



CRIMINAL JUSTICE PLANNING IN RHODE ISLAND

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THE ISSUE

The State of Rhode Island spends millions of general revenue dollars each year to support its administration of justice, in addition to receiving and spending millions of federal dollars; yet there is no current strategic plan that guides this spending from year to year.

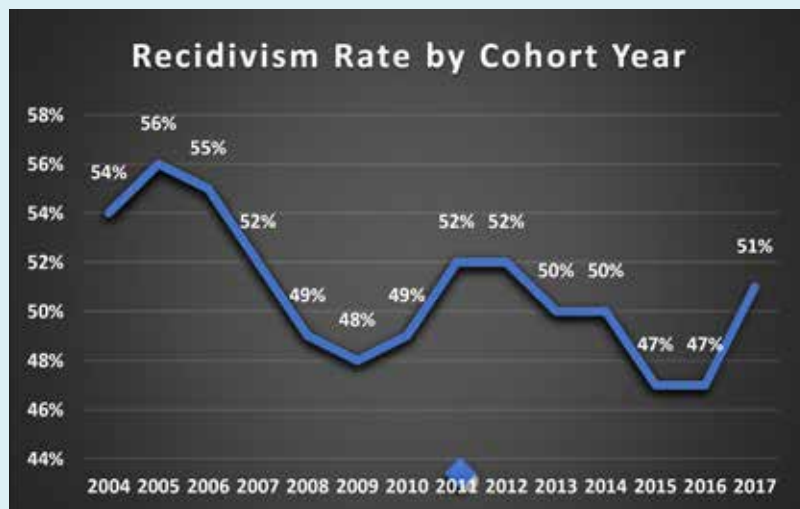
For more than a decade, RI has been lacking sustained leadership, strategy and collaboration across state agencies that serve individuals involved in the justice system. This has resulted in static recidivism rates, missed financial opportunities, fragmented and unaccountable approaches to justice reform, and a lack of data-informed policymaking. As a consequence of the State's lack of planning, there is no clear statewide vision or long-term goals for RI's criminal justice system.

Additionally, there are data deficiencies in RI's criminal justice outcomes, even though data is needed to understand gaps and opportunities in RI's justice system, as well as guide state spending and investment priorities. The limited exception is recidivism reduction; recidivism reduction is broadly discussed by RI agencies and policymakers as an aim, yet there is not a publicly stated, specific numeric goal that the State is working towards.

Approximately one in three Rhode Islanders are involved in the criminal justice system². A criminal record worsens health outcomes, creates barriers to obtaining safe housing and employment, disrupts healthy family relationships, and places additional financial strains on people who are likely to already have limited income.

Effective criminal justice planning is needed for RI to: improve public health through access to rehabilitative and prevention services; reduce initial and on-going contact with the justice system which is both harmful and expensive; and maintain public safety while improving outcomes for victims of crime and justice-involved people.

Without a state strategy, one third of RI's population will continue to experience inequities due to the collateral consequences of justice involvement.



Recidivism is defined locally as being re-committed to the Adult Correctional Institutions (ACI) after a period of incarceration. The RI Department of Corrections (RIDOC) calculates recidivism based on return to the ACI within three years of release.¹

RHODE ISLANDERS LIVING IN RI COMMUNITIES IN 2020 UNDER RI PROBATION OR PAROLE SUPERVISION ³		
Name of City	# of People	Males
Central Falls	548	1 in 14
Cranston	856	1 in 44
East Providence	417	1 in 49
Newport	298	1 in 40
Pawtucket	1,542	1 in 20
Providence	4,556	1 in 16
Warwick	743	1 in 90
West Warwick	601	1 in 40
Woonsocket	1,132	1 in 28

As of 2019, RI had the 4th highest rate in the nation of probation supervision (2,390 per 100,000 residents)⁴, which was the focus of RI's 2015 Justice Reinvestment Initiative. Because of gaps in RI's collection and analysis of justice data, it is not possible to produce real time accounting of the number of Rhode Islanders involved in various aspects of the justice system. Probation and parole supervision rates have been one of the few consistent measures available over the years.

The total number of people under supervision in 2020 by RI Probation or Parole was 18,890, however, this table shows the RI communities where 13,812 of them reside. This table does not include the communities for the remaining 5,000+ people who have probation holds, are living out of state, were deported, have interstate cases, or people for whom RIDOC is missing data or addresses.

