

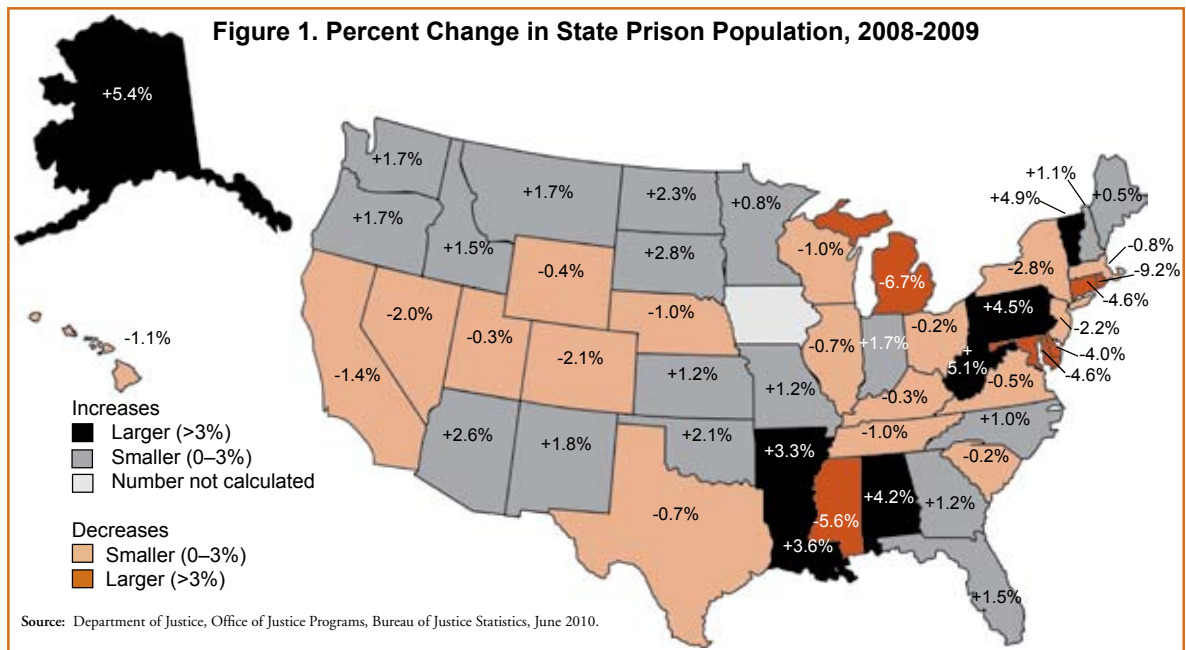


Innovations in Community Corrections

Controlling Crime, Prison Populations and Costs

NATIONAL
CONFERENCE
of
STATE
LEGISLATURES

The overall state prison population declined for the first time in 38 years in 2009. According to a Department of Justice report, 24 states reported a drop in prison population. Rhode Island's 9.2 percent decline was the highest in the nation; Connecticut, Delaware, Maryland, Michigan and Mississippi also experienced declines of more than 4 percent. Of the 24 states with prison growth, Alaska, Alabama, Pennsylvania, Vermont and West Virginia reported increases of more than 4 percent (Figure 1).



States are heading into the third consecutive fiscal year of declining revenues and large budget gaps. The fiscal outlook remains troubling for FY 2011, FY 2012 and beyond. According to NCSL budget information, corrections spending accounts for about 6 percent of state general fund budgets, and lawmakers in many states have made it a priority to control prison populations and subsequent costs.

Today, states increasingly have access to tools to help identify and analyze causes of prison growth. As legislators weigh various sentencing and corrections policy options, they can use such information to allocate scarce resources to programs and policies that promote public safety and reduce recidivism. These decisions play a key role in state prison population increases and decreases.

A slower growth rate in state prison populations in 2007 was attributed to fewer people sentenced to prison. In 2008, more people were released from prison than in previous years, further slowing prison growth. These two factors ultimately contributed to the drop in popu-

lation in 2009. As fewer people are sentenced to prison and more are released, many offenders will serve at least a portion of their sentence in the community, rather than in prison. Increasingly, states are investing in community-based policies and programs that can safely reduce prison populations and costs. These strategies take several forms, including creating incentive funding streams; investing in evidence-based practices; addressing offender needs; and obtaining assistance from federal agencies and other organizations.

Creating Incentive Funding

State funding streams to localities can be used to reward community corrections agencies that successfully supervise offenders in the community instead of sending them to state prison. This fiscal partnership, sometimes referred to as incentive funding, exists in at least six states—Arizona, California, Colorado, Illinois, Kansas and Texas.

Under these arrangements, local correctional agencies usually receive state funding and other assistance to implement community-based programming. The goal is to reduce the rate at which probationers and parolees are sent or returned to prison for new crimes or supervision violations.

Laws in Arizona, California, Illinois, Kansas and Texas provide funding to counties for implementing community-based sanctions for probation and parole violations. Permissible sanctions under California's law include electronic monitoring, community service, home detention, day reporting, restorative justice programs, work furlough, and incarceration in a county jail for up to 90 days in lieu of prison. Lawmakers in Texas created a grant program for counties to implement a system of progressive sanctions. Preference for the grants is given to counties with the highest revocation rates and those that target medium to high-risk offenders.

Laws in Arizona, California and Kansas allow a portion of the savings achieved through incentive funding programs to be reinvested in communities that are successfully reducing recidivism. Arizona experienced a 14.5 percent decrease in probation revocations to prison during FY 2009, the first year of implementation. The law instructs the Joint Legislative Budget Committee to calculate costs avoided as a result of reduced revocations to prison and allocate 40 percent of the savings to local probation departments. Counties can use the funds to increase availability of substance abuse treatment; increase use of risk reduction programming; and support nonprofit victim services organizations in efforts to increase the amount of restitution collected. Due to state budget shortfalls, however, the Legislature has suspended reinvestment of funds for FY 2010-2011.

