

THE  
**PEW**  
CHARITABLE TRUSTS

Louisiana Data Analysis Part III and Survey of Research

Justice Reinvestment Task Force  
October 21, 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.

Introduction

## 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 and Survey of Research**
- November 17, 2016: System Assessment

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Introduction

## Outline

- Data Analysis III
  - Follow-up questions
  - Sentence disposition data
  - Community corrections data
    - Probation supervision
    - Parole supervision
    - Act 402 sanctions
- *Break*
- Survey of Research

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## Introduction

## Definition of Terms: Supervision Types

- Probation
  - A period of supervision ordered and overseen by a judge
  - Generally an alternative to incarceration, probation is occasionally imposed in addition to a period of incarceration (split sentence)
- Parole
  - Discretionary Parole
    - A conditional release from prison at the discretion of the Parole Board in which an offender serves the remaining portion of his or her sentence on community supervision
  - Good Time Parole
    - Release from prison after earning time off a sentence after which an offender serves the remaining portion of his or her sentence on community supervision

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## Introduction

## Definition of Terms: Supervision Discharge Types

- Successful Supervision Discharge Types
  - Early termination (probation only)
  - Expiration of term
- Revocation Types
  - Probation revocations
    - Revocation – new felony conviction
    - Technical revocation – criminal conduct
    - Technical revocation – no criminal conduct
  - Parole revocations
    - Revocation – new felony
    - Technical revocation
- Additional Supervision Discharge Types
  - Court order
  - Other

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## Introduction

## Definition of Terms: Successful Supervision Discharge Types

- Early termination
  - Only applicable to probation
  - Termination of supervision prior to the end of the probation sentence, often in recognition of good behavior
- Expiration of term
  - Successful completion of the full supervision term

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## Introduction

## Definition of Terms: Revocation Types for Probation

- Revocation – new felony conviction
  - Revocation of probation term due to a new felony conviction
- Technical revocation – criminal conduct
  - Revocation of probation term due to criminal conduct that does not rise to the level of new felony conviction (includes felony pending charges, misdemeanor convictions etc.)
- Technical revocation – no new criminal conduct
  - Revocation of probation term due to violations of supervision rules that do not include new criminal conduct (includes failing drug test, failing to report to supervision officer, etc.)

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## Definition of Terms: Revocation Types for Parole

- Revocation – new felony
  - Revocation of parole term due to a new felony conviction or a felony arrest where the parolee admits to the crime and waives the hearing
- Technical revocation
  - Revocation of parole due to violation of supervision conditions that do not rise to the level of a new felony conviction

## Definition of Terms: Additional Supervision Discharge Types

- Court order
  - Judge terminates the supervision term for reasons other than successful completion
- Other
  - Discharge reasons not previously mentioned, including death, transfer to another state, and exoneration

## Definition of Terms: Supervision Sanctions

- Act 402/299 sanctions
  - A short period of incarceration (maximum of 90, 120, or 180 days) imposed by a judge or Parole Board
  - Only certain technical violations and certain types of offenders are eligible for Act 402/299

**FOLLOW UP QUESTIONS**

## Follow-Up Questions

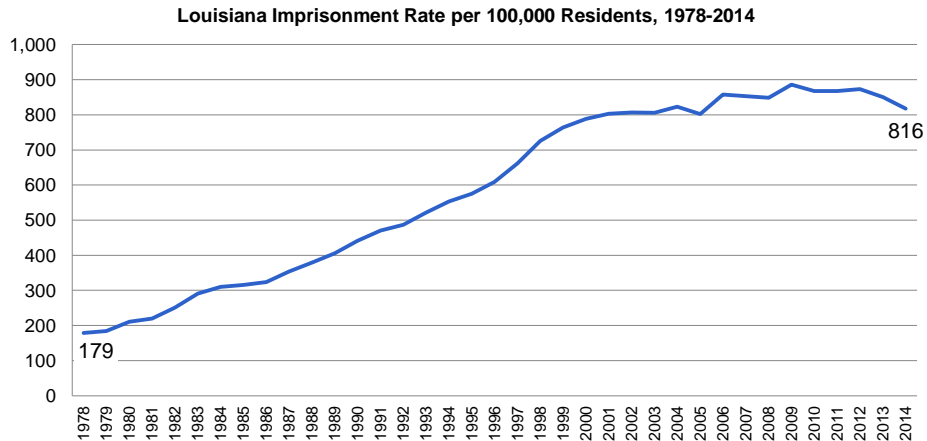
## Follow-Up Topic: Imprisonment Rate

- Imprisonment rate
  - Compared to changes in resident population

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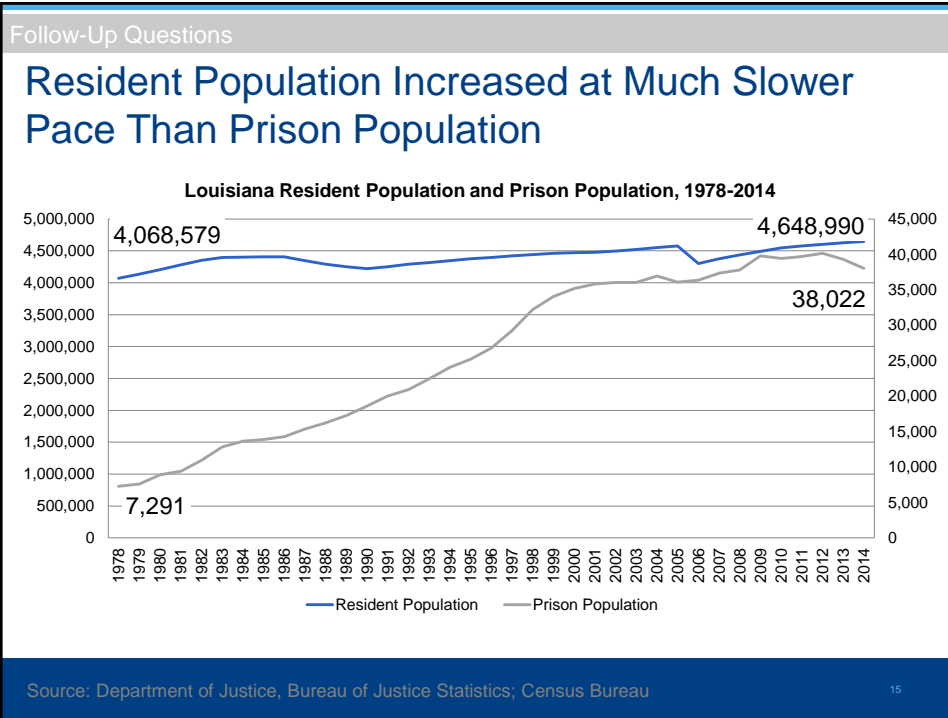
## Follow-Up Questions

