

DUE SOUTH

Looking to the South for Criminal Justice Innovations

INTRODUCTION The United States currently incarcerates more than 2.3 million people in prisons and jails. U.S. taxpayers spent \$74 billion in FY2007 on corrections costs alone.¹ With states all over the country facing budget crises, a number of states and localities are looking for new and innovative ways to reduce the number of people in prisons and jails while maintaining public safety and cutting spending.

Southern states historically have had some of the highest incarceration rates in the U.S.,

regularly trumping the national average.² Recognizing the significant costs associated with such high incarceration rates, a number of these states have recently implemented innovative strategies for reducing their prison and jail populations and ensuring better outcomes for people who come into contact with the criminal justice system. These strategies start at the time of arrest, include sentencing reform, and impact who is released from prison on parole and the reentry services they receive upon return to the community. Each of these reforms have either

already shown positive results or have significant potential to reduce prison or jail populations, save money and improve public safety.

While a number of challenges still face these states and localities around their criminal justice systems, these reforms indicate a significant step toward more fair and effective policies.

Although a number of states and localities have implemented or are in the process of creating reforms for youth involved in the juvenile justice system, this brief reviews only adult criminal justice reforms.

2009	Incarceration Rate	Prison Population
U.S.	502	1,613,740
Alabama	650	31,874
Arkansas	522	15,208
Florida	559	103,915
Georgia	526	53,371
Kentucky	478	21,638
Louisiana	881	39,780
Mississippi	702	21,482
Missouri	509	30,563
North Carolina	369	39,860
South Carolina	512	24,288
Tennessee	426	26,965
Texas	648	171,249

Source: William J. Sabol and Heather C. West, *Prisoners in 2009* (Washington, D.C.: Bureau of Justice Statistics, 2010). <http://bjs.ojp.usdoj.gov/content/pub/pdf/p09.pdf>

Arrest and Pretrial Detention

Three Southern cities have made changes to their arrest and pretrial detention policies in the last few years with positive results.

- In *Memphis, Tennessee*, the police department has collaborated with mental health organizations to form a specialized Crisis Intervention Team (CIT) that responds to crisis calls involving people with mental illness. In addition to specialized training for police that results in fewer people with

mental illness being arrested, more people are able to access mental health services and the community is changing its attitude toward people with mental illness.

- In *New Orleans, Louisiana*, police are now issuing summons to court rather than arrests for people with low-level misdemeanor offenses, freeing up law enforcement resources and jail space for people charged with more serious offenses. In addition, New Orleans is in the process of creating a pretrial services program to make the process more fair and effective.
- In *Broward County, Florida*, a pretrial expansion policy was created to reduce the number of people being held pretrial for small amounts of bail. The policy is aimed specifically at people with low-level offenses and those who are indigent who cannot afford bail. A mental health section was also added to identify people in the jail with mental illness and redirect them to community services.

Sentencing Reform

Two Southern states made reforms to their sentencing laws that will have a significant impact on the number of people in prison, and the length of time that they spend behind bars.

- *Arkansas* passed a law directing that people convicted of nonviolent offenses—especially first-time offenses—be sanctioned through drug courts, probation and other supervised release options rather than prison. The law also seeks to improve probation practices to reduce the number of people going into or returning to prison.
- *Mississippi* rolled back “truth-in-sentencing” laws for people convicted of nonviolent offenses and those with first-time offenses. Previously, people with these offenses were required to serve 85 percent of their sentence before becoming eligible for parole. With this new law, they are eligible after serving 25 percent of their sentence.

Release and Reentry

A number of states included in their plans services related to reentry, including more funding for services and reinvestment of savings into community-based treatment and services for drug abuse and mental illness.

- *Missouri* implemented a reentry program called the Missouri Reentry Process (MRP). The MRP includes members from a number of state agencies including mental health, education, economic development, housing and others to develop a holistic reentry model focused on providing the most effective services to people to ensure their success upon release from prison.
- *Alabama* created a Supervised Reentry Program (SRP) designed to provide a structured opportunity for people leaving prison to transition to the community by obtaining employment, training, or other services.
- *Georgia* implemented data-driven reforms to their parole system to reduce the number of revocations and increase success rates of people under supervision.

REFORMS TO WATCH

***Oklahoma:* In May 2011, facing a half billion dollar budget shortfall and prisons at 99 percent capacity, Oklahoma passed HB 2311, which increases the number of people eligible for electronic monitoring and community sentencing programs; modifies the governor's role in the parole process for people convicted of nonviolent offenses; and establishes minimum requirements for members of the Oklahoma Pardon and Parole Board. The law will go into effect November 1, 2011, and is eventually targeted to save \$5 million per year in corrections costs.**

Justice System Overhaul

Three Southern states have made such dramatic changes to their criminal justice systems that they can only be referred to as an overhaul of the system.

- *Kentucky* passed a law in early 2011 that made a number of changes to its criminal justice system, including reforming drug laws to reduce incarceration for nonviolent, low-level drug law violations and change the sentencing guidelines for drug possession. In addition, the courts are tasked with creating bail guidelines for judges; probation and parole services were improved and sanctions restructured; and oversight was improved to include requiring fiscal impact statements for any changes to criminal justice policy or the construction of new correctional facilities.
- *Texas* reallocated funding through the Justice Reinvestment Initiative, by investing in community-based treatment and diversion programs for people charged with nonviolent offenses. As a result, parole and probation made significant changes, including a restructuring of violation sanctions by diverting people to treatment rather than revoking their parole or probation, thus reducing caseloads and the number of people being sent back to prison.
- *South Carolina* passed an Omnibus Bill in 2010 that restructured sentencing guidelines for a number of offenses, including removing disparities in drug possession charges. The bill also improved policies and practices within parole and probation systems to include risk assessments in release decisions and improve supervision models. In addition, the bill created an oversight committee to track progress and challenges in the new programs.

¹ Includes State, Federal and Local expenditures. Tracey Kyckelhahn, *Justice Expenditure and Employment Extracts 2007*, Table 1 (Washington, D.C.: Bureau of Justice Statistics, 2010)

² U.S. Department of Justice, *Prisoners Series* (Washington, D.C.: Bureau of Justice Statistics)



Justice Policy Institute is a national nonprofit organization that changes the conversation around justice reform and advances policies that promote well-being and justice for all people and communities.

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TABLE OF CONTENTS

MEMPHIS, TENNESSEE: INTERACTING WITH PEOPLE WITH MENTAL ILLNESS..... 5
BROWARD COUNTY, FLORIDA: EXPANDING PRETRIAL RELEASE..... 8
NEW ORLEANS, LOUISIANA: REFORMING ARREST AND PRETRIAL PRACTICES 11
ARKANSAS: REDUCING INCARCERATION FOR NONVIOLENT OFFENSES 14
MISSISSIPPI: ROLLING BACK "TRUTH IN SENTENCING" LAWS 16
MISSOURI: COLLABORATION IN REFORM 18
ALABAMA: SUPERVISED REENTRY SERVICES 21
GEORGIA: DATA-DRIVEN REFORMS TO PAROLE SUPERVISION PRACTICES 24
KENTUCKY: OVERHAULING THE CRIMINAL JUSTICE SYSTEM . 27
TEXAS:JUSTICE REINVESTMENT 30
SOUTH CAROLINA: JUSTICE SYSTEM OVERHAUL 33
RECOMMENDATIONS..... 36
ABOUT THE JUSTICE POLICY INSTITUTE 38
ACKNOWLEDGEMENTS 38

MEMPHIS, TENNESSEE: INTERACTING WITH PEOPLE WITH MENTAL ILLNESS



Innovation:

Crisis
Intervention
Teams

Background: In the aftermath of a tragic incident that resulted in a police officer killing a young man exhibiting signs of mental illness, in 1988 Memphis' mayor created a task force to address community and police responses to mental illness.¹ His goal was to implement policies aimed at improving safety for people with mental illness, their families and police officers. The Memphis Police Department joined with mental health organizations, hospitals, families of people with mentally illness, The University of Tennessee Medical Center and the University of Memphis to create a specialized unit on their force, called the Crisis Intervention Team (CIT).² The CIT program is a partnership between law enforcement and the community, and endeavors to change the way people with mental illness are treated.

Memphis Police have seen an **80 percent drop in injuries to officers responding to mental illness calls.**

How it Works: The CIT is a special unit of the police department made up entirely of police officers who voluntarily join the CIT, in addition to performing their regular patrol duties. Officers in the program undergo 40 hours of specialized training in verbal de-escalation, "didactical" mental health training, and work with mental health staff to fully understand mental illness and see the human side of people in crisis.³ They practice role

playing and actively engage with people with mental illness to develop a true sense of who these people are and the issues they face. More than just a training program, people on the Crisis Intervention Team learn to see the people behind mental illness and the need for more appropriate treatment.

CIT officers are the "first responders" to situations involving people with mental illness. Officers wear special pins above their uniform nameplates that identify them as CIT officers, and they are in charge when they arrive at the scene.

When the program started, CIT officers would take people experiencing a crisis to the University of Tennessee Medical Center for triage and treatment rather than jail. Today, officers drop people off at a 24-hour Crisis Assessment Center located two blocks from the hospital. At this community mental health center clients receive five levels of service: evaluation, social detoxification, crisis stabilization (a voluntary program where people can stay for 2-3 days until they are ready to return to the community or other options), mobile crisis team station, or are connected to

community respite care. These Centers help people through the immediate crisis and help them access community services as needed. The program works as pre-jail diversion by re-routing people from jail to these Centers where they can get the services they need.

Results:

- *Fewer injuries to officers.* In the three years before implementing the CIT program the rate of injuries to officers responding to

“mental disturbance calls” was 0.035 per 1,000 events (one in 28,571 events). In the three years following program implementation, this rate decreased to 0.007 per 1,000 events (one in 142,857 events).⁴ In other words, Memphis Police saw an 80 percent drop in injuries to officers responding to mental illness calls.

- *Fewer SWAT calls.* The number of Tactical Apprehension Containment Team (TACT, similar to SWAT) calls in the Memphis Police Department fell by nearly 50 percent since the implementation of the CIT program.⁵
- *Fewer arrests.* The CIT program had only a 2 percent arrest rate with cases receiving specialized response.⁶
- *More referrals to mental health treatment.* During its first four years, the rate of referrals by law enforcement officers to the regional psychiatric emergency service increased by 42 percent.⁷

Challenges: Changing attitudes around what it means to be mentally ill and the behaviors and needs of people with mental illness continues to be a challenge in Memphis and other jurisdictions. Recognizing the need for appropriate responses to people with mental illness who may come into contact with the law is an important step to working toward more fair and effective methods of working with people with mental illness. Training classes for police are not enough. States and localities that implement these programs should ensure that they are also appropriating funds for adequate mental health care in the community so that people are receiving the services they need and do not come into conflict with the law in the first place.

Policy Implications: CIT is considered to be the most rapidly expanding and promising program that partners law enforcement with

mental health professionals; around 10 percent of the nation’s police force has undergone some form of the Crisis Intervention Team training.⁸ The core aspects of CIT have been duplicated and implemented in several cities and counties, including Albuquerque, New Mexico; Portland, Oregon; Seattle, Washington; and others.