Investing in Evidence-Based Practices

A growing body of research exists on what works and what doesn't for community-based supervision. Evidence- or research-based programming includes programs or policies that have been empirically proven to reduce recidivism. Evidence-based programs that target the appropriate offenders and are properly implemented can increase public safety and improve offender success.

A Washington prison population forecast in 2005 indicated the state would need two new prisons by 2020. The Legislature subsequently directed a study of the effectiveness of evidence-based programs to reduce crime and produce savings for taxpayers. The study concluded that some programs—such as intensive supervision treatment, cognitive-behavioral therapy, community-based drug treatment and adult drug courts—can cost-effectively reduce crime. Based on these findings, the 2007 Legislature invested in the expansion of evidence-based programs, and the prison forecast was adjusted downward.

Washington is not alone in using evidence-based practices to reduce recidivism. The Oregon Department of Corrections must spend 75 percent of its state funding for offender programs on those that are evidence-based. The portion of funds dedicated to evidence-based programs has been gradually increased since implementation of the 2003 law. Although the law carries no strict penalty for noncompliance, it instructs the legislature to consider compliance in agency appropriations.

Requiring evidence-based programming is a common requirement for counties receiving incentive funds. Kansas' Risk Reduction Incentive Funding program incorporates use of evidence-based practices into administrative sanctions, reentry services and support, and probation and parole officer training. To date, these policies have contributed substantially to a 7 percent drop in the prison population; a 50 percent reduction in parole revocations; and a 36 percent reduction in new crimes committed by parolees.

Addressing Offender Needs

Drug abuse and mental illness are prevalent among offenders in the criminal justice system, and prisons may not provide adequate services to treat these issues in all offenders. States have addressed substance abuse and mental health needs by creating community-based treatment options—such as diversion treatment programs, drug and mental health courts, and secure treatment facilities—for nonviolent offenders.

In 2007, Texas was faced with appropriating more than \$500 million for new prison construction. Instead, the Legislature adopted several measures to expand access to substance abuse and mental health treatment and to provide community-based alternatives for probation and parole violators. The \$240 million package generated more than 5,000 new treatment slots, which include a

mental health pre-trial diversion program; outpatient and residential treatment services for probationers; intensive residential treatment services for probation violators; transitional housing for released offenders with substance abuse issues; and intermediate sanction facilities for probation and parole technical violators. The added treatment opportunities have contributed to a decrease in probation and parole revocations to prison and an increase in the number of inmates being granted parole. As a result, the Texas prison population is projected to decrease through FY 2012.

Obtaining Assistance

Many policies mentioned above fall under the umbrella of “justice reinvestment,” a concept that is growing in popularity. It uses analysis of criminal justice data to create sentencing and corrections policies that hold offenders accountable and safely reduce prison populations. Funds saved as a result of reduced prison populations are reinvested into community-based correctional programs.

Arkansas, New Hampshire, North Carolina and Ohio are working to put into practice the justice reinvestment concept. They join Arizona, Connecticut, Kansas, Michigan, Nevada, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Wisconsin and other states that already have done so. Alachua County, Fla., Travis County, Texas, and Allegheny County, Pa., also have begun tracking local criminal justice data to ease crowded jails and invest in community-based intervention and crime-prevention strategies.

Justice reinvestment in states is supported by the Bureau of Justice Assistance, in the U.S. Department of Justice, Office of Justice Programs; the U.S. Department of Labor; the Council of State Governments; and the Public Safety Performance Project of the Pew Center on the States. These efforts provide financial and technical assistance for

data collection and analysis, policy formulation and implementation monitoring. The U.S. Congress currently is considering authorizing legislation that would provide grants for criminal justice reinvestment efforts and implementation.

Prison population growth is not states' destiny. Rather, states are creating their own destiny with sentencing and corrections policies that safely supervise and address offenders' needs in the community. Armed with information and evidence, states are reducing recidivism and sending prison populations and costs on a downward trend.

The report is prepared under a partnership project of NCSL's Criminal Justice Program in Denver, Colorado and the Public Safety Performance Project of the Pew Center on the States, based in Washington, D.C. The NCSL project is designed to help states tap the best research and information available on cost-effective and data-driven sentencing and corrections policy options and experiences.

Selected Resources

Bureau of Justice Assistance, Reentry Initiative
<http://www.ojp.usdoj.gov/BJA/grant/reentry.html>

Bureau of Justice Statistics, Prisoner Series
<http://bjs.ojp.usdoj.gov/index.cfm?ty=pbse&sid=40>

Justice Reinvestment, a project of the Council of State Governments, Justice Center
<http://www.justicereinvestment.org/>

NCSL Criminal Justice Program
<http://www.ncsl.org/Default.aspx?TabID=756&tabs=951,62,94#94>

Public Safety Performance Project of the Pew Center on the States
http://www.pewcenteronthestates.org/public_safety

Washington State Institute of Public Policy
<http://www.wsipp.wa.gov/topic.asp?cat=19&subcat=0&dteSlct=0>



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

National Conference of State Legislatures

William T. Pound, Executive Director

7700 East First Place
Denver, Colorado 80230
(303) 364-7700

444 North Capitol Street, N.W., #515
Washington, D.C. 20001
(202) 624-5400

www.ncsl.org

© 2010 by the National Conference of State Legislatures. All rights reserved.

ISBN 978-1-58024-601-9

Item # 063010CRJ \$7.00

National Conference of State Legislatures