

# MARYLAND ALLIANCE FOR JUSTICE REFORM

Working together for a criminal justice system that serves our communities



## Selections from the Justice Reinvestment Initiative State Assessment Report

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For more information on the Maryland Alliance for Justice Reform, including complete drafts of eight proposed bills, please go to the our website at [www.ma4jr.org](http://www.ma4jr.org) or call the MAJR number (443) 583-4251 at the Annapolis Friends Peace and Justice Center, 351 Dubois Road, Annapolis, MD 21401.

# Foreword

Following a recent evolution in criminal justice policy and practice, justice reinvestment provides jurisdictions an opportunity to implement cost-effective and evidence-based strategies to manage the corrections population while enhancing public safety.

The Bureau of Justice Assistance (BJA) funded the Justice Reinvestment Initiative (JRI), in a public-private partnership with the Pew Charitable Trusts, to provide technical assistance and financial support for systemwide criminal justice reform efforts. Under the JRI model, a bipartisan working group comprising key policymakers uses comprehensive data analyses to identify the drivers of the local corrections population and costs and foster support for a set of cost-effective policy options addressing those drivers. In recognition of the hard work of implementation that follows sweeping system changes, the JRI model emphasizes support for implementation and the achievement of long-term justice system realignment. Jurisdictions then reinvest the cost savings into high-performing initiatives that make communities safer.

This JRI State Assessment Report, funded by BJA, describes the progress, challenges, and preliminary outcomes of 17 JRI states from 2010 to summer 2013. While it is too early to assess the full impact of justice reinvestment reforms, states have enacted policies that hold great promise to reduce prison populations or avert future growth, generating savings while enhancing public safety. In addition to population changes, justice reinvestment has encouraged states to shift toward a culture of greater collaboration, data-driven decision-making, and increased use of evidence-based practices.

This report demonstrates that justice reinvestment is a smart approach to enacting criminal justice reform that not only effectively manages corrections populations, but also enhances public safety. It is my hope that this report inspires further change efforts surrounding criminal justice policy in the states.

A handwritten signature in black ink, reading "Denise E. O'Donnell". The signature is fluid and cursive, with the first name "Denise" and last name "O'Donnell" clearly legible.

Denise E. O'Donnell  
Director, Bureau of Justice Assistance

# North Carolina

North Carolina's prison population grew 29 percent in a decade and was expected to grow another 10 percent by 2020, costing the state hundreds of millions of dollars. Through the Justice Reinvestment Initiative (JRI), North Carolina enacted policies that were projected to save taxpayers \$560 million between 2011 and 2017. These policies include improving responses to probation violations, housing misdemeanants in jail instead of prison, and targeting resources to those at higher risk of reoffending. In the two years since enacting its reforms, North Carolina's prison population levels fell over 5 percent. As a result, the state was able to prevent new prison construction and close five correctional facilities.

## Impetus for Justice Reinvestment

North Carolina's prison population climbed 29 percent between 2000 and 2011, and was expected to rise another 10 percent by FY 2020. This increase was projected to cost the state approximately \$378 million in new prison construction and additional operating costs.<sup>380</sup> In 2009, North Carolina leaders, including the governor, the Supreme Court chief justice, the chairman of the Sentencing and Policy Advisory Commission, and a bipartisan group of legislators requested technical assistance (TA) to confront these problems. The Council of State Governments Justice Center (CSG Justice Center) provided TA to North Carolina.

## Establish Interbranch Bipartisan Working Group

With the support of technical assistance, state leaders established the North Carolina Justice Reinvestment Working Group, which consisted of representatives from both chambers of the General Assembly, the Administrative Office of the Courts, the Sentencing and Policy Advisory Commission, the Conference of Clerks of Court, the Conference of District Attorneys, the governor's policy office, the Department of Public Safety (DPS), and the Division of Mental Health, Developmental Disabilities and Substance Abuse Services.<sup>381</sup>

## Engage Stakeholders

The working group, in collaboration with the CSG Justice Center, conducted meetings and focus groups with various

### HIGHLIGHTS

- Prison population grew 29 percent between 2000 and 2011.
- JRI reforms included improving responses to probation violations, housing misdemeanants in jails rather than in prisons, and targeting resources to those at higher risk of reoffending.
- JRI reforms were projected to reduce the prison population by 8 percent over six years and save \$560 million.
- The prison population has declined over 5 percent in the past two years, allowing the state to close five correctional facilities.
- North Carolina reinvested \$38 million of its savings to support probation and community-based treatment over four years.

additional stakeholders, including judges, defense attorneys, treatment providers, victim advocates, community members, and law enforcement and probation officers.<sup>382</sup>

## Analyze Data and Identify Drivers

Through data analysis, the working group determined that in 2009, 53 percent of prison admissions in North Carolina were for probation revocations, and 76 percent of these did not involve convictions for a new offense. The working group found that probation officers did not have the resources to respond to violations effectively. Additionally, supervision resources were misallocated across risk to reoffend. A third of felony offenders on intensive supervision were low-risk while a third under less intensive supervision were high-risk. More than 85 percent of inmates were being released from prison unsupervised, despite data that

showed these offenders have higher rates of recidivism than those sentenced to probation.<sup>383</sup>

