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Conservatives latch onto prison reform

Reduced sentences and rehabilitation programs once were branded as liberal. But now, states such as Republican-dominated Texas are seeing success after adopting the approach.

By Richard Fausset, Los Angeles Times

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Reporting from Atlanta

Reduced sentences for drug crimes. More job training and rehabilitation programs for nonviolent offenders. Expanded alternatives to doing hard time.

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In the not-too-distant past, conservatives might have derided those concepts as mushy-headed liberalism — the essence of "soft on crime."

Nowadays, these same ideas are central to a strategy being packaged as "conservative criminal justice reform," and have rolled out in right-leaning states around the country in an effort to rein in budget-busting corrections costs.

Encouraged by the recent success of reform efforts in Republican-dominated Texas — where prison population growth has slowed and crime is down — conservative leaders elsewhere have embraced their own versions of the strategy.

South Carolina adopted a similar reform package last year. Republican governors are backing proposals in Louisiana and Indiana.

The about-face might feel dramatic to those who remember the get-tough policies that many conservatives embraced in the 1980s and '90s: In Texas, Republican Clayton Williams ran his unsuccessful 1990 gubernatorial campaign with a focus on doubling prison space and having first-time drug offenders "bustin' rocks" in military-style prison camps.

Now, with most states suffering from nightmare budget crises, many conservatives have acknowledged that hard-line strategies, while partially contributing to a drop in crime, have also added to fiscal havoc.

Corrections is now the second-fastest growing spending category for states, behind Medicaid, costing \$50 billion annually and accounting for 1 of every 14 discretionary dollars, according to the Pew Center on the States.

That crisis affects both parties, and state Democratic leaders have also been looking for ways to reduce prison populations. But it is conservatives who have been working most conspicuously to square their new strategies with their philosophical beliefs — and sell them to followers long accustomed to a lock-'em-up message.

Much of that work is being done by a new advocacy group called Right on Crime, which has been endorsed by conservative luminaries such as former House Speaker Newt Gingrich, former Education Secretary William J. Bennett, and Grover Norquist of Americans for Tax Reform.

The group has identified 21 states engaged in some aspect of what they consider to be conservative reform, including California.

On its website, the group concedes that the "incarceration-focused" strategies of old filled jails with nonviolent offenders and bloated prison budgets, while failing to prevent many convicts from returning to crime when they got out.

"Maybe we swung that pendulum too far and need to reach a cost-effective middle ground here," said Marc Levin, director of the Center for Effective Justice at the Texas Public Policy Foundation, which launched the advocacy group last month. "We have to distinguish between those we are afraid of and those we are just mad at."

The right's embrace of ideas long espoused by nonpartisan and liberal reform groups has its own distinct flavor, focusing on prudent government spending more than social justice, and emphasizing the continuing need to punish serious criminals.

Even so, the old-school prison reform activists are happy to have them on board.

"Well, when the left and the right agree, I like to think that you're on to something," said Tracy Velazquez, executive director of the Justice Policy Institute, a Washington think tank dedicated to "ending society's reliance on incarceration."

Julie Stewart, founder of Families Against Mandatory Minimums, even believes that Republicans, with their tough-on-crime credentials, may have a Nixon-in-China cover to push reform further than Democrats.

"There is a safety conservatives have," she said. "And for better or worse, Democrats don't always have that luxury."

Levin has a PowerPoint presentation he shows to doubters. One slide features a photo of Ronald Reagan, and a quote from 1971 boasting of the rehabilitation and parole systems he presided over while governor of California.

Texas' pendulum swing began in 2003, Levin says, when the Legislature mandated that small-time drug offenders be given probation instead of jail time.

Four years later, he said, the state made a "historic shift" when, instead of building more prisons, it spent \$241 million on treatment programs for nonviolent criminals. The 2010 state budget funded 64 "reentry transitional coordinators," who help prisoners returning to society find housing and jobs.

Serious crime in Texas is on the decline. Between 2007 and 2008, the incarceration rate fell 4.5%, while states on average saw a 0.8% increase. And the state has avoided building 17,000 prison beds it once thought it needed, resulting in a savings of more than \$2 billion.

Levin believes government should still be tough on violent criminals and respectful of crime victims, whom he considers "consumers" of justice. In 2008, he noted, Texas probationers paid \$45 million in victim restitution, ostensibly because they were able to work. Those in prison paid less than \$500,000.

There are other conservative elements to the argument, including a criticism of the "overcriminalization" of business and a push for more incentive-based policies, like a 2009 California plan that pays cash bonuses to county probation agencies that lower recidivism.

Reform in Texas has been relatively well received among conservatives, in part because of the results, and in part because of a good sales job. Texas is among a number of states that have received guidance from the Pew Center's Public Safety Performance Project, which promises that reforms will be data-driven and not affect public safety.

In March, two research companies polled 1,200 U.S. voters and conducted focus groups for Pew, then suggested "effective messages" for lawmakers interested in reform. Among the tips: Focus on the success in Texas, given its "strong law-and-order reputation." And avoid arguments based on "racial justice concerns."

But even conservative reform has its critics.

The Assn. of Indiana Prosecuting Attorneys is opposing a criminal justice overhaul supported by Republican Gov. Mitch Daniels that would, among other things, shorten sentences for selling cocaine and methamphetamine.

Velazquez, of the Justice Policy Institute, said conservative prison reform advocates now share a vulnerability with their more liberal counterparts: the political reckoning that may come when a parolee or probationer commits a spectacular crime. Will conservative voters favor reform then?

"The challenge," she said, "will be when something bad happens."

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