

A conversation with the Pew Public Safety Performance Project (PSPP), February 18, 2015

Participants

- Adam Gelb – Director, PSPP, Pew Charitable Trusts (Pew)
- Jake Horowitz –Policy Director, Pew
- Nicole Surber – Senior Director, Philanthropic Partnerships, Pew
- Holden Karnofsky – Managing Director, Open Philanthropy Project
- Alexander Berger – Program Officer, US Policy, Open Philanthropy Project

Note: These notes were compiled by the Open Philanthropy Project and give an overview of the major points made by Mr. Gelb, Mr. Horowitz and Ms. Surber.

Summary

The Open Philanthropy Project spoke with Mr. Gelb, Mr. Horowitz, and Ms. Surber of Pew to follow up on a grant made by Good Ventures to PSPP in mid-2014 (<http://www.givewell.org/labs/causes/criminal-justice-reform/Pew-Public-Safety-Performance-Project>). Conversation topics included the recent Justice Reinvestment National Summit, updates on Justice Reinvestment Initiative (JRI) state engagements, PSPP’s federal and state-level research, and the changing landscape of criminal justice reform advocacy. The conversation did not cover all the work performed by Pew under the grant made by Good Ventures, but instead was intended to highlight the core of the work and notable successes and lessons learned.

JRI

Justice Reinvestment National Summit event

In November 2014, Pew, the Council of State Governments Justice Center (CSG) and the Bureau of Justice Assistance (BJA) hosted a national summit on JRI. More than 400 were in attendance—including 322 officials from 35 states that either had successfully participated in the JRI process, were considering additional reforms, or were contemplating participation in JRI.

The summit had three main goals:

1. Celebrating successful reform efforts.
2. Discussing common implementation challenges (e.g., probation and parole issues often require more detailed policy work, beyond the initial reform bill).
3. Discussing possibilities for further reforms. PSPP does not want states that have participated in JRI to consider “the work done.”

The summit connected state officials to a broader community of colleagues across all three branches of government that have adopted criminal justice reforms, as well as federal groups such as the Office of Juvenile Justice and Delinquency Prevention,

which is currently providing funding for implementation assistance for states that receive technical assistance from Pew in the area of comprehensive juvenile justice reform. PSPP provides policy assistance for states through bill signing and then partners with the federal government to assist states with implementation.

The summit included nineteen different workshops on specific aspects of implementation and performance measurement. These allowed state representatives to exchange lessons learned from their states' programs, which was very helpful in solidifying state efforts and stimulating thought about what steps to take next.

As an example, public officials from Kentucky – anticipating upcoming legislation to address the state's increase in heroin use – attended and engaged in a session on effective responses to drug abuse and drug-related crime. Kentucky subsequently asked researchers from the summit to testify on the research about the impact of penalty enhancements on drug use. A Pew representative did testify and this, along with several other factors, helped shape a negotiated bill (now law) that hews closer to policies shown by research to effectively and cost-effectively reduce drug use, abuse and related crime.

PSPP is in regular contact with participants, gathering feedback on the event and identifying areas where states could benefit from Pew's experience and assistance. The Open Philanthropy Project grant has helped support PSPP's increased focus on follow-up in the states that adopt reforms.

Speakers

The conference included several important speakers, which is indicative of the increasing attention being directed at criminal justice reform. These included:

- Grover Norquist
- Assistant Attorney General Karol Mason
- Newt Gingrich
- Van Jones
- Bill Keller (former executive editor of the New York Times, and current editor-in-chief at the Marshall Project)

State reform efforts

PSPP's typical timeline for implementing JRI in a state is:

- **Late spring/early summer:** solidify agreement with state leaders with an exchange of letters and a formal launch of the program (e.g., press release, press conference and/or media availability). PSPP prefers to start work in new states by June. PSPP staggers launch dates so as not to start work in several states at once. The dates of a state's legislative session also influence the launch date.

