

## ABSTRACT

Title of Thesis: A LOCAL-LEVEL ANALYSIS OF JUSTICE  
REINVESTMENT IN MARYLAND

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Mass incarceration is related to the United States' social and economic crisis. In 2015, operating costs to house and supervise individuals in jails and prisons, and individuals on probation and parole, cost states more than \$81 billion annually ("Mass Incarceration Costs \$182 Billion" 2022). This did not include any cost other than operating these facilities. Stakeholders in Maryland came to an agreement that they needed to bring in the Bureau of Justice Assistance and the Pew Charitable Trusts to help identify the gaps in Maryland's costly and ineffective prison system. The tough-on-crime policies did not work to reduce crime and enhance public safety, but instead turned humans into life-long career criminals (Solomon 2019: 249). Prisons have been proven to be an investment failure, and justice reinvestment was introduced as a possible solution to help fix the issues within Maryland's criminal justice system. Justice reinvestment in other states had shown to prioritize treatment and services for offenders rather than locking them away from society. This study analyzes Maryland's Justice Reinvestment Act (JRA) to see if it is effective and impacting the incarcerated population.

This research examines trends in the incarcerated population before and after the JRA was enacted in Maryland in 2017. This research found that statewide in Maryland, both the jail and prison population rates had decreased since the enactment of the JRA. There were about 1.5 fewer people out of every 10,000 post-JRA in jails. There were about 2.5 fewer people out of

every 10,000 post-JRA in prisons throughout the state. In small-sized rural counties, there was no difference between pre-and post-JRA in jails, but there were about 3 fewer people per every 10,000 in prisons post-JRA. In mid-sized rural counties, there also was not a statistical difference in jails, but about 3 fewer per 10,000 in prisons post-JRA. In urban counties, there was no statistical difference in either jails or prisons. Comprehensively, this research concludes that the JRA has started to stabilize Maryland's incarceration rates, although we do not have enough data to claim its effectiveness. In Maryland overall, we saw a decrease in jail and prison populations, and we found that justice by geography was a factor in the impact of justice reinvestment. Rural counties had a greater impact on the incarcerated population than urban counties within two years post-JRA. We also concluded that the prison population was impacted greater than the jail population which demonstrates that justice reinvestment is slowly stabilizing the effects of mass incarceration.

A LOCAL-LEVEL ANALYSIS OF JUSTICE REINVESTMENT IN MARYLAND

By

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Thesis submitted to the Department of Criminology and Criminal Justice at the  
University of Maryland, College Park, in partial fulfillment of the requirements for the degree of  
Bachelor of Arts 2023

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## **Acknowledgements**

I would like to express my deepest appreciation to Dr. Bianca Bersani and our TA, Gabrielle Wy for supporting this research for the past year. Their mentorship has helped me gain a better understanding of research overall, and I couldn't be more grateful for them helping me through this project. I would also like to thank the undergraduate honors cohort who helped me grow intellectually and learn about topics that I always found interesting but did not know much about. I would not have been able to conduct this research project without their help and feedback. Next, I would like to thank my friends and family for supporting my research journey these past two years. They have pushed me to be better every single day and without their support and encouragement, I would not have been able to complete this thesis. Lastly, I would like to thank the Criminology and Criminal Justice Department at the University of Maryland. I have learned and grown so much being a part of this prestigious program and am so excited to take my research skills to law school in the near future.

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## **List of Abbreviations**

- Justice Reinvestment Initiative (JRI)
- Justice Reinvestment Act (JRA)
- Justice Reinvestment Coordinating Council (JRCC)
- Performance Incentive Grant Fund (PIGF)

## **Chapter 1: Introduction**

From 1970 to around 2010, the United States was having both a social and economic crisis known as mass incarceration. The incarceration rates were skyrocketing so high during this period. The government had committed to a tough-on-crime agenda with the goal to get dangerous people off the streets to make our communities safer. This tough-on-crime agenda was combating violent crime by incarcerating higher numbers of people for longer sentences (Jones 1995). It did get violent criminals off the street being put in prison, but it also included punitive measures where individuals were sentenced to prison for “petty crimes and violated social norms” (Thompson 2010: 712) including being put in prison for “public urination, sleeping outside, begging for food, and consuming food on the train” (Thompson 2010: 712). The system saw that “by 2006, more than 7.3 million Americans had become entangled in the criminal justice system which was a number that increased more rapidly than the resident population as a whole” (Thompson 2010: 703). Not only did mass incarceration increase many individuals’ contact with the criminal justice system, but mass incarceration also worsened racial disparities. There were more African Americans who ended up in penal institutions than in institutions of higher education which was a frightening social crisis. Mass incarceration has not ended, but the incarceration population is no longer rising which has started to stabilize the long-lasting negative effects of mass incarceration in the United States.

Operational costs of correctional institutions are over \$81 billion annually just to operate prisons, jails, parole, and probation. This amount does not include policing and court costs, costs paid by families to support incarcerated loved ones, bail fees, telephone calls, etc. (“Mass Incarceration Costs \$182 Billion Every Year” 2022). There are also many social costs that are not included in this number like “foregone wages of incarcerated persons, increased infant

mortality, and increased criminality of children with incarcerated parents” (McLaughlin, Pettus-Davis, Brown, Veeh, and Renn N.d.). Money was being pushed into the system without enhancing public safety or reducing crime. The goal was to invest in the safety of communities, but the streets were just getting worse and there was not enough space or money to lock any more individuals up. “Incapacitation fails because it turns people into career criminals” (Solomon 2019: 249) meaning that the same people were being released and re-entered into the system repeatedly. Policymakers decided that they needed to create a new approach to punishment in the United States that was a more effective way to keep communities safe and make criminals pay for their actions.

The Justice Reinvestment Initiative (JRI) was developed by the Pew Charitable Trust and the Bureau of Justice Assistance in 2006 as a response to mass incarceration in the United States. The JRI is a criminal justice approach used to reduce crime and recidivism by reinvesting money from prisons to fund and rebuild resources and infrastructure (“What Is Justice Reinvestment?” 2018). It is a nationwide data-driven approach to improve public safety, reduce corrections spending, and reinvest savings in strategies that reduce recidivism. Recidivism refers to a person’s relapse into criminal behavior and entering the criminal justice system again after previously being released (“Recidivism” N.d.). The JRI encompasses two phases with the first one beginning with the state examining data to help design recommendations to improve the gaps they find in their individual criminal justice systems. The second phase begins after the recommendations are implemented and then they measure the results to see if their changes have been effective (“Justice Reinvestment Initiative (JRI) Overview” 2012).

Between 2015 and 2017, Baltimore City had the highest per capita murder rate compared to 30 similar-sized cities (Solomon 2019: 248). Tough-on-crime sentencing policies came into

place and did not do anything besides turning human beings into life-long career criminals who are likely to recidivate. This city could not afford to house any more criminals in their institutions. Maryland government officials decided to implement the JRI into their criminal justice system to see if this could be an effective approach to punishment. Senate Bill 1005, also known as the Justice Reinvestment Act (JRA), of Maryland was signed into law in 2016 and enacted in 2017 by Governor Larry Hogan (Breene 2017). This bill was put into action to hold individual offenders accountable for their actions, while also holding the Maryland government accountable by spending tax dollars wisely to build a safer community. The JRA aims to reduce the existing prison population and the costs of maintaining correctional facilities by creating strategies and programs. Some successful strategies include: “reducing prison sentences, reclassifying offense types, expanding prison alternatives for lower-level offenders, revising mandatory minimum laws, and expanding earned time opportunities for inmates” (Solomon 2019: 245). The JRA emphasizes the importance of diversion and treatment for those who struggle with different types of addiction.

Justice reinvestment has been a significant financial investment collectively by the participating states which have strengthened reentry approaches, expanded treatment for offenders, and limited violation sentences (Harvell et al. 2017: VII) at both the federal and state levels. Although justice reinvestment has been implemented in 35 states, understanding of whether these programs and policies are functioning as expected and facilitating desired outcomes is limited with the lack of data. Particularly in Maryland, data is extremely limited to assess the impact of the JRA and analyze if the intended impact is being shared equally across the state.

The present study aims to understand if the JRA is associated with declines in the jail and prison population in Maryland. It will ask if the investment into programs and services instead of into incarceration is a better criminal justice solution to enhance public safety and reduce recidivism rates. The constant revolving door through prisons is proving that we are investing our tax dollars in the wrong place, so a systematic change needs to happen. It is important to test the effectiveness of justice reinvestment because this can be the solution to enhancing public safety across the state as well as reducing the recidivism rate to benefit offenders by giving them the tools, they need to be successful on the streets. The massive amount of money that is being funneled straight into housing costs for jails and prisons is not sustainable, and justice reinvestment provides an avenue to invest money into the right place that will benefit society. There is a lack of empirical research on the effectiveness of the JRI as a whole, but especially an absence of an evaluation of Maryland's implementation of justice reinvestment.

This research uses public data on county jail and prison population sizes in each of Maryland's 24 local jurisdictions. Analyses examine trends in the incarcerated population before and after the JRA was enacted in Maryland in 2017. This study will test the effectiveness of justice reinvestment to see if this will be a sustainable approach to the criminal justice system. The effectiveness of the JRA will be measured by lower jail and prison population rates since the enactment, prisons being filled with more violent offenders, drug offenders being diverted into treatment facilities rather than prisons, and if people have a decreased sentence on parole and probation. This study will also examine if there is an equal spread of resources across the local jurisdictions in Maryland also known as a criminal justice concept called *justice by geography*. It will evaluate which counties are seeing a greater impact from the JRA and determine if justice by geography is a factor in Maryland.

## **Chapter 2: Literature Review**

### **HISTORY OF JUSTICE REINVESTMENT**

In the past 40 years, there have been excessive rates of prison growth and high recidivism rates that have contributed to mass incarceration across the United States. A major culture shift was needed to emphasize placing data and evidence as the priority of corrections in the criminal justice system (Harvell et al. 2017: V). Justice reinvestment was a component of this shift trying to become a solution to the mass amount of money being poured towards incarceration. Justice reinvestment initiatives, if effective in their goals, seem to be associated with major correctional cost savings. What is leading this shift is that individual states are now “recognizing that the fiscal and human costs of widespread imprisonment largely outweigh its public safety benefits” (Harvell et al. 2017: V). In 2016, 15 JRI states reported a total of \$1.1 billion in savings attributable to state reforms (Harvell et al. 2017: V). Each state has different priorities on what they need to adjust to reduce their incarcerated population. Some JRI states want to reduce the number of people held in jail while awaiting trial, and others have adjusted drug penalties to lesser offenses and have revoked mandatory minimum sentences for certain crimes (Harvell et al. 2017: VI). These altering priorities make it difficult to make state-to-state comparisons, but states can take recommendations from other JRI participating states to make improvements to their criminal justice systems. Although each state has individual priorities, collectively JRI participating states have “mandated and strengthened reentry supervision, required the use of risk and needs instruments to guide supervision decisions, expanded access to treatment and services, created intermediate responses to supervision violations, and limited how much time people can spend behind bars for violating supervision rules” (Harvell et al. 2017: VII).

## JUSTICE REINVESTMENT IN OTHER STATES

Georgia was the first state to join the justice reinvestment initiative which was in 2012. They developed a performance incentive funding system as well as implemented an assessment instrument to place youth in the correct program based on their needs and risk level. Between 2012 and 2015, Georgia saw a 17 percent decrease in its facility population and a 51 percent decrease in youth awaiting placement (Harvell et al. 2017: 22). With these dramatic decreases, “the state was able to close two detention centers and one Youth Development Campus” (Harvell et al. 2017: 22). They have “averted about \$264 million in correction costs and allowed the state to reinvest about \$57 million in strategies to reduce recidivism and sustain improvements in areas such as accountability courts” (“Justice Reinvestment in Georgia” 2022). These incarceration percentages are a strong indication that the JRI is working and can show us that we can see these results within just a couple of years post-implementation.

In North Carolina, there were state concerns about community supervision policies and practices. Probation revocations were a major factor in the high prison population which accounted for over 50 percent of prison admissions in 2010 (Harvell et al. 2017: 26). More than 75 percent of revocation admissions were for technical violations from previous sentences and not for new crimes. Technical violations could include testing positive for drugs or alcohol, missing an appointment, not paying restitution to victims, or failing to complete treatment (Mohink 2018). House Bill 642 in North Carolina made “post release supervision mandatory for all people convicted of a felony...and gave probation officers a wider range of intermediate sanctions to address noncompliant behavior” (Harvell et al. 2017: 26). The law also made a cap of 90 days in jail for certain probation violations. North Carolina really wanted to prioritize community-based corrections and programs emphasizing treatment and it worked. Between 2011

and 2015, the state's prison population dropped by 10 percent and revocations to prison decreased by 65 percent. With millions of dollars saved, North Carolina was able to close 11 prisons since the bill's implementation (Harvell et al. 2017: 26). States were paving the way for the JRI and were showing the clear effectiveness and successes that the JRI was generating.

The prison population decreased across all the states participating in the Justice Reinvestment Initiative ("Justice Reinvestment: Phase II" 2020). There also was a decrease in nonviolent offenders and a bigger proportion of the prison population housing violent offenders with lengthy sentences. They saw nonviolent offenders being diverted out of prisons into more valuable alternatives ("Justice Reinvestment: Phase II" 2020).

"As of 2017, data from the Urban Institute revealed that the 22 states that participated in the justice reinvestment process have reported a total of \$557 million in investments. This includes \$193 million in upfront investments at the time of bill passage and another \$364 million in subsequent years. Most states are investing these dollars in community-based treatment and services, strengthening community supervision, treatment in prisons, problem-solving courts, and services to victims" ("Maryland Justice Reinvestment Act: One Year Later" 2018).

Analyzing and evaluating Maryland's justice reinvestment initiatives is the focus on this research to determine if the JRA is impacting the criminal justice system positively.

## THE JUSTICE REINVESTMENT ACT IN MARYLAND

In 2015, Maryland locked up more than 20,000 people per year, despite historically low rates of crime. The state was disproportionately incarcerating people of color at around two-and-a-half times the rate of white people ("Incarceration Trends in Maryland" 2019: 2). Maryland



had committed to a tough-on-crime agenda, and it was costing the state \$1.3 billion a year (“Maryland Justice Reinvestment Act: One Year Later” 2018). Maryland averages about 20,602 individuals in prison each year at a cost of \$38,360 per person per year (Breene 2017). That is a total of approximately \$790 million dollars a year just in housing and caring for offenders in prison. In 2014, 58 percent of prison admissions in Maryland were convicted of nonviolent crimes (Breene 2017) and nearly 60 percent of prisoners in 2014 were on probation or post-release supervision prior to entering prison (Smoot 2016). It was discouraging to hear that the daily cost of incarcerating an individual in the state of Maryland is over five times more than the cost of community supervision, but there are over twice as many people on parole and probation as there are in the incarcerated population (Smoot 2016). They found in the Smoot study that “nearly 60 percent of the 2016 corrections budget went to correctional institutions, and only [seven] percent went to community supervision” (Smoot 2016).

