

**Criminal Justice  
Reform:  
A Review of the States  
in the Current Decade**

**October 17, 2016**



WISDOM is a Wisconsin grassroots network of about 145 religious congregations of 19 different faith traditions who work together to speak as a common voice on issues of social justice.

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## FOREWARD

Mass incarceration is one of the few issues in our nation around which there is a real, growing bipartisan consensus. Republicans, Democrats and Independents, Liberals, Conservatives and Libertarians all agree that our jail and prison populations have grown too large. There is a shared belief that we are spending too much money, and getting too little return, on “Corrections.” States as politically diverse as Texas and California, Delaware and Georgia, have taken large, bold steps to shrink the number of people they incarcerate.

The meteoric rise of Wisconsin’s incarcerated population and Corrections budget cannot be blamed on one political party. In the 30 years that the Corrections budget rose from \$440 million to \$1.3 billion per year (in constant 2016 dollars), we had Democrat and Republican governors, and each party had its turn in charge of each house of the legislature. The growth of the budget and the racial disparities in the system were, sadly, a truly bipartisan effort.

In 2016 and 2017, Wisconsin needs a similar consensus to turn things around. As the following pages show, the goal of reducing our prison population is not an impossible dream. Other states have done it. They have done it without jeopardizing public safety. They have found that crime rates and incarceration rates have surprisingly little to do with each other. We do not just need to look at other states. In Wisconsin, there are excellent programs that provide alternatives to incarceration: the problem is that they are not supported at a scale that can have a major impact.

WISDOM is a network of faith-based organizations from all parts of Wisconsin. Of course, we, the WISDOM affiliates, wish for reform that will be more compassionate and that will help to re-balance some of the inequities that face our most marginalized people. We would like to see some of the money currently spent on excessive incarceration repurposed to achieve lower costs with no increase in crime rates by supporting such things as transitional job programs and other interventions that can help people work their way out of poverty. Our call for serious criminal justice reform is not just based on faith, compassion and hope. It is based on science, data, and the experience of other states that have tackled similar issues.

We ask you to read and consider the findings on the following pages. We trust that Wisconsin’s leaders can find the will to embark on bold, comprehensive reforms that can not only help us catch up with our neighbor states, but also result in Wisconsin being a leader among states, as it has been in the past on so many issues.

---David Liners, Executive Director, WISDOM

# **Criminal Justice Reform: A Review of the States in the Current Decade**

## **Introduction**

This document is organized into a short introductory section, and a main section that provides state-by-state information about criminal justice reform in this decade, presented alphabetically. This introduction provides context about the current criminal justice reform movement, and a summary of findings from the main section of the report, including a table (Table 6) that classifies the states by degree of engagement in criminal justice reform as of October 2016. This classification is a qualitative assessment made by the authors and based on the information available to the public.

Much of the information in the main section was gathered from the major reporting sources in the industry: The Sentencing Project, and The PEW Charitable Trusts. Other sources consist of the reports published by the criminal justice reform commissions or task forces that many states have formed. Because some of these sources provide periodic information that gets old quickly and some states did not have commission reports, we dug a little deeper in some cases to bring the information more up to date. Sources are listed at the end of the section for each state, referred to by a shortened title and date. The Web address for each source is provided in the Reference Cited section at the end of this document.

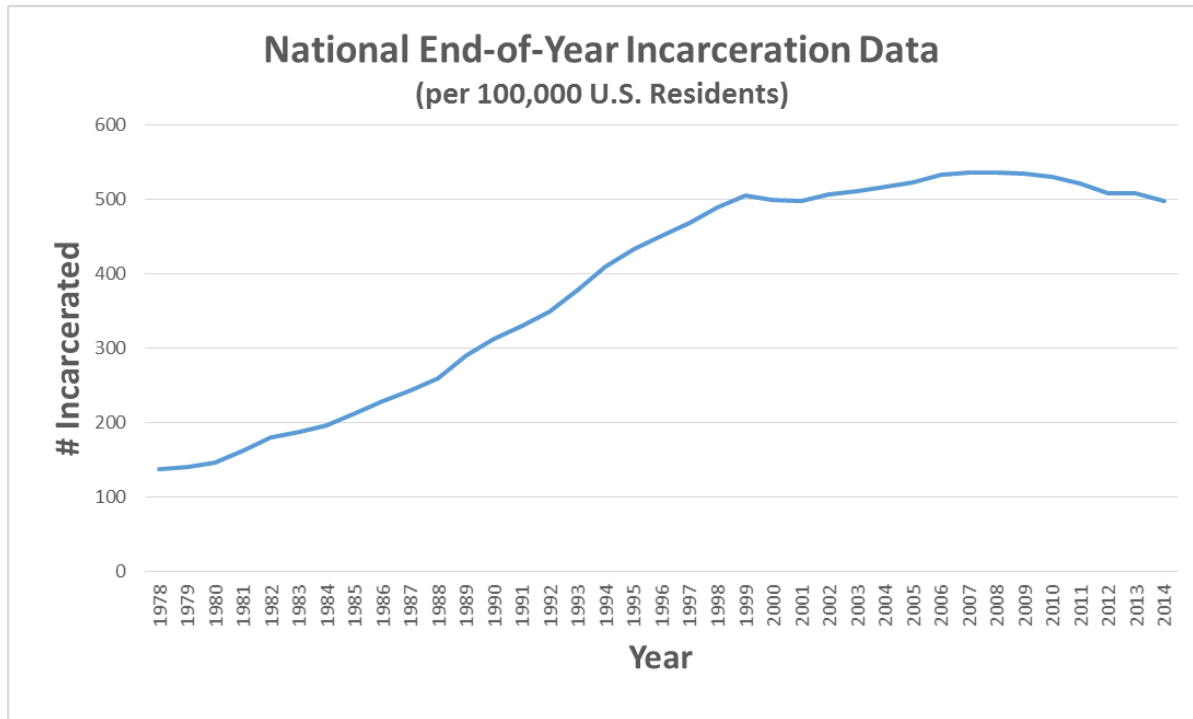
This is a “what happened or has been happening” report. It does not seek to report on the current status of each state. That would be a huge task—a task that, to our knowledge, has not been undertaken.

## **Context**

The war on drugs that started in the mid-’80s created a large number of new crimes. The “truth in sentencing” movement started in the mid-’90s and had separate federal and state government participation. With its longer sentences, higher mandatory minimums and fewer paroles, it also raised the incarceration levels of certain crimes and slowed the departure rate from prisons. Over time, the addition of this new source of prisoners combined with slower releases resulted in the data shown in Chart 1, below.

Incarceration is expensive. At various points in time, depending on the state, the cost of incarceration created budget crises. It is that problem that launched a criminal justice reform movement—the states were not going to throw open the prison doors, so they needed something that reduced the numbers of those incarcerated without endangering public safety. Sometimes the public gets lucky, as the reform process has in many cases actually reduced crime, adding to public safety.

**Chart 1**



Source: Bureau of Justice Statistics, Department of Justice. <sup>1</sup>

With incarceration intended to prevent and deter crime, along with providing justice, crime rates and incarceration rates are relevant measures of how states' criminal justice practices measure up. Using this lens for analysis, Wisconsin's standing in 2014 is presented in Table 1 and Table 2, below. How the rates of incarceration and the crime rates are changing gives another perspective on how Wisconsin is doing. Table 3 and Table 4, covering the period 2009 – 2014, show that information. From Tables 5, it is easy to see the 26 states that saw violent crime and incarceration rates simultaneously lowered over the 2009 – 2014 period.<sup>2</sup>

<sup>1</sup> These data are drawn from the Bureau of Justice Statistics, Department of Justice.

(<http://www.bjs.gov/index.cfm?ty=nps#fn:ftid.1>).

<sup>2</sup> The data through 2012 that appears in Tables 1 – 5, below, are drawn from the "Bureau of Justice Statistics, Department of Justice" (<http://www.bjs.gov/index.cfm?ty=nps#fn:ftid.1>). The source of the data for 2013 and 2014 in those tables are drawn from "2014: Crime in the United States," Criminal Justice Information Services Division, US Department of Justice"

(<https://ucr.fbi.gov/crime-in-the-u.s/2014/crime-in-the-u.s.-2014>).