- In 2008 the state of Ohio had 1,831 CIT trained officers and Georgia had 1,440 CIT trained officers with a goal to train more.⁹
- The Oklahoma Department of Corrections has adapted CIT into their policing and has even modified and expanded the program to be implemented with correctional staff inside facilities as well as with probation and parole officers.¹⁰
- San Francisco recently approved a plan to have 25 percent of their police officers trained as Crisis Intervention Team members.¹¹

The CIT program has also been discussed to be expanded to include education on the early suicide predictors of police officers. Police officers kill themselves 3 times more than they are killed by others, placing fellow officers with the expanded CIT training in the unique position to identify warning signs.¹² Additionally, Chicago has developed and implemented an add-on CIT training to address issues of veterans such as the symptoms of Post-Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI).¹³

For more information on Crisis Intervention Teams, please visit:
<http://cit.memphis.edu/TechAssistance.php>

¹ Personal Interview with Memphis Police Department’s Major Sam Cochran, May 18, 2011.

² Memphis Police, “Crisis Intervention Team,” February 2011.

www.memphispolice.org/crisis%20intervention.html

³ Personal Interview with Memphis Police Department's Major Sam Cochran, May 18, 2011.

⁴ Randy Dupont and Sam Cochran, "Police response to mental health emergencies—Barriers to change," *Journal of the American Academy of Psychiatry and the Law* 28, no. 3 (2000): 338–344; cited in Melissa Reuland, Matthew Schwarzfeld, Laura Draper, *Law Enforcement Responses to People with Mental Illness: A Guide to Research-Informed Policy and Practice* (New York, New York: Council of State Governments Justice Center, 2009)

⁵ Randy Dupont and Sam Cochran, 2000

⁶ Henry Steadman, Martha Williams Deane, Randy Borum, Joseph Morrissey, "Comparing Outcomes of Major Models of Police Responses to Mental Health Emergencies," *Psychiatric Services* 51, (2000): 645-649

⁷ Randy Dupont and Sam Cochran, 2000

⁸ Ed Sanow, "Use CIT Two Ways," *Law and Order*, May 2008.

⁹ Michael T. Compton, Masuma Bahora, Amy C. Watson and Janet R. Oliva, "A Comprehensive Review of Extant Research on Crisis Intervention Team (CIT) Programs," *American Academy of Psychiatry and the Law Online* 36, no. 1 (2008): 47-55.

¹⁰ Jay Hodges, "Crisis Intervention Teams Adapted to Correctional Population," *Corrections Today* 72, Issue 5 (2010): 106-107.

¹¹ John Wildermuth, "Police to receive help on dealing with mentally ill," *San Francisco Chronicle*, February 14, 2011.

¹² Ed Sanow, May 2008.

¹³ "Chicago begins specialized veterans CIT program," National Alliance on Mental Illness, Accessed May 2011.

www.nami.org/Template.cfm?Section=CIT&Template=/ContentManagement/ContentDisplay.cfm&ContentID=94839

BROWARD COUNTY, FLORIDA: EXPANDING PRETRIAL RELEASE



Innovation: Broward County Pretrial Release Ordinance

Background: In December, 2007 with the Broward County, Florida jail at 92 percent capacity and rapidly growing,¹ a court ruling demanded the county address jail overcrowding. County officials had two options, either build a new \$70 million facility or create a measure to alleviate overcrowding.² As nearly a quarter of every tax dollar was already spent on the criminal justice system in Broward County, an increase in spending for a new facility would have met significant resistance.³ In order to address overcrowding without having to build a new jail, in 2008 county officials passed an ordinance⁴ to expand the county's pretrial release program and reduce the number of people held in county jail on low-level, nonviolent crimes due to their inability to post bail or qualify for release on their own recognizance.⁵

A study by the National Institute of Corrections noted that in Broward County in 2008, 975 people were detained for their entire pretrial period due to their inability to post bonds of \$5,000 or less, including 381 with bonds under \$1,000.⁶ The pretrial expansion policy was created to provide fair and equal access to pretrial release, while ensuring the detention of people who pose a threat to the community.⁷ It specifically targets indigent persons awaiting trial who are unable to post bail.

How it works: The policy established a pretrial program to assist those were assigned bail but remained in jail for three or more

days due to their financial inability to pay the set bail amount. After a person remains in jail for three days after a bail assignment a personal assessment occurs to determine eligibility for the pretrial release program. Basic qualifications for the pretrial release program include: strong community ties (i.e. employment and close family network), no prior violent criminal record, and no history of missed court appearances. If a person fulfills all of these requirements they are then recommended to the magistrate court judge to be released into the pretrial program.⁸

The implementation of this policy also included the creation of a specialized mental health pretrial supervision service, including the hiring of two full-time pretrial officers who have been trained as mental health specialists. Those awaiting trial that have been found to have mental health conditions are now diverted into the specialized program.⁹

Results:

- After the implementation of the pretrial expansion the number of beds filled in Broward County's jail fell from 95 percent of capacity in 2008 to 86 percent capacity in 2009.¹⁰ One thousand fewer people were in jail in 2009, and the average length of stay fell to 26.79 days, the lowest it has been in over 5 years.¹¹
- The use of pretrial release within Broward County more than doubled, increasing from 1,013 participants in 2005 to nearly 3,000 participants in 2010.¹²
- As a result of the expanded pretrial release program, Broward County was able to reduce jail overcrowding and avoid construction of a new jail, saving the county over \$70 million in construction and operational costs.¹³

Challenges: In order to partake in the pretrial release program, participants must pay a \$5 per week fee (excluding people who are indigent). This fee can be prohibitive for any participant who is already experiencing collateral consequences of justice involvement, such as difficulty obtaining a job or stable, affordable housing. It may also have a disproportionate impact on people with less income who do not qualify for indigent status but still have trouble making the fees. This can have an even more significant impact depending on the sanctions for not paying fees—violations or detention, for example. Broward County should eliminate these fees to make the services they provide more accessible to those who need it.

Expanding the pretrial release program saved over \$70 million in construction and operational costs of a new jail.

In 2010, Broward County’s pretrial release program that had received such high acclaim and positive results saw its funding cut and the program’s size decrease.¹⁴ This loss in funds could mean a return to past policies and practices that result in more people being held in jail while awaiting trial simply because they cannot afford to post bail.

Policy Implications: Recent studies have shown that as many as 60 percent of those in jail have a mental illness. Specialized mental health programs can reduce the number of people in jail, help lower recidivism rates and improve the clinical outcomes for people with a mental illness.¹⁵ Fewer people being held in jail while awaiting trial means less costs and better outcomes for individuals who are able to remain with their families and continue to work or go to school. Research indicates indigent people awaiting trial with strong community ties are just as likely to appear in

court when released in pretrial programs as those who are able to post their own monetary bond.¹⁶ People who are held pretrial lose ties to their community, and are more likely to be convicted¹⁷ and receive a sentence of incarceration than people who are released.¹⁸

Pretrial release also saves money. In Broward County the cost in 2010 of placing a person into the pretrial release program is \$1.48 per day, compared with a day in jail at \$107.71. The cost disparity means the county saves over \$100 a day for each person moved out of jail and placed in a pretrial program.¹⁹ Over the course of a year this leads to

significant cost savings of about \$4 million for every 100 people diverted into pretrial supervision.²⁰

For more information on the Broward County Pretrial Release Ordinance, please visit

http://sheriff.org/about_bso/dodcc/court/pretrial.cfm.

¹ Scott Wyman, “To save money, Broward to expand pretrial release program: Program to save money, put off need for new jail,” *Tribune Business News*, January 16, 2008.

² Evan A. Lukic, *Evaluation of the Pretrial Services Program Administered by the Broward Sheriff’s Office* (Broward, Florida: Office of the County Auditor, 2009).

www.broward.org/Auditor/Documents/pretrial_final_060909.pdf

³ Alex Piquero, *Cost-Benefit Analysis for Jail Alternatives and Jail* (Tallahassee, Florida: College of Criminology and Criminal Justice, Florida State University, 2010) www.criminologycenter.fsu.edu/p/pdf/pretrial/Broward%20Co.%20Cost%20Benefit%20Analysis%202010.pdf

⁴ County Ordinance No. 2009-01

⁵ Breanne Gilpatrick, "Broward extends out-of-jail program to save space," *Tribune Business News*, January 16, 2008.

⁶ Kimberly Maroe, "Broward County Commissioner Ken Keechl Named Vice Chair Of Public Safety Coordinating Council," *Broward County*, February 18, 2008.

⁷ Municode, "Broward County Pretrial Release Policy," March 2011.

library.municode.com/HTML/10288/level3/PTIICOO

R_CH10COLESE_ARTVIIIBRCOPRREPO.html

⁸ Laura Sullivan, "Bondsmen Lobby Targets Pretrial Release Programs," *NPR*, January 22, 2010.

www.npr.org/templates/story/story.php?storyId=122725849

⁹ Evan A. Lukic, 2009

¹⁰ Evan A. Lukic, 2009

¹¹ Alex Piquero, 2010

¹² Alex Piquero, 2010

¹³ Scott Wyman, January 16, 2008.

¹⁴ Laura Sullivan, January 22, 2010.

¹⁵ Evan A. Lukic, 2009

¹⁶ John Clark, "Solving the Riddle of the Indigent Defendant," *Trail Briefs* (2007): 31-34.

¹⁷ See, for example, Anne Rankin, "The Effect of Pretrial Detention," *New York University Law Review* 39 (1964): 641-655; Michael R. Gottfredson and Don M. Gottfredson, *Decision Making in Criminal Justice: Toward a Rational Exercise of Discretion* (New York: Plenum Press, 1988); Williams, "The Effect of Pretrial Detention on Imprisonment Decisions," 299-316; C. E.

Frazier and J.K. Cochran, "Detention of Juveniles: Its Effects on Subsequent Juvenile Court Processing and Decisions," *Youth and Society* 17, no. 3 (1986): 286-305

¹⁸ Rod Morgan, "England/Wales," in Dünkel and Vagg, *Waiting for Trial*, 198.

¹⁹ Alex Piquero, 2010

²⁰ BI Electronic Monitoring Technology, *Broward County Expands its Pretrial Services Program* (Boulder, Colorado: BI Electronic Monitoring Technology, 2008) ns2.bi.com/pdf/casestudy/BrowardCoFL.pdf

NEW ORLEANS, LOUISIANA: REFORMING ARREST AND PRETRIAL PRACTICES



Innovation:

Creating a pretrial services program and issuing summonses rather than arrests.

Background: New Orleans has long detained more people in its local jail than any other urban jurisdiction in the country, partially because as of 2009, 50 percent of Louisiana’s prison population was located in local jails.¹ Even with less than half its pre-Katrina population, the city’s jail holds around 3,500 people,² a rate of 9.3 per 1,000 residents³ (the national average is 2.5/1,000).⁴ When the Orleans Parish Prison (as the local jail is called) was destroyed after Hurricane Katrina in 2005, New Orleans was forced to address its high jail population and poor system outcomes, as well as the criminal justice policies that created and sustained them.⁵ In 2006, officials in New Orleans called on the Vera Institute of Justice to analyze New Orleans’s criminal justice system and the following year, with Vera’s help, system leaders created the Criminal Justice Leadership Alliance, which committed to reform on a broad scale.⁶

“Incarcerating people who pose little or no risk results in more crime, not less, and costs money that could be spent on addressing violent crime.”