CURRENT STRUCTURE

National Overview: The term *criminal justice planning* is used across the country to describe the development of justice system goals and objectives that guide the coordinated efforts of all justice agencies—courts, corrections, law enforcement, prosecution, and defense—in collaboration with other relevant agencies such as health, housing, labor, and education. *Criminal justice planning* also includes research and evaluation, grant writing and reporting, and providing statistical analysis support for justice agencies.

Nationwide, this planning is accomplished by varying governmental entities, including boards and commissions, state offices, or designated state entities and employees whose sole functions are *criminal justice planning*. These planning entities are known colloquially and federally as State Administering Agencies (SAA's) and typically report to governor's offices. Federal funding for states is released and distributed through these SAA's via the U.S. Department of Justice's Bureau of Justice Assistance (BJA). BJA views *criminal justice planning* as a best practice and states are required to conduct and demonstrate ongoing strategic planning for the administration of these funds.

BJA in partnership with the National Criminal Justice Association (NCJA), asserts that cross-agency strategic planning is supposed to help ensure that local criminal justice needs are met through the effective leveraging of both federal and state criminal justice resources, and SAA's are responsible for local "comprehensive criminal justice planning and policy development".⁵

RI Overview: RI's designated SAA is the Public Safety Administration Grants Office, which is housed at the RI Department of Public Safety (DPS). In 1969, the RI Justice Commission was established by statute

as RI's criminal justice planning entity (SAA) and was legally authorized in 2008 to change its name to the Public Safety Grant Administration Office (PSGAO)⁶. With this name change – from a commission to an administration office – also came a shift in location within local government, moving from the RI Department of Administration (DOA) to RI's DPS. This shift was part of the State's 2008 effort to reorganize many law enforcement and criminal justice agencies, that were previously housed at DOA, under a single organizational structure.⁷ The PSGAO is responsible for administering numerous federal formula programs, which provide roughly \$10 million of criminal justice grants to entities throughout RI each year.

As outlined in the authorizing legislation, the mission of the PSGAO is "to facilitate inter-agency cooperation and collaboration throughout the Rhode Island criminal justice system by way of strategic planning, program coordination, data collection and statistical analysis; while providing fair, efficient and accountable grant administration so as to improve the State's overall response to crime and victimization and enhance public safety."⁶ The PSGAO is the only state entity in RI tasked with inter-agency strategic planning for the justice system, yet its role within local government is relatively unknown to many legislators, state officials, and community stakeholders. RI General Law Title 42, Chapter 26 outlines twelve specific powers and duties of the PSGAO, including its planning-related responsibilities. However, the PSGAO's efforts to prepare the state's criminal justice plan for legislative review, set priorities to improve the state's criminal justice system, recommend needed legislation, and annually review the state's correctional services are woefully inadequate or completely absent.

The PSGAO statute also asserts that RI's governor provide oversight of the PSGAO and must establish a Criminal Justice Policy Board that has the authority to create committees or task forces they deem necessary. This twenty-five-member Board—partially appointed by the governor—includes the directors of various state agencies, law enforcement, courts and corrections, in addition to citizens and community organizations. The statute states that the Policy Board meet at least four times per year, with its policies operationalized and supervised by the PSGAO administrator.⁸

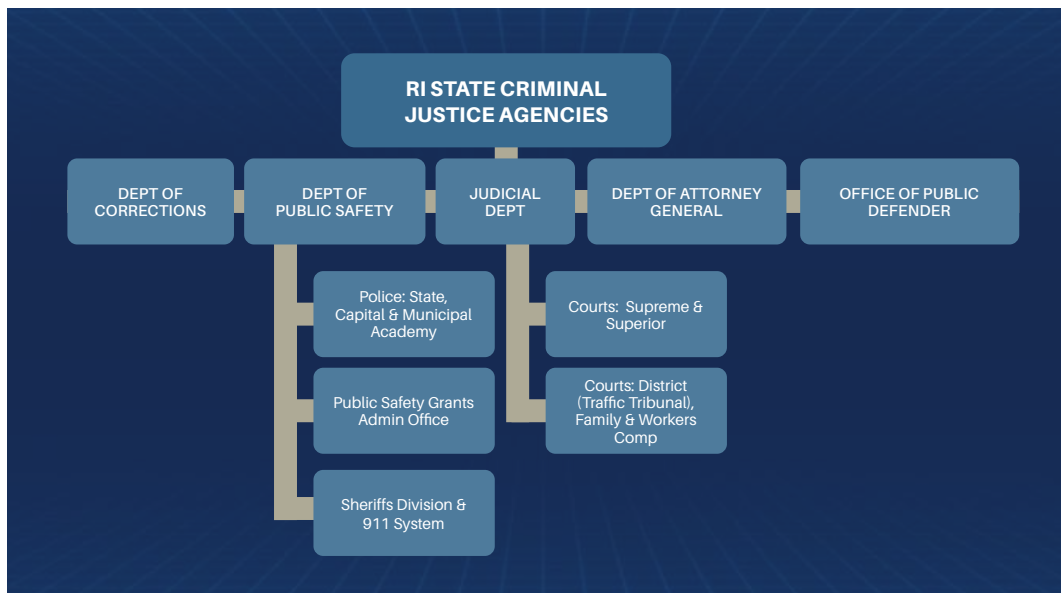
TWELVE SPECIFIC POWERS & DUTIES OF THE RI PSGAO⁸