**Table 1: 2014 Data Ordered by Incarceration Rate<sup>3</sup>**

Statistics on Incarceration and Violent Crime Rates					
State	Incarceration Rate	Violent Crime Rate	State	Incarceration Rate	Violent Crime Rate
Mass.	159	391	Wyoming	408	196
Maine	169	128	Hawaii	413	259
Minnesota	195	229	South Dakota	423	327
N Hampshire	223	196	Michigan	438	427
North Dakota	232	265	Tennessee	439	608
Utah	239	216	Nevada	442	636
New Jersey	242	261	S Carolina	443	498
Washington	257	285	Indiana	444	365
New York	266	382	Ohio	444	285
Iowa	284	274	Virginia	451	196
Nebraska	289	280	Connecticut	463	237
Vermont	316	99	Kentucky	491	212
Rhode Island	318	219	Idaho	497	212
Kansas	333	349	Florida	517	541
New Mexico	337	597	Georgia	524	377
California	351	396	Missouri	527	443
Maryland	352	446	Arkansas	603	480
Montana	361	324	Texas	616	406
N Carolina	373	330	Arizona	628	400
West Virginia	373	302	Mississippi	628	279
Illinois	375	370	Alabama	655	427
Oregon	380	232	Alaska	708	636
Colorado	385	309	Oklahoma	713	406
<b>Wisconsin</b>	392	290	Delaware	743	489
Pennsylvania	396	314	Louisiana	818	515

<sup>3</sup> "Rate" in this context is with respect to 100,000 people. Thus, for each state, the numbers in the two corresponding columns of that row are the numbers in the category of that column in that state per 100,000 people in that state. The source data uses "per 100,000 U.S. citizens" rather than "per 100,000 people" in that state.

**Table 2: 2014 Data Ordered by # Violent Crimes<sup>4</sup>**

Statistics on Incarceration and Violent Crime Rates					
State	Incarceration Rate	Violent Crime Rate	State	Incarceration Rate	Violent Crime Rate
Vermont	316	99	South Dakota	423	327
Maine	169	128	N Carolina	373	330
Wyoming	408	196	Kansas	333	349
N Hampshire	223	196	Indiana	444	365
Virginia	451	196	Illinois	375	370
Kentucky	491	212	Georgia	524	377
Idaho	497	212	New York	266	382
Utah	239	216	Mass.	159	391
Rhode Island	318	219	California	351	396
Minnesota	195	229	Arizona	628	400
Oregon	380	232	Texas	616	406
Connecticut	463	237	Oklahoma	713	406
Hawaii	413	259	Michigan	438	427
New Jersey	242	261	Alabama	655	427
North Dakota	232	265	Missouri	527	443
Iowa	284	274	Maryland	352	446
Mississippi	628	279	Arkansas	603	480
Nebraska	289	280	Delaware	743	489
Ohio	444	285	S Carolina	443	498
Washington	257	285	Louisiana	818	515
<b>Wisconsin</b>	392	290	Florida	517	541
West Virginia	373	302	New Mexico	337	597
Colorado	385	309	Tennessee	439	608
Pennsylvania	396	314	Nevada	442	636
Montana	361	324	Alaska	708	636

<sup>4</sup> "Rate" in this context is with respect to 100,000 people. Thus, for each state, the numbers in the two corresponding columns of that row are the numbers in the category of that column in that state per 100,000 people in that state. The source data uses "per 100,000 U.S. citizens" rather than "per 100,000 people" in that state.

**Table 3: 2009-2014 State Data Ordered by Change in # Incarcerated<sup>5</sup>**

Statistics on Changes in Incarceration and Violent Crime Rates: 2009-2014					
State	Change in Incarceration rate	Change in Violent Crime Rate	State	Change in Incarceration rate	Change in Violent Crime Rate
California	-24%	-16%	South Dakota	0%	49%
Connecticut	-17%	-21%	North Dakota	1%	0%
New Jersey	-17%	-16%	Oregon	1%	-11%
S. Carolina	-17%	-26%	Maine	1%	7%
Colorado	-15%	-9%	Utah	2%	0%
Mississippi	-14%	-3%	Arizona	2%	-6%
N. Carolina	-12%	-19%	Tennessee	3%	-9%
Vermont	-11%	-26%	Minnesota	3%	-6%
New York	-11%	-1%	Missouri	3%	-10%
Texas	-11%	-17%	Idaho	4%	-14%
Maryland	-10%	-24%	Oklahoma	6%	-19%
Georgia	-10%	-12%	New Mexico	6%	-6%
Hawaii	-9%	-5%	West Virginia	7%	-1%
Rhode Island	-9%	-14%	Wyoming	7%	-11%
Florida	-8%	-12%	Illinois	7%	-26%
Louisiana	-8%	-20%	N Hampshire	8%	22%
Mass.	-8%	-15%	Kansas	8%	-14%
Virginia	-7%	-15%	Arkansas	15%	-7%
Alaska	-6%	0%	Nebraska	16%	-3%
Nevada	-6%	-10%			
Washington	-6%	-15%			
<b>Wisconsin</b>	-4%	12%			
Michigan	-4%	-15%			
Alabama	-3%	-5%			
Iowa	-3%	-3%			
Pennsylvania	-3%	-18%			
Delaware	-3%	-24%			
Montana	-2%	13%			
Kentucky	-2%	-17%			
Indiana	-1%	9%			
Ohio	-1%	-14%			

<sup>5</sup> "Rate" in this context is with respect to 100,000 people. Thus, for each state, the percentages in the two corresponding columns of that row are the percentage changes in the category of that column in that state per 100,000 people in that state.



**Table 4: 2009-2014 State Data Ordered by Change in Violent Crime Rate<sup>6</sup>**

Statistics on Changes in Incarceration and Violent Crime Rates: 2009-2014					
State	Change in Incarceration	Change in Violent Crime Rate	State	Change in Incarceration	Change in Violent Crime Rate
S Carolina	-17%	-26%	Utah	2%	0%
Vermont	-11%	-26%	Alaska	-6%	0%
Illinois	7%	-26%	Maine	1%	7%
Maryland	-10%	-24%	Indiana	-1%	9%
Delaware	-3%	-24%	<b>Wisconsin</b>	-4%	12%
Connecticut	-17%	-21%	Montana	-2%	13%
Louisiana	-8%	-20%	N Hampshire	8%	22%
Oklahoma	6%	-19%	South Dakota	0%	49%
N Carolina	-12%	-19%			
Pennsylvania	-3%	-18%			
Texas	-11%	-17%			
Kentucky	-2%	-17%			
California	-24%	-16%			
New Jersey	-17%	-16%			
Mass.	-8%	-15%			
Washington	-6%	-15%			
Virginia	-7%	-15%			
Michigan	-4%	-15%			
Kansas	8%	-14%			
Ohio	-1%	-14%			
Idaho	4%	-14%			
Rhode Island	-9%	-14%			
Georgia	-10%	-12%			
Florida	-8%	-12%			
Wyoming	7%	-11%			
Oregon	1%	-11%			
Missouri	3%	-10%			
Nevada	-6%	-10%			
Colorado	-15%	-9%			
Tennessee	3%	-9%			
Arkansas	15%	-7%			
Minnesota	3%	-6%			
Arizona	2%	-6%			
New Mexico	6%	-6%			
Hawaii	-9%	-5%			
Alabama	-3%	-5%			
Nebraska	16%	-3%			
Iowa	-3%	-3%			
Mississippi	-14%	-3%			
West Virginia	7%	-1%			
New York	-11%	-1%			
North Dakota	1%	0%			

<sup>6</sup> “Rate” in this context is with respect to 100,000 people. Thus, for each state, the percentages in the two corresponding columns of that row are the percentage changes in the category of that column in that state per 100,000 people in that state.

**Table 5: 2009-2014 State Data Showing States with Decrease in Both Incarceration and Crime Rates**

<b>26 States that have had decrease in both crime and incarceration</b>			
		Change	
		Incarceration	Violent crime
	California	-24.2%	-16.3%
	Connecticut	-17.3%	-21.3%
	Vermont	-11.5%	-26.2%
	Maryland	-9.7%	-24.4%
	New Jersey	-16.8%	-16.1%
	North Carolina	-12.2%	-18.5%
	Texas	-10.9%	-17.3%
	Louisiana	-7.7%	-19.9%
	Delaware	-2.9%	-24.2%
	Colorado	-15.2%	-8.8%
	Massachusetts	-7.6%	-15.4%
	Rhode Island	-8.9%	-13.8%
	Virginia	-6.6%	-15.0%
	Georgia	-9.7%	-11.8%
	Washington	-6.2%	-15.2%
	Pennsylvania	-2.9%	-17.8%
	Florida	-7.8%	-11.8%
	Kentucky	-2.2%	-17.0%
	Michigan	-3.9%	-14.5%
	Mississippi	-13.7%	-2.7%
	Nevada	-6.4%	-9.9%
	Ohio	-0.7%	-14.2%
	Hawaii	-9.2%	-5.4%
	New York	-11.3%	-0.7%
	Alabama	-3.2%	-5.0%
	Iowa	-3.1%	-3.0%

For most states, one method for reducing incarceration rates includes undoing, to a degree, the original causes of increased incarceration outlined above. The results of reform efforts are in: states can both reduce incarceration and increase public safety. While “truth in sentencing” helped reduce crime for a time, that effect appears to have stopped around the year 2000. This is the finding of the latest and most complete ever review of this matter ever.<sup>7</sup> Many other studies report similar results.

As for as the “war on drugs,” our country has re-created Prohibition and its failures in every specific way. As they are unable to repeal this prohibition outright, some states are making minor de-criminalizing steps. These steps not only lead to lower incarceration rates but, the data suggest, may also lead to lower crime rates. One reason for this is that incarceration and the creation of a criminal record sends people into a life of lost opportunities, driving some into criminality. For

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<sup>7</sup> Roeder, Oliver, L-B Eisen, & Bowling, J. 2015. *What Caused the Crime Decline*. Brennan Center for Justice at New York University School of Law.

example, many states continue to prosecute drug users as criminals, and some of these people do indeed then commit crimes other than using drugs.

