

Budget Savings from Reducing Incarceration

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Promoting-Justice

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Budget Savings from Reducing Incarceration

<<http://progressivestates.org/sync/images/dispatch/manyPeopleBehindBars.jpg>>

As with our health care system, a generation of conservative control has left a broken and bloated criminal justice system for progressives to mend. Current systems are both ineffective and wildly expensive. The US now incarcerates one out of every one hundred adults

<<http://salsa.democracyinaction.org/dia/track.jsp?v=2&c=QDL6rC0NaElz0y2EN3SgG3h91FFC4TNa>> . And newly released numbers from the Pew Center on the States shows that an even greater number - 1 in 45 adults

<<http://salsa.democracyinaction.org/dia/track.jsp?v=2&c=1wzYgnGY5aVHUNLI%2BcryUHh91FFC4TNa>> - is on probation or parole. Adding the two together, 1 in 31 adults in the US is under some form of correctional supervision. When men (1 in 18) and blacks (1 in 11) are even more stupefying. Many states have rates significantly higher than the national average. Georgia ranks first in the nation with 1 in 13 adults under correctional supervision, and high ranking states include liberal bastions like Massachusetts (1 in 24).

Again, like health care, our current system is not only unsustainable, it is already breaking under its own weight. State corrections spending increased 10% in 2006

<<http://salsa.democracyinaction.org/dia/track.jsp?v=2&c=y6sY%2B840cCxfWBDT75J%2Bw3h91FFC4TNa>> and almost 6% in 2007

<<http://salsa.democracyinaction.org/dia/track.jsp?v=2&c=Z2I7Ggox2yPVvCK5Vb%2BQ3Hh91FFC4TNa>> . Correction spending in the states now tops \$50 billion a year and accounts for 1 of 15 discretionary dollars spent by the states

<<http://salsa.democracyinaction.org/dia/track.jsp?v=2&c=YjjZx5yGTwKF3iKaYXxCxtVPToAL%2Bt8R>> . In 2007 it was the fastest growing major component of state budgets. The impact of these cost increases was made evident in California recently when the state was ordered by a panel of federal judges to release tens of thousands of prisoners

<<http://salsa.democracyinaction.org/dia/track.jsp?v=2&c=ajAilXnz0xhPqzLb1uSgx3h91FFC4TNa>> because of severe overcrowding.

With states in desperate need of solutions to budget shortfalls, redirecting criminal justice resources to programs that reduce long-term costs is a huge untapped well of savings. As this Dispatch will outline, smart-on-crime practices not only reduce criminal justice costs, they reduce crime itself, as well as the collateral costs

<<http://salsa.democracyinaction.org/dia/track.jsp?v=2&c=Clitupd1muU1NqTE7UohJXnh91FFC4TNa>> of over-incarceration.

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Incarceration: A Major Cost Driver Without Clear Public Safety Benefits

<http://progressivestates.org/sync/images/dispatch/budgetCalculation.jpg>

The key driver of criminal justice costs is the high rate of incarceration. A year in prison is often more costly than a year of college, and as noted above, our prison populations and costs have seen unprecedented increases. However, these increases are not the result of increases in the crime rate. Instead, they follow from sentencing and other policies that have increased prison terms, but have not significantly increased public safety <http://salsa.democracynaction.org/dia/track.jsp?v=2&c=YffgM9W4Vdfiftwqxxm dHh91FFC4TNa> . Similarly, rates of recidivism remain very high, meaning that once a person enters the system, they tend to re-enter it repeatedly. Both strict sentencing and high recidivism artificially increase prison populations above what is necessary to ensure public safety. And like poor sentencing policies, recidivism rates are in part driven by near-sighted "tough on crime" policies that result in wasted resources.

