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

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
Louisiana Has Similar, Though Slightly Higher, Crime Rate to Many States in the Region

Admission Rate of Nonviolent Prisoners Much Higher Than States in Region With Similar Crime Rates
86% of Prison Admissions Have A Nonviolent Primary Offense

Admissions by Primary Offense Type, 2015

- Drug: 36%
- Property: 31%
- Violent: 14%
- Other: 19%

Source: Louisiana Department of Corrections

81% of Prison Admissions Have No Violent Offenses Associated with Current Admission

Admissions by Offense Type, 2015

- Drug: 35%
- Property: 29%
- Other: 17%
- Violent Offense Associated w/ Current Admission: 19%

Source: Louisiana Department of Corrections
Pretrial Population
Revocations Make Up Majority of Admissions, But Share Has Declined in Last Decade

<table>
<thead>
<tr>
<th>Year</th>
<th>Revocation from Supervision</th>
<th>Newly Sentenced Prisoner</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>9,978</td>
<td>4,536</td>
</tr>
<tr>
<td>2007</td>
<td>10,300</td>
<td>4,000</td>
</tr>
<tr>
<td>2008</td>
<td>7,312</td>
<td>3,658</td>
</tr>
<tr>
<td>2009</td>
<td>6,755</td>
<td>3,113</td>
</tr>
<tr>
<td>2010</td>
<td>6,552</td>
<td>2,752</td>
</tr>
<tr>
<td>2011</td>
<td>6,499</td>
<td>2,550</td>
</tr>
<tr>
<td>2012</td>
<td>6,499</td>
<td>2,752</td>
</tr>
<tr>
<td>2013</td>
<td>6,755</td>
<td>3,113</td>
</tr>
<tr>
<td>2014</td>
<td>6,755</td>
<td>3,113</td>
</tr>
<tr>
<td>2015</td>
<td>6,755</td>
<td>3,113</td>
</tr>
</tbody>
</table>

Source: Louisiana Department of Corrections

Newly Sentenced Prison Admissions Up Across All Offense Types

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>2006</th>
<th>2015</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violent</td>
<td>842</td>
<td>1,348</td>
<td>60%</td>
</tr>
<tr>
<td>Drug</td>
<td>1,805</td>
<td>2,033</td>
<td>13%</td>
</tr>
<tr>
<td>Property</td>
<td>1,057</td>
<td>1,617</td>
<td>53%</td>
</tr>
<tr>
<td>Other</td>
<td>785</td>
<td>1,700</td>
<td>117%</td>
</tr>
</tbody>
</table>

Source: Louisiana Department of Corrections
Review: Admissions

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

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>POSSESSION OF SCHEDULE II DRUG</td>
<td>779</td>
<td>641</td>
<td>-18%</td>
</tr>
<tr>
<td>SIMPLE BURGLARY</td>
<td>278</td>
<td>466</td>
<td>68%</td>
</tr>
<tr>
<td>OPERATE VEHICLE WHILE INTOXICATED</td>
<td>218</td>
<td>380</td>
<td>74%</td>
</tr>
<tr>
<td>POSSESSION OF FIREARM BY FELON</td>
<td>102</td>
<td>308</td>
<td>202%</td>
</tr>
<tr>
<td>DISTRIBUT SCHEDULE II DRUG</td>
<td>278</td>
<td>262</td>
<td>-6%</td>
</tr>
<tr>
<td>POSSESS WITH INTENT TO DISTRIBUTE SCHEDULE II DRUG</td>
<td>296</td>
<td>252</td>
<td>-15%</td>
</tr>
<tr>
<td>POSSESSION OF SCHEDULE I DRUG</td>
<td>105</td>
<td>245</td>
<td>145%</td>
</tr>
<tr>
<td>SIMPLE BURGLARY INHABITED DWELLING</td>
<td>83</td>
<td>216</td>
<td>160%</td>
</tr>
<tr>
<td>POSSESS WITH INTENT TO DISTRIBUTE SCHEDULE I DRUG</td>
<td>146</td>
<td>209</td>
<td>43%</td>
</tr>
<tr>
<td>SEX OFFENDER REGISTRATION VIOLATION</td>
<td>57</td>
<td>201</td>
<td>253%</td>
</tr>
</tbody>
</table>

Source: Louisiana Department of Corrections

Review: Time Served

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

Source: Louisiana Department of Corrections
Time Served Climbing for Some Common Offenses

