111TH CONGRESS 1ST SESSION

H. R. 4080

To establish a criminal justice reinvestment grant program to help States and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2009

Mr. Schiff (for himself and Mr. Daniel E. Lungren of California) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To establish a criminal justice reinvestment grant program to help States and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Criminal Justice Rein-
- 5 vestment Act of 2009".
- 6 SEC. 2. FINDINGS.
- 7 Congress finds the following:

- 1 (1) A total of 2,200,000 American adults are 2 incarcerated in State and local prisons and jails, a 3 rate of about 1 out of every 100 adults.
 - (2) State spending on corrections has increased the from last 20 vears approximately \$12,600,000,000 in 1988 to more than \$52,000,000,000 in 2008. According to "Public" Safety, Public Spending: Forecasting America's Prison Population 2007–2011", State and Federal prison populations are expected to increase by 192,000 over that 5-year period, at an additional cost of \$27,500,000,000.
 - (3) Between 2000 and 2008, jail populations increased from approximately 621,000 to 785,000 inmates. The 3,300 jails nationwide process approximately 13,500,000 inmates each year, 4,000,000 of whom are repeat offenders.
 - (4) The number of persons on probation and parole in State correctional systems has been increasing. Approximately 5,000,000 Americans, or 1 out of every 45 adults, are on probation or parole, an increase of nearly 300 percent since 1980.
 - (5) Policymakers have insufficient access to detailed, data-driven explanations about changes in

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

- crime, arrest, conviction, and prison and jail population trends.
- (6) In the face of ever-increasing correctional costs, with bipartisan leadership, governors and legislative leaders in Texas, Kansas, Rhode Island, Vermont, and other States around the country have initiated data-driven criminal justice reinvestment strategies that increase public safety, hold offenders accountable, and control corrections spending.

10 SEC. 3. PURPOSE AND DEFINITION.

- 11 (a) PURPOSE.—The purpose of this Act is to provide 12 grants for criminal justice reinvestment strategies.
- 13 (b) CRIMINAL JUSTICE REINVESTMENT.—In this
 14 Act, the term "criminal justice reinvestment" refers to a
 15 data-driven program that—
- 16 (1) analyzes criminal justice trends to under-17 stand what factors are driving the growth in prison 18 and jail populations;
- 19 (2) develops and implements policy options to 20 manage the growth in corrections populations and 21 increase the effectiveness of current spending and 22 investment to increase public safety and improve in-23 dividual and system accountability; and

1	(3) measures the impact of the policy changes
2	and reinvestment resources and holds policymakers
3	accountable for projected results.
4	SEC. 4. PUBLIC SAFETY PERFORMANCE GRANTS TO IMPLE-
5	MENT CRIMINAL JUSTICE REINVESTMENT
6	STRATEGIES.
7	(a) Phase 1—Data Analysis and Policy Devel-
8	OPMENT GRANTS.—
9	(1) In General.—The Attorney General may
10	make grants to a State, unit of local government,
11	territory, or Indian tribe (referred to in this Act as
12	an "eligible entity") to analyze and improve the
13	cost-effectiveness of State and local spending on
14	prisons, jails, and community corrections (referred
15	to in this Act as "Phase 1 grants").
16	(2) Objectives.—The purposes of the Phase 1
17	grants shall be for an eligible entity—
18	(A) to conduct a comprehensive analysis of
19	criminal justice data, including crime and arrest
20	rates, conviction rates, pretrial and reentry
21	services, and probation, parole, prison and jail
22	populations;
23	(B) to evaluate relevant criminal justice
24	policies and the cost-effectiveness of current

1	spending on corrections and community correc-
2	tions; and
3	(C) to develop data-driven policy options
4	that can increase public safety and improve of-
5	fender accountability.
6	(3) Details.—The comprehensive analysis,
7	evaluation, and policy development required by para-
8	graph (2) shall include—
9	(A) an analysis of reported crime and ar-
10	rest data;
11	(B) an analysis of felony conviction data to
12	understand the percent of offenders who are
13	sentenced to prison or jail for particular of-
14	fenses;
15	(C) an analysis of prison or jail admission
16	and length-of-stay data over a 3- to 5-year time
17	period to determine which cohorts of offenders
18	account for the growth of the population;
19	(D) an analysis of probation and parole
20	data to determine which offenders are violating
21	the conditions of supervision and being revoked
22	to prison or jail;
23	(E) an analysis of the current capacity and
24	quality of crime prevention and crime-fighting
25	programs, including institutional and commu-

