JUSTICE REINVESTMENT & CRIME VICTIMS

PRESENTED BY:

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and
Grace Call
Council of State Governments
Learning Objectives

• Describe why victims and advocates should care about the Justice Reinvestment Initiative (JRI)
• Describe the JRI process and strategies, and their impact on sentencing, corrections systems and victim services
• Identify at least five JRI priorities established by and for crime victims, survivors and advocates
• Provide input into the victim component of JRI activities
ICEBREAKER

How many of you are familiar with JUSTICE REINVESTMENT?
Justice Reinvestment

*a data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease crime and strengthen neighborhoods.*

- Intensity of the approach
- Focus on improving public safety
- Policy recommendations that benefit all stakeholders
- Reinvestment and improving how dollars are spent

Comprehensive scope of policy options
MISS. GOVERNOR SIGNS CRIMINAL-JUSTICE OVERHAUL BILL
April 1, 2014
JACKSON, Miss. (AP) — Mississippi Gov. Phil Bryant on Monday signed a bill designed to make the criminal justice system more efficient and less expensive.

“By enacting these policies we will improve public safety by keeping violent and career criminals behind bars, putting the appropriate resources into alternatives for nonviolent offenders, and ensuring our citizens get the best results for their tax dollars.”
Mississippi Governor Phil Bryant (R)
Juvenile Justice Reinvestment
Rates of juveniles held in facilities and juvenile violent crime arrest declined, 1997-2011
Wide Variation in State-Level Commitment Rates

2011 Commitment rate per 100,000

- 0 to 84 (13)
- 85 to 133 (13)
- 134 to 165 (14)
- 166 to 400 (11)

U.S. juvenile commitment rate: 133 per 100,000 youth ages 10 to the upper age of juvenile court jurisdiction
High Cost, Low Return of Commitment

• Many states spend nearly $100,000 per committed youth annually
• Residential placements generally fail to produce better outcomes than alternative sanctions, and can increase reoffending
• In some states, nearly half of released juvenile offenders return within 3 years
Justice Reinvestment States
Juvenile Justice

2016 State
Prior Comprehensive Reforms
The Justice Reinvestment Approach Works Intensively in States

Law Enforcement
District Attorneys
Judges
Victims & Advocates
Probation and Parole
Behavioral Health Treatment Providers
Defense Bar
Local Government Officials
Community Correction Programs

NCVC Institute 2015
### What Justice Reinvestment Process Looks Like in a Typical State

<table>
<thead>
<tr>
<th>700,000+</th>
<th>100+</th>
<th>Five 2-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>data records analyzed</td>
<td>in-person meetings with stakeholders in the criminal justice system</td>
<td>hour meetings of the Justice Reinvestment Working Group</td>
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<table>
<thead>
<tr>
<th>100</th>
<th>24</th>
<th>40</th>
<th>15</th>
<th>17</th>
<th>12+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Chiefs, Staff &amp; Officers</td>
<td>Victims, Advocates, &amp; Survivors</td>
<td>Probation &amp; Parole Officers</td>
<td>Behavioral Health &amp; Treatment Providers</td>
<td>Members of the Defense Bar</td>
<td>Hours with District Attorneys</td>
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<tr>
<td>12</td>
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<tr>
<td>Sheriffs</td>
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</table>
Three Approaches to Reduce Recidivism

1. Focus on the people most likely to commit crime

2. Use programs proven to work and ensure they are high quality

3. Deploy supervision policies and practices that balance sanctions and treatment
Strengthen Post-release Supervision

**PROBLEM**

Lack of supervision after prison contributes public safety risk.

51% of those released unsupervised are re-arrested within 3 years.

No accountability during re-entry.

Results in revocation time being less than remaining time on supervision.

**DATA**

86% No Supervision

Higher Re-Arrest Rate

9 months

**POLICY CHANGE**

9 months

12 months

NCVC Institute 2015
Crime victims, survivors and those who serve them are **KEY STAKEHOLDERS** in the justice reinvestment process.
How Are They Engaged?

