion figure (in 2016) spent by states and counties on prisons and jails as indications that corrections expenditures are too high. All of these reports share a focus on the absolute amount of corrections spending but not the relatively small share of total state and local expenditures that is corrections spending.

In relative terms, corrections expenditures amount to approximately 2% of all state and local expenditures (roughly \$3.6 trillion in 2016). Gottschalk (2015), along with BJS (Kyckelhahn 2012), is among the few who pointed out that state and county corrections expenditures amount to small shares of total expenditures. Consequently, they cannot be a major source of strain on budgets and reducing them would not necessarily solve states' budget problems. Our analysis of the Annual Survey of State Government Finance (US Census Bur. 2019) shows, for example, that although state spending on corrections increased over time, corrections spending as a share of total state expenditures did not exceed 3.2% annually from 1980 to 2015. State spending on corrections increased with the overall increase in state expenditures. Between 2000 and 2016, total state expenditures increased from \$1.1 trillion to \$2.2 trillion (in nominal dollars), but during these years, the corrections spending as a share of total state spending actually declined from 3% to 2.4%.<sup>4</sup> Furthermore, Spelman (2009) points out that corrections spending grew at approximately the same rate as state expenditures for education, health and hospitals, highways, and other categories.

Data from the NASBO corroborate the US Census Bureau data on corrections expenditures. NASBO's reports also show that corrections expenditures declined as a share of total state expenditures, for example, from 3.7% of total state expenditures in 2000 to 3.1% in 2016 (NASBO 2002, 2017).<sup>5</sup>

Reductions in state corrections expenditures promised under JRI could not ease state budget pressures or markedly affect the share of state expenditures that went to other domains, as alleged. For example, between 2000 and 2015, education expenditures declined as a share of total state expenditures from 32% to 29%. During the same period, public welfare expenditures grew faster

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<sup>4</sup>Results available from the authors upon request.

<sup>5</sup>In its state assessment report, the Urban Institute reports a larger share of state expenditures going to corrections than reported above. The reason is that Urban uses general fund expenditures as the denominator to calculate the share, whereas we and NASBO use total expenditures. Because corrections expenditures come from four sources—general fund, bonds, other state funds, and federal funds—excluding, as the Urban Institute did, nongeneral fund expenditures from its denominator but including them in the numerator to calculate the corrections expenditures inflates that share (see NASBO 2002, 2017).

than the overall growth in state expenditures, and their share increased from 22% to approximately 29% (or from approximately \$239 billion to \$609 billion). If the entirety of state corrections expenditures were reallocated to state education expenditures, the education share would still have declined over this time frame, from 35% to 31%. In fact, increases in public welfare expenditures, and not corrections expenditures, exerted the downward pressure on state investments in education.

JRI advocates also missed or ignored four other important points about corrections expenditures. First, the estimates of cost savings under JRI were generally overstated because they were based on the average cost of an inmate and not the marginal cost (Tonry 2011, Gottschalk 2015). As approximately 75% of corrections spending goes to fixed costs (e.g., salaries, debt service) that do not change with small reductions in the size of prison populations, the marginal cost of an additional prison is approximately one-fifth the average costs (Pfaff 2016).

Second, significant reductions in prison population size that led to prison closures would present challenges to states dealing with subsequent reductions in their workforce (Tonry 2011). These were not addressed in JRI strategies. Gottschalk (2015) points out that if reforms are justified by reference to cost savings, the reforms will generate the savings only if they cut the size of correctional staff. Corrections budgets in many states are protected by public-sector unions, and reductions in force associated with much smaller prison populations would face opposition, if not from public-sector unions then from public-sector lobbying groups.

But third, as Gottschalk (2015) also points out, it is not obvious that decarceration that does not lead to increases in crime is necessarily less expensive than prison. Rehabilitation programs that address offender needs related to substance abuse, mental health, housing, employment, and education are not cheap, especially if well-run. Finally, fiscal-based reforms such as JRI run the risk of leading to worse conditions in prisons. If state prison departments are under pressure to save money or to transfer it to other agencies before significant reductions in prison populations have occurred, this could lead to worse conditions for prison inmates. In sum, the pressure on state budgets arising from corrections expenditures was overstated and the efforts necessary to achieve significant reductions in corrections expenditures could lead to new problems for states. These were not presented as part of the case for JRI.