Basic Reforms that Can Yield Substantial Savings: While most state criminal justice systems are in need of systemic reform, there are several simple, low-cost changes that lawmakers can use to begin to start addressing gross inefficiencies in the system. With the dollars saved, states can reinvest resources into more ambitious criminal justice reforms that will generate additional savings. Additionally, savings can be directed to the communities to which the largest proportion of offenders are returning from prison - a strategy called justice reinvestment

<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=TzMgWugsJNduiTAm7zMx JC0U9uaRNbIM> . The Justice Center

<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=8XovGVcCa2gt40tfNrBI aXh91FFC4TNa> of the Council of State Governments has been working with states such as Kansas

<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=9miwECmZYMZ6qZk0QWEn Unh91FFC4TNa> and Michigan

<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=d7v33BloWWdMgEmhNfH ftVPToAL%2Bt8R> on initiatives that are using smart criminal justice cost savings to provide integrated service improvements in education, housing, and economic development

<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=osymaPtCyTCdKxGWduWh 5nh91FFC4TNa> . And the recently passed federal Second Chance Act

<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=petpgyuj7yx8sSvafRLD 03h91FFC4TNa> provides grants for just these sorts of initiatives.

More Resources

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Restoring Discretion to Judges Before Incarceration

<http://progressivestates.org/sync/images/dispatch/judgeExcercisingDiscretion.jpg>

One of the main causes of increasing costs in the criminal justice system has been the removal of judicial discretion to place offenders in lower-cost alternatives to costly prison lockups.

Judicial Discretion: Much of the cause of this country's record prison population are policies that have taken sentencing discretion out of the hands of judges. Without the ability to tailor criminal sanctions to the facts and circumstances of every offender and crime, judges cannot prevent criminal justice dollars from being wasted on long prison terms for low-risk offenders. There are two primary areas where returning discretion to judges can result in large cost savings.

Drug Offender Diversion to Treatment: Drug offenders, often addicts, and the long prison terms that have been instituted for drug crimes are a major driver of increased incarceration rates. The Rand Corporation has famously calculated

<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=YtDvEsPU0Epd5wJGt9WA49VPToAL%2Bt8R>> that one dollar spent on drug treatment reduces crime related to cocaine use as much as 15 dollars spent on criminal justice responses. Given this fact, it is clear that diverting addicts to drug treatment will lead to large cost savings and a great reduction in the social costs of drug abuse. The utility of treatment for many of these offenders becomes even more clear when you realize that only 25% of drug offenders in state prison have been convicted of a violent crime

<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=0MtwJfH29HcHDowWFLO3IXh91FFC4TNa>> (1996 figures). While there are a number of ways to structure drug offender diversion, drug courts

<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=%2FbyJRH0sgwdWVqLT%2BLix%2F3h91FFC4TNa>> are the most comprehensive model and the one that offers offenders the best chance of success.

* New York - A study

<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=WyXjz9OtZpNNIAkNU7XEKNVPToAL%2Bt8R>> of felony drug offenders who received treatment as an alternative to incarceration saved the state \$47,000 per person over six years. Another study

<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=cxRllaCkOM9IqTmTm86OrtVPToAL%2Bt8R>> estimates

<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=7uoxQDo6xwVefWzP8f0j23h91FFC4TNa>> that the state saved \$254 million by diverting 18,000 offenders to treatment. And yet another study predicts

<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=hIxV3AHImWN%2FyNcLWZUpHnh91FFC4TNa>> that repealing minimum sentences to allow diversion of more offenders could save the state over \$250 million per year.

* Washington - The state has estimated

<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=fia8AiSWTIEMrpctsmvzQnh91FFC4TNa>> that it saves \$1.74 for every dollar it spends on its drug courts.

* Texas - Expanding the number of treatment beds in the state has stopped the growth

<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=%2FqSfQJmSwVsnO609qH OW%2B3h91FFC4TNa>> in the state's prison population.

Repeal Mandatory Minimum Sentences: Mandatory minimum sentences are the hallmark of the failed "tough on crime" policies that have caused our prison populations to explode. These laws were originally predicated on the belief

that strict, mandatory sentences would be powerful deterrents to crime and would adequately incapacitate offenders. Unfortunately, what has actually happened is incarceration rates have grown without a substantial effect on public safety. In fact, locking up lower-level, non-violent offenders (often drug offenders) with hardened criminals for long periods undermines public safety instead of improving it.

