

High-Yield Corrections

States are reshaping policies to save money and maintain public safety with “justice reinvestment” reforms.

BY DONNA LYONS

For two generations, increasing prison populations and their associated costs have been as certain as death and taxes. Recently, however, states have been moving the needle in the other direction. In 2009, for the first time in 37 years, the number of state prisoners declined and has continued to do so. In a growing number of states, “justice reinvestment” strategies are contributing to this trend with reforms that have been bipartisan, cross-governmental and effective.

At least 27 states have made some kind of justice reinvestment, and significant reallocations in more than a dozen show promising results. The process involves analyzing trends and data on what drives prison population growth, and developing and adopting policies to address those factors. Resources are reallocated to support policy changes, and a portion of the savings is reinvested into programs proven effective at reducing recidivism. Ongoing evaluation is put in place to ensure desired results are achieved.

An important objective of all of this: Stop the revolving door that traditionally sees at least a third of former inmates return to prison within three years. Doing so can save money and reduce crime.

Crime Down, Prisoners Up

“We know that increases in state prison populations are not

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the result of an increase in crime rates, but a product of state policies,” says Adam Gelb, director of the Public Safety Performance Project at the Pew Center on the States. The project, which analyzes prison populations and policies, has been involved in many state justice reinvestment efforts. Gelb says the large growth in prison populations that started four decades ago was fueled by sentencing and release laws and decisions by courts and parole boards that sent more offenders to prison and kept them there longer.

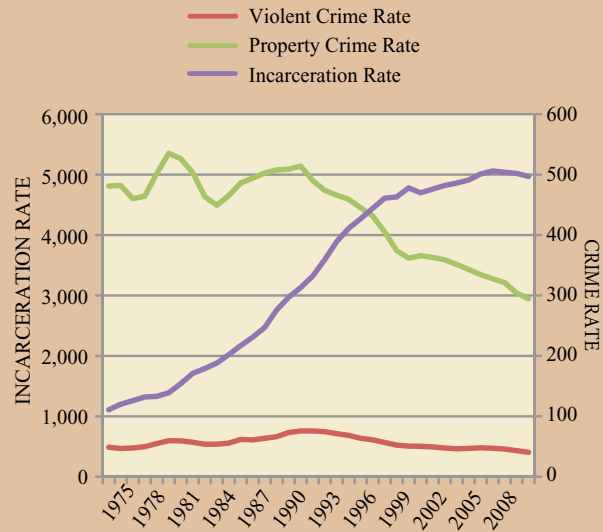
“We also know a tremendous amount more today about how to supervise and keep people from returning to prison,” Gelb says. This includes improved methods to assess risk, as well as better supervision techniques and technologies. “Combine these strategies, and you can have strong results,” says Gelb.

Indeed, the work and recommendations of intergovernmental and bipartisan study groups in a number of states have changed the tenor and course of discussion and moved corrections policies in a different direction.

Reducing Recidivism

Texas and Kansas were among the first states to make justice reinvestment changes. In 2007, Texas lawmakers saw a growing number of probation violators being sent to prison, a high number of offenders with substance abuse and mental health problems, and a low parole rate. Instead of spending \$500 million on new prisons, the Legislature allocated \$240 million to expand in-prison, residential and outpatient mental health and substance abuse treatment; establish maximum parole caseloads; shorten the length of probation for drug and property crimes; and increase funding to local corrections agencies for community supervision.

National Crime and Incarceration Rates (per 10,000 residents)



Source: Bureau of Justice Statistics and FBI Uniform Crime Reports

The state saved \$443 million, which allowed corrections officials to increase funding in other areas to help reduce crime and recidivism.

“The reduction in parole revocations in Texas has been substantial—from about 10,000 to 6,800—in just a few years,” says former Representative Jerry Madden (R), one of the architects of the reforms. “That’s two prisons we don’t have to fill.”

