



# 35 States Reform Criminal Justice Policies Through Justice Reinvestment

Legislative action aims to increase public safety return on corrections spending

## Overview

Since 2007, 35 states have reformed their sentencing and corrections policies through the Justice Reinvestment Initiative, a public-private partnership that includes the U.S. Justice Department's Bureau of Justice Assistance, The Pew Charitable Trusts, the Council of State Governments Justice Center, the Crime and Justice Institute, and other organizations. Although reforms vary from state to state, all aim to improve public safety and control taxpayer costs by prioritizing prison space for people convicted of serious offenses and investing some of the savings in alternatives to incarceration that are effective at reducing recidivism. Some states have engaged in more than one reform effort.

Justice reinvestment policies generally fall into four categories: sentencing laws that instruct courts on how to sanction convicted defendants, release laws that determine the conditions for inmates' departure from prison, supervision laws that guide how those on probation or parole are monitored, and oversight laws that track the progress of these changes.

In the years since the wave of reforms began, the total state imprisonment rate has dropped by 11 percent while crime rates have continued their long-term decline. At the same time, states that have enacted justice reinvestment laws expect to save billions of dollars because of their reforms.<sup>1</sup>

## How Justice Reinvestment Works



Policy reform	2017						2016		2015			2014		2013				2012				2011				2010			2009		2008			2007			Total																		
	RI	LA	AR	GA	ND	MT	AK	MD	UT	AL	NE	ID	MS	OR	SD	WV	KS	MO	DE	GA	PA	HI	OK	AR	KY	AL	LA	NC	OH	SC	NH	MI	IL	WI	AZ	PA		CT	RI	VT	KS	NV	TX												
<b>Sentencing/pretrial</b>																																																							
Reclassify/redefine drug offenses		✓			✓	✓	✓	✓	✓	✓		✓	✓	✓						✓			✓	✓			✓	✓																					16						
Reclassify/redefine property offenses	✓	✓			✓	✓	✓	✓		✓	✓	✓	✓	✓						✓			✓	✓				✓	✓																						15				
Establish presumptive probation for some offenses					✓		✓			✓		✓	✓	✓								✓		✓				✓																						9					
Revise sentencing enhancements		✓				✓	✓			✓	✓			✓						✓				✓				✓		✓																					10				
Revise mandatory minimums		✓				✓	✓	✓						✓						✓							✓		✓																						9				
Reduce crack-powder cocaine disparity								✓										✓												✓	✓																				4				
Form sentencing commission/revise guidelines			✓			✓	✓		✓																			✓										✓													6				
Improve pretrial release systems						✓	✓									✓				✓			✓																											6					
Establish presentence assessment	✓					✓	✓								✓					✓	✓			✓																					✓						9				
Revise drug-free school zone					✓				✓																				✓		✓																					4			
Authorize risk-reduction sentencing																												✓	✓																✓							3			
<b>Release</b>																																																							
Revise parole hearings/eligibility standards	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓			✓						✓		✓	✓		✓			✓	✓	✓													✓							21			
Expand good-time/earned-time credits		✓					✓	✓	✓			✓	✓		✓				✓	✓								✓	✓	✓	✓													✓		✓	✓					16			
Establish parole board member qualifications						✓																						✓		✓																							3		
Establish/expand geriatric or medical parole	✓	✓			✓		✓	✓		✓			✓											✓			✓		✓		✓																					11			
<b>Community corrections</b>																																																							
Establish/expand earned discharge		✓		✓		✓	✓	✓	✓			✓	✓	✓	✓		✓	✓						✓	✓																						✓						18		
Authorize performance incentive funding	✓						✓	✓	✓				✓					✓			✓			✓	✓				✓	✓																	✓						13		
Authorize administrative jail sanctions	✓	✓				✓	✓		✓	✓	✓	✓	✓		✓	✓							✓	✓			✓	✓		✓	✓																						18		
Authorize graduated responses for violations		✓				✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓			✓	✓	✓		✓	✓		✓	✓		✓	✓																		✓	✓			22		
Cap revocation time		✓	✓			✓	✓	✓	✓	✓		✓	✓					✓			✓	✓					✓		✓																								17		
Establish/improve electronic monitoring													✓												✓	✓		✓																								8			
Establish mandatory re-entry supervision										✓	✓				✓	✓							✓					✓	✓	✓	✓																						10		
Require/improve risk-needs assessment	✓			✓		✓	✓	✓	✓	✓	✓	✓	✓						✓	✓		✓			✓	✓		✓	✓	✓	✓														✓	✓						26			
Require evidence-based practices	✓	✓	✓	✓		✓	✓	✓	✓	✓					✓					✓	✓	✓			✓	✓			✓																		✓						21		
Reform/pilot specialty courts												✓	✓	✓	✓										✓	✓		✓																									8		
Reduce probation terms	✓	✓		✓			✓			✓																																					✓					✓		8	
Improve behavioral health interventions	✓			✓	✓	✓	✓		✓	✓	✓	✓			✓	✓	✓			✓								✓	✓																	✓	✓	✓	✓					23	
<b>Sustainability</b>																																																							
Require fiscal impact statements						✓								✓	✓	✓										✓																												7	
Require data collection/performance measures	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓																							32	
Improve restitution/victim notification	✓	✓					✓	✓		✓	✓	✓	✓								✓	✓							✓																										14
Establish oversight council	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓							✓																																		16	

See table notes on following page.

Notes: The Justice Reinvestment Initiative is supported by The Pew Charitable Trusts and the U.S. Department of Justice, Bureau of Justice Assistance.

Intensive technical assistance to the states is provided by Pew, the Council of State Governments Justice Center, the Crime and Justice Institute at Community Resources for Justice, and other partners.

A bipartisan, interbranch working group developed each state's policy reforms based on analyses of the states' specific criminal justice challenges.

The number of reforms in a state does not correspond with the impact on prison populations, costs, or recidivism.

Reforms reflected in this chart were enacted through legislation or executive or court order during each state's justice reinvestment process in the years noted; any changes made to these policies in subsequent years are not shown.

Similar reforms that states may have adopted outside the justice reinvestment process are not included in this document.

Seven states passed two sets of reforms: Rhode Island enacted reforms in 2008 and 2017; Georgia did so in 2012 and 2017; Louisiana in 2011 and 2017; Arkansas in 2011 and 2017; Alabama in 2011 and 2015; Kansas in 2007 and 2013; and Pennsylvania in 2008 and 2012.

For more details about policies, impacts, and reinvestments, see individual state pages at [www.pewtrusts.org/publicsafety](http://www.pewtrusts.org/publicsafety)

## Endnote

- 1 Samantha Harvell et al., "Reforming Sentencing and Corrections Policy: The Experience of Justice Reinvestment Initiative States" (2016), Urban Institute, [https://www.urban.org/sites/default/files/publication/86691/reforming\\_sentencing\\_and\\_corrections\\_policy\\_2.pdf](https://www.urban.org/sites/default/files/publication/86691/reforming_sentencing_and_corrections_policy_2.pdf).

---

**For further information, please visit:**

[pewtrusts.org/publicsafety](http://pewtrusts.org/publicsafety)

---

**Contact:** Fred Baldassaro, communications  
**Email:** [fbaldassaro@pewtrusts.org](mailto:fbaldassaro@pewtrusts.org)  
**Project website:** [pewtrusts.org/publicsafety](http://pewtrusts.org/publicsafety)

---

**The Pew Charitable Trusts** is driven by the power of knowledge to solve today's most challenging problems. Pew applies a rigorous, analytical approach to improve public policy, inform the public, and invigorate civic life.