The working group also found that community-based treatment resources were allocated ineffectively. There was no allocation of treatment on the basis of criminogenic risk and needs. The available resources were spread evenly across all levels of offenses without regard to preventing recidivism most effectively.<sup>384</sup>

## Develop Policy Options

After nearly a year of data analysis and stakeholder discussions, three broad goals for policy in North Carolina emerged: strengthening probation supervision, holding offenders more accountable, and reducing recidivism. To reduce revocations, the North Carolina working group put forth policy options that would give probation officers the authority to respond to violations in a systematic way, focus their resources on offenders most likely to commit future crimes, and provide low-level drug offenders with incentives to complete probation successfully. To hold offenders more accountable, the working group recommended that every felon serve a mandatory period of supervision upon release from prison and that those who misbehave while incarcerated serve additional prison time. Additionally, the working group recommended reducing the possible sentence enhancements for those convicted of four or more felonies. At the time, prosecutors had the ability to enhance the sentence for habitual felons to the Class C level, regardless of the severity of the underlying offense.

The working group proposed capping the enhancement to four class levels for nonviolent offenses. For example, a Class I felony could be enhanced up to a Class E felony, but not up to a Class C or D felony. At the same time, the working group proposed lowering the number of convictions necessary to be convicted under a habitual breaking and entering status from four prior convictions to two. To reduce the risk of reoffending, the working group suggested that inmates be incentivized to complete risk reduction programs and that community-based treatment resources be focused on evidence-based practices (EBPs) that have been shown to reduce the risk of re-offense.<sup>385</sup>

These three main policy goals formed the basic justice reinvestment framework in North Carolina, but the working group put forth three additional policy options projected to save the state considerable money. Those three options were to limit the maximum length of sentences for probation violations, increase the length of post-incarceration

supervision for serious offenders, and have misdemeanants serve time in jail or on probation rather than in prison.<sup>386</sup>

## Codify and Document Changes

In June 2011, a bipartisan coalition in North Carolina passed House Bill (HB) 642, The Justice Reinvestment Act (JRA). The bill included every policy option recommended by the working group that required legislation to implement. The bill was shepherded through the legislature by a legislative champion and a bipartisan group of co-sponsors. JRA was projected to save North Carolina \$214 million in averted construction costs and \$346 million in reduced and averted operations costs by FY 2017, as well as to decrease the incarcerated population by nearly 5,000 inmates.<sup>387</sup>

## Implement Policy Changes

In addition to receiving technical assistance from the CSG Justice Center, DPS requested assistance from the University of North Carolina (UNC) School of Government to provide training to state and local government officials. UNC included JRA training in its semiannual judicial training conferences and disseminated materials explaining JRA's policy changes. The JRA working group continues to act as the oversight entity for implementation, while the Core Implementation Team oversees the day-to-day operational tasks of implementation throughout the state. Nine issue-specific working groups were convened to assist with implementation, and a JRI coordinator was hired to coordinate and manage the overall implementation of JRA. The North Carolina Sheriff's Association was tasked with implementing the misdemeanor confinement program, in which county jails house misdemeanants who would otherwise serve time in prison.<sup>388</sup>

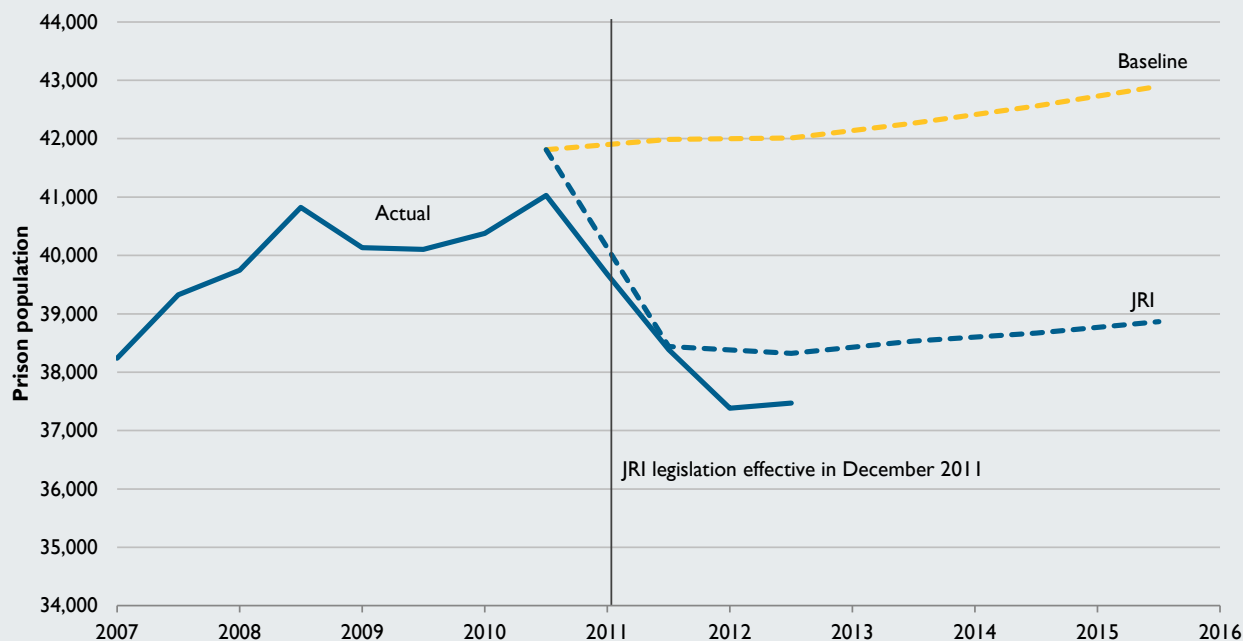
North Carolina received BJA subaward funding to train corrections staff, judges, defense attorneys, and prosecutors on JRA changes; to train corrections staff on EBPs; to purchase videoconference equipment for probation revocation hearings; and to update DPS's corrections population forecasting model.<sup>389</sup>