• Often membership on state JRI Commissions
• Initial outreach to state leaders (VOCA, VAWA, victim compensation, coalitions, etc.)
• Education about JRI and the vital role of victims and advocates
• Identify victim data that may be helpful to identify gaps in victim services and other challenges
• Partner to plan and implement Victim/Survivor/Advocate Roundtables in each state
**Stakeholder Engagement Example**

<table>
<thead>
<tr>
<th>Advance briefing before project launch</th>
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<tbody>
<tr>
<td>State Victim Advocate named to working group</td>
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<tr>
<td>Half-day roundtable meeting to review data analysis, provide reactions, and submit ideas for further analysis</td>
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<tr>
<td>Summary Memo presented to working group</td>
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</table>
Goals of the Roundtables

1. Provide an overview of the state’s JRI and initial findings
2. Identify participants’ issues, concerns, and opinions about victims’ needs, rights, and services within the context of justice reinvestment, sentencing and corrections reforms
3. Develop a Summary Report and priorities for review by the JRI Commission
Helpful Victim Data

- Findings from statewide needs assessments, research/evaluation, gap analyses, etc.
- Increases or decreases in funding from state or community private sector
- # of comp claims and dollars awarded versus amounts requested
- Amount of dollars requested by sub-grantees versus amount awarded (VOCA, VAWA, FVPSA, CACs, housing)
- Amount of restitution ordered by court versus amount collected & disseminated to survivors
Examples of State JRI Outcomes for Victims, Survivors & Advocates
Hawaii

• Brought restitution concerns to the forefront because of moving people who are incarcerated back to the islands
• Told us information about restitution that we didn’t know on a statewide level
Median annual amount of restitution ordered increased slightly for felonies and decreased for misdemeanors.

The number of annual restitution orders appears to be down, both for felony (48 percent) and misdemeanors (2 percent). Explaining contributors to the decrease will require additional crime, arrest, and sentencing data analyses.

Source: CSG Justice Center analysis of Hawaii restitution database
70 percent of offenses with restitution orders are attached to property offenses

<table>
<thead>
<tr>
<th>Category</th>
<th>2%</th>
<th>2%</th>
<th>3%</th>
<th>3%</th>
<th>20%</th>
<th>70%</th>
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<tbody>
<tr>
<td>Motor Vehicle</td>
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<tr>
<td>Drug</td>
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<tr>
<td>Other</td>
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<tr>
<td>Sex Assault</td>
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<tr>
<td>Violent</td>
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<tr>
<td>Property</td>
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</tbody>
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Median annual amount of restitution ordered and average number of cases with outliers removed, both felony and misdemeanor, FY2003-2013

Source: CSG Justice Center analysis of Hawaii restitution database

Total average number of cases 1,144
Policymakers often are told aggregate restitution order amounts but aren’t provided amounts ordered per case.

They can pay but will not.

They want to pay but cannot.

Anecdotal Data
Individual Cases
Perceptions

Total annual average amount of restitution ordered,
FY 2003 — 2013

Felony
$9.3 Million

Misdemeanor
$1.2 Million

Source: CSG Justice Center analysis of Hawaii restitution database
The vast majority of felony and misdemeanor restitution orders are less than $10,000

Number of and median amount annual restitution orders, with outliers removed, FY 2003 — 2013

- 0 — $999
- $1,000 — $9,999
- $10,000 — $99,999
- $100,000 — $499,999
- $500,000 — $999,999

**Felony**

- 43%
- 42%
- 12%
- 3%
- < 1%

Average annual felonies with restitution orders: 847

**Misdemeanor**

- 71%
- 24%
- 5%
- 1%

Average annual misdemeanors with restitution orders: 3,239

Source: CSG Justice Center analysis of Hawaii restitution database
Restitution Issues Raised by Stakeholders, Reviewed in Working Group & Addressed in Policy

CHALLENGE IDENTIFIED

For every dollar an inmate received in wages

Statutes required ten cents to be paid into restitution

...Even if hundreds and thousands of dollars were in the inmate’s account.