### **The Justice Reinvestment Initiative Resulted in Several States Making Up-Front Investments**

According to the state assessment reports, JRI was associated with projected savings or averted costs, which were estimated as the difference between the projected future costs of corrections under business as usual and the projected costs under JRI. The difference is averted costs. Among the seventeen JRI states that participated between 2010 and 2013, total projected savings from JRI were reportedly \$4.6 billion over five to eleven years. Individual state estimates of savings ranged from \$7.7 to \$875 million (LaVigne et al. 2014). For the 28 states that participated in JRI between 2010 and 2016, a total of \$1.1 billion in savings or costs averted were attributed to JRI reforms (Harvell et al. 2017). The differences in estimated savings arise from initial comparisons of projected savings as compared to later comparisons with some actual changes under JRI.

Reinvestment strategies varied considerably across states. According to Harvell et al. (2017), four states made up-front investments via new legislative appropriations before the realization of actual savings, another 12 states implemented both up-front investment and postreform reinvestment strategies, and four states reinvested real savings. Only four states did neither. In total, \$193 million in up-front investments and \$364 million in corrections savings reinvestments were made among JRI states that participated in reinvestment strategies (Welsh-Loveman &

Harvell 2018). Most states' investments focused on expanding community-based treatment programs, postrelease services, and community supervision. A few states injected JRI-related funds into prison programs, victim services, diversion courts, law enforcement agencies, and pretrial diversion programs. None of the JRI states made investments in community revitalization or primary prevention programs in high-incarceration neighborhoods or outside of the justice system.

The fact that at least four states appropriated new monies for JRI through the up-front investment mechanism suggests that under some circumstances, state legislatures can be persuaded to appropriate current dollars based on expectations of future cost savings. The fact that only a few states used the future cost savings argument to support requests for new expenditures suggests that the future cost savings argument did not have a strong appeal to state legislatures. However, the fact that it appealed to some state legislatures raises important questions about how and why it worked in some but not others. A study that considers whether there are lessons to be learned for state budgeting is merited.

### **The Justice Reinvestment Initiative Did Not Demonstrate That It Contributed to Reductions in Prison Populations**

The JRI state assessment reports claimed that for 15 of the 18 states that participated in JRI by 2016 and for whom "sufficient time had passed to warrant analysis," the prison population in 2015 was below what was projected without JRI reforms (Harvell et al. 2017, p. viii). Sufficient time was defined as at least two years of follow-up data since JRI legislative reforms were enacted (Harvell et al. 2017). This assessment was based on comparisons of the projected prison population under JRI reforms to the baseline projected populations that would have occurred had reforms not been implemented. This method allows the prison population to increase under JRI and be counted as a success as long as JRI-projected increases were less than baseline projected increases.

The use of baseline forecasts of future prison populations conducted before a reform is implemented to generate the counterfactual future prison populations that would be obtained without the reforms has merit under certain conditions. The baseline forecasts should be accurate and have low error, and the length of the forecast period over which the comparisons are made should be reasonable. Assumptions about admissions and length of stay, the two determinants of the size of the prison population (Clear & Austin 2017), need to be assessed, along with the accuracy of the forecast models and the forecast error, particularly over the longer run. Of concern is the extent to which the population forecasts adequately assessed these factors. We could not find in the JRI state assessment reports (Harvell et al. 2017) any information indicating that such a critical review of the forecast models was done. We found no evidence that the reviews assessed assumptions, accuracy, or forecast error over the short or long run.

Austin et al. (2013) raised questions about the accuracy of the JRI baseline forecast models. They argued that, in anticipation of participating in JRI, state forecast models used assumptions about admissions growth that were higher than during the period immediately prior to their JRI engagement. This would translate into larger baseline projections of prison populations that would, in turn, put less demand on JRI reforms to affect forecast and actual populations. Austin & Coventry (2014) provide examples of how baseline forecasts in some JRI states did not use all available information; if they had used them, smaller populations would have been forecast and reported JRI impacts may have vanished. The aforementioned absence of information about assessments of the reliability of prison population forecasts leads us to discount the JRI state assessment reports of reductions in prison populations.