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



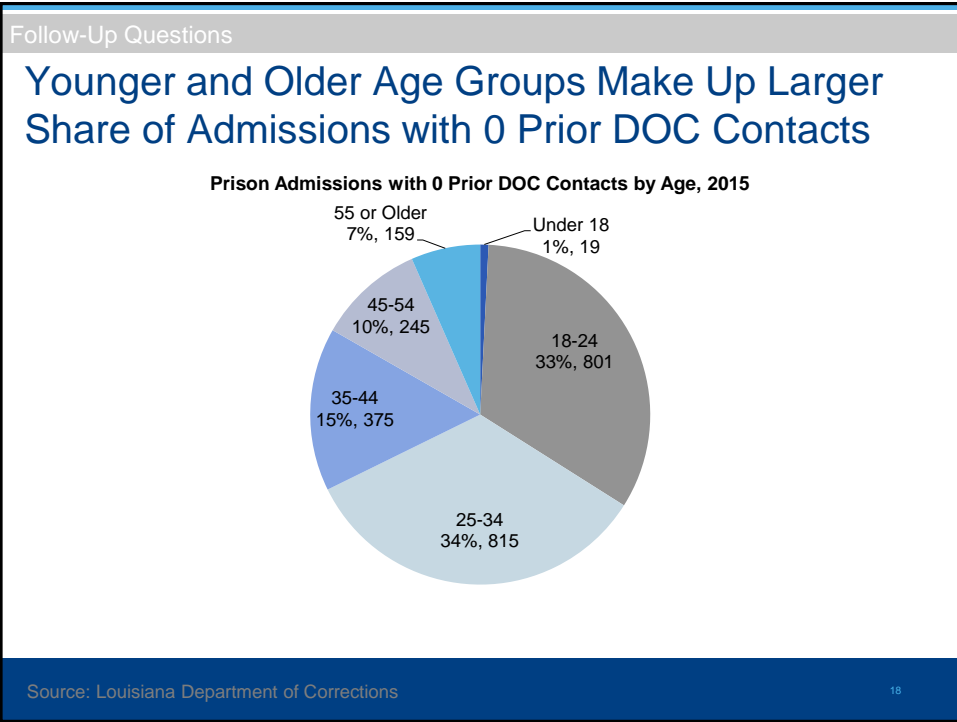
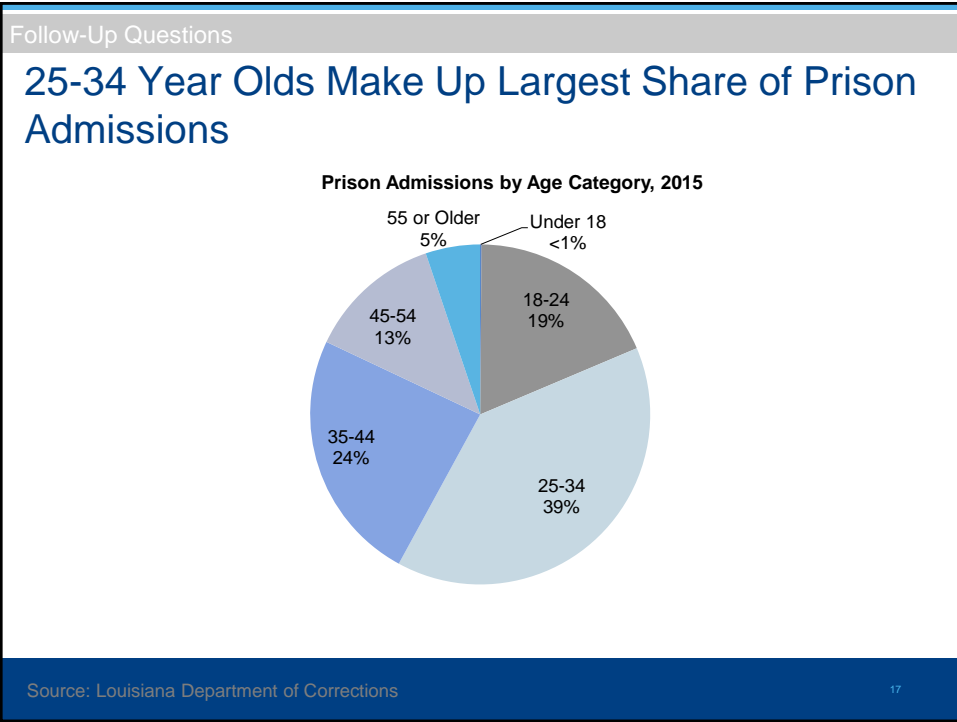
Source: Department of Justice, Bureau of Justice Statistics

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- Follow-Up Questions
- ## Follow-Up Topic: Age at Admission
- Age at admission
    - By prior DOC contacts





## Follow-Up Questions

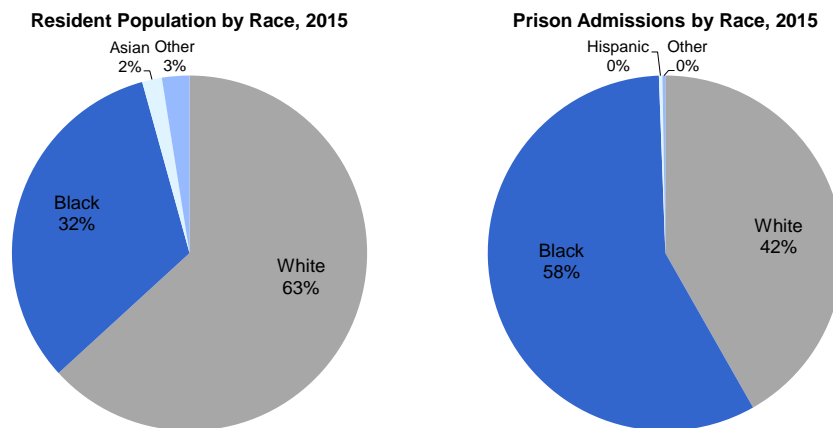
## Follow-Up Topic: Race

- Racial makeup of prison admissions
  - By admission type
  - By prior DOC contacts
- Time served by race
  - By offense
  - By prior DOC contacts