There is significant political resistance to reducing sentences and to decriminalizing drug use, so these changes have gone only so far in reducing prison populations. That leaves reduction in recidivism as the other major target.

One more philosophical and values issue had to be addressed for the states to proceed. Proposing measures designed to reduce recidivism raised concerns about insufficient punishment. Counseling, job training and such can be seen as “giving benefits to criminals.” Many people are offended by the idea that incarcerated or formerly incarcerated people receive something that their own children do not get. A practical resolution has emerged. To wit, when a state calculates the costs of specific rehabilitation and reentry programs, it then compares the expected savings resulting from successful rehabilitation (that is, lowered recidivism rates resulting in lowered incarceration rates). If a state sees that the saved cost exceeds the cost of the program, then the programs are often seen as justified. This rationale, put to a person worried about insufficient punishment, says “when it creates more crime, it is too much punishment.”

We note that the standard way of measuring saved costs misses many saved costs, and we should correct for that when we use this methodology in Wisconsin. First, the cost of incarceration is greater than the costs within the department of Corrections. A PEW study of some states found that these missed costs were as high as 30% of the nominal cost, but were around 8% for Wisconsin. Then there are other state costs that result from incarceration. For example, many prisoners had legal earnings that helped support a spouse or partner and children. When that support is lost, some of these people become eligible for various forms of public assistance. By not measuring these saved costs, states miss the opportunity to obtain accurate quantitative measures for assessing their policies.

But for us, there is more than that. As a faith oriented group, we note that the cost accounting noted above is also heartless. It takes no account of the moral, ethical and social bonding benefits of *preventing* crime. We ask our state leaders to account for these factors when they consider the costs and benefits of lowering recidivism.

The work of criminal justice reform that the states are undertaking is instructive both in terms of the reform measures themselves and processes and organization they used to get there. We present key take-away points about the reforms themselves, and the processes of reform.

#### Reforms.

Three things stand out. Sentencing is almost always a factor. The problem that states are solving is the high cost they are paying for incarceration, and the “truth in sentencing” and “war on drugs” history are the prime causes. Graduated sanctions for parole violations are frequently part of the reform plan. After that, it is most accurate to say that states turn over every stone to reduce other costs.

Process.

Of the states that go after reform in a big way, nearly all form a task force, commission or some new body to focus on solving the problem. The common characteristics of these bodies are that they: are bipartisan; are somewhat independent of the governor: include representation from a wide set of relevant stakeholders; employ outside expert organizations (most often Pew); embrace evidence-based analysis;<sup>8</sup> and use the savings from lowered incarceration to pay for the programs that reduce recidivism.

We highlight here benefits of employing these outside expert organizations that may not be obvious. One is that their services are free of charge under most circumstances. Second, since it the same few organizations that the states have used, employing them now brings along an abundance of firsthand experience with the details of what works—the fine “engineering-like” points as well as the bigger picture elements.

Other states have assigned responsibility for designing and implementing reform to an existing agency, or given the courts the lead, or used state referenda. In addition, litigation started the process in Alabama and California, and Colorado created a permanent reform arm of the state.

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<sup>8</sup> As the term “evidence-based” has been misused as a catch-all for anything for which there is evidence, it important to observe that what is meant here is the rigorous, scientific method-like approach that the major technical assistance organizations practice.

***The States Classified by Degree of Engagement in Criminal Justice Reform, by State,  
as of Oct. 2016***

The degree of reform by state varies in both breadth and depth. Breadth refers to the scope of the criminal justice system covered; ranging from, say, juvenile or drugs only on one extreme, to all sectors at the other extreme. Depth refers to the degree of change, ranging from fundamental to modest or negligible. In short, we categorized the states in terms of their overall aggressiveness of reform, considering both broad and deep. The information used to make this classification is presented below.

**Table 6  
Degree of Engagement in Criminal Justice Reform, by State, as of October 2016**

<b>Big (18)</b>	<b>Significant (15)</b>	<b>Modest (12)</b>	<b>Negligible (5)</b>
Alaska	Alabama	Indiana	Arizona
Arkansas	Connecticut	Iowa	Florida
California	Idaho	Maine	New Mexico
Colorado	Kansas	Montana	Rhode Island
Delaware	Louisiana	Nevada	Wisconsin
Georgia	Massachusetts	New Hampshire	
Hawaii	Michigan	New York	
Illinois	Minnesota	Ohio	
Kentucky	Mississippi	Pennsylvania	
Maryland	Missouri	Vermont	
Nebraska	New Jersey	Virginia	
North Carolina	North Dakota	Wyoming	
Oregon	Oklahoma		
South Carolina	South Dakota		
Tennessee	West Virginia		
Texas			
Utah			
Washington			

# State-by-State Review of Criminal Justice Reform Activity in the Current Decade

## Alabama

On January 17, 2014, Alabama received a letter from the U.S. Department of Justice, which cited "catastrophically low staffing and supervision levels," and threatened federal receivership. Based on this threat, the Alabama legislature created a bi-partisan Prison Reform Task Force to study Alabama's criminal justice system. It received technical assistance from the Council of State Governments Justice Center, The Pew Charitable Trusts, and the U.S. Department of Justice's Bureau of Justice Assistance.

This task force's recommendations were delivered in 2015 and enacted into law in 2016. Highlights:

- Established a reinvestment policy framework of turning savings in imprisonment into programs and procedures that would shorten sentences and reduce recidivism;
- Authorized certain incarcerated persons to serve "split" sentences which mandate post-release supervision following a minimum prison term;
- Mandated the Parole Board to develop and implement parole guidelines governed by a risk assessment that considers in-prison conduct and other factors in the determination of release;
- Expanded eligibility for the Temporary Assistance for Needy Families program and/or the federal Supplemental Nutrition Assistance Program to persons with felony drug convictions;
- Allowed persons with felony drug convictions to access public benefits after completing their sentences or while satisfactorily serving a probation sentence.

In addition, Alabama:

- Increased the budget for new probation and parole officer positions; mental health and substance use treatment for people on community supervision; information technology upgrades; performance measurement; and victim notification; and
- Authorized a Justice Reinvestment Initiative which established a new felony class for certain offenses; expanded sentencing options; and eliminated federal lifetime public benefits bans for persons with felony drug convictions.

### Sources:

- Alabama.com, September 8, 2014. "Alabama's prison problems: AL.com investigates".
- The Sentencing Project's *State of Sentencing 2015*.
- <http://sentencingcommission.alacourt.gov/Publications/Gov%20TF%20Report.pdf>
- <https://www.prisonlegalnews.org/news/2016/may/5/alabama-forced-confront-criminal-justice-reform/>

## Alaska

Spurred by falling oil revenue, in 2014 the governor created the Alaska Criminal Justice Commission, to find ways to reduce the costs to the state of criminal justice. This commission began its work in fall 2014, and its recommendations were enacted in 2016.

The overarching themes of these recommendations are to:

- Implement evidence-based pre-trial practices;
- Strengthen supervision and interventions to reduce recidivism;
- Ensure oversight and accountability; and
- Advance crime victim priorities.

Specific measures include:

1. Expand the use of citations in place of arrest for lower-level nonviolent offenses;
2. Utilize risk-based release decision-making;
3. Direct the various participants to create an evidence-based pre-trial release decision-making grid that strengthens the presumption of release;
4. Implement meaningful pre-trial supervision, specifically to offset the current situation where judges have few options for pre-trial supervision, and the options that are available are contingent upon the defendant's ability to pay monitoring fees and other costs;
5. Require the DOC to provide varying levels of supervision for moderate and high-risk defendants who are released pre-trial;
6. Standardize and recommend the use of pre-trial diversion;
7. Conduct outreach to community programs and tribal courts to develop and expand diversion options, and provide referral services on a voluntary basis for substance abuse and behavioral health treatment services;
8. Focus supervision resources on high-risk defendants by using evidence-based release conditions for each defendant recommended for pre-trial release, with more restrictive conditions reserved for higher-risk defendants. Also, entitle defendants to a subsequent bail hearing in cases where the release conditions prevented the defendant's release.
9. Limit the use of prison for lower-level misdemeanor offenders, and focus the most severe punishments on higher level drug offenders;
10. Utilize inflation-adjusted property thresholds;
11. For non-sex felony crimes, reduce presumptive time served. (Citing the research that shows longer prison stays do not usually reduce recidivism, the commission provides a table with presumptive terms for eleven classes of crime.)
12. Expand and streamline the use of discretionary parole and provide a specialty parole option for long-term, geriatric inmates;
13. Citing a growing body of evidence that has demonstrated that treatment interventions for sex offenders can be successful, the commission recommended incentivizing completion of treatment for sex offenders with an earned-time policy.
14. To reduce recidivism and increase success rates on probation, implement graduated sanctions, the "swift and certain" approach, also requiring agents to be trained on

principles of effective intervention, case management, and the use of sanctions and rewards;

15. Reduce pre-adjudication length of stay, and cap overall incarceration time for technical violations of supervision;
16. Establish a system of earned compliance credits;
17. Reduce maximum lengths for probation terms and standardize early discharge proceedings;
18. Extend good time eligibility to offenders serving sentences on electronic monitoring;
19. Focus resources to improve program effectiveness;
20. Increase the currently underfunded screening and treatment referral services for misdemeanor offenders;
21. Improve treatment offerings in halfway houses, and avoid mixing low and high risk offenders;
22. Collect key performance measures and establish an oversight council;
23. Ensure policymakers are aware of the impact of all future legislative proposals that could affect prison populations.

