

# The Importance of Information Sharing for Justice Reform



Policymakers at all levels of government in the United States are increasingly turning toward alternatives to incarceration and pretrial detention. The aim is to decrease the cost of the criminal justice system, while reducing recidivism and improving outcomes for people accused of and convicted of criminal behavior. There is great promise in “justice reinvestment”: that society can save money and improve public safety by detaining and incarcerating fewer people and redirecting a portion of the savings to more effective supervised treatment, training, and other programming in the community. Fulfilling this promise, though, requires that those who make policy for, and allocate funding to, justice reform initiatives recognize the importance of making timely, accurate information available to the front-line practitioners—probation and parole officers, treatment providers and healthcare

professionals, and the organizations providing services and programs to people under supervision. Without this flow of information, justice reform will likely fall far short of policymakers’ and citizens’ expectations, and may in the end neither reduce expenditures nor improve public safety.

This paper will show how information sharing supports justice reform in five key ways:

- Making Better Decisions
- Ensuring Accountability
- Providing Efficient Services
- Understanding and Investing in What Works
- Building on What Exists



## MAKING BETTER DECISIONS

A significant component of justice reform is altering the parameters used to make key decisions, such as whether to release a defendant pending trial, or how many months of incarceration to impose in a particular sentence. An important goal is to make these decisions based upon an assessment of various risks—mitigating the risk to public safety of having the subject person in the community, and mitigating the risk of the individual’s recidivism. Another important decision involves the choice of treatment and programming for defendants and offenders. This choice is best made with full information regarding the person’s needs, which in turn requires information about the person’s criminal history, medical and behavioral health history, and so on. Without timely and accurate information, the practitioners making these decisions are prone to making them in suboptimal ways, despite their best intentions.

Thus, **the success of justice reform depends upon building automated pipelines of information among all the partners that collect information and make decisions about the adjudication, supervision, and rehabilitation of people accused of and convicted of crimes.** These pipelines must be based upon standards to ensure interoperability among the widest possible range of technology platforms and systems, and they must have appropriate safeguards built in to protect individuals’ privacy and the sensitivity of information.

**EXPERIENCE FROM THE FIELD:** Kentucky’s experience illustrates successful justice reform through better decision-making. In July 2013, judges in all 120 Kentucky counties began using

Public Safety Assessment (PSA™), a data-driven risk assessment tool, to inform their decisions about pretrial release of defendants. Where once judges relied solely on instinct and experience, the tool helps to scientifically and objectively assess—with a high degree of accuracy—which defendants can most safely be released from jail to await trial, and which should be detained because of the risk they will reoffend, commit violent acts, or fail to appear back in court. The tool assesses nine predictive risk factors easily obtained from administrative data such as a defendant’s current charge. County Pretrial Services offices are able to conduct risk assessments on all cases within 24 hours of arrest and provide these critical data to courts.

In the first year of using PSA™, Kentucky was able to reduce crime by close to 15% among defendants on pretrial release, while increasing the percentage of defendants who were released before trial. PSA™ has proven invaluable to helping judges make informed decisions that better protect the public and more effectively use Kentucky’s criminal justice resources. PSA™ was developed by a team from the Laura and John Arnold Foundation, and was intended to be accurate, inexpensive to administer, easy to use, and scalable nationally.<sup>1</sup>

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<sup>1</sup> Laura and John Arnold Foundation, *Research Summary*, “Developing a National Model for Pretrial Risk Assessment,” November 2013, and “Results from the First Six Months of the Public Safety Assessment – Court™ in Kentucky,” July 2014: <http://www.arnoldfoundation.org/research/criminaljustice>

## ENSURING ACCOUNTABILITY

Experience in recent years and in pioneering jurisdictions has demonstrated that defendants released pending trial are less likely to violate their release conditions if they know that they are more likely to be caught and face severe consequences. The same holds true for supervised individuals who may violate their conditions of parole or probation. **Enabling judges, law enforcement officers, and probation and parole officers to know when supervised individuals have violated conditions requires information that is timely and accurate.** It is not enough to wait for a violation to show up on a criminal history, or for a practitioner to learn of it only after a protracted investigation. This information exists, and it generally exists in electronic form—but the systems must be in place to share, correlate, and report it in a timely fashion to others who need to know, regardless of technical or jurisdictional boundaries.