1. Serve as the SAA for administering federal grants
2. Advise and assist in the development of improvements needed for the state's criminal justice system
3. Prepare a comprehensive state criminal justice plan that is reviewed by the legislature and updated based on regular analysis of state needs and problems
4. Establish goals, priorities and standards to improve the state's administration of justice and reduce crime
5. Recommend criminal justice legislation to the governor and legislature
6. Encourage municipal criminal justice planning
7. Monitor and evaluate state-funded programs and projects
8. Provide technical assistance related to the criminal justice system for government, public or private agencies
9. Administer grants for the state in accordance with the appropriations process
10. Collect data that are needed from non-profit organizations, state and government agencies to carry out the functions of the PSGAO
11. Disseminate information about programs, research, training and funding
12. Annually review the state's correctional services and report findings to the governor

It is challenging, however, to know if the RI PSGAO Policy Board has been fulfilling its statutory obligation, given the inconsistent posting of meeting minutes since 2004 with the RI Secretary of State’s open meetings records.⁹ In the past two decades, only four years have passed when the Policy Board fulfilled its statutory expectations of meeting at least four times per year. Further, several gubernatorial appointed Policy Board positions have remained vacant for many years including the chairperson and vice chairperson, as well as three of the seven community-based appointments. In the absence of Policy Board leadership and activity, the ability of the PSGAO administrator to create an agenda and make operational decisions has been significantly diminished. The multi-year vacancies in the Policy Board’s community-based slots have also reduced the public’s ability to engage in local justice planning, and hold government accountable.

Additionally, the PSGAO has been under-staffed for many years. Presently, federal funds support five full-time employees, compared to a more robust staff during the 1990’s. A variety of new federal grant initiatives were developed in that same time period, which increased grant programs administered by PSGAO from five in 1994 (with approximately 125 annual subgrants), to twelve in 2020 (with approximately 200 subgrants).⁶ Despite the reductions in staff positions the PSGAO is still expected to administer all of the eligible federal grant programs. PSGAO employees are paid almost entirely through federal funds, with the State only providing the minimum support necessary as a match to receive the federal funds. As a result, the PSGAO is primarily focused on administering grants and collecting the data necessary for required federal reporting rather than conducting statewide criminal justice planning activities.

RI’s Planning Efforts: The most recent strategic plan available from the PSGAO was written in 2009 and has since been defaulted to as the State’s strategy for allocating federal justice dollars.¹⁰ The use of this outdated plan went largely unnoticed until 2017, when RI entered into a federal lawsuit related to sanctuary cities that paused the release of federal funds to RI through the Edward Byrne Memorial Justice Assistance Grant (Byrne/JAG), which is the largest of federal criminal justice funding provided to the states. States are required to submit strategic plans for the receipt of Byrne/JAG funds and are



provided technical assistance through NCJA to support that process. Since RI has not yet submitted a new strategic plan, our communities have not had access to four years of Byrne/JAG dollars (2018 to 2021). Though some planning has taken place more recently, such planning has primarily been driven by RI's need to spend down pandemic-related federal stimulus funds. RI has not launched the strategic planning required to release the past due Byrne/JAG funds, which has ultimately delayed multiple years of funding that could have been available to support Rhode Islanders since the COVID-19 pandemic began.