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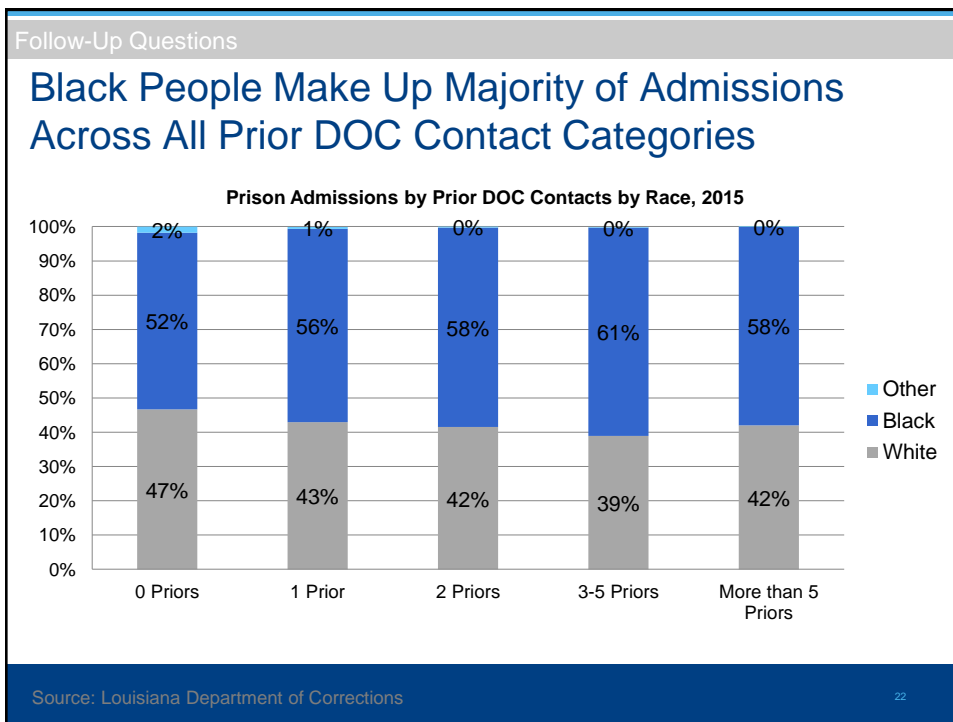
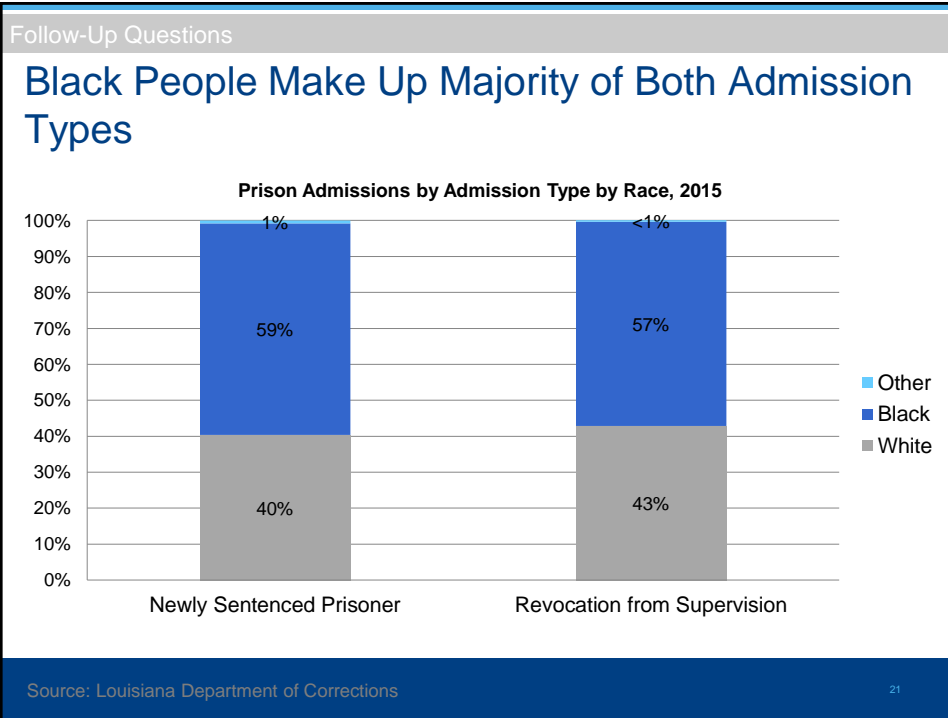
## Follow-Up Questions

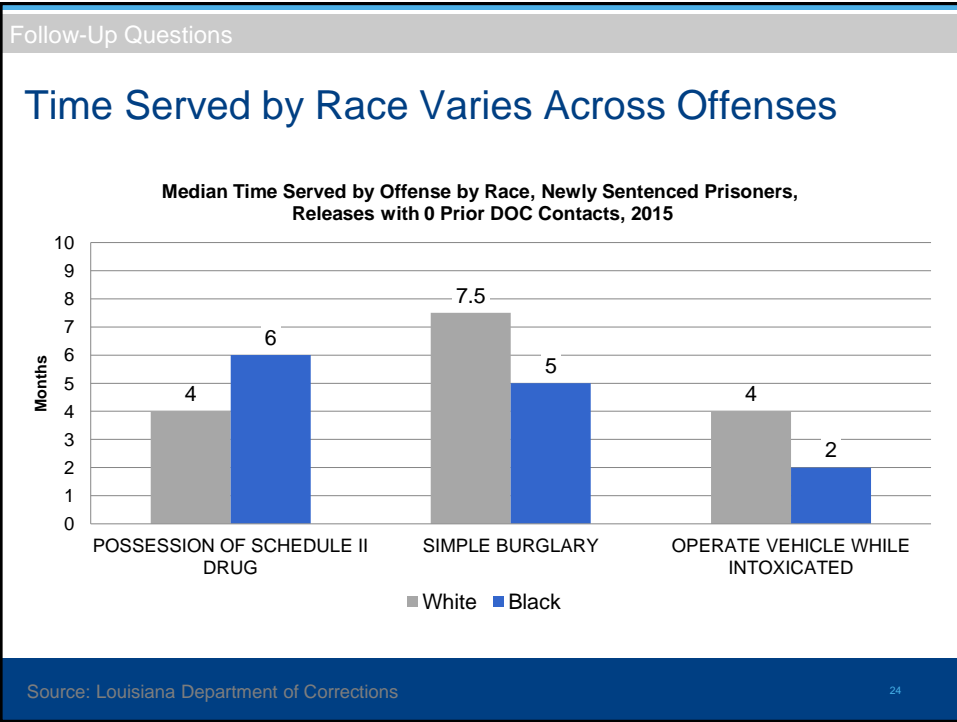
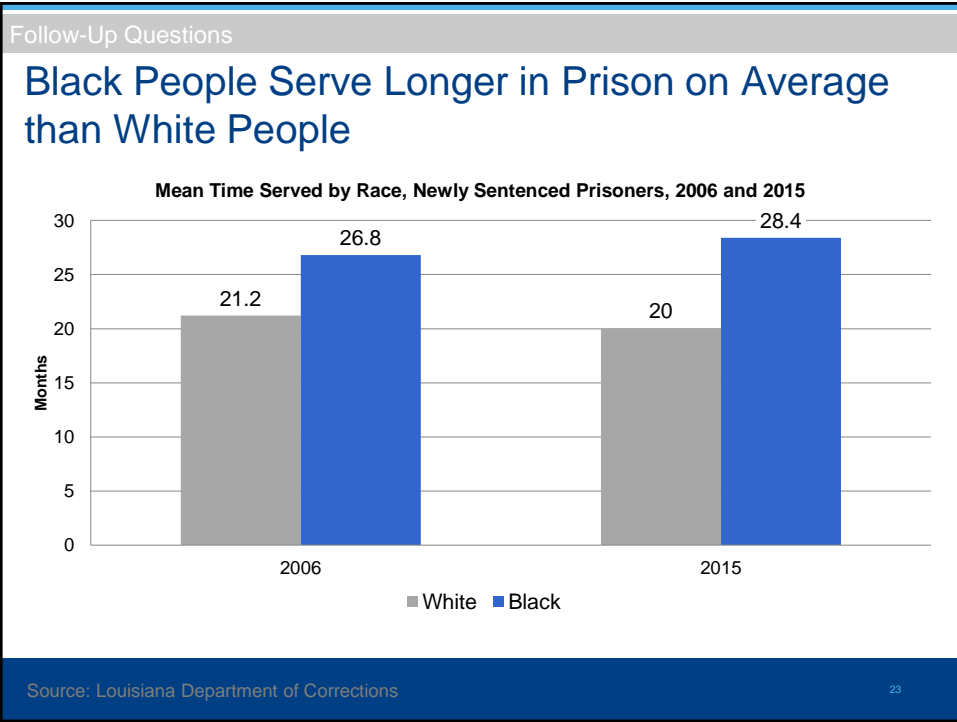
## Black Share of Prison Admissions Larger Than Share of State Population

