Criminal Justice Policy Commission Meeting

9:00 a.m. • Wednesday, September 2, 2015 Senate Appropriations Room • 3rd Floor State Capitol Building 100 N. Capitol Avenue • Lansing, MI

Members Present:

Senator Bruce Caswell, Chair Stacia Buchanan Representative Vanessa Guerra D. J. Hilson Kyle Kaminski Sheryl Kubiak Barbara Levine Sarah Lightner Laura Moody Jennifer Strange Andrew Verheek Judge Raymond Voet Representative Michael Webber

Members Excused:

Senator Patrick Colbeck Senator Bert Johnson Sheriff Lawrence Stelma Judge Paul Stutesman

I. Call to Order and Roll Call

The Chair called the meeting to order at 9:00 a.m. The Chair asked the clerk to take the roll. A quorum was present and absent members were excused.

II. Approval of the August 5, 2015 CJPC Meeting Minutes

The Chair asked for a motion to approve the August 5, 2015 Criminal Justice Policy Commission meeting minutes.

Mr. Hilson moved, supported by Mr. Verheek, that the minutes of the August 5, 2015 Criminal Justice Policy Commission meeting as proposed be approved. There was no objection. The motion was approved by unanimous consent.

III. Overview of Judicial Data Warehouse

The Chair commented on the approach he thinks the Commission needs to use to be successful in providing good, solid information and recommendations to the Michigan Legislature. He then welcomed Kristen Pawlowski, Project Manager of Optum, and Joseph Baumann, General Counsel for the Michigan Supreme Court, and thanked them for presenting information on the Judicial Date Warehouse. A question and answer period followed. Details of the presentation are attached to these minutes.

IV. Presentation by Jerry Jung, Chair of the State Transportation Commission; David Phillips, Assistant Professor of Economics at Hope College; Alex Rasmussen, President of Oak Adaptive Software; and Bob Bartlett, President of Michigan Colleges Alliance

The Chair welcomed the next presenters and thanked them for providing information to the Commission regarding an innovative project they have been working on which involved a data-driven evaluation of sentencing in Michigan. A question and answer period followed. Details of the presentation are attached to these minutes.

V. Proposed Recommendations

The Chair had proposed the following recommendations:

- 1. It is recommended by the Criminal Justice Policy Commission that sentencing guidelines be kept as the best method for reducing disparity and increasing sentence predictability while continuing to be transparent. The current guidelines have reduced sentence disparities and increased predictability across the state since their adoption. More work remains to decrease disparities and increase predictability.
- 2. In order to properly inform the recommendations of the Criminal Justice Policy Commission, it is necessary to build a robust centralized data collection system. The Commission believes that data must be collected from prisons, jails, probation departments, parole systems, community corrections, courts, juvenile justice, law enforcement arrest data, and specialty courts. The building of this system should meet the requirements of the Headlee amendment. Information in this system must be accessible by the Michigan Department of Corrections, the Supreme Court Administrators Office, and other pertinent entities. Based on this information, we respectfully encourage the legislature to review the data when formulating new criminal justice legislation.

3. The Criminal Justice Policy Commission recommends that for initial purposes of the commission recidivism will be defined as the return of an individual to prison within three years after he or she is released either with a new sentence or as a technical violator of parole conditions, or as non-compliance that results in incarceration during the probation period or conviction of a new felony offense while serving a probation sentence. As more data becomes available to the commission from recommendation two, it will be necessary to revisit this definition to fully comply with our charge under the law. If data is submitted to the commission it must meet the standards of this definition or clearly state that it does not. If it does not then it should be clearly stated to the commission what recidivism standard is being met for the data.

VI. Proposed Vote on Proposed Recommendations

The Chair read Recommendation #1 and asked if there was a motion to accept the recommendation. Mr. Kaminski made a motion, supported by Ms. Strange, to accept the recommendation. The Chair asked if there was any discussion. Ms. Levine proposed additional language to the recommendation and made a motion, which was supported by Ms. Kubiak, to add "insuring proportionality" in the first sentence after "disparity" and to add "insure proportionality" in the last sentence, after "disparities". A discussion of the amendment followed.

