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Louisiana Data Analysis Part II: Prison Trends Continued

Justice Reinvestment Task Force
September 23, 2016

Introduction

Charge of the Justice Reinvestment Task Force

- The Justice Reinvestment Task Force is a high-level, inter-branch, and bipartisan group charged with **analyzing the drivers of the Louisiana prison population**; assessing state sentencing and corrections policy; consulting criminal justice stakeholders; and forging consensus on a comprehensive package of reforms that will accomplish the following three goals as set out in HCR 82:
 - Reduce correctional populations and associated criminal justice spending by focusing prison space on serious and violent criminals.
 - Hold offenders accountable more efficiently by implementing or expanding research-based supervision and sentencing practices.
 - Reinvest savings into strategies shown to decrease recidivism, including improved reentry outcomes.

Justice Reinvestment Task Force Schedule

- June 17, 2016: Introduction and National Trends
- August 11, 2016: Data Analysis I: Prison Trends
- **September 23, 2016: Data Analysis II: Prison Trends**
- October 21, 2016: Data Analysis III
- November 17, 2016: System Assessment

Outline

- Review
- Follow-up questions
- DOC file review data

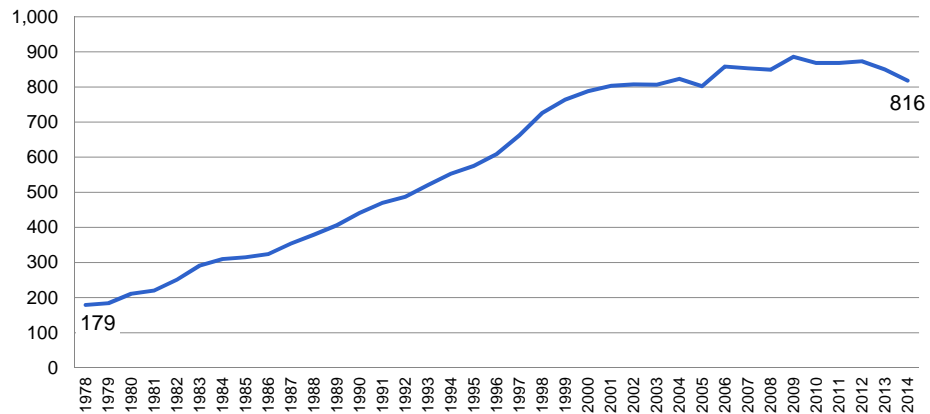
PRISON TRENDS REVIEW

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Review: Regional Context

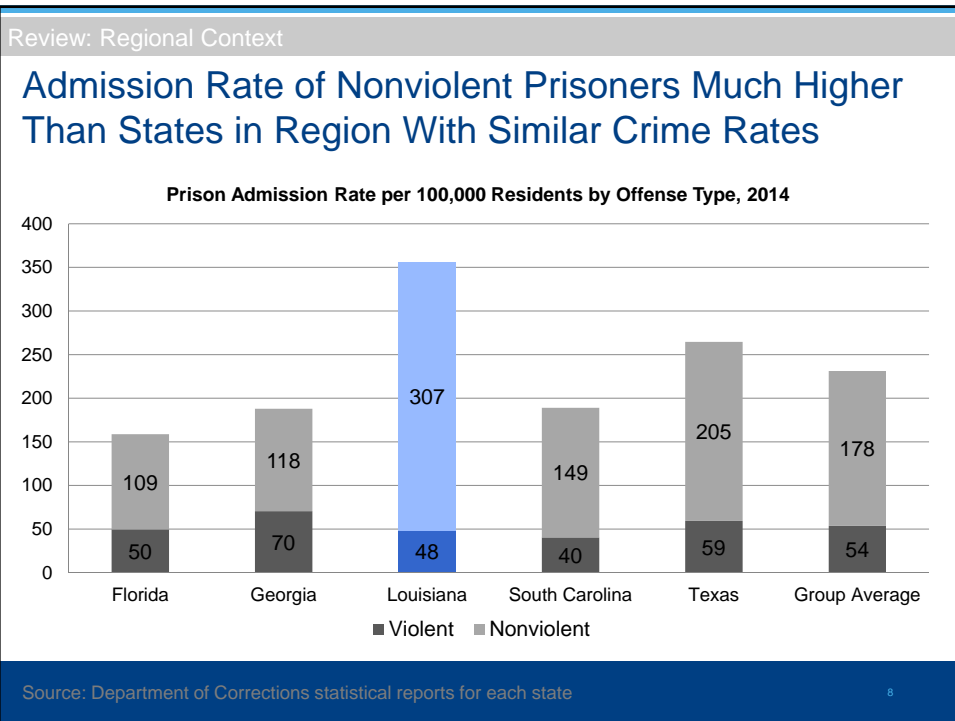
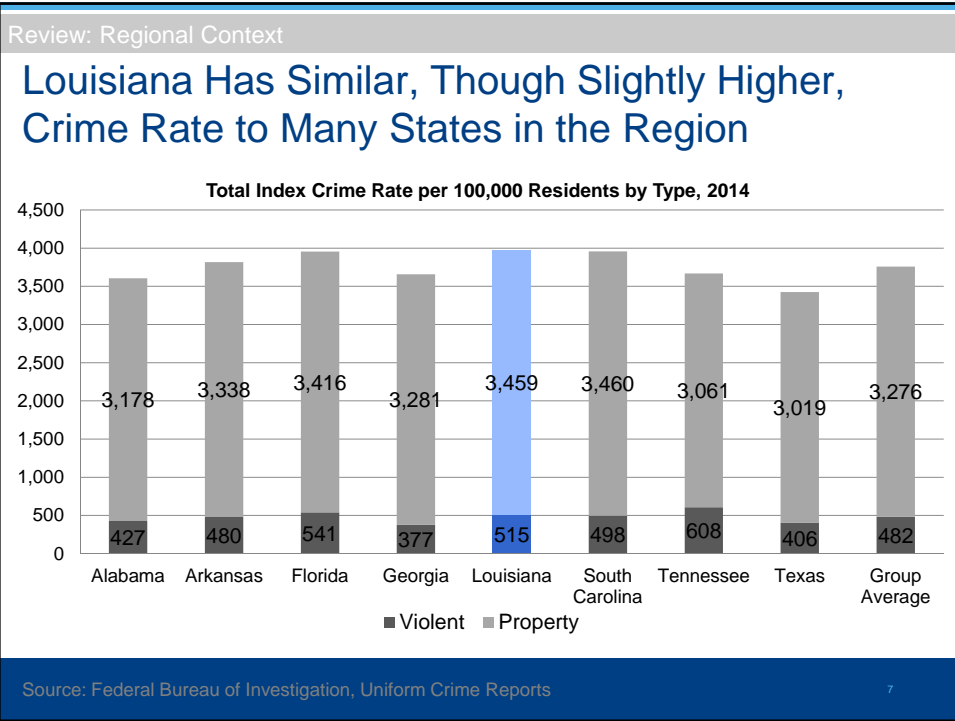
Dramatic Growth in the Imprisonment Rate in Last Three and a Half Decades

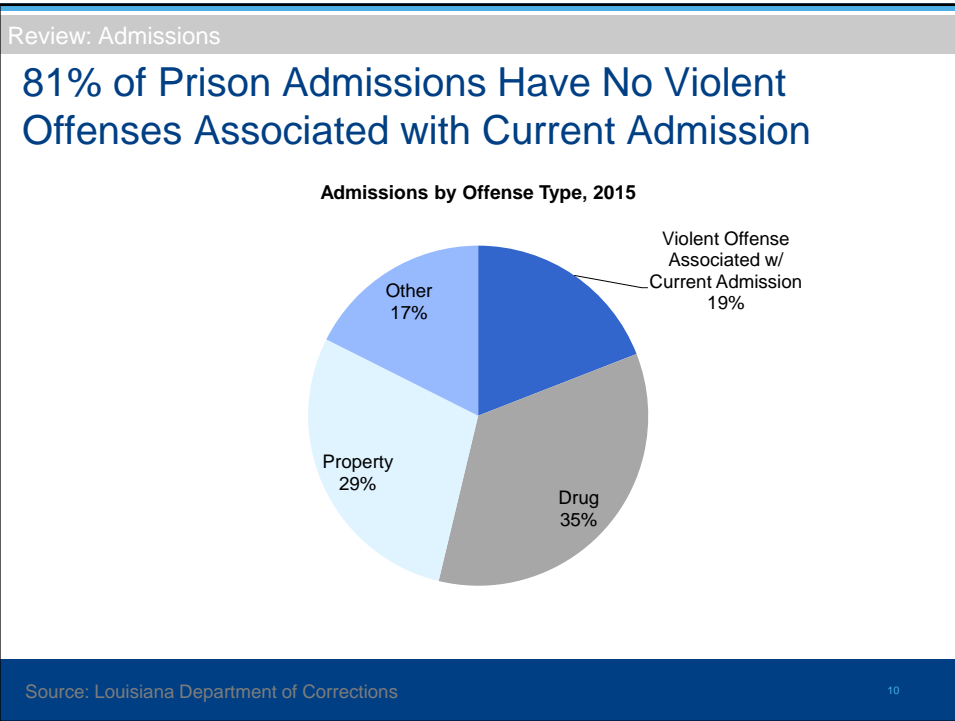
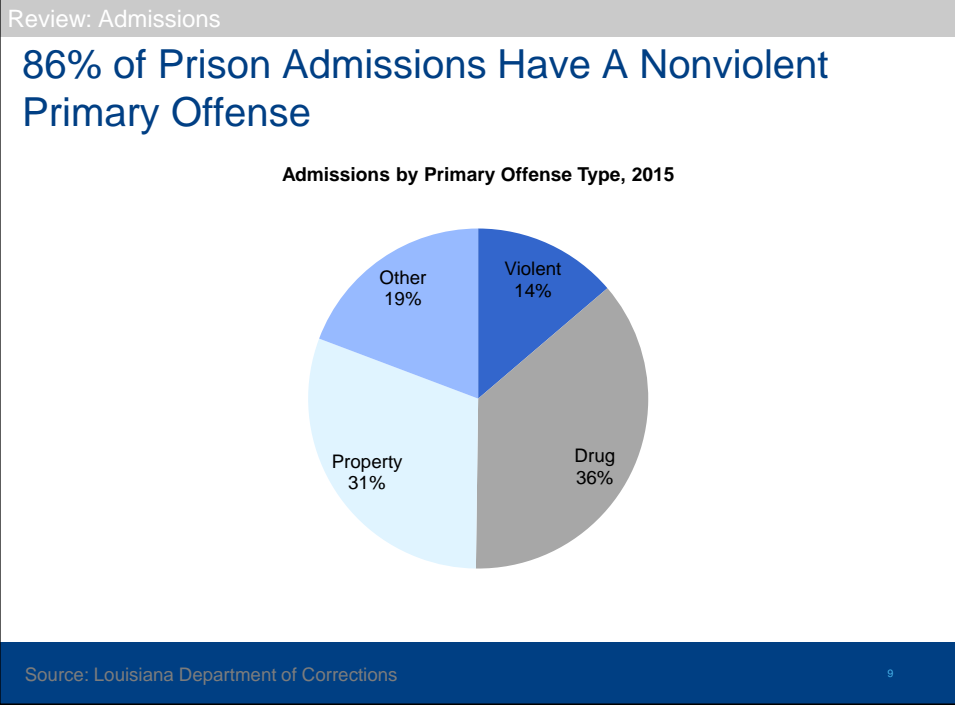
Louisiana Imprisonment Rate per 100,000 Residents, 1978-2014