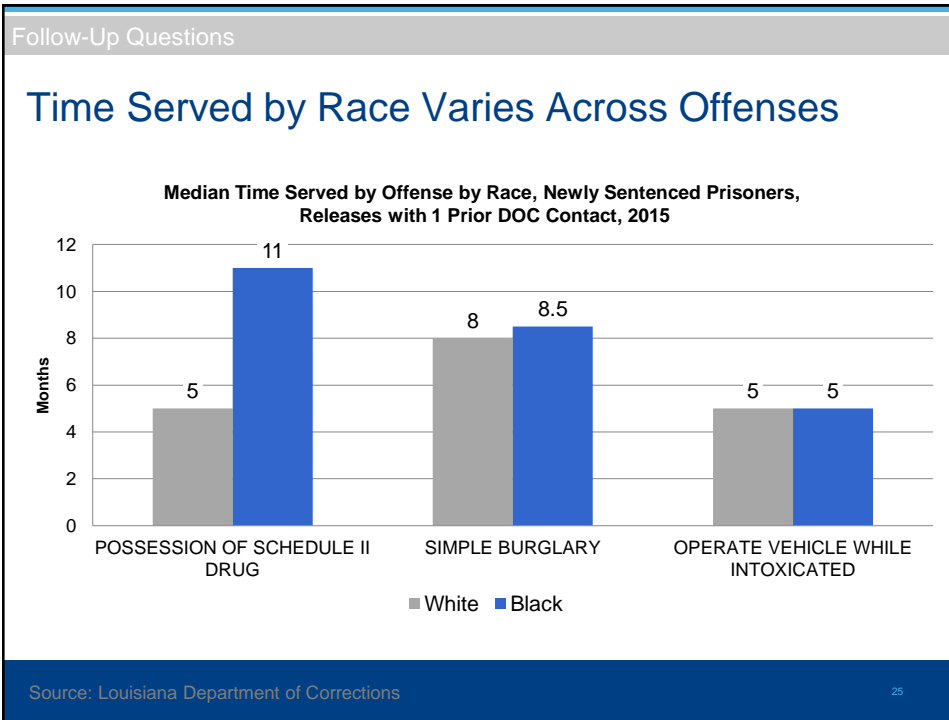


Sources: US Census Bureau and Louisiana Department of Corrections

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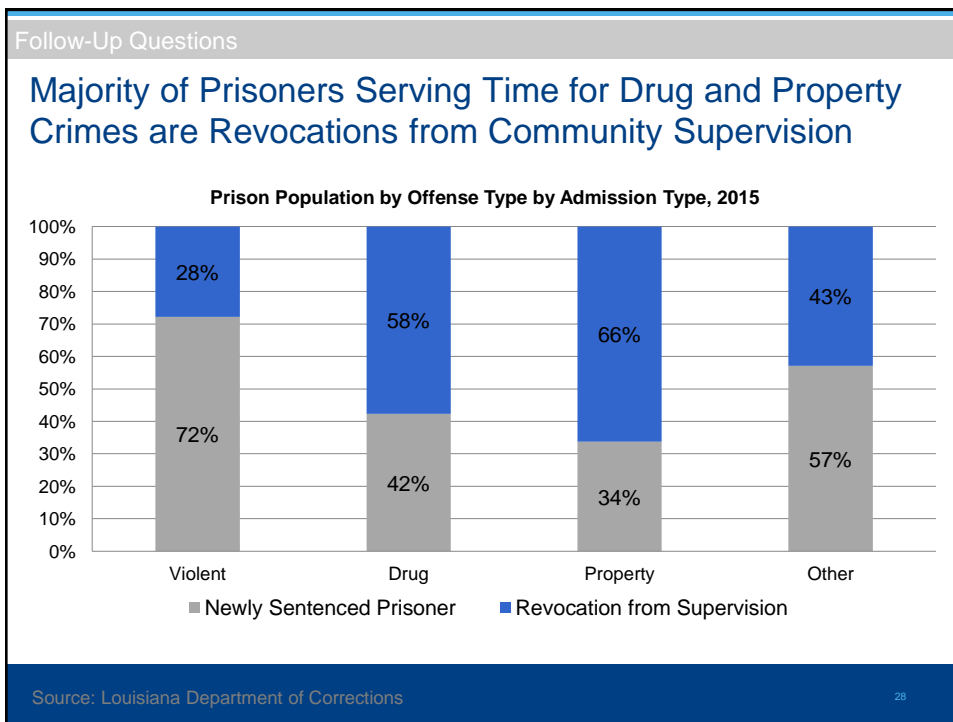
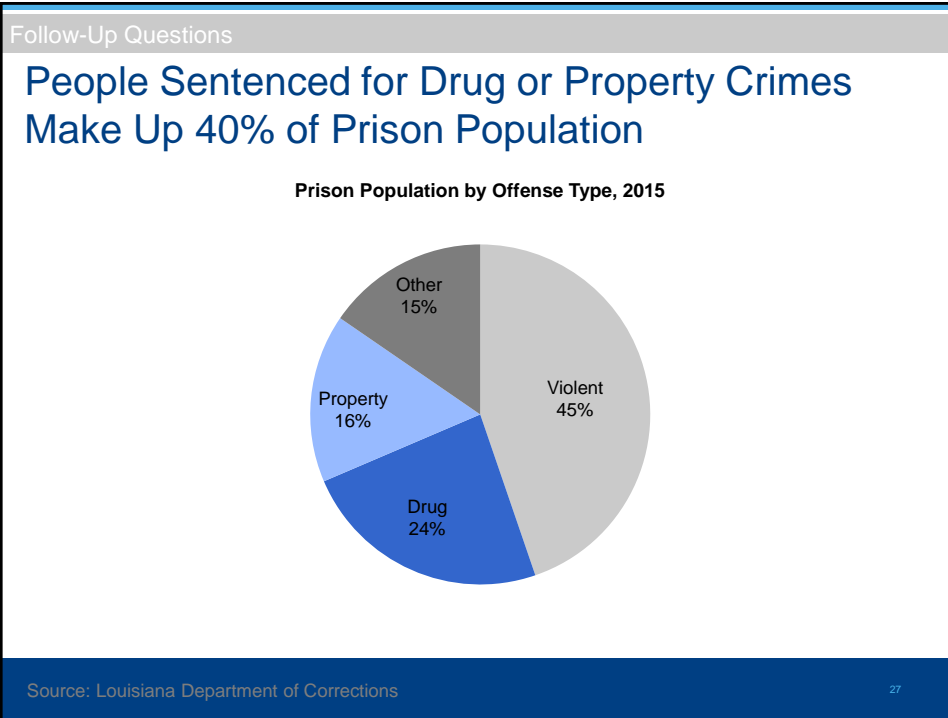


