



## Toward Community Justice Upstream Investment Is Criminal Legal Reform

In case you missed it, Los Angeles County may have quietly rolled out the next generation of criminal legal reform. Ballot Measure J, now the Care First Community Investment Spending Plan [CFCI], mandates that at least 10 percent of the county’s locally-generated, unrestricted funds—estimated to be between \$360 million and \$900 million in the first year alone—go toward direct investment in social services and community-based alternatives to incarceration. In establishing CFCI, the County declared it “time to structurally shift...budget priorities and reimagine Los Angeles County” to “address racial injustice, over-reliance on law enforcement interventions, limited

economic opportunity, health disparities, and housing instability.”<sup>[1]</sup> If implemented well, CFCI will serve as a beacon, extending the parameters of public safety investment beyond the traditional boundaries of the criminal legal system. Indeed, criminal legal reformers are increasingly calling for a more holistic conception of safety, one where the goals of reducing crime, violence, and recidivism are necessary but not sufficient—where community safety is part of community *justice*.<sup>[2]</sup> This runs

**Community safety is part of  
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counter to the status quo in most jurisdictions, and it requires deeper investments in community-led programs and preventative services “upstream” from system-involvement. “The absence of opportunity drives crime,” explains Northwestern University sociologist Andrew V. Papachristos. “We need to break the cycle.”<sup>[3]</sup>

Despite the conventional wisdom that contact with the criminal legal system deters crime, research tells a more complicated story. Even fleeting system-involvement can increase a person’s future risk of an arrest.<sup>[4]</sup> A recent study of 1.5 million pretrial jail admissions in Kentucky found that “*any* length of time” behind bars was “associated with a higher likelihood of a new arrest pending trial.”<sup>[5]</sup> As for longer periods of confinement, a recent meta-analysis of more than a hundred research studies concludes—as a matter of “criminological fact”—that incarceration has “no effect on reoffending or slightly increase[s] it when compared with noncustodial sanctions.”<sup>[6]</sup>

**The moment people encounter the system, the opportunities for intervention narrow.**

From the moment people encounter the criminal legal system, the opportunities for meaningful intervention narrow. Even where those opportunities exist, diversion and alternative-to-incarceration programs frequently limit participation to people facing lower-level charges (misdemeanors and nonviolent felonies), without considering

whether the case may still be appropriate for diversion.<sup>[7]</sup> Or these programs are restricted to people with substance use or mental health treatment needs.<sup>[8]</sup> Yet researchers have found that the bulk of the needs driving system-involvement are not those traditionally associated with either drug or mental health treatment. Rather, they include the need for familial support, stable employment, educational opportunities, and prosocial peers and activities—all needs most meaningfully addressed within the community.<sup>[9]</sup>

**“The absence of opportunity drives crime. We need to break the cycle.”**

A recent comprehensive review of evidence-backed strategies for reducing community violence cites a shortlist of effective measures, including: improvements to neighborhood environments, efforts to promote anti-violence social norms, and youth engagement programs.<sup>[10]</sup> These kinds of upstream strategies will not look the same in every community, and there is powerful evidence to support this locally-tailored approach.<sup>[11]</sup> A team led by Princeton University sociologist Patrick Sharkey found that “every 10 additional organizations focusing on crime and community life in a city with 100,000 residents leads to a 9 percent reduction in the murder rate, a 6 percent reduction in the violent crime rate, and a 4 percent reduction in the property crime rate.”<sup>[12]</sup>

And then there are the cost savings. The Prison Policy Initiative estimates that U.S. governments spend more than \$80 billion

on prisons and jails every year; estimates for the entire criminal legal system are closer to \$180 billion.<sup>[13]</sup> In New York City, the Comptroller calculated that the cost of jailing one person for one year was a staggering \$556,539.<sup>[14]</sup> If you are imagining the good that could be done if those public sums were redirected, consider that it costs less than *one-thirteenth* of that amount—\$42,000—to provide supportive housing with services for the same period.<sup>[15]</sup> In establishing CFCI, Los Angeles estimated that the almost \$400 million it was spending annually to house roughly 900 youth in juvenile facilities could fund a full year’s tuition for more than 30,000 in-state students at the University of California Los Angeles.<sup>[16]</sup>

### Upstream strategies will not look the same in every community.

Yet across the country, city and county governments continue to focus on shoring up *responses* to crime rather than minimizing the need for these responses in the first place. The federal government is no exception; a recent report from the Brookings Institution finds that “the U.S. government dramatically underspends on programs that are most effective at improving community safety, while allocating billions to punitive programs that harm both families and communities.”<sup>[17]</sup> With few exceptions, governments at all levels allocate the lion’s share of their budgets to law enforcement agencies, shouldering them with almost exclusive responsibility for community safety—along with sizeable investments in other “downstream” agen-

cies such as pretrial services and probation departments. Even with compelling research evidence in hand, reformers have struggled to broaden the gaze of governments to include preventative intervention as a credible and effective use of public safety dollars.

There are encouraging signs, however. The City of St. Louis recently established an Office of Violence Prevention. Its director, Wilford Pinkney, emphasized that “there’s no one thing that solves the crime problem in any city.” In calling for St. Louis to look at community safety investments “holistically” and “not [as] an either-or,” Pinkney highlighted the need to “help prevent the police from having to respond to crime.”<sup>[18]</sup> St. Louis currently funds community-led violence intervention programs to make St. Louis neighborhoods safer. In Los Angeles, Mayor Karen Bass has pledged to “hold people who commit crimes accountable,” but also “to take real steps to prevent crime from happening in the first place.”<sup>[19]</sup> She is investing in the social and economic conditions impacting families via a new Office of Community Safety. In New York City, through a range of initiatives in historically disinvested communities, the Mayor’s Office of Criminal Justice is working to “democratiz[e] public safety while removing systemic barriers that many residents have and continue to face.”<sup>[20]</sup> In partnership with community-based organizations, New York City is working to mediate conflicts and revitalize public spaces to minimize or eliminate the need for people to interact with the criminal legal system.

But we must go further. It is something of a “dirty secret,” observes University of Virginia School of Law’s Megan T. Stevenson, that “most reforms and interventions in the crimi-

nal legal space are shown to have *little lasting impact* when evaluated with gold-standard methods.”<sup>[21]</sup> These are the outcomes when we operate within the current parameters for public safety investments.

Yet what if we expand the frame? Stevenson's "dirty secret" should be heard as an urgent call to action. In pursuit of *lasting* impact, reformers—and their counterparts in government and philanthropy—must swim upstream toward the waters of community-led innovation. Does this approach to reform make the work more complex and less conducive to easy replication? Does it shift considerable power from system actors to community members? Will it change the world for the better? Yes, yes, *and* yes.

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## FOR MORE INFORMATION

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