

Building Bridges Revisited
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Patrick Hynes, Ph.D.

Thank you, Andrew, for inviting me to join this panel. There is more that I would like to say about Justice Reinvestment than time allows. Also, even with shortening my remarks I will have to go through them a little quicker than I would like. However, since Andrew will post the transcript of my remarks you can simply sit back and listen and not bother with note-taking.

Every time I make remarks in forums like this I strive to share my views as honestly as I can. I don't claim to have a handle on the truth with a capital "T." They simply represent my perspective. Also, what I say today does not necessarily represent the views of the Department of Correction or anyone else in state government; they are just my views.

I'd like to begin my comments today by asking you to imagine something. I want you to imagine that five years ago the State of Connecticut stopped putting anyone in jail or prison—entirely stopped.

Among other possible effects, I think we could be assured of four. First, victims of crime, especially serious crimes, would be outraged. They would believe that justice was not being served. This "just desserts" philosophy is embraced by a lot of our citizens.

Second, we would have eliminated what criminologists refer to as the "incapacitation" effect. To use an example, if a man who has been in the habit of regularly stealing cars is incarcerated for a period of time, then during that time he can't steal cars. It is of course possible that on the day of his release that he would immediately start stealing cars again. Criminologists have estimated the incapacitation effect of incarceration; it is not inconsequential.

Third, our not locking up anybody at all would reduce both **specific and general deterrence**. Let's start with specific deterrence. You will recall that some years ago Martha Stewart was incarcerated, ultimately as a result of her being engaged in insider stock trading. She was thus forced to live for a time in a gated community, not at all to her liking I am sure.

Let us imagine that she was hosting a party last weekend. During the party let us imagine that a friend approached her with an insider stock tip. Let's further imagine that she said, "No way. Been there. Done that. I don't want to hear another word." That would be an example of specific deterrence.

Now, let's say that the same person with the insider tip approached one of Martha's guests with the same offer. Let's further say that his response was, "Listen, I saw what Martha went through. I don't want to hear another word; I've got too much to lose." That would be an example of general deterrence.

So, to sum up so far, we would have eliminated incapacitation and reduced deterrence. We could reasonably expect that we would see an increase in the crime rate. Given the uproar that I would expect from victims and the increased rate of crime, I would predict that the state would re-instate incarceration.

As we slowly started to incarcerate individuals we would be wise to conduct a cost-benefit analysis. Were we to do that I would counsel people to examine three types of costs.

The first is the actual dollar costs of incarceration. Second, whatever benefit we might experience from locking people up, there are also **social collateral costs**. The man who is incarcerated may also be a son, a husband, a father, and a neighbor. You all know neighborhoods that have been disproportionately affected by mass incarceration.

The third cost that should be considered is what economists refer to as "**opportunity costs**." When the State of Connecticut spends a couple of billion dollars on the criminal justice system, it cannot also fund or at least adequately fund other very important, even critical programs that could make a real difference in the lives of individuals, families, neighborhoods, and communities.

Now let's take a look at this graphic that is a theoretical depiction as I review the relationship between rates of incarceration, costs, and benefits. I would expect that the public would initially be quite pleased that we were getting bad people off the streets. Specifically, I would predict that there would

be a consensus that the costs incurred would be worth the benefits. We see this depicting on the left side of this graph as we begin to incarcerate individuals.

But as we incarcerated more and more people the marginal benefits would diminish, the total costs would steadily increase, and at some point there would be a cross-over at which time the costs would exceed the benefits. There is no credible expert in the criminal justice system who doesn't believe that we long ago passed that point.

Theoretically, here's where the concept of **Justice Reinvestment** comes into play. It starts with the idea that if we were to substantially reduce the prison population, that we would be able to save a lot of money and re-invest some of that money.

Now since I have never heard anyone in state government talk about a specific plan, I am going to recommend one. So here's the plan. Let's use some round numbers and say that the approximate budget of the DOC is \$600 million. If we reduced our budget by 12.5 %, that would translate to a savings of \$75 million.

Step one would be that the legislature's Office of Fiscal Analysis and the executive branch's Office of Policy and Management would come to an agreement about how to determine the actual savings.

Step two would be that they would agree on a plan to disperse this money. Lacking a dispersal plan, let's use my plan.

1. Use one-third to **retire** debt. This must be in addition to whatever money was already allocated to retire debt. It would be a political imperative to do this, and of course it would also be prudent fiscally.
2. Create a grant program available to Connecticut's four biggest cities; these 4 cities contribute approximately half of the sentenced and unsentenced inmates in the DOC. Our major cities desperately need help. The solicitation would require that certain questions be answered, including the following:
 - A. Explain how this investment would reduce crime.