The state of Maryland was irresponsibly wasting millions of tax dollars which points to justice reinvestment suggesting that prisons are an investment failure (“What Is Justice Reinvestment?” 2018: 4.8) and there was an opportunity to use resources more efficiently and effectively. It is common to see the continuous cycle of violence of offenders going in and out of prisons repeatedly because there is not enough being done to prepare the offender to be a valuable and successful member of society upon their release. Justice reinvestment in Maryland was created to emphasize treatment for substance abuse, give victims a voice, encourage community supervision through alternatives to incarceration, and provide education and services meant to help offenders obtain a job and provide housing for themselves and their families (“Governor’s Office of Crime Control & Prevention of Maryland” 2018).

## PHASE 1

Maryland recognized the need to make significant changes to the current system of public safety and crime control. Policymakers and stakeholders in Maryland requested the assistance of the Bureau of Justice Assistance and the Pew Charitable Trusts to help identify the gaps in Maryland's costly and ineffective prison system. Maryland needed to focus on "investing in local recidivism-reduction strategies" (Sakala et al 2022: 17). They also took what was helpful from other states and made recommendations that would improve specifics in Maryland's criminal justice system ("Maryland Justice Reinvestment Act: One Year Later" 2018). In addition to getting assistance from outside sources, Maryland established the Justice Reinvestment Coordinating Council (JRCC) whose research really paved the way for JRA. The JRCC found that "a growing body of research shows that prison terms are not more likely to reduce recidivism than noncustodial sanctions. Studies have shown that going to prison can increase the likelihood of recidivism" (Smoot 2016). The council identified six major factors that really charged prison growth in Maryland. These factors were: (1) most of prison admissions were for nonviolent offenders; (2) there were more admissions for revocations of supervision than for newly sentenced prisoners; (3) both sentence lengths and time served increased; (4) suspended sentences grew; (5) only one third of inmates were on parole and those faced significant delays before release; and (6) imprisonment increased over alternative sanctions ("Maryland's 2016 Criminal Justice Reform" 2017). These were the priorities that Maryland wanted to refine.

The stark reality in 2016 showed that over 67 percent of released offenders are rearrested within three years of their release ("The Problem: Recidivism & Mass Incarceration" 2019). Poor communities are the ones who are most affected by the high recidivism rate in the country (Johnson 2020). They experience defective public safety, dissolution of social relationships, and

inescapable poverty that has lasted for many generations. The economic impact of the constant reentry and release from prisons has long-term financial repercussions on the formerly incarcerated as well as their families and communities.

## PHASE 2

Many of the recommendations from the JRCC were incorporated into Senate Bill 1005, the 2016 Justice Reinvestment Act (JRA) of Maryland (“Maryland Justice Reinvestment Act: One Year Later” 2018). The JRI implementation plan in Maryland highlighted three overall goals. First, they wanted to “require the conduct of a validated risk screener on all offenders placed on parole, probation, or mandatory release supervision” (“The Justice Reinvestment Initiative - A Guide for States” 2021). Next, they wanted to use a “validated risk and needs assessment on offenders screened as moderate or high risk to re-offend (“The Justice Reinvestment Initiative - A Guide for States” 2021). Then, they wanted to make sure their assessment tools were validated every three years. Senate Bill 1005 had initially estimated savings of \$80 million over 10 years by reducing the prison population by six percent which was about 1,200 people (Sakala, Khalid, Hull, and Wong 2022: 17).

State savings are achieved by “alternatives to arrest policies, increased use of citations, alternative strategies to manage low-level offenses, increased use of alternative dispute resolutions, appropriate dispute resolution for citizen-initiated complaints, and positively impacting recidivism” (“Justice Reinvestment - Mecklenburg County” N.d.). Savings are then reinvested into crisis centers, community resource centers, re-entry centers, freeing up law enforcement time, and housing and job centers (“Justice Reinvestment - Mecklenburg County” N.d.). There are grants available throughout the state for both local and state-level programs that

help to reduce Maryland’s incarcerated population through diversion, deflection, and recidivism-reduction resources. It has been found that “these investments in community capacity support a holistic approach that recognizes local organizations and service providers as essential partners in addressing safety challenges and reducing justice system involvement” (Sakala et al. 2022: 1). Maryland’s reinvestment grants are available to a wide range of nonprofit community service providers, local government agencies, state and local courts, and state government agencies. They serve people who have experienced victimization, prevent justice system involvement, and reduce recidivism (Sakala et al. 2022: 6). One of the main grants that funds justice reinvestment programs in Maryland is the Performance Incentive Grant Fund (PIGF). The Governor’s Office of Crime Prevention, Youth, and Victim Services (GOCCP) has primary oversight of justice reinvestment in Maryland, and they review the applications to determine which agencies and nonprofits receive funding with the PIGF grant. This office monitors performance measures quarterly to make sure these grantees are using the money efficiently and making a valuable difference in the community. It is critical to track outcomes to enhance support for ongoing investment and monitor whether policies are working and make necessary course corrections if necessary (“The Justice Reinvestment Initiative - A Guide for States” 2021: 24).

The Governor’s Office of Crime Prevention, Youth, and Victim Services (GOCCP) has “awarded more than \$168 million in funding through a total of 826 awards that began in the calendar year 2018” (“Annual Report” 2018). This office makes recommendations to local governments about new programs and services that should apply for grant funding as well as measures the effectiveness of the grants they are distributing (“Maryland Justice Reinvestment Act: One Year Later” 2018). They want to make sure they can assess that these programs are creating positive change and are beneficial to the community. Maryland has five priority goals

for funding with the PIGF grant which paves justice reinvestment in the state. The goals are 1) reentry programming and services; 2) behavioral health treatment, resources, and services; 3) support for victims and restitution enhancements; 4) alternatives to incarceration; 5) pretrial services and programming (“FY 2023 Performance Incentive Grant Fund (PIGF)” 2022: 4-6).

The first goal, *reentry programming and services*, is a critical part of public safety strategies, but can be very resource-intensive and challenging (Sakala et al. 2022: 11). There are important “benefits of investing in peer support programs for people leaving incarceration” (Sakala et al. 2022: 11). It is very difficult for offenders to obtain a job, behavioral health treatment, and housing on their own upon release. Collateral consequences of conviction limit an individual’s ability to get access to employment, business and occupational licenses, housing, voting, education, and many other rights and benefits (“Welcome to the NICCC” N.d.). There are many collateral consequences that apply to every convicted criminal such as a business license being suspended after a conviction of any felony (“Welcome to the NICCC” N.d.). There are many barriers that come with being convicted of a crime and without becoming employed, there is an increase in detrimental health effects (Sheely and Kneipp 2015). Planning and preparing for reentry should begin long before an offender is released back into society (Green 2019) so they are aware of the challenges they might face upon release. It is also important that incarcerated people are provided with the tools and resources needed to maintain and strengthen family relationships before release (Green 2019). Research has shown that “aiding in successful reentry can reduce the risk of recidivism” (Green 2019) which is the overall goal of justice reinvestment.

The second goal, *behavioral health treatment, resources, and services*, is important to include in justice reinvestment because there are so many people involved in the criminal justice

system with a “range of pervasive behavioral health disorders, including opioid use disorders, methamphetamine use, and serious mental illnesses” (Hull and Samuels 2020: 1). According to a 2015 report by the Urban Institute, “56 percent of individuals in state prisons have a mental health disorder and 53 percent meet the criteria of having a substance use disorder” (“FY 2023 Performance Incentive Grant Fund (PIGF)” 2022: 5). Data shows that the criminal justice system is not equipped with resources and services to address mental health and behavioral health needs which in turn, creates a revolving door where people with mental health disorders enter in and out of the system repeatedly (Hull and Samuels 2020: 2). Research has suggested that “combining evidence-based treatment with practices that address criminogenic risk factors reduces recidivism more effectively than mental health treatment alone” (Hull and Samuels 2020: 2). Justice reinvestment programs have begun expanding Medicaid which has “increased eligibility for comprehensive health care and care coordination” which has benefited offenders immensely (Sakala et al. 2022: 31-32). Much progress has been made in medical treatment and medications given to inmates in jails and prisons which helps them live a safer, more secure life.

The third goal, *support for victims and restitution enhancements*, is another principal priority for justice reinvestment because it improves accountability to victims. It is important to give victims, victim advocates, service providers, and victims’ families a voice in the policy-development process. They should be involved in the system and should be able to have some say in what consequences should be given to their offender (Matei, Marcellin, and Harvell 2020: 3). It is helpful for the JRI task force to have the “information that victims... consider relevant to conversations about justice system improvement and learn what they would prioritize in legislation aiming to improve the criminal justice system” (Matei et al. 2020: 3). A victim should have some say in whether they believe their offender should get rehabilitation treatment or if

they should be locked behind bars if the victim chooses to speak about it. The state of Maryland prioritizes supporting victims and “seeking to reduce cultural barriers to services and expand access to trauma-informed practices” (Matei et al. 2020: 4). Part of this expansion is improving restitution collection to increase compensation payments to victims. This is done by creating a better system of documenting, analyzing, and disseminating victim restitution orders (“FY 2023 Performance Incentive Grant Fund (PIGF)” 2022: 5).

The fourth goal, *alternatives to incarceration*, is critical because incarceration rates are extremely high, and states are working to reduce the prison population and divert individuals into other correctional programs. Finding alternatives to incarceration can “repair harms suffered by victims, provide benefits to the community, treat the drug-addicted or mentally ill, and rehabilitate offenders” (“Alternatives to Incarceration in a Nutshell” 2011). Research has found that alternatives reduce the costs in jails and prisons as well as prevent crimes in the future. The public strongly supports alternatives to incarceration and that prison should only be used if these alternatives fail (“Alternatives to Incarceration in a Nutshell” 2011). Some alternative programs include the “expansion of alternatives to arrest, implementation of related minimum standards and best practices for crimes related to underlying behavioral health needs, or creation and expansion of practices such as Crisis Intervention teams, Law Enforcement Assisted Diversion efforts, and specialty courts” (“FY 2023 Performance Incentive Grant Fund (PIGF)” 2022: 6).

The fifth and final goal, *pretrial services and programming*, are a huge component of the criminal justice system that needs reforming in Maryland. According to data from GOCCP, “the total pretrial population of local jails throughout the state of Maryland in October 2021 was higher than that of the pretrial population when JRA passed in October 2017” (“FY 2023 Performance Incentive Grant Fund (PIGF)” 2022: 8). The pretrial population has not even been

found guilty yet, so they should not be taking up a huge proportion of jails. There needs to be a systematic change to reduce the cost and size of pretrial detention populations and continue to protect public safety and ensure court appearances. Pretrial services are beneficial only for those found to be a danger to society and those predicted to not show up to their court date. Pretrial policies have significant “implications for society’s capacity to achieve the ideal of equal justice under the law” which justice reinvestment wants to highlight (Mahoney et al. 2001: 3).

Some examples of programs that PIGF was given to are Allegany County Board of Commissioners, House of Ruth Maryland Inc, HealthCare Access Maryland, Family Crisis Center of Baltimore County, Community Mediation Maryland Inc, and so many more. Look at Appendix A for a full list of programs being funded by the PIGF grant in Maryland in the years 2020 to 2023. This data was received by the Governor’s Office of Crime Prevention, Youth, and Victim Services. These programs each have a different goal, priority they are impacting, and target population to impact (see Appendix A). For example, HealthCare Access Maryland is a program in Baltimore City that helps 145,000 of the most vulnerable residents each year become healthier. They “address the complex health and social needs” of people with substance use disorders and individuals recently released from jail and prison (“HealthCare Access Maryland” N.d.). They have mental health specialists and addiction counselors to assess everyone’s “specific needs and link them to their optimal level of care” (“HealthCare Access Maryland” N.d.). That is just one program that is funded through the JRA’s reinvestment. In 2020, the PIGF grant was given to 11 different programs across Maryland. The COVID-19 pandemic affected grants being given out in 2021. In 2022, there were 18 different programs funded by PIGF. Lastly, in 2023, there are 22 programs being funded by PIGF across the state of Maryland



(“Governor’s Office of Crime Prevention, Youth, and Victim Services” 2023). The funding amount and number of programs has increased each year.

#### WHO IS BEING AFFECTED BY THE JRA?

The Justice Reinvestment Act (JRA) focuses on everyone in the criminal justice system, not just people in prison. The JRA has directed “low-level drug offenders to treatment programs instead of jail, reduced the maximum sentence for misdemeanor theft from one year to six months, and raised the value of stolen items in order to make theft a felony” (Breene 2017) just as some examples of what the Act is contributing to. Through the JRA’s focus on the justice-involved population, the Act intends to direct the state to provide more beneficial services which help offenders with access to tools and support in their reentry process.

An example of a court case in which we saw the JRA being used to impact a person’s life for the better was *Camper v State*.

“In [this] case, the appellant had been convicted of distribution and possession of crack cocaine, as well as illegally possessing ammunition for a regulated firearm. On appeal, the court affirmed the appellant’s conviction, which carried the mandatory minimum sentence of twenty-five years imprisonment without the possibility of parole. However, the court also noted the effects of the JRA, which created a new procedure to provide reconsideration of preexisting mandatory minimum sentences for drug crimes. Because the appellant’s mandatory minimum sentence was imposed on or before September 30, 2017, the court held that, in accordance with the JRA, the appellant was permitted to file a motion under Maryland Rule 4-345 to modify or reduce the mandatory minimum sentence. As *Camper v. State* exemplifies, the JRA aims to improve public safety by

favoring improved supervision and rehabilitation over increased incarceration” (Smoot 2016).

