



The Role of Data

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Barriers to Data

Five challenges that hinder legislative access to, and use of, data to drive criminal justice policy decisions:

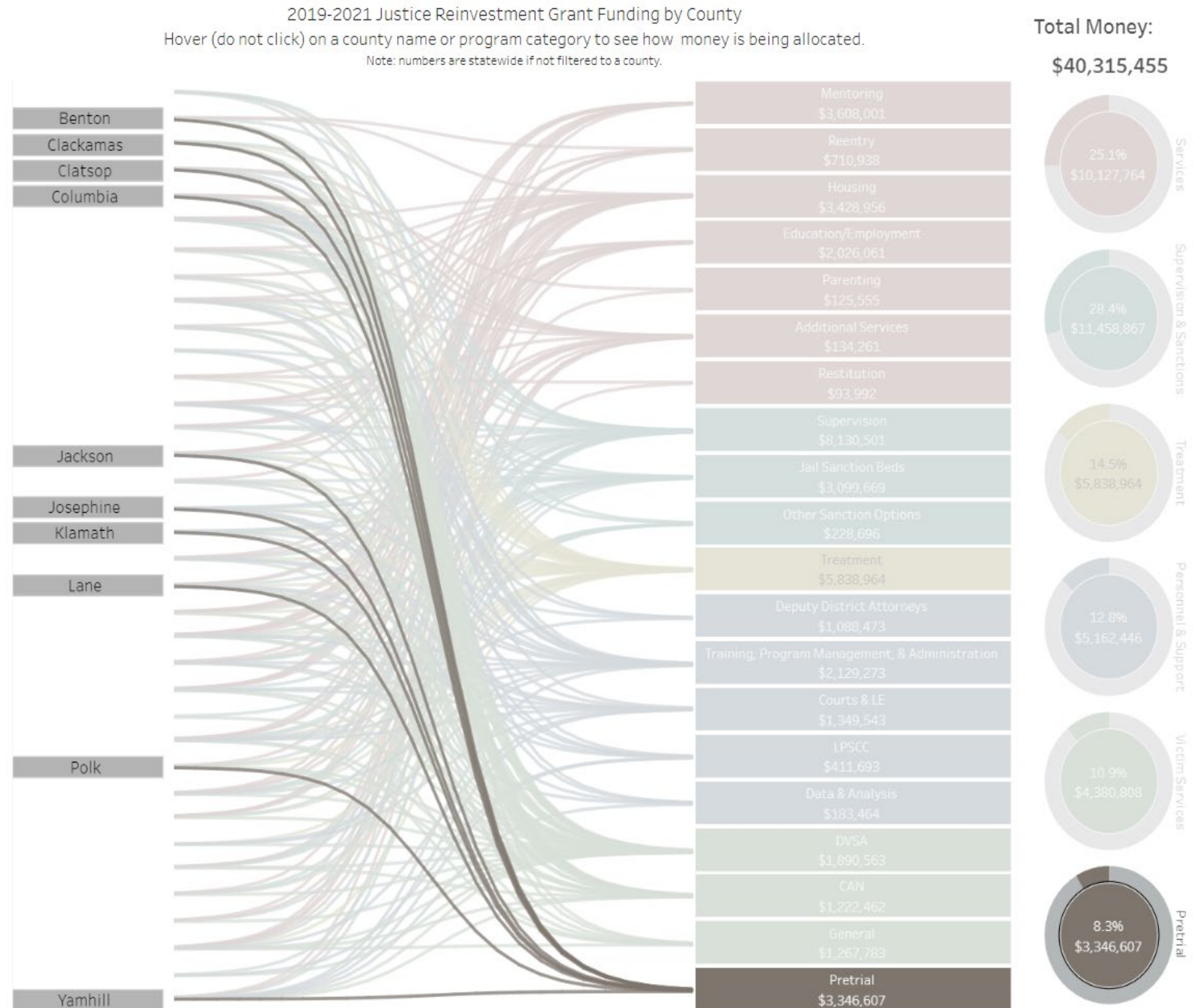
1. Lack of high-quality, comparable and relevant data
2. Lack of timely and responsive data when most needed
3. Need for context and return-on-investment data for resource allocation
4. Data silos and lack of data sharing
5. Difficulty obtaining stakeholder engagement and buy-in

Tackling Barriers

Display data in a way that
can guide policy decisions

Oregon HB 3194 (2013)
Justice Reinvestment
county formula funding

Dashboard operated by the
state Criminal Justice
Commission



Tackling Barriers

Fund programs, policies and practices that are showing success and backed by research

Increasing Earned Compliance Credits on Probation

Oklahoma / January 15, 2021

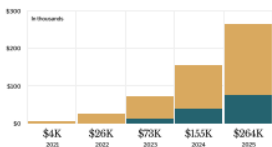
5-year impact in Oklahoma

Increasing access to earned compliance credits could help Oklahoma avoid \$264K in cumulative cost, reduce the average probation officer caseload by 7.7%, and give 5,750 life years back from probation supervision over five years.