- **Late summer/early fall:** conduct data analysis, system assessment, statutory review and educate policymakers on evidence-based practices, reforms in other states, and the likely impact of policy options.
- **Late fall/early winter:** help policymakers reach consensus and produce a final report with policy recommendations that is later manifest in bill draft form.
- **Later winter/early spring:** assist in the process of passing the proposed bill through public and policymaker education.

Utah

Over the last five years, Utah's incarceration rate has increased significantly more than the national average (though its total prison population is still relatively small and its imprisonment rate relatively low). Utah is considering moving its largest prison facility (currently in Draper), which would cost approximately \$1 billion, with more than half of that cost attributable to anticipated growth in the inmate population.

A policy reform bill developed by the Utah Commission on Criminal and Juvenile Justice, with JRI assistance from PSPP and its partner, the Crime and Justice Institute, would avert almost all future growth, saving more than half a billion dollars. The reform package would defelonize possession of all drugs and reduce penalties for possession with intent to distribute. Drug possession and drug possession with intent to distribute are two of the top three offenses resulting in prison admission in Utah.

The bill would also reform probation and parole revocation, which account for two-thirds of Utah's prison admissions, by capping the maximum length of stay for revocations on a graduated scale (e.g., a 30-day stay for the first violation, followed by 60-, 120-, and 180-day stays). Currently, parole violators can be re-incarcerated for the entire remaining length of their sentence.

Some Utah law enforcement officials produced an op-ed endorsing the reforms, local media outlets opined in support. The main concerns voiced with the legislation centered on preserving sufficient leverage to secure plea deals and ensuring that costs were not displaced from state to county facilities.¹

Arkansas

PSPP worked in Arkansas in 2010 and 2011 and helped the state adopt policies that halted the growth of the prison population and reduced it by 9 percent in the two years following the 2011 reforms. However, Arkansas's prison population increased by 18% in 2013, the largest increase in any state in the last 15 years. This increase was a result of changes in policy, rather than an increase in crime (violent crime in Arkansas has decreased for the past five years).

¹ Utah passed HB348 with overwhelming bipartisan support. Both chambers voted on March 12 by margins of 23-0 and 67-2. The bill was signed March 31, 2015.

The policy changes were motivated in large part by a crime allegedly committed by a parolee, and were implemented administratively by the Board of Corrections and did not involve passing any new legislation.

Juvenile reform in South Dakota

South Dakota has the second-highest juvenile commitment rate in the US (according to the most recent national statistics), including out-of-home placements for less serious offenders.

PSPP helped the state create a juvenile reform bill that has passed the South Dakota State Senate and is currently being reviewed by the House State Affairs Committee. The bill has 92 cosponsors.²

This reform package is projected to reduce the number of juvenile out-of-home placements in South Dakota by 50% over five years. The package's lead policy grants juvenile offenders a presumptive sentence of probation, which can be overridden if a judge issues a finding of fact stating that the offender is a threat to public safety or if the youth is adjudicated on one of several enumerated offenses.

PSPP's partnership with South Dakota has been especially strong. PSPP previously worked on adult justice reform in South Dakota and has maintained relationships with state officials who are proponents of effective and cost-effective public safety policies.

Returning to states

PSPP and its grantees often have the option of returning to states that have previously undergone the JRI process, for a variety of reasons (e.g., the initial policies did not have the desired impact, state officials want to pursue further reforms after having successfully run on a platform that included justice reform, etc.)

When running JRI a second time in a state, PSPP performs the same assessment as in the first JRI process, which includes:

- Analyzing data to produce a problem statement.
- Projecting the potential size of the impact of tailored reforms.
- Gauging the amount and contours of political support for justice reform in the state.
- Estimating the influence that successful reform in the state could have on other states.
- Recommending policies that are likely to get traction.

PSPP is generally able to work with some of the same officials as during its first program.

