



Thinking Outside the Cell: Solutions for Public Safety, Victims & Taxpayers



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Momentum is Building Across the Political Spectrum for Criminal Justice Reform



Getting Criminal Justice Right

- **TPPF Mission: Individual Responsibility, Free Enterprise, Limited Government, Private Property Rights**
- **TPPF commended by Ronald Reagan and Lady Thatcher, who cut the prison population 20%**



Right & Left Unite on Justice Goals: More Than Just Savings

- Reduce Crime
- Empower and Restore Victims
- Prioritize Limited Resources: 88% of State Corrections Funds Go to Prisons: Harms Front End of System, Taxpayers



Lowering Crime: The Texas Way

- Saved half a billion with 2007 reforms shifting from prison building to strengthening adult and juvenile probation and parole; in 2007 provided counties with \$57.8 million to handle youth misdemeanants once sent to state institutions.
- In the 2008 fiscal year, crimes by adult parolees declined 7.6%; juvenile adjudications declined 10.3% in the 2009 fiscal year.



The Reagan Record

- 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."
- Used parole more, cut parole re-offending from 40% to 25%, and had lower parole caseloads than in recent years.



Leadership of Governors

- LA.: Gov. Jindal press release: "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 Dec. 2009
- TX.: Gov. Perry: "rehabilitate nonviolent offenders, spend less locking them up again"



Gov. Bobby Jindal

Leadership of Governors

- MI.: Gov. Granholm's advisory: Reduce prisons 10% with nonviolent and geriatric release, invest in probation and parole staff and reentry. "Decide who we're afraid of and who we're mad at."
- VT.: Gov. Douglas codifies and expands centers with volunteer reparative board sentencing that emphasizes victim input and restitution.



Gov. Jennifer Granholm

Conservative Leaders Speak Out

- Grover Norquist: “Viewed through the skeptical eye I train on all other government programs, mandatory minimum sentencing policies are not worth the high cost to America’s taxpayers.”
- Former A.G. Ed Meese: Review mandatory minimums for drug offenses.



Grover Norquist, President,
Americans for Tax Reform

Businesses Leaders & Retirees Urge Reform

- Stakeholders : prisons draining resources from taxpayers, key priorities
- Michigan and Florida business coalitions calling for measures to control prison spending
- Florida AARP demands prison alternatives