This projection assumes all felony probationers, except those who are serving their sentence for domestic abuse or 85% violent crimes, would be eligible to earn 30 days off their sentence for each month they remain in good standing.

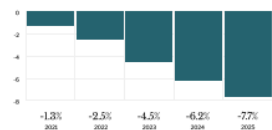
Marginal cost avoidance (cumulative)

■ \$77K incarceration cost from fewer technical revocations
■ \$187K from fewer people on probation



Model assumes a per capita marginal cost of \$2,905 for incarceration and \$390 for probation. Marginal cost only includes short-run costs, such as food and clothing, which change proportionally to the change in population.

Average % reduction in probation caseload (annual)



5,750
Life years back from probation supervision

162
Fewer people in prison for technical revocations in 2025

Report provided by [redshift](#) | Data availability: ●●●●●

For full notes and parameters, see [appendix](#)

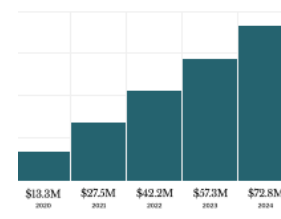
Reclassifying Drug Possession Felonies as Misdemeanors

Ohio / September 3, 2020

5-year impact in Ohio

By reclassifying 4th and 5th degree drug possession charges from felonies to misdemeanors, Ohio could avoid \$73M in costs over the next 5 years. This would also help impacted individuals regain 2,697 life years.

Cumulative cost avoidance



Projected population impact

3,500+
fewer people incarcerated

2,697
Life years gained

The opportunity

Drug offenses have traditionally been the leading type of crime for which people are sent to Ohio prisons, with +15% of the prison population incarcerated for a drug offense as of Jan 2020 even as OH's state prison population has increased by over 400% since 1971. As of 2020, 28% of prison commitments were for drug offenses, with 59% of those for drug possession, nearly two-thirds of them charged with fourth- and fifth-degree felonies. More than 15K incarcerated individuals of Ohio's 45K total prison population are serving time for low-level, nonviolent offenses.

16.3% of 2020 OH prison commitments are for drug possession

45,000+
People in OH prisons



Reclassifying lower degree drug possession charges as misdemeanors would reduce the lifelong consequences and collateral sanctions for those struggling to reenter society by removing prison sentences for smaller amounts of controlled substances.

Impact in other states

Several other states including Colorado, Utah, Oklahoma, Tennessee, West Virginia, Alaska, Delaware, Iowa, Connecticut, and California have classified drug possession as a misdemeanor. Some states classify simple drug possession as a misdemeanor for all offenses while some categorize it as a felony for subsequent offenses (2nd or 3rd conviction).

Texas

In 2007, it was estimated that Texas' prison population would increase by 17,000 over the next five years at a cost of at least \$2B in prison construction, alone. Instead, Texas invested \$241M to increase capacity of treatment, diversion, and supervision services. Instead of opening new facilities, Texas has closed ten adult facilities in this time period, while crime continues to be at its lowest levels in decades.

Notes:

Annual cost to incarcerate: \$29,448.20, residential diversion program cost: \$5,763.00, non-residential diversion program cost: \$1,623.00 (Ohio DOC). Policy assumes 75% of F-5 and 50% of F-4 offenses are eligible and that 50% of the eligible population are sentenced to residential programs and 50% are sentenced to non-residential programs, with a 66% program success rate. Inflation rate of 3% YoY for incarceration and program cost. See [appendix](#) and [policy](#) for details.

Report provided by [redshift](#) using public data

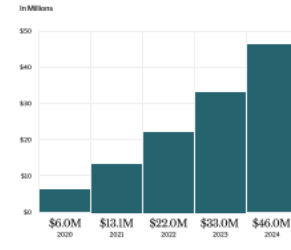
Expanding Deferred Disposition in Virginia

Virginia / August 26, 2020

5-year impact in Virginia

By passing SB 5033, VA could incarcerate 1,750 fewer people with non-violent offenses over 5 years. This would amount to \$46M in cumulative prison cost avoidance and give 1,406 life years back, providing greater chances of success for justice-involved individuals.