Many states, being crushed by the costs associated with mandatory minimums, are turning to sentencing guidelines <http://salsa.democracynaction.org/dia/track.jsp?v=2&c=bwPW1TDxphwLEX6ACf00Y3h91FFC4TNa> , as a way to ensure consistency in sentencing, while allowing judges the discretion to adjust sentences when circumstances and justice require it. Many states have moved in recent years to relax mandatory minimum sentences <http://salsa.democracynaction.org/dia/track.jsp?v=2&c=04JS8TfGr5XxMVGhRrWtmnh91FFC4TNa> . Notably, Michigan undertook an almost total repeal of these laws in a bipartisan fashion at the beginning of the decade.

More Resources

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<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=6TFeL5dIEI9B%2FIR%2FINX4ynh91FFC4TNa>

Graduated Sanctions for Probation and Parole Violations

<http://progressivestates.org/sync/images/dispatch/paroleMeeting.jpg>

While we typically assume that you need to commit a crime to go to jail, for those under community supervision (probation or parole), it is often a violation of the rules of their supervision and not a new crime that results in a return to prison. In 2006 over one third of state prison admissions were the result of parole violations, not criminal convictions. And while returning to jail is an appropriate sanction in some instances, many states just have not implemented a set of intermediate sanctions short of prison for addressing these rule violations.

The Pew Center on the States has put together model legislation <http://salsa.democracynaction.org/dia/track.jsp?v=2&c=pHudzhmoYwnI%2BEvBYZJWjnh91FFC4TNa> that institutes administrative sanctions in the community corrections context. This allows probation and parole officers to tailor sanctions to violations, and allows them to enforce sanctions without petitioning the court. Such reforms have had dramatic impacts in several states that have implemented them.

- * Kansas - By implementing graduated sanctions and other improvements to its community corrections, the state cut parole revocations by half <http://salsa.democracynaction.org/dia/track.jsp?v=2&c=Rzh1Pgl4dGseU%2Bw8u%2FtvKXh91FFC4TNa> in two years and cut the percentage of parolees committing new crimes by a large number as well.
- * Hawaii - The state's Opportunity Probation with Enforcement <http://salsa.democracynaction.org/dia/track.jsp?v=2&c=oAFmf%2FkClJpndclWxupq2nh91FFC4TNa> program realized a 85% reduction in missed probation appointments and a 91% decrease in positive drug tests.

Parole Discretion: "Truth in sentencing" laws in many states have taken the discretion out of the hands of parole boards to decide when a prisoner can safely return to their community. Instead, prisoners are forced to serve almost the entirety of their sentence no matter how they behave in prison. This needlessly increases the prison population, while actually undermining the security of the prisons themselves as it removes the most powerful incentive for good behavior and rehabilitation - being paroled before the end of your sentence.

States that have increased the amount of merit and earned time that a prisoner can accrue have saved substantial dollars and have not seen increases in recidivism.

* Mississippi - Restored parole for non-violent offenders, saving the state \$12 million in prison costs in approximately two years.

* Washington - Increased earned release time awarded for good behavior and prison program completion for non-violent offenders from 33% to 50% of their sentence. This resulted

<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=Yt9O7dCVRn7UE4SHoAjl eHh91FFC4TNa>> in a decrease in non-violent recidivism, while saving the state an average of \$10,743 per offender.

More Resources

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Conclusion

Reforming our broken criminal justice systems is an essential part of a new era of progressive governance. As states confront deep budget shortfalls, this undertaking can also be a source of significant cost savings. Progressive legislators should therefore seize this opportunity to push for common-sense criminal justice reforms in their own states.

