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Sentencing and Corrections Policy Updates



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Front Page

Public Attitudes on Crime and Punishment

Results reveal that reducing crime is the bottom line.

Ninety-one percent of people “totally agree” that reducing crime—and especially reoffending—is the bottom line, according to a recent poll by [Public Opinion Strategies](#) and the [Benenson Strategy Group](#). The [Public Safety Performance Project](#) of the [Pew Center on the States](#) teamed up with the two firms to explore public attitudes toward crime and punishment. The project included focus groups and a national survey of voters to measure support for policy change and enhance how we communicate about these complicated issues.

[The report](#), released in September 2010, highlights three key sentiments among those polled: 1) the primary concern is with the safety of communities and people; 2) a desire for a public safety system based on offender accountability and consequences for illegal activity; and 3) the belief that it is possible to maintain a strong public safety system while reducing the size and cost of the prison system.

Poll results show that Americans expect state governments to reduce crime rates and prison spending through greater offender accountability, monitoring and rehabilitation. They would prefer that cuts be made to prison spending, rather than by reducing K–12 and higher education budgets or raising property or business taxes. Voters would like to see these goals met through strategies such as taking savings from prison population reductions and investing in more effective probation and parole supervision.

The report also identifies four key strategies for effectively communicating public safety reform.

1. *Emphasize public safety and offender accountability:* Although state budgets weighed heavily, the driving concern in public safety reform is really on a stronger public safety system that protects citizens.
2. *Highlight a return on investment:* Voters are impressed with language that suggests a greater return on taxpayer dollars.
3. *Use familiar terms:* Using unfamiliar or technical language can backfire.
4. *Use frames that resonate:* The report lists three frames—“reinvestment frame,” “Texas frame” and “cost–benefit frame”—that most effectively communicated to survey respondents that reducing prison populations is possible while reducing crime.

A full presentation and Webinar, additional information on [Public Opinion Strategies](#) and the [Benenson Strategy Group](#), and a summary of the poll’s methodologies and findings are available on the [Pew Center on the States’ website](#).

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On the Fiscal Front

A Model for Cost–Benefit Analysis

The Washington State Institute for Public Policy's cost–benefit model is expanding to other states.

Recognizing the effectiveness of the [Washington State Institute for Public Policy](#) (WSIPP) cost–benefit analyses in the policymaking process, [The Pew Charitable Trusts](#) and the [John D. and Catherine T. MacArthur Foundation](#) entered into a partnership with WSIPP to give state policymakers nationwide innovative tools to get a better return on taxpayer investments. The project will initially focus on sentencing and corrections policies and eventually be expanded to other policy areas.

As part of this initiative, WSIPP is in the process of [developing a user–friendly cost–benefit software program](#) that will allow other states to identify sentencing and corrections policy options that are projected to reduce crime and save money. The cost–benefit software will be piloted in six to 10 states during the next three years, tailored

to fit the needs and available data of each.

Washington's Cost–Benefit Model

In the mid–1990s, at the request of the [Washington Legislature](#), the [Washington State Institute for Public Policy](#) developed a cost–benefit policy evaluation tool to study evidence–based juvenile justice programs. After nearly 15 years of refining data–collection and analysis techniques and being applied in–state to policies ranging from corrections to education to public health and employment, the WSIPP cost–benefit tool has become a critical component of the Washington Legislature's decision–making process, and also a national model for state policy analysis.

WSIPP's cost–benefit analyses seek to answer the question, “Are there more effective ways to use taxpayer dollars to affect particular public policy goals?” For adult criminal justice policies this equates to “what works and what does not to lower criminal recidivism rates.” WSIPP answers this question with a three–

More information on the cost–benefit initiative is available in a WSIPP [August 2010 report](#), a [October 2010 update to the Legislature](#), and at Pew's [Results First](#) initiative

step approach. First, locate rigorous, real world evaluations of evidence–based adult corrections programs and policies; second, estimate taxpayer and crime victim benefits and costs for those policies; and, finally, evaluate how the policies may or may not affect prison costs, public spending on criminal justice costs, and crime rates.