Ms. Moody expressed concern that the language of the amendment assumes that the Commission has already decided that we have unacceptable disparity in the current sentencing scheme and she is not ready to make that determination until the data comes. Mr. Hilson agreed. Ms. Levine added that she is unclear as to why the Commission is making a recommendation at this point and offered different language to address Ms. Moody's concerns. After further discussion, Ms. Levine withdrew her motion to amend the recommendation. Mr. Kaminski withdrew his motion to accept the recommendation. Chairman Caswell noted that he will ask members to review the recommendation again and submit feedback over the next month.

The Chair read Recommendation #2 and asked if there was a motion to accept the recommendation. Ms. Levine made a motion, supported by Judge Voet, to accept the recommendation. The Chair asked if there was any discussion. Ms. Lightner moved an amendment, supported by Mr. Hilson, to delete the word "should" in the third sentence, after "system" and add the word "must" to read as follows: "The building of this system must meet the requirements of the Headlee amendment." There was no further discussion on the amendment. The motion prevailed by unanimous consent.

Yeas—12 Senator Caswell Ms. Lightner
Representative Guerra Ms. Moody
Mr. Hilson Ms. Strange
Mr. Kaminski Mr. Verheek

Ms. Kubiak

Ms. Levine

Ms. Levine

Ms. Levine

Ms. Levine

Ms. Levine

Ms. Levine

Nays-0

Ms. Kubiak asked for clarification with regard to the word used in the recommendation to describe the need for a robust centralized data collection system. A discussion followed. Mr. Hilson moved, supported by Ms. Levine, to delete the word "build" in the first sentence and add the word "have" to read as follows: "In order to properly inform the recommendations of the Criminal Justice Policy Commission, it is necessary to have a robust centralized data collection system." There was no further discussion on the amendment. The motion prevailed by unanimous consent.

Yeas—12 Senator Caswell Ms. Lightner
Representative Guerra Ms. Moody
Mr. Hilson Ms. Strange

Mr. Hilson Ms. Strange
Mr. Kaminski Mr. Verheek
Ms. Kubiak Judge Voet

Ms. Levine Representative Webber

Navs-0

The Chair then called for a vote on the motion to accept Recommendation #2 as amended to read as follows:

"2. In order to properly inform the recommendations of the Criminal Justice Policy Commission, it is necessary to have a robust centralized data collection system. The Commission believes that data must be collected from prisons, jails, probation departments, parole systems, community corrections, Final CJPC Meeting Minutes September 2, 2015 Page 3

courts, juvenile justice, law enforcement arrest data, and specialty courts. The building of this system must meet the requirements of the Headlee amendment. Information in this system must be accessible by the Michigan Department of Corrections, the Supreme Court Administrators Office, and other pertinent entities. Based on this information, we respectfully encourage the legislature to review the data when formulating new criminal justice legislation."

There was no further discussion. The motion prevailed by unanimous consent.

Yeas—12 Senator Caswell Ms. Lightner
Representative Guerra Ms. Moody

Mr. Hilson Ms. Strange
Mr. Kaminski Mr. Verheek
Ms. Kubiak Judge Voet

Ms. Levine Representative Webber

Nays-0

The Chair noted that there is insufficient time to discuss Recommendation #3.

VII. Commissioners' Assessment of CSG Findings and Policy Options —Continuation of Discussion Started at July 1 CJPC Meeting

There was no discussion of this agenda item.

VIII. Overview of CJPC Statutory Charge

There was no discussion of this agenda item.

IX. Public Comment

The Chair then asked if there were any public comments. John Lazet representing Michigan Attorney General Bill Schuette provided comments that are attached to these minutes. There were no other public comments.

X. Commissioners' Comments

Ms. Moody thanked the Chair for his leadership.

Professor Kubiak commented that she is not sure of the impetus of the recommendations and that perhaps an overview of the importance of what the goals of the Commission are in terms of recommendations might be helpful.