Follow-Up Questions

## Follow-Up Topic: Prison Population by Offense Type

- Prison population by offense type
  - By admission type

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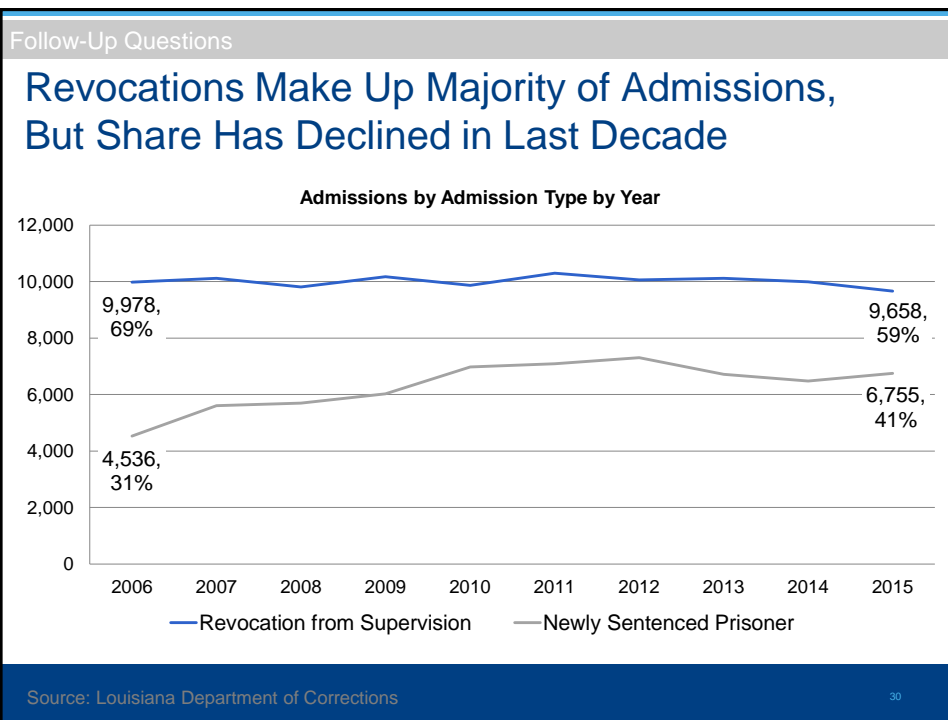


Follow-Up Questions

## Follow-Up Topic: Revocations

- Revocations
  - By supervision type
  - By violation type

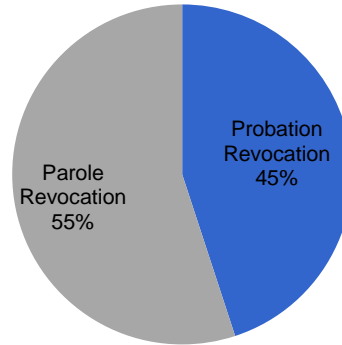
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## Follow-Up Questions

## Revocations Split Almost Evenly Between Probation and Parole

Revocations to Prison by Supervision Type, 2015



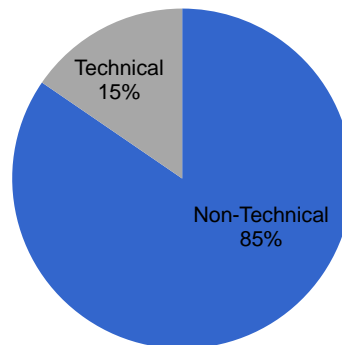
Source: Louisiana Department of Corrections

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## Follow-Up Questions

## 85% of Parole Revocations Are For New Felonies

Parole Revocations to Prison by Violation Type, 2015



Source: Louisiana Department of Corrections

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## Follow-Up Questions

## Technical Probation Revocation File Review

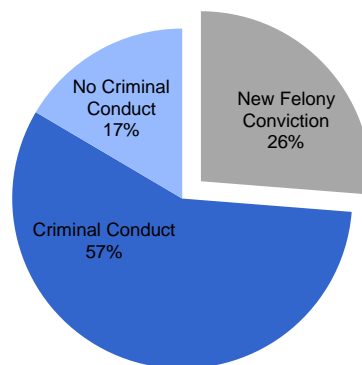
- Purpose: To acquire data on the types of violations associated with probation revocations.
- Methodology:
  - Random sample of technical probation revocations to prison in 2015 from 7 judicial districts across the state:
    - 9<sup>th</sup>: Rapides
    - 7<sup>th</sup>: Catahoula, Concordia
    - 19<sup>th</sup>: East Baton Rouge
    - 23<sup>rd</sup>: Ascension, Assumption, St. James
    - 15<sup>th</sup>: Acadia, Lafayette, Vermillion
    - 16<sup>th</sup>: Iberia, St. Martin, St. Mary
    - 18<sup>th</sup>: Iberville, Point Coupee, West Baton Rouge
  - Total of 192 files