Source: Department of Justice, Bureau of Justice Statistics

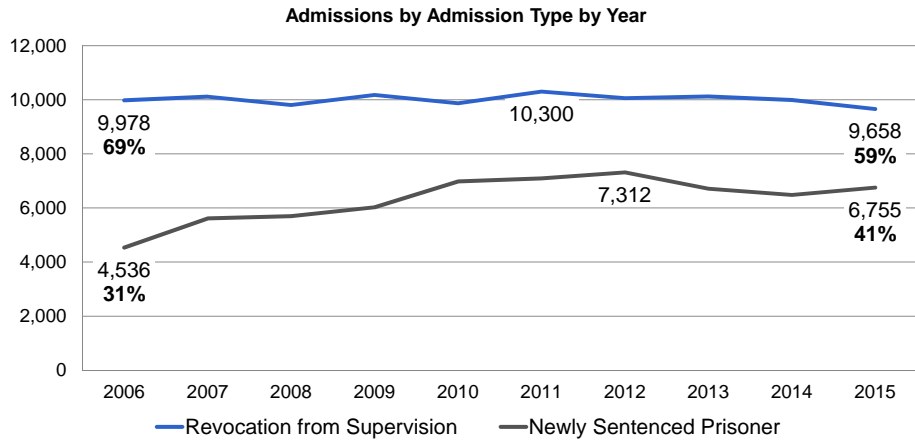
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Review: Admissions

Revocations Make Up Majority of Admissions, But Share Has Declined in Last Decade

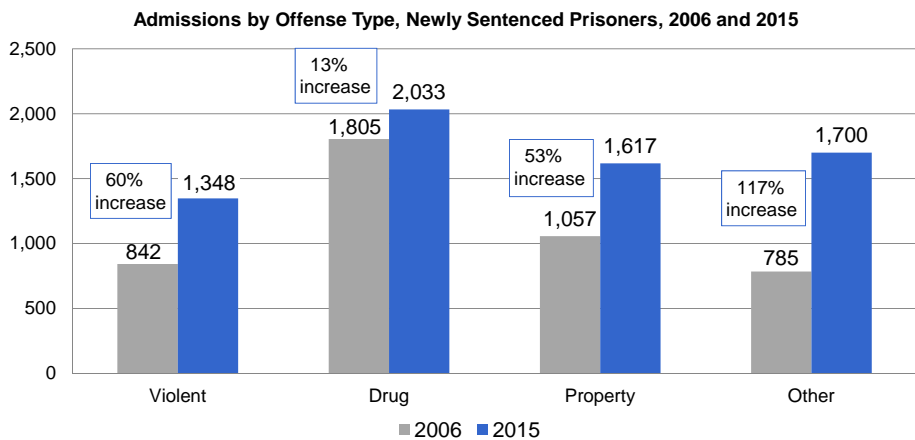


Source: Louisiana Department of Corrections

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Review: Admissions

Newly Sentenced Prison Admissions Up Across All Offense Types



Source: Louisiana Department of Corrections

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Review: Admissions

Top 10 Most Common Crimes at Admission for Newly Sentenced Prisoners Are All Nonviolent

Top 10 Offenses at Admission in 2015, Newly Sentenced Prisoners

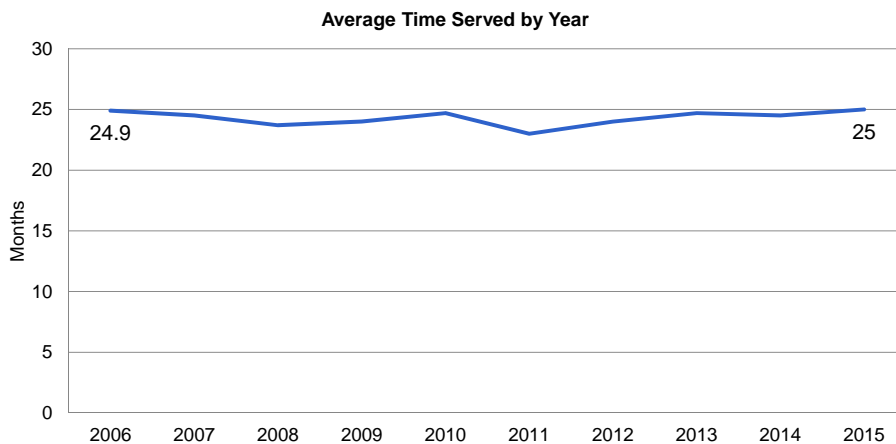
Offense	2006	2015	% Change, 2006-2015
POSSESSION OF SCHEDULE II DRUG	779	641	-18%
SIMPLE BURGLARY	278	466	68%
OPERATE VEHICLE WHILE INTOXICATED	218	380	74%
POSSESSION OF FIREARM BY FELON	102	308	202%
DISTRIBUTE SCHEDULE II DRUG	278	262	-6%
POSSESS WITH INTENT TO DISTRIBUTE SCHEDULE II DRUG	296	252	-15%
POSSESSION OF SCHEDULE I DRUG	100	245	145%
SIMPLE BURGLARY INHABITED DWELLING	83	216	160%
POSSESS WITH INTENT TO DISTRIBUTE SCHEDULE I DRUG	146	209	43%
SEX OFFENDER REGISTRATION VIOLATION	57	201	253%

Source: Louisiana Department of Corrections

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Review: Time Served

Average Time Served in Prison Has Changed Little in the Last Decade



Source: Louisiana Department of Corrections

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Review: Time Served

Time Served Climbing for Some Common Offenses

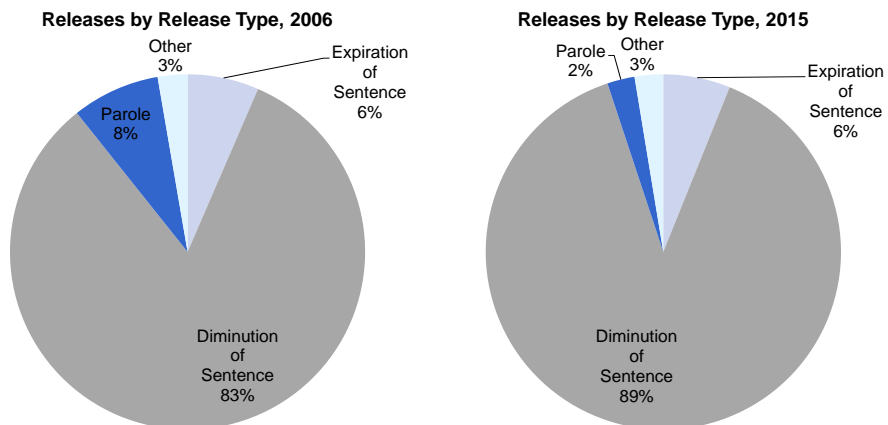
Time Served (Months) for 10 Most Common Offenses at Admission in 2015, Newly Sentenced Prisoners			
Offense	2006	2015	% Change, 2006-2015
POSSESSION OF SCHEDULE II DRUG	17.9	16.8	-6%
SIMPLE BURGLARY	29.7	19.9	-33%
OPERATE VEHICLE WHILE INTOXICATED	6	11.3	88%
POSSESSION OF FIREARM BY FELON	35.9	30.6	-15%
DISTRIBUTE SCHEDULE II DRUG	32.3	35.3	9%
POSSESS WITH INTENT TO DISTRIBUTE SCHEDULE II DRUG	29.6	35	18%
POSSESSION OF SCHEDULE I DRUG	28.1	17	-40%
SIMPLE BURGLARY INHABITED DWELLING	29.4	20.5	-30%
POSSESS WITH INTENT TO DISTRIBUTE SCHEDULE I DRUG	30.9	24.7	-20%
SEX OFFENDER REGISTRATION VIOLATION	3.2	14	338%