New Orleans Police Department
Superintendent Ronal Serpas

Recently, New Orleans officials have committed to reducing the jail capacity to 1,438 beds, down from around 3,500 beds.⁷ A number of reforms, including those listed in this factsheet will make it possible to reduce

the number of people held in the Orleans Parish Prison. In addition, people being held in the jail who are under state prison custody will be moved out of the jail.

How it works:

Change in arrest policies: Recognizing the large number of people being incarcerated pretrial for low-level and misdemeanor offenses, the City Council changed the municipal code to encourage police officers to issue a summons for a court date rather than arrest a person suspected of committing a nonviolent municipal misdemeanor offense.⁸ The City Council also recently enacted new ordinances that track the remaining nonviolent state misdemeanor statutes not already covered in the municipal code. This allows for prosecution in the municipal rather than the state court, and thus allows for use of summonses instead of arrest and much quicker arrest-to-arraignment times for those who are arrested.

Expediting the time from arrest to arraignment: In March 2009, the Criminal Justice Leadership Alliance created the Expedited Screening and Disposition Initiative to expedite the time between arrest and arraignment for a person charged with a state offense without a direct “victim,” primarily drug possession offenses, which account for about a third of all state charges. This Initiative involves both police and prosecutors, who have agreed to process these arrests more quickly. Previously, the New Orleans Police Department and the Orleans District Attorney’s Office would wait until near the end of the time provided — 45 days for a misdemeanor and 60 days for a felony — to complete the police paperwork and to decide whether or not to prosecute the case.

Creation of pretrial services program: Through an 18-month grant from the Bureau of Justice Assistance to the Vera Institute, New Orleans criminal justice leaders are in the process of creating a pretrial services program⁹ that will include a risk-based instrument to be utilized at first appearance for detention/release decisions. Use of a risk assessment instrument can result in a release decision that is based upon an objective evaluation of risk rather than the ability to pay a financial bond. Individuals that present little or no risk can be identified for release on their own recognizance, allowing court monitoring programs to be reserved for those that require some higher level of supervision. In addition, conditions of release can be tailored to the nature of the risk disclosed through the risk assessment process.

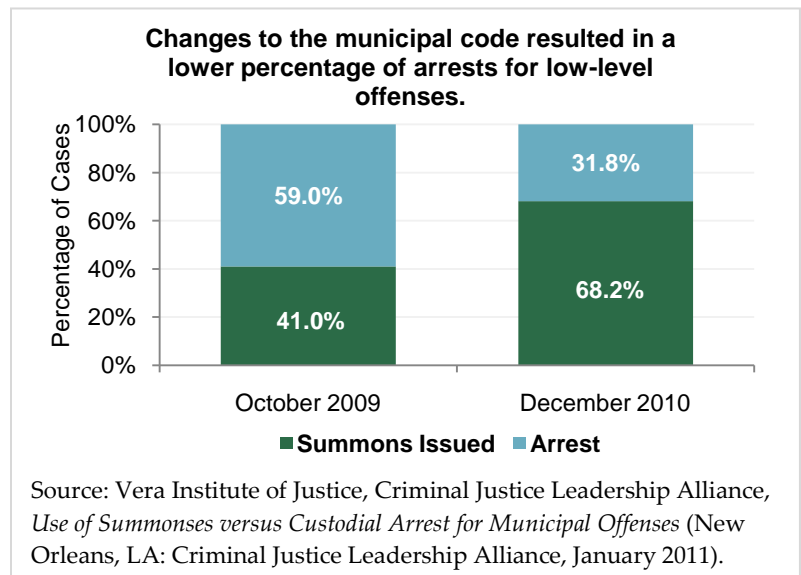
The pretrial working group is creating a risk assessment instrument based upon best practices from other jurisdictions, but one which will be validated specifically for the City of New Orleans. While the program is still in the planning stages, developers hope also to include other services to people who have been arrested, including measures that would help ensure their return to court and avoid further arrest for failure to appear. Included in this is a plan to generate the next court date at the first appearance. By doing so, the individual leaves the courthouse with notice of the court date and is not dependent on receiving notice through the mail, a method which has not proven to be reliable. This, combined with an automated reminder system, is designed to reduce the incidence of failures to appear in court, allowing the criminal justice system to proceed more swiftly and efficiently.

Results:

- *Arrest policies:* In a January 27, 2011, report by Vera for the Criminal Justice

Leadership Alliance, nearly three years of measured data were analyzed concerning the use of summonses instead of arrests for municipal offenses.¹⁰ Summonses were issued in 68.2 percent of municipal cases not including public intoxication or domestic violence, up from 41 percent in that category in October of 2009.

- *Expediting time to arraignment:* A January 2010 report for the Criminal Justice Leadership Alliance found that the Expedited Screening and Disposition Initiative has dramatically reduced the time from arrest to arraignment for people detained in the jail; since 2007-2008, the median time from arrest to arraignment fell from 64 days to 10.5 days as of January 2010.¹¹



Challenges: As part of this reform work, the District Attorney and public defender offices worked with the Criminal District Court to develop a new pretrial allotment system. This system would assign cases to a courtroom and judge based on the day of the committed offense from the moment of arrest. The goal is to allow assignment to defense counsel and prosecutors early enough to ensure continuity of representation and vertical prosecution.

The new system is widely used across the state of Louisiana and has been successful. Unfortunately, the present system conceals the allotment schedule until midnight of the morning of the first appearance, making impractical the assignment of the ultimate defense attorney at the first appearance.

Policy Implications: The use of court summonses rather than arrests can be an effective method of holding people accountable while preserving criminal justice resources for real public safety threats. A number of states and localities are currently utilizing summonses rather than arrests for low-level offenses. These summonses reduce costs, reduce the number of people held in local jails, and reduce the impact of detention on people, which can lead to public safety benefits as well.

The National Association of Counties and the American Bar Association¹² have recommended that pretrial release service programs be available in every county. These programs provide information to judges so they can make informed pretrial release decisions and also provide assistance to people who have been arrested to help reduce failure to appear rates and improve public safety.

For more information on reforms in New Orleans, please contact:

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Justice Statistics, 2011)

<http://bjs.ojp.usdoj.gov/content/pub/pdf/jim10st.pdf>

³ The 2010 census figure for the New Orleans population is 343,000.

⁴ Todd D. Minton 2011

⁵ Campbell Robertson, "Sheriff Wants a Big Jail in New Orleans, but City Balks," *New York Times*, February 15, 2011.

⁶ Vera Institute of Justice, "New Orleans to Develop a Comprehensive Pretrial Services System," October 2010, www.vera.org/news/new-orleans-develop-comprehensive-pretrial-services-system.

⁷ Bruce Egger, "Smaller is approved by New Orleans City Council," *New Orleans Times-Picayune*, February 3, 2011.

www.nola.com/politics/index.ssf/2011/02/smaller_jail_is_approved_by_ne.html

⁸ Section 54-28 of the Municipal Code requires that an officer issue a summons for a municipal offense in lieu of a custodial arrest unless the circumstances meet specific criteria for which custodial arrest is deemed necessary. Vera Institute of Justice for the Criminal Justice Leadership Alliance, *Use of Summonses versus Custodial Arrest for Municipal Offenses* (New Orleans, LA: Criminal Justice Leadership Alliance, January 2011); New Orleans, LA, *Summons by officer instead of arrest and booking*, *New Orleans Municipal Code 1956 (Revised 2008)*, sec. 54-28; Richard Fausset, "New Orleans police go easier on 'squares,'" *Los Angeles Times*, December 25, 2010. <http://articles.latimes.com/2010/dec/25/nation/la-na-new-orleans-crime-20101226>

⁹ Vera Institute of Justice, October 1, 2010.

¹⁰ Vera Institute of Justice for the Criminal Justice Leadership Alliance, *Use of Summonses versus Custodial Arrest for Municipal Offenses* (New Orleans, LA: Criminal Justice Leadership Alliance, September 2010). <http://thelensnola.org/wp-content/uploads/2010/10/cReport-on-summonses.pdf>

¹¹ Criminal Justice Leadership Alliance, *Expedited Screening and Disposition Initiative*, February 25, 2010. www.projectjusticenola.org/Files/CJA_Initiative.pdf

¹² Pretrial Justice Institute, *Pretrial Services Program Implementation: A Starter Kit* (Washington, D.C.: PJI, 2010) www.pretrial.org.

¹ William J. Sabol and Heather C. West, *Prisoners in 2009* (Washington, D.C.: Bureau of Justice Statistics, 2010).

<http://bjs.ojp.usdoj.gov/content/pub/pdf/p09.pdf>.

² Todd D. Minton, *Jail Inmates at Midyear 2010—Statistical Tables*, Table 9 (Washington, D.C. Bureau of

ARKANSAS: REDUCING INCARCERATION FOR NONVIOLENT OFFENSES



Innovation: The Public Safety Improvement Act

Background: Over the past twenty years, the number of people held in Arkansas prisons has more than doubled, to over 16,000. In 2009, Arkansas's prison population grew by 3.1 percent – the eighth largest percentage increase in the country – pushing the state prison system to full capacity and corrections spending to an all-time high.¹ The cost of corrections in Arkansas has risen eight-fold from \$45 million 20 years ago to \$349 million per year currently.²

Arkansas's prison population has been growing in large part to state policies and practices that have resulted in more people convicted of nonviolent offenses going to prison, increasing sentence lengths, and delayed transfer to parole. In 2009, admissions to probation dropped 5 percent, while general prison admissions increased by 7 percent.³ This trend, which extends back for several years, has put Arkansas in its current situation as having one of the highest rates of prison population growth in the country with a probation supervision rate that is 23 percent lower than the national average.

In November 2009, Arkansas Governor Mike Beebe, Chief Justice Jim Hannah, and leaders from Arkansas's state legislature joined with the Pew Center on the States' Public Safety Performance Project to explore new ways to protect public safety, expand community corrections, and control the size and cost of Arkansas's prison system. The result was the Public Safety Improvement Act: legislation to

strengthen community supervision, redefine and reclassify some nonviolent offenses, and invest in community supervision practices and programs that have been proven to reduce recidivism. Ultimately, these reforms will cut costs and raise funds for community-based supervision, sanctions, and services.

How it works: The intent of The Public Safety Improvement Act is to implement comprehensive measures designed to reduce recidivism, hold people accountable, reduce prison overcrowding, and contain corrections costs.⁴ The Act specifically seeks to sanction people convicted of nonviolent offenses – especially first offenses – through drug courts, improved probation options, and other supervised release methods to reduce prison overcrowding.⁵

“We should not assume that incarceration is the only answer, nor should we assume that incarceration is the most effective way to improve public safety.”