State-Based Think Tanks Engage

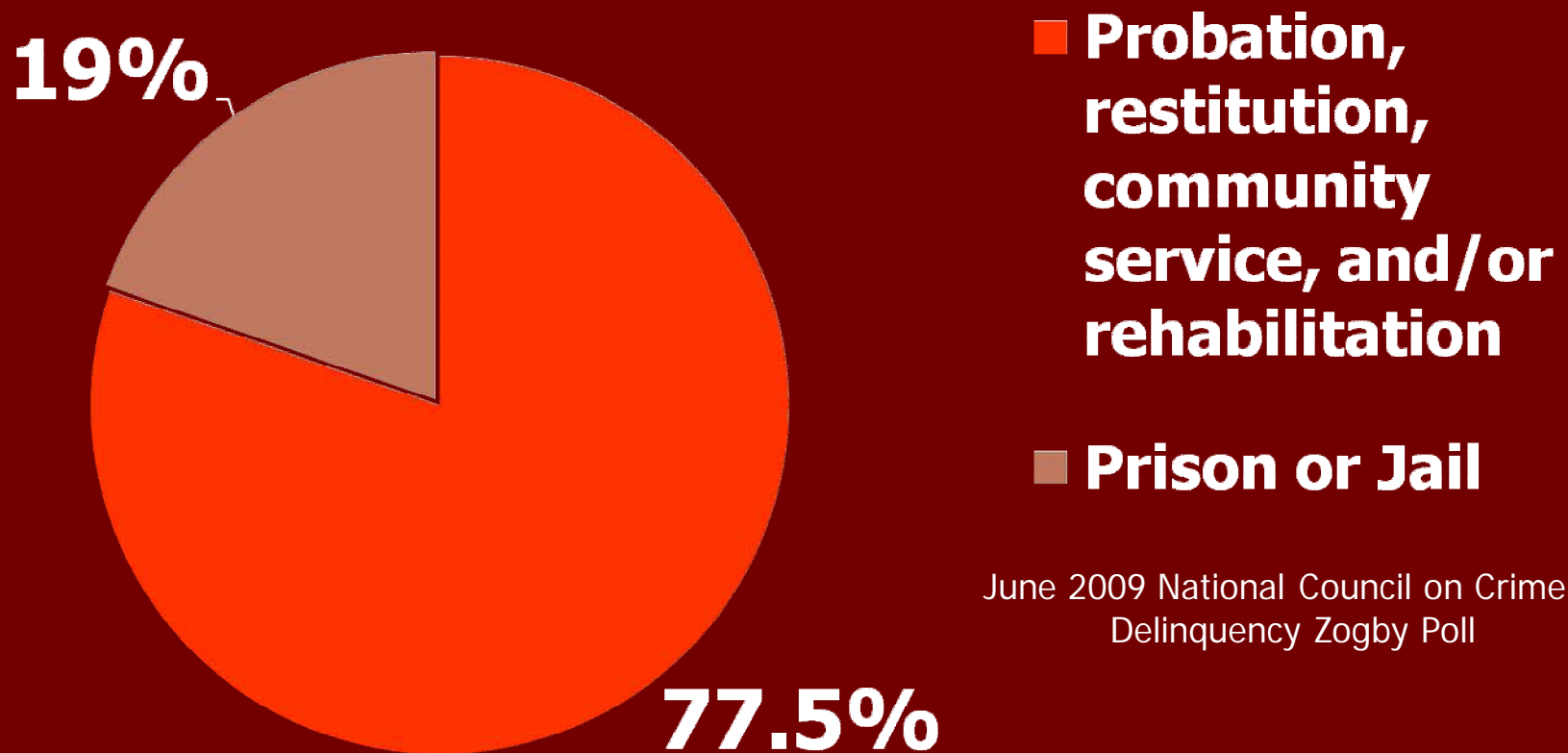
- State-based free market think tanks have joined the Texas Public Policy Foundation in applying limited government principles to criminal justice.
- The Commonwealth Foundation testified before the State Senate: "It is evident that Pennsylvania has passed the point of diminishing returns on prison spending. Pennsylvania's only sensible alternative is to implement programs that reduce the number of inmates and cut costs. The good news is that this can be done without jeopardizing public safety."

Public Demands Balanced Approach That is Tough *and* Smart on Crime



Use Prison Wisely

What do voters think is the most appropriate sentence for a nonviolent, nonsexual offender whose crime did not involve significant property loss (less than \$400)?



June 2009 National Council on Crime & Delinquency Zogby Poll

Consensus is Building for Reform

- IL.: 62% for drug treatment vs. 25% for more prisons & penalties
- TX.: 83% for treatment vs. prison for low-level possession
- FL: Public and prison staff: re-offense more likely *after* prison
- GA: 81% for parole of nonviolent offenders
- MI: 78% oppose sending 14 to 16 year-olds to adult prisons



Restitution Revolution: Victims as Consumers



- VT.: 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.

The Victims' Perspective

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 Year or More	7.1%

Delivering the Justice System Victims and Taxpayers Demand: Principles of Reform



Make Victims Whole

- Victims often pay twice: once for the crime and once for the time.
- Probationers pay \$391 million in restitution (at least 34 times more per offender than inmates) and do 135 million service hours.
- Victim mediation: 14 states with statutes. Must be chosen by victim & offender. Proven to increase victim satisfaction as a result of apology and completion of restitution in 89% of cases. Most studies find less re-offending than with the adversarial process.



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.
- Half of inmates are sentenced for a non-violent offense, some of whom are likely suitable for alternatives. Punishment must fit the crime.