People on parole are also affected by the JRA because it requires parole officers to evaluate risk and need assessments to decide if a defendant will benefit from treatment rather than removal from society (“Criminal Justice Diversion Programs” 2016). Since the JRI, new practices for incorporating risk and need assessments into case planning and case management have been implemented across the country (Gunter and Martin 2022). Senate Bill 1005 has expanded who is eligible for both geriatric parole and medical parole (“Maryland Justice Reinvestment Act: One Year Later” 2018) by lowering the threshold from 65 to 60 years old. These policies “typically permit individuals in prison to petition for early release after having served a predetermined number of years for either health (medical parole) or advanced age (geriatric parole)” (“Compassionate Release in Maryland” 2022). The elderly and unhealthy prisoners are seen as a minimal risk to public safety and are a huge burden to the state budget because of additional treatments and medications they need (“Compassionate Release in Maryland” 2022).

Since the JRA, Maryland’s legislature has expanded better access to expungement by allowing people to move on from their past mistakes and seek to be active, successful members of society. By giving housing and employment access to these ex-offenders the community is benefitting from employable, stable citizens (Sweeney, Westry, and Wright 2022). This shows progress in how the state of Maryland is inclined to invest its money in other avenues other than detention centers, and values individuals who are willing to learn how to reenter society successfully.

In 2018, over 3,237 individuals have been potentially impacted by the JRA with these new reforms in place. Just after one year of the enactment of this law, “the state prison population has fallen by an additional 1.8 percent, the local detention population has fallen by 10 percent, the number of inmates in state prison for drug offenses has fallen by 30 percent and returns to state prison from parole failure have fallen by over 20 percent” (“Annual Report” 2018). Further research is warranted to describe the effects of the JRA as well as determine whether other potential factors beyond justice reinvestment could have affected these estimates.

#### GAPS IN PREVIOUS RESEARCH

In previous literature, there are some gaps in the research because the JRI has started relatively recently. It was formally launched in 2010, so there is not an overwhelming amount of data to show its effectiveness (Harvel et.al 2017). Prior literature has provided important insight with the data available to evaluate the decreases in prison populations, decreases in jail populations, and decreases in the pretrial population to determine if the savings are creating safer communities. There is still a gap in understanding the JRA’s impact in varying jurisdictions where it has been implemented, since Maryland has not been the focus of prior literature. Maryland enacted the Justice Reinvestment Act in 2017, so there is not enough data to get a full picture of how successful this approach is. It can take an estimated five to ten years to fully see the true impact of policy reform (Harvel et al. 2017). It is still too soon to determine the full effect the JRA had on the criminal justice system in Maryland, and if the numbers have met, exceeded, or fallen from the projections.

The main gap in previous research is that population measures are the main determinations for success, when “more targeted metrics are needed to assess whether specific

policies are achieving reform goals” (Harvell et al. 2017). There is a movement to get states to track policy-specific outcomes, but there is not enough data to show what these outcomes are. It is not an easy task to calculate the savings made by reducing the prison population. This could be a gap in research if not all states are calculating their savings the same way and including the same measurements. Previous research also measures the direct effect the JRI has on probation and pretrial populations. These trends are also difficult to interpret because “the majority of states saw declines in their probation populations and increases in the number of people on parole, but context is needed to understand what those trends mean” (Harvel et al. 2017). It might be a sign of the success of a new reform if there are either increases or decreases in the community supervision population. It depends on the specific policy and what they are hoping to improve, which is important to keep in mind when evaluating these changes in populations.

Another gap in previous research is that there is no specific focus on who these programs are helping and if there are any disparities in who is being affected. JRI stakeholders and partners recognize that reforms can potentially increase bias and disparities against disadvantaged people in the criminal justice system.

## CURRENT RESEARCH

The present study is focused on researching if the Justice Reinvestment Act (JRA) in the state of Maryland is an effective approach to the criminal justice system that addresses some of the errors that were caused by mass incarceration. There are a few key questions this study seeks to answer.

**Research Question 1:** Has the Justice Reinvestment Act impacted the jail and prison populations in Maryland’s criminal justice system?

**Hypothesis 1:** We will see a decline in both the jail and prison populations since the enactment of JRA in 2017. This will show us that the JRA is addressing some of the underlying barriers in the system.

**Research Question 2:** Is “justice by geography” a factor in the JRA and are there geographical disparities within resources given to each county in Maryland?

**Hypothesis 2:** Geography does contribute to the impact of the JRA within the local jurisdictions in Maryland.

**Hypothesis 2a:** Urban counties will see more JRA programs, so we will see a greater impact in these counties than in rural counties.

**Hypothesis 2b:** The smallest populated counties will have the least number of changes in jail and prison populations.

There have not been any previous studies that have examined the effectiveness of justice reinvestment in the state of Maryland and broken the state down by its 24 jurisdictions to see whether this new criminal justice approach has positively impacted the entire state. This research will evaluate if geography is a factor in how many people are helped in these JRA programs and if there are different results based on geography. These questions were evaluated through public data collected on local-level variables, such as jail and prison population rates in each county over a five-year time span. Counties are being broken down into county types which include small-sized rural, mid-sized rural, and urban counties. The data is being collected to address the populations pre-JRA in the years 2015 and 2016, and post-JRA in 2018 and 2019. The JRA was enacted in 2017. The current research will look at who the JRA programs are serving, and which jurisdictions are providing more help than others. This research will be using more recent data

than used in previous studies to provide more renovated measures to see if public safety and the incarceration rates in the state have improved.

## **Chapter 3: Data, Measures, and Analytic Strategy**

### **DATA**

The study is conducting a secondary data analysis using public data from the Vera Institute of Justice containing jail and prison population rates. These rates are coming from each of the 23 counties plus Baltimore City, which makes up the 24 main local jurisdictions found in Maryland. By focusing on the years 2015 to 2019, the analysis focuses on identifying the JRA's potential impact on jail and/or prison populations. The goal of the study is to evaluate if the JRA is effective in the state of Maryland by removing more low-level, non-violent offenders from incarceration and putting them into programs and services to help them develop the skills to become successful members of society upon their release. This data is well-suited to analyze the effectiveness of the JRA because there are no other measures available publicly to measure the impact of the JRA. This evaluation of the program in Maryland is being conducted by using public data to evaluate the difference between the statistics pre-JRA and post-JRA as a quantitative research study.

The jail population is defined as an inmate who is detained for a short period of time, usually not exceeding a year. Each county in Maryland has a sheriff's department that books and detains people charged with misdemeanors, lesser offenders, and local ordinance violations. In total there are 30 county jails that serve the 24 jurisdictions in Maryland ("Difference Between Maryland Prison and Federal Prison" 2020). Annual jail population counts are available from incarceration trends from the Vera Institute of Justice ("Incarceration Trends" 2022). The prison population is defined as inmates convicted of a felony and sentenced to a year or more. There are 24 total state and federal prisons in Maryland ("Difference Between Maryland Prison and Federal Prison" 2020) and the annual prison population counts are also available from the Vera

Institute of Justice (“Incarceration Trends” 2022). This public data will capture the fundamental measures that are needed to evaluate if the JRA is effective in Maryland since it was enacted. The JRA was enacted in 2017, so it is interesting to examine if there are declines in the jail and/or prison populations after this enactment.

The concept of “justice by geography” is an interesting twist that has not been included in previous evaluations of Justice Reinvestment. “Justice by geography” is a criminal justice principle to evaluate if there is a fair spread of resources distributed to different geographical locations. The focus will be tailored to the state of Maryland and breaking it down into the 24 local jurisdictions to evaluate if there are any disparities in which counties or types of counties are gaining a larger JRA impact. The types of counties are being broken down into small-sized rural, mid-sized rural, and urban counties. It will be important to understand if certain counties are getting better access to more successful or bigger grants and if those counties are reporting a bigger impact with justice reinvestment. Maryland’s counties vary greatly in size and population, so it is important to examine the differences in where justice reinvestment resources are being housed and make sure to account for population differences in each county.

The data will be an aggregate of sources broken down by each county. This research will analyze which counties in Maryland were affected by the JRA and see if the location or county size was a factor in how many programs and people were treated by funding through the JRA. The research will suggest if there is a correlation between the two timelines: a decline in the incarceration population and when the JRA was implemented. It is important to acknowledge that there are other factors that could affect the decrease of these populations, so one should keep that in the back of one’s mind that this study is testing for a correlation not causation from the JRA.



## MEASURES

### DEPENDENT VARIABLES

This study uses two primary dependent variables which are the jail population rate and the prison population rate. The jail population rate is being clustered into pre-JRA and post-JRA to account for the changes over time. The prison population rate is also being clustered into pre-JRA and post-JRA to account for the changes over time in prisons.

***Pre-JRA jail population.*** The pre-JRA jail population rate is measured by averaging the number of individuals incarcerated in jail in the years 2015 and 2016 in each county in Maryland per the general population of each county multiplied by 10,000 to get a comprehensible number. By multiplying by 10,000, the researcher can compare these rates to every 10,000 people. The jail population is being analyzed as a rate because it is important to standardize the data for each county because there is such variability in size and population. The Vera Institute of Justice provides the number of individuals each year and in each county in Maryland. This number is how many offenders are in jail housed in that specific county. This data provides important information on the extent to how many offenders are being sent to jail each year, and analyzing any changes in this population after the JRA goals are prioritized.

***Post-JRA jail population.*** The post-JRA jail population rate is measured by averaging the number of individuals incarcerated in jail in the years 2018 and 2019 per the general population of each county in Maryland multiplied by 10,000. The Vera Institute of Justice provides this data on how many individuals are in each county jail. This data provides important information on the impact of the JRA and if we see fewer people being diverted out of jails.

***Pre-JRA prison population.*** The pre-JRA prison population is measured by averaging the number of individuals incarcerated in prisons in the year 2017 per the general population of

each county in Maryland multiplied by 10,000. This variable is using slightly different data because it is using the year 2017 to represent the prison population data. Prison population data is missing from the years 2015 and 2016 from the Vera Institute of Justice. This data is missing because of a systematic change that the state of Maryland was conducting (Carson 2018: 12), so this study is using the year 2017 as pre-JRA, even though that is when JRA was implemented. The researcher is predicting that the population rates would not have changed that much in the same year as this policy implementation, so it is still indicative of pre-JRA data. The prison population is being analyzed as a rate because it is important to standardize the data for each county because there is such variability in size and population numbers. The Vera Institute of Justice provides the number of individuals each year and in each county being housed in prisons across Maryland. This data provides important information on the extent of how many offenders are in prison each year and analyzes any changes in this population after the JRA goals are prioritized.

***Post-JRA prison population.*** The post-JRA prison population rate is measured by averaging the number of individuals incarcerated in prison in the years 2018 and 2019 per the general population of each county in Maryland multiplied by 10,000. These years are the same years used in the post-JRA jail population data. The Vera Institute of Justice provides this data on how many individuals are in each prison housed in each county. This data provides important information on the impact of the JRA to see if there are fewer people being diverted out of prisons after the goal to prioritize violent, high-risk offenders in prison.

## INDEPENDENT VARIABLES

This study uses two different primary independent variables which are the 23 counties in Maryland plus Baltimore City and the type of county.

**County.** There are 23 counties and Baltimore City which makes up the 24 local jurisdictions in Maryland. Evaluating each county will provide insight into differences based on geography and if there are disparities in resources given to different counties across the state. Including Baltimore City is important in this research because of its extremely high crime rates.

**Type of county.** Types of counties are being broken into three types: small-sized rural, mid-sized rural, and urban. Small-sized rural counties are being defined with a general population of 0 to 99,999 residents. The counties in Maryland that are small-sized are Allegany, Calvert, Caroline, Dorchester, Garrett, Kent, Queen Anne's, Somerset, Talbot, and Worcester County. Mid-sized rural counties are defined with a general population of 100,000 to 299,999 residents. The counties in Maryland that are mid-sized rural are Carroll, Cecil, Charles, Frederick, Harford, St. Mary's, Washington, and Wicomico County. Urban counties are defined with a general population of 300,000 or more residents. The urban counties are Anne Arundel, Baltimore, Baltimore City, Howard, Montgomery, and Prince George's County. County types were coded as 1 = small-sized rural, 2 = mid-sized rural, and 3 = urban. The type of county is being used as the best guess for which counties received amounts of funding from JRA grants. The county type plays a role in the amount of funding because the researcher predicts that not all counties are given an equal or fair distribution of funds for programs for offenders. The prediction is that offenders from bigger counties will receive more support from programs than an offender from small counties. The impact, in result, should be larger with counties with more funding. The researcher does not have the data to support this hypothesis but thinks future

research could compare the amounts of funding given to each county and the impact they have seen in helping offenders.

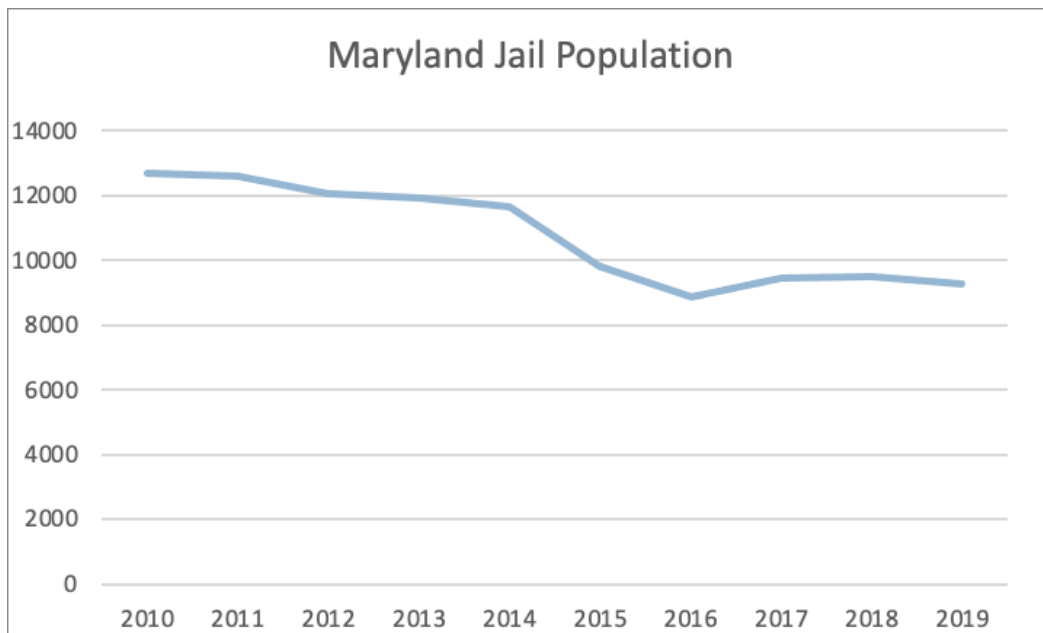
## ANALYTIC STRATEGY

The dataset will first be assessed through descriptive statistics in SPSS to visually assess if there was a decrease in jail and prison populations since the enactment of the JRA and if this relationship is significant. The researcher is looking at what percentage of counties are small-sized rural, mid-sized rural, and urban in the state of Maryland and if geography is a factor in the significance of the decrease in populations. The research is conducting a paired-sample t-test to compare the means of two different measurements taken from the same units. It is comparing the pre-JRA jail population to the post-JRA jail population and seeing if there is statistical evidence that the mean difference between the two observations is significantly different from zero. The researcher is breaking the t-test down into two different categories. First, by the state level to see the overall outcomes from the years pre-JRA and post-JRA in both jail and prison populations. Second, by the local level to see if there are differences in rural and urban counties and their populations since the JRA. The paired sample t-test compares two variables statistically. They are pre-JRA and post-JRA populations in both jails and prisons in Maryland.