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>POSSESSION OF SCHEDULE II DRUG</td>
<td>17.9</td>
<td>16.8</td>
<td>-6%</td>
</tr>
<tr>
<td>SIMPLE BURGLARY</td>
<td>29.7</td>
<td>19.9</td>
<td>-33%</td>
</tr>
<tr>
<td>OPERATE VEHICLE WHILE INTOXICATED</td>
<td>6</td>
<td>11.3</td>
<td>88%</td>
</tr>
<tr>
<td>POSSESSION OF FIREARM BY FELON</td>
<td>35.9</td>
<td>30.6</td>
<td>-15%</td>
</tr>
<tr>
<td>DISTRIBUTE SCHEDULE II DRUG</td>
<td>32.3</td>
<td>35.3</td>
<td>9%</td>
</tr>
<tr>
<td>POSSESS WITH INTENT TO DISTRIBUTE SCHEDULE II DRUG</td>
<td>29.6</td>
<td>35</td>
<td>18%</td>
</tr>
<tr>
<td>POSSESSION OF SCHEDULE I DRUG</td>
<td>28.1</td>
<td>17</td>
<td>-40%</td>
</tr>
<tr>
<td>SIMPLE BURGLARY INHABITED DWELLING</td>
<td>29.8</td>
<td>20.5</td>
<td>-30%</td>
</tr>
<tr>
<td>POSSESS WITH INTENT TO DISTRIBUTE SCHEDULE I DRUG</td>
<td>30.9</td>
<td>24.7</td>
<td>-20%</td>
</tr>
<tr>
<td>SEX OFFENDER REGISTRATION VIOLATION</td>
<td>3.2</td>
<td>14</td>
<td>338%</td>
</tr>
</tbody>
</table>

Source: Louisiana Department of Corrections

Proportion of Parole Releases Decreased Over Last Decade

Source: Louisiana Department of Corrections
Pretrial Population
75% of Releases Exit a Local Facility or Transitional Work Program

Release by Release Facility, 2015

- Local Facility 63%
- State Prison 16%
- Translational Work Program 12%
- Reentry Center 3%
- Private Facility 4%
- Other 2%

Source: Louisiana Department of Corrections

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

Prison Population by Offense Type, 2015

- Violent 45%
- Drug 24%
- Property 16%
- Other 15%

Source: Louisiana Department of Corrections
Revocations from Community Supervision Make Up 43% of Prison Population

Prison Population by Admission Type, 2015

- Revocation from Supervision 43%
- Newly Sentenced Prisoner 57%

Source: Louisiana Department of Corrections

One Quarter of Prisoners Have No Prior DOC Contacts

Prison Population by Prior DOC Contacts, 2015

- 0 Priors 25%
- 1 Prior 19%
- 2 Priors 17%
- 3-5 Priors 28%
- More than 5 Priors 11%

Source: Louisiana Department of Corrections
Review: Recent Trends

Prison Population Peaked in 2012 at Roughly 40,000

Source: Louisiana Department of Corrections

FOLLOW-UP QUESTIONS
Follow-Up Topic: Regional Context

- Regional context
  - Crime and incarceration trends over time

Imprisonment Rate Higher Than States in Region With Similar Crime Rates

![Imprisonment Rate Chart]

Source: Department of Justice, Bureau of Justice Statistics
Most Peer States in Region Saw Reductions in Both Crime and Imprisonment In Past 5 Years

Follow-Up Questions

Follow-Up Topic: Habitual Offenders

- Habitual offenders
  - By parish
  - By offense type
  - By offense
People Sentenced Under Habitual Offender Statute Are a Small But Growing Share of Prison Admissions

Majority of Habitual Offender Admissions Come from Small Number of Parishes

Source: Louisiana Department of Corrections
Nearly ¾ of Habitual Offender Admissions Have a Primary Drug or Property Offense

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

<table>
<thead>
<tr>
<th>Offense</th>
<th>2015 Admissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>POSSESSION OF SCHEDULE II DRUG</td>
<td>56</td>
</tr>
<tr>
<td>SIMPLE BURGLARY</td>
<td>34</td>
</tr>
<tr>
<td>POSSESSION OF SCHEDULE I DRUG</td>
<td>23</td>
</tr>
<tr>
<td>THEFT</td>
<td>18</td>
</tr>
<tr>
<td>POSSESS WITH INTENT TO DISTRIBUTE SCHEDULE II DRUG</td>
<td>17</td>
</tr>
<tr>
<td>POSSESSION OF FIREARM BY FELON</td>
<td>17</td>
</tr>
<tr>
<td>SIMPLE BURGLARY INHABITED DWELLING</td>
<td>17</td>
</tr>
<tr>
<td>POSSESS WITH INTENT TO DISTRIBUTE SCHEDULE I DRUG</td>
<td>14</td>
</tr>
<tr>
<td>DISTRIBUTE SCHEDULE II DRUG</td>
<td>9</td>
</tr>
<tr>
<td>ILLEGAL POSSESSION OF STOLEN THINGS</td>
<td>8</td>
</tr>
</tbody>
</table>

