



December 20, 2013

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Dear Director O'Donnell, Ms. Robinson, and Ms. Dingley:

On December 11, 2013, I had the opportunity to speak at an event held by the Brennan Center for Justice in connection with their recent report on improving the Edward Byrne Justice Assistance Grant (JAG) program. I was pleased to share our research and experience in Texas and states throughout the country in working with policymakers across the spectrum to implement robust performance measures that focus on outcomes rather than volume. Given that these success-oriented funding approaches in states have successfully incentivized the use of evidence-based practices, lower crime rates, and lower incarceration rates, I am convinced that they can yield similar results when applied to federal programs such as JAG.

JAG is the nation's largest criminal justice grant program. The federal government sends hundreds of millions of dollars each year through JAG to all fifty states and thousands of cities. The JAG program has an outside impact on criminal justice funding. Grant dollars are given to police, prosecutors, public defenders, and reentry programs. It is critical for this program to effectively use funding to improve the criminal justice system. Just as policymakers continue to focus on the need for accountability in the education system, I believe it is critical that we apply that same lens of accountability to government spending in the criminal justice system by measuring whether every dollar spent is achieving the intended goals.

To accomplish that, it is vital that performance measures focus on outcomes such as public safety and reduced recidivism, victim satisfaction, reductions in unnecessary incarceration of low-risk and nonviolent offenders, desistance from substance abuse, and the successful reintegration of ex-offenders into the workforce. When the federal government funds a program, there should also be a

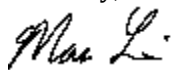
high level of transparency to ensure that the public can easily determine the extent to which such it is successful in achieving those outcome-oriented measures that are applicable.

As we have documented in our research, numerous states have achieved considerable success by adopting policies that ensure they are measuring results rather than merely the volume of activity. For example, in the juvenile justice system in Texas, in 2009 the Texas Juvenile Probation Commission began providing grants to counties that voluntarily entered into a fiscal partnership with the state to target a reduction in most types of youth offenders committed to state lockups. Through this arrangement known as “Grant C” or the “Commitment Reduction Program,” counties must submit to the state a proposal showing that empirical research supports the effectiveness of the local program(s) they propose to spend the money on and on an annual basis counties submit data that demonstrates the extent to which the program(s) is achieving key performance measures such as recidivism, positive educational and vocational outcomes, and desistance from substance abuse. This success-oriented grant program has been associated with precipitous declines in both recidivism and youth incarceration, as has been documented in reports by the Texas Public Policy Foundation and Texas Appleseed.<sup>1</sup>

Finally, I would like to draw your attention to two model policies adopted by the American Legislative Exchange Council (ALEC) – the Community Corrections Performance Measure Act and the Community Corrections Incentive Performance Act<sup>2</sup> – that reflect this success-oriented funding approach.

Clearly, experts and policymakers across the spectrum are coming together to embrace approaches that ensure greater transparency and that taxpayers are getting the maximum return on funds spent on criminal justice programs. I think that is largely because these approaches in states across the country are leading to positive results, as documented in the research that we and others have published. I appreciate your consideration and please do not hesitate to contact me if I can be of further assistance in sharing our research and perspective on this.

Sincerely,



Marc A. Levin, Esq.  
Director, Center for Effective Justice  
Texas Public Policy Foundation

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<sup>1</sup> <http://www.texaspolicy.com/center/effective-justice/reports/texas-model-comprehensive-juvenile-justice-reform> and [http://www.texasappleseed.net/index.php?option=com\\_docman&task=doc\\_download&gid=534&Itemid=](http://www.texasappleseed.net/index.php?option=com_docman&task=doc_download&gid=534&Itemid=).

<sup>2</sup> <http://www.alec.org/model-legislation/3573/> and [http://www.alec.org/docs/ALEC\\_Community\\_Corrections\\_Performance\\_Incentive\\_Act.pdf](http://www.alec.org/docs/ALEC_Community_Corrections_Performance_Incentive_Act.pdf).