



National Criminal Justice Reform Project

Issue Brief

Improving Reentry, Information Sharing and Pretrial Systems: Lessons Learned from State Reform Efforts

Introduction

The National Criminal Justice Reform Project (NCJRP) was a five-year initiative that assisted states in advancing criminal justice reform through an executive-led, comprehensive strategic planning process and the adoption of data-driven and evidence-based policies, practices, and programs (EBPs).

Funded by Arnold Ventures and administered by the National Criminal Justice Association (NCJA) and the National Governors Association Center for Best Practices (NGA Center), the NCJRP was designed to achieve transformational and durable state-level criminal justice reforms. The reform efforts focused on improving reentry and reducing recidivism, pretrial release and bail reform, and improving access to data and information sharing.

The NCJRP approach was designed to build capacity in states by leveraging existing knowledge, expertise and resources. By meeting states “where they are” and providing guidance and support to both policymakers and programmatic staff during planning and implementation, the NCJRP aimed to achieve more effective and durable outcomes than those previously pursued through other reform models.



The NCJRP Theory of Change

The foundation for NCJRP's theory of change relied on three key factors for lasting impact:

- A Governor's commitment to reforming a state's criminal justice system creates the mandate necessary for transformational change,
- To be effective, reforms must be data-driven and evidence-based and
- To be enduring, reform efforts must bolster the State Administering Agency's (SAA) capacity to use data to inform policy and promote wider adoption of evidence-based practices by program staff charged with implementing them.

Through this process, four states (Arizona, Delaware, Oregon and Vermont) began a data-driven strategic planning process designed to identify the state's priorities for policy, practice or programmatic reforms. Each state underwent a process of analyzing how to address existing barriers and resource gaps, identifying key stakeholders for reform and developing common goals for action. Arizona and Delaware pursued improving reentry outcomes and reducing recidivism. Oregon and Vermont focused on pretrial reform efforts. Each state also pursued improving data collection and information sharing. Central to this planning process was establishing or strengthening institutional partnerships between the state and universities or other third-party research entities.

This process culminated in the development of comprehensive recommendations in each state that the Criminal Justice Policy Advisor (CJPA) and SAA Director delivered to each state's respective Governor for approval. Ultimately, each state moved forward with implementing select recommendations while conducting and delivering outcomes related to formative and data integration and other work to move forward the selected reform area. More information about the work and deliverables generated in each state is available at <https://www.ncja.org/national-criminal-justice-reform-pr>.



General NCJRP Lessons Learned: What States Should Know Before Undertaking a Major Reform

- **The Need for Gubernatorial Leadership.** The emphasis on Executive Branch leadership is a unique aspect of the NCJRP model. The Governor's mandate for change and visible backing for reform efforts was consequential in coalescing support and collaboration across agencies and actors, bringing urgency and energy to reform efforts on the ground, and institutionalizing structures and processes for focusing on policies and practices. This is essential for long-term, sustainable criminal justice reform. Throughout the project, Governors and their appointees remained engaged and were critical in bringing stakeholders together at different points of the process. This engagement creates an environment for system improvement, energizes momentum for reform efforts and fosters an atmosphere for sustainability. Reform efforts benefit from Gubernatorial leadership and the Governor's authority to bring key agencies to the table.
- **Enhanced Relationships between the CJPA and the SAA.** One of the foundational principles of the NCJRP is the importance of the relationship between the CJPA and the SAA Director. The CJPAs and SAAs led the reform efforts in each state, from the creation of initial task forces that identified assets, gaps and set goals, through the initial evaluation of implemented reforms. This relationship is essential for ensuring state agency readiness for sustaining efforts long-term. In each state, the planning process drew upon the strategic planning and grant management expertise of the SAA. The CJPA ensured alignment with priorities and maintained ongoing cross-communication with the Governor.
- **The Importance of the Planning Process.** The CJPA and SAA led teams of policymakers and key stakeholders to embed a data-driven strategic planning process for advancing and sustaining reforms. These state task forces, work groups and/or subcommittees were critical in identifying system needs and scoping priorities for reform. This initial process enabled executive branch agencies to address priorities, set goals and enhance decision-making and evaluation processes, ultimately achieving system-wide improvements in areas where Governors can drive change. In addition to the SAA's expertise, a team of subject matter consultants, NCJA and NGA Center staff, and researchers supported the planning efforts. The planning structures and processes administered by the SAA are well known across the criminal justice community in individual states, tend to be supported by experienced professional staff and are highly effective in bringing disparate actors to the table and facilitating collaboration. Due to their integrity, institutionalization and familiarity with criminal justice actors at the state and local levels, they are well-positioned to facilitate reforms in ways ad hoc and transient strategic planning initiatives cannot match.