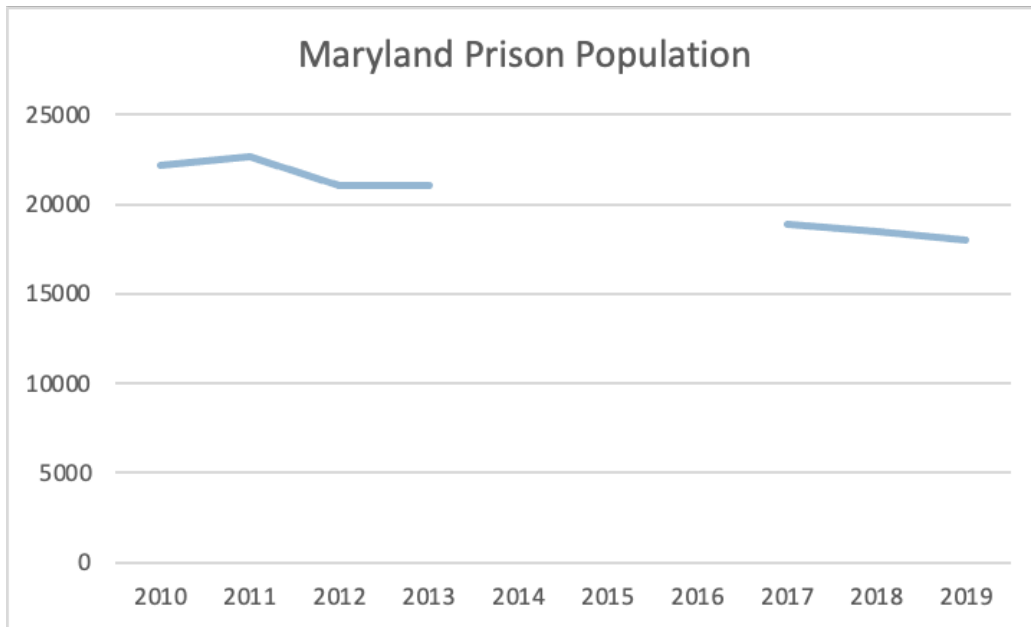
## Chapter 4: Results

Analyses began descriptively to look at the average trends of jail and prison populations before the Justice Reinvestment Act was enacted and the average trends of jail and prison populations after the JRA was enacted. In figure one, we see the average trend in the jail population from 2010 to 2019 in Maryland. In figure two, we see the average trend in the prison population from 2010 to 2019 in Maryland. There is a clear downward trend across the entire period in both figures.

**Figure 1: Maryland Jail Population**



**Figure 2: Maryland Prison Population**



The researcher is conducting a statistical test to see if these results are comparable. The t-test will first focus on Maryland overall and then second, it will break the state into its 24 jurisdictions to see if geography is a factor (see Appendix B for figures plotting jail and prison trends for each jurisdiction). The data will show these trends from 2010 to 2019 which includes the year 2017 when the JRA was enacted. The first research question asked has the JRA impacted the jail and prison populations in Maryland’s criminal justice system. The second research question asked if justice by geography is a factor in the JRA and are there geographical disparities within resources given to each county in Maryland.

The researcher conducted a state-wide t-test to see the statistical difference in means overall (see Table 1). In testing the average pre-JRA jail rate by 10,000 people state-wide, the mean is 23.33. The average post-JRA jail rate of 10,000 people state-wide is 21.92. The mean difference between the two variables is 1.417. This means that on average, there are about 1.5

fewer people out of every 10,000 in jail post-JRA. The p-value is 0.042 which means that there is a significant decrease in population state-wide from pre-post JRA in jail populations. In testing the average pre-JRA prison rate by 10,000 people state-wide, the mean is 37.88. The average post-JRA prison rate of 10,000 people state-wide is 35.42. The mean difference between the two variables is 2.458. This means that on average, there are about 2.5 fewer people out of every 10,000 in prison post-JRA. The p-value is 0.000 which shows its strong significance and shows that the decrease between pre- and post-JRA is significant. These are being looked at by the state level overall, averaging all the counties together (see Appendix D) for the chart demonstrating the average trends from Maryland overall. The jail population rate, demonstrated as the blue lines, shows a visual decrease from the jail population in 2015 to 2019. The prison population rate, demonstrated as the red bars, show less of a visual decrease although it still statistically decreased from pre-JRA to post-JRA.

**Table 1: State-Level Pre/Post- JRA T-Test**

	Mean			
	Difference	t	df	Sig(2-tailed)
State-Level Jail	1.417	2.149	23	0.042
State-Level Prison	2.458	4.235	23	0.000

Then, a t-test on the local level was conducted to see if geography is a factor in the decrease in populations after the JRA’s enactment (see Table 2). In small-sized rural counties, the mean of the average pre-JRA jail rate per 10,000 people was 30.40. The average post-JRA jail rate per 10,000 people was 28.40. The mean difference between the two was 2.000. The p-

value is 0.170. The jail population rate in small-sized rural counties did not see a significant difference in the population pre- and post-JRA. In small-sized rural counties, the mean of the average pre-JRA prison rate per 10,000 people was 43.30. The average post-JRA prison rate per 10,000 people was 40.20. The mean difference between the two was 3.100. The p-value found here is 0.021 which shows the significance between pre- and post-prison rates. On average, there are about 3 fewer people out of every 10,000 in prison post-JRA in small-rural counties in Maryland (see Appendix C to see the small-sized average trends). The jail population rate did not see that big of a difference in the jail population in 2015 to the jail population in 2019 (see Appendix C). The prison population rate, shown in the red bars, shows a stark decrease between 2017 to 2019 which demonstrates the prison population decrease.

In mid-sized rural counties, the mean of the average pre-JRA jail rate per 10,000 was 21.25 (see Table 2). The mean of the average post-JRA jail rate per 10,000 was 19.38. The mean difference between the two was 1.875. The p-value was 0.090. The jail population rate in mid-sized rural counties did not see a significant difference in the population's pre- and post-JRA. In mid-sized rural counties, the mean of the average pre-JRA prison rate per 10,000 was 36.13. The mean of the average post-JRA prison rate per 10,000 was 32.88. The mean difference between the two was 3.250. The p-value found here is 0.004 which shows the significance between pre- and post-prison rates. On average, there are about 3 fewer people out of every 10,000 in prison post-JRA in mid-sized rural counties in Maryland. The mid-sized rural counties' trends (see Appendix C) show a visual decrease in both incarceration rates from pre-and post-JRA, but jail was not statistically significant. The chart (see Appendix C) shows a definitive decrease from 2010 to 2019 prison population rates which is where we see the significant difference.



In urban counties, the mean of the average pre-JRA jail rate per 10,000 was 14.33 (see Table 2). The mean of the average post-JRA jail rate per 10,000 was 14.50. The mean difference between the two was -0.167. The p-value was 0.741 which does not show significance. There is no statistical difference between pre- and post-JRA jail populations in urban counties. In urban counties, the mean of the average pre-JRA prison rate per 10,000 was 31.17. The mean of the average post-JRA prison rate per 10,000 was 30.83. The mean difference between the two was 0.333 which does not show significance. There is no statistical difference between pre- and post-JRA prison populations in urban counties. Urban counties (see Appendix C) show a big decrease in the jail population in the year 2016, but overall, from 2010 to 2019, there was not a significant difference pre-to post- JRA. In prisons, there is a decrease in the population from 2010 to 2019, but it does not visually look that different.

**Table 2: Local-Level Pre/Post-JRA T-Test**

	Mean Difference	t	df	Sig(2-tailed)
Small-Sized Rural Jail	2.000	1.491	9	0.170
Small-Sized Rural Prison	3.100	2.793	9	0.021
Mid-Sized Rural Jail	1.875	1.967	7	0.090
Mid-Sized Rural Prison	3.250	4.202	7	0.004
Urban Jail	-0.167	-0.349	5	0.741
Urban Prison	0.333	0.791	5	0.465

In Maryland overall as a state, there was a statistical difference between both jail and prison population rates before the JRA was enacted and after the JRA began. There were about 1.5 fewer people out of every 10,000 seen in jail since the JRA had started. In prisons, there were about 2.5 fewer people out of every 10,000 seen in prisons since the JRA was enacted. This quantifies the impact justice reinvestment has on the state with the goal of keeping jails and prisons solely for violent, serious offenders. Breaking the state down to the local or jurisdictional level, there was not a statistical difference in jails post-JRA in urban or rural counties. There was a statistical difference in prisons post-JRA in rural counties, but not in urban counties.

Each county was shown in an individual graph using the years 2010 to 2019 showing the jail and prison population rates pre- to post-JRA (see Appendix B). Most counties had a decrease in their jail and prison populations, but there were some outliers where the incarcerated populations stayed the same or even increased. In Allegany County, a small-sized rural county, both the jail and prison population increased from the 2010 rates. Jail population rates pre-JRA to post-JRA increased, but prison population rates pre-JRA to post-JRA decreased (see Appendix B). In Cecil County, a mid-sized rural county, both the jail and prison population increased from the 2010 rates as well. The jail population rates pre-JRA to post-JRA ended up being about the same in 2019 as it was in 2015, and the prison population rate pre-JRA to post-JRA decreased from 2017 to 2019. There was a huge increase in the prison population rate from 2010 to 2019 though (see Appendix B). In Baltimore County, an urban county, the jail, and prison population rates seem steady across the decade (see Appendix B). The jail population rate seems to have decreased slightly since the JRA was implemented, and so does the prison population rate. There

was not a huge change in the incarcerated population in this county from pre-JRA to post-JRA (to check out more of the counties' trends, refer to Appendix B).

Maryland statewide has seen a decrease in the jail and prison population rates since the enactment of the JRA in 2017. Each type of county saw a different impact starting with the small-size rural counties having no statistical difference in jails post-JRA, but about 3 fewer people per 10,000 in prisons. Mid-sized rural counties also had no statistical difference in jails post-JRA but saw around 3 fewer people per 10,000 in prisons post-JRA. In urban counties, there was neither a significant difference in either jails or prisons post-JRA which was unexpected. Rural counties had a greater impact across the state than did urban counties in this statistical analysis. This data also showed a greater impact in prisons than in jails in Maryland.

## Chapter 5: Discussion

### DISCUSSION

This research sought to understand the relationship between justice reinvestment and the decrease in jail and prison populations since the Act was implemented. The researcher wanted to test the effectiveness of the Justice Reinvestment Act that was enacted in 2017 in Maryland. Based on analyses, there was evidence that for the state of Maryland overall, both the jail and prison population has decreased since the JRA was implemented. We see a decline in both jail and prison populations since the enactment of the JRA in 2017. On average in the state of Maryland, there are about 1.5 fewer people out of every 10,000 in jail post-JRA. There are about 2.5 fewer people out of every 10,000 in prison post-JRA (see Appendix D). These numbers seem quite small and insignificant, but this is for every 10,000 people in prison. There are about “83,000 different people booked into local jails in Maryland” (“Maryland Profile” N.d.), so there are about 12.5 fewer people in jail now than there was before the JRA was enacted in 2017. There are about 33,627 prisoners each year in Maryland (“Maryland Correctional Populations of Census 2020 Vintage” N.d.), so there are about 8.5 fewer people in prison now than there was pre-JRA.

There was strong evidence that justice by geography was a factor in the impact of the JRA. The researcher finds partial support of hypothesis 2 and finds that geography does contribute to the impact of the JRA, and we will see different amounts of resources given to different counties. Small and mid-sized rural counties saw no significant difference between pre- and post-JRA populations in jail, but they did see a significant decrease in prisons (see Appendix C). In urban counties, there was no statistical significance for either jail or prison populations (see Appendix C). The researcher predicted that the smallest populated counties would have the

least number of changes in jail and prison populations. This was not reflected in the findings of this research. The smaller populated counties, small-sized rural variable, had a greater impact than the large, populated counties, urban variable. The mid-sized rural counties had a greater impact than the small-sized rural counties, so population size was an important factor here.

These findings do not support that the Justice Reinvestment Act is effective in Maryland, there is not enough data to support that, but the results do show that it has an impact on the jail and prison populations. This approach prioritizes prisons for violent, serious offenders, and starting to divert other offenders into different corrections facilities or treatment options. The findings suggest that there is more of an impact on rural counties in Maryland than urban counties up to this point in time. As we saw in Georgia after their justice reinvestment implementation, there were huge incarceration percentage drops. This indicated for Georgia that their justice reinvestment initiative is working, and this evaluation was made within a couple years post-implementation. We can claim the same results here in Maryland. There are so many other measures that we would need to suggest effectiveness, but we can claim that justice reinvestment is working in Maryland based on the decrease in the incarceration rates.

One might expect that there would be a bigger effect on the jail population regarding justice reinvestment because of the pretrial population and high density of drug offenders within jails. It would make sense that more people are being diverted into treatment programs, pretrial diversion programs, and post-release programs which lowers the jail population rate. This was not the case with the findings in this research. The prison population was impacted greater than the jail population. Since mass incarceration, which is still occurring today, the priority is to stabilize the incarceration trends by removing individuals out of prisons, not as many jails. The incarceration rates are declining in the post-JRA period, but they were also declining before the

JRA was implemented. With better data, research could assess if the JRA was causally related to the decline, but with this data, this conclusion cannot be made. We know the decline in incarceration rates and the JRA have a correlational relationship. The researcher also was surprised by the finding that rural counties had a greater impact than urban counties regarding justice reinvestment. It would make sense that the biggest populated counties would receive more funding and oversee more programs to serve the incarcerated population, but this was not the case with this data. It did follow the researcher's expectations that the mid-sized rural counties had a greater impact than the small-sized rural counties which meant that the population size of each county was a contributing factor.

