

THE  
**PEW**  
CHARITABLE TRUSTS

# Less Crime at Lower Cost

State Solutions, Federal Implications

U.S. Sentencing Commission  
Austin, Texas  
November 19, 2009

Adam Gelb, Director  
Public Safety  
Performance Project  
Pew Center on the States



# The Pew Charitable Trusts

The Pew Charitable Trusts is a **public charity** with over five decades of **experience** in making successful social investments that **return results**.

- Pew applies a rigorous, analytical approach to improve public policy, inform the public and stimulate civic life.
- Based in Philadelphia with an office in Washington, D.C. and staff in other states and countries.



## The Pew Center on the States

The Pew Center on the States develops **rigorous research** and **strategic campaigns** to help states identify and advance **fiscally-sound policies**, provide a **return on investment** to taxpayers and help our nation tackle its **toughest policy questions**.

- Early education
- Sentencing and corrections
- Children's dental health
- Budget and management practices
- Election reform
- Economic competitiveness



# Public Safety Performance Project

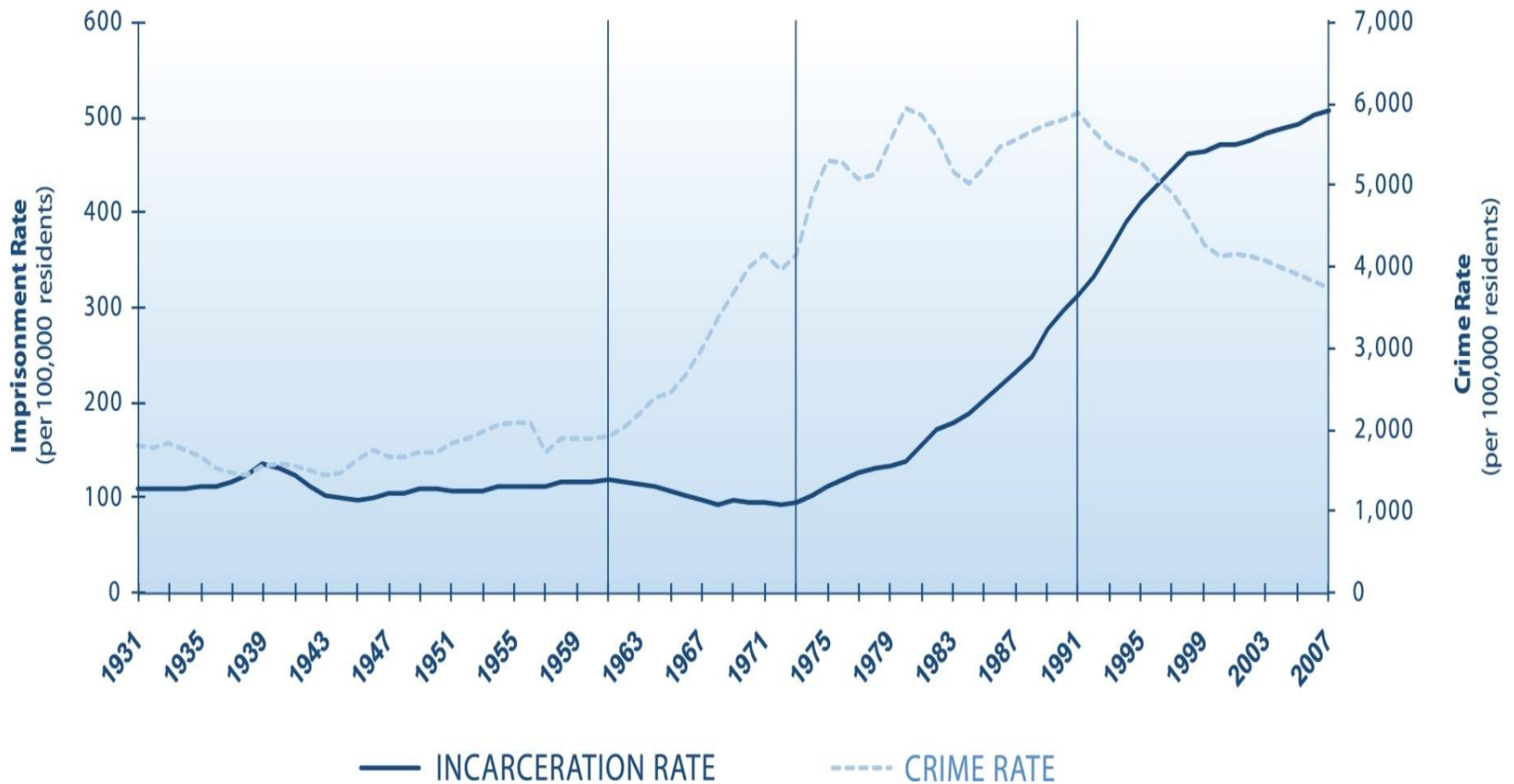
- **Goal**
  - Help states get a better return on their investment in public safety
- **Key Messages**
  - State policy choices are largely responsible for prison growth (not crime, other factors)
  - Better choices will reduce recidivism and save funds for other priorities
- **State Strategy**
  - Identify and cultivate states ready for reform
  - Work closely with high-level state task forces
  - Analyze state prison population and cost drivers, develop tailored policy options
  - Build advocacy campaigns to ensure success of reform plans
  - Reinvest portion of savings/averted costs into stronger community corrections
  - Establish agency accountability for implementation, measure impact
- **National Strategy**
  - Reveal key data, generate momentum with high-profile reports (1 in 100, 1 in 31)
  - Partner with key national policy-maker and criminal justice groups
  - Engage non-traditional allies (faith-based, victim, business groups)