- **Conduct Comprehensive Data Inventories and Assessments.** While there is widespread recognition about the value of data-driven, evidence-based practices, data availability remains a chronic challenge. Too often, the requisite data to plan, deliver, and evaluate reforms effectively is not available or easily integrated. Dedicated and properly supported data development efforts are needed for comprehensive reform and governance, and integration expertise should always be part of reform efforts. States that pursue reform will need to assess their ability to gather and overcome obstacles to obtaining the necessary data.
- **Conduct Formative Evaluation and Plan for Outcome Evaluation.** Formative evaluation should be incorporated into all reform initiatives. Implementation matters, and as important as summative outcome evaluation is, newly implemented reform initiatives are rarely ready for outcome evaluation. Interventions must be fully operational and stable for outcome evaluation findings to be meaningful, and almost all programs take time to reach a sound level of evaluability. In the NCJRP states, one state was not ready for a formal outcome evaluation almost four and a half years post initial implementation. In another state, a year of formative work and multiple years of program scale-up was necessary to achieve the level of evaluability necessary to support a rigorous outcome evaluation. Implementation science suggests that even in the best circumstances, newly implemented evidence-based initiatives can take two to four years to reach full implementation when investment in rigorous outcome evaluation is first warranted. Formative evaluation is a critical mechanism for facilitating full, high-fidelity implementation and ensuring a given reform is indeed evaluable. Therefore, states must plan in advance for generating resources, including financial, research and programmatic support, to conduct outcome evaluation.
- **State-to-State Dialogue.** Throughout the NCJRP, the state teams had consistent opportunities to share and exchange challenges, best practices and lessons learned. NCJRP offered an open forum for discussion, quickly connecting peers and experts to share what worked. This ultimately formed an informal learning cohort for state-level criminal justice reform. Although the states varied in geographic diversity, population and other demographics, they encountered similar issues. Policymakers considering these types of reforms are encouraged to reach out to NCJRP staff and connect with their respective SAAs or CJPAs. If resources allow, states should conduct site visits and meet with representatives from other states who have implemented and sustained reforms.
- **Garner Other Resources.** Obtaining and leveraging additional resources to move forward with reform is crucial to success and sustainability. In NCJRP, the SAAs and CJPAs played a critical role in pursuing and advocating for outside grant and state funding to support implementation.

- **Be Flexible and Do What You Can.** One challenge that had a detrimental impact on reform efforts was the COVID-19 pandemic. The operational shutdowns that occurred in each state's correctional agencies, courts and justice systems due to the pandemic could not be avoided. Arnold Ventures, as NCJRP's supporter, expressed flexibility and support throughout the project, and the states were diligent in pursuing contingency plans to move forward in their area of reform where possible. All NCJRP states had to adapt to the changing circumstances and do things differently than they originally planned, yet they all produced meaningful deliverables and moved their reform initiatives forward. States are resilient and must adapt.
- **Maintain Momentum.** It is important that states wishing to pursue reform involve staff who will remain in place through changes in administration and who can maintain the momentum between the planning and implementation stages of the reform process. During the five-year NCJRP initiative, there were many changes in staff and directional leadership as well as a six-month delay between planning and implementation. In some states, this delay served to deflate momentum that was built during the initial phases and then had to be reestablished when Phase III resumed. Because delays are unavoidable, it underscores the importance of maintaining momentum and progress once reform efforts are planned and initiated. Some states also experienced changes in administration and leadership which underscored the importance of engaging state staff and champions who are involved for the life of the project.
- **Sustaining Reform Policies.** In addition to programmatic changes, the states involved in NCJRP used artifacts from the initiative to advocate for Executive Orders or legislation to implement and sustain their reform efforts. Arizona received state funding to expand reentry reform in local jails. In Delaware, Governor John Carney signed [Executive Order 27](#) to create the Delaware Correctional Reentry Commission and Office of Planning, Research, and Reentry within the Department of Correction. Oregon passed [Senate Bill 48](#) which reduced reliance on cash bail and improved equity and consistency in pretrial release decisions. In Vermont, [H546](#) created the Office of Racial Equity, Division of Racial Statistics which will continue the data transparency and integration work.



