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By Mike Klein  
Guest columnist

## The high cost of putting people in jail

Each day across Georgia, the state Department of Corrections prepares enough meals to feed the population of the city of Marietta. Breakfast and lunch are served to nearly 60,000 adult prisoners. Paying for 31 state prisons annually costs taxpayers \$1 billion, including the cost to manage 150,000 parolees.

State prison populations declined last year, the nation's first year-to-year drop since 1972, according to a report released this month by the Pew Center on the States. Georgia, however, posted the sixth largest percentage increase in the nation, a 1.6 percent growth rate, or 843 more adult felons.

Just four states incarcerate more state prisoners than Georgia. As taxpayer funds dwindle, can Georgia continue to spend 6 percent of its budget on corrections? Is there a more cost-effective but equally secure balance among incarceration, reduced sentences, treatment programs, parole and probation? Does the term "corrections" assume incarceration, or does it actually suggest another possible path?

Those questions have been answered, to some degree, in Texas, which faced a growing prison population and escalating costs five years ago when Jerry Madden became chairman of the Texas House corrections committee. Madden, who had no criminal justice experience, brought to this new task the analytical focus of a retired career engineer and the discipline of a West Point graduate. At that time, he says, "I thought we should lock them up, throw away the key."

Madden was smart enough to know what he did not know. He started asking questions outside the box. He brought together conservative and liberal public policy foundations, including the Texas Public Policy Foundation's justice systems analyst, Marc Levin.

He asked them to analyze the prison system, find common policy ground where it existed and bring forward innovative ideas that would get Texas off the spiral of more incarceration leading to more prisons. "If you build it they will come," Madden says. "Someone will send them there."

Fast forward two years to January 2007. A year earlier, the Legislative Budget Board predicted Texas would need 17,000 new prison beds within five years. Construction costs were estimated at \$2 billion. Republican Governor Rick Perry was prepared to announce the state would build three new prisons costing \$560 million. Madden saw an opening: "He gave me the perfect storm."

Madden took recommendations from his study groups to Perry. He proposed a new model that would rely on additional beds for substance abuse treatment; the creation and expansion of specialty courts; additional probation funding to reduce caseloads; additional funding for mental health care and halfway houses; the creation of short-term jails for adults serving less than two years; a small increase in the rate of paroles, and programs that would reduce the number of incarcerated juveniles.

Madden told the governor that the new model could be accomplished for about \$240 million. His goal: Create something that would cost less than new prisons and produce better results. "There is nobody who thinks Texas is soft on crime," Madden says. "You're not soft on crime by doing something that's smart." Perry was willing to invest in the new policy ideas and canceled his new prisons announcement.

Three years later, Texas is showing results. The Legislative Budget Board says Texas will not need new adult prison beds until at least 2014. Texas reduced its adult prison population by 1,257 inmates last year and closed four juvenile prisons within the past three years. The state now takes only juveniles who are charged with felonies; juveniles charged with misdemeanors remain in county jails. Nobody younger than age 21 serves time in an adult prison. The state provided counties with more than \$57 million to help offset juvenile incarceration costs when the change was made in 2007.

Madden says these results were possible because Texas was willing to consider a new definition for corrections. "There are three types of prisoners. There are prisoners who will always come back when you let them out, those who will never come back when you let them out and those in the middle who we call the swingers. They may or may not come back. It depends on what we do for them."

"Corrections" was redefined to correct behavior, not just incarcerate people. Madden created four principles to drive the mission: Public safety, restitution, appropriate penalties for behavior and perhaps most important, rehabilitation. "Because that's what corrections should be about," Madden told a Georgia State University seminar this month in Atlanta. "That's one of the missions. What good does it do to send somebody to prison for a time and when they come out, nothing has changed?"

Texas is by no means alone in creative corrections system thinking. But it is among few southern states achieving success. Georgia, Alabama, Louisiana and Florida all reported increased prison populations last year. The best result produced by a Southern state other than Texas was Mississippi, which reduced its incarcerated adult population by 1,233. That was the sixth best performance nationally.

Pew cites three reasons for the Mississippi success: A reduction in minimum time served before parole eligibility, improved tools to predict which inmates were good early release candidates and a low recidivism rate: just 0.2 percent of those approved for early release compared to 10.4 percent nationally.

Mississippi reduced the minimum prison time requirement for non-violent felons from 85 percent to 25 percent of the sentence before parole consideration eligibility. Nearly 3,100 inmates were granted early release between July 2008 and August 2009, with the corresponding 0.2 percent recidivism rate. South Carolina was the only other Southern state to reduce its prison population last year, down 1 percent.

California reduced its inmate population by 4,257 by not returning low-risk parolees to prison for a technical violation of parole terms. Michigan shrank its prison population almost 12 percent since 2007 by reducing the number of inmates who serve more than 100 percent of their minimum sentence. Nevada avoided \$1.2 billion in new prison construction costs by investing heavily in prison education, vocational training and substance abuse treatment.

All of this makes sense to Madden. "We started to look at things that would change people, their head and their heart. In some cases, it was growing up. People who needed substance treatment waited six months and instead got sent to prison. People with mental health problems – should they be in prisons or in mental health hospitals?"

Texas also removed many long-term probationers from the system. Madden again, "We said get out there and watch them where we need to watch the most, the guy or gal who has just been convicted. The guy who has been out there on probation for seven years, we don't need to watch him much more."

Georgia operates the nation's fifth largest prison system in the nation's ninth largest state. Prisoners cost taxpayers \$46 per day. Reducing the Georgia prison population just 10 percent would have a \$100 million positive impact on the annual state budget.

No major corrections system reforms have been passed during Georgia's current legislative session.

Around the nation, state prison populations rose dramatically as a result of get-tough legislation that featured mandatory

sentencing, longer time served before parole eligibility, judges who used their discretion to impose long terms on non-violent offenders and politicians who won votes by vowing to get tough on crime. High-profile crimes brought to the public attention by national media created strong anti-crime sentiment.

While encouraging, the decline in state prison populations would need to continue for some years before a definite trend could be acknowledged. Crime and criminals behind bars are still a national problem. The number of state prisoners in 1972 was fewer than 175,000; today they number 1.4 million, not including prisoners in the federal system or city and county jails.

Madden says states that are serious about instituting corrections reform should recognize differences between behavior issues and criminal issues, between keeping bad guys locked up a long time and doing the right thing so some early offenders do not return as the bad guys.

Madden told the audience at Georgia State, "Anybody who thinks Texas is soft on crime, raise your hand. There won't be a single person. Would you rather have your state taxes go to prisons to keep people locked up or maybe to build roads or pay for education or maybe tax cuts?"

"Our department of corrections bought into the idea that they are about corrections. We have 75,000 people every year who go to a place called home. They leave. They go home. If we haven't done our job of making them a better person, then we haven't done our job of corrections. It's better to have taxpayers than tax burdens."

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