Chief Justice Jim Hannah

Source: Sarah Wire, “State can avoid prison-cost zoom, study says *Arkansas Democratic Gazette*, January 4, 2011

Results: The reforms proposed by the Act are projected to reduce Arkansas's prison population growth by 3,200 people over the next 10 years and save taxpayers an estimated \$875 million in prison construction (\$230 million) and operation costs (\$645 million).⁶

Policy Implications: The Public Safety Improvement Act is an effort to curb Arkansas's growing state prison population, which officials estimate might otherwise cost an additional \$1.1 billion over the next decade.⁷ Providing more resources and authority to Arkansas's Department of

Community Corrections (DCC) will ensure that judges and prosecutors view probation as a viable alternative to prison, divert more people to community-based programs that reduce recidivism, and improve public safety.

Challenges: The legislation increases supervision fees on probation and parole from \$25 to \$35 a month.⁸ Any fee can be burdensome to people who are already involved in the criminal justice system and may be having trouble making ends meet, but increasing these fees may also make it more difficult for people—especially those with lower income—to pay, making them eligible for probation violations and possible sanctions. While they do provide waivers for people without jobs or those considered “indigent,” fees on anybody can be burdensome.

The legislation would also create a pilot program for counties and judicial districts to use random drug testing and sanctions – including short jail stints – to deter people on probation classified as “high risk” from using drugs and reoffending.⁹ While a similar program in Hawaii called Hawaii Opportunity Probation with Enforcement (HOPE) has shown success in reducing probation failures, it included significantly increased treatment resources; jail sanctions have been shown in a number of other places to be ineffective in curbing recidivism or generating compliance.¹⁰

For more information on the Public Safety Improvement Act, please visit:
http://www.pewcenteronthestates.org/uploadedFiles/2011_PSPP_Arkansas_brief.pdf.

² *Consensus Report of the Arkansas Working Group on Sentencing and Corrections*, January 2011).

³ *Consensus Report of the Arkansas Working Group on Sentencing and Corrections*, January 2011).

⁴ State of Arkansas 88th General Assembly, *The Public Safety Improvement Act*, Senate Bill 750, March 8, 2011. <http://staging.arkleg.state.ar.us/ftproot/bills/2011/public/SB750.pdf>

⁵ “The Public Safety Improvement Act,” *Carroll County News*, March 16, 2011.

www.carrollconews.com/blogs/1364/entry/40477/

⁶ *Consensus Report of the Arkansas Working Group on Sentencing and Corrections*, January 2011).

⁷ Andrew DeMillo, “Ark. Senate panel backs prison overhaul bill,” *Bloomberg Businessweek*, March 7, 2011. www.businessweek.com/ap/financialnews/D9LQNM6G0.htm

⁸ Andrew DeMillo, March 7, 2011.

⁹ Andrew DeMillo, March 7, 2011.

¹⁰ John R. Hepburn and Angela N. Harvey, “The Effect of the Threat of Legal Sanction on Program Retention and Completion: Is That Why They Stay in Drug Court?” *Crime and Delinquency* 53 (2007): 255

¹ *Consensus Report of the Arkansas Working Group on Sentencing and Corrections* (Washington, DC: Pew Center on the States, January 2011). www.pewcenteronthestates.org/uploadedFiles/2011_PSPP_Arkansas_brief.pdf

MISSISSIPPI: ROLLING BACK “TRUTH IN SENTENCING” LAWS



Innovation: SB 2136: Rolling back “truth in sentencing” laws

Background: In 1995, the Mississippi State Legislature passed “truth-in-sentencing” laws that required all people in prison — regardless of offense—to serve out a minimum of 85 percent of their sentence before becoming eligible for parole. Before this legislation, people sentenced to prison were required to serve 25-33 percent of their sentence before becoming eligible for parole.¹ As a result of the policy change, the prison population nearly doubled from 11,049 in 1994 to 21,952 in 2007,² and Department of Corrections expenditures grew from \$109 million in 1994 to \$348 million in 2008.³

In the first year alone, the number of people in prison dropped 5.6%

In the years preceding the 2008 legislation to roll back “truth in sentencing” laws, a number of circumstances made considering broader reforms possible. These included a 2001 law that allowed some

people convicted of first-time, nonviolent offenses to be eligible for parole after serving just 25 percent of their sentence;⁴ lawsuits regarding prison conditions;⁵ the leadership of corrections staff;⁶ and reforms to parole that expanded parole eligibility for people who are terminally ill and increased the discretion of correctional field officers around whether to revoke parole and probation.⁷

How it works: Using evidence of the dramatic increase in the costs associated with the increase in the number of people in prison, Mississippi passed Senate Bill 2136 in 2008. The bill called for parole eligibility for people convicted of nonviolent offenses and people who had not committed multiple offenses to be available after serving 25 percent of their sentence,⁸ rather than the 85 percent required by the 1995 amendment to the criminal code. The bill was applied retroactively to people serving current sentences, as well as to future sentences.⁹ SB2136 returned Mississippi to sentencing laws less severe than the 1972 code that the 1995 bill amended.¹⁰

Results:

- *Less people in prison.* Under the new laws, 3,000 people—12 percent of the total prison population—were immediately eligible for parole. In the first year alone, the number of people in prison dropped 5.6 percent.¹¹
- *Safer communities.* In addition to falling population counts, the violent crime rate continued to fall through the reforms of 2008, from 8,502 in 2007 to 8,304 in 2009.¹²
- *Fewer parole violations.* According to the Pew Center on the States Public Safety Performance Project, 3,076 people had been released under the new law in 2009 and only 121 of them were sent back to prison on parole violations.¹³
- *Less money spent on prisons.* Since these reforms went into effect, the State of Mississippi Department of Corrections has curbed its expenditures and started to reduce them. In 2008, the state spent \$348 million on corrections, its largest expenditure for this department to date. Due to the reforms, the state lowered its expenditures by \$1 million in 2009 and by

an additional \$10 million in 2010. By the end of 2010, Mississippi spent \$337 million on corrections, capping spending and starting to save money.¹⁴

Challenges: While SB 2136 has the potential to make thousands of people eligible for parole who might otherwise have served at least 85 percent of their sentence behind bars, the law applies only to certain offense and excludes thousands of people who may be candidates for parole. Utilizing parole board members' expertise and risk assessment instruments may be more effective in making parole release decisions than mandatory sentencing guidelines.

In addition, while the law says that when a person is within 2 years of release they receive priority in accessing classes like employment and educational training, it also adds that if people refuse such training that they may not be eligible for parole.¹⁵ Not participating in these types of services or training should not automatically exclude someone from parole consideration. Parole board members should review all the relevant information about a person in making the best decision for public safety and the individual.

Policy Implications: Increasing access to parole can reduce the number of people in prison, while saving money. In addition, returning people to their communities with the supports they need to be successful can have a positive impact on individuals, families and communities.

¹ Pew Center on the States, *Reforming Mississippi's Prison System* (Washington, D.C.: 2009).

www.pewcenteronthestates.org/uploadedFiles/www.pewcenteronthestates.org/Initiatives/PSPP/MDOCPaper.pdf?n=8407

² Mississippi Department of Corrections, *Inmate Custody Population For Year's End 1990-2009* (Jackson, MS 2010).

www.mdoc.state.ms.us/Research%20and%20Statistics/InmateCustodyPopn/MDOC%20YE%20Custody%201990%20-%202009.pdf

³ Mississippi Department of Corrections, *Schedule of Costs By Category (All Programs) FY 1992-2010* (Jackson, MS 2010).

www.mdoc.state.ms.us/Research%20and%20Statistics/MDOCBudget/Cost%20Summary-%201992-2010.pdf

⁴ Miss. Code Ann. § 47-7-3; Pew Center on the States, 2009.

⁵ John Buntin, "Mississippi's Correction Reform: How America's reddest state – and most notorious prison – became a model of corrections reform," *Governing*, August 2010. www.governing.com/topics/public-justice-safety/courts-corrections/mississippi-correction-reform.html.

⁶ John Buntin, 2010

⁷ Ryan S. King, *Changing Direction?: State Sentencing Reforms 2004-2006* (Washington, D.C., March 2007). www.sentencingproject.org/doc/publications/sentencingreformforweb.pdf

⁸ Miss. Code Ann. § 47-7-3

⁹ Pew Center on the States, 2009.

¹⁰ John Buntin, 2010.

¹¹ Mississippi Department of Corrections, *Inmate Custody Population For Year's End 1990-2009* (Jackson, MS: 2010).

¹² U.S. Federal Bureau of Investigation, *Crime in the United States, 1990-2009*, www.fbi.gov/about-us/cjis/ucr/ucr

¹³ Pew Center on the States, 2009

¹⁴ John Buntin, 2010.

¹⁵ Senate Bill 2136

www.clarionledger.com/assets/pdf/D010477542.PDF

MISSOURI: COLLABORATION IN REFORM



Innovation:
Missouri
Reentry Process
Steering Team

Background: In 2002, recognizing the increasing number of people returning to their communities after serving time in prison and the challenges associated with their reentry, the National Institute of Corrections (NIC) created the Transition from Prison to Community Initiative (TPCI). This initiative proposes a guide to state corrections departments to assist in creating more effective and restorative reentry processes for both people leaving prison and victims of crime while substantially lowering recidivism rates.¹ Missouri was the first state to implement this reentry model in 2002 and renamed it the Missouri Reentry Process (MRP).

Major reform in Missouri began in 2005 when Governor Matt Blunt signed Executive Order 05-33 which established a permanent interagency MRP Steering Team.² This order clarified that the Steering Team's role was to "integrate successful offender reentry principles and practices in state agencies and communities resulting in partnerships that enhance offender self-sufficiency, reduce re-incarceration, and improve public safety."

How it works: The Missouri Reentry Process (MRP) connects state and local officials to address reentry for each community in the most effective and restorative way. This model reworks the philosophy of corrections and reentry so that people are more likely to succeed upon release from prison, thus improving public safety and reducing

recidivism.³ MRP is headed by the state-level Steering Team, which includes members from multiple state agencies with a stake in community well-being. In addition, community based organizations specializing in various parts of reentry services are included in the process. The Steering Team then works together to determine the most effective reentry policies and practices.⁴ Two major reforms made through the MRP Steering Committee include Transitional Housing Units and Transition Accountability Plans.

Transitional Housing Units (THUs) are special units inside the correctional facility where people are housed for the last 180 days of their incarceration, and include programs such as employability/life skills training, cognitive skills training, parenting training, substance abuse education, long-distance dads programs, and training on the impact of crime.⁵ These programs are also accompanied by mental health assistance, personal identification assistance, faith-based community partnerships and many other community organizations at the local level.

Another major component of MRP is Transition Accountability Plans (TAP), which identify individual challenges and opportunities for each person and sets goals and boundaries to help the person succeed rather than return to prison. All people being released from prison participate in these TAPs. These plans are shared with case managers in the Department of Corrections and with community-based organizations who work with people being released.