What States Should Know Before Undertaking Efforts to Improve Reentry and Reduce Recidivism

Given the unprecedented number of people who have reentered the community following incarceration in recent years, reentry is a highly visible and important public safety issue. Reentry policies and practices have been the focus of substantial empirical inquiry, and the knowledge base concerning what works to promote the successful reintegration of returning citizens has grown substantially over the past 20 years. These dynamics have been the impetus for reentry reform in many jurisdictions, including the reentry reform efforts undertaken in Arizona and Delaware.

- **Successful Reintegration Requires a Comprehensive Multi-Disciplinary Approach.** This approach must involve corrections, behavioral and physical health, housing, labor, and educational agencies and community members. Returning citizens have multiple needs that must be addressed comprehensively, and the failure to address any one need cannot be compensated for in other areas. This underscores the importance of collaborative multi-disciplinary approaches and shared responsibility for recidivism reduction that begins on the first day of an individual's incarceration and extends into the community well after the individual's release.
- **Employ Risk-Need-Responsivity Model.** Recidivism reduction and successful reintegration is best accomplished through adherence to Evidence-Based Practices (EBPs) and the principles of effective correctional intervention. The research-based principles of risk, need and responsivity (RNR) are particularly important; adhering to them produces the highest levels of recidivism reduction while deviating can result in increased recidivism. No reentry initiative can be expected to succeed without attention to RNR, including targeting appropriate treatment to high- and medium-risk individuals, ensuring treatment delivery is responsive to the cognitive ability and learning style of program participants, and ensuring there is a continuum of follow-up and appropriate aftercare in the community.
- **Sustainability Requires Adherence to EBPs.** Sustainability is contingent on a thorough analysis of all reentry-related policies and procedures, and a dedicated effort to align those policies and procedures with EBPs. Policies and procedures must facilitate and support reform goals and provide guidance and parameters for staff in their day-to-day work. Developing an agency and staff culture that aligns with the new way of doing business is essential, as training staff who are philosophically opposed to the underpinnings of the reform and clearly articulated EBPs is likely to be ineffective.

- **Reform Must Focus on Change.** Reentry reform must focus on changing practitioners, organizations and the systems in which they function. Practitioners need skill sets tailored to the context, populations and situations in the reform initiative. Successful and sustainable implementation requires changing organizational structures, cultures and climates so the environment for reform is hospitable. Organizational and systems leaders must address barriers to the adoption, implementation and sustainability of new ways of doing business. The development of peer-level champions and change agents among line-level staff, competent mid-level managers who buy into the reform initiative and leadership that models buy-in to commitment to the reform effort, as demonstrated in Delaware, are critical to success.

What States Should Know Before Undertaking Pretrial Release or Bail Reform Efforts

Until recently, jail populations were steadily rising even though substantial research has shown that detaining people prior to adjudication has significant collateral consequences. At the same time, decisionmakers must balance individual rights with community safety. Even with these competing priorities, states and local jurisdictions have made great strides in reducing pretrial detention. While there is no single path to reform, there are broader lessons to guide state efforts.