The Chair began by noting that he recognizes that many of the Commission members have differing opinions and his goal is to find areas where there is agreement. He explained that his approach has been to send out any proposed recommendations and ask for feedback. Because he is trying to minimize the number of Commission meetings, he would appreciate feedback on information he distributes before the next meeting so there is sufficient time for everyone to review and analyze anything that is proposed. He noted that the next step is to take a look at the Supreme Court ruling and he will try to have someone at the next meeting to clearly explain the decision and what the State of Michigan options are going forward. Beyond that, he believes the Commission needs to start taking a look at recommendations on sentencing guidelines in terms of straddle cells and to talk about what is happening with the mentally ill.

XI. Adjournment

There was no further business. The Chair adjourned the meeting at 12:05 p.m.

(Minutes approved at the October 7, 2015 CJPC meeting.)



Judicial Data Warehouse and Data Driven Management

The Judicial Data Warehouse is part of the design, implementation and management of an enterprise-wide data system to effectively administer State Court and non-State Court programs through Data Driven Management.

- Collection, aggregation & organization of data via the enterprise data warehouse. Includes State Court data as well as other non-State Court data (MSP, Corrections, etc.)
- Applications and services to analyze and improve:
- JDW Name Search Application
- Policy research, development, implementation, and evaluation
- Financial budgeting & forecasting
- Executive dashboards and other performance reporting for communicating, monitoring and management of initiatives
- Court Improvement Program Reporting

3enefits

- Establishes overall environment for informed Court program management
- Helps overcome Court losses of experienced personnel
- Enables precision cost-cutting, Court outcomes improvement, fraud and waste abuse elimination
- Provides clear program insight for program reform & improvement
- Improves decision-making transparency



2

The Business Imperative: Data Driven Management for Court Sustainability

- Unprecedented challenges in Court and related Human Services programs require systematically using data to inform decision making:
 - Increasing permanency for children in foster care
 - Support informed decisions by judges, probation and parole officers, others involved in the criminal system
 - Increase citizen safety and security background information
 - Reducing repeat offenders
 - Evaluate effectiveness of Court programs (Mental Health Courts, Sobriety Courts, Drug Courts, Set-Aside Convictions, Early Release, etc.)
 - Staff struggles to access valid, verifiable information for programmatic decision making
 - Retirement of experienced data analytics capabilities
 - Financial Collections on Court costs
 - Escalating service costs
 - Shrinking budgets and smaller staff

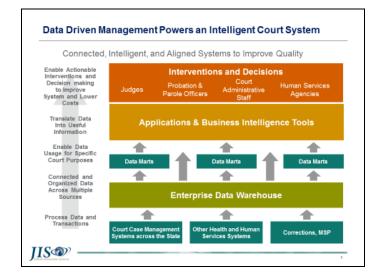


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The Business Imperative: Data Driven Management for Court Sustainability

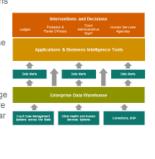
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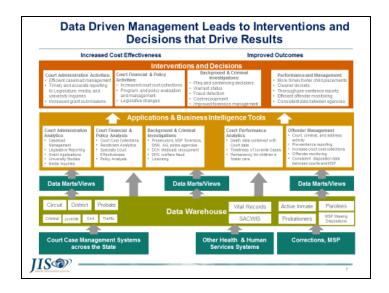


Data Driven Management Powers an Intelligent Court System

- Judges have complete court history of an individual, resulting in better decisions and communication between law enforcement agencies statewide.
- Probation and Parole Officers can use one system to obtain complete court history of the offender they are monitoring.
- Court Administrative Staff can manage caseloads more effectively and compare their outcomes with another court similar in size.
- Human Service Agencies and the courts can share juvenile data to more effectively place children in permanent homes.



