



Thinking Outside the Cell: Achieving More Cost-Effective Corrections in Mississippi



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Introduction to the Texas Public Policy Foundation

- **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 policymakers and allies across the spectrum.**

Snapshot of Mississippi Corrections

- ▣ Prison population has grown from 10,631 in 1994 to 21,408 today, but that's less than 22,754 at end of 2008.
- ▣ The cost per prisoner is \$41.74 per day, which is lower than most states.
- ▣ MS. spends about \$330 million a year on adult corrections.
- ▣ 53% of MS. inmates are there for nonviolent offense.
- ▣ 7 out of 10 MS. inmates have a relative in prison.

Recent Progress in MS Corrections

- ▣ Since 2008, MS. Incarceration rate has declined, the corrections budget has been trimmed by 5%, and prisoner recidivism rate has dropped from 30.31% to 27.87%.
- ▣ In last few years, MS. has expanded options such as house arrest and GPS for nonviolent offenders and cut solitary confinement 80%.
- ▣ MS. crime rate has reached lowest level in two decades.



Is it always necessary to increase incarceration in order to reduce crime?



Incarceration & Crime

State	Incarceration Rate Change 2000-2007	Crime Rate Change 2000-2007
California	0%	-16%
Florida	+16%	-11%
New York	-16%	-25%
Texas	-8%	-6%

- ▣ **Violent crime in New York City down 64% from 2000 to 2007 while 42% fewer inmates**

Texas Trend: Lower Incarceration *and* Crime Rates

Year	FBI Index Crime Rate	Incarceration Rate Per 100k
2005	4,857.1	681
2010	4,236.4	620
Percent Change	-12.8%	-9.0%

- ▣ Texas' crime rate has reached its lowest level since 1973.

*Sources: Bureau of Justice Statistics and
Texas Law Enforcement Agency Uniform Crime Reports*

Did Texas avoid building 17,332 prison beds by letting inmates out early?



No, The 2005 and 2007 Reforms Were Primarily Budgetary

- ▣ Capacity in programs that offer less costly alternatives to incarceration was expanded and then maintained in 2009 and in the 2011 budget crisis session.
- ▣ Texas did not shorten prison sentence lengths, though parole rate has increased slightly from 27 to 31%, as Board finds that as more inmates are receiving treatment, more are safe to be released with supervision.

Texas Probation Reform Proves the Right Incentives Work

- ▣ In 2005, additional \$55 million in funding for stronger probation supervision to probation departments that adopted progressive sanctions.
- ▣ Participating probation departments reduced their technical revocations by 16% while those that didn't increased technical revocations 8%.
- ▣ Had all departments increased their revocations by 8%, another 2,640 revocations for an average of 2.5 years at a cost to taxpayers of \$119 million, not including prison construction.
- ▣ Texas probation revocation rate declined from 16.4% in 2005 to 14.7% in 2010.

Bolstering Texas Parole Supervision: Less Crime, Less Total Spending

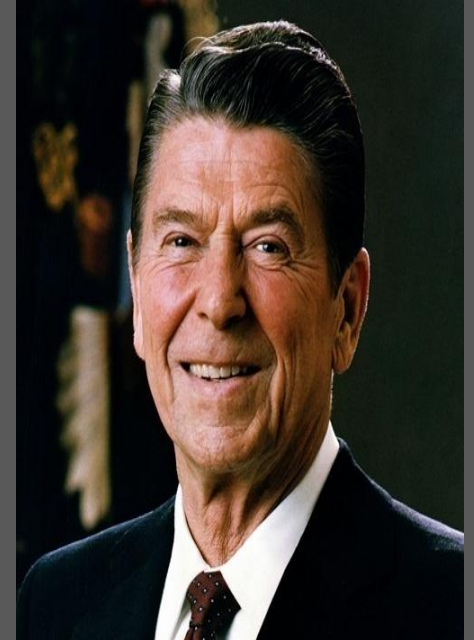
- ▣ From 2007 to 2010, 1,306 fewer parolees allegedly committed an offense and 825 fewer were revoked for rule violations, saving \$30.1 million.
- ▣ Parole supervision has added instant drug testing, more substance abuse treatment, more job placement resources, enhanced use of graduated sanctions; restored parole chaplains, and increased officers' emphasis on helping parolees succeed instead of "trail'em, nail'em, and jail'em."