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## Follow-Up Questions

## 17% of Probation Revocations In Sample Involved No Criminal Conduct

Probation Revocations by Violation Type, File Review Sample, 2015



Source: Louisiana Department of Corrections files

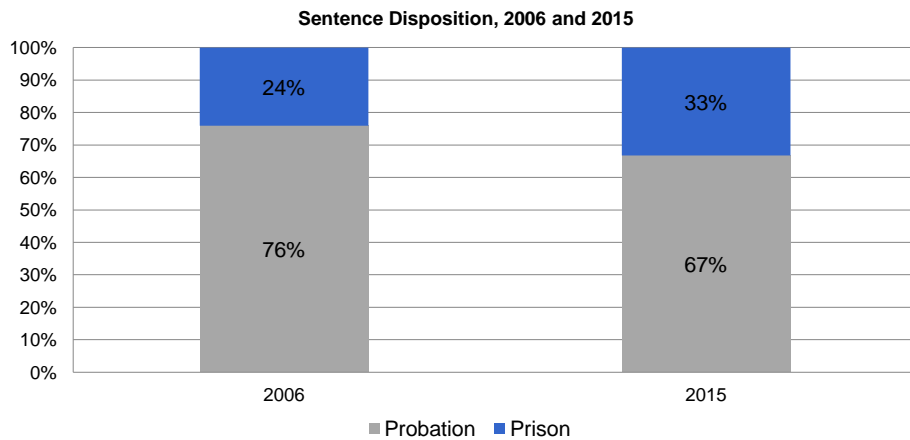
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# SENTENCE DISPOSITION

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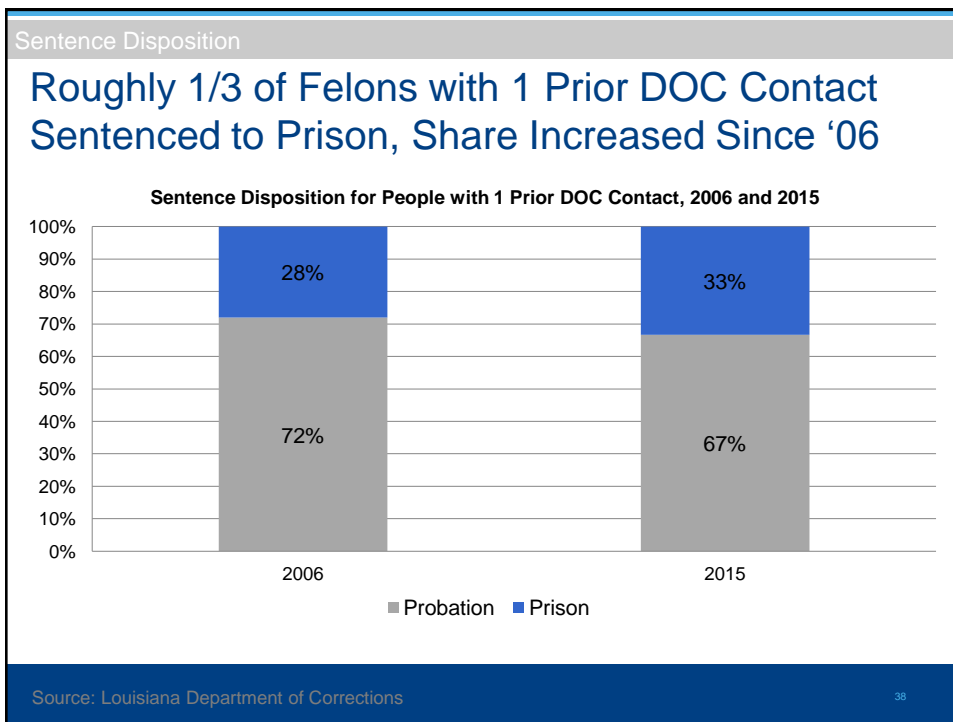
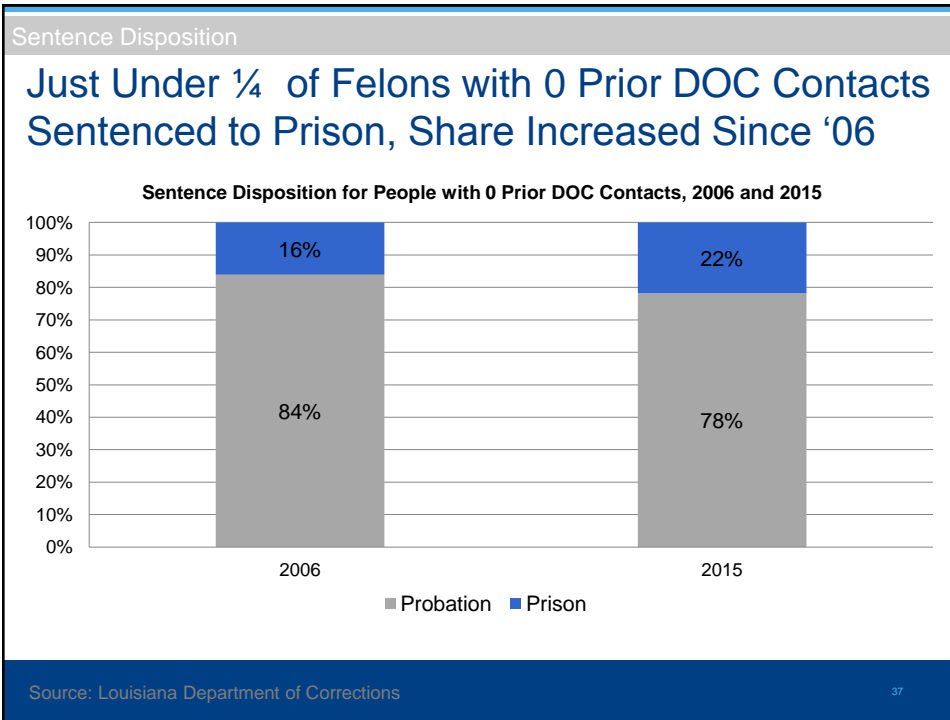
## Sentence Disposition