## LIMITATIONS

The data that was available for use in this study was limited because it only showed a small change between two years before the Act and two years after the Act. There is not enough longitudinal data to show that the JRA is effective and the decrease in jail and prison populations is because of the JRA. It would have shown a greater change if we had more years of data. The Vera Institute of Justice only had data for Maryland up until 2019, but it would have been more helpful to analyze data from more recent years and even include data from years impacted by COVID-19. If we continue to monitor the changes in jail and prison populations, then in a couple of years we will have more data to assess the impact of the JRA more comprehensively over time.

Prison data was not included from 2013 to 2017, so there were issues making conclusions about pre- and post-JRA prison population rates. The researcher had to use 2017 as an average of pre-JRA even though that is when the Act started. There was no access to public data to disclose

the amounts of funding given to each program that was funded through PIGF, which is one of the main JRA grant funds. If the researcher had this data in consecutive years on the jail and prison populations, there could have been an argument about the effect money had on the success of these programs.

## IMPLICATIONS AND FUTURE DIRECTIONS

The findings have important real-world implications because there is a suggestion that justice reinvestment has worked in impacting the population of jails and prisons in Maryland. This research helps to fill the gaps in the literature about justice reinvestment in Maryland and how there are different geographical distributions across the state. This study has highlighted that there is little data available to prove the effectiveness of the JRA. There is not enough longitudinal data to prove that the decline in jail and prison populations are because of the enactment of the JRA in 2017. We need to continue to monitor the impact the JRA has on the jail and prison populations to prove that justice reinvestment is effective. This research highlights the state of Maryland and its criminal justice priorities before and after justice reinvestment became a priority in the legal system. It provides a new angle, looking at the effect of geography on a local level, to see if this impacts the results of the JRA.

For future research, the researcher suggests using performance measurement data that is collected by the Office that oversees the grants and programs being funded in the state. In Maryland, this data is housed in the Governor's Office of Crime Prevention, Youth, and Victim Services. Some performance measures include participants receiving counseling, persons connected to behavioral health services, persons placed in a job, program completers re-arrested, along with so many more ("Governor's Office of Crime Prevention, Youth, and Victim

Services” 2023). These measures will give a better insight into the impacts that these justice reinvestment programs have on the justice-involved population. It provides statistics about how many people are admitted, how many have recidivated, and how many have jobs post-prison release. It also provides data on how much money was given to these programs and what they are using the money for. It would be beneficial to use the amount of money given to each county and program specifically to see if the state is saving money with justice reinvestment and using taxpayers’ dollars more successfully. By using performance measures, the amount of funding, and decrease in incarceration populations, there will be a more comprehensive evaluation of the effectiveness of justice reinvestment in the state. It also is beneficial to use geography as a variable in future research as well to see if there are different amounts of funding being given out to different-sized counties, also known as the idea of justice by geography. It would be interesting to find out in the case that a certain county receives more JRA funding than another, if there is a greater impact of that program and if more funding correlates to a bigger decrease in the incarceration rates in that county.

It would also be to a future researcher’s benefit to look at the pretrial populations from before and after the JRA was enacted. Justice reinvestment really intends to impact the pretrial population and ensure they have tools to help them reintegrate back into society and make sure they receive risk and need assessments to decide if a defendant will benefit more from treatment or incarceration. Because of the JRA’s intended goals, one should see an impact on the pretrial population and have more people being rehabilitated here rather than locked away from society. It could also be informative to add race and gender into the study of the effectiveness of justice reinvestment to see if there are gender or racial disparities in who is being helped by the JRA.



It is important to continue to measure programs' effectiveness and conduct a cost analysis of the implemented programs (La Vigne, Neusteter, Lachman, Swyer, and Nadeau N.d: 50). To be able to maintain the justice system expenditure reductions, there needs to be attentive reporting. If reporting is not sustained overtime, "the system will easily regress back to the conditions experienced prior to the justice reinvestment initiative" (La Vigne, et al N.d: 50). The oversight board of each state oversees keeping track of these performance measures, money saved, and overall impact of justice reinvestment. These findings of the decreased jail and prison population rate overall throughout the state shows that the JRA is working and impacting the populations that it is meant to impact. There are geographical differences based on types of counties which show us that there might be disparities in who is receiving more funding for justice reinvestment programs. Maryland's criminal justice system is improving and impacting more people by providing offenders with resources and services to be successful members in society. This will hopefully show in future years that the cycle of violence, going in and out of prisons, will be broken.

## **Chapter 6: Conclusion**

Fixing the systemic problems that were caused from mass incarceration is not a quick and easy task. The criminal justice system has many flaws, but locking up every person who breaks the law for decades was not the answer to making society safer. Prisons are an investment failure, and this is the time to introduce new approaches to budgeting better in the corrections system. Justice reinvestment, although relatively new, is succeeding in investing money in “strategies to reduce recidivism and improve system outcomes” (“Justice Reinvestment Initiative” 2012). It is crucial that researchers continue to analyze the effectiveness of justice reinvestment and use different performance measures from programs to track success. The JRA has impacted Maryland’s criminal justice system greatly, and future research should attend to evaluating the impact it may continue to have in the future. It is a promising approach to being more fiscally responsible and enhancing public safety.

## Appendices

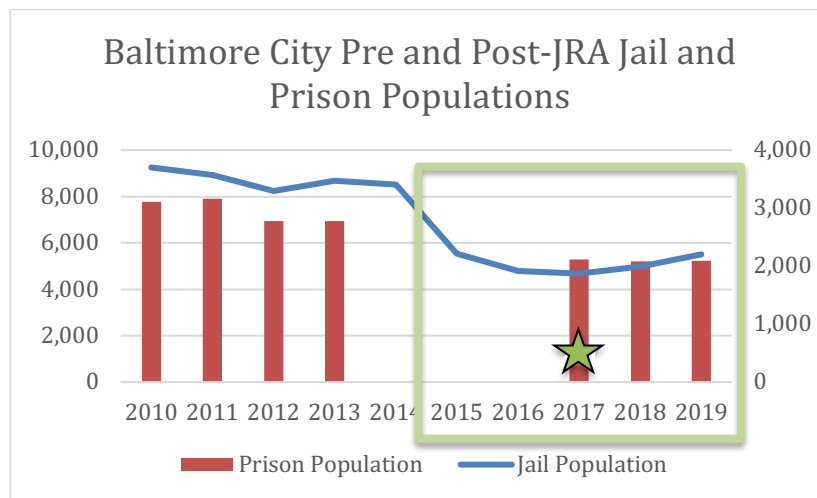
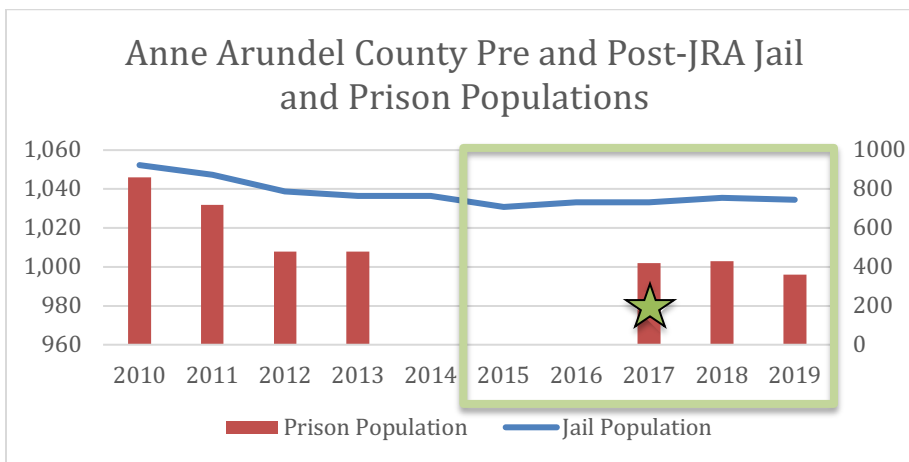
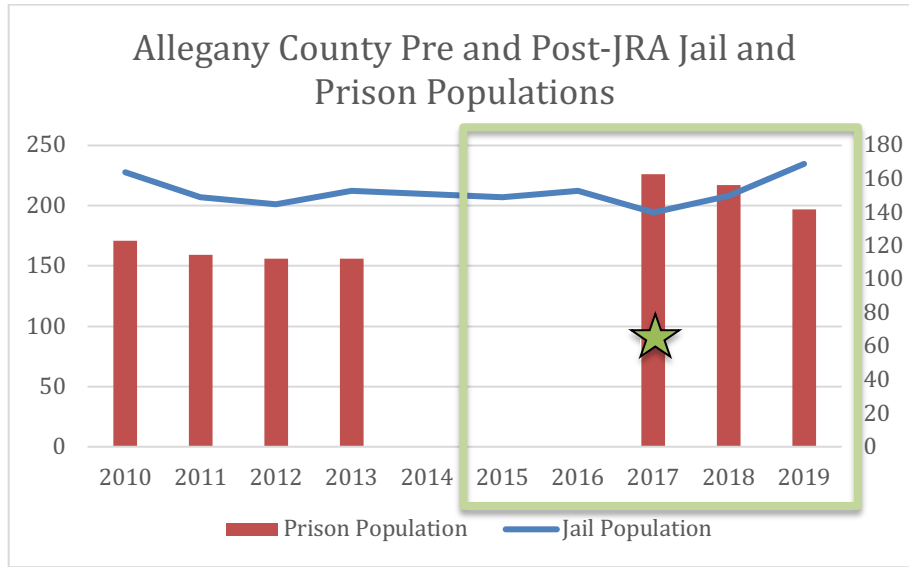
### Appendix A: Programs Funded by the PIGF Grant

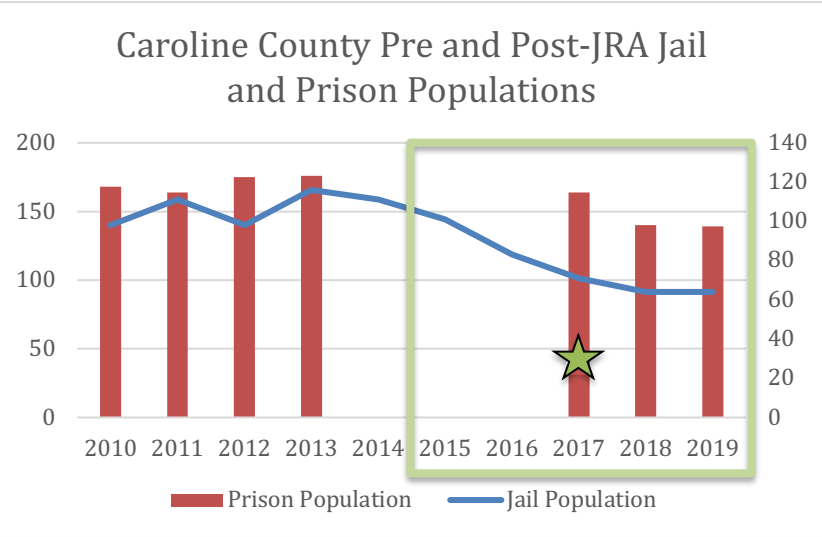
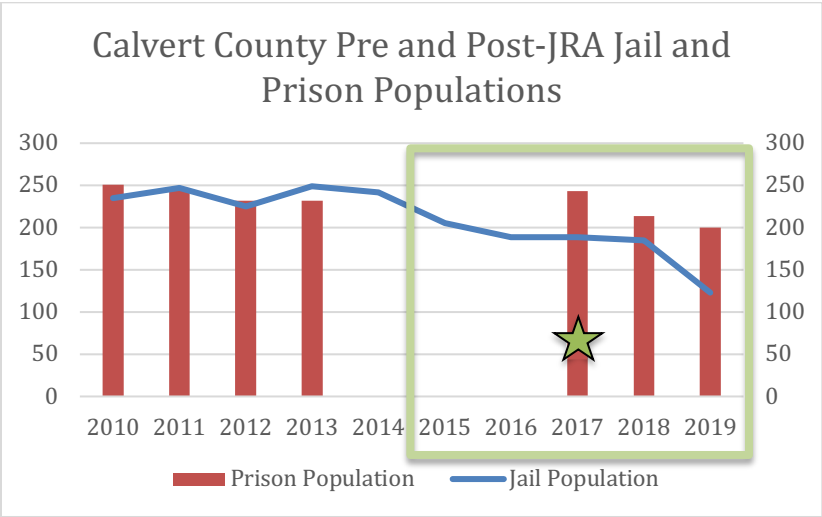
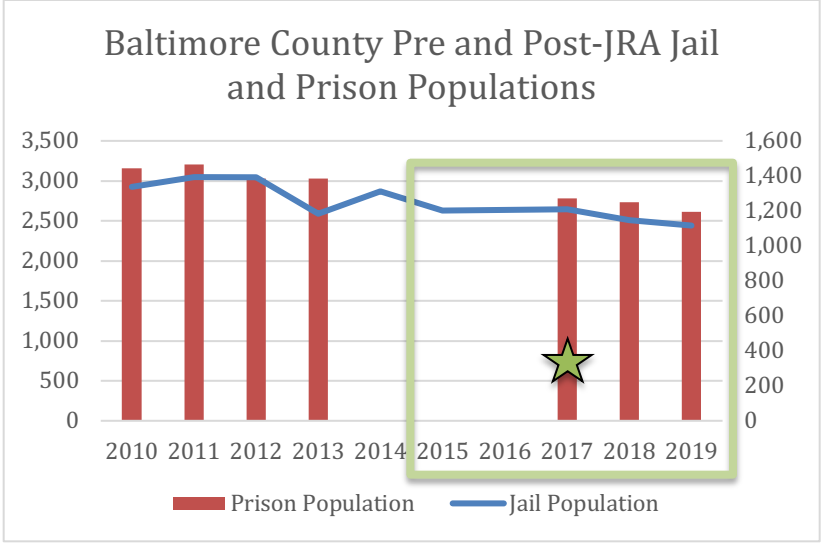
Grant Number	Agency	Project Title	County	Category
PIGF-2020-0001	Bon Secours of Maryland Foundation, Inc.	Returning Citizens Program	Baltimore City	(1) Reentry
PIGF-2020-0002	Maryland Office of the Public Defender	Co-Occurring Diversion Project	State	(2) Reinvestment in Treatment
PIGF-2020-0003	Worcester County Board of County Commissioners	Data Driven Approaches to Enhance LEAD (Law Enforcement Assisted Diversion)	Worcester	N/A
PIGF-2020-0004	Maryland Department of Labor	Tablet Program	State	(1) Reentry
PIGF-2020-0005	Justice and Recovery Advocates, Inc.	Choose Life Health and Wellness Program for Recovery and Re-entry	Washington, Frederick, Carroll and Howard/Montgomery counties	(1) Reentry
PIGF-2020-0006	Habitat for Humanity of Wicomico County, Inc.	Wicomico Habitat HabiCorps Workforce Development Program for Successful Reentry	Wicomico	(1) Reentry
PIGF-2020-0007	Community Solutions, Inc. Baltimore MST-EA	Multi-systemic Therapy - Emerging Adults	Baltimore County	(1) Reentry
PIGF-2020-0008	YWCA of Annapolis and Anne Arundel County	Abuse Intervention Program	Anne Arundel	(3) Abuse Intervention Program
PIGF-2020-0009	Vehicles For Change, Inc.	Reentry Training - Auto Mechanics	Prince George's	(1) Reentry
PIGF-2020-0010	Maryland Department of Public Safety and Correctional Services	Reentry Transition Specialists	State	(1) Reentry
PIGF-2020-0011	Howard County, Maryland	Howard County Sustainable Reentry Demonstration Project	Howard	(1) Reentry
PIGF-2022-0001	Calvert County Board of County Commissioners	Pretrial Services Support	Calvert	(5) Pretrial Services
PIGF-2022-0002	Allegany County Board of Commissioners	Allegany County Sheriff's Office Pretrial Services	Allegany	(5) Pretrial Services
PIGF-2022-0003	Washington County Board of Commissioners	Pretrial Services at Day Reporting Center	Washington	(5) Pretrial Services
PIGF-2022-0004	Cecil County, Maryland	Pretrial Services Enhancement	Cecil	(4) Alternatives to Incarceration
PIGF-2022-0005	House of Ruth Maryland, Inc.	Improvements to House of Ruth Maryland Abuse Intervention Program	Baltimore City	(3) Abuse Intervention Program and (4) Alternatives to Incarceration
PIGF-2022-0006	Inner County Outreach	Inner County Outreach, Second Chance Services: Addressing the Needs of and Support Services for Families of Incarceration	Harford and Cecil	(2) Behavioral Health Treatment, Resources, and Services
PIGF-2022-0007	Prince George's County, Maryland	Problem Solving Courts (Re-Entry/Veterans/Truancy Reduction/Adult Drug/Juvenile Drug Court/New Direction Youth Diversion)	Prince George's	(2) Behavioral Health Treatment, Resources, and Services
PIGF-2022-0008	Washington County Board of Commissioners	Performance Incentive Grant Fund at Day Reporting Center	Washington	(4) Alternatives to Incarceration
PIGF-2022-0009	Maryland Network Against Domestic Violence	Category B: Specialty Courts and Alternatives to Incarceration	State	(4) Alternatives to Incarceration