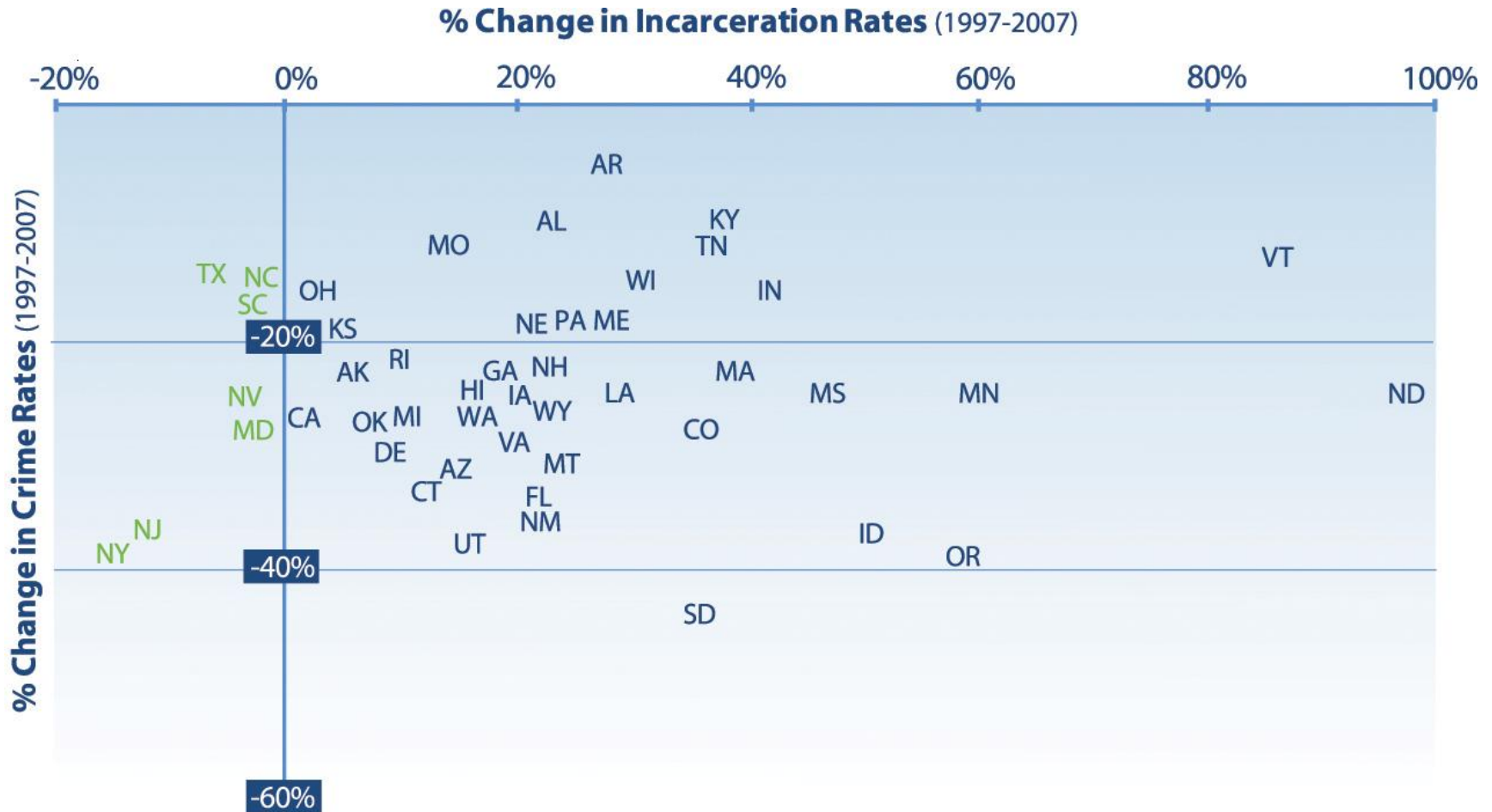
# Window of Opportunity for a New Approach