Source: Louisiana Department of Corrections

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Review: Time Served

Proportion of Parole Releases Decreased Over Last Decade



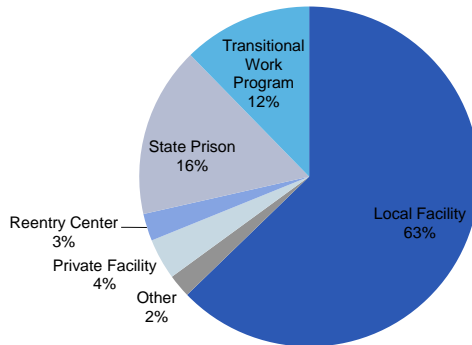
Source: Louisiana Department of Corrections

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Review: Time Served

75% of Releases Exit a Local Facility or Transitional Work Program

Releases by Release Facility, 2015



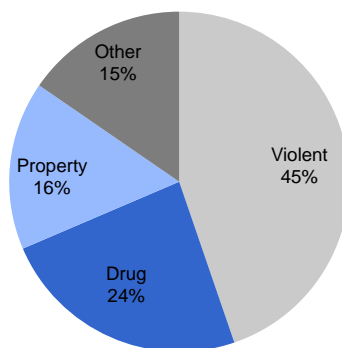
Source: Louisiana Department of Corrections

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Review: Prison Population

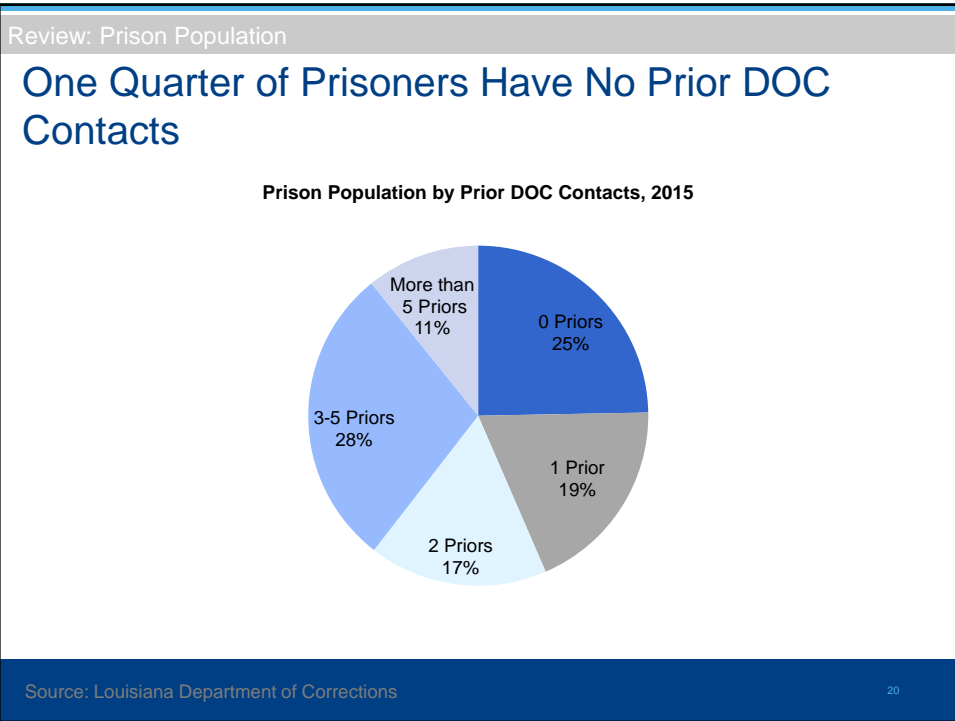
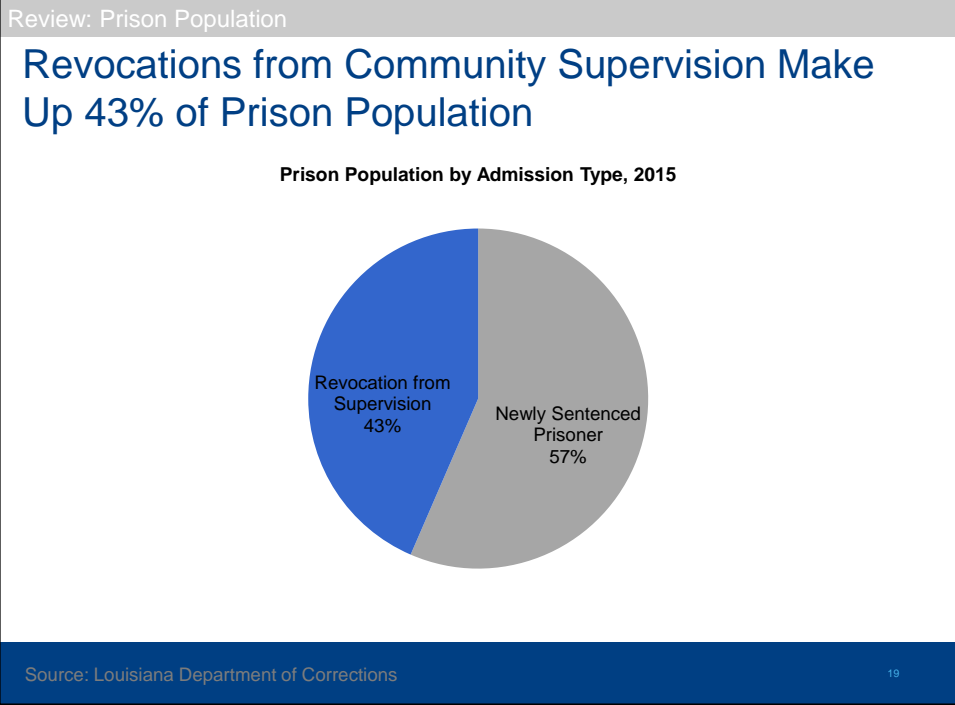
People with Primary Drug or Property Offenses Make Up 40% of Prison Population