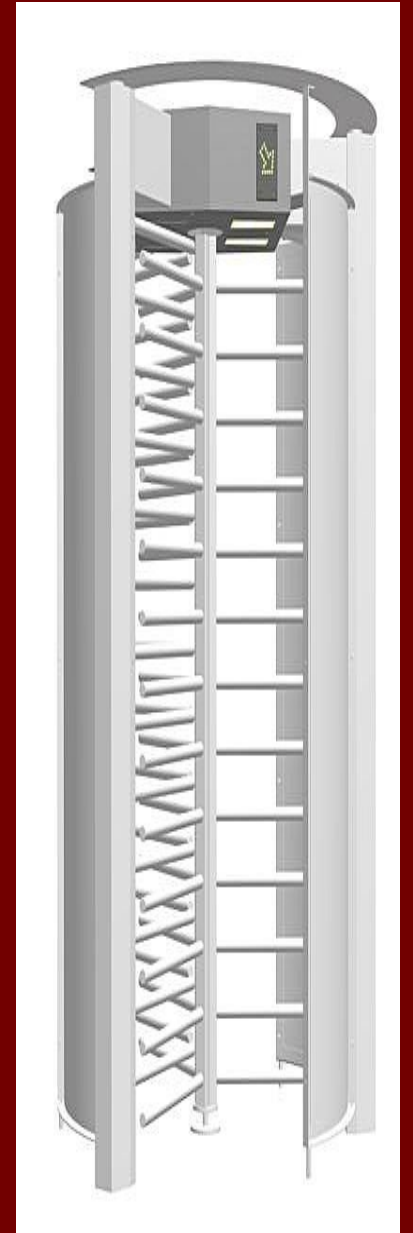
Prioritize Tax Dollars

- Focus prison on dangerous offenders
- Cost/benefit analysis
- Performance measures
- Every dollar spent locking up offenders who aren't dangerous can't be spent on policing & prevention



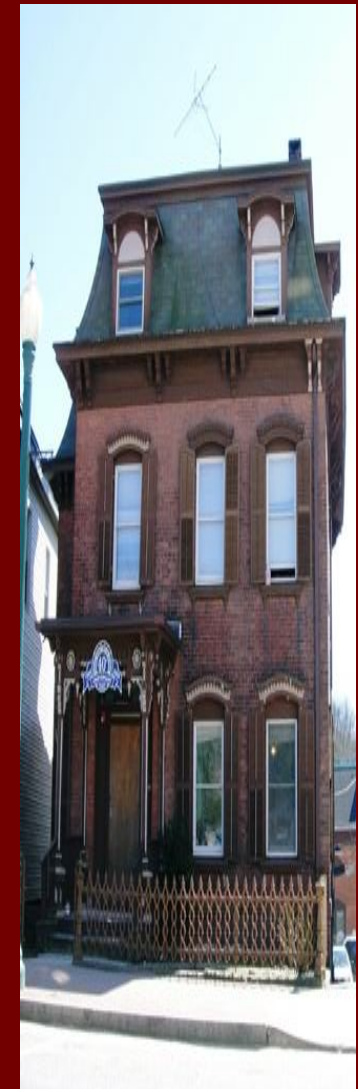
Stop the Revolving Door

- 50% of inmates return in 3 years
- Employed offenders on supervision are twice as likely to succeed
- In-prison vocational training = 9% less re-offending
- Provide job placement
- 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.



Promote Successful Reentry

- Half of homeless are ex-offenders
- Transitional living where parolees without resources or family home gradually pay more of their board through employment
- 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

What's Really Tough?

- Inmates ranked equivalent time in seven alternative sanctions such as day reporting, intensive supervision probation, and community service as tougher than prison



Peter B. Wood and Harold G. Grasmick, "Inmates Rank the Severity of Ten Alternative Sanctions Compared to Prison," Oklahoma Criminal Justice Research Consortium Journal, 1995. Available at: <http://www.doc.state.ok.us/offenders/ocjrc/95/950725J.HTM>