1

2

3

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

nity-based risk-reduction programs such as drug treatment, mental health, education, job training, housing, and other human services to divert individuals from prisons or jails and to reduce recidivism among offenders on community supervision;

- (F) consultation with criminal justice stakeholders, including State corrections departments, community corrections agencies, local jail systems, and relevant governmental agencies and nonprofit organizations;
- (G) an analysis of criminal justice policies and expenditures, including the cost-effectiveness of current spending on corrections and community corrections, to understand how the existing system accounts for criminal justice trends;
- (H) the development of a prison or jail population projection using a simulation model based on collected data to test the impact of various policy changes; and
- (I) the development of practical, data-driven policy options that can increase public safety, improve offender accountability, reduce recidivism, and manage the growth of spending

- on corrections in the relevant criminal justice system.
 - (4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Attorney General an application, in such form and manner and at such time as specified by the Attorney General that includes a proposal that describes how the grant will fulfill the objectives required by paragraph (2).
 - (5) Priority.—The Attorney General, in awarding funds under this subsection, shall give priority to eligible entities that—
 - (A) demonstrate a commitment from the chief executive officer, legislative body, judiciary, law enforcement officials, correctional agencies and prosecutors of the eligible entity to work together in a collaborative bipartisan approach to analyze the data and develop criminal justice policy options;
 - (B) establish or designate a multibranch, bipartisan, intergovernmental, interagency task force of elected and appointed officials to address the criminal justice and public safety challenges facing the jurisdiction;

1	(C) demonstrate access to data from across
2	the criminal justice system, including crime and
3	arrest, court and conviction, jail, prison, com-
4	munity corrections data, and standards for
5	analysis;
5	(D) identify agency or consultant capacity
7	to objectively analyse data stilling simulation

- (D) identify agency or consultant capacity to objectively analyze data, utilize simulation models for prison or jail population projections, and develop concise written reports and policy options for policymakers to review; or
- (E) demonstrate that the projected growth over a 10-year period is expected to exceed current corrections capacity.
- (6) COMPLETION OF GRANT.—The analysis, evaluation, and policy development required for a grant under this subsection shall be completed not later than 12 months after the receipt of funding for the grant unless granted an extension of time by the Attorney General.

(b) Phase 2—Implementation Grants.—

(1) In General.—The Attorney General may make grants to eligible entities to implement policies and programs designed to help jurisdictions manage the growth in spending on corrections and increase

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1	public safety (referred to in this Act as "Phase 2
2	grants'').
3	(2) Objectives.—The purposes of the Phase 2
4	grants shall be for an eligible entity to—
5	(A) fund programs identified by prior data
6	analysis and policy development that provide
7	training and technical assistance, support the
8	delivery of risk-reduction programs, or other-
9	wise enhance public safety and improve offender
10	accountability by strengthening the criminal
11	justice system;
12	(B) reinvest averted prison or jail costs
13	into programs that enhance public safety by
14	strengthening the criminal justice system or
15	high-risk communities and individuals; and
16	(C) measure performance of policies and
17	programs enacted or established in subpara-
18	graphs (A) and (B).
19	(3) Programs.—The programs described by
20	paragraphs (2)(A) and (2)(B) shall—
21	(A) provide training and technical assist-
22	ance including—
23	(i) training of corrections and commu-
24	nity corrections, judicial, substance abuse
25	or mental healthstaff and other key staff

1	on evidence-based practices for reducing
2	recidivism; or
3	(ii) training and technical assistance
4	to assist jurisdictions in implementing and
5	validating new risk and needs assessment
6	tools; or technical assistance to implement
7	evidence-based policies in corrections or
8	community corrections agencies;
9	(B) establish risk-reduction programs in-
10	cluding—
11	(i) substance abuse or mental health
12	treatment;
13	(ii) education or job training;
14	(iii) job placement, development, and
15	creation;
16	(iv) intermediate sanction programs
17	and facilities, including community-based
18	reentry programs, day reporting centers
19	and electronic monitoring; or
20	(v) supportive housing programs;
21	(C) reduce the number of rearrests, re-
22	convictions, and revocations of people currently
23	on probation and parole and increase the num-
24	ber of successful completions of probation and
25	parole;