² South Dakota passed SB73 and Governor Dugaard signed it into law on March 12, 2015.

Different phases of justice reform involve different factors. For example, reducing prison population below baseline levels raises different issues (e.g., prison closures, effects on rural employment) than stopping future projected prison population growth.

Following up with proponents of reform

One aspect of PSPP's work that supports future reforms is when state officials who have become strong proponents for criminal justice reform during the JRI process go on to serve as, e.g., governor, attorney general or congressional representative for their state. By working so closely with the JRI process, these officials are more well-informed about criminal justice issues and better positioned to continue data-driven reforms in their new roles.

Interestingly, Kentucky's State Senate Judiciary Chair Whitney Westerfield is currently running for attorney general, and referenced his work on juvenile justice reform in the lead paragraph of his candidacy announcement.

During his 2014 re-election campaign, Governor Nathan Deal of Georgia emphasized his work on criminal justice reform in his closing statement during a televised debate and in a pamphlet issued a few weeks before the election. Georgia may be the best example of a state government that has actively continued the process of reform assisted by PSPP's JRI program.

The Urban Institute's assessment of JRI's effects in several states observed more data-driven conversation and a higher demand for new data and research among state officials.

Attorney General Eric Holder referenced JRI efforts in Kentucky and Ohio during a recent speech at the National Press Club. Congress has proposed federal bills based explicitly on state reform efforts.

Research

Federal

There are a lot of data available on the federal justice system (especially compared with some state systems), and PSPP has just begun to scratch the surface with original analysis.

PSPP has started to release short reports summarizing the main points of its federal research (e.g., the growing federal prison population, rising costs of the federal system, the poor returns relative to state systems).

These fact sheets are available here:

<http://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2015/02/federal-prison-system-shows-dramatic-long-term-growth>

<http://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2015/01/growth-in-federal-prison-system-exceeds-states>

PSPP's research is not primarily aimed at receiving media attention, but PSPP does try to contribute useful data to the national conversation. PSPP is in fairly close contact with decision-makers.

State level

PSPP's state-level research agenda includes:

1. Helping states build capacity to do ongoing evaluation of the overall performance of their sentencing and corrections systems.
2. Examining provisions of the enacted reforms and designing performance measures to track success.
3. Performing methodologically rigorous policy evaluations of selected provisions to assess impact.

PSPP is not aware of groups beyond JRI partners including CSG and the Urban Institute planning or conducting such policy evaluations. PSPP hopes that it and partners will be able to work through this process with four to six total states this year.

PSPP released a report on "max outs" (i.e., inmates serving their full sentence and being released without supervision) that received a positive response from states, with several states that have a high percentage of max outs expressing a desire to pursue reform.

PSPP conducted a survey of prison population projections. PSPP released a report on this data in November, predicting an overall national increase in prison population of 3% over the next four years (although some potentially important factors, e.g., the expected impacted of Prop 47 in California, were not accounted for). For the most part, the states in which PSPP has worked project continued decreases, and those in which PSPP has not worked project increases.

PSPP is exploring research on technical parole violation. Over the past 15 years, the percentage of prison admissions for technical violations most likely peaked during 2007 or 2008 and has since decreased, in part due to sanctioning guidelines and policies and programs reflecting the "swift, certain, and fair" model of monitoring instead of revocation, many of which have been adopted by JRI states.

Addressing the "tough on crime" approach

PSPP's research explores two main arguments for "tough on crime" policies:

1. The strength and nature of the connection between increased incarceration and a decreased crime rate. PSPP materials addressing this include:
 - A question and answer session in November with nine criminologists, discussing the crime decrease and the role of incarceration.
 - A short piece discussing increased incarceration along with eight other factors theorized to contribute to the crime decrease.

2. The strength and nature of the link between longer lengths-of-stay and reduced recidivism. PSPP first addressed this idea in its 2012 “Time Served” report. PSPP also did an evaluation of Kentucky’s mandatory reentry supervision policy and Louisiana’s caps on technical violator prison stays and their effects on recidivism.