Crime Hurts Families: Prison Often Makes it Worse

- Inmates owe tens of 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

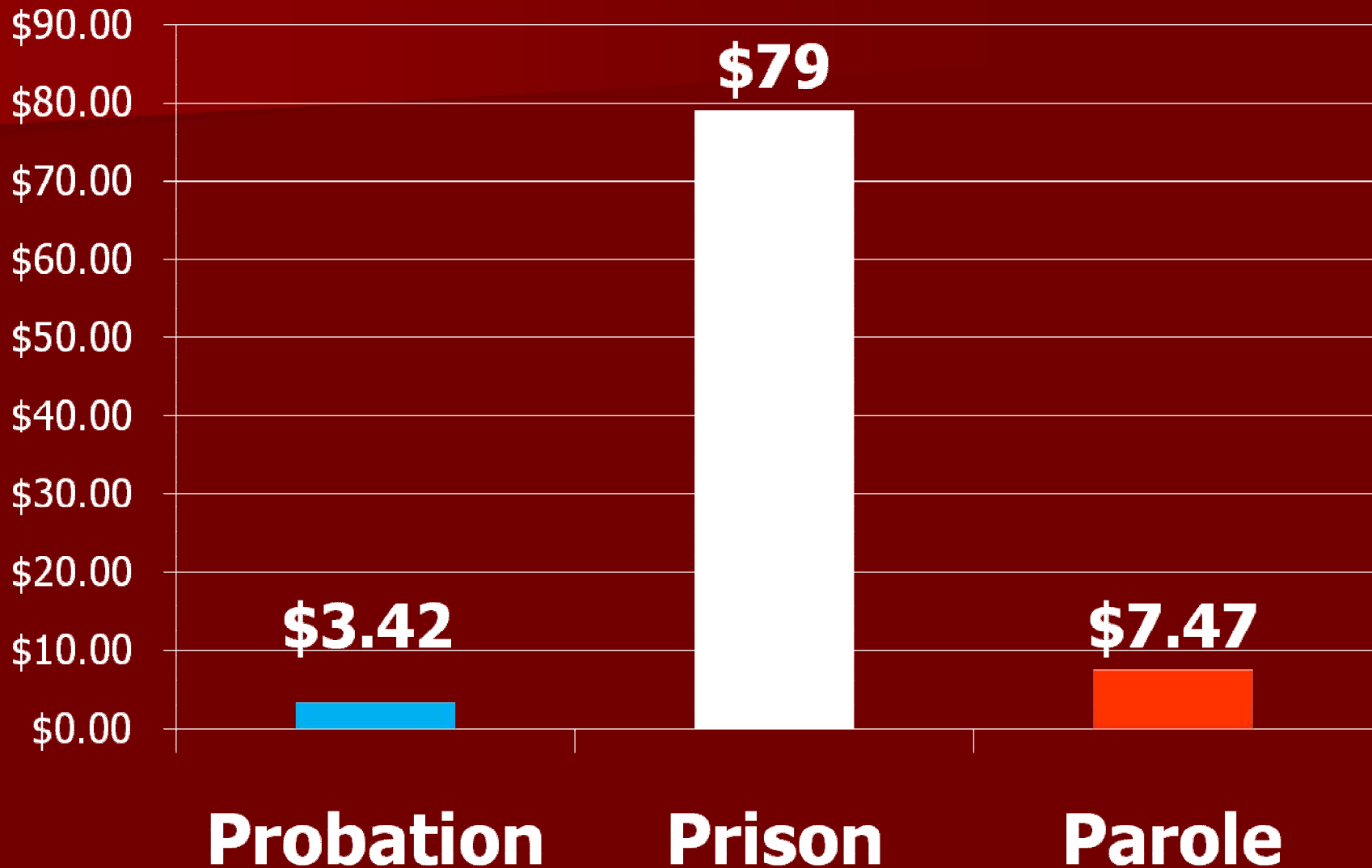


Spiraling Corrections Costs

- Prison populations have tripled since 1987. More than 11 times as many drug offenders vs. 1980.
- State corrections costs up 300% plus since 1987
- 1 in 11 men enter prison in lifetime. 80% did not complete high school.



Average Cost Per Day



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% while 42% fewer inmates**

Strengthening Supervision

- Revocations for new offense or rule violations account for two-thirds of prison intakes
- Use sanctions and incentives
- OH.: parole graduated sanctions grid matched with treatment has reduced violations and revocations
- Enhancing confidence in probation & parole may increase use. Probation placements up and crime by probationers down in TX. departments receiving state diversion funding and using graduated sanctions.