**Sources:**

- ADN.com. September 28, 2016. "Alaska Senate passes criminal justice reform bill."
  - The Pew Charitable Trusts (2016).
  - Alaska Criminal Justice Commission, Justice Reinvestment Report (2015).
  - Alaska Criminal Justice Commission Annual Report (2016).
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## **Arizona**

Two laws, passed in 2016 with bi-partisan support, will provide individuals convicted of eligible non-violent crimes who are approaching their release date the opportunity to work in the community. The legislation also increases funding for education, drug treatment and mental health assistance programs.

**Sources:**

- U.S. Justice Action Network (2016). Press release on Arizona.
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## **Arkansas**

A bipartisan work group formed by the governor and chief justice developed policy recommendations that include: requiring community corrections to use evidence-based practices; increasing reporting requirements; streamlining parole release; and reorienting drug and theft penalties to differentiate between low- and high-level offenders.

These recommendations also led to the establishment of the Public Safety Improvement Act of 2011. Resulting bills established earned discharge and completion of sentence for certain nonviolent parolees, required the supervision of probationers and parolees to use evidence-based practices, and established a "swift and certain" sanctions pilot program. Arkansas also established



the Best Practices Fund for creating and maintaining evidence-based programs and supervision practices. Criminal justice reform is being managed by the Arkansas Legislative Criminal Justice Oversight Task Force.

**Sources:**

- National Conference of State Legislatures, Arkansas Justice Reinvestment (2016).
  - The Sentencing Project's *State of Sentencing 2015*.
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## California

Initially moved by a federal suit, California has had a stream of reforms over the last few years

- Expanded juvenile parole policy to young adults;
- Broadened alternatives to prison for eligible incarcerated persons;
- Extended voting rights to persons with certain felony convictions;
- Reduced barriers to employment for persons with prior criminal history;
- Authorized parole hearings for long-term incarcerated youth;
- Authorized reclassification of felony offenses including retroactive petition to the court for downgrading of eligible offenses;
- Equalized sentencing disparities for certain crack and cocaine powder offenses;
- Set presumption of community supervision for certain offenses;
- Expanded public benefits to persons with certain felony drug convictions;
- Established intensive reentry pilot program to assist with basic needs;
- Scaled back licensing restrictions for certain convictions;
- Required individual assessments for young inmates;
- Expanded eligibility for the Alternative Custody Program to persons with a mental health or medical diagnosis; and
- Authorized eligibility for certain incarcerated persons sentenced to determinate sentences to participate in the program, subject to specified disqualifying criteria.

Approximately, 60,000 individuals with prior felony convictions were granted the right to vote in California. Due to laws that went into effect in 2011, prisoners with eligible low-level offenses were housed in county jail, rather than state facilities, and released to county probation supervision instead of to state parole supervision.

Other laws established a three-year reentry pilot program that offers intensive case management to address homelessness, joblessness, mental disorders, and developmental disabilities, prohibited licensing entities from denying a license solely on the basis of a dismissed criminal conviction, ended the exclusion of people convicted of drug felonies from California's financial assistance program for families with children, its General Assistance program, or its SNAP (food stamp) program.

Under California's Proposition method for voter approval, a "Parole for Non-Violent Criminals and Juvenile Court Trial Requirements Initiative" will be on the November 8, 2016, ballot. A "yes" vote supports increasing parole and good behavior opportunities for felons convicted of nonviolent

crimes and allows judges, not prosecutors, to decide whether to try certain juveniles as adults in court.

**Sources:**

- BallotPedia. “California Proposition 57.” (2016).
  - The Sentencing Project’s State of Sentencing 2014.
  - The Sentencing Project’s State of Sentencing 2015.
  - Wikipedia: Public Safety Realignment Initiative.
- 

## **Colorado**

Colorado has a permanent agency for reform, the Colorado Commission on Criminal and Juvenile Justice. Consequently, reforms come as a steady flow of recommendations rather than as jumbo packages. The Commission is staffed, has widespread membership and comprises separate task forces or committees for community corrections, re-entry, mandatory parole, juvenile justice and sentencing. The Commission issues between two and five reports a year, each with a reform plan for the year or around a specific topic

Since 2012, 28 pieces of legislation have been adopted, including:

- Changing the purpose of parole from punishment to improving public safety by reducing the incidence of crime and technical parole violations committed by people on parole;
- Passing a 69-section bill that:
  - creates sentencing guidelines;
  - allows the court to vacate the felony conviction and enter a misdemeanor conviction in its place if the offender successfully completes a community-based sentence;
  - creates an “exhaustion of remedies” requirement prior to the court’s sentencing the defendant to prison; and
  - prohibits a plea agreement that requires the defendant to waive his or her right to petition to have the conviction record sealed.
- Investing in evidence-based programs (EBP) and practices, and training in EBP for criminal justice professionals. Their recommendations resulted in the development of a groundbreaking training initiative designed to improve the capacity of state entities and their affiliates to implement EBP in corrections.

In 2010, Colorado reduced the length of time that certain adults under parole supervision can serve in prison when they violate the conditions of their parole. Savings generated through this change in policy was invested into mental health and substance use treatment and other individualized services for people on parole.

In 2016, the state is developing collaborative partnerships with governmental and private entities to identify resources through an in-reach model that enables offenders to be successfully released back into the community.

**Sources:**

- Colorado Commission on Criminal and Juvenile Justice, Annual Report 2013.
  - Colorado Commission on Criminal and Juvenile Justice, Annual Report 2015.
  - Colorado Commission on Criminal and Juvenile Justice Website (under /Resources/Legislation).
- 

**Connecticut**

Connecticut reclassified felony drug possession as a misdemeanor, scaled back drug penalty enhancement zones, enacted changes to the parole process, addressed collateral impacts of certain felony drug convictions, eliminated juvenile life without parole, and raised the age for certain felony offenses for juvenile defendants.

Legislation allows the Connecticut Board of Pardons and Paroles to issue certificates of rehabilitation to potential employers or licensing entities on behalf of formerly incarcerated people. The law specifies that an applicant who holds such a certificate may not be denied employment or a license solely on the basis of a prior conviction unless the offense can be shown to conflict directly with the nature of the job.

Connecticut reduced criminal penalties for certain drug offenses, gave statutory guidance designed to reduce returns to prison for technical probation and parole violators, reclassified certain felony offenses to misdemeanors, revised the penalty structure for drug possession crimes, expanded sentencing alternatives, and raised the age for certain felony offenses for juvenile defendants.

**Sources:**

- The Sentencing Project's *State of Sentencing 2014*.
  - The Sentencing Project's *State of Sentencing 2015*.
- 

**Delaware**

Based on recommendations of a Justice Reinvestment Task Force, in 2013 the governor created The Delaware Justice Reinvestment Oversight Group as part of its Justice Reinvestment Act. This group has a broad charter. Thus far, it has:

- Focused on pre-trial risk assessment;
- Authorized judges to impose concurrent sentences;
- Authorized job eligibility for persons with criminal records in certain state agencies;
- Repealed a driver's license revocation policy;
- Limited background checks for employment under "ban the box";
- Eliminated voter registration waiting periods for certain felony convictions; and
- Authorized parole review for certain youth sentenced to life terms.

**Sources:**

- State of Delaware website on Executive Order #40.
- The Sentencing Project's *State of Sentencing 2014*.

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## Florida

Florida has explicitly rebuffed attempts at major reform. However, Florida has scaled back certain mandatory minimums and expanded judicial discretion for specified offenses, waived fees for certain public records to help reentry, and authorized parole eligibility for juveniles convicted of homicide.

### Sources:

- WFSU News story, February 9, 2016.
- The Sentencing Project's *State of Sentencing 2014*.

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## Georgia

The Georgia Council on Criminal Justice Reform, formed in 2011 by the Republican Governor Nathan Deal, has been recommending reforms to lawmakers. For example, this council pushed the state to stop imprisoning juveniles and to reform sentencing for non-violent offenders, which slashed \$20 million off the cost of housing inmates in Georgia. The council's current agenda includes initiatives to improve reentry for ex-felons.

Other recent changes in Georgia include:

- Helping people re-entering their communities to stay out of prison by removing a lifetime ban on food stamps;
- Expanding the state's "ban the box" law;
- Enabling Inmates to receive certificates of program and treatment completion. (Recipients must fulfill the terms of their treatment plans while in prison and their reentry plans during probation or parole.)
- Guidance designed to reduce returns to prison for technical probation and parole violators.