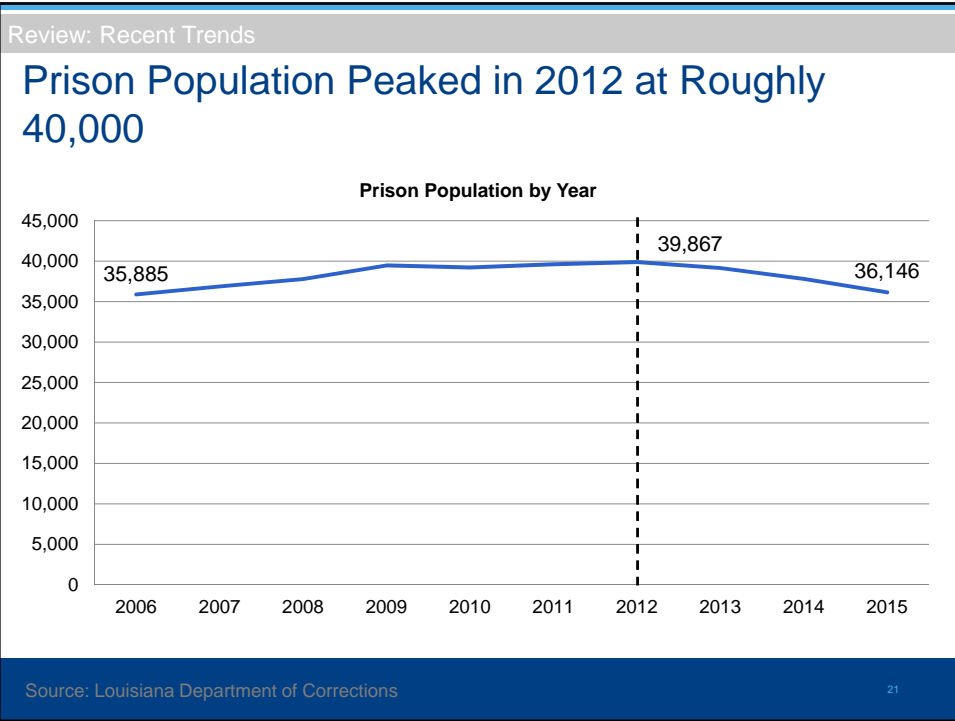
Prison Population by Offense Type, 2015



Source: Louisiana Department of Corrections

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FOLLOW-UP QUESTIONS

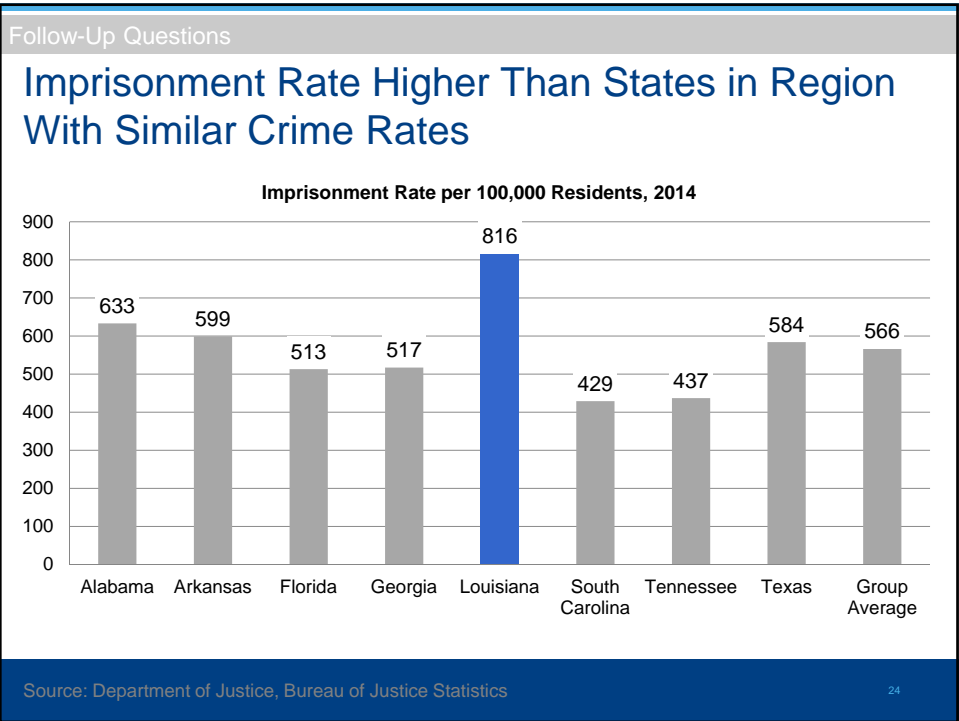
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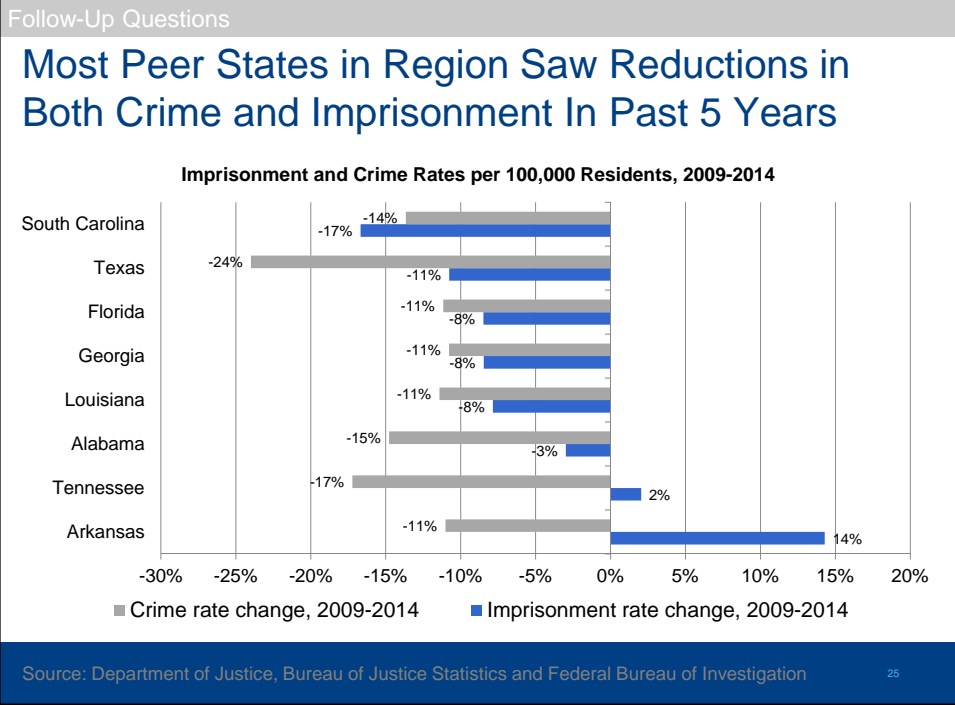
Follow-Up Questions

Follow-Up Topic: Regional Context

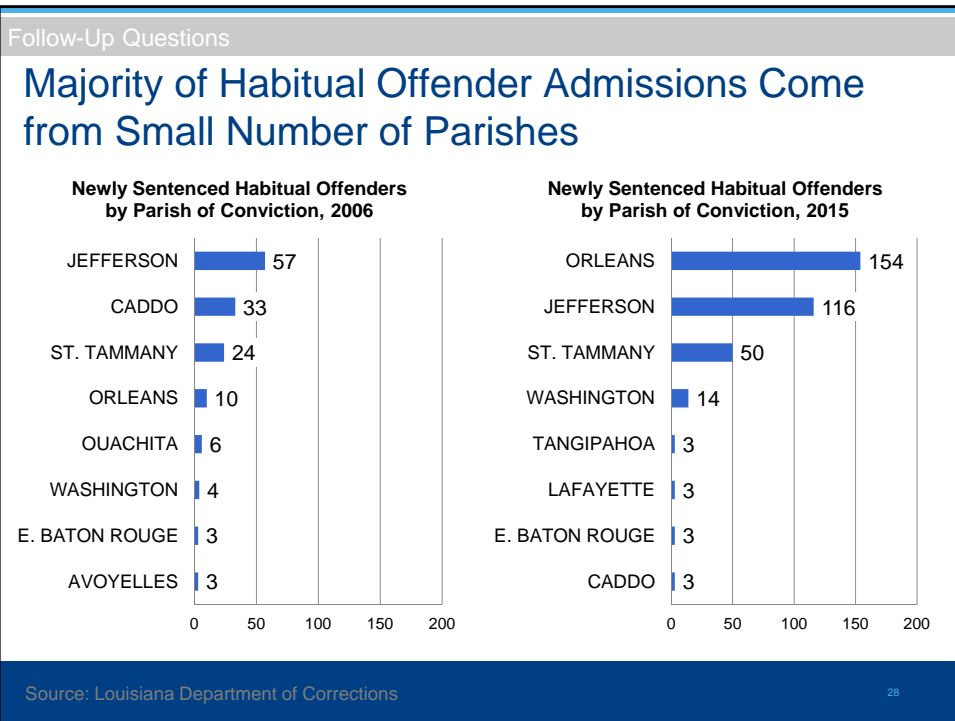
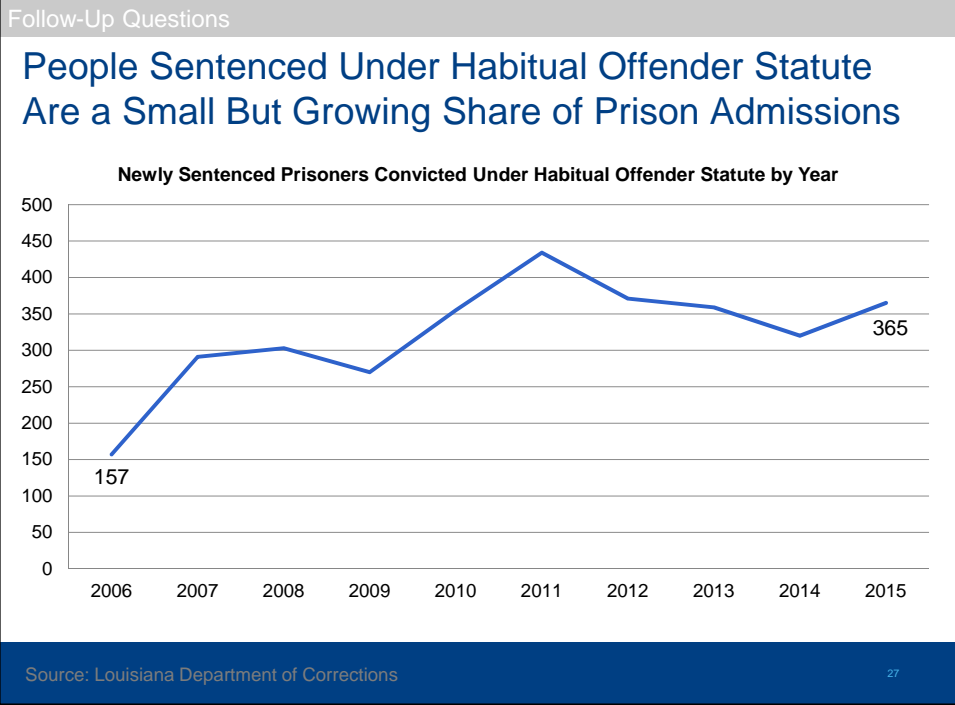
- Regional context
 - Crime and incarceration trends over time

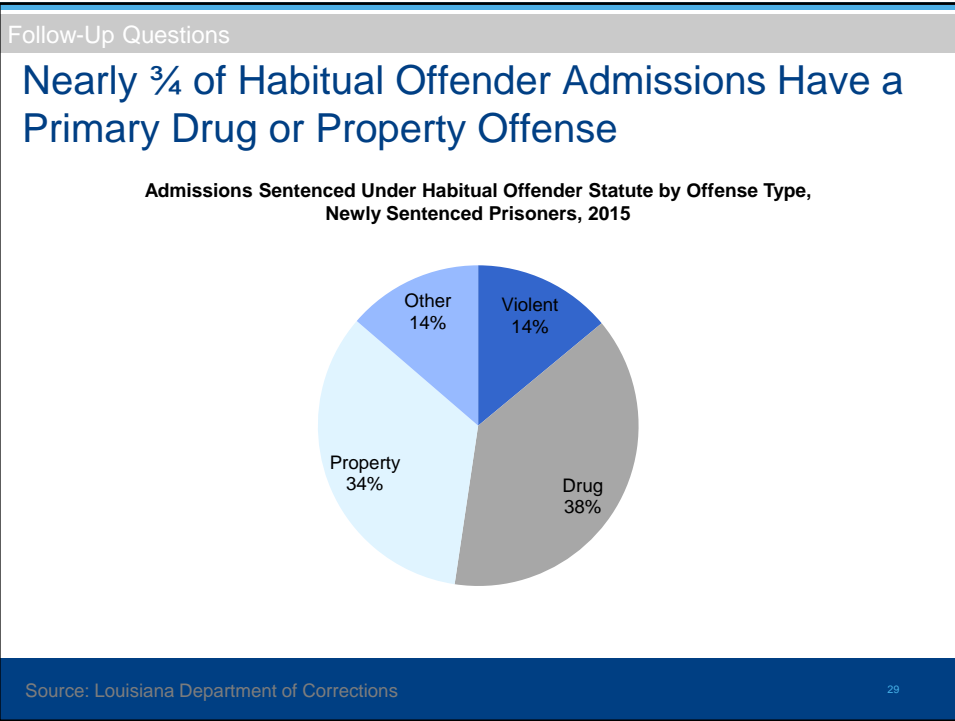
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- Follow-Up Questions
- ### Follow-Up Topic: Habitual Offenders
- Habitual offenders
 - By parish
 - By offense type
 - By offense