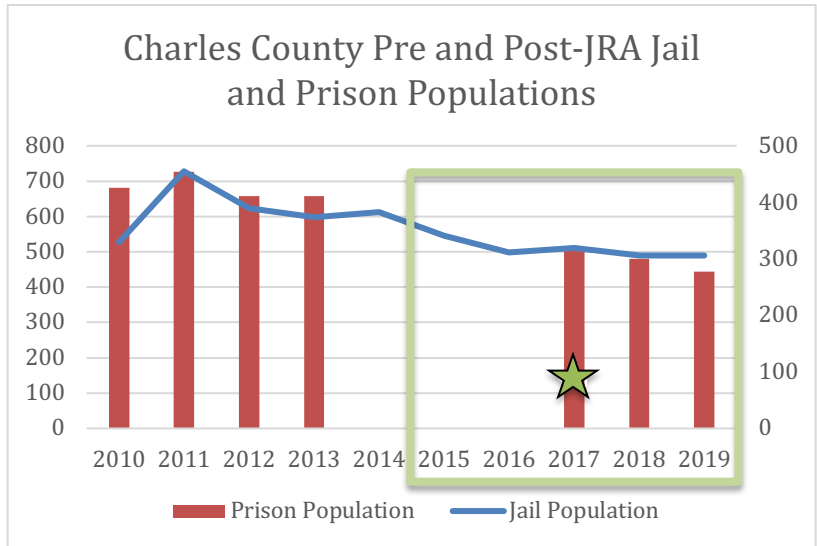
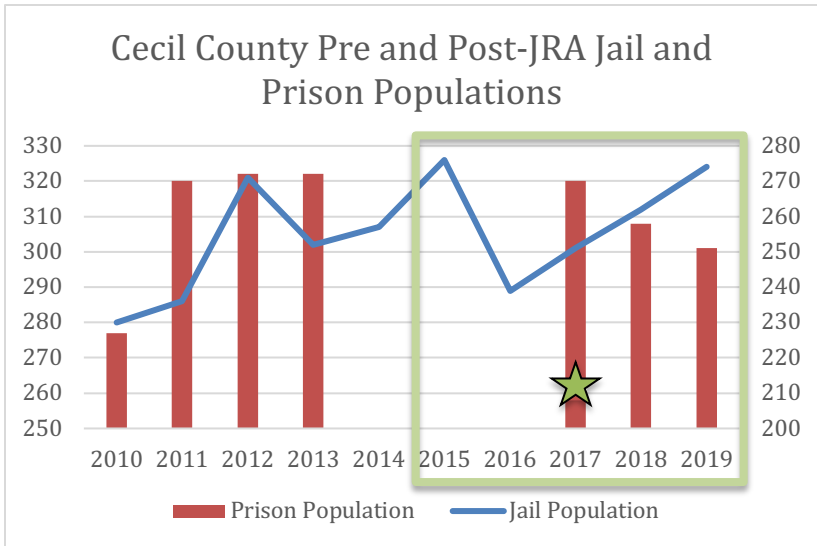
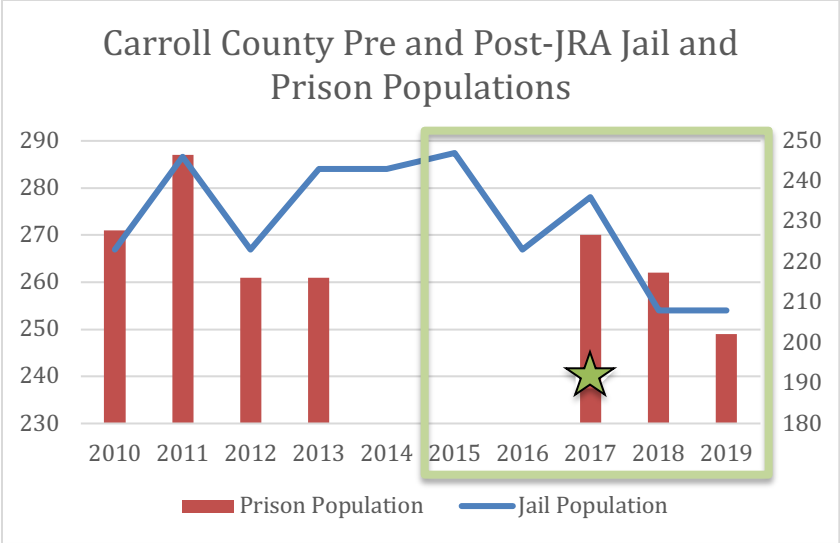
PIGF-2022-0010	Bon Secours of Maryland Foundation, Inc.	Bon Secours Community Works Returning Citizens Program	Baltimore City	(1) Reentry
PIGF-2022-0011	My Covenant Place	Certified AIP and Violence Intervention Programming- Goal 3: Specialty Courts	Prince George's	(3) Abuse Intervention Program
PIGF-2022-0012	Anne Arundel County Community Action Agency, Inc.	AACCAA Housing for Returning Citizens	Anne Arundel	(1) Reentry
PIGF-2022-0013	Gatekeepers Corporation	Business of Living - Sixty Day Client Stabilization Support	Washington	(1) Reentry
PIGF-2022-0014	PIVOT Inc.	PIVOT Women's Reentry & Workforce Development Program	Baltimore City	(1) Reentry
PIGF-2022-0015	Easter Seals Serving DC-MD-VA Inc.	A Comprehensive Strategy for Reentering Citizens in Anne Arundel County	Anne Arundel	(1) Reentry
PIGF-2022-0016	Fusion Partnerships, Inc.	Parole Hearing and Reentry Preparation	Baltimore City	(1) Reentry
PIGF-2022-0017	Hagerstown Goodwill Industries, Inc. DBA Horizon Goodwill Industries	Washington County Reentry Services	Washington	(1) Reentry
PIGF-2022-0018	Vehicles For Change, Inc.	Vehicles For Change Reentry Training Prince George County	Prince George's	(1) Reentry
PIGF-2023-0001	Maryland Department of Public Safety and Correctional Services	DPSCS Social Worker Training Program	State	(2) Behavioral Health Treatment, Resources, and Services
PIGF-2023-0002	Maryland Office of the Public Defender	Co-Occurring Diversion Project	State	(1) Reentry, (2) Reinvestment in Treatment, and (4) Alternatives to Incarceration
PIGF-2023-0003	HARBEL Community Organization, Inc.	HARBEL C.R.E.W. Juvenile Diversion Support and Behavioral Health Program	Baltimore City	(1) Reentry and (2) Behavioral Health
PIGF-2023-0004	YWCA of Annapolis and Anne Arundel County	Alternatives to Incarceration for Perpetrators of Intimate Partner Violence	Annapolis and Anne Arundel	(3) Support for Victims and Restitution Enhancements
PIGF-2023-0005	Fusion Partnerships, Inc.	PREPARE: Prepare for Parole and Reentry: Parole hearing preparation advocates	Baltimore City	(1) Reentry
PIGF-2023-0006	Allegany County Board of Commissioners	Allegany County Sheriff's Office - Pretrial Release PIGF 2023	Allegany	(1) Reentry, (4) Alternatives to Incarceration, and (5) Pretrial Services and Programming
PIGF-2023-0007	Hagerstown Goodwill Industries, Inc. DBA Horizon Goodwill Industries	Washington County Reentry Program	Washington	(1) Reentry
PIGF-2023-0008	Sexual Assault/Spouse Abuse Resource Center, Inc. (SARC)	Category B: Abuser Intervention Program	Harford	(3) Support for Victims and Restitution Enhancements
PIGF-2023-0009	Maryland Network Against Domestic Violence	AIP Connection Project- Phase II	N/A	(3) Support for Victims and Restitution Enhancements and (4) Alternatives to Incarceration
PIGF-2023-0010	Mayor's Office of Neighborhood Safety and Engagement (MONSE)	FY2023 Performance Incentive Grant Fund Program	Baltimore City	(4) Alternatives to Incarceration
PIGF-2023-0011	PIVOT Inc.	PIVOT Women's Reentry & Workforce Development Program	Baltimore City	(1) Reentry and (2) Behavioral Health
PIGF-2023-0012	Heartly House, Inc.	Heartly House AIP Services Expansion	Frederick	(4) Alternatives to Incarceration

PIGF-2023-0013	Gatekeepers Corporation	Washington County Re-entry, Pretrial Joint Services Project	Washington	(1) Reentry, (2) Behavioral Health, (4) Alternatives to Incarceration, and (5) Pretrial
PIGF-2023-0014	Community Mediation Maryland, Inc.	Prisoner Re-entry Mediation Program-Hagerstown Correctional Facilities	Hagerstown	(1) Reentry
PIGF-2023-0015	Family Crisis Center of Baltimore County, Inc.	Abuser Intervention Expansion and Victim Safety Enhancement	Baltimore County	(3) Support for Victims and Restitution Enhancements
PIGF-2023-0016	House of Ruth Maryland, Inc.	House of Ruth Maryland Abuse Intervention Program	Baltimore City	(3) Support for Victims and Restitution Enhancements
PIGF-2023-0017	My Covenant Place	Certified AIP/Violence Intervention & Behavioral Health Treatment, Resources, and Services (GOAL 2&3)	N/A	(2) Behavioral Health Treatment, Resources, and Services and (3) Support for Victims
PIGF-2023-0018	Calvert County Health Department	Services to Prevent Intimate Partner and Family Violence	Calvert	(3) Support for Victims and Restitution Enhancements
PIGF-2023-0019	TurnAround, Inc. (Baltimore County)	Enhancing Victim Services and Abuser Intervention Programs	Baltimore County	(3) Support for Victims and Restitution Enhancements
PIGF-2023-0020	HealthCare Access Maryland, Inc.	Returning Citizens Community Connections	Baltimore City	(1) Reentry
PIGF-2023-0021	University of Maryland - Ofc. of Research Admin. & Advancement	An Assessment of Pretrial Risk across Maryland Jurisdictions using Client Legal Utility Engine (CLUE) Data	N/A	(5) Pretrial Services and Programming
PIGF-2023-0022	Office of the State's Attorney for Baltimore City	AIM To B'More Program	Baltimore City	(4) Alternatives to Incarceration