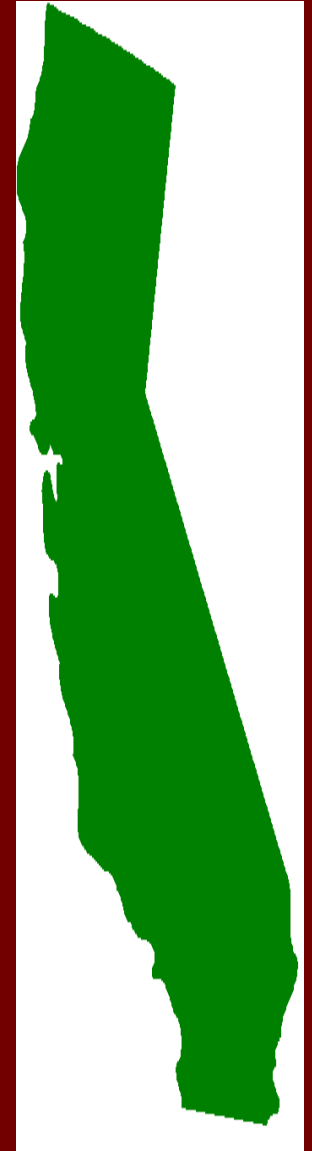


Bolstering Texas Parole Supervision: Less Crime, Less Total Spending

- From 2007 to 2008, 1,016 fewer parolees allegedly committed an offense and 566 fewer were revoked for rule violations. Prison savings, including avoided construction, exceed \$137 million.
- Officials credit more substance abuse treatment, more job placement resources, enhanced use of graduated sanctions, restoring parole chaplains, and officers' emphasis on helping parolees succeed instead of "trail'em, nail'em, and jail'em."

Strengthen Probation: Demand Results

- 2008-09: CA., IL. & AZ. pass performance-based probation funding measures providing departments with incentive funding for fewer commitments, fewer new crimes, and more restitution.
- IL. bill requires system-wide use of assessment instruments that help achieve reduction in re-offending and efficiency by matching risk and needs to supervision strategies, tracking an offender from entry to reentry.



Community Justice Planning

- 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.



Sentencing That Fits the Crime

- Mandate diversion to treatment for many drug possession offenders. Treatment reduces drug use & crime 37 to 61% and cost is 5 to 10 times below prison.
- Don't constrain judges and juries with politically set prison minimums
- Review monetary thresholds for lower-level and first-time property offenses in light of inflation



Eric Martin, et. al., "Oregon Research Brief on Addiction Treatment Effectiveness," The Association of Alcoholism & Drug Abuse Counselors of Oregon

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



Veterans Courts: The Newest Problem-Solving Court



Buffalo, N.Y. Veterans' Court

- 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.

- Key elements include accountability, treatment, V.A. liaison, and mentoring by volunteer veterans

- Authorizing legislation passed in TX., NV., and IL.



Buffalo, N.Y. Veterans' Court

GPS: Compliance Without Bars

- Use instead of jail or prison along with other strategies in appropriate cases at 4 to 20 times less per day depending on type of monitoring. Should not focus on lowest-risk offenders.
- Active GPS can in real-time verify offender is at home, at work, or at treatment. May include crime scene correlation which offender knows can confirm or exonerate involvement in a new offense.
- FL. study found monitored offenders were 89% less likely to be revoked to prison for a new offense and it virtually eliminated absconding.



Active GPS device is covered by pants so it is not visible to employer and others

William D. Bales., et. al., "Under Surveillance: An Empirical Test of the Effectiveness and Consequences of Electronic Monitoring," *Criminology and Public Policy* 5.1 (2006) 61-69.