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Resources

Incarceration: A Major Cost Driver Without Clear Public Safety Benefits

Justice Center - Justice Reinvestment

<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=Ar4cq1T5gRuF3iKaYXxC xtVPToAL%2Bt8R>>

Justice Policy Institute

<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=3sr20pQjLsrOVWrwCcZLaXh91FFC4TNa>> The Sentencing Project
<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=OJZ05jSBAW3bYD4ruKQGrXh91FFC4TNa>> Pew Center on the States - One in 31: The Long Reach of American Corrections
<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=xdrwAe6kgICeWcGpwlGAzHh91FFC4TNa>>
Pew Center on the States - Corrections and Public Safety Program
<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=80Oo%2BP%2F72RGDtRN%2BXymP4nh91FFC4TNa>>

Restoring Discretion to Judges Before Incarceration

Sentencing Project - Distorted Priorities: Drug Offenders in State Prisons
<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=V35lcKkm45eb1S7EOpQG%2Bnh91FFC4TNa>>
National Drug Court Institute - A Drug Court Within Reach of Every American in Need
<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=KsRiLpoRxQyWbVA%2BNh6RAHh91FFC4TNa>>
National Drug Court Institute
<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=3Ki9BaK654ARwlcZfBkSeXh91FFC4TNa>>
Center for Court Innovation - Drug Court
<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=OsnZ3%2FAvPww0HhI5rb%2BqgXh91FFC4TNa>>
Washington State Institute for Public Policy - Drug Offender Sentencing Alternative Report
<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=Vh%2BnxUy2Utl3xc9g0a4h43h91FFC4TNa>>
Sentencing Project - Mandatory Minimum Sentencing Laws - The Issues
<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=0MtwJfH29HdhssTDP1rFI3h91FFC4TNa>>
Sentencing Project - Lessons of the "Get Tough" Movement in the United States
<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=LA%2B3rbITuYHQ3vBvXKsZSXh91FFC4TNa>>
Families Against Mandatory Minimums
<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=cswAvjTgWcgj8IEMG0MYZ3h91FFC4TNa>>
National Center for State Courts - State Sentencing Guidelines - Profiles and Continuum
<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=mcvqzwQ%2FdAHf2XFIW3fds3h91FFC4TNa>>

Graduated Sanctions for Probation and Parole Violations

Pew Center on the States - Administrative Sanctions Brief
<<http://salsa.democracynaction.org/dia/track.jsp?v=2&c=4VbtFfuqiomjoLeUz43EL3h91FFC4TNa>>
Pew Center on the States - A Policy Framework to Strengthen Community Corrections

<<http://salsa.democracyinaction.org/dia/track.jsp?v=2&c=%2FSoNXPzSzGvASJGgyq uoCXh91FFC4TNa>>

Pew Center on the States - Kansas Case Study

<<http://salsa.democracyinaction.org/dia/track.jsp?v=2&c=DgexWywBEY1sU4F35CtF J3h91FFC4TNa>>

Hawaii Opportunity Probation with Enforcement (HOPE) Evaluation

<<http://salsa.democracyinaction.org/dia/track.jsp?v=2&c=%2FzSxcAEaif2bTNwcSY REPnh91FFC4TNa>>

Washington State Institute for Public Policy - Increasing Earned Released from Prison

<<http://salsa.democracyinaction.org/dia/track.jsp?v=2&c=CKWWDxKj4V3zgo3%2B8S zEznh91FFC4TNa>>

3 Steps Forward

1. Obama budget plan stresses state priorities

<<http://salsa.democracyinaction.org/dia/track.jsp?v=2&c=fVYhVusy186rpFuWfqQR XtVPToAL%2Bt8R>>

2. US: U.S. to yield marijuana jurisdiction to states

<<http://salsa.democracyinaction.org/dia/track.jsp?v=2&c=ieh2hTyhbuDUOcVOAndw cHh91FFC4TNa>>

3. US: 'Conscience' rule on abortions may be overturned

<<http://salsa.democracyinaction.org/dia/track.jsp?v=2&c=bbKYVh1hfJ%2FnnrobUS svinh91FFC4TNa>>

2 Steps Back

1. US: Jobless angry at possibility of no benefits

<<http://salsa.democracyinaction.org/dia/track.jsp?v=2&c=DqyDk4CCMMVd5wJGt9WA 49VPToAL%2Bt8R>>

2. SC: Voter ID wins key approval

<<http://salsa.democracyinaction.org/dia/track.jsp?v=2&c=ILOrAZnE0Ko4%2FI9Bxw 1SdXh91FFC4TNa>>

Masthead

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