Do Conservatives Support a Prison for Every Problem?



Getting Criminal Justice Right

- Gov. Reagan in 1971: “Our rehabilitation policies and improved parole system are attracting nationwide attention. Fewer parolees are being returned to prison than at any time in our history, and our prison population is lower than at any time since 1963.”



Leadership of Governors

- LA.: Gov. Jindal: “hammer away at dubious distinction of highest incarceration rate in the world” with day reporting, jail reentry & work release
- CT.: Gov. Rell: Divert non-violent offenders, closed prison in 2009
- TX.: Gov. Perry: “rehabilitate nonviolent offenders, spend less locking them up again”
- Govs. Daniels, Deal & Kasich push reforms in 2011



Gov. Bobby Jindal



**Conservatives
Latch on to Prison
Reform**

January 28, 2011



**Right on Crime Noted
in “Budget Crunch
Forces New Approach
to Prisons”**

February 15, 2011



***National Review*
Praises Right on
Crime**

February 21, 2011

Conservative Leaders Weigh In

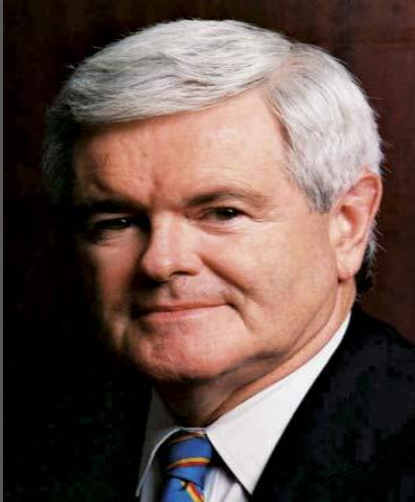
- Speaker Newt Gingrich, Former FL. Gov. Jeb Bush, Drug Czar Bill Bennett, A.G. Ed Meese, Grover Norquist, and Other Conservative Leaders Endorse Right on Crime Statement of Principles
- Statement Supports Cost-Effective Alternatives for Nonviolent Offenders, Emphasis on Restitution and Treatment, and Performance Measures and Incentives to Move from a System That Grows When it Fails to One That Rewards Results



Grover Norquist,
President, *Americans for
Tax Reform*

Speaker Gingrich Speaks Out

Op-ed by Newt Gingrich & Mark Earley, Atlanta Journal-Constitution, March 23, 2010



“If two-thirds of public school students dropped out, or two-thirds of all bridges built collapsed within three years, would citizens tolerate it? The people of Georgia would never stand for that kind of failure. But that is exactly what is happening all across the U.S. in our prison systems.

Last year, some 20,000 people were released from Georgia's prisons to re-enter our communities. If trends of the past decade continue, two-thirds of them will be rearrested within three years. That failure rate is a clear and present threat to public safety. Not only is this revolving door a threat to public safety, but it results in an increasing burden on each and every taxpayer.”

Do Victims Think Prison is Always the Best Solution?



What Do Victims Want?

Survey of Iowa Burglary Victims

Sanction	Percent Requesting
Restitution	81.4%
Community Service	75.7%
Pay Fine	74.3%
Regular Probation	68.6%
Treatment/Rehabilitation	53.5%
Intensive Probation	43.7%
Short Jail Term	41.4%
Boot Camp	40.0%
Work Release Facility	34.3%
Prison Sentence \geq Year	7.1%

When an Offender Can Be Safely Supervised & Treated in the Community, Restitution is More Likely

- ▣ 39% of property offenders were on drugs at time of offense so reducing substance abuse may impact property crime.
- ▣ In 2008, Texas probationers paid \$45 million in victim restitution and did \$65 million worth of community service work. And they pay more than half of the \$2.41 per day probation cost.
- ▣ Texas prisoners paid less than \$500,000 in total of restitution, fines, and fees.