Day Reporting Centers

- Often targeted at probationers who need more structure as alternative to initial incarceration or used as parole condition
- Elements may include work, treatment as needed, literacy and other instruction, job placement, meeting restitution obligations, contribution to daily cost as able, and enforced prohibition on substance abuse
- N.C.: Day reporting centers cost \$15 a day



Day Reporting Center, Dover, DE

Athens, GA. Day Reporting Center



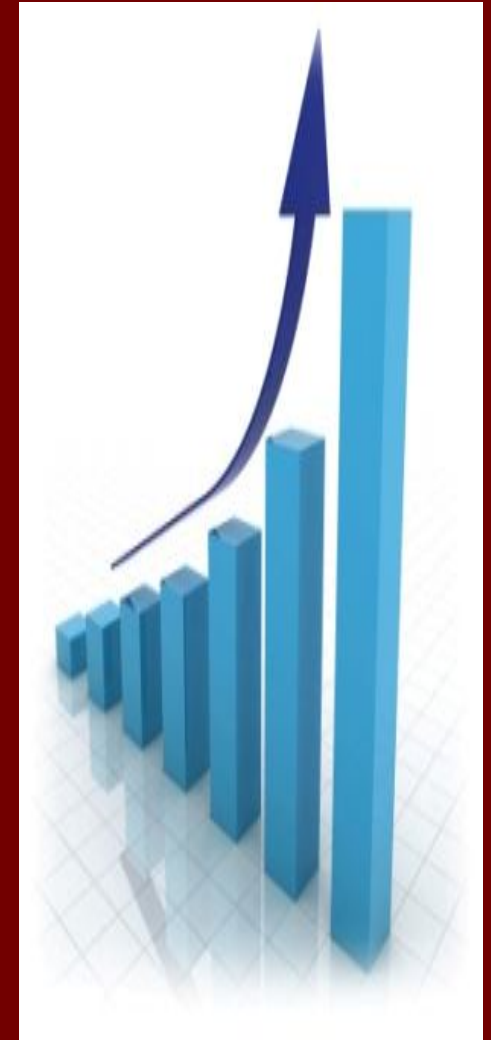
Rick Thomas puts down hardwood floors in an Athens apartment complex as part of his construction job. Thomas graduated from the Day Reporting Center opened in 2008 by the Department of Corrections. Newly released offenders with a history of a substance abuse and cognitive challenges receive counseling and supervision. Part of the criteria for graduation is to hold and maintain a job for 90 days.

Taking the Next Steps



Asking the Right Questions: Demand Facts & Measure Results

- Criminal justice system must be held accountable just as any other government program
- How much crime reduction is achieved for each dollar spent on prison versus probation, parole, and prevention?
- Are victims satisfied?



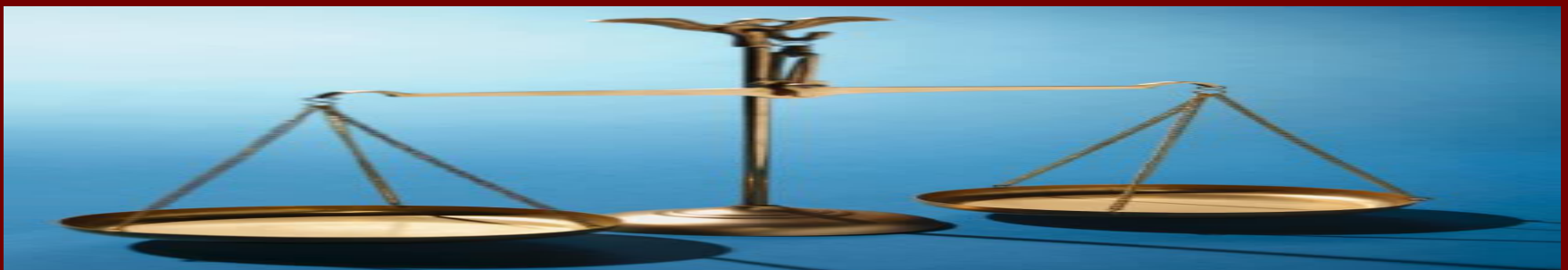
Asking the Right Questions: Demand Facts & Measure Results

- 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?
- What percent of offenders are paying child support?



Asking the Right Questions: Demand Facts & Measure Results

- How many non-violent first-time offenders go to prison? Example: 7,638 in Missouri in 2008.
- How many probationers and parolees are revoked for rule violations who could be safely supervised and treated given sufficient resources?



Conclusion: America is Ready for Enlightened, Data-Driven Solutions to Reduce Crime, Empower & Restore Victims, and Control Costs

If all we do is punish, do we ultimately punish ourselves?



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