- **Advances in Science of Behavior Change, Supervision Technology**
  - Cognitive-Behavioral Treatment, Motivational Interviewing
  - Third generation risk assessment tools
  - Accurate, on site, rapid-result drug screens, GPS, alcohol monitoring
- **Public Attention Elsewhere, Supportive of Alternatives**
  - Crime/drugs low on public radar amidst economy, health care, wars
  - Polls regularly show 70% (+/-) support concept of “alternatives” for “non-violent”
- **Trend toward Managing for Results**
  - Shift in focus from inputs/outputs to outcomes across government
- **Diminishing Returns on Public Safety**
  - Growing evidence and recognition that we can’t “build our way out”
- **Fiscal Crisis**
  - State corrections spending now over \$50B per year
  - Second fastest growing state budget category behind Medicaid
  - 1 in 15 general fund dollars; 5 states spending more on prisons than higher ed

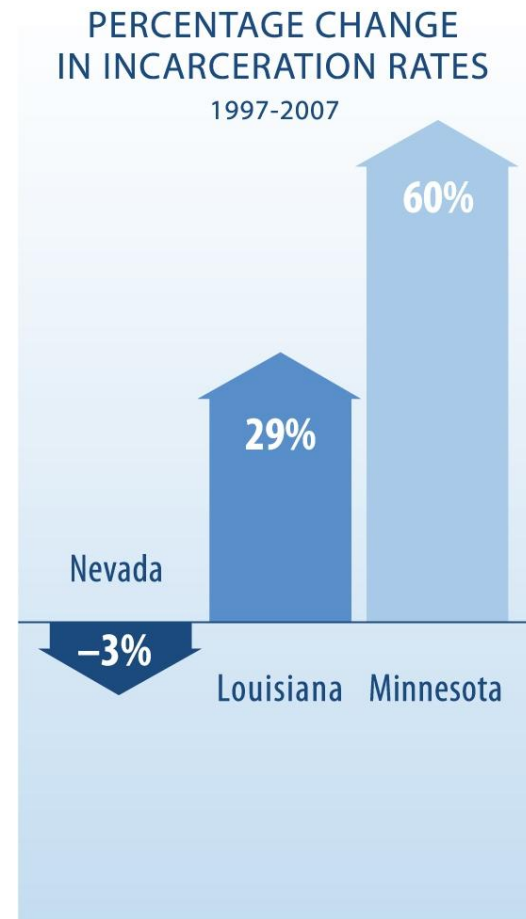
# Incarceration and Crime: A Complex Relationship



