



# Fact Sheet: Justice Reinvestment Basics

## Origins of Justice Reinvestment

Justice Reinvestment (JR) is a term that owes its origins to Susan Tucker and Eric Cadora. In their article of the same name, Tucker and Cadora lamented the “cumulative failure of three decades of prison fundamentalism” and advocated for a place based approach “driven by the realities of crime and punishment”.<sup>i</sup> They propose,

“The goal of justice reinvestment is to redirect some portion of the \$54 billion America now spends on prisons to rebuilding the human resources and physical infrastructure — the schools, healthcare facilities, parks, and public spaces — of neighborhoods devastated by high levels of incarceration.”<sup>ii</sup>

Thus, as originally conceived, JR involves advancing “fiscally sound, data driven criminal justice policies to break the cycle of recidivism, avert prison expenditures and make communities safer”.<sup>iii</sup>

## A nebulous concept?

Often criticised as conceptually vague, since the publication of this article 11 years ago justice reinvestment has come to mean different things in different contexts.<sup>iv</sup> Across the US, many projects at both state and local level are affiliated with the Justice Reinvestment Initiative (JRI) of the Bureau of Justice Assistance.<sup>v</sup> At July 2014, at least 30 states across the US are undertaking justice reinvestment on a state level,<sup>vi</sup> and at least 18 counties across 6 states are undertaking justice reinvestment on a local level.<sup>vii</sup> Furthermore, across the US, other projects embracing the elements of JR are being developed outside JRI.<sup>viii</sup> In the UK, the Ministry of Justice has conducted six justice reinvestment pilots in Greater Manchester, Croydon, Hackney, Lambeth, Lewisham and Southwark.<sup>ix</sup>

There is no single, specific process that characterises a JR approach. In the US, implementing JRI has focused on the passage of legislation enshrining general criminal justice reform.<sup>x</sup> The reforms adopted differ across the states reflecting the different drivers of incarceration, and are shaped by what is politically achievable in each jurisdiction. In the UK, the pilots focused on incentivising “local statutory partners to reduce demand on courts, legal aid, prisons and probation and, consequently, reduce the costs on the justice system.”<sup>xi</sup>

## What are the elements of JR?

In general terms, a justice reinvestment approach involves 4 aspects

1. Identify communities;
2. Develop options to generate savings;
3. Quantify savings to reinvest;
4. Measure and evaluate impact on identified communities.<sup>xii</sup>

The first step is 'justice mapping' which involves conducting an analysis of data and trends affecting incarceration rates, including identification of the areas producing high numbers of prisoners and the factors driving growth in prison populations. The next phase concerns developing options, both legislative and policy based, to reverse the rates of incarceration and to increase the effectiveness of spending in the criminal justice arena. Then, the 'savings' from these changes are quantified and reinvested back into communities that produce high numbers of imprisoned offenders. Finally, in order to ensure the sustainability of the reforms, all stages of the process are evaluated.<sup>xiii</sup>

At its core, JR is concerned with increasing functionality and capacity in disadvantaged communities.<sup>xiv</sup>

Author: Courtney Young

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The Australian Justice Reinvestment Project (AJR Project) is a 2 year ARC funded project which draws together senior researchers across the disciplines of law and criminology to examine justice reinvestment programs in other countries and analyse whether such programs can be developed in Australia.

<sup>i</sup> Susan B Tucker and Eric Cadora, 'Justice Reinvestment' (2003) 3 *Ideas for an Open Society* 2, 2-3.  
<[http://www.opensocietyfoundations.org/sites/default/files/ideas\\_reinvestment.pdf](http://www.opensocietyfoundations.org/sites/default/files/ideas_reinvestment.pdf)>.

<sup>ii</sup> Susan B Tucker and Eric Cadora, 'Justice Reinvestment' (2003) 3 *Ideas for an Open Society* 2, 3.  
<[http://www.opensocietyfoundations.org/sites/default/files/ideas\\_reinvestment.pdf](http://www.opensocietyfoundations.org/sites/default/files/ideas_reinvestment.pdf)>.

<sup>iii</sup> Council of State Governments Justice Centre, *About the project: The strategy* Justice reinvestment  
<<http://www.justicereinvestment.org/about>>.

