



***Be A Smart-ALEC on Crime:***  
**Model Legislation to Enhance Public Safety By**  
**Strengthening Community Corrections**



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# Introduction

- **TPPF Mission: Individual Responsibility, Free Enterprise, Limited Government, Private Property Rights**
- **We apply these foundational principles to criminal justice, bringing together stakeholders and working with allies across the political spectrum.**



# ALEC Model Legislation to Strengthen Community Corrections:

- ★ Tough & Smart
- ★ Based on Research
- ★ Embodies Conservative Principles:  
Accountability for Both Offenders and  
Corrections Agencies, Measure and  
Incentivize Performance



# Why Community Supervision Matters

- **1 in 45 U.S. adults on probation or parole. Public safety depends on effective community corrections.**
- **Two-thirds of incoming inmates are probation or parole violators, about half are "technical" violators who did not commit a new offense.**

# Swift and Certain Sanctions Act

- Based on research showing superiority to old approach of waiting to revoke after violations pile up.
- Requires community supervision agencies to use grid of graduated sanctions.

# Examples of Graduated Sanctions

- Electronic monitoring; drug and alcohol testing or monitoring; day or evening reporting centers; restitution centers; forfeiture of earned compliance credits.
- Substance abuse or mental health treatment; increased reporting requirements; community service or work crews; residential treatment facilities or halfway houses; and short-term incarceration.



# Where It Has Worked

- Ohio parole sanctions grid implemented in 2005 led to fewer violations and revocations.
- Hawaii HOPE Court with swift and sure sanctions has proven in randomized controlled trial to reduce positive drug screens by 91 percent and cut both revocations and new arrests by two-thirds.

# Resolution in Support of HOPE Court

- Launched in Hawaii by former prosecutor Judge Steven Alm, now in Clark County, Nevada.
- For the 685 probationers who were in the program for at least 3 months, the missed appointment rate fell from 13.3 percent to 2.6 percent and "dirty" drug tests declined from 49.3 percent to 6.5 percent.
- Costs only \$1,000 per participant.



# Recidivism Reduction Act

- **Requires most community supervision programs to incorporate evidence-based practices. Elements include:**
  - **Individualized case plan;**
  - **Adoption, validation and utilization of an objective risk and needs assessment tool;**
  - **Match score on tool with level of supervision and type of programming;**
  - **Prioritize use of supervision resources for high-risk offenders;**
  - **Swift, certain, proportionate responses.**

# Recidivism Reduction Act

- **Additional elements include:**
  - **Align caseload size to risk;**
  - **Best practices for victims such as improving restitution collection, informing victims on progress of case, victim-offender mediation, victim impact statement, and victim satisfaction survey;**
  - **Professional development training in evidence-based practices;**
  - **Accountability provisions for evaluation of results and annual report to the legislature**

# Where It Has Worked

- In 2005 Travis County, TX probation implemented evidence-based practices such as risk/needs assessment, case management based on ongoing reassessments, caseload size aligned with risk, and neighborhood supervision.
- By 2009, revocations for technical violations declined 48% and new crimes dropped 17%.



# **Community Corrections Performance Measurement Act**

- **If you don't measure it, you won't affect it!**
- **Must maximize taxpayers' return on every dollar spent.**
- **Based on the Performance Based Standards for Adult Probation and Parole Field Services (4th edition) published by the American Correctional Association.**