When the PSGAO was reorganized under DPS in 2008, it created conflicts of interest that have not been publicly acknowledged in RI. DPS consists of RI's Capitol Police, the Division of Sheriffs, the State Police, 911, and the Municipal Police Training Academy. Many of these law enforcement agencies, including state and municipal police and emergency response, are funded by the federal grants administered by the PSGAO. Six of the PSGAO Policy Board members represent public safety agencies and although the chair and vice chair are appointed by the governor, the PSGAO administrator is appointed by the director of RI's DPS. There are no known safeguards in place to protect grant distribution from the conflict of interest between grantor and grantees. In fact, most grantees have received level-funding on an annual basis because of the State's on-going reuse of its 2009 plan. The same sub-granting strategies and priorities have remarkably been renewed for the past twelve years without much strategic reconsideration.

RI's criminal justice strategies over the past few decades have been fragmented, not particularly collaborative in nature, nor sustained over time. Examples of this include: RI's Justice Reinvestment Initiatives in 2008 and 2015; participation in the 2013 Pew-MacArthur Results First Initiative; the 2003 Serious and Violent Offender Reentry Initiative; and formation of the 1993 Criminal Justice Oversight Committee in response to federal court orders related to RI's prison overcrowding. In the absence of a statewide strategic plan, a myriad of criminal justice initiatives and grant-funded projects have come and gone without attempts to thread them together and without any public accountability for outcomes.

2020 GRANT PROGRAMS ADMINISTERED BY PSGAO

- Victims of Crime Act Victim Assistance Grant Program (VOCA)
- Training and Technical Assistance for VOCA Grantees (VOCA TTA)
- State Victim Liaison Project Grant (SVLP)
- Violence Against Women Act: Services, Training, Officers, Prosecutors Grant (STOP)
- Violence Against Women Act: Sexual Assault Services Program (SASP)
- National Criminal History Improvement Grant Program (NCHIP)
- Paul Coverdell Forensic Science Improvement Act Grant Program (FSIA/Coverdell)
- Residential Substance Abuse Treatment Grant Program (RSAT)
- Project Safe Neighborhoods Grant Program (PSN)
- Harold Rogers Prescription Drug Monitoring Program (COAP/PDMP)
- Comprehensive Opioid Abuse Site-based Program (COAP/CARA)
- State Justice Statistics Program for Statistical Analysis Centers (SJS)
- Edward Byrne Memorial Justice Assistance Grant Program (Byrne/JAG)
- Sex Offender Registration and Notification Act, JAG Penalty Re-allocation (JAG SORNA)
- Prison Rape Elimination Act, JAG Penalty Re-allocation (JAG PREA)
- Juvenile Justice and Delinquency Prevention Title II Formula Grant Program (JJDP)
- JJDP PREA Penalty Re-allocation (JJDP PREA)

GAPS IN RI'S 2015 JUSTICE REINVESTMENT INITIATIVE

RI embarked on its second Justice Reinvestment Initiative (JRI) in 2015 with technical assistance from the Council of State Governments (CSG) Justice Center, largely initiated in response to RI's extremely high probation rate. After a study was conducted and policy recommendations were given by CSG, court rules were changed to allow for early termination of probation and a package of legislation was passed meant to target other issues, such as the need for felony diversion and improved batterer's intervention programming. With the passage of the legislation in 2017, RI received access to approximately \$400,000 for JRI implementation.¹¹

Though a JRI Executive Oversight Council was formed in 2018 to oversee implementation of the initiative and guide spending, the work was primarily led by CSG staff from out-of-state. When CSG technical assistance ended in 2019 and a paid JRI coordinator left his position later that year, the coordination of JRI implementation was passed off to a former RIDOC employee who volunteered to see the effort through. With no dedicated state leadership to follow-through on implementation or promote transparency, the legacy of JRI remains unclear. For example:

- One core JRI recommendation was the need to increase access to evidence-based cognitive behavioral interventions (CBI) for justice-involved individuals. In 2017, the State awarded a \$400,000 contract for community-based CBI services. Due to a lack of communication and coordination between the contracted community provider, corrections, courts, prosecution and defense, not enough participants were referred, and the contract was not renewed at the end of 2018. The State then issued a request for information in March 2019 to help inform how CBI can be better delivered for the community corrections population, and issued another request for proposals in April 2019 for the delivery of CBI services in the community. To date, a contract has not been awarded and the status of those funds is unknown.
- JRI dollars also funded a Sequential Intercept Mapping (SIM) Workshop, which was conducted in December 2020 by Policy Research Associates (PRA), a group that is internationally known for its work regarding individuals with behavioral health needs who are involved in the criminal justice system. PRA engaged with over 100 RI-based stakeholders in a series of four workshops, identifying gaps and opportunities for improving services and diversion opportunities. PRA's final SIM report provides detailed recommendations for RI's potential next steps, however, there is not currently a mechanism or oversight in place to implement any of the report's recommendations. PRA acknowledges this, concluding in the report that RI should "Formalize a statewide planning body to address the needs of justice-involved persons with mental or substance use disorders."¹²

At the end of 2019, RI still had the fourth highest probation rate in the country, and changes to court rules allowing early termination of probation to date have only resulted in 858 motions granted (out of more than 22,000 people supervised by probation).¹³ Nonetheless, the State had already moved on: while JRI was still being implemented, the RI Working Group for Juvenile and Criminal Justice was convened in August 2019 by Governor Raimondo pursuant to Executive Order 19-08.¹⁴ After only five meetings of the adult criminal justice group, mostly consisting of presentations on data and programming rather than discussion among stakeholders, a final report was produced by the Governor's office on a wide array of issues ranging from housing to employment to discharge planning.¹⁵ Aside from a press event releasing the final report in January 2020, working group members have not been convened or consulted and the report has not been publicly referenced or integrated into strategy since.

THE OPPORTUNITY

As with all complex systems issues, there are a variety of reasons for RI’s lack of criminal justice planning, but the primary explanation is a lack of leadership and coordination. At this moment, there is great opportunity for RI to develop a statewide vision and utilize federal funds to address the State’s long-standing need for criminal justice planning. The framework already exists in statute and it now needs to be elevated as a priority, purposefully led, and steadily implemented.

Available research on best practices for criminal justice system planning indicates that coordination and collaboration are essential for systems-level changes.¹⁷

The literature tells us that effective system reform requires inter-agency data sharing focused on producing better outcomes; coordinated and collaborative relationships between justice agencies and community-based providers; and data-informed policy decisions.¹⁷

The Center for Health and Justice Transformation believes RI can and should become a national model for how inter-agency collaboration can drive justice reform. This can be accomplished through revisiting the purpose of the PSGAO and filling its Policy Board vacancies so there is equitable and conflict-free state leadership in this area. With a strengthened commitment and concerted effort to accomplish its statutory duties,

RI’S JUSTICE DATA

Outside of the RIDOC, criminal justice data in RI is hard to access. Each justice agency releases an annual report, but data is presented without any context and does not use a performance measurement framework. Since 1972, the federal government has funded the establishment and operation of state Statistical Analysis Centers (SAC’s), which exist to collect, analyze, and report statistics on crime and justice and share state-level information nationally.¹⁶ The PSGAO also serves as RI’s SAC and received a grant in 2019 and 2020 to hire an SAC director, however no reports or materials have been produced yet. Funding was also provided through RI’s 2015 Justice Reinvestment initiative to facilitate the development of a shared data environment meant to link data across RI’s justice-agencies; and that project is ongoing. Although data dashboards were created for the PSGAO website to house relevant Justice Reinvestment data, the dashboards have remained incomplete since 2019, with gaps in data related to race and probation terms, sentences, and sanctions.



Analysis by NCJA of Rhode Island’s Byrne/JAG investments, as mentioned on pages 5-6.¹⁸

the PSGAO can fully function as RI's centralized coordinating entity, leading necessary communication, planning and data sharing across all state agencies serving the justice-involved population. This should include, at a minimum, key stakeholders from courts, corrections, law enforcement, human services, healthcare, housing, employment, education, commerce and philanthropy, as well as directly impacted individuals and community-based service providers. Justice-involved Rhode Islanders are served by all state agencies and all forms of public dollars, yet the collateral consequences of justice-involvement are not acknowledged or addressed across these service systems. The PSGAO Policy Board provides a vehicle and opportunity to effectively address these collateral consequences.

The success of justice-involved Rhode Islanders should be top priority for the State not only because this population experiences unyielding inequities, but also because a relatively small investment can positively impact multiple state systems - criminal justice, healthcare, human services, employment and education, and housing and homelessness. A coordinated and equitable use of funds would prioritize serving the highest utilizers of the justice system and other state resources. With the imminent long-term affects of the COVID-19 pandemic and the impact of mass criminalization on RI's communities of color, the urgency of prioritizing this work is felt now more than ever.