### Share of Felons Sentenced to Prison Has Increased in Last Decade

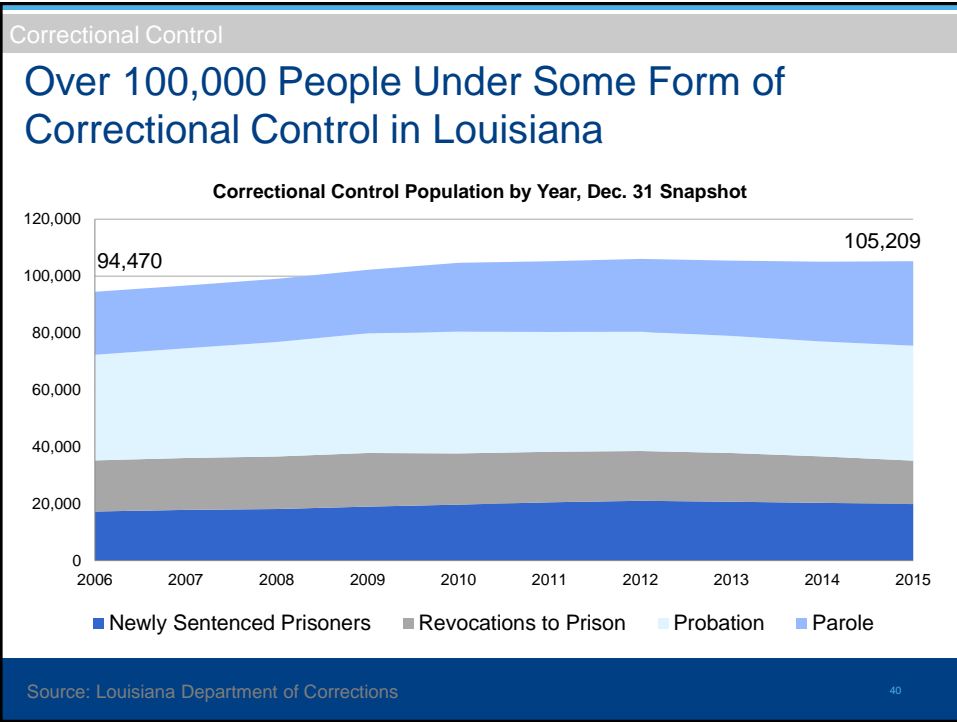


Source: Louisiana Department of Corrections

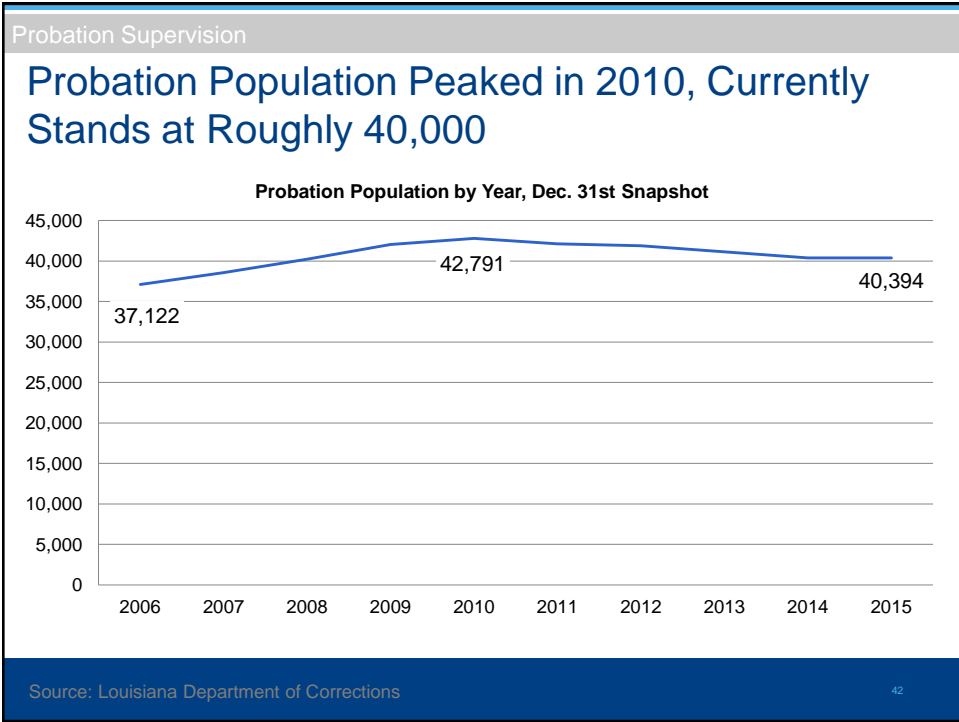
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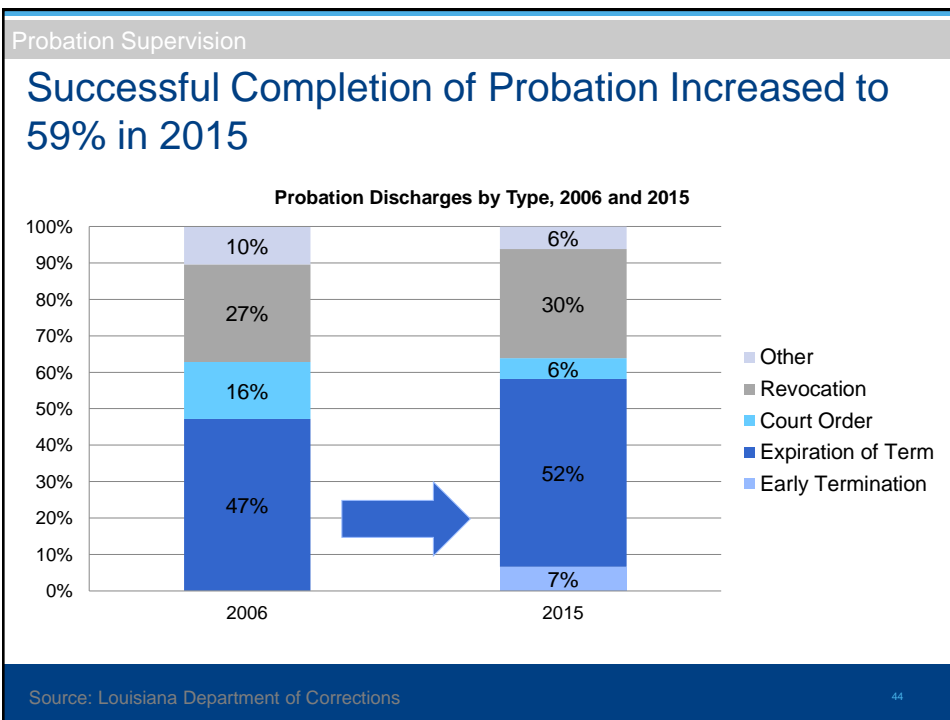
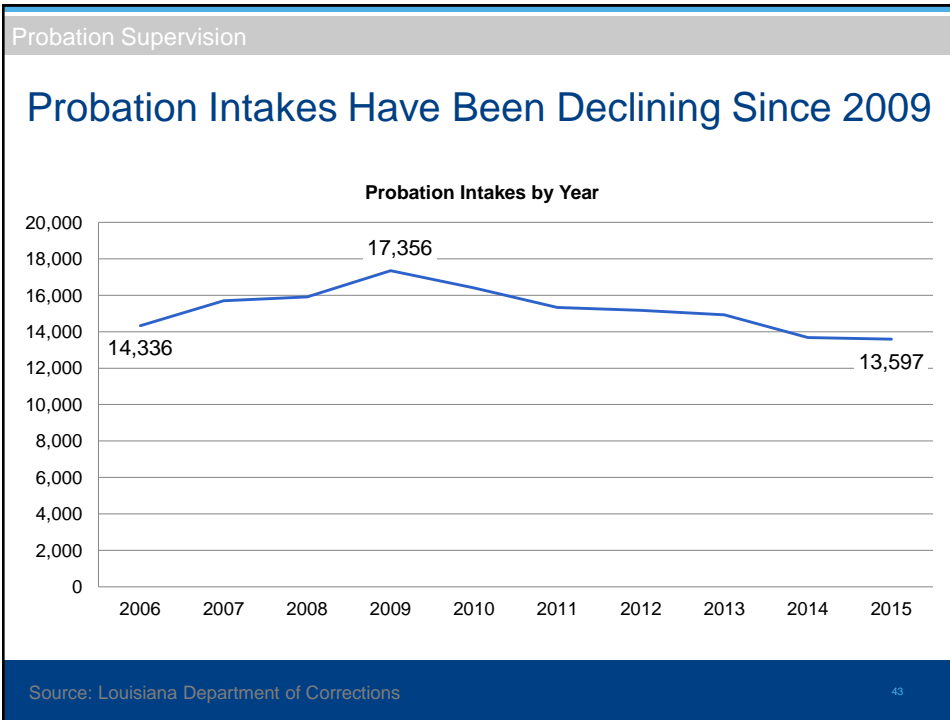