Follow-Up Questions

Drug Possession Is Most Common Primary Offense for Habitual Offender Admissions
Follow-Up Topic: Time Served

For snapshot prison population
- By offense type

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

Source: Louisiana Department of Corrections
Follow-Up Questions

Average Time Served So Far for Those in Prison Has Increased 27% in Last Decade

Average Time in Prison So Far For Snapshot Prison Population by Year

Source: Louisiana Department of Corrections

Follow-Up Questions

Average Time Served So Far for Those in Prison Has Increased Across All Offense Types

Average Time in Prison So Far for Snapshot Prison Population by Offense Type, 2006 and 2015

Source: Louisiana Department of Corrections
Follow-Up Topic: Life Sentences

- By age at the time of offense

People Serving Life Sentences Make Up 13% of Prison Population

![Prison Population by Sentence Type, 2015](image)

Source: Louisiana Department of Corrections
Follow-Up Questions

341 Prisoners with a Life Sentence Were Under Age 18 at the Time of Offense

Source: Louisiana Department of Corrections

DOC FILE REVIEW
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
File Review: Pretrial Detention Credit

Average of 6 Months Pretrial Detention Credit for 2015 Sample

Mean Pretrial Detention Time Credited to Sentence, 2015 File Review Release Sample

Note: Information on pretrial detention credit was only available for 85% of 2015 sample.

File Review: Sentence Length

Average Sentence Length for Newly Sentenced Prisoners Increasing

Mean Sentence Length by Admission Type, 2010 and 2015 File Review Release Sample

Source: Louisiana Department of Corrections Files
## Median Sentence Length Increased for 4 of 7 Drug Offenses in Sample

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

Source: Louisiana Department of Corrections Files

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

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

Source: Louisiana Department of Corrections Files
Nearly One Quarter of 2015 Sample Had a Sentence with Restricted Benefits

File Review Release Sample by Sentence Benefit Restriction Status, 2015

- Yes: 24%
- No: 76%

Source: Louisiana Department of Corrections Files

Majority of 2015 Sample Released Through Good Time or Earned Time

File Review Release Sample by Release Type, 2015

- Diminution of Sentence: 93%
- Expiration of Sentence: 4%
- Parole: 2%
- Other: 1%

Source: Louisiana Department of Corrections Files
Pretrial Population
More Than 90% of 2015 Sample Eligible for Good Time

File Review Release Sample by Good Time Eligibility, 2015

<table>
<thead>
<tr>
<th>Eligible</th>
<th>Not Eligible</th>
</tr>
</thead>
<tbody>
<tr>
<td>93%</td>
<td>7%</td>
</tr>
</tbody>
</table>

Source: Louisiana Department of Corrections Files

Over Half of 2015 Sample Received Some CTRP Credit, Up from 1/3 of 2010 Sample

File Review Release Sample by CTRP Credit Status, 2010

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>31%</td>
<td>69%</td>
</tr>
</tbody>
</table>

File Review Release Sample by CTRP Credit Status, 2015

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>53%</td>
<td>47%</td>
</tr>
</tbody>
</table>

Source: Louisiana Department of Corrections Files
**File Review: Release Mechanisms**

**Reentry Center and TWP Releases Most Likely to Have Received CTRP Credit in 2015 Sample**

![Chart showing the percentage of releases with CTRP credit by facility type.](chart1)

**Source:** Louisiana Department of Corrections Files

**File Review: Release Mechanisms**

**Majority of Those in 2015 Sample with Any CTRP Credit Received Fewer Than 6 Months of Credit**

![Chart showing the distribution of CTRP credit by months.](chart2)

**Source:** Louisiana Department of Corrections Files

**Note:** Although the number of programs a prisoner attends may add to more than 360 days of CTRP credit, only the maximum of 360 days will be credited to a prisoner’s sentence.
More Than Half of 2015 Sample Was Eligible for Parole

File Review Release Sample by Parole Eligibility, 2015

Eligible 55%
Not Eligible 45%

Source: Louisiana Department of Corrections Files

Majority of Those Eligible for Parole Had Eligibility Date within 6 Months of Good Time Date in Sample

Parole Eligibility Date w/in 6 Months of Good Time Date, 2015 File Review Release Sample

No 16%
Yes 84%

Source: Louisiana Department of Corrections Files
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.

Questions?
Contact Information

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  – Office: (202) 552-2028
  – Email: lbennett@pewtrusts.org
• Public Safety Performance Project
  – www.pewtrusts.org/publicsafety

APPENDIX: DEFINITIONS AND DATA NOTES
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

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
Appendix

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

Appendix

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