Follow-Up Questions

Drug Possession Is Most Common Primary Offense for Habitual Offender Admissions

Top 10 Offenses at Admission for Newly Sentenced Prisoners Convicted Under Habitual Offender Statute

Offense	2015 Admissions
POSSESSION OF SCHEDULE II DRUG	56
SIMPLE BURGLARY	34
POSSESSION OF SCHEDULE I DRUG	23
THEFT	18
POSSESS WITH INTENT TO DISTRIBUTE SCHEDULE II DRUG	17
POSSESSION OF FIREARM BY FELON	17
SIMPLE BURGLARY INHABITED DWELLING	17
POSSESS WITH INTENT TO DISTRIBUTE SCHEDULE I DRUG	14
DISTRIBUTE SCHEDULE II DRUG	9
ILLEGAL POSSESSION OF STOLEN THINGS	8

Source: Louisiana Department of Corrections

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Follow-Up Questions

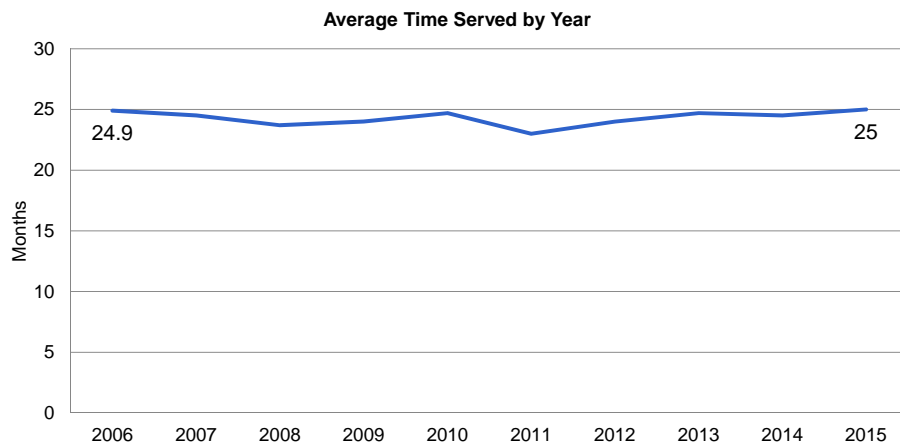
Follow-Up Topic: Time Served

- For snapshot prison population
 - By offense type

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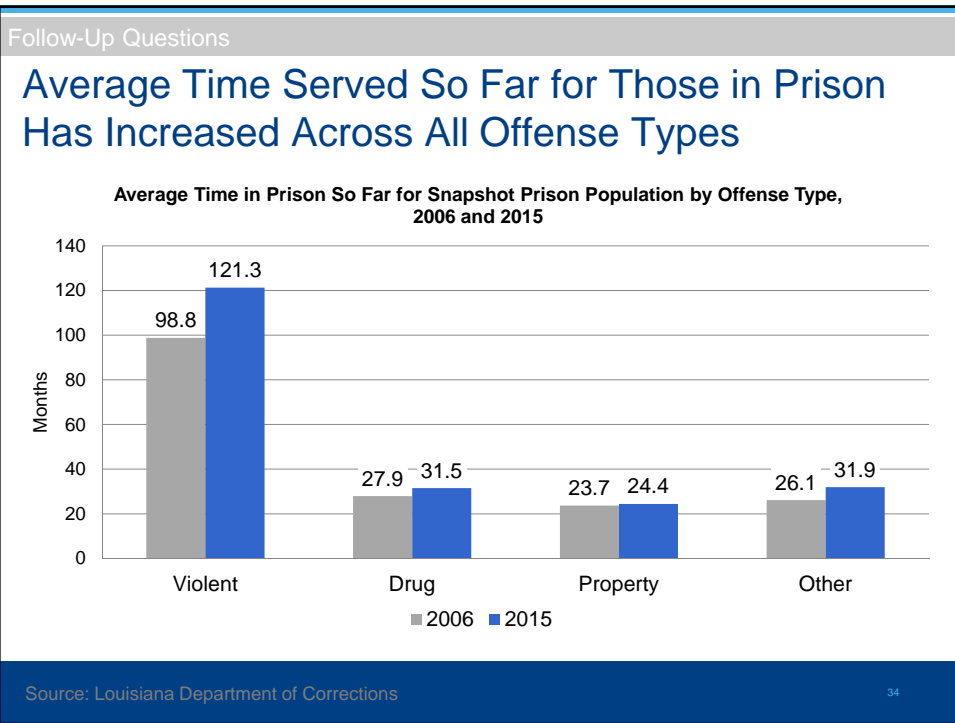
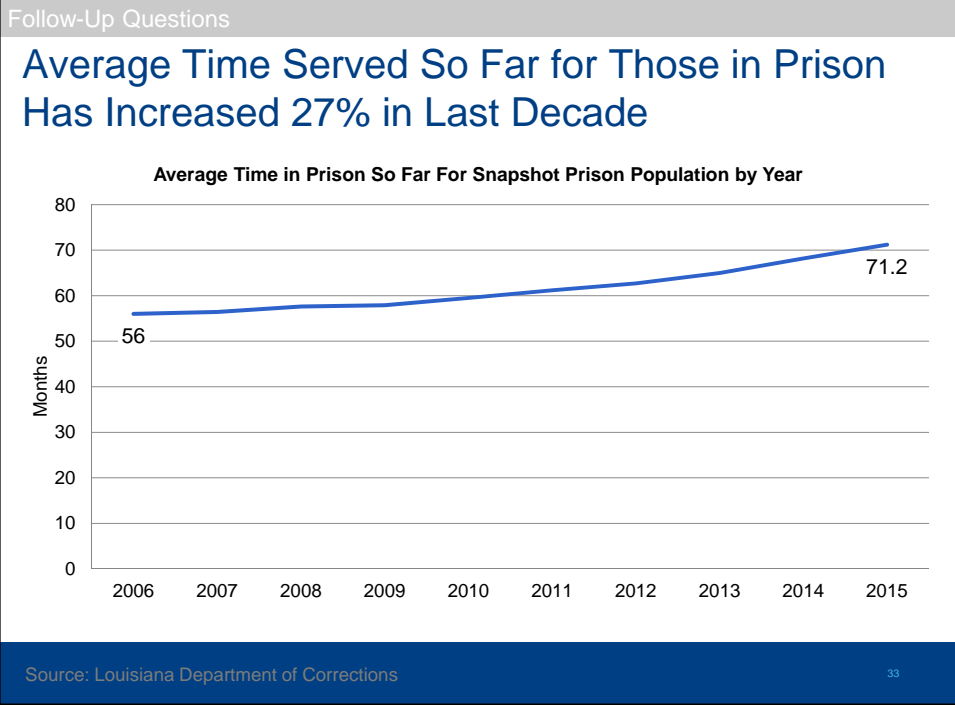
Follow-Up Questions

Average Time Served in Prison Has Changed Little in the Last Decade



Source: Louisiana Department of Corrections

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Follow-Up Questions

Follow-Up Topic: Life Sentences

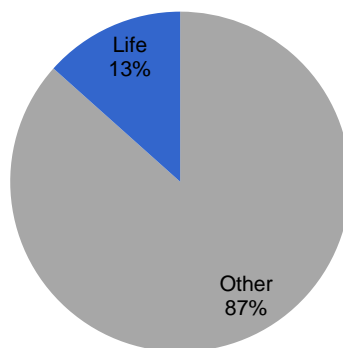
- By age at the time of offense

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Follow-Up Questions

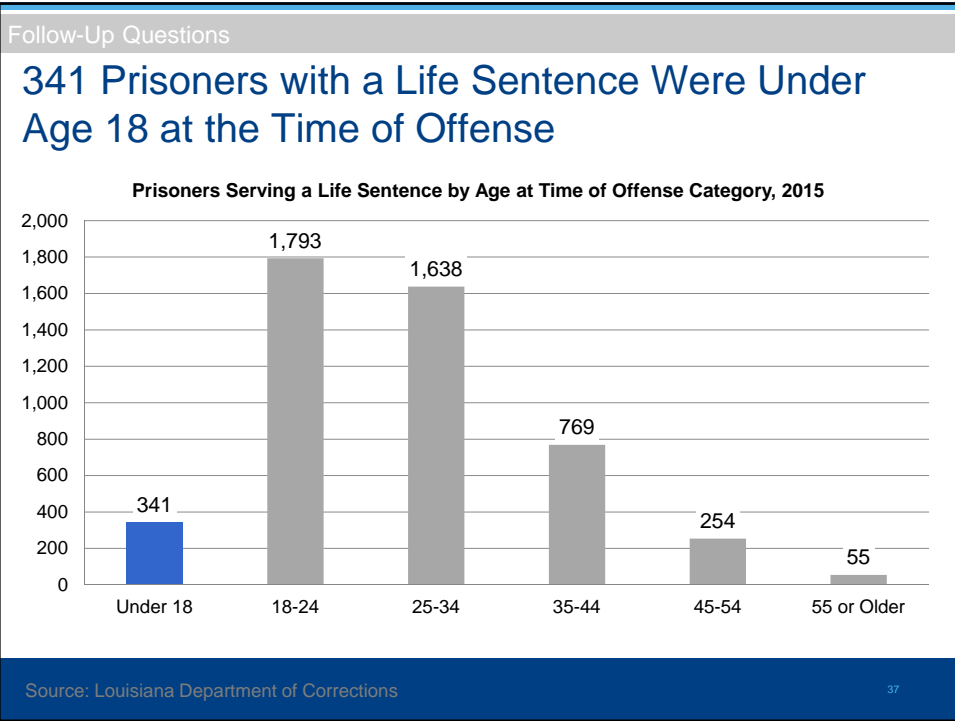
People Serving Life Sentences Make Up 13% of Prison Population

