



How To Reinvest in Communities When Reducing the Scope of Policing

By Ed Chung and Betsy Pearl | July 29, 2020

In June 2020, amid widespread protests against systemic police brutality and misconduct against Black Americans, elected officials and the public began to seriously reconsider the role of law enforcement in U.S. society. For years, grass-roots campaigns and local advocates have called for an approach to public safety that does not rely solely—or even primarily—on the police. Now, the push from activists to shrink the role of policing and invest in social services and community-based strategies is gaining national attention.

Reducing the role of policing and the criminal justice system as a whole is not a radical concept and is based on the widely acknowledged idea that the justice system has taken on an outsize role in society.¹ For too long, American communities have allowed—and in many ways mandated—that the criminal justice system serve as the de facto response to a broad swath of social issues, from behavioral health crises to substance misuse to school discipline. Police officers are expected to address situations that they are neither trained nor equipped to handle, which can significantly exacerbate harm for civilians. In establishing a commission on law enforcement in January 2020, even Attorney General William Barr acknowledged this point, saying, “[O]ur officers must confront a wave of social problems, such as homelessness, drug addiction, and mental illness – problems that demand solutions beyond their authority and expertise.”²

The movement to shrink the role of policing and shift public safety responsibilities to other government and community institutions has similarities to a multistate initiative to divest from prisons that has attracted significant bipartisan support. Over the past decade, 35 states have participated in the Justice Reinvestment Initiative (JRI) and signed up to reduce correctional populations and budgets and reinvest in other public safety solutions.³ JRI has earned praise from leaders across the ideological spectrum. Among JRI’s champions are Democratic Govs. Jay Inslee of Washington⁴ and Kate Brown of Oregon,⁵ Republican Gov. Asa Hutchinson of Arkansas, and former Republican Govs. Nathan Deal of Georgia⁶ and Rick Perry of Texas.

The concept behind justice reinvestment could well be characterized as a defund prisons effort, as the model was originally rooted in the idea that the criminal justice system is too big and too costly and that communities can achieve safety by shifting resources toward other less punitive efforts. The JRI experience provides important lessons for communities seeking to redirect public safety dollars to public health and community-based models. Specifically, while JRI enabled some states to shift funding into community-building resources, a large percentage of savings were ultimately reinvested back into the criminal justice system. City policymakers must establish a sustainable infrastructure in order to implement and be held accountable for their commitments to invest in communities; otherwise, amorphous promises to fund community-based solutions can turn into funding for a different part of the criminal justice system or can easily be discarded altogether. This issue brief outlines three core components of the infrastructure that cities should establish for reinvesting in communities: a dedicated civilian office of public safety within the jurisdiction's government structure; a regularized and in-depth process through which community leaders and representatives can participate in developing the jurisdiction's public safety agenda and priorities; and a budgetary mechanism that gives the community direct control over the redirected investments.

The Justice Reinvestment Initiative

The concept of justice reinvestment was first introduced in 2003 by Susan Tucker and Eric Cardora, justice system experts who were at the time affiliated with the Open Society Foundation.⁷ Although justice reinvestment was initially considered a radical proposal, the idea quickly took off.⁸ Several states piloted the justice reinvestment model into the mid-2000s, yielding significant reductions in correctional costs. Among the most notable early pilots was the Texas reinvestment initiative, which has been credited with saving more than \$1.5 billion in prison construction costs and \$340 million in annual operating expenditures since its enactment in 2007.⁹ Justice reinvestment in Texas earned support from leaders on both sides of the aisle, including then-Gov. Perry. “[I]n 2007, with broad support from Republicans and Democrats alike, Texas fundamentally changed its course on criminal justice,” he later said of the reforms, which are sometimes referred to simply as the Texas model.¹⁰ “Taxpayers have saved billions because of our new approach to criminal justice, and they’re safer in their homes and on the streets.”¹¹

By 2010, the U.S. Department of Justice (DOJ) had taken note of the model's impact. That year, the DOJ teamed up with the Pew Charitable Trusts to launch JRI, a public-private partnership aimed at helping state governments implement reinvestment models.¹² With support from the DOJ, Pew Charitable Trusts, and other JRI partners, state leaders assemble a bipartisan intergovernmental working group to analyze the drivers of incarceration and correctional spending within their jurisdictions. Based on these findings, state working groups identify and

implement reform strategies aimed at reducing justice system populations and costs, with the goal of reinvesting savings into evidence-informed approaches to public safety.¹³ Through JRI, states have worked to revise mandatory minimums and other sentencing guidelines, increase parole eligibility and streamline parole processes, expand good-time and earned credits, invest in substance use treatment and problem-solving courts, and undertake other reforms aimed at reducing correctional costs and populations.¹⁴