JUSTICE GRANT WRITING IN RHODE ISLAND

RI has missed out on multiple federal and philanthropic grant opportunities that could have supported statewide criminal justice reform and planning. Individual justice agencies such as the RIDOC or State Police do not have the capacity, nor the comprehensive expertise, to drive RI's criminal justice grant writing. Yet, these agencies have borne the brunt of this responsibility in the absence of any statewide coordination, collaboration and leadership. Many jurisdictions across the nation successfully utilize their SAA's and SAC's as designed - using the SAC's justice data to identify policy and program investment priorities and centralizing the grant writing for these priorities through the SAA rather than leaving it to individual justice agencies. This basic level of coordination does not exist in RI, which not only prevents the alignment of statewide goals and objectives, but, also taxes the limited state agency staff available for grant writing and prevents the collaboration needed across state justice agencies for successful grant writing.

The PSGAO receives certain federal formula grants (non-competitive and competitive) that are automatically made available for all states, yet a variety of other competitive federal grants are available to serve the justice-involved population for which multiple state and/or government entities can apply. The PSGAO, however, is not typically involved in all of RI's applications, administration and reporting of other competitive federal grants received by RI; state agencies or other stakeholders are usually the lead applicants. As a result, many past grant initiatives have been used to address agency-specific issues rather than larger systems issues that could drive comprehensive reform.

When the COVID-19 pandemic hit, RI received approximately \$3.1 million dollars in stimulus funds from BJA in early 2020, specifically earmarked for justice-related spending to directly address pandemic-related issues and concerns. Without a collaborative entity or strong leadership in place to help prioritize the best use of these funds, it took more than a year to allocate these funds and there has been no stated public process in place to help guide the justice priorities of the 2021 federal stimulus funds.

PROPOSED SOLUTIONS

A centralized, strategically led criminal justice planning mechanism in RI can and should promote progress in three areas:

1. Coordinated cross-sector government planning and leadership that prioritizes the health and well-being of justice-involved Rhode Islanders
2. Strategic alignment of state and federal funds available for serving people involved in the criminal justice system
3. Inter-agency data sharing that informs fiscal priorities and data-driven policy across the justice system

Though plenty of examples of how to accomplish this exist across the country, the quickest solution would be for RI to prioritize and reinvigorate the leadership and purpose of the PSGAO and its Board. The Governor, state legislature, and PSGAO Policy Board can take immediate, cost-neutral actions to drive this transformation in the coming year.

RECOMMENDED ACTIONS FOR 2022	
Governor	<ol style="list-style-type: none"> 1. Appoint a PSGAO Policy Board chairperson and vice chairperson (both currently vacant) with local leaders who are skilled and motivated to lead RI’s justice planning efforts 2. Fill the three community vacancies (two private citizens and one community service organization) 3. Request that the PSGAO Policy Board establish statewide criminal justice goals, priorities and standards to improve the State’s administration of justice
State Legislature	<ol style="list-style-type: none"> 1. Provide oversight for PSGAO expenditures, with particular attention to statewide funding strategies and potential to better leverage incoming federal funds 2. Request an analysis of RI’s criminal justice system needs and key concerns from the PSGAO Policy Board, as outlined in statute 3. Request the development of a comprehensive state criminal justice plan from the PSGAO Policy Board, as outlined in statute 4. Review and update statute to expand and diversify the PSGAO Policy Board, adding new positions to represent housing, employment and training, commerce and business, philanthropy, and additional community positions for people with lived experience in the justice system
PSGAO Policy Board	<ol style="list-style-type: none"> 1. Create a Board subcommittee, task force, or advisory committee to conduct research and present options about how the PSGAO can overall be more effectively utilized, leveraged or reorganized 2. Create a subcommittee, task force or advisory committee to lead statewide strategic planning for RI’s justice system, in conjunction with the planning that is federally required for RI to receive its outstanding Byrne/JAG funds

Rhode Islanders deserve a justice system that is fair, effective, and efficient. This moment in history can be a turning point for RI to overcome the status quo and lead the nation with an innovative strategy to address mass criminalization and equity in our state. State leaders and policy makers have an opportunity to seize the moment and push for changes that will lead us to a more “just” RI.

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