In addition to the THUs and TAPs, Missouri established the Missouri Sentencing Advisory Commission in 2005 to provide more information to probation officers and judges on each person to help make more effective release, reentry, and revocation decisions.⁶

Results: THUs have been implemented in 12 prisons within Missouri,⁷ and 44 Community Steering Teams have been set up across the state to provide community reentry support and application of state Steering Team policies. Continued development of partnerships is strengthening opportunities for people reentering society and providing new opportunities as well.⁸

The Department of Corrections Research Unit found that over 5 years, people who participated in the THU program for 5 months or more were 8-to-10 percent less likely to recidivate.⁹

Challenges: A law was passed in 2005 allowing Missouri Department of Corrections to collect “intervention fees” from people on probation or parole to help pay for reentry fees, and in 2008, the Community Reentry Funding Project was launched by Missouri to utilize revenue generated from these fees.¹⁰ Such fees can be prohibitive for people who cannot afford to pay them, making it more difficult for these people to access the services they need, and possibly resulting in more returns to prison on parole violations. Rather than charging people for these services or denying service because of inability to pay, Missouri should continue to find ways through justice reinvestment practices to pay for these important and ultimately cost-saving services.

"The whole area of aftercare - that is the availability of needed treatment and services for people with various needs, substance abuse addiction, housing, is very important and has a disproportionate impact on African-Americans coming out of prison, who tend to be poor, have even more limited prospects than many of the whites coming out, and in many ways face more obstacles."

Richard Rosenfeld, University of Missouri-St. Louis

Elia Powers, "Out of prison -- now what? Reentry programs help those returning to community life," *St. Louis Beacon*, March 28, 2010.

Policy Implications:

- **Collaboration among agencies is key to a successful reentry program.** One of the key pieces to making this program successful is the involvement of multiple state agencies, rather than relying solely on the Department of Corrections, creating engagement at all community levels. Recently, the Missouri Veterans Commission and Department of Veterans Affairs were added to the Missouri Reentry Process collaboration to “ensure incarcerated veterans are aware of veteran benefits and are able to receive assistance for a successful transition into the community.”¹¹
- **Providing reentry services works.** Studies show that people who receive services like employment, housing and substance abuse treatment upon returning to their communities are less likely to return to prison. Case planning beginning when a person becomes incarcerated and wraparound services that start before a person is released and continue upon return to community can be even more effective.

For more information on the Missouri Reentry Process, please visit:
<http://doc.mo.gov/mrp/mrp.php>.

¹ National Institute of Corrections, *Transition from Prison to Community Initiative* (Washington, D.C.: National Institute of Corrections, 2002).

<http://nicic.gov/pubs/2002/017520.pdf>.

² Julie Boehm, "Missouri Makes Its Move Toward a New Reentry Philosophy," *Topics in Community Corrections Annual Issue 2007*, Annual Issue (2007): 66-73.

www.courts.mo.gov/pressrel.nsf/fa1bcbaea6d7c117862567670079a321/945c2838831a3c69862574730049cd2b?OpenDocument

³ Missouri Department of Corrections, "Missouri Reentry Process: About MRP," March 2011.

<http://doc.mo.gov/mrp/mrp.php>.

⁴ Missouri Department of Corrections, "Missouri Reentry Process: About MRP," March 2011.

⁵ Prison Transition, "Handbook: State of Missouri," March 2010.

www.prisontransition.com/handbook/index.php?option=com_content&view=article&id=115:state-of-missouri&catid=35:appendix-i-capsule-descriptions-of-tpc-implementation&Itemid=115

⁶ Missouri Court System, "Missouri leads nation in reducing prison populations with double-barrel attack on recidivism," Press Release, June 25, 2008.

www.courts.mo.gov/pressrel.nsf/fa1bcbaea6d7c117862567670079a321/945c2838831a3c69862574730049cd2b?OpenDocument

⁷ Missouri Reentry Process Steering Team, *Report to the Governor 2010* (Jefferson City, MO: MRP Steering Team, 2010).

<http://doc.mo.gov/documents/mrp/GovReport2010.pdf>.

⁸ Missouri Reentry Process Steering Team, 2010

⁹ Missouri Reentry Process Steering Team, 2010

¹⁰ Dan Hanneken and Carey Kaltenbach, "Missouri Communities: Enhancing Reentry Interventions in Tough Economic Times," *Corrections Today*, (2010): 34-37.

www.aca.org/fileupload/177/ahaidar/Hanneken_Kaltenbach.pdf

¹¹ Missouri Reentry Process Steering Team, 2010

ALABAMA: SUPERVISED REENTRY SERVICES



Innovation:
Supervised Reentry
Program

Background: Alabama's prison population quadrupled between 1977 and 2007, from 5,545 to 28,605,¹ creating crowding in the facilities and costing the state millions each year. In 2002, a lawsuit regarding crowding at the Julia Tutwiler Prison for Women further pressured the Alabama Department of Corrections to reduce the number of women in that facility. Shortly after a 2003 report suggesting a variety of strategies to reduce the number of women in Alabama's facilities, the legislature created a Special Parole Board to review cases of people convicted of nonviolent offenses. Between July 1, 2003 and June 30, 2004, Alabama's prison population fell by 6.7 percent — more than twice the reduction achieved by the second-leading state. However, while the number of hearings increased significantly during the first year of the Special Parole Board's 2003 to 2006 tenure, it did not sustain an increased number of paroles for the duration of its existence.

Amidst these circumstances, the Alabama Department of Corrections included women in the Supervised Reentry Program (SRP) in July 2007 and men, a few months later, in September 2007. SRP allows for release based on the end of sentence date, not a parole review date, and provides a structured opportunity for people leaving prison to transition to the community by obtaining employment, training, or other services. SRP also gives the Department of Corrections the ability to reduce the number of people in prison, while maintaining public safety.²

How it works: The SRP is a structured reentry program targeting people in prison who meet certain criteria for transferring from a correctional facility to a residential environment under the supervision and sponsorship of an SRP Supervisor.³ Eligible candidates include men within 12 months of the end of their sentence (EOS), women within 18 months of EOS, and all people with a split-sentence (that is, a set period of incarceration followed by a defined period of community supervision), within 6 months of EOS. Some people serving a sentence for a violent offense can also be eligible for SRP if they are within 3 months of EOS. In order to be eligible, candidates must be disciplinary-free for the previous four months, and have no felony detainers or active warrants. Those incarcerated for a sex offense, people who are in treatment for addiction, people who have ever escaped from prison, and people who have been convicted of drug trafficking and have not yet completed the mandatory minimum portion of their sentence are not eligible.⁴

SRP supervisors assist program participants through weekly face-to-face meetings, monthly home visits, and bi-weekly contacts with participants' work or educational facility.⁵ Every person participating in SRP must be employed, participate in educational, employment, and treatment programs, and pay all court-ordered payments, including restitution and child-support.⁶ A wide range of responses are available to handle non-compliance with SRP, with the sanction of last resort being the return of the supervised individual back to a secure facility.⁷ Some intermediary sanctions include verbal reprimands, increased reporting requirements, referrals to treatment/service

programs, electronic monitoring, and restricting facility furloughs and family visits.⁸ SRP is not the same as parole, and a person on SRP can be paroled.

Lovelady Center in Birmingham, Alabama houses women on SRP. At Lovelady, women enter the workforce through contacts that Lovelady has developed and participate in onsite training. Treatment services are also available. After a time, women are also able to live with their children or spend time with family members outside the facility.⁹ Some people who are awaiting placement on SRP are held at transitional facilities, further reducing the number of people in prison.

Results:

- One year after initiation, 1,586 people participated in SRP; program placement is approximately 100 people per month.¹⁰
- The number of beds saved by community control programs such as SRP increased by 338 percent (1,700 beds), which at 2008 spending levels, saved over \$17 million.¹¹
- In terms of cost effectiveness, each SRP individual placed in the community saves roughly \$30 per day. With 500 individuals placed, the SRP will save ADOC an average of \$5.4 million annually.¹²

The SRP will save an average of **\$5.4 million** annually.

Challenges: Although SRP is an innovative way for the Alabama Department of Corrections to reduce the number of people in Alabama’s prisons, in some ways it duplicates screening and eligibility determinations for parole, community corrections, and work release. Ideally, SRP would be integrated with these other systems as part of a continuum of community supervision options. In addition, while there are no supervision fees associated with SRP, participants do have

to pay for programs and services associated with transitional centers if they are placed there, which can be burdensome for those coming out of prison.

Policy Implications: The SRP initiative is considered a viable, cost-effective alternative to incarceration that creates the potential for freeing up prison beds while maintaining public safety and helping people transition back to the community.¹³ SRP also creates the opportunity to transition more people to the community as soon as possible. For example, SRP has been successful in placing people in the community who are low-risk but due to split sentence rules cannot be released by the Parole Board.

SRP is a particularly useful tool for reducing the number of women in Alabama’s prison system. In 2009, approximately two-thirds of women in Alabama’s prisons

were convicted of nonviolent offenses.¹⁴ Women account for approximately 24 percent of SRP placements, but make up approximately 7 percent of the prison population.¹⁵

The relative success of comparable initiatives in other states suggests potential for expanding such programs nationwide.¹⁶ Although many states claim they do not have the resources to expand supervised release programs, funding increases do not necessarily have to be dramatic to have an impact. An investment that represents a small fraction of a correctional budget can make the difference between a 2 percent recidivism increase and a 2 percent decrease.¹⁷

For more information on the Supervised Reentry Program, please visit:
<http://www.doc.state.al.us/reentry.asp>.

¹ Todd D. Minton and William J. Sabol, *Jail Inmates at Midyear 2007* (Washington, D.C.: Bureau of Justice Statistics, 2008).
<http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1005>; Heather Couture and William J. Sabol, *Prison Inmates at Midyear 2007* (Washington, D.C.: Bureau of Justice Statistics, 2008).
<http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=840>

² Alabama Department of Corrections, "Supervised Re-Entry Program (SRP)," March 2008.
www.lockegroupprojects.com/CPRReentry031808.pdf

³ Alabama Sentencing Commission, "Compliance with the Initial Sentencing Standards," 2009, 6.
<http://sentencingcommission.alacourt.gov/Publications/ASC%202009%20Final%20Report.pdf>

⁴ Alabama Department of Corrections, March 2008.

⁵ Alabama Department of Corrections, March 2008.

⁶ State of Alabama Department of Corrections, *Administrative Regulation, 452: Supervised Reentry Program* (Montgomery, AL: Alabama Department of Corrections, 2008).
www.doc.alabama.gov/docs/AdminRegs/AR452.pdf

⁷ Alabama Department of Corrections, March 2008.

⁸ National Institute of Corrections, "Supervised Reentry Program," May 2009

<http://nicic.gov/wodp/default.aspx?View=Program&P=44>

⁹ National Directory of Programs for Women with Criminal Justice Involvement, "Supervised Reentry Program," April 11, 2011.
www.nicic.gov/wodp/?View=Program&P=44

¹⁰ Alabama Department of Corrections, March 2008.

¹¹ Alabama Sentencing Commission, "Signs of Progress: 2010 Report," 2010,
http://sentencingcommission.alacourt.gov/Publications/FINAL_2010%20Report.pdf, 9

¹² Alabama Department of Corrections, March 2008.

¹³ Alabama Sentencing Commission, 2009, 6.

¹⁴ Alabama Department of Corrections, "Women's Incarcerated Population," Developed by DOC IT Division, November 15, 2009.

¹⁵ Research and Planning Division, *Monthly Statistical Reports, August 2008 – August 2009* (Montgomery, AL: Alabama Department of Corrections, August 2008 – August 2009). www.doc.state.al.us/reports.asp.