Prison populations in Texas are at a five-year low, and the state’s crime rate is declining even more than the national average, in both violent and property crimes. And, for the first time

in the state’s history, Texas closed a prison.

In Kansas, reforms approved in 2007 reduced the number of probation and parole violators sent to prison, allowing the state to reinvest the savings into proven community supervision programs. The Legislature created state-local incentive funding—a mechanism that rewards local supervision agencies that successfully supervise offenders in the community instead of sending them to prison. Legislation also increased the amount of “good time” nonviolent inmates can earn and allowed additional earned time for completing education or treatment.

The Legislature reinvested \$7 million to expand community corrections and in-prison programs, and for staff training to improve how offenders are supervised in the community. Last year, Kansas lawmakers modified the incentive funding structure to give grant preference to counties that are meeting the state’s benchmarks. A work group created by the Legislature continues to consider ways to sustain the positive results and further reduce recidivism and corrections costs.

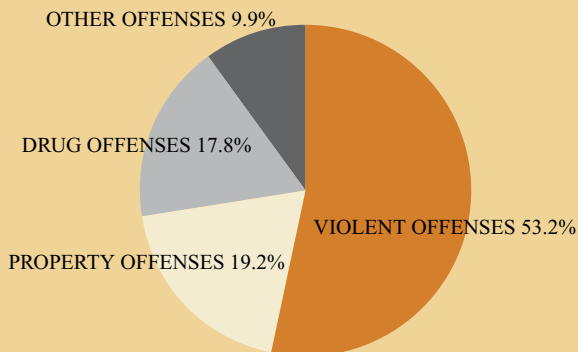
Similar changes occurred in Vermont as well. Following the recommendations of a cross-governmental study group, the General Assembly passed a law in 2008 to expand screening and assessments of offenders for substance abuse and mental health needs and to establish intensive treatment programs. The law also reduced probation terms for some compliant offenders and targeted treatment and monitoring resources to the highest risk offenders, including those who are re-entering the community.

One prison has since closed, and another was converted



Former Representative Jerry Madden (R) Texas

State Prisoners’ Crimes



Source: Bureau of Justice Statistics, U.S. Department of Justice, 2010

into a therapeutic work camp. The reforms are expected to yield about \$54 million in savings by 2018, including the initial \$3.9 million reinvestment in assessments, treatments, supervision and transitional housing. The legislature has since expanded the eligibility criteria for alternatives to incarceration, such as house arrest and furlough, and reinvested an additional \$8 million in prison and community-based treatment and re-entry services.

The Idea Spreads

By 2010, reviews and reforms were under way in a growing number of states. New Hampshire lawmakers passed legislation to focus resources on offenders with the highest risks for returning to prison. The law requires that nonviolent offenders be paroled after serving 120 percent of their minimum sentence. It also ensures at least nine months of active supervision for all released offenders; allows judges to impose short, swift jail sanctions for minor probation violations; and sets intermediate sanctions for some parole violators.

The state's prison population quickly began

to drop. By 2021, the state expects to have saved up to \$10.8 million and averted \$179 million in new prison construction and operating costs. The savings also are covering the costs of new technologies that analyze data, which helps officials monitor the programs and track results.

South Carolina lawmakers passed an omnibus reform act in 2010 after analyzing the sentencing guidelines, the parole and probation system, and the alternatives to incarceration that were available. The act increased penalties for certain violent crimes, allowed community supervision for some drug offenders and required supervision of all offenders after leaving prison. The act also required corrections officials to monitor and evaluate the reforms and to use cost savings to fund proven practices that reduce risks and serve victims.

The law is projected to save up to \$175 million in construction costs and \$66 million in operating costs in the first five years. A report to the General Assembly in late 2011 showed the state had saved \$4.2 million in prison expenditures because of a nearly 20 percent decrease in the number of probationers and parolees sent

to prison for committing new crimes or breaking the rules of their supervision.