Prison Population by Sentence Type, 2015



Source: Louisiana Department of Corrections

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DOC FILE REVIEW

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File Review: Description

DOC File Review

- Purpose: To acquire data on the elements impacting time served, including pretrial detention, sentence length, and release mechanisms.
- Methodology:
 - Stratified random sample by offense
 - 16 of the most common non-violent offenses at admission in 2015
 - Reviewed 762 case files of prisoners released in 2010 and 2015
 - Gender: 92% male; 8% female
 - Race: 59% black; white 40%; 1% other
 - Admission type: 55% newly sentenced prisoners; 45% probation revocations
 - Release type: 91% diminution of sentence; 4% expiration of sentence; 3% parole; 1% other
 - Offense type: 42% drug; 39% property; 19% other

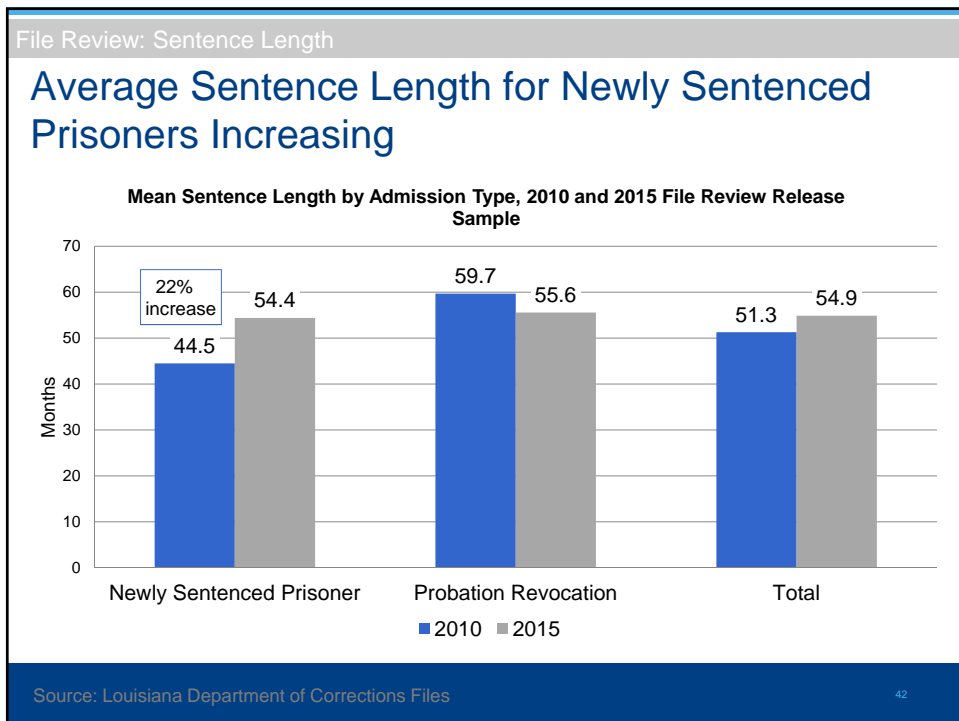
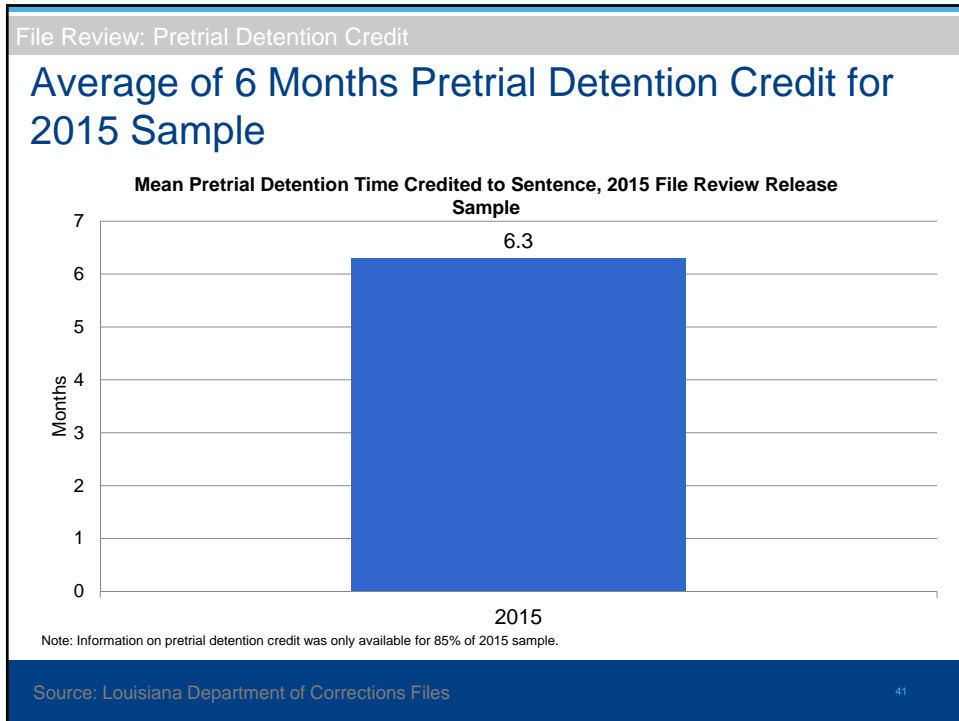
Source: Louisiana Department of Corrections Files 39

File Review: Description

How Sentences Are Served

Sentence = Pretrial Detention Credit (if applicable) + DOC Time Served + Time Converted to Supervision (if applicable)

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File Review: Sentence Length

Median Sentence Length Increased for 4 of 7 Drug Offenses in Sample

Median Sentence Length (Months) by Offense, File Review Release Sample

Offense	2010 Sample (Months)	2015 Sample (Months)	% Change, 2010-2015
POSSESSION OF SCHEDULE I DRUG	36	48	33%
POSSESSION OF SCHEDULE II DRUG	40	36	-10%
POSSESSION OF SCHEDULE IV DRUG	36	42	17%
POSSESS WITH INTENT TO DISTRIBUTE SCHEDULE I DRUG	60	60	0%
POSSESS WITH INTENT TO DISTRIBUTE SCHEDULE II DRUG	54	90	67%
DISTRIBUTE SCHEDULE I DRUG	60	60	0%
DISTRIBUTE SCHEDULE II DRUG	45	60	33%

Source: Louisiana Department of Corrections Files 43

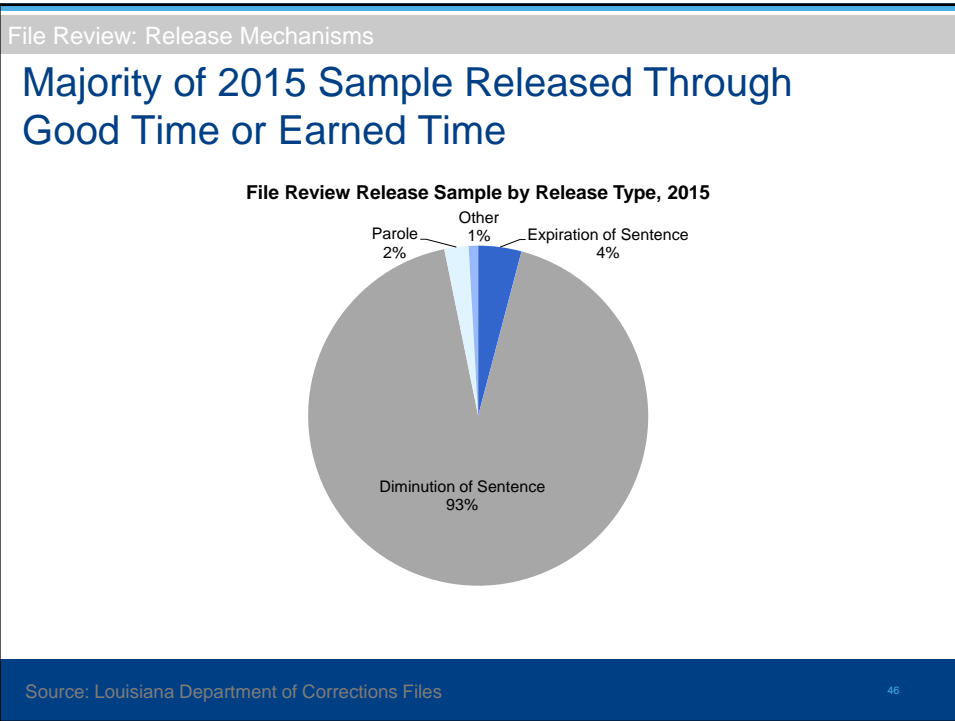
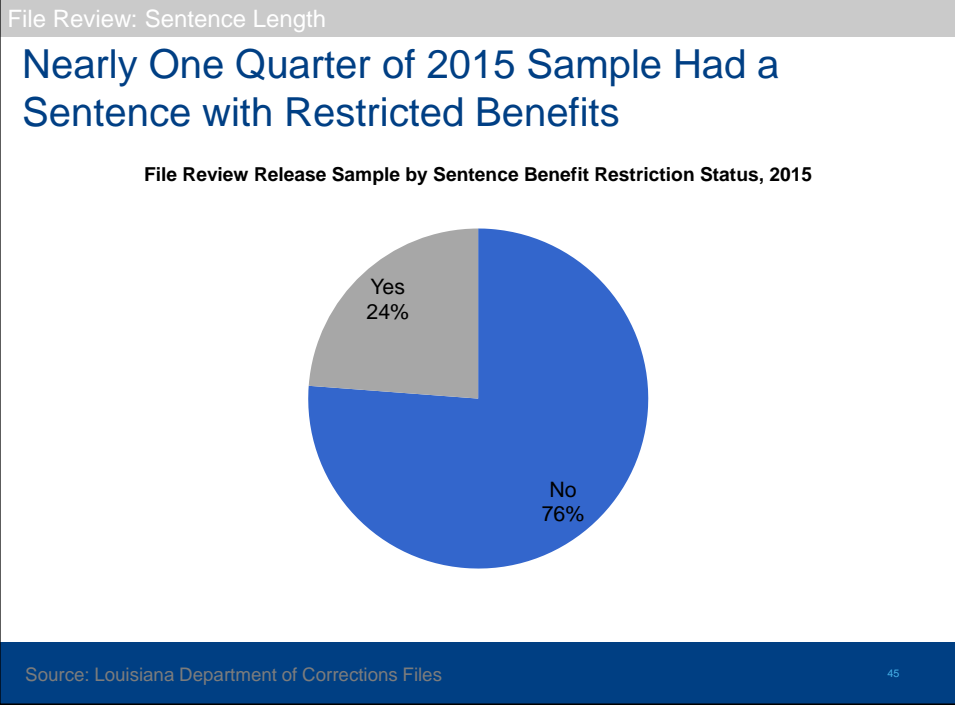
File Review: Sentence Length