- **Assessment.** Access to quality data, capable research teams and a willingness to examine data, whether flattering or not, is crucial. Too often jurisdictions are quick to try and fix issues without understanding the root causes and end up creating greater collateral issues. For example, Oregon prioritized understanding the difficulty of undertaking pretrial reform in the state given the unique status of security/bail in the Oregon Constitution. The unavailability of essential data regarding pretrial processes in the courts, as well as data on booking, security/bail amounts and releases in local jails, proved challenging. The state also focused on understanding the existing pretrial process from a statutory standpoint. Like many states, Oregon's statutory framework is complex and was built over time in a piecemeal manner, which led to a haphazard collection of statutory provisions. Only after a significant effort by the state's Public Safety Task Force and focused efforts by the [Senate Bill 48](#) workgroup were these complexities understood. After efforts to examine and understand their own state system and pretrial processes, Vermont also identified data gaps which led to a reallocation of resources to the Agency of Digital Services to address them.
- **The Pandemic Changed Pretrial Release.** COVID-19 provided an additional impetus for diverting pretrial defendants from jail. Vermont reported that law enforcement officers increasingly issued citations in lieu of arrest during the pandemic. Similarly, Oregon expanded the use of pretrial release to reduce jail populations and prevent the spread of COVID-19.

- **Maintain Focus and Coordinate with Other Reforms Efforts.** Following the murder of George Floyd in 2020, the criminal justice reform landscape changed, making way for reform efforts that previously may not have been possible. For example, during its 2021 session, the Oregon Legislature considered multiple bills to reform mandatory minimum sentencing, passed nine bills related to police reform and oversight, and considered and ultimately passed pretrial reform via [Senate Bill 48](#). Throughout this busy session, it took great effort to keep Senate Bill 48 on top of mind, as the proposed reforms were highly technical. The bandwidth of legislators, policymakers, advocates and citizens was also spread thin given the large number of bills under consideration. While timing is rarely perfect for any effort, states must continually advocate and educate to get the needed traction and champions to ensure a smooth passage of legislation.

What States Should Know Before Undertaking Efforts to Improve Access to Data and Information Sharing

Prior to adopting new administrative policies, processes or procedures, stakeholders need to leverage or establish new data integration capabilities to assess the viability of the proposed policies, models or tools. This process should include clearly defining the problem to be addressed and the proposed approach to resolve the issue in order to properly scope subsequent data sharing capabilities and analysis. Ultimately, an assessment will assist policymakers in making effective and appropriate decisions based on specific and tailored evidence for their jurisdictions.

- **Establish Effective Data Governance and Stakeholder Roles.** Data integration is a cooperative endeavor among participating entities. In government criminal justice scenarios, each agency has individual responsibilities, priorities, capabilities and resources that can create significant logistical challenges. These agencies rarely have the authority or the necessary staffing to coordinate and manage the numerous tasks involving data requirements, access policies, technology development and implementation approaches. Executive level leadership is critical to overcoming these organizational hurdles and providing a comprehensive and coordinated approach to resolving inter-agency obstacles involving information sharing policies and practices. For example, in Arizona, the Criminal Justice Commission (the SAA) provided the needed forum to coordinate development activities and provide resources to oversee the data collection and analysis for the Second Chance Centers. In Vermont, stakeholders allocated grant funding to retain project management staff to coordinate and manage the interaction between policy, operations and development activities for the participating agencies.

- **Inventory Current Data Assets and Gaps.** Establishing a statewide “data landscape” is a critical component in identifying existing capabilities and any additions necessary to accomplish the policy objectives. Conducting a data inventory is one of the first steps to reform and allows stakeholders to better understand the data operating environment of statewide and local systems. Knowing how data is collected and how it is used will help the state identify gaps, set goals and ultimately inform decision- making.
- **Curate Data and Assess Feasibility.** The NCJRP’s pretrial data analysis efforts exemplify the importance of curating data to assess the feasibility and applicability of national reform efforts within respective states prior to adopting reforms. In Oregon, stakeholders expanded information sharing infrastructure and established a comprehensive dataset that provided clarity for legislative reforms, including the elimination of mandatory minimum bail amounts and reductions in pretrial detention holds. Absent this dedicated approach to data integration and examination, stakeholders run the risk of implementing costly, ineffective or possibly detrimental policies.

The National Criminal Justice Reform Project (NCJRP), funded by Arnold Ventures, is a partnership between the National Criminal Justice Association (NCJA) and the National Governors Association Center for Best Practices (NGA). To learn more about NGA visit NGA.org. To learn more about NCJA visit ncja.org.