# Incarceration and Crime: A Complex Relationship

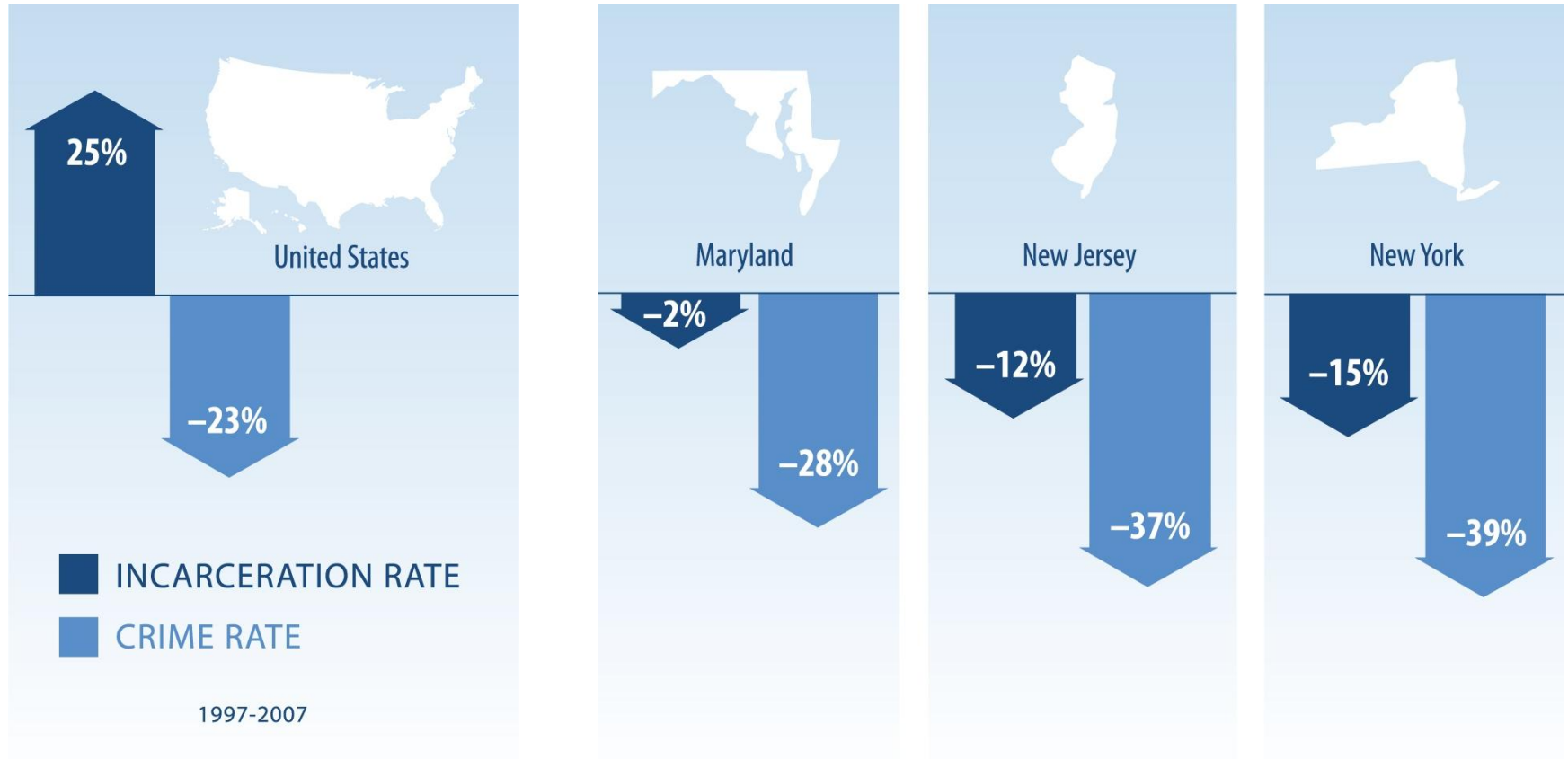


## More Prison Spending ≠ Greater Public Safety



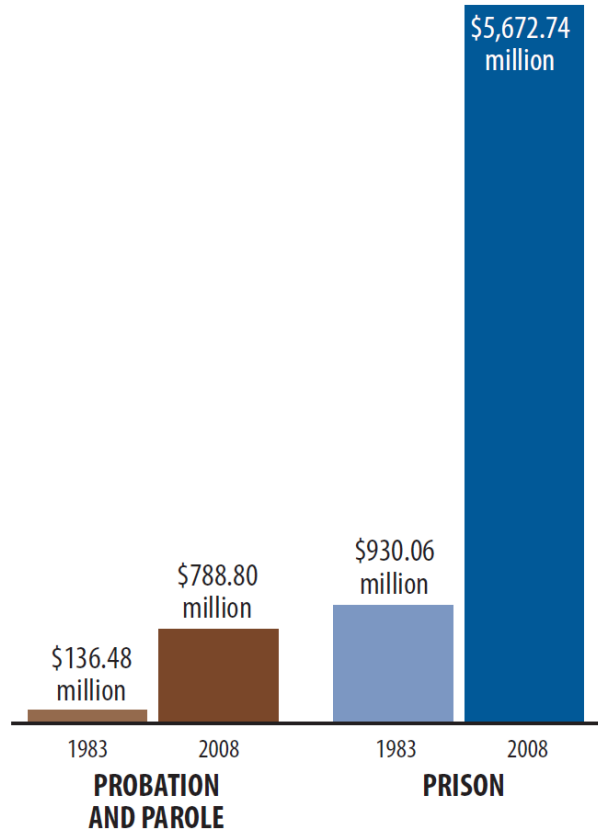


# States Can Have Less Crime at a Lower Cost



## EXPLOSIVE GROWTH IN PRISON SPENDING

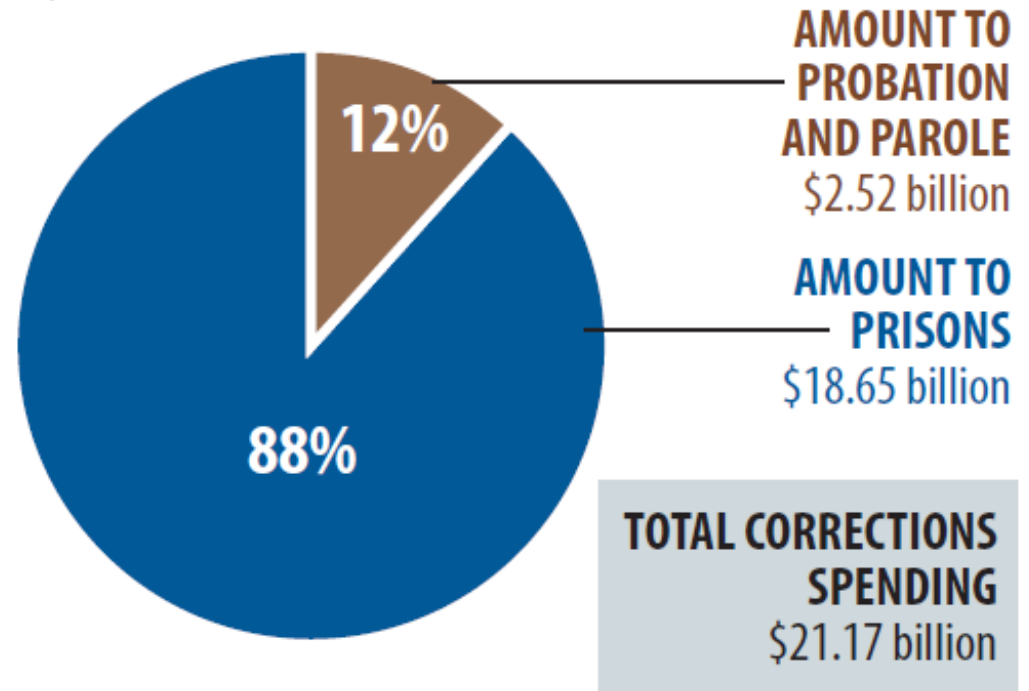
Across 8 states, 88 percent of additional corrections spending since FY1983 has gone to prisons.



SOURCES: Only eight states could provide 25-year spending histories (AL, GA, LA, MO, MT, NY, OR and WY).

## PRISONS DOMINATE SPENDING




Across 34 states, nearly 9 of 10 correctional dollars went to prisons in FY2008.






SOURCES: Spending figures were collected from AR, AL, AK, CO, DE, GA, ID, IA, KY, LA, ME, MD, MI, MN, MS, MO, MT, NC, ND, NE, NH, NM, NY, OK, OR, PA, RI, SC, SD, TN, TX, VT, VA and WY.