In its earliest iterations, the justice reinvestment model was envisioned as a way to shift dollars away from incarceration and into low-income communities and communities of color, the latter of which have long been unfairly targeted by the criminal justice system. Racial disparities exist at every stage in the justice system. Black Americans in particular have experienced disproportionately high rates of arrest and pretrial detention, lengthier prison sentences, and significant barriers to housing and employment upon release from incarceration.¹⁵ In many communities of color, overcriminalization has been paired with government disinvestment in other public institutions and community-building resources.¹⁶ Thus, the goal of justice reinvestment according to Tucker and Cardora was to redirect a portion of correctional spending toward “rebuilding the human resources and physical infrastructure—the schools, healthcare facilities, parks, and public spaces—of neighborhoods devastated by high levels of incarceration.”¹⁷ As the model evolved, however, its emphasis on community-building dissipated.¹⁸ In practice, states have reinvested a large percentage of the savings realized through JRI back into their criminal justice systems. JRI states reinvested \$557 million between 2010 to 2017, more than one-quarter of which went toward community supervision agencies for purposes such as hiring new probation and parole officers and expanding electronic monitoring.¹⁹ Correctional institutions and law enforcement agencies received a combined \$123 million during this time period, most of which was used to support in-prison programming.²⁰ In some jurisdictions, the savings intended for reinvestment were simply absorbed into the state’s general fund.²¹

Still, some jurisdictions continue to reinvest a portion of JRI funds into community-building resources. The state of Oregon, for instance, uses JRI to fund a grant program for county-level safety initiatives, including efforts to address social service needs. Between 2017 and 2019, Oregon awarded more than \$6 million to support services related to housing, education, and employment; mentoring; parental skills building; and reentry.²² Arkansas has used JRI to divert people with behavioral health needs away from jails and into treatment. In a 2018 op-ed for Fox News, Gov. Hutchinson wrote, “The Justice Reinvestment approach allowed Arkansas to become the first state in the country to create a network of crisis stabilization units.”²³ These units provide an alternative to incarceration for individuals in crisis, for whom “arrest isn’t always the best option,” according to Gov. Hutchinson. “Now officers have a place to take someone where people are trained to recognize and treat behavioral-health issues.”²⁴

How to ensure reinvestment into community-based systems

Communities considering how to reimagine their public safety resources should take note of JRI's successes and shortcomings. In part, JRI's failure to reinvest in impacted communities is a symptom of its failure to meaningfully engage these communities in the first place.²⁵ Although JRI has built strong coalitions of state government officials, the initiative has largely neglected to carve out a role for local leaders and members of communities most affected by the justice system.²⁶ Absent community engagement, JRI's reinvestment strategy has come to reflect the priorities of state-level policymakers rather than the needs of residents. "What started as an initiative to move resources into low-income communities of color has resulted instead in the reinvestment of resources into police departments," wrote Zachary Norris, executive director of the Ella Baker Center for Human Rights, in an article on JRI's shortcomings.²⁷

Sustainability is also a concern for JRI. Because policy reforms will not realize their full potential overnight, JRI requires a long-term commitment from stakeholders. According to an evaluation conducted by the Urban Institute, "impatience over lack of immediate results" could seriously jeopardize a state's JRI effort.²⁸ In other cases, state-level political turnover has threatened to derail JRI, particularly in states with term-limited legislatures. When JRI's legislative champions leave office, the future of the initiative may be put at risk.²⁹ Beyond political factors, the sustainability of JRI also depends on funding. States must provide dedicated resources to implement justice system reforms, without which they will not successfully shrink correctional populations and costs.³⁰

To avoid these pitfalls, local governments should establish an infrastructure to partner with impacted communities and sustainably reshape cities' public safety agendas. Such an infrastructure should include the following three components: a dedicated civilian office within the jurisdiction's government; a regularized and in-depth process through which community leaders and representatives can participate in developing the jurisdiction's public safety agenda and priorities; and a budgetary mechanism that gives the community direct control over the redirected investments.

Establish civilian offices of neighborhood safety

City governments can help ensure that community-driven safety agendas receive the long-term political and financial support necessary to succeed by embedding nonpunitive safety solutions into the fabric of local government. Importantly, local leaders should avoid housing community-driven interventions within city agencies that have engendered distrust among residents or within public institutions that are not equipped to take on these roles. Instead, they should consider creating a new civilian-led office within the city government that is specifically designed to administer community-driven public safety priorities.

Richmond, California, provides a powerful example of the city government's role in advancing sustainable and effective community safety strategies. In 2007, Richmond launched the nation's first Office of Neighborhood Safety (ONS), a civilian office focused on preventing violence and strengthening community well-being and safety.³¹ When the office was established, the city of Richmond's homicide rate was eight times higher than the national average.³² Ten years later, in 2017, the homicide rate had dropped by 80 percent.³³ Unlike a police department or other "traditional" public safety agencies, an ONS is not part of the criminal justice system. Instead, it is intentionally housed within city government and staffed by civilians, many of whom are members of the communities most affected by the criminal justice system. This structure allows the ONS and its staff to build and maintain trust with residents who may distrust law enforcement or other justice system practitioners. Establishing a permanent office devoted to community-safety strategies can also protect against political turnover or lapses in funding, which can undermine the longevity of interventions.