Prison is Sometimes Necessary for Public Safety, But Where It's Not One Benefit of Alternatives is Family Preservation

- Inmates owe billions in child support – can't pay
- Probationers pay \$600 million in child support
- 85% of female inmates nonviolent – average 2.2 children
- 20% of women entering prison are pregnant or have babies six weeks or younger

Challenges & Solutions



Public Safety & Reforming Offenders

- ▣ Alternatives with accountability
- ▣ Probation has teeth, not just an office visit: work, treatment, drug tests, GPS, but use risk/needs assessment to avoid over-supervising.
- ▣ Since probation costs 15 to 20 times less than prison, when appropriate it pays to invest in doing it right with evidence-based practices.

Many Alternatives Work

- MD. evidence-based probation program: 22% less recidivism for low-level nonviolent offenders than prison.
- Hawaii HOPE Court with swift and sure testing and sanctions: 2/3 less re-offending.
- FL. Study: GPS monitored probationers were 89% less likely to be revoked

Drug Sentencing Reform

- Reevaluate laws under which the average state prison sentence for drug sales in the United States is 5.7 years, compared to 10.4 years in MS. For drug possession, the average prison sentence is 4.5 years vs. 7.2 years in MS.
- Require probation, treatment, and drug court in low-level possession cases in lieu of prison unless the offender has a prior substantial record or judge makes a written finding that offender is a danger to public safety.
- In last two years, S.C., KY., OH., and AR. have reduced low-level drug possession penalties as part of omnibus, consensus reform bills.

Strengthening Supervision

- ▣ Revocations are significant prison population driver. One Mississippi probationer revoked for 19 years for positive drug test. Judicial leniency prevented a 11 year revocation for hunting violation
- ▣ Use sanctions and incentives.
- ▣ Use risk/needs assessments to match offenders with programs.
- ▣ Enhancing confidence in probation & parole may increase use. Probation placements are up and crime by probationers is down after TX departments began receiving state incentive funding and using graduated sanctions.

Restitution Revolution: Victims as Customers

- Victim-offender mediation proven to reduce re-offending and increase victim satisfaction and restitution while being far cheaper and quicker than traditional court process.
- In Vermont. 91% support reparative boards. 70% plus support use for repeated shoplifting and bad checks. Re-offending 12 to 23% less than regular probation.
- 75% of U.S.: restitution & community service an effective approach.
- Restitution ordered in only 26% of property cases – a third collected.

Stop the Revolving Door

- Employed offenders on supervision are twice as likely to succeed
- In-prison vocational training = 9% less re-offending
- Protect employers from lawsuits for hiring ex-offenders
- Grant occupational licenses when offense is unrelated to the job. In some states, drug possession disqualifies a prospective barber. 2009 TX. law allows ex-offenders to obtain a provisional license.

The Incentive Funding Model: Aligning Goals & Funding

- ▣ Give counties the option to receive some state funds now spent incarcerating non-violent offenders in exchange for setting a prison commitment target.
- ▣ Funds could be used for treatment, stronger probation, electronic monitoring, prevention, problem-solving policing, and victim mediation and services.

Problem-Solving Courts

- Drug courts: 34% lower recidivism: should focus on high-risk offenders who would have gone to prison.
- Hawaii HOPE Court with regular testing, treatment as needed, and weekend jail in few cases of non-compliance: 2/3 less re-offending, costs a third of drug court.
- Mental health courts: *Amer. Journal of Psychiatry*: less total & violent re-offending

Athens, GA. Day Reporting Center



Rick Thomas installs hardwood floors in an Athens apartment complex as part of his construction job. Thomas graduated from the Day Reporting Center opened in 2008 by the Department of Corrections. Newly released offenders with a history of a substance abuse and cognitive challenges receive counseling and supervision. To graduate, participants must hold and maintain a job for 90 days. Georgia has 11 day reporting centers.

Enhance Utilization of Mississippi Drug Courts

- Drug courts: 34% lower recidivism: must focus on high-risk felony offenders who would've gone to prison.
- MS. has 49 drug courts; 34 are for adults.
- Utilize risk/needs assessment to ensure drug courts achieve diversion mission by focusing on those who need more than basic probation.

Veterans Courts: The Newest Problem-Solving Court



Buffalo, N.Y. Veterans' Court

- Key elements include accountability, treatment, V.A. liaison, and mentoring by volunteer veterans
- Authorizing legislation passed in TX., NV., and IL.

- First in nation Buffalo, N.Y. Veterans Treatment Court launched in 2008. As of Sept. 2009, only 5 of 120 participants removed and none of 18 graduates re-arrested.