1	(D) establish policies and practices that
2	will avert growth in the prison and jail popu-
3	lation and, as a result, avert the need to appro-
4	priate funds for the construction or operation of
5	a new prison and jail facilities; or
6	(E) establish comparable programs that
7	enhance public safety by strengthening the
8	criminal justice system.
9	(4) Performance measurement.—The per-
10	formance measures described by paragraph (2)(C)
11	shall track key criminal justice trends across agen-
12	cies and departments to measure the impact of the
13	programs described in paragraph (3), and include
14	the following measurements where applicable:
15	(A) Reduction in rearrest, reconviction,
16	and revocations of people currently on proba-
17	tion and parole.
18	(B) Increases in the number of successful
19	completions of probation and parole.
20	(C) General crime trends.
21	(D) Prison and jail populations.
22	(E) Number of program and treatment
23	slots added to reduce recidivism.
24	(5) APPLICATIONS.—To be eligible to receive a
25	grant under this subsection, an eligible entity shall

1	submit to the Attorney General an application, in
2	such form and manner and at such time as specified
3	by the Attorney General that includes a proposal
4	that describes how the grant will fulfill the objectives
5	required by paragraph (2).
6	(6) Priority.—Priority consideration shall be
7	given to applications under this subsection that dem-
8	onstrate that—
9	(A) the proposed programs will improve
10	public safety and improve individual and system
11	accountability while reducing or maintaining
12	criminal justice growth through policies which
13	ensure that—
14	(i) violent offenders are incarcerated;
15	(ii) nonviolent offenders who pose a
16	minimal risk of harm to the community
17	are supervised through effective probation
18	and parole systems and provided with ef-
19	fective risk-reduction programs; and
20	(iii) effective diversion and reentry
21	programs are integrated into a new overall
22	criminal reinvestment strategy;
23	(B) the proposed programs will have a sig-
24	nificant impact on the geographic areas identi-
25	fied by the analysis as having disproportionate

1	numbers of people returning from prison or jail;
2	and
3	(C) data analysis through a Phase 1 grant
4	or similar work has been completed.
5	(c) Annual Report.—The Attorney General shall
6	report to the Committees on the Judiciary of the Senate
7	and the House of Representatives on November 1 of each
8	year concerning the development and implementation of
9	grants under this section and strategies developed, which
10	shall include information concerning—
11	(1) the number and identity of the grantees
12	who have received analyses and program develop-
13	ment grants;
14	(2) the progress of grantees in conducting anal-
15	yses and program development;
16	(3) the number and identity of the grantees re-
17	ceiving implementation grants;
18	(4) the progress of grantees in implementing
19	criminal justice reinvestment strategies; and
20	(5) the performance of entities implementing
21	criminal justice reinvestment strategies, including
22	relevant data on—
23	(A) the reduction, if any, in the number of
24	rearrests, reconvictions, and revocations of peo-
25	ple currently on probation and parole:

1	(B) the increase, if any, in the number of
2	successful completions of probation and parole
3	(C) the reduction, if any, in the growth of
4	the prison and jail population;
5	(D) the portion of averted costs that has
6	been or will be reinvested and used to target
7	high-risk communities and individuals to reduce
8	the rate of rearrest, reconviction, and revoca-
9	tion to increase public safety; and
10	(E) the reduction, if any, in rearrest rates
11	by people under the supervision of the criminal
12	justice system.
13	(d) Sharing Information.—The Attorney General
14	shall establish an information clearinghouse for data col-
15	lected and for best practices developed by eligible grantees
16	developed in carrying out grants under this section.
17	(e) Administration.—Applications for grants shall
18	be considered on a rolling basis and be responded to in
19	a timely fashion in order to provide assistance to policy-
20	makers facing various budget timelines.
21	(f) Authorization of Appropriations.—There
22	are authorized to be appropriated \$35,000,000 to carry
23	out this section for each of the fiscal years 2010 through
24	2014.