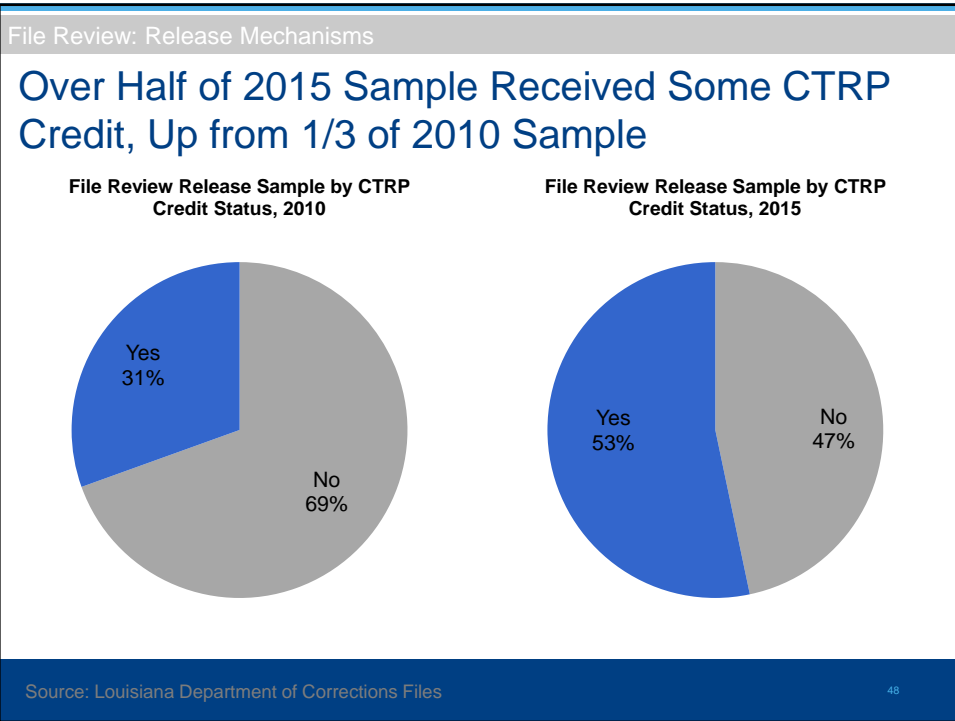
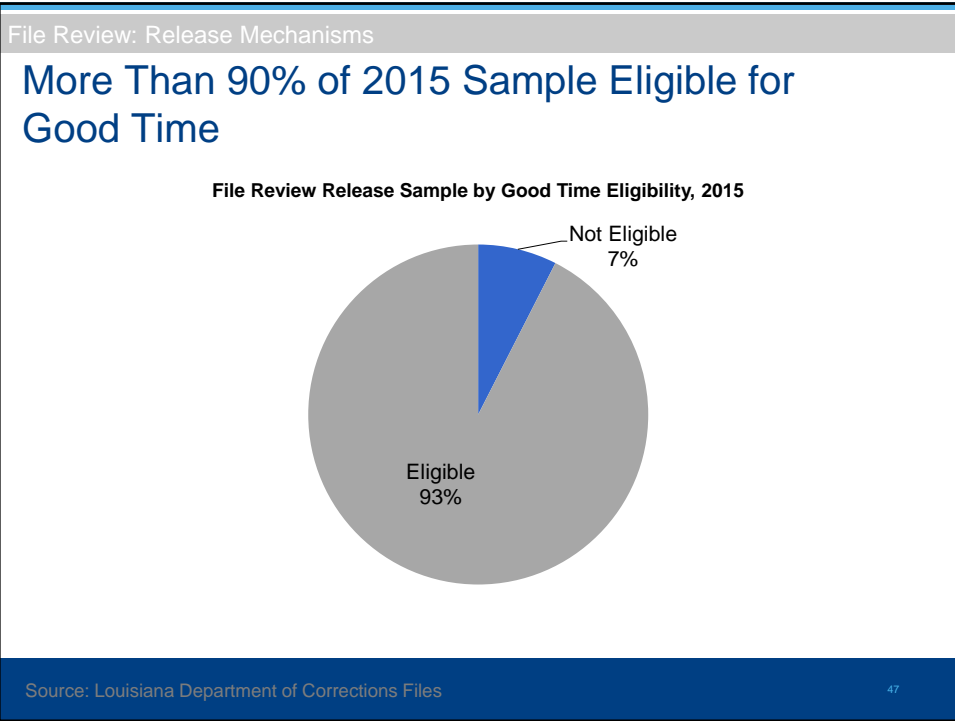
Median Sentence Length Increased for 4 of 9 Property and Other Offenses in Sample

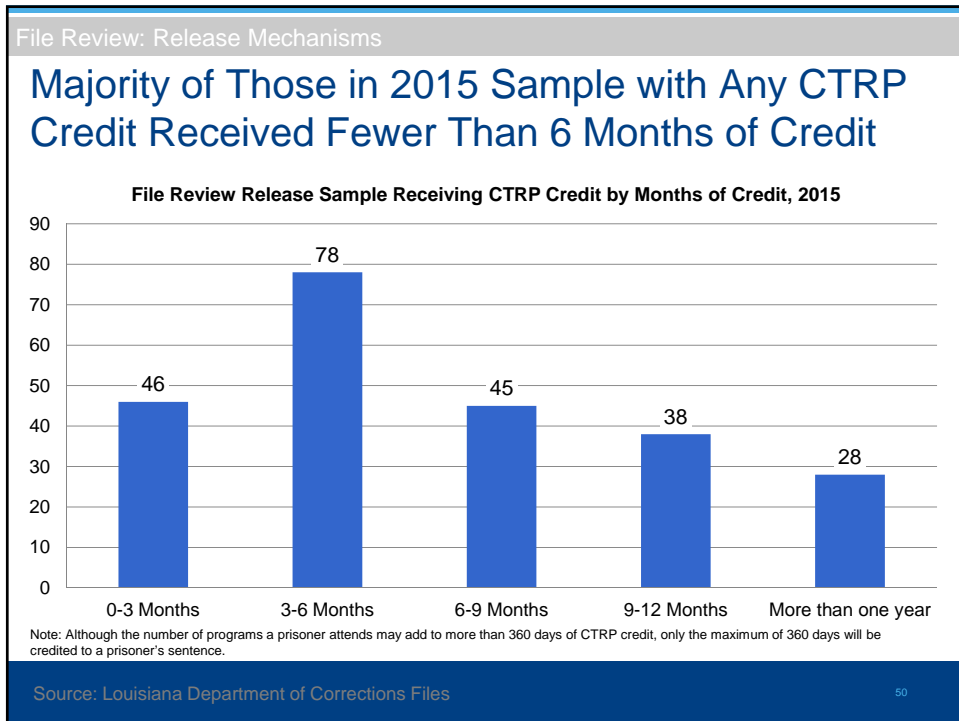
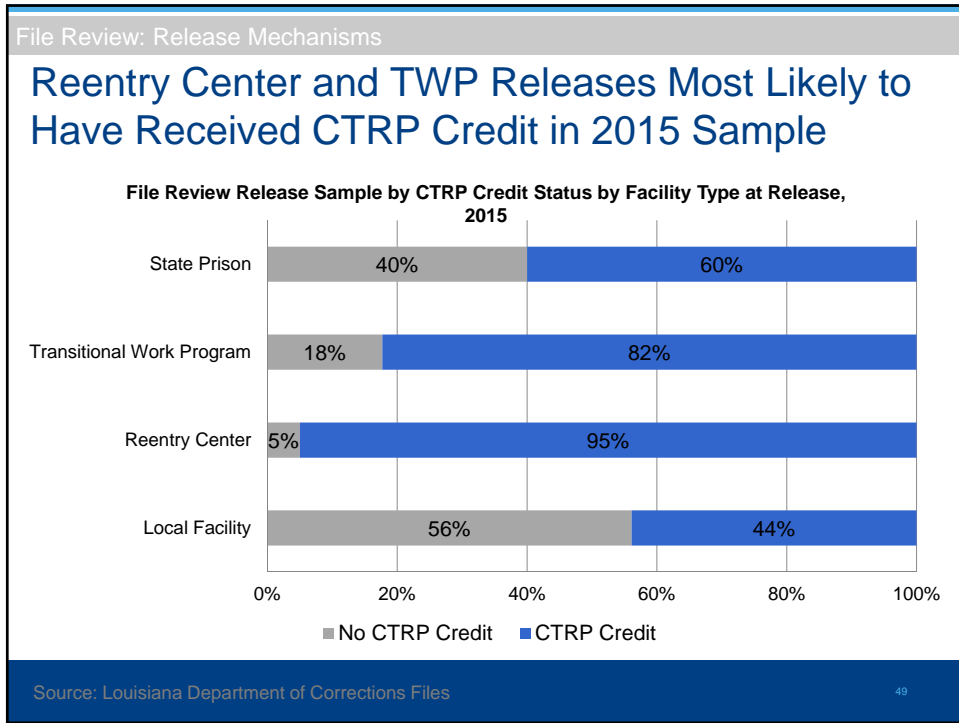
Median Sentence Length (Months) by Offense, File Review Release Sample