Buffalo, N.Y. Veterans' Court

Promote Successful Reentry

- ▣ Ensure reentering inmates have photo identification.
- ▣ Use transitional living where parolees without resources or family home gradually pay more of their board through working
- ▣ OH.: Halfway house study found reduced re-offending for parolees safe enough for release but posing a substantial risk without housing. OH. residents generate \$6.7 million in earnings. Cost is less than half of prison.

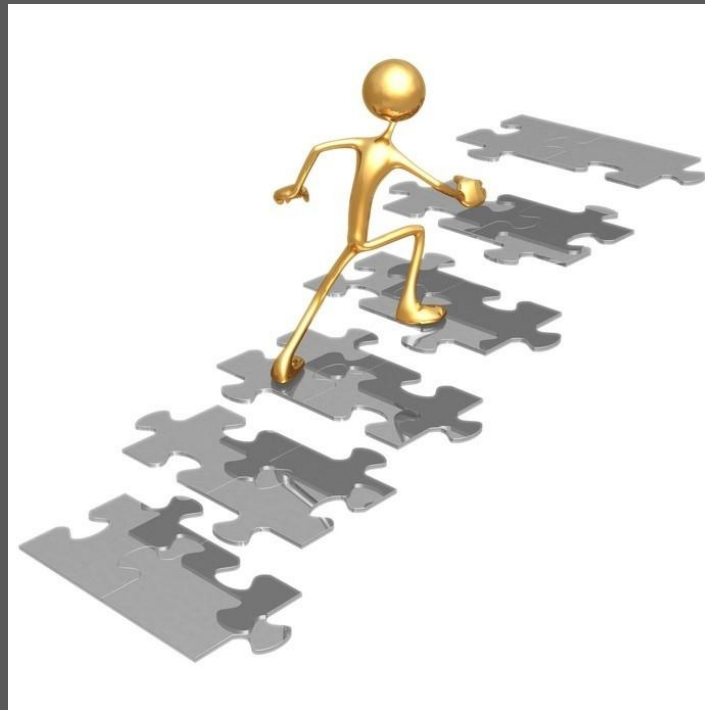


Norwich, CT.
Halfway House

Criminalizing Capitalism

- ▣ More than 4,500 federal criminal statutory offenses.
- ▣ MS. has 93 environmental crimes alone, of which 32 are strict criminal liability offenses.
- ▣ In MS. hunting deer by boat punishable by six months prison.
- ▣ Recent examples include Arthur Andersen and Gibson Guitar raid.

Taking the Next Steps



ALEC Corrections Model Legislation

- **Community Corrections Performance Measurement Act**
- **Earned Compliance Credit Act (for probationers)**
- **Swift and Certain Sanctions Act**
- **Civil Liability Relief for Employing Ex-Offenders Act**
- **Resolutions Supporting HOPE Court and Victim-Offender Mediation**

ALEC Overcriminalization Model Legislation

- Criminal Intent Protection Act
- Treating Accused Persons Fairly Act (Rule of Lenity)
- Resolution Supporting Transparency and Accountability in Criminal Law
 - Offense in caption of bill
 - Specific state and local fiscal note
 - Rein in agency delegation that allows bureaucrats to create regulatory crimes

Asking the Right Questions: Demand Facts & Measure Results

- How many non-violent first-time offenders go to prison?
- How many probationers and parolees are revoked for rule violations who could be safely supervised and treated given sufficient resources?

Asking the Right Questions: Demand Facts & Measure Results

- Are there outcome-oriented performance measures in place to measure results?
- What percent of offenders in community corrections and prison are paying the restitution they owe?
- Which treatment, education, and work programs most reduce re-offending for each type of offender?

Key Resources

▣ Texas Public Policy Foundation

www.texaspolicy.com

▣ Justice Fellowship

www.justicefellowship.org

▣ Right on Crime

www.rightoncrime.com

▣ Pew Center on the States

Public Safety Performance Project

www.pewcenteronthestates.org

▣ Council of State Governments, Justice Center

www.justicecenter.csg.org

Conclusion: There Are Powerful Solutions to Enhance Public Safety and Control Costs in Mississippi. Let's Join Together and Make It Happen.



The presenter is pleased to provide supporting data and additional information upon request