## STATE DAILY COSTS PER OFFENDER




1 day in prison costs more than 10 days on parole or 22 days on probation.

LOW  \$1.38  
 AVERAGE  \$3.42  
 HIGH  \$7.89

### PROBATION AGENCIES

LOW  \$1.22  
 AVERAGE  \$3.90  
 HIGH  \$9.76

### PROBATION AND PAROLE AGENCIES

LOW  \$3.51  
 AVERAGE  \$7.47  
 HIGH  \$13.28

### PAROLE AGENCIES

LOW  \$35.69  
 AVERAGE  \$78.95  
 HIGH  \$130.16

### PRISON SYSTEMS

SOURCES: Spending figures were collected from AR, AL, AK, CO, DE, GA, ID, IA, KY, LA, MA, ME, MD, MI, MN, MS, MO, MT, NC, ND, NE, NH, NM, NY, OK, OR, PA, RI, SD, TN, TX, VT, VA and WY.  
 NOTE: Caution should be used in making interstate comparisons since a wide variety of factors beyond agency performance or efficiency can account for daily cost differences. Some states have separate probation and parole agencies while others have combined them.

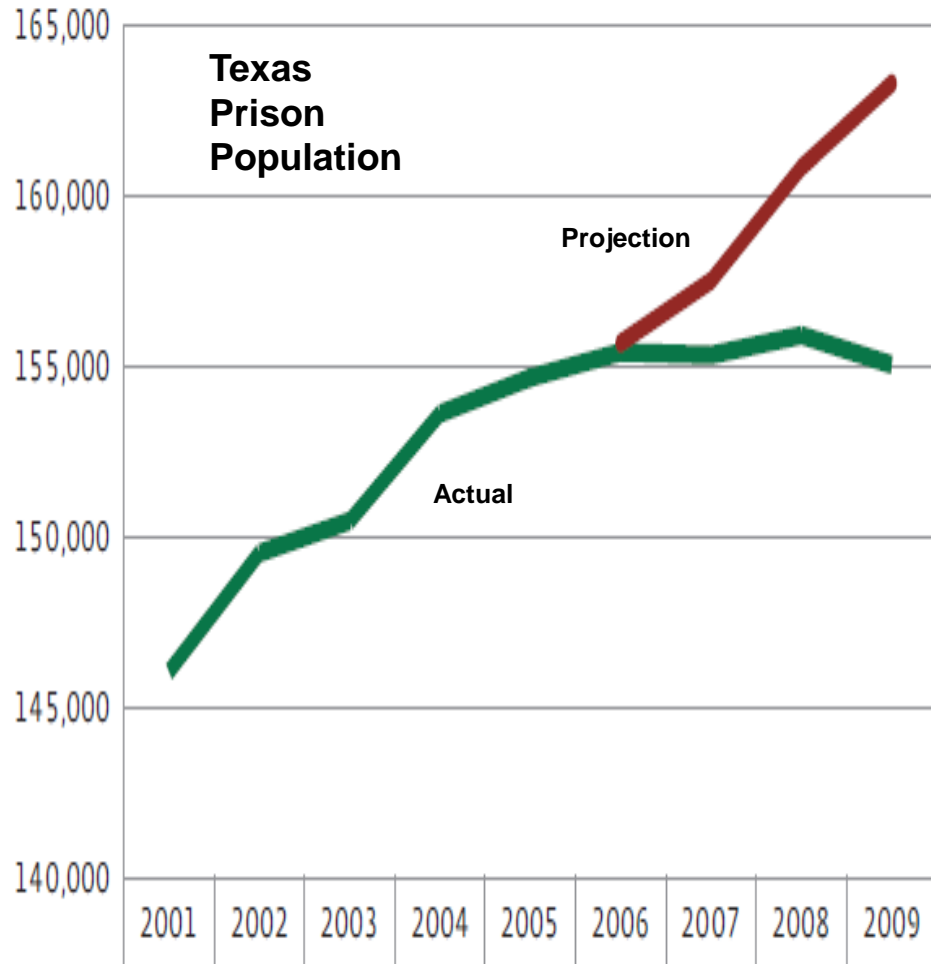
# Reform Efforts Across the Nation

- **Pew/CSG Justice Center/Vera States (many also assisted with BJA funds)**
  - Current/Prior: AL, AZ, CT, IL, KS, MI, NE, NV, NJ, PA, RI, SC, TX, VT, VA, WI
  - Upcoming: CO, FL, GA, NH, NC, OH, OR
- **Common policy options**