To invest in ongoing reform, Georgia has created the Department of Community Supervision, to oversee felony probation and parole. This measure authorizes judges to convert supervision to community service hours if individuals cannot pay off their criminal justice debt, and limits probation fees in cases that are "pay-only," where people are put on probation to pay off a fine or debt.

### Sources:

- The Sentencing Project's *State of Sentencing 2014*.
- The Sentencing Project's *State of Sentencing 2015*.
- Mother Jones, February 14, 2014. Five States Where Republicans Are Getting Serious about Criminal Justice.
- The Pew Charitable Trusts (2016): Prisons, Policing at Forefront of State Criminal Justice Action.

## Hawaii

This review includes an event earlier than the scope of the review, because, in a way, the modern reform started then. In 2004, a Hawaii state court judge developed a new way of managing probationers that has shown the promise of reforming offenders and reducing costs borne by the criminal justice system and the public. That project—known as Hawaii Opportunity Probation with Enforcement, or HOPE—uses a fundamentally different approach to traditional probation supervision. Some states have adopted “HOPE” as the name of their reform

In May 2012, Hawaii passed legislation that requires:

- Using a pre-trial risk assessment tool;
- Reducing sentences for certain parole violations and drug offenses;
- Expanding the parole board; and
- Enhancing community-based treatment and victims’ services.

Hawaii also overhauled the state’s juvenile justice system to implement reforms recommended by the Hawaii Juvenile Justice Working Group to reduce the use of detention, expand community-based alternatives, and redirect resources to practices proven to reduce recidivism.

### Sources:

- Legal Memorandum #116 on Legal Issues. February 28, 2014: “The Hawaii Opportunity Probation with Enforcement Project: A Potentially Worthwhile Correctional Reform.”
  - Justice Reinvestment Initiative State Assessment Report, 2014. Urban Institute.
  - The Sentencing Project’s *State of Sentencing 2014*.
- 

## Idaho

Idaho changed sentencing to incorporate risk assessments that authorize alternatives to incarceration for low risk defendants, and that authorize parole officers to impose swift and certain sanctions like community service, curfews, or increased check-ins on violators.

### Sources:

- The Sentencing Project’s *State of Sentencing 2014*.
-

## Illinois

In 2015, Illinois Governor Bruce created the State Commission on Criminal Justice and Sentencing Reform. Its charge was to review the state's system and make recommendations for amendments to state law that will reduce the state's current prison population by 25% by 2025.

The Commission completed a "first part" in December 2015 and is working on a second part. Its recommendations:

1. Expedite the use of risk-and-needs assessment tools;
2. Provide incentives and support for the establishment of local Criminal Justice Coordinating Councils to develop strategic plans to address crime and corrections policy;
3. Prevent the use of prison for felons with short lengths of stay;
4. Give judges the discretion to determine whether probation may be appropriate for certain lesser offenses: a) residential burglary; b) Class 2 felonies (second or subsequent); and c) drug law violations;
5. Before an offender is sentenced to prison for a Class 3 or 4 felony, require that a judge explain at sentencing why incarceration is an appropriate sentence considering various circumstances;
6. Expand eligibility for programming credits;
7. Make greater use of adult transition centers;
8. Enhance rehabilitative programming;
9. Implement or expand evidence-based programming that targets criminogenic need, particularly cognitive behavioral therapy and substance abuse treatment;
10. Remove unnecessary barriers for those convicted of crimes to obtaining professional licenses;
11. Review all licensure restrictions to identify those necessary for public safety;
12. Require the Department of Corrections and the Secretary of State to ensure inmates have a state identification card upon release at no cost to the inmates, when their release plan contemplates Illinois residence.

The governor has signed legislation and given executive orders to implement many of the recommendations.

Previously, Illinois had:

- Eliminated juvenile life without parole;
- Raised the age for automatic transfer for certain offenses;
- Enacted a marijuana decriminalization bill;
- Established second chance probation;
- Raised the age of jurisdiction for juvenile defendants;
- Extended "ban the box" provision to private employers; and
- Modified expungement policy for adults and juveniles.

### Sources:

- CapitolFax.com press release, "Gov. Rauner Signs More Criminal Justice Reform Bills." August 22, 2016.

- Illinois State Commission on Criminal Justice and Sentencing Reform, Final Report: Part I. December 2015.
- 

## **Indiana**

Indiana has:

- Addressed driver's license policy for persons with certain felony convictions;
- Expanded expungement provisions and authorized sentencing alternatives for certain youth; and
- Changed the state's sentence modification process to make it easier for prisoners to petition for sentence modification.

### **Sources:**

- The Sentencing Project's *State of Sentencing 2015*.
- 

## **Iowa**

Iowa has:

- Allowed juveniles convicted as adults to serve sentences in youth detention,
- Prioritized treatment for juveniles, and
- Authorized early discharge from probation

### **Sources:**

- U.S. Justice Action Network (2015): Spotlight on Legislative Victories.
- 

## **Kansas**

Kansas has:

- Allowed juveniles convicted as adults to serve sentences in youth detention;
- Prioritized treatment for juveniles;
- Authorized early discharge from probation, and diverted shoplifting and first-time DUI offenders away from prison;
- Eliminated mandatory minimum sentences for low-level drug offenders;
- Expanded parole eligibility;
- Established diversion programs for youth offenders;
- Required that supervision intensity and treatment be based on offenders' risk levels;
- Increased funding for and availability of community-based treatment;
- Established the use of swift, certain, and graduated sanctions for probation violators; and
- Required post-release supervision for individuals re-incarcerated for probation revocations.

### **Sources:**

- Urban Institute. (2014). Justice Reinvestment Initiative State Assessment Report, 2014.

- The Pew Charitable Trusts (2016): Prisons, Policing at Forefront of State Criminal Justice Action.
  - The Sentencing Project's *The State of Sentencing 2014: Developments in Policy and Practice*.
  - The Sentencing Project's *The State of Sentencing 2015*.
- 

## Kentucky

In June 2016 the governor created a bi-partisan Criminal Justice Policy Assessment Council to seek expert advice, study data-driven evidence and recommend reforms for a smarter, stronger and fairer system of justice. This council was formed in response to a costly expansion of the state's criminal justice system with diminishing returns in public safety. It is just getting started.

Previously, Kentucky changed the state's juvenile justice system by reducing the use of out-of-home confinement for low-risk youth, expanding opportunities for treatment to reduce recidivism and diverting juveniles into community-based programs and connecting them to services before formal court involvement. This law requires evidence-based assessments to guide the steps.

Kentucky has reinstated voting rights to an estimated 100,000 citizens.

### Sources:

- Lex18.com. (June 21, 2016). "Gov. Bevin Announces Kentucky-Led Council On Criminal Justice Reform."
  - The Sentencing Project's *State of Sentencing 2015*.
- 

## Louisiana

In 2013, Louisiana invested in community-based treatment services.

Louisiana had been one of the toughest states during the "tough on crime" movement. A coalition of leftist groups, prominent business leaders, a right-wing think tank and the American Civil Liberties Union is trying to end this distinction. It has offered a range of reforms that will ease reentry, including "ban the box" for state employment, a "Swift and Certain Probation Pilot Program," and an expansion of expungement.

Then in 2016 the governor appointed a task force to focus on justice reinvestment efforts. It is just getting going.

### Sources:

- Foundation for Louisiana website. (n.d.) "Flozell Daniels Jr. appointed by Governor to task force focused on justice reinvestment efforts."
  - U.S. Justice Action Network (2015): Spotlight on Legislative Victories.
-



## Maine

Maine has reclassified certain felony offenses to misdemeanors and liberalized some collateral impacts, including loss of voting rights, public benefits, and access to private and public housing.

### Sources:

- The Sentencing Project's *State of Sentencing 2015*.
- 

## Maryland

In one of the most comprehensive reform measures of all the states, Maryland's Justice Reinvestment Act was passed and signed in May, 2016. It covered all aspects of criminal justice and took the form of 144 pieces of legislation. In summary, the major categories include:

- Reduction of maximum incarceration for numerous nonviolent offenses, plus preference for treatment over incarceration of drug offenders;
- Presumption that technical violations of parole and probation will get prompt attention and specification of brief limits to incarceration, unless more is required to protect the public or a victim;
- Elimination of delays in administrative parole for nonviolent offenders;
- Presumption that debilitated and incapacitated inmates may be paroled, absent the governor's veto for those serving life sentences;
- Reduction of parole and probation supervision level for ex-offenders with a good record of compliance;
- Retroactive modification of mandatory sentences may be applied for, subject to court hearing, state and victim objections;
- Risk-needs assessments (RNA) identify offender's needs / risks of reoffending as basis for individualized treatment;
- Ex-offenders rewarded for cooperation with treatment plans via earlier release, reduced supervision requirements, and "certificates of rehabilitation" (pages #116-118);
- Expungement after 10 years of good behavior is permitted for misdemeanors, subject to listed exceptions;
- Placing up to 50 percent of prison-reduction savings in a fund for local programs such as victim assistance, pre-trial improvements, reentry and specialty courts, and substance abuse and mental health treatment;
- For victims, an increased percentage of inmate earnings, and rights to notice, participation and objection to parole and expungement;
- An increase in violent offense maximum penalties crimes for certain more egregious crimes.

