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## **Testimony on Justice Reinvestment**

**Prepared for a joint public hearing on May 8, 2008\**

**ASSEMBLY STANDING COMMITTEE ON CODES  
ASSEMBLY STANDING COMMITTEE ON JUDICIARY  
ASSEMBLY STANDING COMMITTEE ON CORRECTION  
ASSEMBLY STANDING COMMITTEE ON HEALTH  
ASSEMBLY STANDING COMMITTEE ON ALCOHOLISM AND DRUG ABUSE  
ASSEMBLY STANDING COMMITTEE ON SOCIAL SERVICES**

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I am an independent criminal justice policy analyst and founder 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. I currently serve 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 Brooklyn, Albany and Buffalo 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.<sup>1</sup>

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.<sup>2</sup> 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

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<sup>1</sup> 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.

<sup>2</sup> The report is available at [http://www.csgeast.org/programs/criminal\\_justice/BuildingBridges.pdf](http://www.csgeast.org/programs/criminal_justice/BuildingBridges.pdf)

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.

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."

### **Justice Reinvestment in Kansas**

In Kansas, interest in Justice Reinvestment has also been spurred by the fact that two-thirds of people admitted to prison are sent for violation of the conditions of supervision in the community. State officials, as part of a justice reinvestment strategy started in 2005, are making a concerted effort to cut these violations in half, and key stakeholders appear to be coming to a realization that lasting reductions in recidivism will depend on neighborhood revitalization and provision of substance abuse, mental health, employment, and housing services in the communities where people return 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 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.<sup>3</sup>

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<sup>3</sup> Thompson, Michael, 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

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 the local housing department, police department and representatives of the faith community. The committee is charged with the development and implementation of a neighborhood-based housing development project. 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 – traveled to Wichita last year to meet with local officials, local developers and the heads of state agencies. Plans are underway in Wichita to create 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 are formulating a plan 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. This July leaders of several Banks, hospitals, private foundations, schools and universities joined government officials in Wichita to announce commencement of the "New Communities Initiative." Urban Strategies, McCormick Baron's non-profit partner organization, is facilitating development of social capital and public services in the target area.

### **Prospects for Justice Reinvestment in New York**

Efforts such as these to build community justice are stirring interest around the country in ways to shift state funds from institutional corrections to strengthen neighborhoods and build their internal capacity for social control. What are the prospects that sentencing reform could foster such initiatives in New York? If the Rockefeller Drug Law reforms so many New Yorkers are urging you to embrace were enacted, many millions of dollars could be reinvested in high-stakes neighborhoods over the next decade.

Even without major reform of the Rockefeller Drug Laws, New York has already experienced a remarkable decline in the number of state prisoners. The Bureau of Justice Statistics reports that New York's prison system held 63,315 prisoners at the end of 2006, down from 72,899 in 1999. The incarceration rate fell by 18.3 percent, from 400 per 100,000 residents to 326 between 1999 and 2006.

New York State Department of Correctional Services (DOCS) managers have been able to downsize prison capacity by taking down beds and closing housing units. They have ended double occupancy in more than 2,400 cells in the state's medium-security prisons, and closed a few of the most restrictive special housing units. They closed the 530-bed Tappan unit at Sing Sing. Elimination of correctional officer positions reduced the ranks by about 1,500 between 2000 and 2005, generating hefty personnel cost savings.

Correctional expenditures from the National Association of State Budget Officers reveals that a 12.5 percent reduction in the population between 1999 (the year the prison population level began to fall) and 2004 produced a reduction in spending on prisons of just 3.7 percent. But the huge scale of the DOCS budget means that the savings totaled \$107 million in 2004 alone. Much greater savings would have been wrung from the prison budget if the legislators had not blocked Gov. Pataki's proposals to close several prisons.

The remarkable degree of savings to New York taxpayers largely results from declining crime rates and shifting police priorities in New York City. But a significant portion of the savings is derived from the very modest changes to the Rockefeller Drug Laws enacted in 2003 and 2004. For example, as part of the modifications to the Rockefeller Drug Laws enacted in December 2004, drug offenders serving indeterminate sentences are able to earn an additional 1/6 credit against their minimum sentences. According to Paul Korotkin, assistant director of program planning, research and evaluation at DOCS, 2,375 prisoners had been released through this reform by September 2007, with an average savings of 6.6 months. At an estimated cost of \$29,000 per inmate per year, Korotkin estimated that this new law had accrued almost \$38 million in savings, and had lowered demand for DOCS' bed space by 366.

The resentencing of A-II drug prisoners that was part of the 2004 reform package has also made a significant impact on DOCS' budget. As of September 30, 2007, a total of 138 Class A-II prisoners (including 11 women) had been resentenced and released. On average these prisoners were released from DOCS' custody 13 months before their previously calculated earliest release dates. Korotkin estimates that this reform won \$4.4 million of savings for the taxpayers of New York state.

As you hold these hearings, New Yorkers from every part of our state are calling for Rockefeller Drug Law reform. As you listen to their arguments, please also consider that enactment of these reforms could result in many millions of dollars in budget savings for reinvestment in targeted community development efforts with a particular focus on housing, job creation and education at the neighborhood level – investments that would produce long-term gains in reduced levels of crime and safer neighborhoods for all New Yorkers.