Create a systematized process for community participation and accountability

As localities begin to rethink the role of policing, elected officials should empower residents to reshape the city's approach to public safety. Local elected leaders should look beyond traditional community engagement approaches, which often consist of a one-off community meeting or a survey rather than a long-term strategy for partnering with residents. These approaches often fail to capture the perspectives of residents most affected by the justice system, including low-income communities and communities of color. Survey data show that Americans who have been impacted by the justice system are significantly less likely to trust government, which in turn can deter civic participation and engagement with government officials. "I feel like they're not interested in what I have to say," explained one survey respondent from Charlotte, North Carolina.³⁴ Others echoed this sentiment, expressing the belief that public officials were not answerable to their concerns.³⁵

Instead, cities seeking to create a community-driven safety agenda should create a permanent pathway for residents to both participate in policymaking and hold elected officials accountable for outcomes. One model for strengthening and systematizing the community's role in public safety policymaking is NeighborhoodStat, an initiative operated by the New York City Mayor's Office of Neighborhood Safety. NeighborhoodStat is a joint problem-solving process that empowers residents of high-crime public housing developments to partner with city agencies to craft a public safety agenda that is grounded in the community's needs. The model was first implemented in 2016 as part of the Mayor's Action Plan for Neighborhood Safety (MAP), a multiagency initiative to channel community-building resources into the 15 housing developments that accounted for a disproportionate amount of violent crime.³⁶ As part of the NeighborhoodStat process, teams of resident leaders work with their neighbors to develop a set of key priorities for strengthening safety in their housing development; these priorities can range from expanding youth

employment opportunities to cleaning up a local playground to installing outdoor lighting on sidewalks.³⁷ Residents then meet directly with leadership from dozens of city agencies and community-based service providers to share their community's safety priorities and delve into solutions that are responsive to their needs.³⁸ During NeighborhoodStat meetings, city agencies make concrete commitments to support community-driven solutions and are held accountable for delivering on these promises in a timely fashion.³⁹ Today, NeighborhoodStat is known as the “operational centerpiece” of MAP, which has contributed to meaningful crime reductions in public housing developments.⁴⁰ According to recent evaluation data, serious felonies have dropped by 7.5 percent in participating housing developments, compared with only 3.8 percent in other developments.⁴¹

Give communities control over reinvestment dollars

Another key element for creating a community-driven safety agenda is ensuring that residents have an active role in guiding the city's budget priorities. Budgets are often referred to as moral documents that offer a window into a jurisdiction's values and priorities.⁴² Unfortunately, city budgets tend to reflect the values and priorities of elected officials and well-organized interest groups rather than those of residents and community-based organizations. The mismatch between a city's budget and the needs of its residents can stem from a lack of community engagement in the budgeting process. Such was the case in Milwaukee, Wisconsin, where a coalition of local advocates known as the African-American Roundtable organized the LiberateMKE campaign for budget justice in 2019.⁴³ When it came to Milwaukee's budgeting process, “There was no one in our city government that was really working to engage anyone, let alone grassroots organizations,” explained Markasa Tucker, director of the African-American Roundtable and a driving force behind the launch of LiberateMKE.⁴⁴ The campaign began with the realization that Milwaukee's budget was “unjust and inequitable in regards to residents' needs,” Tucker explained. “The residents in the heart of Milwaukee were not a part of the budget.”⁴⁵

LiberateMKE's fight for budget justice began during the summer of 2019, when the campaign asked people across Milwaukee what they wanted to see within their city's budget.⁴⁶ The 1,100 survey responses revealed that residents favored investments in community-based violence prevention efforts, sustainable jobs for young people, and affordable quality housing, rather than increased investments in policing.⁴⁷ Campaign organizers hosted workshops for residents to learn how to navigate the city budget process, equipping them with the tools to advocate for investments that better reflected their needs.⁴⁸ When it came time for the city's public budget hearings in October 2019, a record number of residents turned out to voice their opinions. Whereas resident attendance at budget hearings had traditionally been sparse, residents showed up in droves and gave more than 3 1/2 hours of testimony.⁴⁹ “This has probably been the most people that we have had show up to a community hearing on the budget,” Milwaukee Common Council President

Ashanti Hamilton commented during the hearing.⁵⁰ According to Tucker, residents “felt empowered enough to come and face the Common Council and the mayor to talk about what they wanted.”⁵¹ The campaign ultimately convinced the Common Council to divert \$900,000 from the police budget into community-driven priorities, including funding for emergency housing and summer youth employment programming.⁵² The savings were realized in part through the elimination of 60 full-time positions upon officers’ retirement, as well as a \$300,000 reduction in the Milwaukee Police Department’s vehicle replacement budget.⁵³

Conclusion

As the movement to rethink policing gains momentum, more and more cities are exploring ways to redirect resources away from traditional public safety approaches and reinvest in community-based safety. Shrinking the footprint of policing is a promising first step, but it must be paired with a concerted effort to build a city government that is responsive to community safety needs. Cities now have the opportunity to learn lessons from the shortcomings of the bipartisan Justice Reinvestment Initiative that has not realized its potential for reinvestment in impacted communities. To avoid the pitfalls of JRI, cities should reshape government infrastructure to foster meaningful partnerships with residents, make long-term investments in their priorities, and sustain their visions for community safety.

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Endnotes

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