Implementation of HB 642 has been an ongoing process in North Carolina since 2011. State leaders and stakeholders have decided that the original timeline for implementation was too ambitious. More time was needed to train agency leaders, frontline staff, and community-based service providers, and to explain the implications of the new policies

# North Carolina

**FIGURE A.10**

## North Carolina Prison Population



Sources: JRI and baseline population projection data are from Council of State Governments Justice Center (2011b). Actual population data are from North Carolina Department of Public Safety Office of Research and Planning (2013).

Notes: Data do not include individuals in the statewide misdemeanor confinement program. Dotted lines represent projections.

for day-to-day practice. In response to implementation challenges, DPS instituted a second round of training for its staff after practitioners had gained some experience under the new law. In 2013, DPS hired an EBP coordinator to support the use of EBPs in the department. DPS also hired a **permanent justice reinvestment administrator**.<sup>390</sup>

With support from the CSG Justice Center, North Carolina implemented a pilot project in four counties to thoroughly examine the effectiveness of administrative responses. Probation officers in the four counties are using a grid of rewards and sanctions based on EBPs to reduce the number of people being revoked from probation to prison. Every response is recorded in a behavior log that will be used as a primary data source to evaluate probationer outcomes in the pilot sites. North Carolina will continue its pilot on a rolling basis to reach out to additional probation officers. Data will be examined throughout the pilot and at its conclusion to determine whether administrative responses were effective in changing offender behavior.<sup>391</sup>

North Carolina has also developed a statewide community treatment program, Treatment for Effective Community

Supervisions (TECS), to replace the locally based Criminal Justice Partnership. TECS funding requires vendors to target high-risk or high-need offenders and to use EBPs.<sup>392</sup>

The new probation guidelines in North Carolina have promoted a culture shift among probation officers from a retribution framework to a risk-reduction philosophy. Shifting the culture in DPS, though fueled by JRI, began before JRI and has been slow but successful.<sup>393</sup>

## Reinvest Savings

On the basis of projected savings from JRA, the working group recommended a reinvestment of \$10 million annually for prison-based and community-based programs directed toward those most at risk of re-offense, and for additional probation officer positions.<sup>394</sup> In both FY 2012 and 2013, North Carolina appropriated \$8 million for community-based treatment programs that target criminogenic risk and need. For FY 2014 and 2015, North Carolina reinvested \$4 million over two years for community-based treatment programs, as well as \$18 million for 175 new

probation officer positions.<sup>395</sup>

## Measure Outcomes

Delays in implementation have limited the amount of information available to measure outcomes of the legislation, but preliminary data are positive. Between December 2011 and June 2013, North Carolina's prison population decreased almost 5.6 percent, from 39,678 to 37,369 prisoners, exceeding population reduction projections (see figure A.10).<sup>396</sup> This decrease has enabled the state to close five prisons.<sup>397</sup> Additionally, in FY 2012, 63 percent of all felony admissions to prison were the result of a new crime, and only 37 percent were due to technical violations on community supervision.<sup>398</sup>

The prison population had begun decreasing in June 2011, even though the earliest effective date for the provisions in JRA was December 1, 2011. This suggests that there may have been other factors that contributed to a decline in the prison population. In April 2012, the North Carolina Sentencing and Policy Advisory Commission released a legislatively mandated report assessing the impact of JRA.<sup>399</sup> The report noted that while it was too early to realize the full benefit of JRA, the prison population decline could be attributed to a confluence of factors, including previous criminal justice reforms, changes in demographics, changes in crime trends, and JRA.