  - Graduated sanctions (vs. revocation) for probation/parole technical violators
  - Increased earned time for inmates who complete risk-reduction programs
  - Expand eligibility for front-end community corrections, drug courts
  - Accelerate release to transition centers/other supervision
- **Impact**
  - Overall crime rates in early reform states (e.g. TX, KS) are tracking national drops

## TOTAL STATE SAVINGS

**\$3.5 billion - \$6 billion over 5 years (est.)**

## Texas Takes a New Direction (CSG, 2007)



### Problem

- Added 100,000 beds in past 20 years but still faced 14-17,000 bed shortfall by 2012
- \$523 million in additional costs for FY09

### Analysis

- High recidivism rate, low parole grant rate
- Technical violators a primary driver

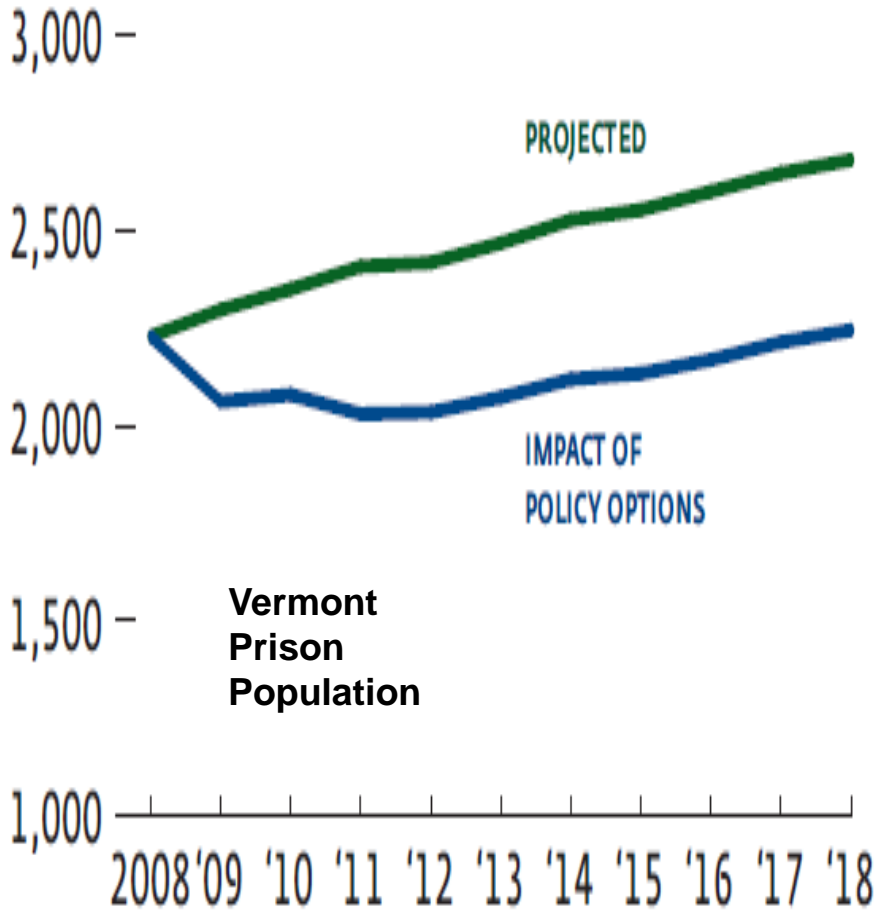
### Solutions

- Expand network of residential, community diversion/ treatment facilities (\$241M)
- Comply with state parole rate law

### Outcomes

- Probation revocations down 26%
- Parole revocations down 4%
- Actual savings of \$512M in FY08/09 Est. savings of over \$1B through FY12
- 2009 Legislature continued \$120M annual reinvestment in community corrections