Comparisons of differences in prison population growth between JRI and non-JRI states have found negligible reductions in both but larger decreases in non-JRI states. Austin et al. (2013) and

Austin & Coventry (2014) looked at the early years of JRI and compared JRI and non-JRI states on prison population, admissions, and length of stay. The largest decreases in prison populations occurred in four non-JRI states (NY, NJ, MI, and CA). Reductions in admissions due to decreases in parole violators were larger in the non-JRI states, as were the very small changes in length of stay in either group.<sup>6</sup>

A criticism levied against the Austin work is that the selection into JRI was based in part on the assumption of a projected high rate of growth in prison population. In other words, the JRI states would start from a higher base and therefore reductions might be smaller. This claim is questionable. Prison population growth in the United States slowed in the early 2000s (Harrison & Beck 2003, 2004, 2005), and by the mid-2000s when JRI was implemented, prison population growth nationwide was approaching zero growth. Although rates of growth varied among the states, those selected into JRI in 2007 and 2008 (KS, NV, TX, AZ, CT, PA, RI) included a mixture of states with smaller and larger than average growth in prison populations as reported by the BJS (Sabol et al. 2007). The same conclusion applies to the states selected into JRI in 2010 and 2011 (MI, NH, SC, AL, AR, KY, LA, NC, OH) except that several of these JRI states reported decreases in their prison populations in the year or years prior to entry into JRI (West et al. 2010). Overall, in 18 of the 35 states that participated in JRI, declines in prison populations began before their year of entry into JRI.

An alternative approach to identifying causal effects of JRI on prison populations was suggested by Rhodes and colleagues (W. Rhodes, G. Gaes, T. Rich, J. Edgerton, R. Kling, J. Luallen, unpublished report). Using administrative data on persons admitted into and released from state prisons, they adopted a difference-in-difference (DiD) framework to compare pre- and post-JRI population trends in the targeted and comparison populations within JRI states. They defined target and comparison groups based on the severity of sentence served, under the theory that effective sentence length incorporates decision makers' assessments of offender severity and risk (Bushway & Smith 2007; Kuziemko 2007, 2014). The insight behind this approach is that if JRI diverted less serious or lower-risk offenders from prison as expected, their admissions rates would decline following JRI and decline more rapidly than those of their comparison group, the next highest risk category. Their preliminary results for five JRI states found JRI-led reductions in some states but not in others (W. Rhodes, G. Gaes, T. Rich, J. Edgerton, R. Kling, J. Luallen, unpublished report).

The Rhodes' example illustrates an approach not taken to assess impacts of JRI on prison populations. It addresses some of the concerns about selection into JRI by making comparisons within JRI states before and after implementation. It identifies a group (lower level offenders) that should be impacted by JRI reforms and compares changes for that group of offenders with groups that should not be affected by reforms to identify JRI impacts, such as more serious offenders. Finally, it presents a stronger design than the comparisons of actual to projected populations used in the state assessment reports.

### **The Justice Reinvestment Initiative's Evidence on Public Safety Impact**

We could find no peer-reviewed publications on the impacts of JRI on public safety. Several TA provider descriptive reports present information supporting the claim that “many JRI states have slowed prison growth, reduced overcrowding, and saved taxpayers' money without sacrificing

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<sup>6</sup>We updated the Austin et al. comparison between JRI and non-JRI states on prison population growth, extending the period covered through 2016. Our findings were similar to Austin's: Both groups experienced relatively small decreases: California accounted for most of the decrease in non-JRI states, but when California was omitted the non-JRI states still had faster decreases, and several JRI states experienced decreases before participating in JRI. Analyses available upon request of the authors.



public safety and other states are projected to do so” (LaVigne 2014, p. 2). A core promise of JRI was that states could have smaller prison populations and improved public safety, or at least no decreases in public safety. According to BJA award documentation, one of the OCOA responsibilities was to measure the impacts of the JRI-led policy changes and “assess which JRI strategies yielded the greatest impact on public safety” (BJA 2011, p. 1). In the final state assessment report that was available at the time of this writing, public safety outcomes—specifically crime and recidivism rates—were defined as core system-level measures, but the report omitted any presentation of data on these measures (Harvell et al. 2017). The omission of any information about JRI’s impacts on public safety precludes any assessment of its benefits relative to costs.

Admittedly, identifying JRI’s effects on public safety presents challenges. Given the varied nature of JRI implementation, the many reforms implemented at different times in different ways and the absence of detailed information about the EBPs, designs to measure impacts might require linked data on individuals that measure the interventions they receive and assess their outcomes. Furthermore, there may be a lag between the implementation of JRI and its impacts. However, several states had implemented JRI efforts as early as 2010. By the time of the most recent state assessment report in 2017, there were five to six years to observe impacts in early JRI adopters. This provides a sufficient length of time to conduct at least some preliminary analysis of JRI’s impacts on public safety. Furthermore, there are examples of models that could have been used to attempt to identify the impacts of JRI on public safety. The Bartos & Kurbin (2018) state-level panel with a synthetic control group design to estimate crime rates in the absence of a reform is one such model. Given the variety of approaches taken by states, it seems likely that state-specific assessments would be necessary.