The CSG Justice Center will develop a dashboard to track the impacts of new legislation on crime, court dispositions, and corrections populations. The Department of Corrections, the Administrative Office of the Courts, and the Sentencing and Policy Advisory Commission all required modification of their data collection systems to track outcomes effectively. These changes were accomplished with existing resources. The departments are committed to tracking probation revocation rates, percentage of prison admissions due to probation revocations, and recidivism rates of low-level offenders, as well as community-based treatment participation and completion rates.<sup>400</sup> The Sheriff's Association is committed to tracking the misdemeanor confinement program.<sup>401</sup>



# Ohio

Ohio's prison population reached a record high of 51,273 in 2008. The rising prison population was projected to cost taxpayers \$925 million by 2018. With assistance from the Justice Reinvestment Initiative (JRI), state leaders developed and implemented reforms to reduce the prison population. JRI reforms included expanding the use of probation as an alternative to prison, adopting a validated risk assessment, and incentivizing prisoners to complete risk-reduction programming. These reforms were projected to save \$578 million over four years. In anticipation of these savings, Ohio invested \$14.5 million in a probation improvement and incentive grant program. So far, the prison population has declined two percent, which was smaller than projected.

## Impetus for Justice Reinvestment

Although Ohio had enjoyed a decline in its prison population from 1998 through 2004, the population rose by 16 percent in the following years, to a record high population of 51,273 in 2008. By December 2009, the prison population exceeded the corrections system's capacity by 30 percent. This rise in prison population increased costs: The budget of the Ohio Department of Rehabilitation and Correction (ODRC) grew by 18 percent (approximately \$239 million) between 2000 and 2008. These trends were not expected to abate: By 2018, the prison population was projected to climb 9 percent to 55,734 inmates. This would have imposed \$925 million in additional cumulative costs—\$424 million in construction costs for facilities and \$501 million in annual operating costs. And yet, Ohio's property crime rate was higher than the Midwest average and its violent crime rate had increased four percent between 2000 and 2008.<sup>402</sup>

To reduce justice spending and reinvest in programs to improve public safety, Ohio's governor, senate president, house speaker, and state supreme court chief justice requested assistance from the Council of State Governments Justice Center (CSG Justice Center) in 2008. The CSG Justice Center supported the operations of a bipartisan justice reinvestment working group that analyzed the state's criminal justice system and developed policy options.<sup>403</sup>

### HIGHLIGHTS

- Ohio's prison population reached a record high of 51,273 in 2008.
- Ohio's JRI legislation expanded the use of probation as an alternative to prison, mandated the use of a risk assessment, and incentivized prisoners to complete risk-reduction programming.
- JRI reforms were projected to reduce the prison population by 6 percent over four years and save \$578 million.
- Since July 2011, the prison population has declined almost 2 percent, a smaller reduction than was projected.
- Ohio reinvested \$14.5 million over two years in recidivism reduction grants to improve local probation practices.

## Establish an Interbranch Bipartisan Working Group

Ohio established an interbranch, bipartisan justice reinvestment working group to guide the CSG Justice Center's analysis of the state justice system and the development of policy options. The group included members of both parties and all three branches of government, as well as both chambers of the General Assembly. State leaders appointed members to this working group in January 2010.<sup>404</sup>

## Engage Stakeholders

Engagement continued during the analysis and policy development process through focus groups and interviews with hundreds of practitioners and stakeholders. During the policy development process, a conference was convened at which the CSG Justice Center presented findings to cabinet officials, state lawmakers, state Supreme Court justices, service providers, public defenders, prosecutors, victims' advocates, and local government representatives. These groups provided feedback, comments, and ideas on how to address the drivers identified in data analysis.<sup>405</sup>

## Analyze Data and Identify Drivers

Data analysis took place between January and July of 2010. The analysis used information from ODRC, the Ohio Department of Mental Health, the Ohio Department of Alcohol and Drug Addiction Services, the Ohio Supreme Court, County Probation Departments, and the FBI Uniform Crime Reports. This quantitative review was supported by focus groups and interviews with hundreds of practitioners and stakeholders from across Ohio, including prosecutors, public defenders, service providers, victims' advocates, judges, local government officials, community corrections officials, and law enforcement executives.<sup>406</sup>

Three key drivers of Ohio's prison population were identified. First, property and drug offenders in Ohio constituted a costly revolving door: Offenders were sentenced to state prison for short periods and then released to the community without supervision. In 2008, more than 10,000 low-level offenders were sentenced to state prison for an average of nine months, costing the state \$189 million and offering few improvements in public safety. Second, community corrections programs were not targeted to ensure that the right populations received services, meaning that Ohio was not obtaining as strong a benefit as possible from the \$130 million invested annually in diversion programs. Third, the policies of Ohio's probation system were inconsistent, and no statewide standards governed the use of evidence-based practices such as graduated response grids or risk and needs assessments.<sup>407</sup>