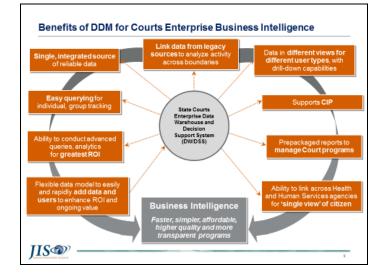


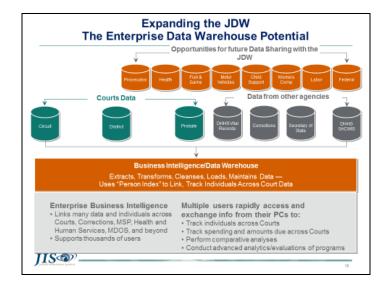


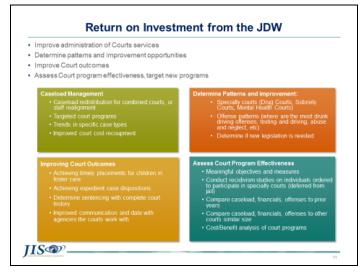
Use Cases

- Courts use JDW Dashboards and related reports to compare themselves with comparable courts to share best practices with colleagues that have better metrics.
- When courts are being merged or split, the JDW information can be utilized to plan and manage the caseloads
- Data sharing with Department of Health and Human Services Vital Records matching deceased individuals with parties on court cases having an outstanding warrant or money due to the court.
- 4. Evaluation of effectiveness of specialty courts (Drug Court, Mental Health Court)
- Patrol vehicles, including the DNR, state-wide are using the JDW as one of the applications that gets queried when they pull over a vehicle and do a history check on the driver.
- MSP Forensics labs are checking cases on the JDW to get a case disposition before beginning or continuing expensive time consuming work on a closed case.
- Corrections Intake staff utilize the JDW to obtain court case history of incoming
 prisoners to determine if there are any open or pending cases then notify the court(s) of
 jurisdiction to dispose the case according to policy.

JIS® ———









September 2, 2015 Meeting Minutes Attachment Presentation by Kristen Pawlowski, Project Manager, Optum

Supports simple & advanced queries and pre-formatted reports that can be run on-demand or scheduled to run at a later time or on a periodic basis. Provides the flexibility to ask and answer the continual questions that arise from programmatic analysis, not constrained by predefined reports. Users can select data and build queries using data elements that make sense from a business perspective, without having to understand the overall back-end table design of the underlying technical system implementation Domestic Violence Misdemennors - Sample County of Misdemennors Of Misdemennors Of Misdemennors





Data-Driven Evaluation of Sentencing in Michigan

Sarah Estelle - Hope College Jerry Jung - State Transportation Commission David Phillips - Hope College Alec Rasmussen - Oak Adaptive Software

(Support from the Michigan Colleges Alliance)

Clearly Defined Goals

"Achieve more consistency and predictability in sentencing outcomes, stabilize and lower costs for the state and counties, and direct resources to reduce recidivism and improve public safety." -Council of State Governments, cited by Gov. Rick Snyder

Three Big Questions

Ouestions

- How do the sentencing guidelines affect judges' decisions?
- How does changing the sentence affect recidivism?
- How do we balance potential trade-offs between state finances and public safety?

Our approach

- Academic research on sentencing
- Software application on tradeoffs in societal costs

Data

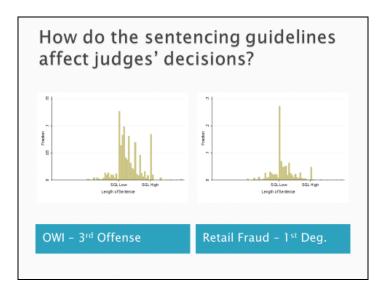
- MDOC data (Thanks Jeff Anderson!)
- Individual level sentencing data
 - ∘ 16,616 for OWI 3rd Offense
 - 6,100 for Retail Fraud 1st Degree
 - · Both Class E offenses; straddle cells
- Rich criminal history, sentencing, and demographic data

Data

IMPORTANT

- All results are preliminary
- Only two types of crime => statistically noisy
- Currently seeking more data

How do the sentencing guidelines affect judges' decisions?



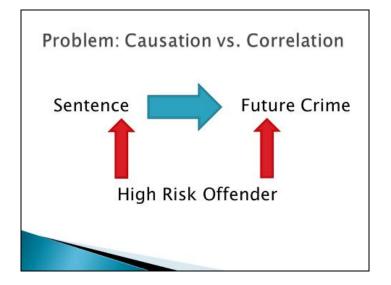




How Does the Sentence Affect the Likelihood that the Offender Commits Future Crimes?