Basing these reinvestments on what works, rather than theories of what might work, is vital, says South Carolina Senator Gerald Malloy (D). "We've seen that approaches based on information and evidence can not only increase public safety, but also save money." South Carolina is among several states receiving funding from the federal Bureau of Justice Assistance to help make these changes.



Senator
Gerald
Malloy (D)
South Carolina

Assessing Risks and Needs

The Arkansas Public Safety Improvement Act of 2011 reserves prison space for the most dangerous offenders and strengthens community supervision for others. It also grew out of recommendations from a work group that analyzed sentencing and community supervision policies. The law revises sanctions for some drug and theft crimes, requires risk and needs assessments of probationers, and sets sanctions for breaking supervision rules. Funding to localities is based on how well supervision strategies reduce prison admissions.

Arkansas expects to save \$875 million in prison construction and operating expenses through 2020. The state already is experiencing declines in parole and probation revocations and in the prison population, according to analysts who track the new law.

"Corrections expenses were costing Arkansas an unsustainable 8 percent of our general revenue budget," says Representative Darrin L. Williams (D). "We are now looking at the needs of inmates coming into the system and becoming better prepared to keep them out."

Kentucky, Ohio and North Carolina followed in 2011 with tailored justice reinvestment approaches. Kentucky expects to save \$422 million over 10 years with changes to sentencing, treatment of drug offenders, graduated sanctions for probation and parole violators, and other improvements in community supervision. For the next biennium, the General Assembly has reinvested nearly \$6.8 million in savings into new substance abuse treatment programs and allocated



Representative
Darrin L.
Williams (D)
Arkansas

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IN PRISON	\$78.95
ON PAROLE	\$7.47
ON PROBATION	\$3.42

Source: Pew Center on the States, Public Safety Performance Project, One in 31, 2009

nearly \$9 million through 2014 to local correctional facilities and programs.

Leaders and stakeholders came together on these reforms in a “harmonic convergence of bipartisan support,” says former Senate President David Williams (R). “So many families are affected by substance abuse, and we see too many low-level offenders become persistent criminals.”

Similar reforms in Ohio are expected to save corrections budgets \$500 million in prison construction and \$46 million in reduced prison populations by 2015. The Department of Rehabilitation and Correction plans to reinvest \$20 million of the savings over four years in improved local supervision of felony probationers.

And in North Carolina, a recent report by the Sentencing and Policy Advisory Committee says that a combination of factors, including justice reinvestment reforms, will reduce the projected prison bed needs by more than 4,000 by 2017. Savings will allow for reinvestment of at least \$4 million to expand community-based treatment programs.

Successful Supervision

Other states had data-driven corrections and sentencing reforms on the drawing board by 2012. Georgia lawmakers responded to a report that the state’s prison population doubled in the last 20 years, and was on pace to grow another 8 percent in the next five years without policy changes. The General Assembly decided to reserve prison space for the most serious offenders and strengthen community supervi-

sion. Theft thresholds were raised, and penalties for simple drug possession decreased. The legislation is expected to avert all previously projected prison population growth and actually decrease the prison population by about 1,000 by 2017, saving at least \$264 million.

“This will make a positive difference in our state,” says Representative Jay Neal (R). “It’s about keeping the public safe, holding offenders accountable, and saving or at least redirecting money to do the right things.”

Legislatures in Delaware, Hawaii, Missouri, Oklahoma and Pennsylvania have passed justice reinvestments reforms within the last year, also with expected savings: a projected \$142 million over the next five years in Delaware, \$130 million in five years in Hawaii and \$120 million in Oklahoma over 10 years.

“The cost of doing nothing was too much,” says former Oklahoma House Speaker Kris Steele (R), whose leadership there helped bring both sides of the aisle together on the recent legislation. “If you can focus on the data, on the real issues before you, people from across the political spectrum can come together on this.”



Former Senator
David
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Kentucky



Representative
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Georgia



Former House
Speaker
Kris Steele (R)
Oklahoma

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