## Develop Policy Options

To transform findings from the data analysis into actionable policy, cabinet officials, state lawmakers, state supreme court justices, community-based providers, and

local government representatives reviewed the CSG Justice Center's policy analysis at a July 2010 conference, providing feedback and comments. Conference participants offered recommendations on managing the growth of prison population and costs, improving cost-effectiveness, and reinvesting in strategies to improve public safety. These recommendations were translated into three policy objectives: holding offenders accountable in meaningful ways, using community corrections programs more effectively, and strengthening probation supervision. Guided by the Justice Reinvestment Working Group and additional feedback from interviews and meetings with stakeholders and practitioners, the CSG Justice Center helped develop a policy framework that addressed these goals and had the support of the working group.<sup>408</sup>

## Codify and Document Changes

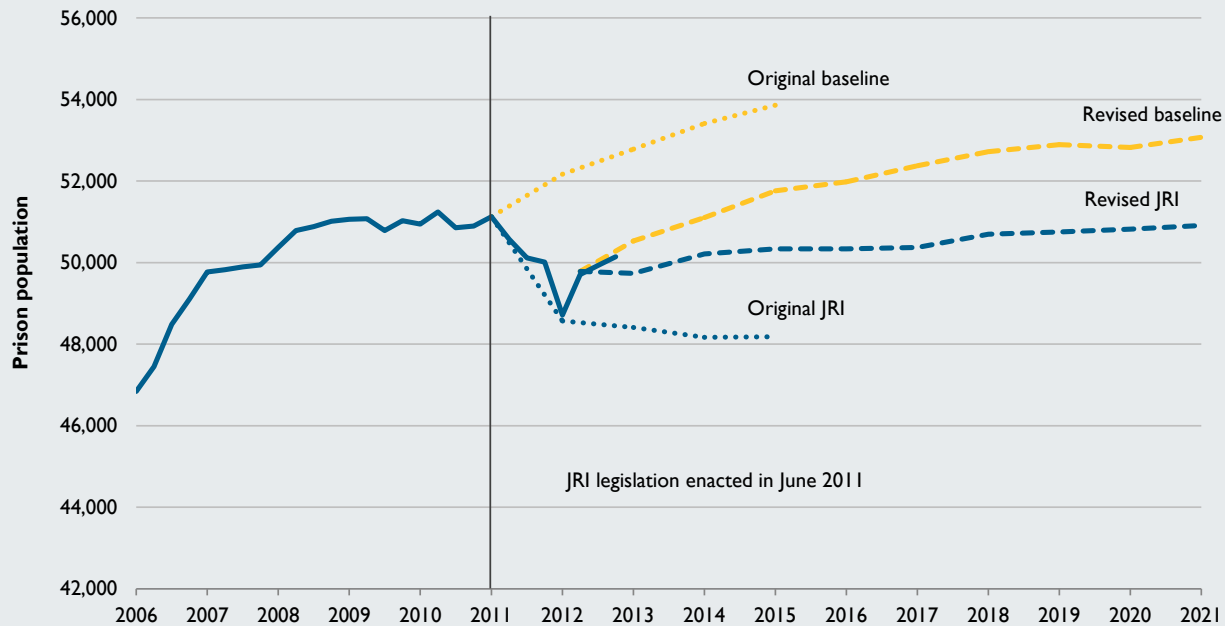
Ohio codified its JRI policies with the passage of House Bill (HB) 86, which took effect in September 2011. HB 86 built on previous legislative efforts to reform the justice system. It realigned the priorities of the system to hold offenders accountable in meaningful ways, make more effective use of community corrections programs, and strengthen probation supervision. It holds offenders accountable by allowing for risk-reduction sentencing, which provides the option of releasing low-risk offenders who serve 75 percent of their sentence and allowing judicial release of inmates who have served 80 percent of sentences longer than a year. Community corrections are used more effectively through codification of the ODRC reentry planning process, which requires ODRC to adopt a validated risk assessment tool and train staff in its use, and establishes community alternative sentencing centers. HB 86 also strengthens probation supervision by requiring GPS monitoring for offenders released with the accumulation of more than 60 days of credit, establishing statewide standards for probation, and increasing the options available to probation to deal with offenders who abscond.<sup>409</sup> The CSG Justice Center projected that HB 86 would reduce Ohio's prison population by six percent over four years, saving taxpayers \$78 million in operating costs and \$500 million in averted construction costs.<sup>410</sup>

HB 86 also supported reinvestment through two grant programs that strengthen probation—an improvement grant program to support the adoption of best practice policies and an incentive grant program to departments that successfully reduce the number of revocations to prison.<sup>411</sup>



**FIGURE A.11**

## Ohio Prison Population



Sources: Actual prison population data are from Ohio Department of Rehabilitation and Correction (2013). Original baseline and JRI projection data are from Council of State Governments Justice Center (2011c). Revised baseline and JRI projection data are from Martin, Brian and Steve Van Dine (2012).

Note: Dotted lines represent projections.