Cumulative cost avoidance



Projected population impact

35,000
People with non-violent offenses eligible

1,406
Life years gained

The opportunity

The criminal justice system allows the government to deprive an individual of their life, liberty, and property. The consequences of being involved in the criminal justice system and carrying a criminal record can carry lifetime consequences for the person, their family, and generations to come. It is therefore critical that this governmental power allows enough flexibility to its actors to weigh each case on the individual facts and circumstances and provide a resolution that not only protects public safety but allows individuals to take personal responsibility for their actions and realize their full potential. SB 5033 would help prevent unnecessary contacts with the criminal justice system and increase the chances of successful reentry for many Virginians.

The bill would allow the court, with the consent of the prosecutor and the defendant and with consideration of the victim's wishes, to defer disposition of a case and allow the defendant to satisfy certain terms and conditions (similar to probation). If all terms and conditions are successfully completed by the defendant, the court then could dismiss the case or provide a conviction for an alternative charge (whatever is agreed to by the court, prosecutor, and defendant). If the case is dismissed this would also allow the person to expunge their record and move towards successful reintegration into society. If the individual violates the agreed upon conditions, the court can enter a guilty verdict. This process provides the appropriate checks and balances while reducing unnecessary collateral consequences of the criminal justice system.

Impact in other states

Texas
In 2018, 25% of all criminal cases were handled through what they call "deferred adjudication." Crime in Texas is at its lowest since the 60s and the Lone Star State has closed ten adult correctional facilities since 2007.

Notes:

This preliminary analysis was performed using publicly available data. Eligibility is determined by number of people sentenced to prison for burglary, drug offenses, fraud, larceny, and traffic felonies (DUI - 7,000 are assumed to be eligible each year based on the 7,076 who were sentenced to prison for those offenses in 2019). Policy implementation assumes 3% of eligible people will be granted deferred disposition in the first year, with adoption increasing by 1% each year to 7% by year 5. The implementation assumes those with deferred disposition will serve a 2-year term equivalent to probation as opposed to a one-year prison term. Average incarceration cost: \$32,681/yr (VA DOC), Probation cost: \$1,426/yr (VA DOC). Inflation rate of 2.5% YoY for incarceration and probation cost. Probation revocation rate 23% @BJ. Costs avoided from jail are not factored in. See [appendix](#) for additional notes.