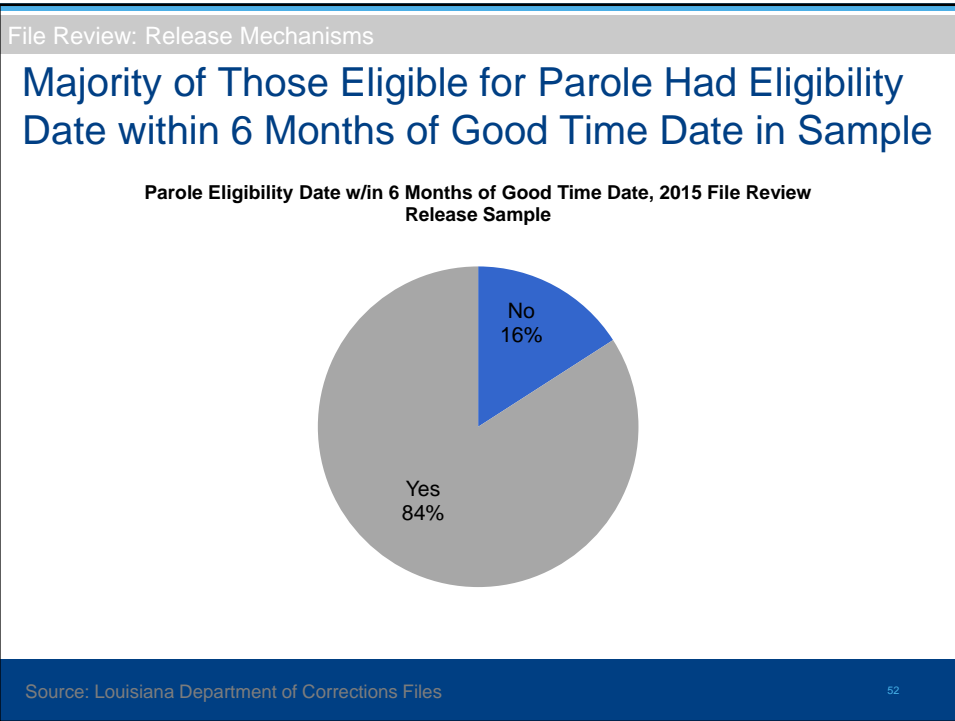
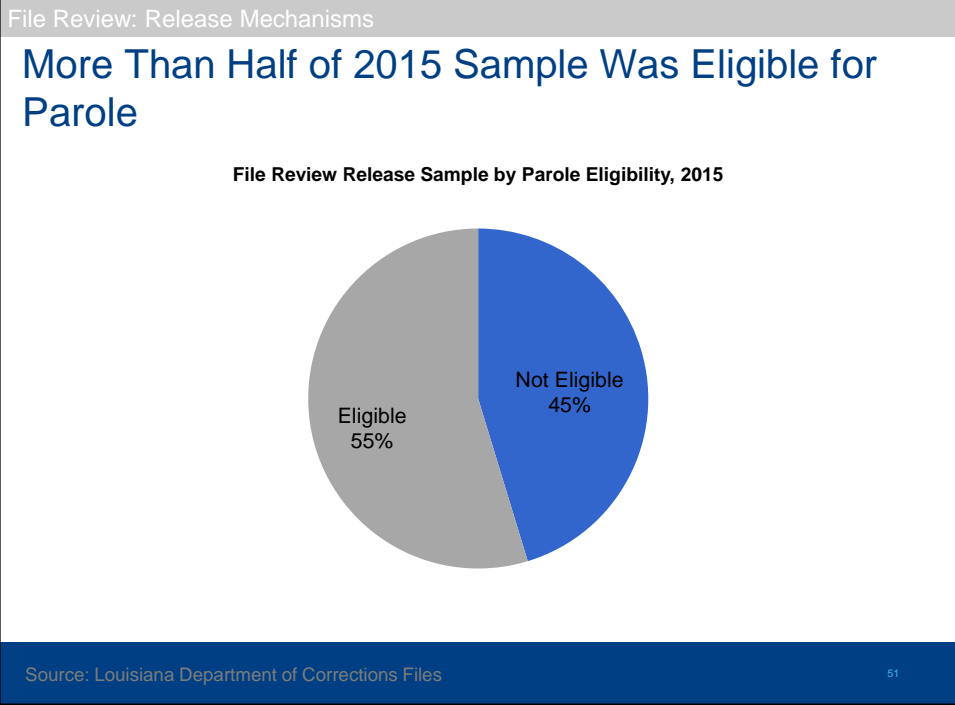
Offense	2010 Sample (Months)	2015 Sample (Months)	% Change, 2010-2015
UNAUTHORIZED USE OF MOTOR VEHICLE	30	36	20%
THEFT	36	36	0%
FORGERY	60	36	-40%
UNAUTHORIZED ENTRY OF INHABITED DWELLING	24	36	50%
SIMPLE BURGLARY	36	60	67%
SIMPLE BURGLARY INHABITED DWELLING	36	36	0%
OPERATE VEHICLE WHILE INTOXICATED	24	24	0%
SEX OFFENDER REGISTRATION VIOLATION	24	24	0%
POSSESSION OF FIREARM BY FELON	72	90	25%

Source: Louisiana Department of Corrections Files 44









Key Takeaways: File Review

- Average pretrial detention credit was 6 months for 2015 releases in the sample.
- Average sentence length for newly sentenced prisoners increased 22% between 2010 and 2015 releases in the sample.
- Roughly half of the 2015 releases in the sample were eligible for parole.
- Share of releases in sample receiving CTRP credit increased between 2010 and 2015.

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Questions?

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 - www.pewtrusts.org/publicsafety

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APPENDIX: DEFINITIONS AND DATA NOTES

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Appendix

Definition of Terms

Supervision

- Community supervision
 - Probation, parole, or good time parole

Offense Type

- Violent crime
 - Any crime defined as violent in LA R.S. 14:2(B), as well as vehicular homicide (designated by the Supreme Court as a violent crime), and domestic abuse by burning (designated by statute as a violent crime)
- Primary offense
 - The offense with the longest sentence length associated with an inmate's current prison stay

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Appendix

Definition of Terms: Prior Contact

- Prior DOC contacts include:
 - Prison sentence in DOC custody
 - Probation sentence supervised by DOC
 - Felony specialty court sentence
 - Parole or good time parole supervision sentence
 - Revocation to prison
- Prior DOC contacts do not include:
 - Arrests
 - Participation in DA diversion programs
 - Misdemeanor convictions

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Definition of Terms: Admission Types

- Newly sentenced prisoner
 - Admitted to prison for a court-ordered felony sentence at the time of conviction
- Revocation
 - Admitted to prison for violating the terms of community supervision
- Habitual offender
 - Person sentenced under Louisiana's habitual offender statute, which increases the minimum and maximum penalties for second or subsequent felonies

Definition of Terms: Release Types

- Parole
 - Released by the Parole Board after serving the statutorily required portion of the sentence
- Expiration of Sentence
 - Released to the community after serving full sentence in prison
- Diminution of Sentence
 - Released to good time parole supervision after earning good time credits or attending certified treatment and rehabilitation programs
- Other
 - Released through another mechanism such as commutation of sentence, court-ordered release, or death

Definition of Terms: File Review

- Sentence with restricted benefits
 - Sentences or portions of sentences that, whether by statute or judicial discretion, must be served in prison without the benefit of suspension of sentence or regular parole (or some combination of those restrictions)
- CTRP credit
 - Time that prisoners can earn off their sentence for participation in certified treatment and rehabilitative programming, including but not limited to basic education, job skill training, values development, and faith-based initiatives
- Pretrial detention credit
 - Time credited toward a person's prison sentence, including time served in jail pre-trial for the controlling offense (the offense that determines the offender's release date) and any credits designated by the judge, such as time in a substance abuse treatment program

Additional Data Notes

- Data include only individuals convicted of a felony at hard labor and sentenced to serve a period of confinement in DOC custody
- Technical violators who serve a revocation sentence that is capped at 90, 120, or 180 days under Act 402 (2007) or Act 299 (2015) are not included in these data
- Time served calculation does not include pretrial or presentence jail time credited to a prison sentence