¹⁶ Joseph S. Reed, "Cell Blocks and Street Blocks: A Three State Analysis of Ex-Offender Reentry," *The Johns Hopkins University* (May 2008): 16-17

¹⁷ Joseph S. Reed, May 2008

GEORGIA: DATA-DRIVEN REFORMS TO PAROLE SUPERVISION PRACTICES



Innovation:
Increasing the proportion of people successfully completing parole

through leadership and data-driven reforms to supervision

Background: Georgia has one of the country's largest parole populations.¹ In the 1990s, faced with a rapidly growing prison population (nearly doubling from 21,564 people in 1990 to 41,010 in 1999²) that was due in part to parole revocations, the Georgia Board of Pardons and Paroles began to examine how to improve the outcomes for people on parole. To start, the agency realigned its mission to measure success by how well people on parole successfully transitioned to the community and moved to change the culture of the agency to meet this mission.³

How it works: Georgia's results-driven parole supervision came in multiple steps.

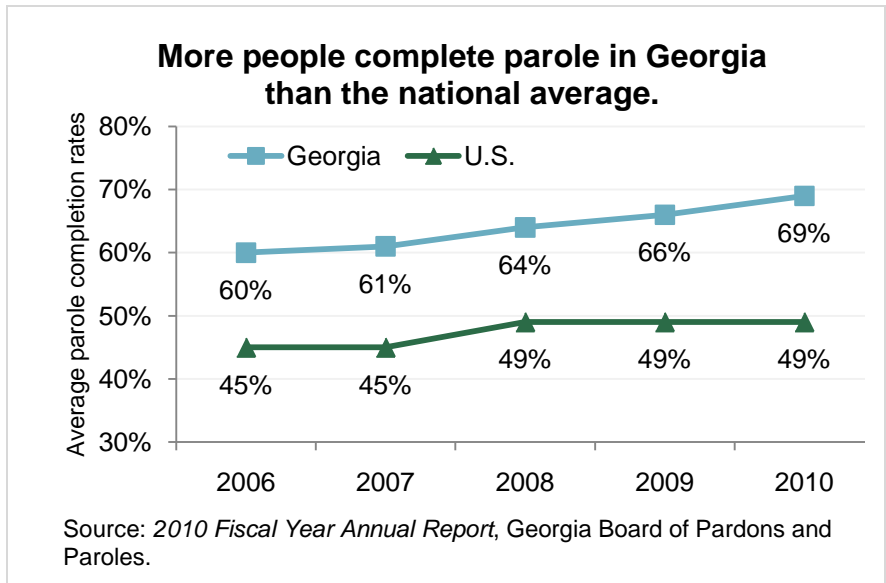
- *Field Log of Interactional Data (FLOID):* In 2002, the agency developed a computer case management system that logs every interaction between the parole officer and the person he or she is supervising.⁴ The agency then began looking for patterns to determine how best to improve outcomes by focusing parole officers' efforts on places that would have the most positive impact. For example, they found that every day a person was employed reduced their risk of re-offending 1 percent.⁵
- *Behavior Response and Adjustment Grid (BRAG):* With this growing body of

information, the agency developed a system to guide officers in selecting from a range of sanctions and responses to the negative and positive behaviors of people on parole. These responses included graduated sanctions and more programming and treatment for behaviors that previously might have resulted in revocations, as well as positive reinforcements for achievements.

- *Transition from Prison to the Community Initiative (TPCI):* In 2004, Georgia was selected to participate in the National Institute of Correction's Transition from Prison to the Community Initiative, which provided financial and technical assistance to support the state in making reforms.⁶
- *Research and Evaluation:* In 2006, the Parole Board received a National Institute of Justice (NIJ) award to engage in a research project using the data collected in FLOID between 2002 and 2005 – over one million documented activities involving 39,000 people on parole. The project purpose was to identify and evaluate case management and supervision strategies most effective in achieving successful parole outcomes. The evaluation phase included a pilot program to test three new supervision protocols in selected offices. The protocols were applied to 2,000 people newly paroled who were tracked during a 12-month follow-up period. The pilot protocols included improved responses to people who became unemployed; faster referrals to treatment for people who failed a drug test; and cognitive-based programming for people with multiple technical violations.⁷

Results:

- In FY 2010, the parole completion rate in Georgia was 69 percent – steadily increasing since 2006, and 20 percentage points higher than the national average.⁸
- Only 13 percent of parole revocations were for technical violations.⁹
- With the cost of parole supervision at \$4.65 per day vs. prison at \$49.35 per day, the state has achieved significant savings.¹⁰
- In 2010, only 7.54 percent of people in Georgia prisons were incarcerated for parole revocations.¹¹
- Through the use of data, Georgia has been able to effectively advocate for the evidence-based programs and services needed to improve outcomes for people on parole. Below are some accomplishments, as identified by in the 2010 annual report of the Board:
 - *Employment:* In 2009, 78 percent of people on parole who were eligible for employment were employed.
 - *Drug Treatment:* A variety of community- and faith-based substance abuse treatment options have been developed, ranging from a six-week residential program, to the “No Turning Back Recovery Program” for people with more involved treatment needs. In the latter program, in 2010, 131 of 146 participants – roughly 90 percent – completed the program.
 - *Housing:* Georgia now has six new 200 bed pre-release centers, eight in-house transition centers, and twelve day reporting centers supervising people who are considered low-risk. The Re-entry Partnership Housing Program (RPH) provides housing to people



recommended for parole who would not have received it due to not having a place to live if released. In FY 2010, 199 people on parole were placed in RPH at a cost of \$157,500. Estimated cost savings for the state over keeping these people incarcerated was \$5,168,646. Parole also maintains an online database of approved housing resources available to parole staff to assist people on parole in finding housing; this database includes 134 facilities: 26 structured housing, 60 standard recovery residences, and 48 intensive recovery residences.¹²

Through consistent leadership and the involvement of parole personnel at all levels in the reform process, parole officers now view themselves as advocates and service brokers for the people they supervise, and increasingly understand the connection between programs and success on parole. Frequent face-to-face contact between officers and people on parole, conducted where people on parole live and work, ensure that parole staff identify issues as soon as they begin to emerge; with 22,403 people on parole in 2010, there were 477,527 face-to-face contacts made. More resources are focused on people on parole assessed to be higher risk.

A recent development is Parole Success Advisory Teams, which are voluntary groups of line managers and officers who assist and learn from each other to reduce risk and improve outcomes. Many parole offices conduct orientation sessions, inviting not only people just released onto parole but their families as well, to establish a team approach to success.

Challenges: Funding for programs proven effective continues to be a challenge. Parole officers participating in recent research indicated that even when they had identified someone in need of drug treatment, slots weren't always available. Decreases in the number of parole officers also may impact the effectiveness of reforms that are heavily dependent on personal contacts and relationships. Georgia continues to have an especially conservative approach to parole, which means that many people do not leave prison until the end of the sentence, so they are not able to take advantage of some of the resources that parole offers.¹³

Policy Implications: Georgia demonstrated that changing parole culture can be achieved, but it requires leadership from the top delivering a persistent and ongoing message, patience, and time. Adopting a new way of working with people on parole can improve individual life outcomes, reduce costs associated with revocations to prison, improve public safety, and improve community well-being by helping the economy and promoting positive behavior.

The value of investing in data systems cannot be overestimated. They provide the critical feedback that allows parole and probation departments to align supervision practices with what are shown to reduce recidivism, thus making these departments more

effective. Knowing what works guides states to the most promising financial investments for the best outcomes possible. Research shows that drug treatment, housing, employment and education are the most effective at improving public safety and reducing prison populations.

For more information on the Georgia's data-driven parole reforms, please visit:
www.pap.state.ga.us.

¹ Lauren E. Glaze and Thomas P. Bonczar, *Probation and Parole in the United States, 2009* (Washington D.C.: Bureau of Justice Statistics, 2010).

² Georgia, *Department of Corrections Annual Report 1999*,
www.dcor.state.ga.us/Research/Annual/GDC_annual_report_FY1999.pdf

³ Personal conversations with John Prevost, Georgia Board of Pardons and Paroles, Assistant Director-Research, Evaluation, and Technology. Also, Danny Hunter and John Prevost, "Improving Parole Outcomes with Performance Leadership and Data: Doing What Works," *Topics In Community Corrections-2007* (Washington, D.C.: National Institute of Corrections, 2007).

⁴ Tammy Meredith and John Prevost, *Developing Data Driven Supervision Protocols for Positive Parole Outcomes* (Washington, D.C.: U.S. Department of Justice, 2009).
www.ncjrs.gov/pdffiles1/nij/grants/228855.pdf

⁵ Tammy Meredith, John C. Speir, Sharon Johnson, "Developing and Implementing Automated Risk Assessments in Parole," *Criminology and Criminal Justice* 9, No. 1 (2007):1-24.

⁶ Tammy Meredith and John Prevost, 2009

⁷ Tammy Meredith and John Prevost, 2009.

⁸ *2010 Fiscal Year Annual Report*, Georgia Board of Pardons and Paroles.
www.pap.state.ga.us/opencms/export/sites/default/resources/2010_AnnualReportReview.pdf

⁹ *2010 Fiscal Year Annual Report*

¹⁰ *2010 Fiscal Year Annual Report*

¹¹ Georgia Department of Corrections, *Inmate Statistical Profile* (Operations, Planning, and Training Division Planning and Analysis Section, 2010)
www.dcor.state.ga.us/Research/Annual/Profile_inmate_admissions_FY2010.pdf

¹² *2010 Fiscal Year Annual Report*

¹³ Georgia Board of Pardons and Paroles Frequently Asked Questions.

KENTUCKY: OVERHAULING THE CRIMINAL JUSTICE SYSTEM



Innovation:
HB 463:
Changes to
Kentucky
Penal Code

and Controlled Substances Act

Background: Over the last 25 years Kentucky’s state prison population has increased 260 percent, growing from 5,700 persons incarcerated to 20,700.¹ In the past three years alone the population grew 45 percent, a staggering number when compared to the national prison system that grew only 13 percent.² Kentucky has also had the distinction of being the fastest growing state prison population for the past 10 years. This large prison system cost the state \$440 million dollars a year in corrections, spending around \$19,000 a year per person in prison.

The Task Force on the Penal Code and Controlled Substances Act, comprised of members of the executive, legislation and judicial branch and working with consultants from the Pew Center on the States, undertook a data-driven analysis in order to formulate their recommendations. It found a number of reasons for the increasing correctional population.³

- **Increase in arrests and court cases.** While reported crime remained basically flat between 2001 and 2009, adult arrests increased 32 percent during that time.

The reforms are expected to save Kentucky \$422 million over the next 10 years.

- **A high percentage of the people convicted were incarcerated.** Kentucky uses prison as opposed to probation or other alternative sentences at a much higher rate than most other states; in 2009, 57 percent of people convicted of a crime were sentenced to incarceration.
- **Technical parole violators.** People on parole who are sent back to prison and who do not have a new felony conviction have nearly doubled as a percentage of prison admissions. Almost 20 percent of the people sent to prison in fiscal 2010 were incarcerated for technical parole violations; they had not committed a new felony.
- **People incarcerated for drug offenses.** Between 2000 and 2009, the percentage of all admissions to prison that were for drug offenses rose from 30 percent to 38 percent. Currently, 25 percent of the people in Kentucky prisons are there for drug offenses.