## Implement Policy Changes

Since the passage of HB 86, Ohio has made strong progress in establishing probation training standards and training probation officers using modules developed by the University of Cincinnati. The state is also in the process of completing a train-the-trainer process and plans to complete these trainings in 2013.<sup>412</sup>

Ohio has also adopted a new risk assessment tool, the Ohio Risk Assessment System (ORAS), to facilitate placing people into community-based corrections facilities. Current implementation efforts focus on encouraging the use of the 80 percent judicial release option and the use of presumptive probation for certain classes of low-level felony charges. To facilitate the use of policies that require judicial discretion, Ohio is developing trainings to educate judges and other decisionmakers about sentencing options.<sup>413</sup> State stakeholders hope that the coming years will see full implementation of all provisions of HB 86.<sup>414</sup>

In Ohio, BJA subaward funding supported database upgrades, course development and training in evidence-based practices for probation officers and supervisors, and travel and rental costs to support JRI activities.<sup>415</sup>

## Reinvest Savings

In the first two years of implementation, Ohio invested \$14.5 million in strengthening probation: \$8 million in probation improvement grants to municipal and county probation departments to reduce recidivism, \$4 million to the departments that were most successful in the first year, and \$2.5 million in incentive grants to reward high-performing departments that achieve recidivism-reduction goals and seek further reductions.<sup>416</sup> By 2015, Ohio expects to reinvest a total of \$20 million into improved felony probation supervision.<sup>417</sup>

## Measure Outcomes

Ohio is working with the CSG Justice Center to develop a dashboard, or set of performance measures, to ascertain the impact of HB 86. Drawing from ODRC statistics and information from ORAS, the dashboard will provide information on the following:

- Admissions to prison, including direct sentences to prison, and community corrections violators.

- Use of HB 86 sentencing options, including
  - Risk reduction sentence admissions and releases;
  - Number of offenders with earned credits and days saved with earned credits; and
  - 80 percent judicial release sentences.
- Probation and community correction populations.<sup>418</sup>

In early 2013, with implementation ongoing, Ohio's prison population has decreased since its JRI legislation went into effect in September 1, 2011; these declines are consistent with forecasted reductions through September of 2012 (see figure A.11). In October 2012, however, Ohio's prison population began to increase and by April 2013, the prison population count rose but remained below the original baseline projection.<sup>419</sup> ODRC is determining the causes of the increase, though some stakeholders speculated that implementation challenges were greater than anticipated, especially with regard to educating judges on the JRI reforms.<sup>420</sup>

In November 2012, ODRC revised the baseline and JRI projections to reflect a more modest estimate of the impact of JRI. The revised baseline projection is lower than the original baseline projection, and the revised JRI projection indicates a smaller impact on the prison population than the original JRI projection.<sup>421</sup>

With a system for measuring the full impacts of HB 86 in place and a full implementation of the law's provisions continuing, Ohio expects to develop a more accurate understanding of the impact of JRI in the next year, though it will take several more years to determine the impact of certain policies such as the discretionary 80 percent judicial release.<sup>422</sup>

# Louisiana

From 1990 to 2010, Louisiana's prison population more than doubled while its corrections costs more than tripled. The key factors driving this growth were incarceration of nonviolent non-sex offenders, technical parole violations, and the declining use of parole. In response to these challenges, Louisiana adopted justice reinvestment policies to improve the use of good time and earned time credits, increase parole eligibility for certain offenders, and improve probation and parole operations. In 2013, Louisiana also invested \$1.7 million in community-based treatment services. These policies are projected to save the state \$103.8 million over the next 11 years. By 2024, Louisiana is expected to reduce its prison population by over 1,100 inmates.

## Impetus for Justice Reinvestment

For Louisiana, which joined the Justice Reinvestment Initiative (JRI) in 2010, the process offered a strategy for addressing the state's growing corrections population and costs. In the 20 years leading up to 2010, the state's prison population more than doubled, and its prison costs tripled. In 2008, Louisiana had the highest incarceration rate in the country (one out of every 55 adults was in jail or prison); in 2011, the state's prison population stood at 39,709 inmates. Per person incarceration costs per year were \$21,838; by June 2012, the total corrections budget was \$670 million. These spiraling costs came at a time when Louisiana's budget was already under immense strain.<sup>342</sup>

By reviewing sentencing and corrections practices, Louisiana hoped to reduce prison populations and spending. In the summer of 2010, Louisiana requested assistance in the review process, which was provided through the JRI.<sup>343</sup>

## Establish an Interbranch Bipartisan Working Group

To address costs while ensuring public safety, the legislature passed two bills in 2008 (Acts 916 and 629) that reactivated and restructured the Louisiana Sentencing Commission, which had been founded in 1987 to develop felony sentencing guidelines. Act 916 reduced the size of the commission and redefined its membership.<sup>344</sup> Act 629 broadened the commission's research mandate to include justice system outcomes, recidivism reduction, and the use of corrections programming to facilitate reentry.<sup>345</sup> The commission has 22