Problem: Causation vs. Correlation

Sentence Future Crime





Tradeoffs?

- ▶ OWI 3rd Offense
 - No apparent reduction in recidivism
 - 6 more months in prison => 0.3 more sentences
 - · Easy case; no tradeoffs!
- ▶ Retail Fraud 1st Deg.
 - o 6 more months in prison => future crime ↓ 50%
 - Tradeoff between public budget and public safety
- One contribution: identifying crimes without tradeoffs versus with tradeoffs

How do we balance potential trade-offs between state finances and public safety?

A Sentencing Outcomes App

Where within the range of the guidelines should this particular person be sentenced?

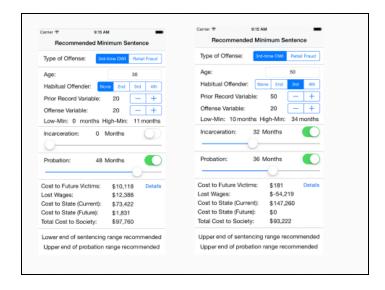
- Outcomes-focused
 - Multiple categories of cost
 - Financial costs (e.g. incarceration cost to MDOC) and human costs (e.g. victim pain and suffering)
- Individually-tailored
 - Current: age and prior criminal record
- Evidence-based
- Statistically rigorous: regression discontinuity High quality MDOC administrative data
- Informative rather than prescriptive

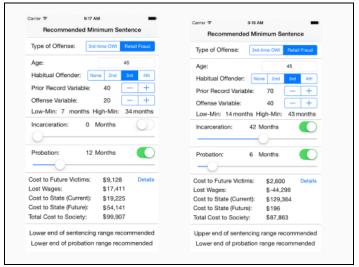
Balancing Different Costs

- Financial cost
 - Days of probation
 - Days of incarceration
- Future victim cost
 - Productivity
 - Quality of life
 - Property damage
 - Medical, mental health, police, fire, social services
- Financial cost of future sentences
- Future wages of offender
- Source: Miller, Cohen, and Wiersema (1996)



September 2, 2015 Meeting Minutes Attachment Presentation by Jerry Jung, David Phillips, Alex Rasmussen, and Bob Bartlett







Conclusion

Current Work

- Academic analysis of MDOC data
 - Sentencing guidelines constrain judges on both the upper and lower ends
 - Stricter sentences decrease recidivism for some crimes, no effect/increase for other crimes
- Sentencing app
 - · Can provide cost information to decision makers
 - Predicts multiple types of cost
 - Predictions change based on type of crime, offender age, and offender criminal record

Future Work

- Extend to all crimes covered by sentencing guidelines
- Gain more precision in statistical models (greater sample size)
- Identify sentences that minimize costs
- Need: data on all types of crimes

September 2, 2015 Meeting Minutes Attachment Public Comments from John Lazet

September 2, 2015 Comments to the Criminal Justice Policy Commission

Good morning, Mr. Chairman and Commissioners:

As Director of Crime Victim Advocacy for Attorney General Bill Schuette, I daily see and hear that the reason we have criminal law is because we have victims, whether individuals, corporations, society, or governments. If we didn't have victims, I don't think most people would care about crime. Having said that, three brief comments today:

- Please consider the reduction of victimization as one of the primary bases for any recommendation:
- Recidivism can only be measured by the perpetrators who are arrested. But the vast majority of crime is never solved and therefore those perpetrators are not reflected in the data on reoffending;
- Please consider criminogenic needs when considering options to reduce re-offending.

Reducing victimization - when Attorney General Bill Schuette first brought me on board, he was very clear in his comments to me: "Victims cannot be forgotten. Their voice must be heard." In the four years since that statement, over 1.6 million people in Michigan have reported being the victim of a crimeⁱ. These numbers affect not only their quality of life, but also that of their families and their communities.