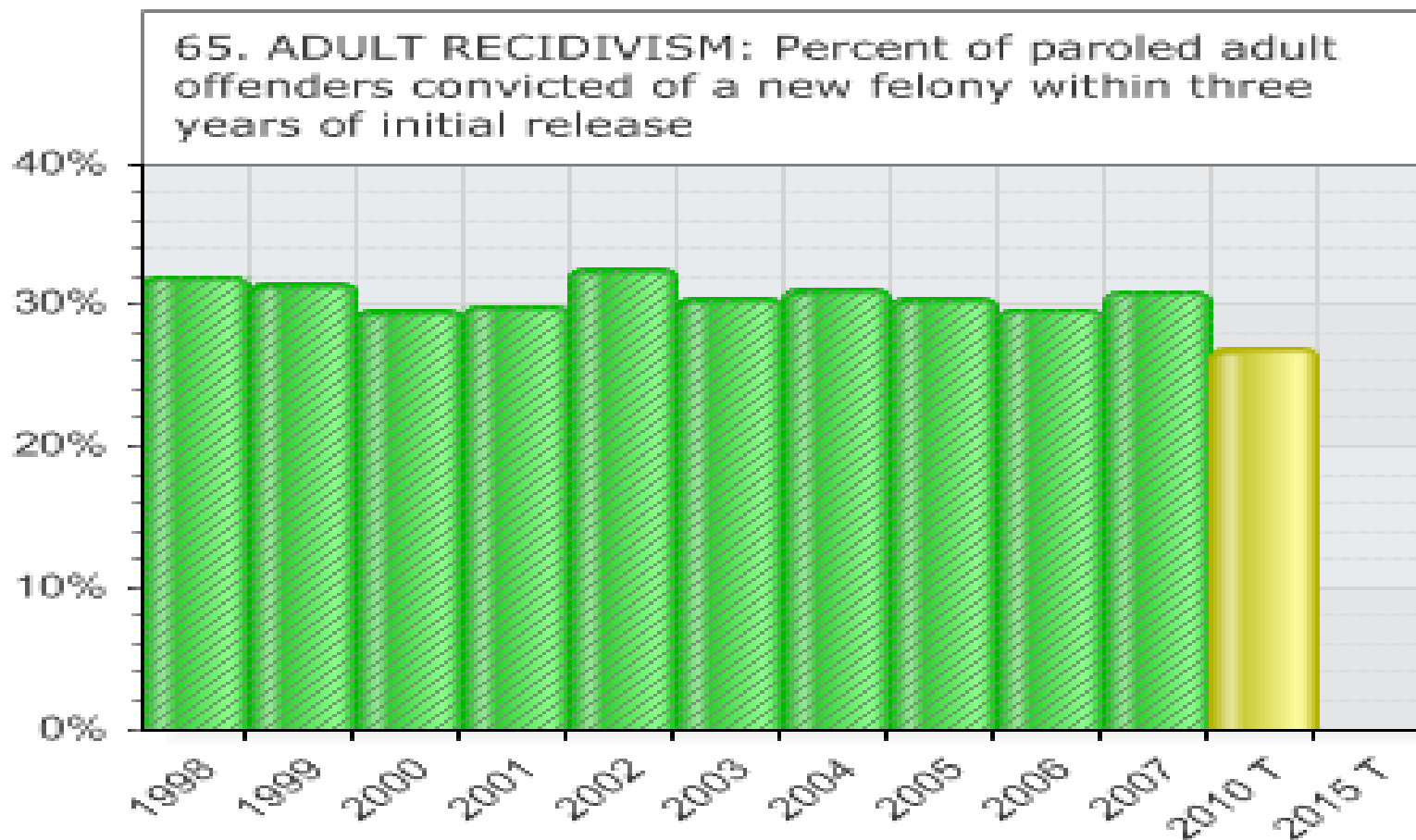
# **Community Corrections Performance Measurement Act**

## *What Will Be Counted?*

- **Recidivism;**
- **Employment of Offenders;**
- **Substance Use Desistance;**
- **Restitution Paid;**
- **Victim Protection;**
- **Status of Discharge from Supervision.**

# Where It Has Worked

## ■ Oregon Progress Board



# Community Corrections Performance Incentive Act

- Probation departments receive up to 45% of savings to state when they reduce *both* their revocations and new offenses.
- 30% if revocations & new offenses drop.
- 5% if increase in share of probationers current on restitution.
- 5% each if increased employment and drug-free rates.

# Community Corrections Performance Incentive Act

*How Can Probation Departments Use the Savings?*

- Implementation of evidence-based practices;
- Increasing the availability of risk reduction programs and interventions,
- Victims' services.



# Where It Has Worked: Raising Arizona Results

- **In Dec. 2008, Arizona enacted SB 1476 that pledged up to 50% of the state's savings to probation departments that reduced revocations and new offenses.**
- **In 2009, probation revocations declined 12.8% and new convictions fell 1.9%.**
- **Mohave County's percentage of their probation caseload revoked for new felonies dropped from 4.6% to 1.1%, saving the state \$1.7 million in incarceration costs.**

# Where It Has Worked: Modeling Mohave

- Training officers in motivational interviewing;
- Differently-sized caseloads based on risk;
- Better identifying treatment needs;
- Positive incentives, recognition;
- Implementing Moral Recognition Therapy, a cognitive educational program that helps probationers understand that their own choices have put them into their situations and makes them accountable for their actions.



# Where It Has Worked: Texas Juvenile Justice Incentive Funding

- A 2009 budget provision allows counties that agree to reduce commitments to state lockups to receive a share of the savings for local, research-based programs with performance measures.
- Juveniles adjudicated for a crime in Texas declined 10.3% in the 2009 fiscal year and commitments to state lockups fell 36%.
- Texas saved more than \$50 million.



# Resolution in Support of Justice Reinvestment

- A stronger front-end system reduces crime and total costs.
- Since Texas began this approach in 2005, crime rate is down 9.2% and incarceration rate is down 10.8%; \$2 billion in avoided prison costs.
- In Connecticut, results have been increased successful probation completion rate, significant drop in crime rate, and closure of unneeded prison.

# Key Resources

- Texas Public Policy Foundation

[www.texaspolicy.com](http://www.texaspolicy.com)

- Pew Center on the States  
Public Safety Performance Project

[www.pewcenteronthestates.org](http://www.pewcenteronthestates.org)

- Council of State Governments  
Justice Center

[www.justicecenter.csg.org](http://www.justicecenter.csg.org)

- Justice Fellowship

[www.justicefellowship.org](http://www.justicefellowship.org)