These findings spurred nearly unanimous support of the formation of HB 463: Changes to Kentucky Penal Code and Controlled Substances Act, the first major reform of Kentucky’s criminal law since its implementation in 1974. The

changes included a modernization of Kentucky’s drug laws as well as a restructuring of probation and parole programs.

How it works: HB 643 includes a number of criminal justice reforms to drug laws and criminal justice policies and practices.⁴

- **Reforming drug laws:** The reform focuses on a modernization of Kentucky’s drug laws, looking to reduce the time spent in prison by people with nonviolent, low-level drug law violations. The sentencing guidelines for possession of a small amount of drugs were reduced and favor probation over incarceration. It also changed the classification guidelines for repeat drug law violations. Now people convicted of a second or greater drug offense will no longer have an increasing classification, thus preventing an increase in maximum penalties. The use of cite and release for low-level drug law violations was also expanded, limiting the number of arrests occurring from such offense.
- **Pretrial Detention and Bail:** The Supreme Court was mandated to create a set of guidelines to be used by judges when considering pretrial release and monitored conditional release, including a reform of the maximum amount of bail set for persons awaiting trial for specific offenses. The new guideline states that the amount is not to exceed the costs of fine and court expenses.
- **Probation and parole:** The programs are to be amended to increase the number of people placed on probation though community supervision or GPS monitoring, avoiding incarceration. The punishments for parole and probation violations were also changed, creating sanctions for small or technical violations rather than automatic prison time.
- **Drug court:** HB 463 places a requirement on the Supreme Court that they must administer a drug court program.
- **Technology:** The Department of Corrections is now required to create an online database, specifying all their sentencing information.
- **Oversight:** Before any new jail facilities may be built in Kentucky, permission

must first be granted through the approval of a certificate of need. In addition, the amendment or addition of any new criminal penalties requires a fiscal impact report before consideration. The bill also authorizes the task force that was formed to create the legislation to continue to meet for an additional year. Their task for that year will be to ensure proper implementation of the legislation and search for areas where improvements could be made.

Results:

- The reforms are expected to save Kentucky \$422 million over the next 10 years.⁵
- Half of the savings from the reforms is to be reinvested into mental health and drug rehabilitation programs through the criminal justice system as well as an additional \$61 million to fund the increased probation and parole programs.⁶
- The bill will also establish a local corrections assistance fund that will aid counties with the financial burden of jail costs. One fourth of all saving acquired from the reforms would be placed into that fund.⁷
- The Task Force on the Penal Code and Controlled Substances Act was reauthorized for another year to continue its review of Kentucky’s criminal law.

Challenges: While reinvestment of correctional savings to services is important, creating lasting reductions in prison and jail populations and criminal justice costs requires better mental health and substance abuse treatment services in the community; these and other “front end” investments can prevent people from ever getting involved in the justice system to begin with.

Policy Implications: These types of large-scale criminal justice reforms have the potential to reduce jail and prison populations, save on local and state costs, and improve public safety. If implemented appropriately, these types of reforms can serve as a model to other states struggling with criminal justice populations.

For more information on reforms in Kentucky, please visit:
www.lrc.ky.gov/lrcpubs/rm506.pdf.

¹ Amanda Van Benschoten, "Beshear signs corrections reform into law," *Kentucky and Cincinnati Enquirer*, March 3, 2011.

² Noelle Hunter, "Addiction costs state millions of dollars," *Morehead News*, February 25, 2011.

³ Report of the Task Force on the Penal Code and Controlled Substances Act (Frankfort, KY: Legislative Research Commission, January 2011)
www.lrc.ky.gov/lrcpubs/rm506.pdf

⁴ Kentucky Legislature, "HB 463," WWW Version 2011. www.lrc.ky.gov/record/11rs/HB463.htm

⁵ Amanda Van Benschoten, March 3, 2011.

⁶ Amanda Van Benschoten, March 3, 2011.

⁷ Noelle Hunter, February 25, 2011.

TEXAS: JUSTICE REINVESTMENT



Innovation: Justice Reinvestment Initiative

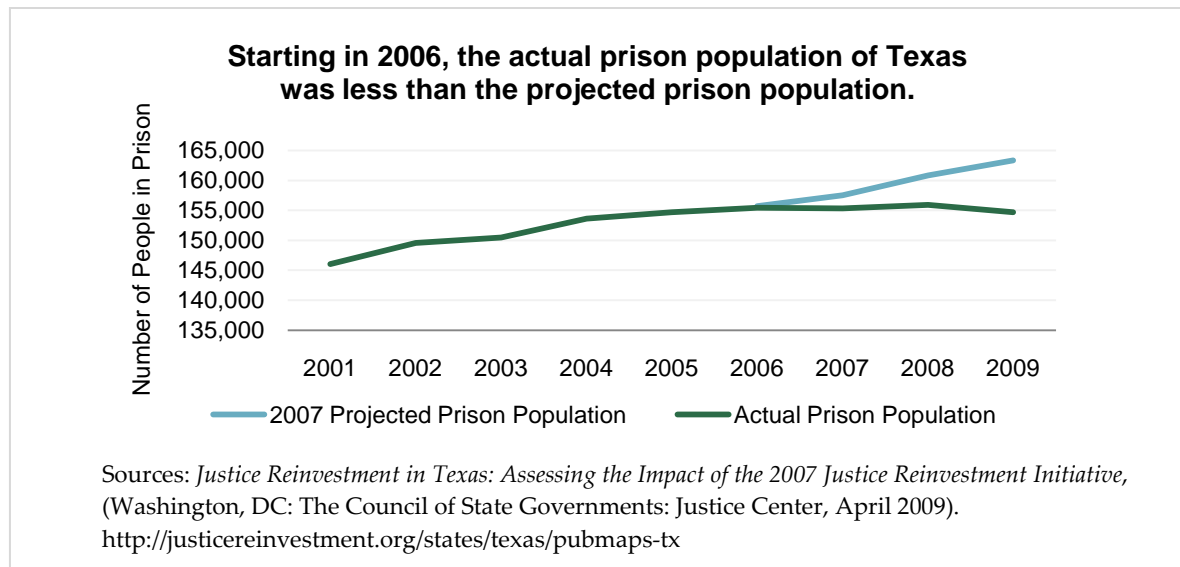
Background: In 2007, the Texas justice system projected a prison population increase of 17,000 people in five years,¹ largely a result of increasing parole revocations and parole boards not releasing people in a timely manner.² The cost of building new prisons to deal with overcrowding was estimated at \$2 billion. Instead of embarking on such a costly process, Texas chose to work with outside organizations such as the Council of State Governments Justice Center to make changes to the budget through a Justice Reinvestment Initiative. As a result, the legislature increased funding for treatment and diversion by \$241 million, at the same time saving \$443 million in reduced costs associated with contracted beds space and new prison construction.³

“I believe we can take an approach to crime that is both tough and smart. ... There are thousands of non-violent offenders in the system whose future we cannot ignore. Let’s focus more resources on rehabilitating those offenders so we can ultimately spend less money locking them up again.”

Texas Governor Rick Perry,
2007 State of the State Address

How it works: The Justice Reinvestment Initiative included a mixture of reforms to reduce the number of people in prison and returning to prison while improving public safety.

- The initiative invests in community-based treatment and diversion programs for people charged with nonviolent offenses to reduce the number of people in prison sentenced with the offenses.
- The initiative added to policy reforms from 2005 to the pardon and parole system in Texas, when parole and probation officers carried an average caseload of 152 people per officer⁴ – over twice the national average.⁵ To help lessen the burden on parole and probation officers, the legislature set maximum caseloads and allocated additional grant money to increase the number of probation and parole officers. As a result of these changes, the system became more efficient, was able to serve more parole candidates and made the reentry process more streamlined and effective.⁶
- The initiative was used to help lower the parole revocation rate (the rate by which people released on probation or parole are re-incarcerated), by giving parole boards more options for people who violated their parole.⁷ The result was that the parole board slowed the re-incarceration of people convicted of nonviolent offenses, instead using reinvestment-funded medical, psychological and drug treatment programs. This allowed the new treatment programs to be tested, and many people on probation and parole have been successfully diverted to treatment rather than having their probation or parole revoked and returned to prison.⁸ Increasing access to treatment and/or community programs helped to decrease the prison population and create an effective reentry program that focuses on rehabilitation and community re-engagement.

**Results:**

- More people released on parole. The number of cases reviewed by the Board of Pardons and Paroles increased by 5,400 actual cases between 2005 and 2009.⁹ The number of approved pardons and paroles increased by 3,600 actual cases with a nearly 3 percent increase between 2005 and 2009.
- Fewer people returned to prison on parole violations. Parole revocations dropped by 25 percent from 2006-2008.¹⁰
- Lower prison population. 1,257 less people were in Texas Department of Corrections prisons in the 2008-2009 year than in the 2007-2008 year.¹¹

Challenges: Although funding for these programs is currently secure, in tough economic times, many of these sorts of programs are the first to be cut, despite the impending possibility of increased incarceration if their funding decreases.

Policy Implications: The Justice Reinvestment model is already being used in a number of states across the country, including Arizona, Connecticut, Indiana, Kansas, Michigan, Nevada, New Hampshire, North Carolina, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, Wisconsin.¹²

2007 polls showed 71 percent of public favored alternatives to incarceration and 83 percent favored alternatives when informed that \$1 billion in new prison costs could be averted in the process.¹³

For more information on the Texas Justice Reinvestment Initiative, please visit:
<http://justicereinvestment.org/states/texas>

¹ *Prison Count 2010: State Population Declines for the First Time in 38 Years* (Washington, D.C., The Pew Center on the States, April 2010).

www.pewcenteronthestates.org/uploadedFiles/Prison_Count_2010.pdf?n=880.

² Tony Fabelo, *Texas Justice Reinvestment: Outcomes, Challenges and Policy Options to Consider* (Washington, D.C.: The Council of State Governments: Justice Center, March 2011)

<http://justicereinvestment.org/files/TXJRStateReport32011v2.pdf>

³ *Justice Reinvestment in Texas: Assessing the Impact of the 2007 Justice Reinvestment Initiative* (Washington, D.C.: The Council of State Governments Justice Center, April 2009).

<http://justicereinvestment.org/states/texas/pubmaps-tx>

⁴ Brad Livingston and Bonita White, *Overview of Probation for the 79th Texas Legislature* (Austin, TX: Texas Department of Criminal Justice Community Justice Assistance Division, January 2005).

www.yourhonor.com/dwi/sentencing/cjad/cjad1.pdf

⁵ *Parole: Current Practices*. From "Parole, Desistance from Crime and Community Integration"

(Washington D.C.: National Academy of Sciences, 2007) www.nap.edu/catalog.php?record_id=11988

⁶ *Justice Reinvestment in Texas: Assessing the Impact of the 2007 Justice Reinvestment Initiative*, April 2009.