For example, some state and local jurisdictions have built “subscription-notification” systems that monitor relevant information sources for certain events—such as the arrest of a probationer—and then automatically email the supervising probation officer with an alert. This enables the officer to take action, including implementing necessary sanctions. These systems include strict retention rules, including real-time synchronization with the necessary systems, to ensure that alerts and monitoring occur only for authorized purposes and individuals.

**EXPERIENCE FROM THE FIELD:** Hawaii’s Opportunity Probation with Enforcement (HOPE) program is an example of how a state successfully ensures accountability through a

tough-love approach to repeat offenders with drug and alcohol problems. Since its launch in 2004, the program has reduced probation violations by drug offenders and others at high risk of recidivism through a high-intensity supervision program. Participants receive swift, predictable, and immediate sanctions for each detected violation, such as a missed appointment with a probation officer or detected drug use. The old fragmented, overwhelmed system did not assess accountability either uniformly or fairly. Through smarter and more consistent probationer management, mandated drug tests, immediate consequences, and harsher penalties with each violation, HOPE’s results are promising: Its probationers are 55% less likely to be arrested in a new crime than non-HOPE probationers, and 72% less likely to use drugs. The appeal of more accountability and better outcomes has inspired similar programs nationwide—and even broader implementation could save the country billions in incarceration costs.<sup>2</sup>

**EXPERIENCE FROM THE FIELD:** Maine implemented a reusable infrastructure to notify practitioners of key events that occur in the justice process. Through automated subscription/ notification capabilities, probation and parole officers are notified via email any time one of their supervisees is arrested or has been issued a summons. Subscriptions occur automatically as a result of information entry in the probation and parole case management systems.<sup>3</sup>

<sup>2</sup> Hawaii’s State Judiciary website: <http://www.courts.state.hi.us>; *Los Angeles Times*: <http://articles.latimes.com/2012/dec/01/local/la-me-1202-lopez-probation-20121202>.

<sup>3</sup> OJBC website, “Maine Project Spotlight”: <http://www.ojbc.org/membership/>

## PROVIDING EFFICIENT SERVICES

Well-planned justice reform initiatives—and the policymakers leading them—recognize that **any reduction in incarceration costs must be accompanied by increases in the resources (especially human resources) devoted to treatment and supervision.** This is the “reinvestment” part. But for justice reform to be successful and affordable, we must be smart about how we make these investments. For example, investments in technology and automation will enable probation and parole officers and treatment providers to spend more time working with people under supervision, and less time tracking down paper files and making phone calls to obtain information they need. When a person is released pending trial based on a risk assessment performed by a criminal justice agency, the results of that risk assessment ought to be available to the treatment provider or social worker who is providing services to that person in the community—rather than requiring these practitioners to spend resources completing a redundant assessment.

**EXPERIENCE FROM THE FIELD:** The Alabama Secure Shared Utility for Recidivism Elimination (ASSURE) project is an example of how one state is sharing behavioral health data among its Department of Corrections (ADOC), Department of Mental Health (ADMH), Board of Pardons and Paroles (ABPP), and community-based mental health and substance abuse treatment providers. The goal is to reduce redundant intake and assessment activities that occur when a person enters any of the participating systems, while improving continuity

of care as a person enters or leaves an incarceration setting.<sup>4</sup>

**EXPERIENCE FROM THE FIELD:** Another relatively simple exchange with significant benefits is the ability by detention and corrections staff to share information gathered during the offender intake process with a medical service provider. Offender intake frequently includes a medical assessment, performed by medical personnel, and often includes a determination of offender treatment and health service history, which is maintained in separate electronic health records (EHR) systems. By sharing these data with treatment providers, medical staff can efficiently identify the individual, determine services eligibility, and access the individual’s treatment and service history without having to reenter any patient data. This saves time and effort and also improves continuity of care for the individual. Pima County, Arizona, recently implemented this justice-health exchange and has documented the business process improvements it has provided among corrections and treatment providers.<sup>5</sup>