- B. Identify areas of concentrated poverty and explain how you are going to address the interwoven problems associated with concentrated poverty, including deteriorated housing stock, poor educational outcomes, high unemployment, poor health outcomes, and victimization.
- C. If you are awarded this grant, during the first two years, report what local colleges and universities partnered with you to help conduct a formative process evaluation?
- D. Identify corporate and philanthropic organizations who have partnered with you. Describe the type and amount of both cash and in-kind support they have pledged.
- E. Describe the role that faith-based communities will play in this plan.

Every year savings would be calculated and if the population continues to be reduced, the grants would increase. Peg the amount to the marginal cost savings resulting from the reduction of incarceration.

- 3. Invest one-third of the savings to address the opportunity cost issue. Utilize a grant process as described above. Grantees would be expected to address the following:
 - A. Provide evidence that this investment or investments are evidence-based.
 - B. If at least a secondary effect of the intervention would ultimately reduce crime, extra points will be given.
 - C. If evidence is provided that this investment is vital, for example, prevents serious illness, death, etc., extra points will be given.

OK, so far so good until someone yells FOUL! “Wait one moment!” shouts a conservative legislator. “This population reduction would happen to some degree by shortening sentences, right?” YES. “Isn’t it the case that some individuals, during that period of early release will commit crimes?” YES. “Hasn’t that always been the case?” YES. “Won’t that always be the case?” YES. “Then why on God’s green earth would we do that?”

That's a good question. This plan is going to start reducing the flow of individuals moving into a career criminal path that often lasts a couple of decades. The number of crimes reduced by this strategy would dwarf the relatively rare, albeit sometimes horrible crimes that are committed during the period of discretionary release.

Another legislator from a suburb might ask, "How can I justify to my constituency spending this much money on a relatively few municipalities?" My answer would be as follows. First of all this proposal necessitates our **not** spending more money overall, but redistributing the money we now are spending to incarcerate individuals. Second, it calls for a regular payment to unfunded mandates such as our existing debt, unfunded pensions, etc. Third, I would suggest that allocating money to the cities is like allocating money following damage from a calamity such as a hurricane. No one would question why funds weren't provided to Salisbury for a hurricane that struck the Connecticut coastline.

An appropriately skeptical legislator might ask, "How do you know if it is going to work?" Great question. If a number of cities are awarded a grant, I do not expect that all will have the same level of results. That is why in this proposal the grantees will have to establish what is described by research scientists as a "formative process evaluation." This requires the establishment of a logic model that is consistent with current research. The researchers will work with the group over a two-year period to identify stumbling blocks and to help them resolve these problems. We would insist that staff from the different city projects meet on a quarterly basis to provide mutual support.

Now, it is also important to remember that we cannot simply throw money at these problems. Communities have to take a great deal of responsibility to bring the entire community together to solve these complicated and interconnected problems. Grants will not automatically be continued. Rather, a requirement of continued funding will be that they are demonstrating progress. This idea is a fundamental tenet of Results-Based Accountability: to track outcomes and to try to improve them, or, in RBA terms, to "turn the curve."

After the two year period outcome data will begin to be collected. Right from the start everyone will know what we expect to get from this investment and if we don't get it, the investment will cease.

I think it is worthwhile to point out one of the most outstanding contributions ever made within the criminal justice field by a bold visionary. He was able to establish a randomized control trial that following conviction, randomly assigning some offenders to a period of incarceration and some to an alternative to incarceration. Imagine that!

Furthermore, he arranged to contract with a local evaluator, very experienced in matters of criminal justice in that state. By demonstrating the effectiveness of these alternatives, he helped transform how the state did business. Now I know that Connecticut has these capabilities. I know that because that bold visionary was now University of New Haven Professor Bill Carbone.

But it is also important to recognize that with all that we have learned over the years, as well described by my fellow panelists, it is important to recognize that virtually all of this is based on a medical paradigm, focusing on individual factors. What we need is a change to an ecological model that identifies what is going on in areas of toxic concentrated poverty. As long as we identify the problem as something that individuals have, there are many that will support this work. When we start identifying social and economic issues, that will be a different question.

Thus, our primary challenge is not a **technical** problem; rather it is primarily a **political** problem. When all of the critical stakeholders unite to create progress, I believe something will happen. But **all** of you are going to have to **make** it happen. Good luck; you have my very, very best wishes.