### HIGHLIGHTS

- From 1990 to 2010, Louisiana's prison population doubled; in 2008, it had the highest incarceration rate in the nation.
- JRI policies improved the use of good time and earned credit and the operation of probation and parole.
- Prison population reductions due to JRI are projected to save Louisiana about \$103.8 million over 11 years.
- By 2024, Louisiana's prison population is expected to decline by over 1,100 inmates.
- Louisiana reinvested \$1.7 million into community-based treatment in 2013.

members, including the secretary of Louisiana's Department of Public Safety and Corrections (DPS&C), legal academics, sheriffs, district attorneys, victims' advocates, defense attorneys, members of the judiciary, and legislators.<sup>346</sup>

## Engage Stakeholders

Throughout the policy development process that took place in 2011 and 2012, the commission convened discussions with elected officials, criminal justice experts, practitioners, and other key public safety stakeholders. All the effort put into engaging stakeholders resulted in broad approval for policies: Louisiana's 2012 JRI legislation was approved by numerous key stakeholder groups, including the Louisiana Sheriff's Association, Louisiana District Attorneys Association, Louisiana Conference of Catholic Bishops, DPS&C, and key members of the judiciary.<sup>347</sup>

## Analyze Data and Identify Drivers

To analyze Louisiana's crime data and identify the key justice system cost and population drivers, the Vera Institute of Justice (Vera) and Pew Charitable Trusts worked with the JFA Institute to help the commission conduct an in-depth review of state justice data. Results from this data analysis found three key factors driving the ongoing growth of Louisiana's prison population. The first driver was incarceration of nonviolent, non-sex offenders, who constituted 61.1 percent of admissions to prison in 2009. The second driver was technical violations of parole, which accounted for 23.6 percent of all admissions to prison. The third driver was declining use of parole, both hearings and grant rates. While the prison population increased by 15 percent between 2000 and 2009, the total number of parole hearings decreased by 17 percent, and parole grant rates dropped by more than 56 percent in the same period.<sup>348</sup>

## Develop Policy Options

To translate the results of the data analysis into policy recommendations, the Louisiana Sentencing Commission gathered information on national best practices and held deliberations with a broad array of Louisiana public safety stakeholders, legal academics, practitioners, elected officials, and criminal justice experts. These meetings provided a forum for obtaining feedback on potential policies and for building consensus around an eventual set of recommendations.<sup>349</sup>

## Codify and Document Changes

Louisiana passed justice reinvestment legislation in both 2011 and 2012. In 2011, the state passed Acts 104, 153, 168, 186, and 285. Act 104 authorizes probation and parole officers to impose administrative sanctions for technical violations of parole and probation; Act 153 mandates evidence-based practice (EBP) training for parole board and pardon board members and requires DPS&C to conduct a risk and needs assessment on every parole-eligible offender for the parole board to use in making parole decisions; Act 168 requires electronic monitoring and home incarceration service providers to report outcomes of home incarceration; Act 186 simplified and consolidated the good time and earned credit statutes for nonviolent, non-sex offenders; and Act 285 made first-time nonviolent, non-sex offend-

ers convicted of a felony eligible for parole after serving 25 percent of their sentence, down from 33 percent under the previous law. All these acts were signed by the governor in June 2011.<sup>350</sup>

By May 2012, the legislature had passed a second set of JRI legislation to support and build on the 2011 projects: Acts 110, 123, 158, 159, 160, 399, and 714. Act 110 creates transparency in the earning of good time, setting the rate of time earned at one and a half days for every day served; Act 123 eliminated costly and underused state risk review panels; Act 158 prevents notification of administrative sanctions from being introduced as evidence so that sanctions could be implemented as the legislature intended without triggering additional penalties; Act 159 allows the parole board to consider second-time nonviolent, non-sex offenders after they have served 33 percent of their sentences; Act 160 provides that mandatory minimums can be waived for certain nonviolent, non-sex crimes if the prosecutor, defense counsel, and judge agree; Act 399 expands Louisiana's reentry courts as a means to rehabilitate nonviolent, non-sex offenders; and Act 714 merged the functions of the boards of pardon and parole to save money and improve efficiency.<sup>351</sup>

## Implement Policy Changes

To facilitate the implementation of JRI policies, the commission created the JRI Oversight Committee, which approved a comprehensive implementation plan. Louisiana's implementation efforts focused on teaching justice system practitioners how to make use of administrative sanctions. Ensuring that sanctions are used properly has required close collaboration with local sheriffs, who have been cooperative and have allocated bed space for individuals serving an administrative sanction. Louisiana educated judges and probation and parole officers on the use of administrative sanctions and identified the need for additional trainings. Louisiana is one of the first states in the nation to examine home incarceration practices and develop new standards.<sup>352</sup> Finally, Vera is working with the commission to consider new drug legislation for 2014.<sup>353</sup>