Maryland had previously adopted other reform measures, including authorizing sentencing judges to depart from mandatory minimums in certain circumstances.

### Sources:

- Maryland Alliance for Justice Reform: 2016 article called "Maryland Justice Reinvestment Act."
- The Sentencing Project's *State of Sentencing 2015*.

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## Massachusetts

Massachusetts created a Criminal Justice Review process in early 2016. Its policy examination process is being led by the Council of State Governments Justice Center, with funding from the US Department of Justice and The Pew Charitable Trusts. Key motivations for the formation of this council are the high recidivism rate and the need for better parole or probation supervision. Because the state's incarceration rate is one of the lowest and its crime rate falling, this council's recommendations will be more focused than sweeping. Its work is in progress.

### Sources:

- Council of State Governments Justice Center Report (January 2016): "Massachusetts Kicks Off Criminal Justice Review."
- Sentinel & Enterprise, Sept, 20, 2016. "Criminal-justice review panel wrapping up debate by year's end."

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## Michigan

In May, 2016, Michigan senators introduced a package of 20 bills aimed at lowering recidivism rates and reforming parole guidelines. The package would:

- Reduce prison time for parolees who have committed technical violations of their probation;
- Provide incentives for parole officers to help keep parolees out of prison;
- Create a "Swift and Sure" court to deal with parole violators;
- Allow judges to shorten sentences because of an inmate's good behavior in prison;
- Add a program tailored to young offenders; and
- Create a "county bed" program for counties willing to take low-risk felony offenders in county jails, rather than keep them in state prisons.

The House of Representatives has passed a series of criminal justice reforms, including one that would give many offenders the Legislature is considering "Presumptive Parole," legislation for prisoners if they were deemed low risk and had served at least their minimum sentence. These bills await a hearing in the Senate.

### Sources:

- Detroit Free Press. May 7, 2016. "Criminal justice reform among bills introduced last week."
-

## Minnesota

Minnesota has expanded sentencing options for juveniles certified as adults, allowing a court to not sentence a juvenile to a mandatory minimum sentence that would otherwise be required for the charged offense. Other legislation has reduced mandatory minimums for low-level drug crimes, replacing them with a greater focus on treating the causes of addiction.

### Sources:

- The Sentencing Project's *State of Sentencing 2015*.
  - U.S. Justice Action Network. May 20, 2016. "Minnesota Legislature Passes Significant Reforms to Drug Laws, 129-0."
- 

## Mississippi

The Mississippi legislature has passed laws that:

- Set new weights for drug trafficking offenses that trigger a 10-year mandatory minimum;
- Expanded judicial authority to impose alternatives to incarceration such as treatment for certain drug offenses;
- Authorized 50 percent truth-in sentencing threshold for persons with certain violent offenses;
- Established presumptive parole policy for eligible offenses; and
- Eliminated parole restrictions for certain nonviolent drug sales.

The measure also authorized circuit courts to target individualized treatment for veterans with certain convictions.

### Sources:

- The Sentencing Project's *State of Sentencing 2014*.
- 

## Missouri

Missouri has adopted reforms that strengthen supervision and cap time served for technical violations. It also has:

- Enacted a comprehensive rewrite of the criminal code, including eliminating jail time for certain low-level marijuana offenses;
- Modified federal lifetime felony drug ban on welfare benefits; and
- Lifted its food stamp ban for persons with a felony conviction involving possession or use of a controlled substance. (For some, benefits are contingent upon participation in a substance abuse treatment program.)

### Sources:

- The Sentencing Project's *State of Sentencing 2014*.
-

## Montana

In 2015, Montana created a Sentencing Commission to:

- Conduct an empirical study of the impact of existing sentencing policies and practices on Montana's criminal justice system;
- Identify strategies to safely reduce incarceration in state prisons and to promote evidence-based diversion programs and other effective alternatives to incarceration;
- Investigate the factors contributing to recidivism, evidence-based recidivism reduction initiatives, and cost-effective crime prevention programs;
- Consider issues regarding disparities in the criminal justice process, including but not limited to racial and ethnic disparities;
- Identify opportunities to:
  - streamline and simplify the criminal code; and
  - balance sentencing practices and policies with budget constraints;
- Report its findings and recommendations to the 65th legislature.

It has hired the CSG Justice Center for expert analysis.

### Sources:

- Montana Legislature website. 06/03/2016. "About the Commission on Sentencing."
  - KTVH TV website. February 25, 2016. "Crime rates are down in Montana, but arrests are up – What gives?"
  - The Sentencing Project's *State of Sentencing 2015*.
- 

## Nebraska

In 2014, Nebraska's governor, chief justice, speaker and other state policymakers from both parties asked the CSG Justice Center to use a data-driven "justice reinvestment" approach to help the state slow prison population growth, reduce corrections spending, and reinvest a portion of savings in strategies that can reduce recidivism and increase public safety. The resulting recommendations showed cost savings generated by the reforms paying for them. Nebraska's Justice Reinvestment legislation was signed into law in May 2015.

The reinvestment legislation covers reduced sentencing, favoring probation over incarceration, refining release and post-release rules, extending mental health services to drug abusers, reclassifying crimes downward, and re-classifying felony offenses according to whether they involve violence or are sex offenses.

More specifically, recent legislation:

- Authorizes a court to depart from specified mandatory minimum sentences for certain crimes, generally in the drug area;
- Clarifies that a person convicted of any of the specified offenses is not prohibited from participation in a specified drug treatment program because of the length of sentence;
- Scales back truancy status offenses;

- Authorizes parole eligibility for juvenile homicide offenders; and
- “Bans the box.”

**Sources:**

- Justice Reinvestment in Nebraska: Analysis and Policy Framework. January 2015.
  - Justice Reinvestment Initiative. Report on Nebraska. September 2015.
  - The Sentencing Project’s *State of Sentencing 2014*.
  - The Sentencing Project’s *State of Sentencing 2015*.
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## **Nevada**

Essentially, no action is underway in Nevada other than that some groups are trying to be heard.

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## **New Hampshire**

New Hampshire has:

- Expanded alternatives to incarceration for certain drug offenses;
- Expanded earned time for certain prisoners and alternative court programs;
- Raised the age for certain juvenile defendants;
- Authorized earned time for certain incarcerated persons who participate in self-improvement programs, including education and vocational programs and mental health treatment.

**Sources:**

- The Sentencing Project’s *State of Sentencing 2014*.
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## **New Jersey**

Reform in New Jersey is being done on a piecemeal basis, rather than as an organized single effort. Nevertheless, there are significant outcomes. For example, the state has expanded its mandatory drug court and treatment program to more counties, with the governor’s saying, “I have a simple view on drug policy: Drug addiction is a disease.” Legislation has also:

- Greatly expanded the use of drug courts to divert addicts to treatment
- Gives judges discretion to sentence low-level drug criminals to less than the mandatory minimum punishments; and
- Reduces the number of parolees who are sent back to prison for technical violations of their parole.

**Sources:**

- NJ.com. June 26, 2016. “N.J. is a leader on criminal justice reform. So why this racial disparity? Editorial.”
- Newsworks.org. Oct 19, 2015. “NJ prison population down 26 percent since 2000, report finds.”

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## **New Mexico**

Apparently no action is underway.

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## **New York**

In July 2014, the governor created a Council on Community Re-Entry and Reintegration. Then, under executive authority, the governor implemented 12 council recommendations to address barriers faced by persons with criminal convictions. One was the adoption of a fair chance hiring policy whereby job applicants for positions in New York state agencies will not be required to discuss or disclose information about prior convictions until a later stage. Another provided anti-discrimination guidance for housing in New York-financed public housing and established a presumption towards granting an occupational license for persons with criminal records. Judges were given the authority to establish probation terms, within limits, for felony offenses and misdemeanors. Still another authorized a pardon policy for persons with juvenile convictions that made Individuals convicted of a non-violent crime at the age of 16 or 17 who had no subsequent conviction for at least 10 years eligible for a pardon. This law automatically pardoned thousands of people who were convicted of non-violent crimes as teenagers.

### **Sources:**

- The Sentencing Project's *State of Sentencing 2014*.
  - The Sentencing Project's *State of Sentencing 2015*.
- 

## **North Carolina**

In a Justice Reinvestment Act, North Carolina adopted a data-driven bipartisan approach to criminal justice policy. It expanded post-release supervision to all felons, established advanced supervised release for some prisoners, limited judges' authority to revoke probation offenders, and transitioned misdemeanor offenders from the prison system to local jails. It also redefined community and intermediate punishment so that probation officers have a broader range of swift and certain sanctions to impose regardless of punishment level. It also required probation officers to assess probationers for their risk of reoffending and to supervise them accordingly, and sets in statute a caseload goals.