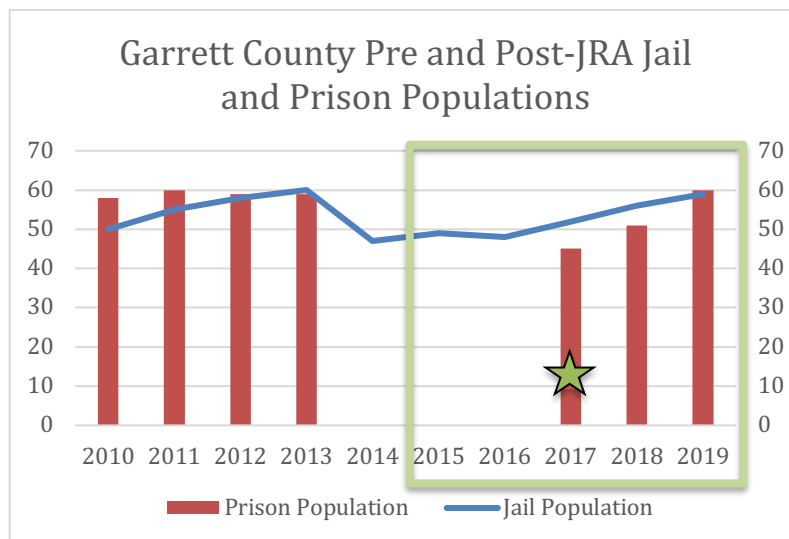
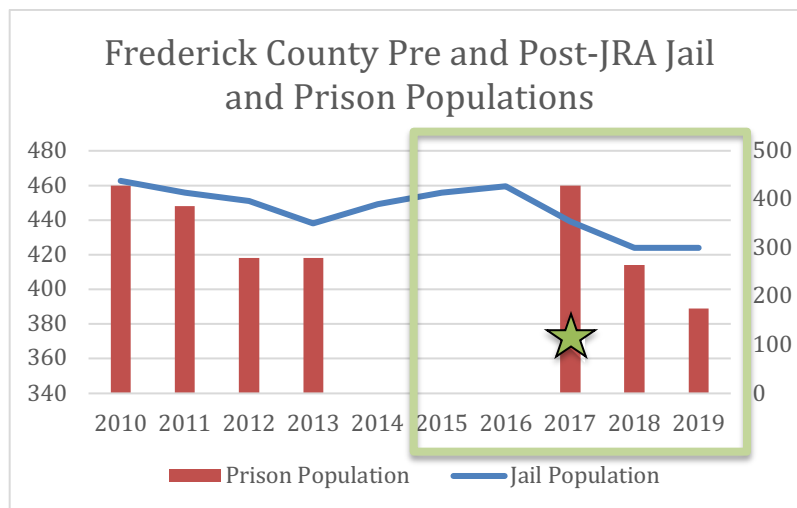
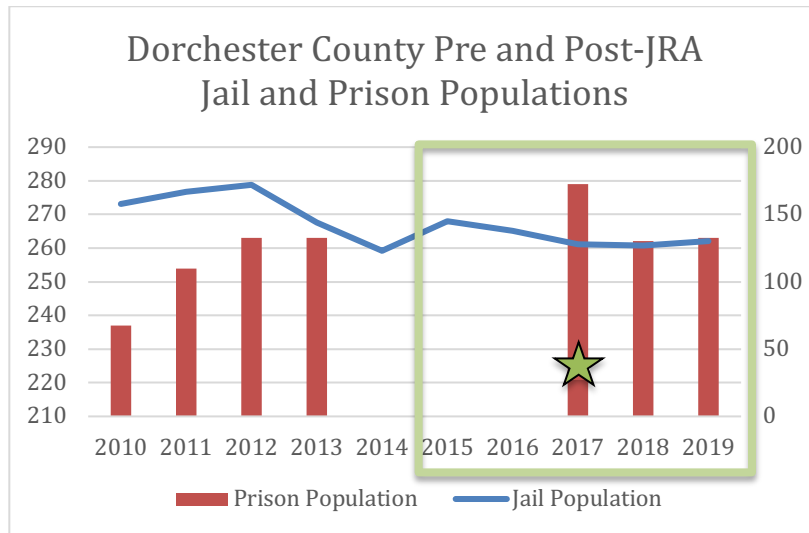
Appendix B: Pre-and Post JRA Jail and Prison Trends by County

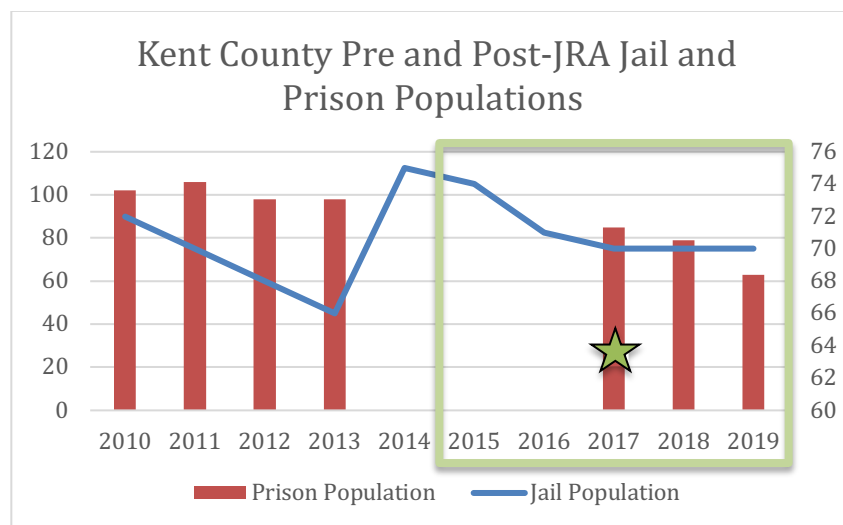
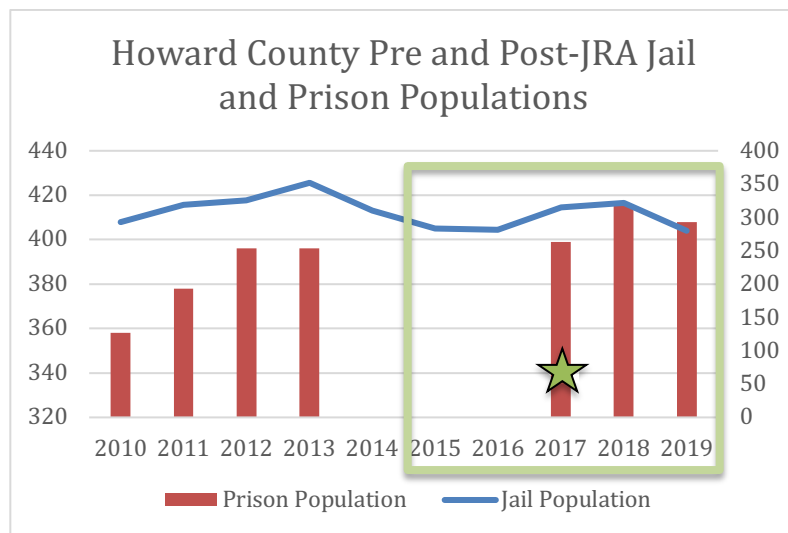
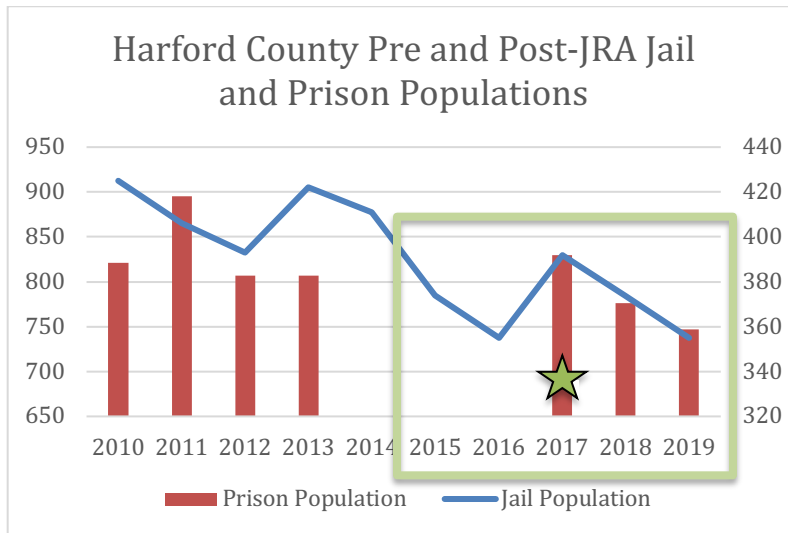


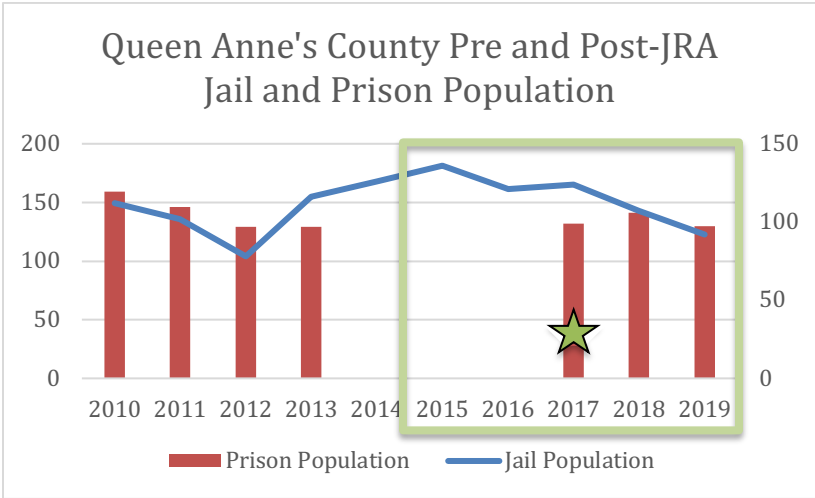
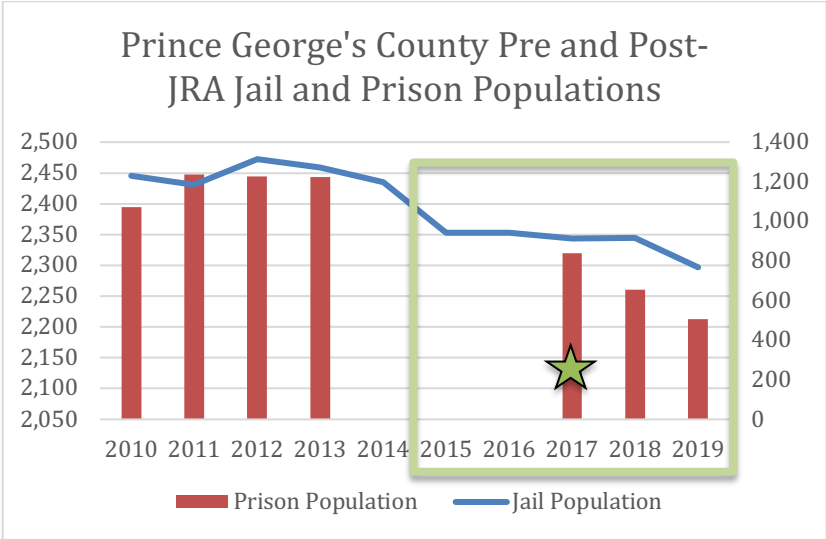
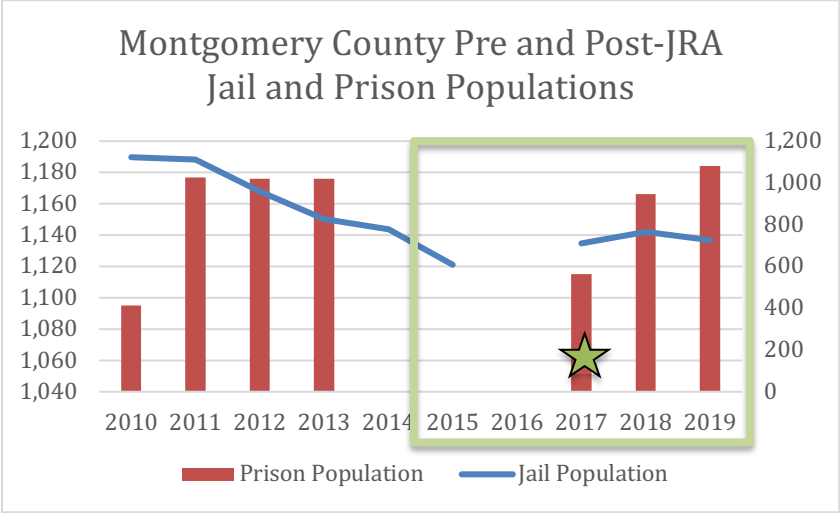


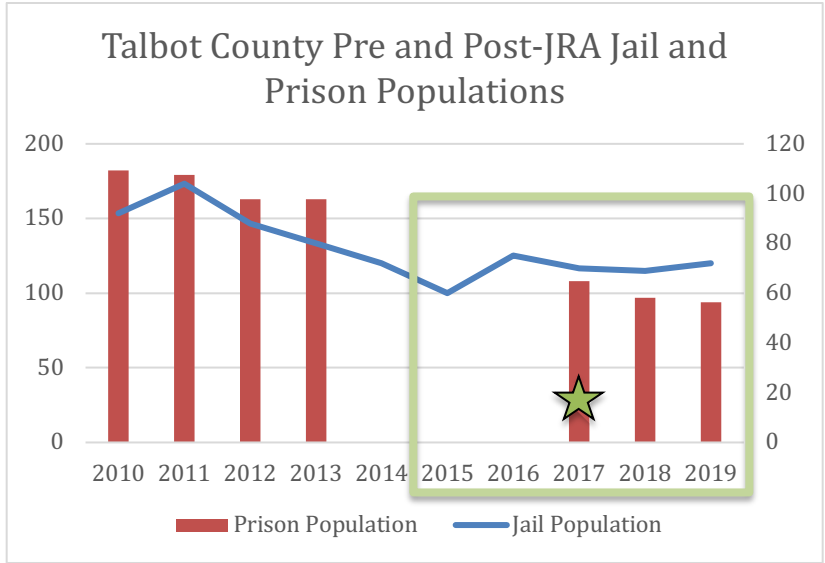
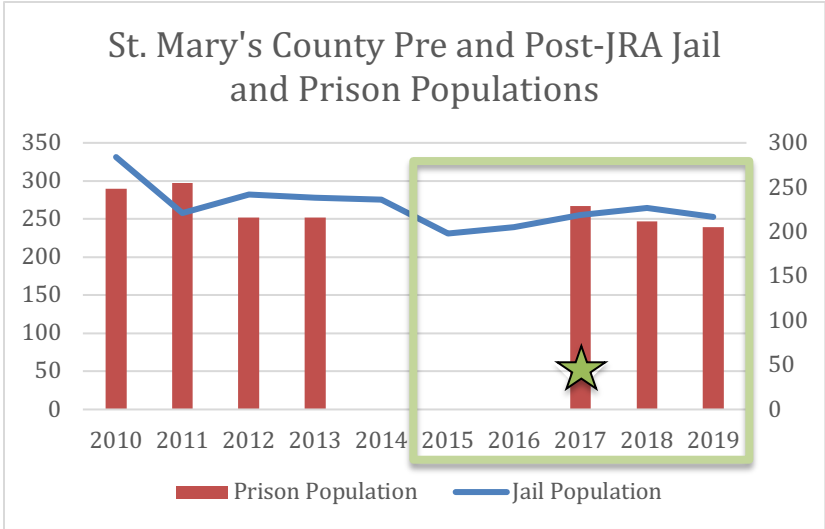
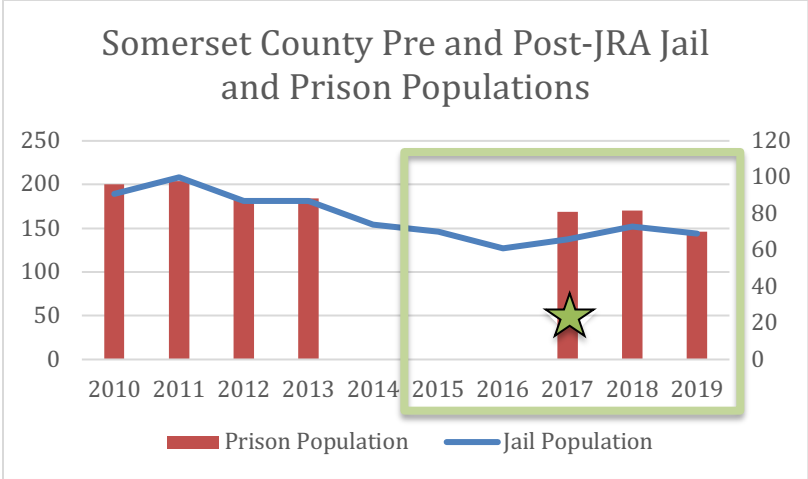