WSIPP releases its findings to the Washington Legislature as [briefing reports](#) that may be considered by legislators and legislative staff when developing and debating criminal justice policy. [Senator Karen Fraser](#) recently spoke on the Vera Institute of Justice webinar, *An Introduction to Cost–Benefit Analysis and Justice Policy for State Legislators*, about the “major legislative successes” resulting from WSIPP research.

Issue in Focus

Data–Driven Laws in 2010

States are identifying and analyzing successful strategies to reduce recidivism and increase public safety. Legislators use that information to weigh various sentencing and corrections policy options and allocate scarce resources to programs and policies that promote these goals.

In 2010, these policies included requiring risk assessments for sentencing and offender supervision, authorizing intermediate sanctions for probation and parole violations, and implementing evidence–based programs.

Risk Assessments

At least 10 states passed legislation in 2010 requiring the use of risk assessments when making sentencing, programming and release decisions. Alabama and Indiana instructed drug court programs to use risk assessments to determine the type and level of treatment for participants. A California law instructs the Department of Corrections and Rehabilitation to include risk assessment scores in eligibility criteria for a parenting diversion program. The law also

The issue forum [“A Data–Driven Approach to Reducing Prison Spending”](#) at NCSL's Legislative Summit in July 2010, focused on data–driven strategies that states are using to create sentencing and corrections policies that decrease recidivism, protect public safety and reduce prison spending.

requires risk assessments be used to develop individualized treatment plans for program participants. New Hampshire, Pennsylvania, South Carolina and West Virginia incorporate the use of assessments into the process of linking offenders with appropriate programming and services. Pennsylvania's law also instructs the sentencing commission to adopt a risk assessment tool to be used as a guide for determining appropriate sentences.

Colorado, Louisiana, Pennsylvania and South Carolina instructed their parole boards to consider risk assessment scores when making release decisions. Under the new laws, Colorado's and Pennsylvania's parole boards will develop and use structured guidelines that incorporate offender risk when making release and parole revocation decisions.

Intermediate Sanctions

At least eight states—Alabama, Colorado, Hawaii, New Hampshire, Pennsylvania, South Carolina, Vermont and Virginia—enacted policies in 2010 that create or expand the use of intermediate sanctions for technical violations of probation and parole. NCSL's [Probation and Parole Violations: State Responses](#) report discusses states' use of intermediate sanctions as a community-based option for technical violations.

Based on the success of [Hawaii's Opportunity Probation with Enforcement](#) (HOPE) program, the Legislature requested the Paroling Authority to establish a similar program for parole. The two-year pilot program will include formal warning hearings, random drug screenings, and swift and certain sanctions—aspects of the HOPE program that are credited for its low rates of recidivism.

South Carolina authorized the Department of Probation, Parole and Pardon Services to impose administrative sanctions for violations of community supervision. Administrative sanctions empower the supervising agency to impose community-based sanctions in lieu of formal revocation proceedings. An [evaluation](#) of a program in Georgia—the [Probation Management Act](#), first implemented in 2004—documented more than \$1.1 million in savings to local jails within the first three years of operation.

Colorado and Pennsylvania limited the use of revocation to prison for technical violations of supervision. Colorado now prohibits revocation unless all appropriate intermediate sanctions have been used, and Pennsylvania

instructs the probation and parole board to use incarceration as a sanction only if community options would pose an undue risk to public safety.

Evidence-Based Programs

A number of states have laws requiring the use of evidence-based programs that have been empirically proven to reduce recidivism. NCSL's [Innovations in Community Corrections](#) report examines some of these policies. At least six states supported implementation of evidence-based practices for offender supervision in 2010.