New staff and national partners

Pew has recently added new research staff, including:

- Craig Prins, Research Director. Mr. Prins previously worked with PSPP during Oregon’s JRI effort while serving as Executive Director of the Oregon Criminal Justice Commission.
- Phil Stevenson, Research Manager. Dr. Stevenson previously served as Director of the Statistical Analysis Center at the Arizona Criminal Justice Commission.
- John Gramlich has been hired for a newly created Research Officer position. As a former journalist, Mr. Gramlich has been able to translate research and state reforms for policymakers (such as PSPP’s reports on its federal research) efficiently and concisely.

PSPP has a long roster of national partners that includes:

- The National Governors Association
- The National Conference of State Legislatures
- The National Sheriffs Association
- The National Center for State Courts

PSPP is also renewing its partnership with CSG and the Crime and Justice Institute. PSPP is scaling up its national partners’ successful programs and scaling back the less successful programs.

PSPP is scheduled to go before the Pew Board of Directors for renewal in March 2016.

Future Projects

Next round of JRI

This year, PSPP is running one state-level adult JRI effort, two state-level juvenile justice efforts, and consulting with several federal officials. Next year, PSPP anticipates interest from several more states in addition to its federal work, and will discuss which technical assistance provider would be most appropriate for which state with their partners (e.g., CSG).

In deciding which states are most appropriate for JRI, PSPP aims to:

- Identify the states where JRI is most likely to succeed, taking into account factors such as political capital in the state and the presence of supportive state officials.

- Maintain a diversity of states, in terms of geography and party demographics.

PSPP typically runs two adult JRI and two juvenile justice efforts each year. PSPP divides its attention this way because:

- PSPP’s juvenile initiative is relatively new, and operating two states a year helps build PSPP’s portfolio more quickly. After the current session, PSPP will have run juvenile justice efforts in five states. Georgia’s juvenile correctional population has declined significantly and South Dakota’s is projected to decline similarly.
- PSPP is responsible to Pew’s Board of Directors for deliverables that include assisting states with adopting reforms that save those states money while protecting public safety.

CSG is currently set to conduct JRI in four states during 2015-16. CSG also receives significant funding from BJA.

Potential interventions for crime reduction

There is a significant gap in research, communication of said research and technical assistance on strategies to reduce crime. The Chicago Crime Lab and the Laura and John Arnold Foundation are working on this issue. PSPP has not yet started formal research in this area, but has suggested several types of intervention that may show promise for reducing crime.

Scaling up “swift, certain and fair” (SCF) programs

Expanding the SCF model of probation monitoring, most notably implemented by the HOPE (Hawaii’s Opportunity Probation with Enforcement) program, could have a significant impact on crime. Washington has implemented the SCF approach statewide (the largest scale-up of the program so far), and a good technical assistance provider would likely be able to scale the program up effectively in other states. The initial results of a federally funded, four-site randomized control trial of SCF programs will be available in the next 18 months.

It is important to invest in improving the perceived legitimacy of the US criminal justice system, which currently faces substantial public confidence issues. PSPP has found policymakers particularly receptive to the legitimacy-increasing aspects of SCF.

Expanding technocorrections

It could be effective to help expand the use of technocorrections (e.g., electronic monitoring, medication-assisted treatment, rapid drug testing) by determining best practices and assisting states in implementing them.

Law enforcement interventions

It could be beneficial to expand programs like David M. Kennedy’s “focused deterrence” approach, pioneered in Boston and later successfully adapted to High

Point, NC and many other cities. Mr. Kennedy is currently Director of the National Network for Safe Communities (NNSC) at John Jay College of Criminal Justice. NNSC receives some funding from the US Department of Justice.

*All Open Philanthropy Project conversations are available at
<http://www.givewell.org/conversations>*