# Vermont Slows High Growth Rate (CSG, 2008)



## Problem

- Incarceration rate grew 80% (1996-2006) vs. 18% national increase
- 23% more growth projected 2007-2018
- Cost estimate as high as \$206M

## Analysis

- Property and drug offenders more than half of 2000-2006 felony prison growth
- 77% substance abusers; only 13% treated

## Solutions

- Establish pilot pre-sentence assessment
- Create 100-bed work camp, intensive treatment program for substance abusers
- Improve supervision through caseload caps, EM, admin. monitoring for low risk

## Outcomes

- Est. savings of up to \$92M over 10 years
- Goal of reducing revocations by 10%



## Policy Framework to Strengthen Community Corrections

- Menu of five policy options to speed implementation of evidence-based practices
  - Based on innovations now working in the states and a year-long review by a group of experts assembled by Pew.
1. **Evidence-Based Practices:** Require a timetable for adoption of EBP (75% of offenders within four years)
  2. **Earned Compliance Credits:** Move concept of earned time from behind the walls to community (15 days per month off term of supervision)
  3. **Administrative Sanctions:** Boost the swiftness and certainty of sanctions for violations by providing supervision agencies with greater administrative authority
  4. **Performance Incentive Funding:** Create fiscal incentives for agencies to reduce recidivism/revocation of supervision violators (keep 45% of prison savings)
  5. **Performance Measurement:** Require tracking/public reporting of recidivism, employment, drug test results and victim restitution collection rates

## 10 Evidence-Based Sentencing Initiatives to Control Crime and Costs

1. Establish Recidivism Reduction as an Explicit Sentencing Goal
2. Provide Sufficient Flexibility to Consider Recidivism Reduction Options
3. Base Sentencing Decisions on Risk/Needs Assessment
4. Require Community Corrections Programs to be Evidence-Based
5. Integrate Services and Sanctions
6. Ensure Courts Know About Available Sentencing Options
7. Train Court Officers on Evidence-Based Practice (EBP)
8. Encourage Swift and Certain Responses to Violations of Probation
9. Use Court Hearings and Incentives to Motivate Offender Behavior Change
10. Promote Effective Collaboration Among Criminal Justice Agencies

*Source: Judge Roger K. Warren (ret.), "Arming the Courts with Research: 10 Evidence-Based Initiatives to Control Crime and Costs," Pew Center on the States, May 2009.*



# Possible Implications for the Federal System

**Note:** *The federal and state criminal justice systems are different in many ways and the federal system handles a greater variety of offenders. Still, there is a good deal of overlap, so some state reforms are likely to be relevant. Moreover, the federal prison population is determined by the same two factors, Admissions and Length of Stay.*

- **Admissions: Increase Use of Non-Prison Sanctions for Lower-Risk Offenders**
  - Expand eligibility for/availability of front-end community corrections, drug courts (KS, NJ)
  - Use risk assessment to identify appropriate offenders for alternate sanctions (VA, VT)
  - Increase use of halfway houses as front-end option for short sentences (TX)
  - Enhance use of probation for offenders in guidelines Zones A and B
- **Length of Stay: Moderate Prison Time Served for Lower-Risk Offenders**
  - Incentivize program completion with modest sentence-reduction credits (KS, PA)
  - Expand eligibility for programming that earns sentence-reduction credits (RDAP)
  - Expand types of programs/activity that can earn sentence-reduction credits (NV)
  - Accelerate transition to halfway houses/home detention at end of prison term (GA, CO)
  - Calculate statutory good time (15%) to full effect



# Model Program: HOPE Probation (Hawaii)

- **Goal**
  - Infuse drug court-like model (carrot/stick, swift/certain sanctions) across a much larger number of offenders under community supervision
- **Target population**
  - High- to medium-risk probationers, including meth users and DV offenders
- **Intervention**
  - HOPE judges monitor probationers for drug use and other violations and respond with swift and certain but modest sanctions – typically a few days in jail
- **Results** (from NIJ-supported preliminary evaluation; updated figures due soon)
  - Arrests for new crimes 53% lower; revocations 71% lower
  - Positive drug tests, missed P.O. appointments both 58% lower
  - Prison days down 63%
- **Replication**
  - Nevada launching pilot in October 2009
  - Federal legislation in development (Rep. Schiff)