Pennsylvania and South Carolina laws require that all community-based offender supervision be evidence-based; and private contractors that provide reentry programming in South Carolina also must use evidence-based programs. A parole revocation facility in New Hampshire now must offer evidence-based programs, and laws in California and Florida require specific offender programs to incorporate evidence-based practices.

States such as Kansas and South Carolina support implementation of evidence-based programs by providing probation and parole officers with specific training on the programs.

Six states—Indiana, Iowa, Louisiana, Nevada, Oregon and Virginia—have instructed task forces or advisory boards to evaluate and consider the use of evidence-based or best practices in offender supervision.

Looking Ahead

Lawmakers continue to look at policies and programs that are proven to protect public safety, reduce recidivism and control prison spending. In 2010, at least 23 states instructed task forces or study commissions to review a variety of sentencing and corrections policies. Addressing everything from females in the criminal justice system to criminal laws and sentencing practices to community corrections services, these task forces are expected to make recommendations for policy changes within the next biennium.

An NCSL [Sentencing and Corrections Work Group](#) is developing guiding principles for state sentencing and corrections policy; a report is scheduled for release in early August 2011. The bipartisan group of 19 lawmakers brings a wealth of ideas and experience to this work on a framework for reducing recidivism and making communities safer.

On A Related Note

In the Nation's Capitol

Justice Reinvestment Initiative

Funding and technical assistance opportunities under the [Justice Reinvestment Initiative](#) (JRI) were announced in late 2010 by the [Bureau of Justice Assistance](#) (BJA) in the [Office of Justice Programs](#), [U.S. Department of Justice](#), in partnership with the [Pew Charitable Trusts](#). JRI will provide technical assistance and financial support to states, local governments and tribal authorities to cost-effectively manage criminal justice populations, generating savings that can be reinvested in evidence-based strategies that increase public safety while holding offenders accountable.

More information on JRI and funding opportunities is available on the [JRI website](#). A summary and video of the issue forum "[A Data-Driven Approach to Reducing Prison Spending](#)" presented at NCSL's Legislative Summit in July 2010 includes a presentation on JRI work in the states by Gary Dennis, senior policy advisor for corrections at BJA.

Mark Your Calendars



Leading Legislators

Two Texas state legislators—Representative Jerry A. Madden and Senator John Whitmire—were among the [top public officials in 2010](#) honored by GOVERNING Magazine for their leadership in corrections reform in Texas. Connecticut Representative Diana S. Urban was also named as a top public official. Read more about their legislative accomplishments in an [NCSL press release](#).

An NCSL Sentencing and Corrections Work Group, co-chaired by Representative Madden and Representative Janice Pauls of Kansas, is developing a set of principles to use as a guide for state legislatures on effective sentencing and corrections policy. Work by the 19-member, bipartisan group is highlighted in an [NCSL press release](#).

NOTE: Links to external websites and reports are for information purposes only and do not indicate NCSL's endorsement of the content on those sites.

This newsletter 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 to put a fiscal lens to sentencing and corrections policy options and reforms.

Recent Reports

The NCSL LegisBrief, [A Second Chance: Offender Reentry Policy](#) describes the key role state legislatures play in offender reentry policy and describes federal funding, administered by the Bureau of Justice Assistance, that is available to states through the Second Chance Act of 2007.

[Collateral Costs: Incarceration's Effect on Economic Mobility](#) examines the effects of incarceration on the economic opportunity and mobility of former inmates and their families. This report is a collaborative effort between the [Pew Charitable Trusts' Economic Mobility Project](#) and its [Public Safety Performance Project](#).

A new report, [The Continuing Fiscal Crisis in Corrections: Setting a New Course](#), by the [Vera Institute of Justice's Center on Sentencing and Corrections](#), includes findings from a survey of state officials about their planned corrections spending for FY 2011 and a review of states' recent corrections-related legislative initiatives.

[The National Summit on Justice Reinvestment and Public Safety](#) release by the Council of State Governments, is based on a 2010 summit that brought together the nation's leading corrections and criminal justice experts, researchers and practitioners.