### **Sources:**

- North Carolina Department of Public Safety Division of Adult Correction & Juvenile Justice. March 2016. "Justice Reinvestment Performance Measures for North Carolina, 2014-15."
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## North Dakota

Beginning in 2009, with technical assistance from the CSG Justice Center, North set about studying its criminal justice system using the federally-funded Justice Reinvestment Initiative (JRI). The JRI uses a data-driven approach to help states examine how they can reduce corrections populations and costs. The legislation that followed, the Justice Reinvestment Act (JRA) of 2011, made substantial changes to North Dakota’s sentencing laws and correction practices. For example, North Dakota authorized sentencing judges to depart from mandatory minimums based on the nature of the crime, mitigating circumstances, defendant’s character, and defendant’s chances of successful rehabilitation. The state also reclassified certain felony offenses to misdemeanors, and reclassified penalties for personal-use drug paraphernalia from a felony to misdemeanor for certain drug offenses, including methamphetamine and cocaine.

### Sources:

- Council of State Governments Justice Center report (January 27, 2016): “North Dakota Launches Justice Reinvestment Initiative.”
  - Council of State Governments Justice Center report (January 2016): Justice Reinvestment in North Dakota.
  - The Sentencing Project’s *State of Sentencing 2015*.
- 

## Ohio

In one of the boldest attempts at reform, Ohio’s newly appointed Criminal Justice Recodification Committee, with leaders and corrections [something missing here] as members, claims that ‘the state could close most of Ohio’s 27 prisons and shrink the system from more than 50,000 inmates to fewer than 10,000. The committee states that incarcerating people whose nonviolent crimes are driven by addiction and mental illness is no more rational than locking people up for cancer or chronic diabetes.

The committee’s view is that get-tough-on-crime laws in the 1980s and 1990s — not crime itself — are what drove the largest expansion ever of the state’s prison system. Despite a seismic shift in rhetoric since then, however, state criminal justice systems are still largely governed by the irrational policies of the 1980s and 1990s, when states passed draconian drug and sentencing laws. These costly and punitive policies have had no demonstrable effect on crime or public safety, and ought to be reversed.

In 2011, Governor John Kasich signed into law criminal sentencing reforms. By 2014, state prison officials had diverted low-level offenders toward community programs. In September 2015, “state lawmakers, judges, and activists from across the political spectrum called for bipartisan and creative solutions to the state’s growing and changing prison population” (Cleveland.com, September 10, 2015).

Ohio’s reforms also include expanding the use of probation as an alternative to prison, adopting a validated risk assessment, and incentivizing prisoners to complete risk-reduction programming.

Ohio has also passed a “ban the box” on state government job law.

At the same time, Ohio is a case of going in opposite ways on reform; the Legislature continues to pass bills that would enhance, create, or expand criminal penalties.

**Sources:**

- Cleveland.com, June 29, 2011. "Ohio Gov. John Kasich signs sentencing reform bill that favors rehab over prison for non-violent felons."
  - Cleveland.com, January 13, 2013. "Ohio prisons director looks to community alternatives as inmate population grows."
  - Cleveland.com, September 10, 2015. "Panel reviewing Ohio's criminal code told to be creative with reforms."
  - Urban Institute. (2014). Justice Reinvestment Initiative State Assessment Report, 2014.
  - Ohio Justice and Policy Center. "Sentencing Reform."
  - Toledo Blade (March 20, 2016). "Sense and sentencing."
- 

## Oklahoma

Oklahoma has reduced mandatory minimum sentences for low-level drug offenses and expanded access to alternative sentencing options like drug courts. It has also adopted a measure that requires probation agencies to use a substance abuse assessment tool in developing a treatment plan, and reasserts statutory authority to impose certain conditions of supervision. In 2015, the governor directed parole officials to establish a sentence reduction policy for persons sentenced to certain mandatory penalties. In February, 2016, the governor also signed an executive order to "ban the box" for government jobs.

A petition drive is yet another method to achieve reform. A petition initiative on the November 2016 ballot seeks to reclassify some low-level offenses to misdemeanors, and to re-direct the savings realized by not incarcerating these offenders to fund treatment services, mental health services and supervision for these individuals.

**Sources:**

- Oklahomans for Criminal Justice Reform website.
  - Oklahoma Watch website. March 16, 2016. "Q&A with Kris Steele: Purpose of Criminal Justice Propositions." The Daily Ardmoreite, September 1, 2016. "Fallin announces initiative to improve state's criminal justice."
  - The Sentencing Project's *State of Sentencing 2014*.
  - The Washington Post. (June 2, 2016). "How Maryland came to repeal mandatory minimums for drug offenders."
- 

## Oregon

The governor created a Commission on Public Safety, a bipartisan, inter-branch group charged with conducting a comprehensive review of the state's criminal justice system and developing policy recommendations. In 2013, Oregon enacted legislation that enhances evidence-based, cost-



effective community supervision practices, and establishes performance objectives for criminal justice agencies. The Pew Charitable Trusts provided technical assistance to the commission and to state leaders.

Oregon also:

- Removed mandatory minimums and reduced sentences for certain drug crimes;
- Strengthened reentry programming, for example by expanding transitional leave for individuals returning from prison;
- Implemented an earned discharge in community corrections;
- Required risk and needs evaluations for probation decisions;
- Added an earned time to give probationers an incentive to comply with rules; and
- Prohibited employers from including questions about applicants' criminal history on job applications.

**Sources:**

- OregonLive.com. (Mar 18, 2016). "Deborah Kafoury to give 2016 State of the County address."
  - Urban Institute. (2014). Justice Reinvestment Initiative State Assessment Report, 2014.
  - The Pew Charitable Trusts, Brief, November 2014. "Oregon's 2013 Public Safety Reforms."
  - The Sentencing Project's *State of Sentencing 2015*.
- 

## **Pennsylvania**

Pennsylvania has:

- Created new sentencing guidelines for probation and parole revocations;
- Expanded recidivism-reducing programs
- Diverted low level misdemeanants from prison;
- Eliminated prerelease of parolees;
- Revised parole board policies, and reduced processing delays;
- Eliminated certain automatic employment bans for persons with prior convictions; and
- Allowed certain low-level offenders to apply to seal their criminal records.

**Sources:**

- JDSupra Business Advisor, 9/14, 2016. "Worth Another Look: Sentencing Reforms."
  - U.S. Justice Action Network (2015), Spotlight on Legislative Victories.
  - Urban Institute. (2014). Justice Reinvestment Initiative State Assessment Report, 2014.
- 

## **Rhode Island**

The governor has made attempts at reform, so far to no avail.

**Sources:**

Providence Journal. June 20, 2016. "Raimondo vows to press criminal justice reform."

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## South Carolina

As of 2010, South Carolina had already made a comprehensive overhaul of state sentencing and corrections policy. These laws:

- Diverted certain low-risk, nonviolent offenders from prison to community-based programs;
- Authorized the use of risk and needs assessments of offenders;
- Removed barriers to inmates successfully reentering society; and
- Provided incentives for probationers and parolees to stay drug- and crime-free.

To implement these laws, South Carolina integrated staff trainings on evidence-based practices, risk assessment tools, and graduated response matrices into its probation and parole practices.

### Sources.

- Right on Crime website.
- 

## South Dakota

South Dakota passed comprehensive juvenile justice reform legislation in 2015 based on policy recommendations from the bipartisan, inter-branch Juvenile Initiative Work Group. As a result of this work, South Dakota has:

- Invested in training and implementation of evidenced-based practices;
- Piloted changes based on the Hawaii Opportunity Probation with Enforcement, or HOPE, approach, including immediate, swift, and certain responses;
- Established a housing program to improve outcomes for offenders released to parole and in drug and DUI courts; and
- Expanded substance abuse, mental health, and cognitive-based treatment services for probation and parole populations.

South Dakota also expanded access to community-based programs to assist youth with substance abuse problems, and offered therapeutic services and wrap-around care. The measure included a provision to incentivize counties to divert justice-involved youth from the system so as not to acquire a criminal record.

### Sources:

- The Pew Charitable Trusts Public Safety Performance Project Brief. June 2013. "South Dakota's 2013 Criminal Justice Initiative."
  - The Sentencing Project's *State of Sentencing 2015*.
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## Tennessee

In 2011, the governor created a Public Safety Subcabinet. In 2012, this subcabinet recommended a 41-step, multi-year multi-agency public safety action plan. For example, with respect to recidivism, it recommended the following:

- Develop additional alternatives that are swift, certain, and proportionate responses for non-compliance with conditions of probation and parole when such noncompliance does not rise to the level of a new criminal prosecution or absconding from supervision;
- Support recovery (drug treatment) and other specialty courts, such as mental health or veteran;
- Establish individualized case management plans for felony offenders on community supervision (both probation and post-prison);
- Invest in evidence-based, cost effective, and coordinated transitional programming and treatment services both during and after incarceration;
- Ensure that all incarcerated felony offenders who are released will have a system of post-release community supervision;
- Develop and implement a system of positive incentives for those on community supervision, including but not limited to a reduction in the time period of supervision;
- Increase the employability of those with criminal convictions by taking steps to help them keep or obtain driver's licenses or state photo IDs.
- Examine the management and treatment of sex offenders to reduce recidivism and protect society;
- Raise the felony property crime threshold to \$1,000;
- Support a Social Impact Bond model of investment as a way of funding promising reentry programs.