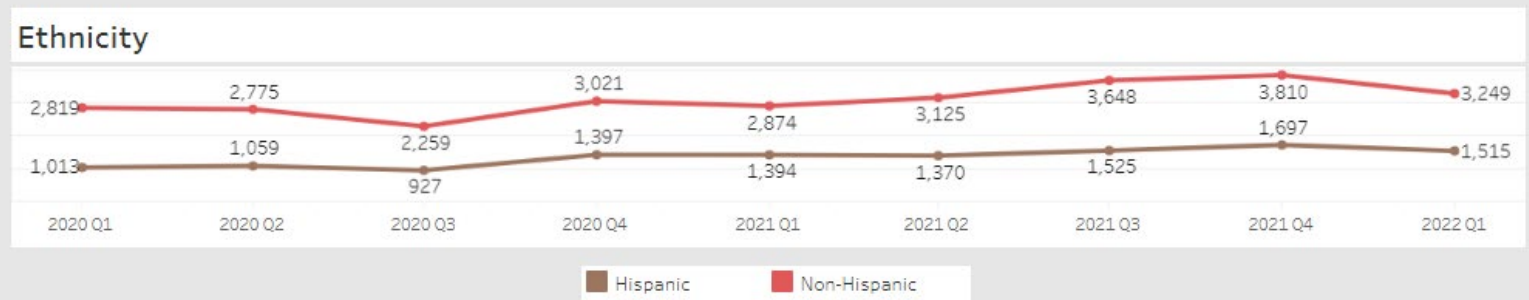
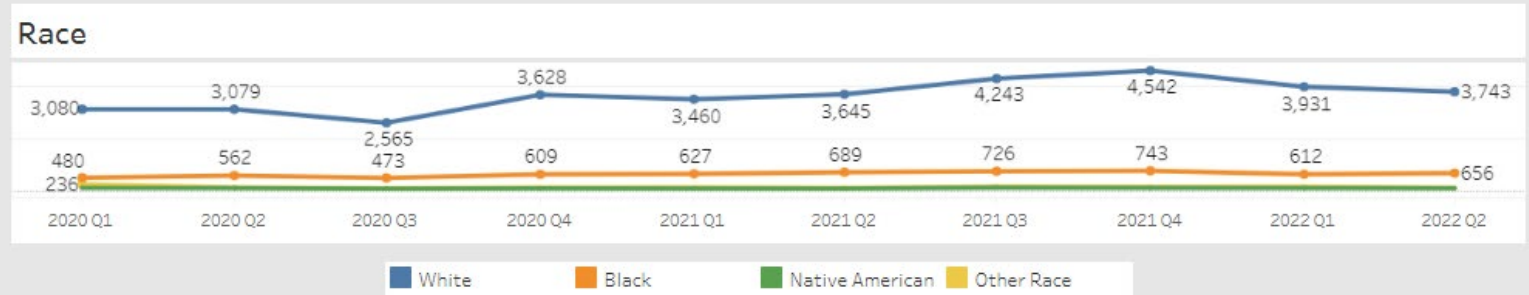
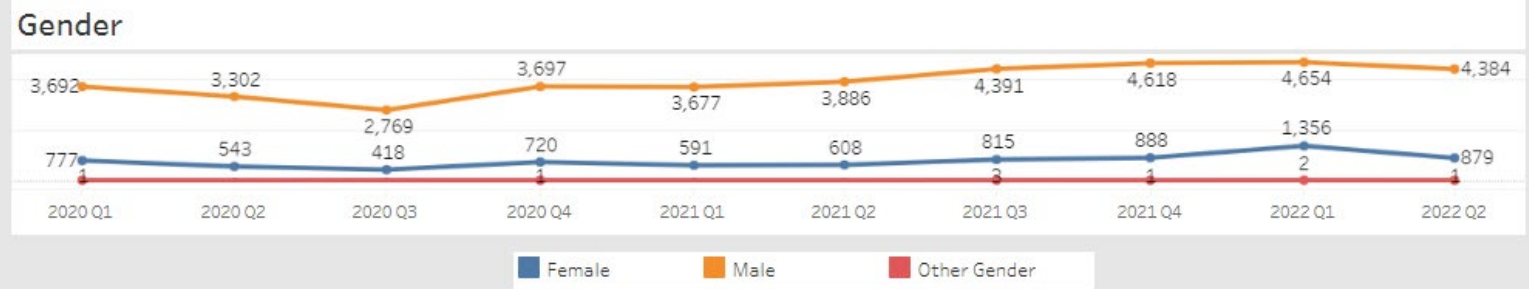
5-year impact provided by redshift

Tackling Barriers

Develop data and performance measurement capacity

Colorado HB 1297 (2019) requires county jails to report specific measures

Dashboard showing number of inmates within jails waiting for resolution of court case



Tackling Barriers

Engaging Stakeholders

- Federal, state, local
- Agency representatives
- Governor's advisors
- Judiciary
- Prosecution / Defense
- Law enforcement
- Community representatives
- Service providers

Partnering with Experts

- Universities
- Nonprofits
- Think tanks
- Philanthropic organizations
- Member organizations: NCSL, CSG





JUSTICE COUNTS — TIER 1 METRICS

	Capacity & Costs	Population Movements	Operations & Dynamics	Public Safety	Equity	Fairness
Law Enforcement	Annual budget Police officers per capita	Reported crime Arrests	Calls for service, by type	Officer use of force incidents	Arrests by race or ethnicity Arrests by gender	Civilian complaints sustained
Prosecution	Annual budget Total staff	Cases referred Caseloads Cases disposed	Cases declined Cases diverted/deferred Cases prosecuted		Cases declined, diverted/deferred, and prosecuted by race or ethnicity ...by gender	Violations filed against attorneys in the office resulting in disciplinary action
Defense	Annual budget Total staff	Cases appointed counsel Cases disposed Caseloads			Cases disposed by race or ethnicity Cases disposed by gender	Client complaints against counsel sustained
Courts & Pretrial	Annual budget Total staff	Criminal case filings Cases disposed	Pretrial releases Sentences imposed	New offenses while on pretrial release	Sentences imposed by race or ethnicity Sentences Imposed by gender	Cases overturned on appeal
Jails	Annual budget Total staff	Admissions Average daily population Releases	Readmission rate	Staff use-of-force incidents	Average daily population by race or ethnicity Average daily population by gender	Grievances upheld
Prisons	Annual budget Total staff	Admissions Average daily population Releases	Readmission rate	Staff use-of-force incidents	Average daily population by race or ethnicity Average daily population by gender	Grievances upheld
Supervision	Annual budget Total staff	New supervision cases Individuals under supervision Supervision terminations	Supervision violations	Reconviction while on supervision	People under supervision by race or ethnicity People under supervision by gender	