⁷ Texas State Legislature: Legislative Budget Board, *Statewide Criminal Justice Recidivism and Revocation Rates*, 82nd Cong., LBB Report (Austin, TX, January 2011).

www.lbb.state.tx.us/PubSafety_CrimJustice/3_Report/Recidivism_Report_2011.pdf

⁸ *Justice Reinvestment in Texas: Assessing the Impact of the 2007 Justice Reinvestment Initiative*, April 2009.

⁹ Texas Board of Pardons and Paroles, *Annual Report FY 2009* (Austin, TX, 2009).

www.tdcj.state.tx.us/bpp/publications/AR%20FY%202009.pdf

¹⁰ *Justice Reinvestment in Texas: Assessing the Impact of the 2007 Justice Reinvestment Initiative*, April 2009.

¹¹ *Prison Count 2010: State Population Declines for the First Time in 38 Years*, April 2010.

¹² Justice Reinvestment, "Work in the States," February 2011. <http://justicereinvestment.org/states>

¹³ *Prison Count 2010: State Population Declines for the First Time in 38 Years*, April 2010.

SOUTH CAROLINA: JUSTICE SYSTEM OVERHAUL



Innovation: SB 1154: Omnibus Crime Reduction and Sentencing Reform Act of 2010

Background: From 1983 to 2008, the prison population nearly tripled in South Carolina and spending on prisons increased by over 500 percent to \$394 million.¹ The parole grant rate had plummeted from 63 percent in 1980 to only 10 percent in 2008.² On top of this, the recidivism rates also began to climb in the early 2000's, causing major prison overcrowding. In 2008, the legislature established the Sentencing Reform Commission to assess sentencing and parole policies and practices and come up with effective solutions to reducing the prison population, lowering recidivism rates and improving public safety. Working with the Pew Center on the States and other organizations, the Commission was able to make recommendations to the legislature that resulted in the passage of Senate Bill 1154, the Omnibus Crime Reduction and Sentencing Reform Act in 2010.³

These reforms could result in a total savings of \$241 million within the next five years.

How it works: This reform plan addressed some key issues in South Carolina criminal justice reform.⁴

- **Sentencing:** Changed sentencing structures for a number of violent and

nonviolent offenses. Controlled substance offenses were restructured to remove disparities in sentencing between similar crimes and to allow probation and other alternatives for first- and second-time non-trafficking drug law violations.

- **Parole release policies:** Increases the educational requirements of the Director of the Board of Parole and Pardons and requires annual training for all board members. In addition, in order to make more effective release decisions, the parole board is required to adopt risk and needs assessment tools. The law allows people in prison who are terminally ill to petition for parole. Finally, the law requires that people who have been convicted of nonviolent offenses who have served at least 2 years of their sentence be released to mandatory supervision 180 days before their release date.
- **Parole and probation supervision:** The law establishes good time credits for people on probation and requires probation officers to utilize validated risk assessments to determine the most effective supervision model. This can include administrative supervision for people who are considered the lowest risk. In addition, probation officers are given the opportunity to give administrative sanctions to people who violate probation rather than revocation.
- **Reentry:** The South Carolina Department of Motor Vehicles agreed to work with the Department of Corrections to give people returning to the community valid photo identification cards.
- **Oversight:** The state legislature now requires ongoing oversight in the form of annual reporting of expenditures and

progress and established the Sentencing Reform Oversight Committee to handle this reporting and policy adjustments that may follow. In addition, a fiscal impact statement is now required of any legislation that would seek to introduce a new criminal penalty or alter former criminal penalties.

Results:

- According to the Pew Center on the States, South Carolina’s sentencing reforms will “save the state up to \$175 million in construction costs and avoid more than \$66 million in operating costs over the next five years.”⁵ Pew also predicts a total savings of \$241 million within the next five years.
- Prison population predictions for South Carolina prisons in 2009 saw an increase of 3,200 inmates by 2014 to 27,903. As a result of the Sentencing Reform Act of 2010, the new population predictions put growth at only 1,505 inmates predicting a total population of 26,117 in 2014, saving the state the cost of building and operating 1,786 additional beds in the next five years.⁶

Challenges: The Act also enhanced penalties for a number of offenses by adding 24 crimes to the list of violent offenses and authorized life without parole sentences for people convicted of serious offenses, including drug trafficking and for people who committed two or more previous “serious offenses.”⁷ These changes could lead to longer prison sentences for people convicted of certain offenses and have a long-term impact on prison populations.

In addition, the Act requires people convicted of drug law violations to pay a “controlled substance offense assessment.” The funds from this fee will be put into drug treatment

courts.⁸ While people who are considered indigent do not have to pay these fees, they are still a burden to people who are convicted of drug offenses who are already facing challenges with being involved in the justice system. In addition, the allocation of funds into drug courts rather than community-based treatment options that can help people before they get involved in the justice system may not be as effective or cost-effective as the latter option.

Finally, advocates report that implementation of the Act and a change in the overall “tough on crime” attitude in the legislature continues to be a challenge, as well as the reallocation of funds to more effective public safety strategies. While everyone seems to be interested in reducing the prison population, issues surrounding local detention and the use of private prisons continue to be a challenge in the state.

Policy Implications: Improving access to probation and parole while also improving these services can have a greater and more positive impact than one reform alone. These changes should result in fewer people returning to prison and more people having successful lives.

A number of states and the federal government have recently changed their sentencing structures to reduce disparities in drug laws.

- In 2010 the federal government, like South Carolina, reduced the sentencing disparity of crack and powdered cocaine offenses from 100 to 1 to 18 to 1.
- In 2000, Washington State enacted a sentence reform act that greatly reduced their costs and removed irresponsible sentencing to greatly improve the system.⁹ Currently, Georgia¹⁰ and Indiana¹¹ have legislation regarding sentencing reform

being discussed and Colorado¹² is also beginning discussion on the topic.

For more information on SB1154, please visit:

www.pewcenteronthestates.org/uploadedFiles/PSPP_South_Carolina_brief.pdf?n=5221

¹ Pew Center on the States, *One in 31: The Long Reach of American Corrections* (Washington, DC: The Pew Charitable Trusts, March 2009)

www.pewcenteronthestates.org/uploadedFiles/PSPP_1in31_report_FINAL_WEB_3-26-09.pdf

² See Pew Center on the States, *South Carolina's Public Safety Reform: Legislation Enacts Research-based Strategies to Cut Prison Growth and Costs* (Washington, DC: Pew Center on the States, June 2010).

www.pewcenteronthestates.org/uploadedFiles/PSPP_South_Carolina_brief.pdf?n=5221

³ Pew Center on the States, June 2010.

⁴ Pew Center on the States, June 2010.

⁵ Pew Center on the States, June 2010.

⁶ Pew Center on the States, June 2010.

⁷ Nicole D. Porter, *The State of Sentencing 2010: Developments in Policy and Practice* (Washington, DC: The Sentencing Project, 2010)
<http://sentencingproject.org/doc/publications/publications/Final%20State%20of%20the%20Sentencing%202010.pdf>

⁸ Pew Center on the States, June 2010.

⁹ *The Sentencing Reform Act at Century's End: An Assessment of Adult Felony Sentencing Practices in the State of Washington* (Olympia, WA, Sentencing Guidelines Commission, 2000).

¹⁰ "House panel set to consider sentencing reform," *The Associated Press*, February 23, 2011.

¹¹ Associated Press, "Ind. Senate committee passes a bill that will reduce punishments for non-violent offenders," *The Chicago Tribune*, February 15, 2011.
www.chicagotribune.com/news/local/sns-ap-in--xgr--crowdedprisons,0,5057087.story

¹² Mike Krause, "Sentencing Reform in the 2011 Colorado General Assembly," *The Huffington Post*, January 11, 2011. www.huffingtonpost.com/mike-krause/sentencing-reform-in-the-_b_807006.html

RECOMMENDATIONS

If these Southern states, with their tradition of “tough on crime” policies and high incarceration rates, can make significant reforms to their criminal justice systems that create a more fair and effective justice system, any state can. The reforms enacted in these states will reduce the number of people in prison, reduce costs associated with corrections and the justice system, and improve public safety while having a positive impact on people and communities. From the experiences of these states, we make the following recommendations:

1. **Invest in front-end treatment and services in the community.** Research shows that education, employment, drug treatment, health care, and the availability of affordable housing coincide with better outcomes for all people, whether involved in the criminal justice system or not. Jurisdictions that spend more money on these services are likely to experience lower crime rates and lower incarceration rates.¹ An increase in spending on education, employment and other services not only would improve public safety, but also would enhance and enrich communities and individual life outcomes.
2. **Reduce the number of people arrested for low-level and misdemeanor offenses by utilizing citations and summonses rather than arrest.** By reducing the number of people in jail for these types of offenses, resources could be directed toward community-based treatment and services to keep people from becoming involved in the justice system.
3. **Divert people with mental health and drug treatment needs to the public health system and community-based treatment.** Research shows that people who have mental health or substance abuse problems are better served by receiving treatment in their community and that incarceration can exacerbate these problems.² Treatment is more cost-effective than incarceration and promotes a positive public safety agenda. Even when treatment is available inside of a correctional facility, similar treatment in the community is more effective at reducing recidivism and also costs less.³
4. **Establish pretrial services programs in every locality.** These programs not only help judges make more effective pretrial release decisions, but also help individuals who have been charged with an offense to navigate the justice system and reduce failure to appear rates.
5. **Reform bail systems so that people are not held in jails pretrial solely because of their inability to pay.** The intent of money bail is to provide an incentive for people to return to court, not to keep people behind bars. However, money bail can lead to a disproportionate number of poor and low-income people behind bars for low-level offense, having a negative impact on people and families, and ineffectively using criminal justice resources.
6. **Reform sentencing guidelines to allow judges more options in sentencing people for low-level and nonviolent offenses.** Reducing sentence lengths, increasing parole eligibility and eliminating disparities in sentencing can all have a significant impact on prison populations.
7. **Improve parole and probation policies and practices to improve services provided and reduce revocations that result in prison terms.** Making changes to the way parole and probation

departments work with people under their supervision can result in better individual outcomes, including reduced recidivism rates and more positive life outcomes.

8. **Work collaboratively with other state and local agencies and organizations to provide meaningful reentry services.** Providing opportunities for people to receive the services they need upon release from prison and return to their communities can have a positive impact on individuals, families and communities. Working together to create a holistic approach to reentry can have the most positive and lasting impact.

¹ Justice Policy Institute, *Public Safety Series*

(Washington, D.C.: 2007) www.justicepolicy.org

² Sarah Lyons and Nastassia Walsh, *Money Well Spent: How Positive Social Investments Will Reduce*

Incarceration Rates, Improve Public Safety, and Promote the Well-Being of Communities (Washington, D.C.: Justice Policy Institute, 2010)

www.justicepolicy.org/research/1904

³ Elizabeth K. Drake, Steve Aos, and Marna G. Miller, "Evidence-Based Public Policy Options to Reduce

Crime and Criminal Justice Costs: Implications in Washington State," *Victims and Offenders*, 4:170–196.

Table 1, www.wsipp.wa.gov/rptfiles/09-00-1201.pdf

ABOUT THE JUSTICE POLICY INSTITUTE

Justice Policy Institute is a national organization focused on reducing the use of incarceration and the justice system and promoting healthy, equitable and safe communities.

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