Another outcome of the Subcabinet's work was that the governor created a Task Force on Sentencing and Recidivism in August 2014.

As of 2015, more than 80 percent of the 41-step multi-year action plan had been completed, and the Subcabinet was preparing a new action plan for the governor's consideration. Tennessee also passed a "Certificates of Employability Act," that allows those with convictions to apply for certificates of employment restoration that provide immunity to employers in the event of a negligent hiring claim.

**Sources:**

- Tennessee State Government. Sept 2015. Final Report of the Governor's Task Force on Sentencing and Recidivism.
- The Sentencing Project's *State of Sentencing 2014*.

**Texas**

Texas pioneered the modern bi-partisan criminal justice reform mode with broad application. In 2007, with conservative political leaders opposed to building yet more prisons, pressure built to find alternatives. They began working with the ACLU of Texas, which had a long history of presenting reform ideas. Ultimately, a bill was passed and signed with major investments in recidivism-reduction programs, including adding graduated sanctions to replace revocation for minor parole infractions. Additional funding went towards reducing caseloads in general, and still more significantly for subgroups such as mentally ill probationers.

Over time, Texas has:

- Reformed felony property thresholds;
- Modified parole revocation policy and sentence reductions;
- Relaxed lifetime ban on food assistance for persons with felony drug convictions;
- Significantly reduced probationer caseloads and even more so for subgroups such as mentally ill probationers;
- Allowed counties to choose performance incentive funding designed to reduce the imprisonment of low-level offenders while also reducing recidivism;
- Increased the share of probationers making victim restitution;
- Created an incentive for probationers to pursue self-improvement by allowing judges to award time credits for exemplary behavior, such as earning a degree, fully paying restitution, and completing treatment programs;
- Established statutory guidance designed to reduce returns to prison for technical probation and parole violators;
- Expanded food stamp eligibility to persons with felony drug convictions;
- Made it more possible for persons with felony convictions to rent private housing; and
- Expanded expungement policy.

**Sources:**

- National Affairs website. Spring 2016 Issue. Conservatives and Crime.
  - Texas Public Policy Foundation. Sept. 2011. The Texas Model, Adult Corrections Reform: Lower Crime, Lower Costs.
  - The Sentencing Project's *State of Sentencing 2015*.
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## Utah

Utah's reform is led by its Commission on Criminal and Juvenile Justice, an inter-branch group of state and local officials that includes representatives from corrections, law enforcement, the legislature, the judiciary, the prosecution and defense, and behavioral health and victim advocacy groups. It engaged technical assistance from The Pew Charitable Trusts.

After a review of sentencing and corrections data, policies, and programs, as well as best practices and models from other states, in 2014, the Commission then recommended policies options designed to:

- Prioritize prison space for serious and violent offenders;
- Strengthen community supervision;
- Improve and expand reentry and treatment services;
- Support local corrections systems; and
- Ensure oversight and accountability.

The resulting sentencing and corrections legislation was signed into law in 2016. It:

- Downgraded all first- and second-time drug possession convictions from felonies to misdemeanors, plus 241 misdemeanors to citations no longer subject to arrest or jail;
- Eliminated weight thresholds for all marijuana offenses;

- Converted all first- and second-time drug possession offenses from felonies to misdemeanors;
- Established guidelines to ensure swift, certain, and commensurate responses to probation and parole violations and other statutory guidance designed to reduce returns to prison for technical probation and parole violators;
- Created “re-entry specialists” to support offenders as they exit prison and return to the community;
- Authorized a policy of earning reduction credits of 30 days for each month that persons monitored on probation or parole comply with supervision.
- Directed the state’s Sentencing Commission to create a matrix regulating parole and probation practices that rewards good behavior and provides graduated sanctions, including short jail stays for technical violations.

**Sources:**

- The Pew Charitable Trusts, Issue Brief. June 2015. “Utah’s 2015 Criminal Justice Reforms.”
  - The Sentencing Project’s *State of Sentencing 2015*.
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**Vermont**

In 2013 Vermont officials participated in the Pew Charitable Trusts’ Justice Reinvestment Initiative by authorizing the use of risk assessments and clinical screenings at every stage of the criminal justice system to provide alternative responses.

**Sources:**

- The Sentencing Project’s *State of Sentencing 2014*.
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**Virginia**

In June 2015, the governor established the Governor’s Commission on Parole Review. One outcome is that Virginia authorized a fair chance hiring policy for persons with criminal records by issuing an executive order banning the state from asking about prospective employees’ criminal histories at the initial application stage in an effort to improve employment opportunities for persons with criminal records.

**Sources:**

- Commonwealth of Virginia. December 4, 2015. “Governor’s Commission on Parole Review: Final Report and Recommendations.”
  - The Sentencing Project’s *State of Sentencing 2015*.
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**Washington**

Washington is among the first states to legislatively take broad, systemic approaches to evidence-based corrections. Previously, the legislature had created an Institute for Public Policy to assist in

the lawmaking process. In 2005, the legislature directed the Institute to study the effectiveness of prevention and adult and juvenile corrections programs in lowering crime. Their conclusions resulted in legislation that:

- Mandates that certain youth sentenced as adults serve time in a juvenile facility;
- Eliminates most non-restitution costs for youth and in certain cases allows them to do community service instead of paying victim restitution;
- When juveniles pay their restitution and meet other specified criteria, the court is authorized to seal their records;
- Prohibits cities, towns, and counties from imposing financial obligations for juvenile offenses unless specifically authorized by statute;
- Changes the policy governing transfers to adult court;
- Eliminates exclusive adult court jurisdiction for violent offenses; and
- For specified juvenile offenses, courts must hold a special hearing – unless waived by the courts, the parties, and their counsel – to consider individualized criteria in determining whether to transfer the juvenile defendant to adult court.

**Sources:**

- Washington State Institute for Public Policy, 2006. Evidence-Based Public Policy Options to Reduce Future Construction, Criminal Justice Costs, and Crime Rates.
  - The Sentencing Project's *State of Sentencing 2015*
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## **West Virginia**

In 2012, West Virginia established a bi-partisan working group that analyzed data and sought stakeholder feedback to make recommendations. The resulting legislation based the intensity of supervision and treatment on assessment results, mandated reporting on program quality and evidence-based practices, established mandatory supervision for people convicted of violent offenses, developed intermediate sanctions, expanded access to substance abuse treatment programs, and required all judicial districts to establish drug courts.

Other legislation established a two-step diversion process that expands community-based alternatives such as restorative justice programs, substance abuse, therapeutic health programs, and family therapies. Also it provided funding to expand capacity for state programs to serve justice-involved youth in their homes rather than in out-of-home placements.

**Sources:**

- Justice Reinvestment Initiative website. (n.d.) Report on West Virginia.
  - The Sentencing Project's *State of Sentencing 2015*.
  - Urban Institute. (2014). Justice Reinvestment Initiative State Assessment Report, 2014.
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## **Wisconsin**

In 2007, the Wisconsin legislature funded a pilot treatment alternatives and diversion (TAD) program. An evaluation showed a \$1.96 payback on the cost, and lowered recidivism.

Legislation passed in 2016 expanded the program to a larger number of counties, but the program has not yet reached Milwaukee County. Also limiting the opportunity for diverting for drug offenders is that it covers only one major class of drugs.

Going against the theme of reform, in 2016 the legislature failed to pass a Second Chance bill seeking to keep children who commit non-violent crimes out of the adult correctional system. This leaves Wisconsin as one of only a few states that treats 17-year-olds as adults in the corrections system. Other states observe that juveniles sent to adult correction facilities re-offend at a higher rate than those serving with other juveniles

State law requires an estimate of how much a bill will cost taxpayers; however bills that make changes in criminal penalties are exempt from that rule. A resolution to end that exemption was rejected in 2016.

As for the direction of reform, Wisconsin is the only state to have taken major steps in the opposite direction by going the other way on tough sentencing and limiting parole.

**Sources:**

- Human Impact Partners and WISDOM. Nov 2012. Healthier Lives, Stronger Families, Safer Communities: How Increasing Funding for Alternatives to Prison Will Save Lives and Money in Wisconsin.

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## **Wyoming**

Wyoming recently restored voting rights to persons with certain felony convictions and required parole review for youth convicted of certain homicide offenses.

**Sources:**

- The Sentencing Project's *State of Sentencing 2015*.
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- Colorado Commission on Criminal and Juvenile Justice, Annual Report 2015.  
[https://cdpsdocs.state.co.us/ccjj/Resources/Report/2015-11\\_CCJAnnRpt.pdf](https://cdpsdocs.state.co.us/ccjj/Resources/Report/2015-11_CCJAnnRpt.pdf)
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