<sup>iv</sup> M Tonry 'Making peace, not a desert: Penal reform should be about values not justice' (2011) 10 *Criminology & Public Policy* 637.

<sup>v</sup> BJA, *Justice Reinvestment Initiative* (2014)  
<<https://www.bja.gov/programs/justicereinvestment/index.html>>.

<sup>vi</sup> Current states, under the auspices of CSG: Alabama, Hawaii, Idaho, Kansas, Michigan, North Carolina, Ohio, Pennsylvania, West Virginia, Washington, Nebraska. Past states under the auspices of CSG: Arizona, Connecticut, Indiana, Nevada, New Hampshire, Oklahoma, Rhode Island, Texas, Vermont, Wisconsin. Council of State Governments Justice Center, *Justice Reinvestment* (2014) <<http://csgjusticecenter.org/jr/>>; Current states under the auspices of VERA: Arkansas, Delaware, Georgia, Kentucky, Louisiana, South Carolina. VERA, *Justice Reinvestment Initiative* (2013)  
<<http://www.vera.org/project/justice-reinvestment-initiative>> ; additional states include Mississippi, Oregon, South Dakota, BJA, *Justice Reinvestment Initiative*  
<[https://www.bja.gov/programs/justicereinvestment/jri\\_sites.html](https://www.bja.gov/programs/justicereinvestment/jri_sites.html)>

<sup>vii</sup> Under the auspices of CJI: New York, New York, Yolo County, California, The City and County of San Francisco, California, Santa Cruz County, California, Lane County, Oregon, Alachua County, Florida, Allegheny County, Pennsylvania and Johnson County, Kansas. Crime and Justice Institute Community Resources for Justice, *Justice Reinvestment Initiative (JRI)* (2014)  
<[http://www.crj.org/cji/entry/project\\_justicereinvest](http://www.crj.org/cji/entry/project_justicereinvest)>; Under the auspices of CEPP: Milwaukee, Wisconsin, Charlottesville, Virginia, Delaware County, Ohio, Grant

County, Indiana, Yamhill County, Oregon, Denver, Colorado, Eau Claire, Wisconsin, King County, Washington, Mecklenburg County, North Carolina, Travis County, Texas, The Center for Effective Public Policy *Justice Reinvestment* (2014) <<http://cepp.com/justice-reinvestment>>; and Multnomah County Oregon, which is funded by the Oregon Criminal Justice Commission , Partnership for Safety and Justice, Justice Reinvestment in Multnomah County (2013)  
<<http://www.safetyandjustice.org/files/Multnomah%20County.pdf>>.

<sup>viii</sup> See for example, Multnomah County Oregon, which is funded by the Oregon Criminal Justice Commission , Partnership for Safety and Justice, Justice Reinvestment in Multnomah County (2013)  
<<http://www.safetyandjustice.org/files/Multnomah%20County.pdf>>.

<sup>ix</sup> Ministry of Justice, *Justice reinvestment pilots: first year results* (7 May 2013) UK Government  
<<https://www.gov.uk/government/publications/justice-reinvestment-pilots-first-year-results>>.

<sup>x</sup> Council of State Governments, *Justice Reinvestment Reinvest in what works*, About Justice Reinvestment (2014) <<http://csgjusticecenter.org/jr/about/>>.

<sup>xi</sup> Ministry of Justice, *Justice reinvestment pilots: first year results* (7 May 2013) UK Government  
<<https://www.gov.uk/government/publications/justice-reinvestment-pilots-first-year-results>>.

<sup>xii</sup> Courtney Young, 'Justice Reinvestment in Australia: more for your dollar in dealing with crime?', Costing Justice Workshop, TILES, University of Tasmania, 15 February 2013.

<sup>xiii</sup> Melanie Schwartz, 'Building communities, not prisons : Justice Reinvestment and Indigenous over-imprisonment' (2010) 14 *Australian Indigenous Law Review* 2.

<sup>xiv</sup> David Brown, Chris Cunneen, Melanie Schwartz, Julie Stubbs and Courtney Young, Submission No 114 to Senate Standing Committee on Legal and Constitutional Affairs, Parliament of Australia, *Value of a justice reinvestment approach to criminal justice in Australia*, 20 June 2013.