POLICY DEVELOPED

Raises the amount people in prison are required to pay from 10 to 25 percent

...Eligible funds are expanded to include all credits and deposits into inmate accounts
Hawaii’s justice reinvestment initiative funded 15 service positions:

Victim Notification  Victim/Witness Services
Restitution Collection / Oversight

The justice reinvestment victim service component will ensure that victim needs, community safety, and offender accountability are in the forefront of implementation, and will work hand-in-hand with other initiatives to increase public safety.

Pamela Ferguson-Brey
Hawaii Crime Victim Compensation Commission
Pennsylvania

• Legislation enacted in 2012
• $1 million over the next two years will be reinvested in SAVIN, automated data collection program, services for victims of juvenile offenders, and automated victim-related data collection program (ESQ)
• In subsequent two years, PA Legislature will determine the appropriation

DEDICATED FUNDS TO SUPPORT VICTIM SERVICES
Using Data to Help Prioritize Funding Based on Victim / Survivor Service Needs

Empowerment and Satisfaction Questionnaire – Long Form (ESQ-LF)

The ESQ can produce data on the impact of service programs on victims and survivors, and, potentially, help ensure funding is prioritized for programs producing positive outcomes.

Collecting and analyzing data from victim service programs is a challenge that has long faced states.
The South Dakota Public Safety Improvement Act was passed in 2012 by the Senate by a vote of 31-2. It passed the House by a vote of 63-7.

- Policy recommendation: “Create a SAVIN system to increase victim safety through the development of policies, practices and technological solutions to disseminate information about offenders in an accurate and timely way.”
- $800,000 allocated to create SD Statewide Automated Victim Information and Notification system and to assign personnel to run the system.
Oregon

• The Oregon Domestic and Sexual Violence Services Fund – the only general funding available for domestic and sexual violence services – was doubled in the 2013-2015 budget (an additional $4 million)
• HB 3194 also allows for an additional $1-2 million for:
  – Child abuse victim services
  – Providing information and support to victims whose cases proceed through the criminal justice system
• Beginning in 2015, 10 percent of funding available through the JRI grant program will go directly to community-based victim service programs
Idaho

• SB1357
  – Restitution improvements
    • Collect during incarceration
Nebraska

- LB605
  - Restitution improvements
    - Collect during incarceration
    - Changes in how orders are entered from court to corrections
In Nebraska, probation sentences receive a greater proportion of restitution orders.

![Graph showing the proportion of restitution orders across different sentences: 6% for Prison, 6% for Jail, and 22% for Probation.]

- **Total felony sentences in FY2013 that included a restitution order:** 460
- **Total amount ordered:** $1.9 million
- **Average amount ordered:** $1,375

Variation in restitution orders per felony sentence in Nebraska’s judicial districts, FY2013:

<table>
<thead>
<tr>
<th>Judicial District</th>
<th>Restitution Rate</th>
</tr>
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<tbody>
<tr>
<td>District 3</td>
<td>3%</td>
</tr>
<tr>
<td>District 4</td>
<td>4%</td>
</tr>
<tr>
<td>District 2</td>
<td>9%</td>
</tr>
<tr>
<td>District 6</td>
<td>12%</td>
</tr>
<tr>
<td>District 7</td>
<td>13%</td>
</tr>
<tr>
<td>District 12</td>
<td>15%</td>
</tr>
<tr>
<td>District 11</td>
<td>17%</td>
</tr>
<tr>
<td>District 10</td>
<td>17%</td>
</tr>
<tr>
<td>District 1</td>
<td>18%</td>
</tr>
<tr>
<td>District 5</td>
<td>20%</td>
</tr>
<tr>
<td>District 9</td>
<td>25%</td>
</tr>
</tbody>
</table>

Statewide, 9% of felony sentences include restitution, but its use varies by judicial district.