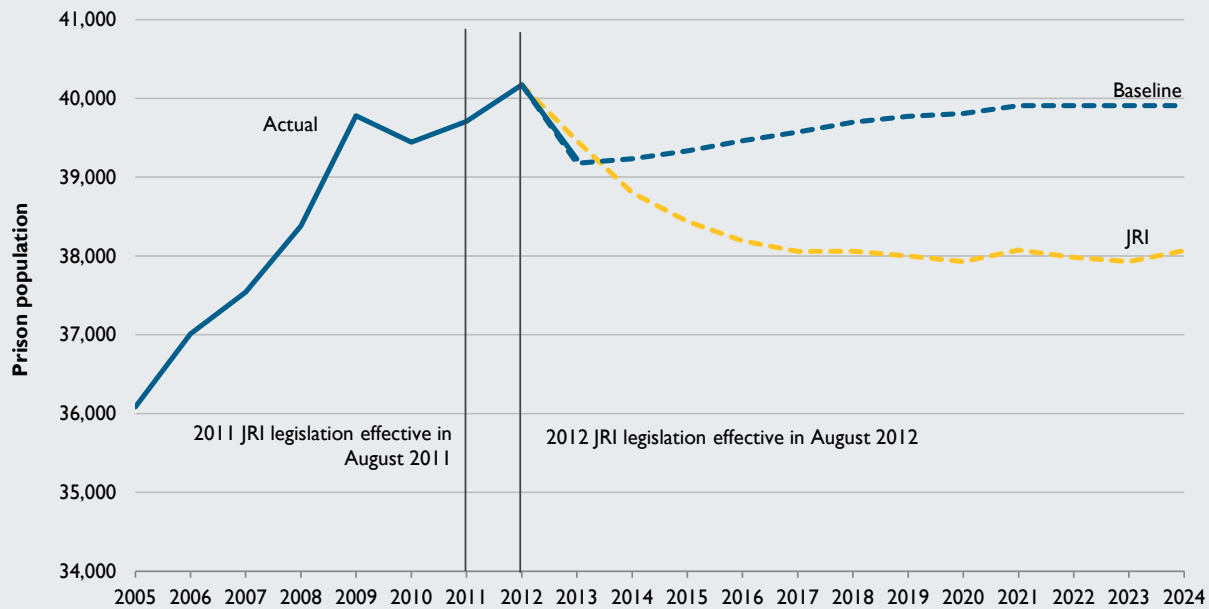
Louisiana has adopted EBPs to improve probation and parole operations. Risk and needs assessments were part of corrections operations before JRI; when the parole and pardon boards were merged in 2012, they adopted such assessments as well.<sup>354</sup>

The JRI Oversight Committee and Vera have been preparing for the receipt of a subaward, which will support the creation of a training assessment and training plan for

# Louisiana

**FIGURE A.7**

## Louisiana Prison Population



Sources: Actual population data from JFA Institute (2012). Baseline and JRI projection data are from JFA Institute email message, January 21, 2014.

Note: Dotted lines represent projections.

judges and probation officers on the use of administrative sanctions; the training for judges and probation officers on these sanctions; training for judges, district attorneys, and defense attorneys on discretionary waivers of mandatory minimum sentences; research on the impact of those sentences; and the development of standards for home incarceration providers.<sup>355</sup>

## Reinvest Savings

While Louisiana has not developed a formal reinvestment plan, state leadership has maintained a strong commitment to supporting probation, parole, and reentry: \$1.7 million was allocated to DPS&C in 2013 to provide opportunities for community-based treatment for offenders identified by the court as having substance abuse addictions as the underlying cause of their offense.<sup>356</sup>

## Measure Outcomes

The DPS&C is working with Vera to measure the impacts of JRI legislation. Vera has helped the department develop a dashboard of key performance measures. The metrics also

track performance of local jails, where approximately 50 percent of the state felony offender population is housed. Measures on the dashboard are reported quarterly, with the first report developed in August 2013.<sup>357</sup> Key performance measures on the dashboard include total offender, prison, and local jail counts; number of new prison admissions, releases, new parolees, and new probationers; new paroles under the good time parole program; and percentage changes in performance measures from the base year (2011).<sup>358</sup> The JRI Oversight Committee has developed a reporting schedule for measuring performance measures, and DPS&C has started reporting these measures to the committee.<sup>359</sup>

Louisiana created population projections in 2010 and 2013. The 2010 projection represents the expected change in Louisiana's incarcerated population absent subsequent reforms while the 2013 projection estimates the impact of JRI policies passed in 2011 and 2012. In 2010, Louisiana's prison population was expected to increase 2 percent between 2013 and 2024. Because of JRI policy changes in 2011 and 2012, Louisiana's prison population is expected to decrease by 3 percent between 2013 and 2024 (figure A.7). This population reduction will save \$103.8 million over 11



years. From 2012 to 2013, Louisiana’s prison population declined slightly and is expected to decline until 2016 to 2017 when population declines will begin to stabilize.<sup>360</sup>