Sadly, this is good news. For the four year period of 2000-2003, MSP data indicates that just under 4.3 million crimes were reported to law enforcementⁱⁱ. And the large majority of those decade old cases remain unsolvedⁱⁱⁱ, as do the large majority of reported crimes during the past 4 years^{iv}. While the numbers are too large for comprehension, the real life effects remain for millions of crime victims. Michigan has far, far more crime victims than perpetrators. Their needs are pressing and often overlooked, and the Commission is encouraged to keep the continued reduction of victimization as a primary goal of its work and recommendations.

Recidivism – while there are several definitions in use, the Bureau of Justice Statistics within the Department of Justice is moving towards a five year period after conviction/release, looking at new arrests. But from a victim perspective, that definition cannot include the unknown numbers of perpetrators of uncleared, or unsolved, offenses.

Consider the clearance numbers for Group A offenses as reported to the MSPvi:

| 2011 - 448,494 victims | 552,409 incidents reported | 127,454 incidents cleared |
|-------------------------|----------------------------|---------------------------|
| 2012 - 446,497 victims | 553,063 incidents reported | 130,852 incidents cleared |
| 2013 - 418,051 victims | 524,800 incidents reported | 132,416 incidents cleared |
| 2014 - 387,519 victims | 490,860 incidents reported | 132,536 incidents cleared |
| | | |

Every year the cumulative number of uncleared (unsolved) offenses grows, to where Michigan today lives with millions of unsolved crimes. And as national longitudinal data from the BJS indicates that since 2000 only half of violent crime is reported, and less than 40% of property crime, our communities live with a criminal element that is able to limit or even escape prosecution vii. This situation is a major reason for the Attorney General calling for more law enforcement officers on our streets, to assist in the necessary effort to clear unsolved cases, and continue to reduce victimization.

As the Commission considers defining "recidivism" and looking at strategies to reduce recidivism, please keep in mind that metrics of recidivism do not necessarily indicate that Michigan is modifying the behavior of all criminal offenders. Additionally, research indicates, there is a population of serial offenders who deserve a special focus^{viii}.

September 2, 2015 Meeting Minutes Attachment Public Comments from John Lazet

Criminogenic needs – there is a national trend towards utilizing evidence-based programming/practices identified as effective by research. The more important offender attributes that are commonly identified as needing to be addressed are: antisocial cognitions, antisocial companions, antisocial personalities, and marital/family relationships^{ix}. Regardless of offender placement, if criminogenic needs are not met or not effectively addressed, resources will likely not be well utilized. I would encourage the Commission to consider not just disposition status or placement, but also peer-reviewed research on effective interventions that address criminogenic needs.

In closing, people are concerned about crime and punishment because of the harms inflicted on victims. The system is structured to focus on defendants, but the community lives with victims and consequences. As the Commission continues its deliberations and considers what data is needed, please keep victims in mind, and have as one of your goals the reduction of victimization.

John Lazet, Director of Crime Victim Advocacy Office of Attorney General Bill Schuette

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i MSP annual Michigan Incident Crime Reporting:
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- 2011 http://www.michigan.gov/documents/msp/a CrimesAtAGlance 391376 7.pdf
- 2012 http://www.michigan.gov/documents/msp/CrimesAtAGlance_433544_7.pdf
- 2013 http://www.michigan.gov/documents/msp/Annual Crime At A Glance 461464 7.pdf
- 2014 http://www.michigan.gov/documents/msp/Annual Crime At A Glance 493230 7.pdf while limiting the numbers to the same offenses reported in prior years

ii MSP annual Michigan Incident Crime Reporting:

- 2000 http://www.michigan.gov/documents/glanc2000 17302 7.pdf
- 2001 http://www.michigan.gov/documents/2001 UCR glanc 49319 7.pdf
- 2002 http://www.michigan.gov/documents/2002 UCR Glance 76503 7.pdf
- 2003 http://www.michigan.gov/documents/CrimeGlance_106230_7.pdf
- iii MSP annual Michigan Incident Crime Reporting, clearance rates by agency and statewide. See:
- 2000, page 14 http://www.michigan.gov/documents/AGLEO2000 17382 7.pdf
- 2001, page 14 http://www.michigan.gov/documents/2001 UCR agleo01 49352 7.pdf
- 2002, page 16 http://www.michigan.gov/documents/2002 UCR agleo02 76547 7.pdf
- 2003, page 13 http://www.michigan.gov/documents/AgencyInfo 106247 7.pdf

iv MSP annual Michigan Incident Crime Reporting, statewide clearance rates:

- 2011 http://www.michigan.gov/documents/msp/a_CrimesAtAGlance_391376_7.pdf
- 2012 http://www.michigan.gov/documents/msp/CrimesAtAGlance 433544 7.pdf
- 2013 http://www.michigan.gov/documents/msp/Annual Crime At A Glance 461464 7.pdf
- 2014 http://www.michigan.gov/documents/msp/Annual Crime At A Glance 493230 7.pdf
- v "While prior Bureau of Justice Statistics (BJS) prisoner recidivism reports tracked inmates for 3 years following release, this report used a 5-year follow-up period. The longer window provides supplementary information for policymakers and practitioners on the officially recognized criminal behavior of released prisoners. While 20.5% of released prisoners not arrested within 2 years of release were arrested in the third year, the percentage fell to 13.3% among those who had not been arrested within 4 years. The longer recidivism period also provides a more complete assessment of the number and types of crimes committed by released persons in the years following their release."
- "Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010", April 2014, page 1, accessible at: http://www.bjs.gov/content/pub/pdf/rprts05p0510.pdf

vi MSP annual Michigan Incident Crime Reporting:

- 2011 http://www.michigan.gov/documents/msp/a CrimesAtAGlance 391376 7.pdf
- 2012 http://www.michigan.gov/documents/msp/CrimesAtAGlance 433544 7.pdf
- 2013 http://www.michigan.gov/documents/msp/Annual Crime At A Glance 461464 7.pdf
- 2014 http://www.michigan.gov/documents/msp/Annual Crime At A Glance 493230 7.pdf

September 2, 2015 Meeting Minutes Attachment Public Comments from John Lazet

vii

- 2000-2010: "About 50% of all violent victimizations and nearly 40% of property crimes were reported to the police in 2010. These percentages have remained stable over the past 10 years." "Criminal Victimization, 2010", BJS, September 2011, page 1: http://bjs.gov/content/pub/pdf/cv10.pdf
- 2011: "In 2011, about 49% of violent victimizations were reported to the police." And "From 2010 to 2011, the percentage of property victimizations reported to the police declined from 39% to 37%." Criminal Victimization, 2011", BJS, October, 2012, page 8: http://bjs.gov/content/pub/pdf/cv11.pdf
- 2012: "In 2012, 44% of violent victimizations and about 54% of serious violent victimizations were reported to police." And "From 2011 to 2012, the percentage of property victimizations reported to police declined from 37% to 34%." Criminal Victimization, 2012", BJS, October, 2012, page 4: http://bjs.gov/content/pub/pdf/cv12.pdf
- 2013: "From 2012 to 2013, there was no statistically significant change in the percentage of violent and serious violent victimizations reported to police (table 6). In 2013, 46% of violent victimizations and 61% of serious violent victimizations were reported to police." And "From 2012 to 2013, the percentage of property victimizations reported to police increased from 34% to 36%." Criminal Victimization, 2013", BJS, September, 2014, page 7: http://bis.gov/content/pub/pdf/cv13.pdf
- 2014: "No significant change was found in the percentage of violent crime reported to police from 2013 to 2014 (46%)." And "In 2014, 37% of property victimizations were reported to police." Criminal Victimization, 2014", BJS, August, 2015, pages 1 and 7: http://bjs.gov/content/pub/pdf/cv14.pdf

viii For instance, see Table 2, "New Evidence on the Monetary Value of Saving a High Risk Youth", Cohen and Piquero, December 2007, found at: http://www.evidencebasedassociates.com/reports/New Evidence.pdf

ix For example, the American Community Corrections Institute: http://www.offendercorrections.com/content/?page=Criminogenic%20Needs