Source: JUSTICE sentencing data.
Also in Nebraska, restitution collections much more likely for people on probation than those in jail or prison

Of all restitution orders (460):
- 28% paid in full (129)
- 23% made partial payments (106)
- 55% paid none (225)

Probationers are given the largest restitution dollar amounts and they pay more within the 1-2 year follow up period

<table>
<thead>
<tr>
<th></th>
<th>Prison</th>
<th>Jail</th>
<th>Probation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Amount</td>
<td>$1,250</td>
<td>$800</td>
<td>$1,700</td>
</tr>
<tr>
<td>Total Orders</td>
<td>151</td>
<td>41</td>
<td>246</td>
</tr>
<tr>
<td>Paid All</td>
<td>23 (15%)</td>
<td>8 (20%)</td>
<td>89 (36%)</td>
</tr>
<tr>
<td>Paid Some</td>
<td>14 (9%)</td>
<td>3 (7%)</td>
<td>84 (34%)</td>
</tr>
<tr>
<td>Paid None</td>
<td>114 (75%)</td>
<td>30 (75%)</td>
<td>73 (30%)</td>
</tr>
</tbody>
</table>

In the last 5 years, as few as 25 DCS inmates have been ordered to pay restitution in prison and total collections have amounted to less than $2,800

Source: JUSTICE sentencing data and NDCS restitution report.
Sentencing, Corrections and Public Safety

**Guiding Principles**

for Crime Victims and Survivors in America

*(please refer to handout)*
Crime victims and survivors have an integral role in America’s criminal justice system and efforts to promote individual and public safety. The overall effectiveness of the criminal justice system relies significantly on victims’ willingness and ability to participate in justice processes.

Through national criminal justice and public safety reform efforts, victims, survivors and those who serve them have contributed to the following seven “guiding principles” for sentencing, corrections and public safety.
1. An ultimate goal of public safety policy is to reduce crime, resulting in fewer people and communities who are harmed.
2. Crime victims and survivors have a significant role in shaping criminal justice policy as individuals who know first-hand the real costs of crime.
3. Crime victims and survivors deserve to be treated with dignity and validated as persons who have been harmed by crime, with their autonomy and privacy respected at all times.
4. Mandatory supervision of offenders who pose a serious risk to public safety upon their return to the community is essential throughout the offender reentry process in order to promote victim and survivor safety.
5. While it is important for offenders to receive just punishment, the *quantity* of time that convicted offenders serve under any form of correctional supervision must be balanced with the *quality* of evidence-based assessment, treatment, programming and supervision they receive that can change their criminal behavior and thinking and reduce the likelihood that they will commit future crimes. For many offenses and offenders, shorter prison terms are acceptable if the resulting cost savings are reinvested in evidence-based programs that reduce recidivism.
6. Offenders should pay all court-ordered legal and financial obligations, such as victim restitution and child support. Offender compliance with restitution and support orders is a key measure of offender accountability and the performance of offender supervision agencies.
7. Victims’ rights to justice must be enforced in accordance with the law and adequately funded. Survivors and victims have a right to safety, representation and participation in the legal process. They deserve information and notification about the status of their case and the alleged or convicted offender, access to victim assistance services, as well as restitution in all cases with pecuniary losses, and victim compensation following violent crimes.
These principles offer a foundation for the fair treatment of crime victims and survivors, and for the use of evidence-based practices that hold offenders accountable for their crimes and reduce recidivism.
Victims’ and Advocates’ JRI Experiences

Victims’ Voices for Reform

4 crime victim advocates weigh in on changes to state sentencing laws

(please refer to handout)
AND DISCUSSION
FOR MORE INFORMATION

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