<sup>4</sup> Webinar, Alabama ASSURE Project: <https://www.youtube.com/watch?v=AyXhsjBT0ys>

<sup>5</sup> SEARCH website: <http://www.search.org/helping-pima-county-exchange-justice-health-information-search-shares-details-of-project-success-at-niem-in-november/>

## UNDERSTANDING AND INVESTING IN WHAT WORKS

Much of the interest in justice reform has been motivated by quantitative evidence that alternatives to incarceration actually work better for reducing recidivism among low-risk offender populations, while simultaneously improving public safety. As jurisdictions implement justice reform, a continued focus on measuring outcomes will be important. In an era where the private sector—from major e-commerce sites to the local grocery store—leverages analytics to inform smart business strategies and improve customer relationships, the criminal justice system must likewise collect and leverage data to evaluate what works and what needs improvement for the supervised individual, as well as for entire programs and jurisdictions. And while we must measure effectiveness of programs locally, we must also be focused on the “big picture” by using data to establish the evidence that determines tomorrow’s effective, successful practices. All of these efforts to measure outcomes and conduct further research require data collection and dissemination—and thus more information sharing.

As important as measurement is, it cannot become a burden on busy practitioners and agencies facing resource constraints. **The justice system should leverage tools, technologies, and techniques from data science and the information technology industry to make effective use of data that already exist—especially data collected through routine agency operations—to feed analytical systems.** Experience shows that this can be done while protecting the privacy of individuals under treatment and supervision, and

without disrupting the systems and processes in place in these agencies.

**EXPERIENCE FROM THE FIELD:** An example of this goal is an effort underway by the Open Justice Broker Consortium—a nonprofit collaborative effort whose members include the states of Hawaii, Maine, Michigan, and Vermont. OJBC is developing analytical capabilities in the consortium’s technology platform, the Open Justice Broker, and implementing them in the State of Vermont. This capability will support Vermont’s implementation of a statewide pretrial services program, and assist its effort to combat drug-related crime. It will do this by developing and implementing “dashboards” that make key performance measures available to policymakers and operational managers. It will also provide valuable general-purpose statistical analysis tools to justice practitioners and policymakers, who will be better equipped to leverage the power of operational justice data flowing across the OJB in making strategic decisions about the delivery of justice services in the state. Vermont public safety officials strongly support using research and analytics to achieve a more effective and efficient justice system. OJBC’s effort to build innovative, low-cost, and reusable technology addresses a significant need of justice agencies nationally: the ability to understand the nature of crime in our communities and assess the effectiveness of efforts to combat crimes.<sup>6</sup>

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<sup>6</sup> OJBC website blogpost, Nov. 18, 2014: <http://www.ojbc.org/fyi/blog/>

## BUILDING ON WHAT EXISTS

A strong foundation already exists to support the inclusion of information sharing as a fundamental component of justice reform and justice reinvestment. The Global Justice Information Sharing Initiative (a Federal Advisory Committee to the Attorney General on information sharing issues) has provided recommended guidance to the U.S. Department of Justice on policy and technical architecture to support information sharing. Specifically, it has recommended a series of detailed technical specifications for particular information exchanges, such as inmate release (between corrections agencies and community service providers) and risk/needs assessment results. It has also provided general architectural guidance on how to design information exchanges and implement associated security protocols and privacy protections in a way that ensures maximum interoperability.

**Leveraging standards and technologies that already exist will reduce the costs of implementing justice reform, and therefore increase the return on justice reinvestments.**

**EXPERIENCE FROM THE FIELD:** The justice community has made progress in implementing these information exchanges. For example, the Open Justice Broker Consortium has developed over five dozen individual justice information exchanges, and shared the implementation of these exchanges using very low-cost, open source technology. The OJBC member jurisdictions have thus demonstrated that governments can implement justice information exchanges at relatively modest cost, and reuse taxpayer-funded technology across jurisdictional boundaries. The OJBC exchanges include a subscription-notification engine that enables practitioners to receive notification of specified events, like re-arrest of assigned supervised offenders. The OJBC is also developing an analytics engine that will enable outcome measurement, relying on operational data exchanges.<sup>7</sup>

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<sup>7</sup> OJBC website: <http://www.ojbc.org/>