Because of the centrality of public safety to JRI, the absence of a public record of work done on this issue and the absence of evidence about JRI’s impacts on public safety are disappointing gaps in knowledge about what JRI may have accomplished and whether the federal investment paid off.

## CONCLUSIONS

As practiced in the United States, justice reinvestment as originally conceived and the JRI have not achieved their goals. The original version of justice reinvestment did not achieve its objective of redirecting a portion of corrections expenditures toward community needs or in devolving accountability for offenders from the state to the local communities in which offenders resided. The JRI, which had success in enrolling states, accelerating the pace of legislative change, and adopting EBPs, did not demonstrate that it led to reductions in prison populations, cost savings, or improvements in public safety.

An appeal of the community-oriented approach of the original justice reinvestment was its aim to rearrange the relationship between communities and corrections systems, as reflected by its emphasis on devolving accountability for offenders to their local communities. At that level, it passes Western’s test for using criminal justice policy to address social problems by encouraging community membership and participation (Western 2018). But the community-oriented approach of the original justice reinvestment does not address funding and implementation challenges. It did not demonstrate that even relatively large reductions in prison populations would generate sufficient savings to address the reinvestment needs; that local communities had sufficient infrastructure to sustain alternatives to incarceration; that states would be willing to devolve authority to the very localities that they blamed for sending them so many prisoners in the first place; that state legislatures would use savings for local community reinvestment as opposed to other state-level budget needs; or that state legislatures would commit to appropriating funds to cover a future stream of

projected savings, i.e., the future funds that would sustain community reinvestment, derived from the offenders diverted from prison. Even if local communities successfully supervised diverted offenders, the benefit of this would accrue to state prisons, which in turn would have to convince state legislatures to appropriate funds to cover the costs of prison populations that would have been obtained without the local justice reinvestment rather than their actual populations. Otherwise, the state support for justice reinvestment would not be sustained. Ultimately, the funding for community reinvestment needs to come from non-justice system sources.

Practically, attempts to try justice reinvestment were short-lived, so we do not know if a model could have been designed to meet the funding and implementation challenges, although we doubt it. The JRI model supplanted the community-oriented justice reinvestment model and become the dominant form of justice reinvestment practiced in the United States.

The JRI was implemented at a time when the federal government emphasized creating, disseminating, and using evidence to support its programs. Other than supporting the use of EBPs, JRI's implementation did not align with the federal government's evidence agenda. Rather than, say, fund a relatively small number of high-quality and proven programs (an OMB preference), JRI enrolled 28 states that implemented approximately as many untested and unproven varieties of reform. Or, rather than first demonstrate the efficacy of a few models and then funding them for broader implementation, JRI optioned for broad implementation of reforms without evidence that they would work. JRI's elevation of enrollment over creating evidence leaves us with scant evidence of its effectiveness in achieving its goals, and no evidence that it improved public safety.

JRI was associated with the adoption of sentencing reforms and with an acceleration of the pace of change, even if the reforms did not address the severity of the sentencing reforms of the 1990s. JRI helped to spread EBPs, especially in community supervision. The upside to the adoption of these reforms is that they have the potential to change the nature of community supervision. At the same time, the downside is that they have the potential to be implemented instrumentally and not in a humanistic manner, as their creators envisioned, unless the culture of community supervision agencies changes. At the time of this writing, federal support for JRI appears to be waning. BJA zeroed out JRI in its FY2019 budget and again in its FY2020 budget (OJP 2018, 2019). This suggests that federal support to assist agencies in the culture change necessary for safe, humane, and effective implementation of the EBP is likely dissipating. JRI's bipartisan approach to reform also found room for political compromises that were crafted around improving the operation of justice agencies.

By design, JRI could not achieve substantial reductions in prison populations or significant cost savings because it did not deal with violent offenders or those with long criminal histories (other than reserve prison space for them). These offenders make up the vast majority of prisoners. Achieving substantial reductions in the number of violent offenders in prison would have required JRI to address (reduce) the severity of sentencing and (increase) the use of alternatives to prison. These are not issues around which bipartisan compromise could have been easily forged within the confines of the program. Rather, JRI set a relatively low bar for reducing prison populations, oversold the potential cost savings, and ultimately did not deliver evidence that it was responsible for either.

## DISCLOSURE STATEMENT

The authors are not aware of any affiliations, memberships, funding, or financial holdings that might be perceived as affecting the objectivity of this review.

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### **Errata**

An online log of corrections to *Annual Review of Criminology* articles may be found at <http://www.annualreviews.org/errata/criminol>