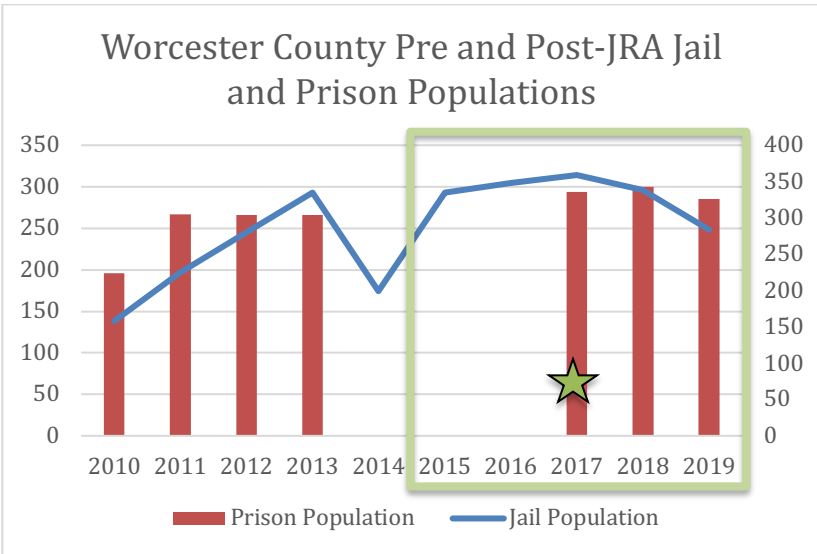
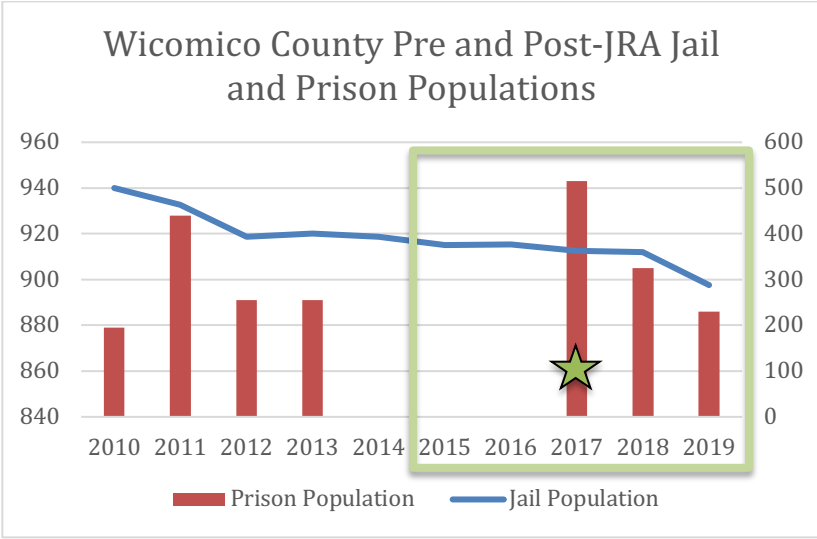
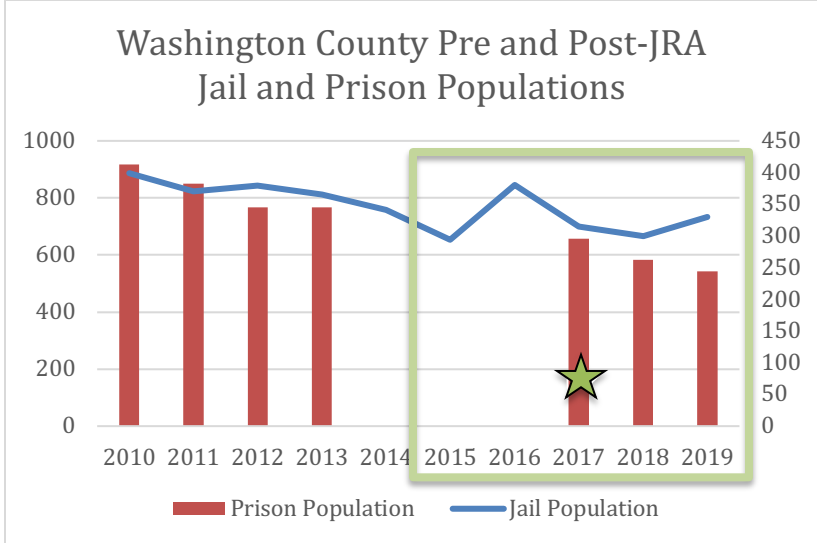




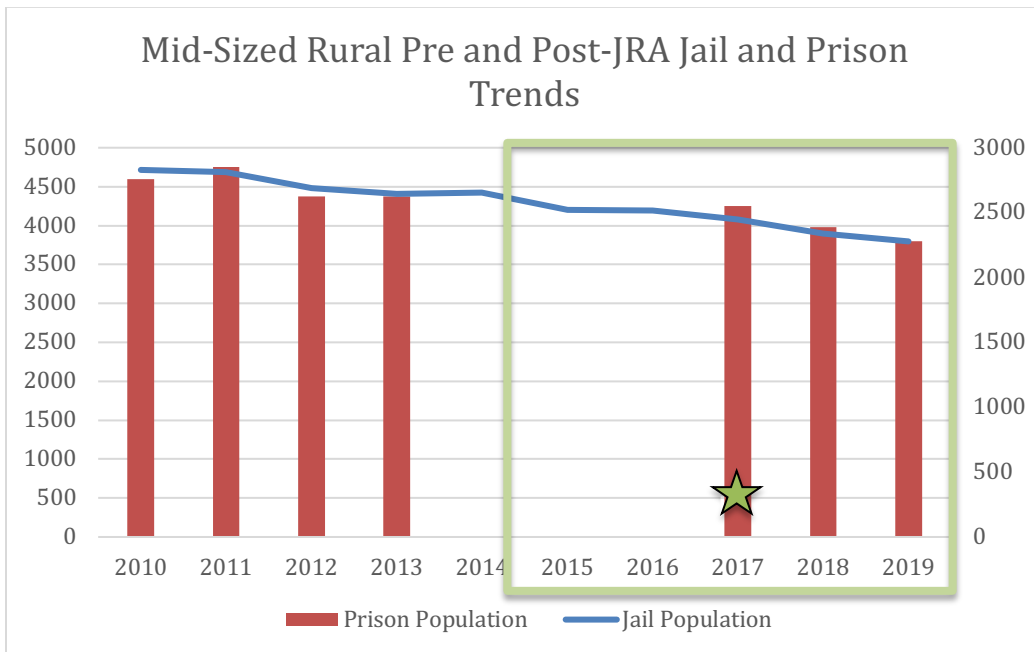
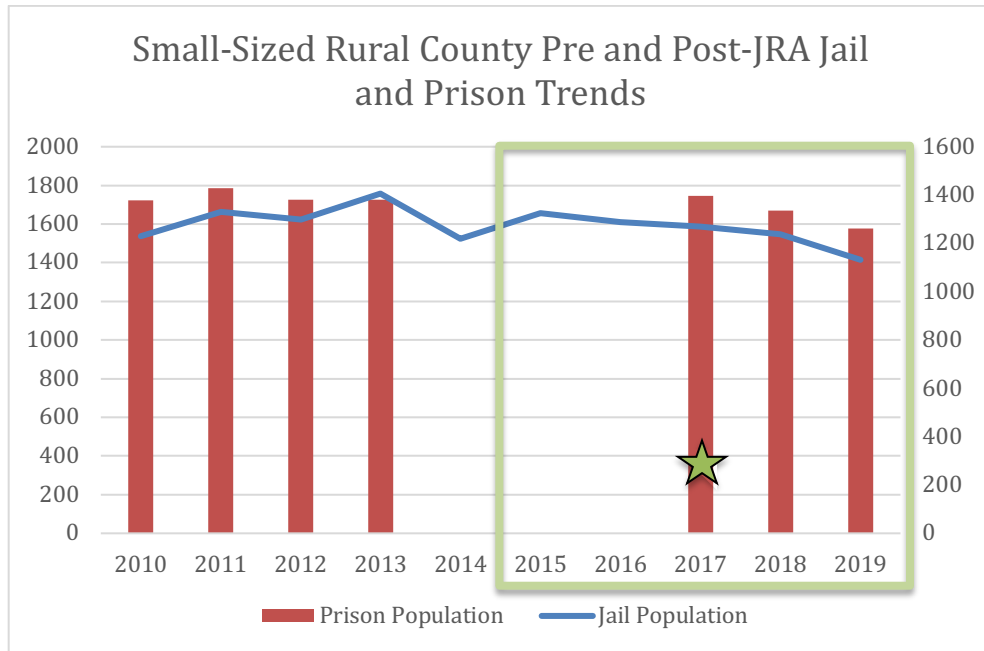


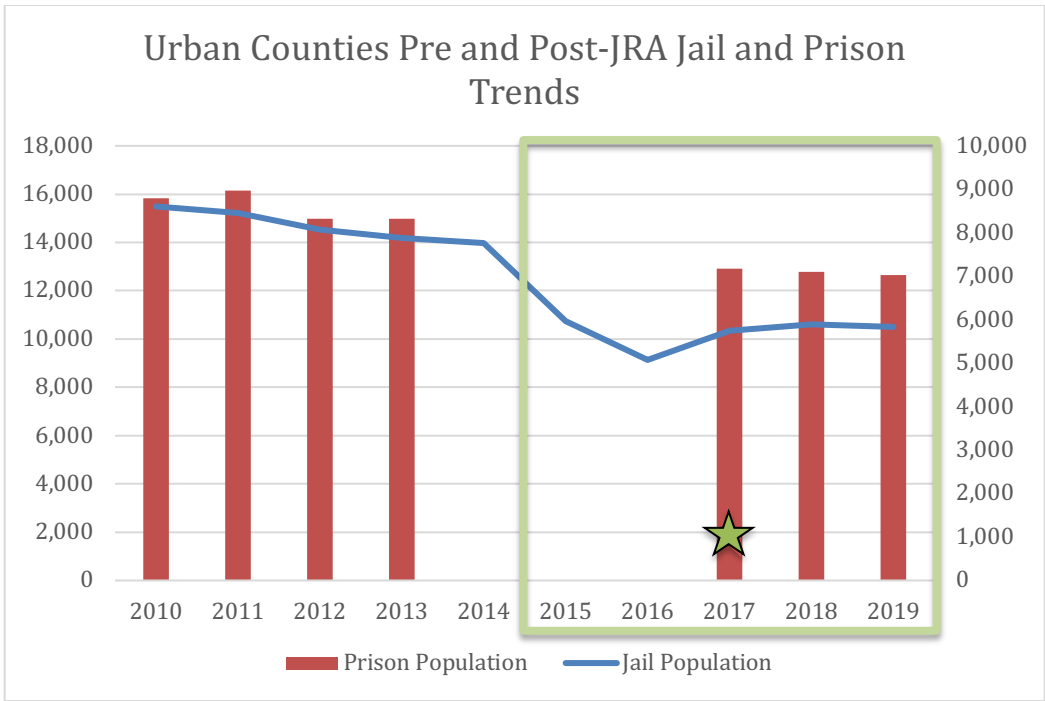




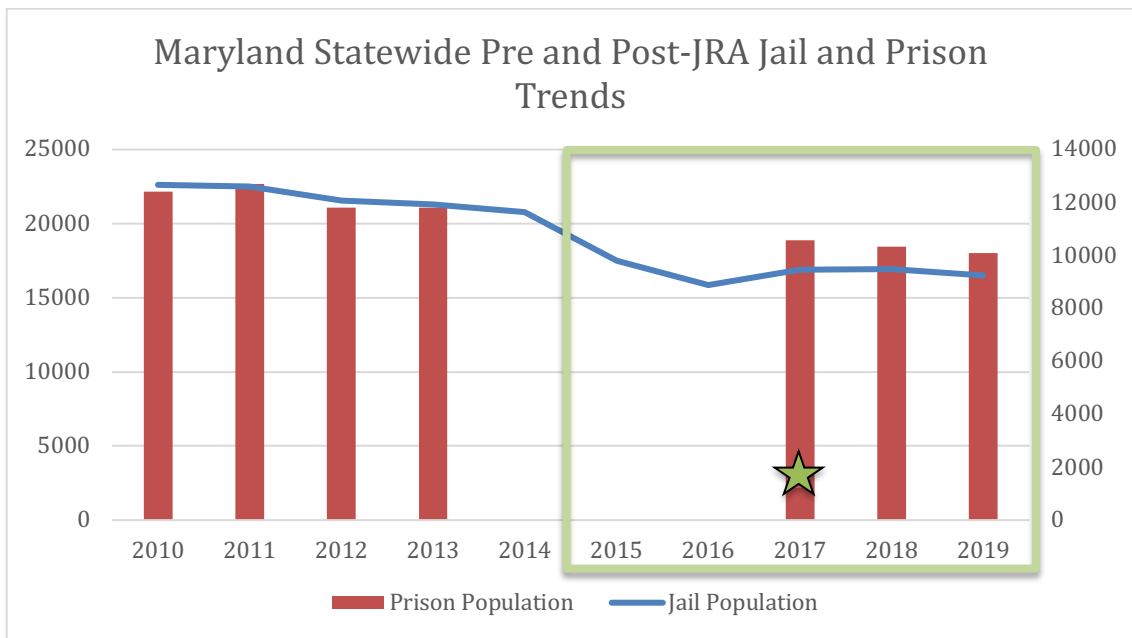


Appendix C: Pre- and Post-JRA Jail and Prison Average Trends by Type of County





Appendix D: Pre- and Post-JRA Jail and Prison Average Trends Statewide



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