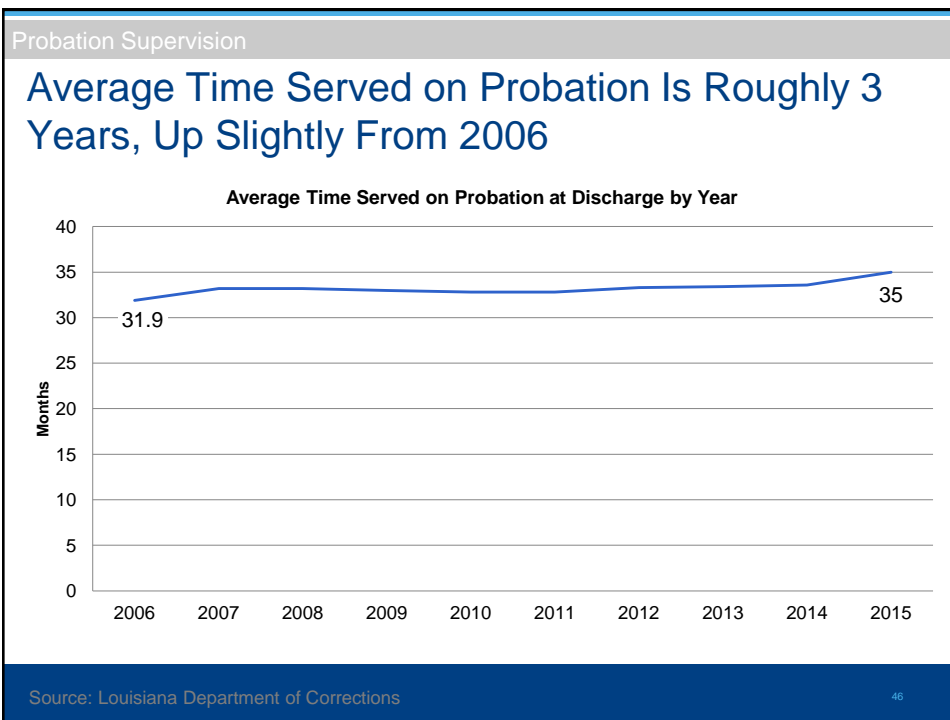
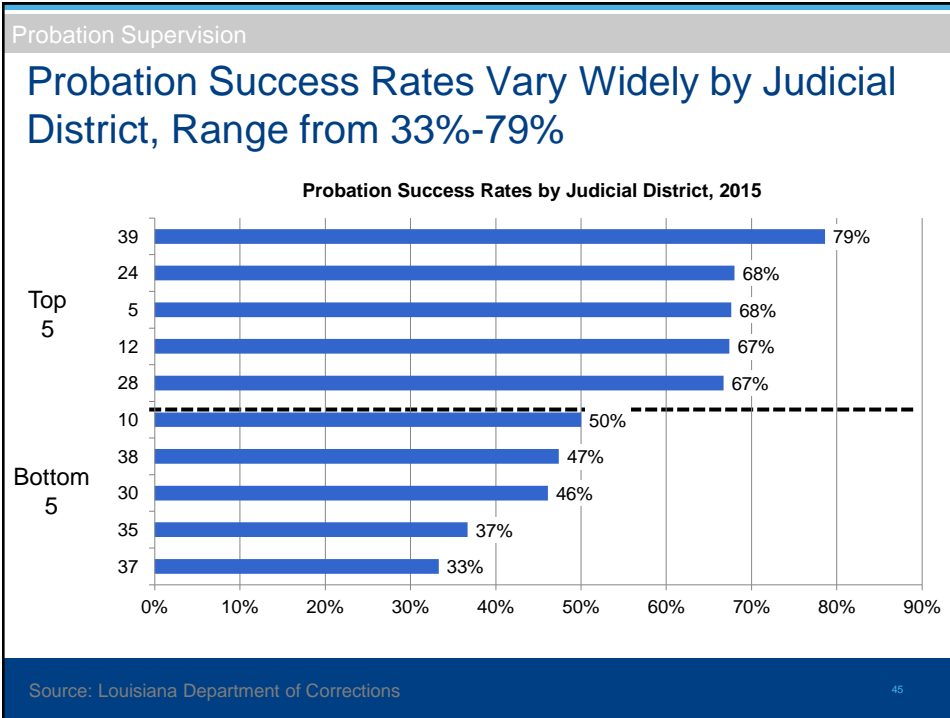
# CORRECTIONAL CONTROL



# PROBATION SUPERVISION







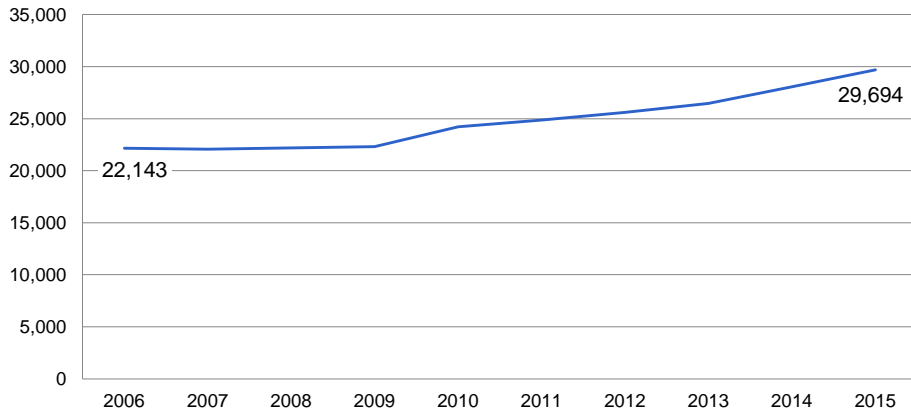
# PAROLE SUPERVISION

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## Parole Supervision

### Parole Supervision Population Increased 34% In Last Decade

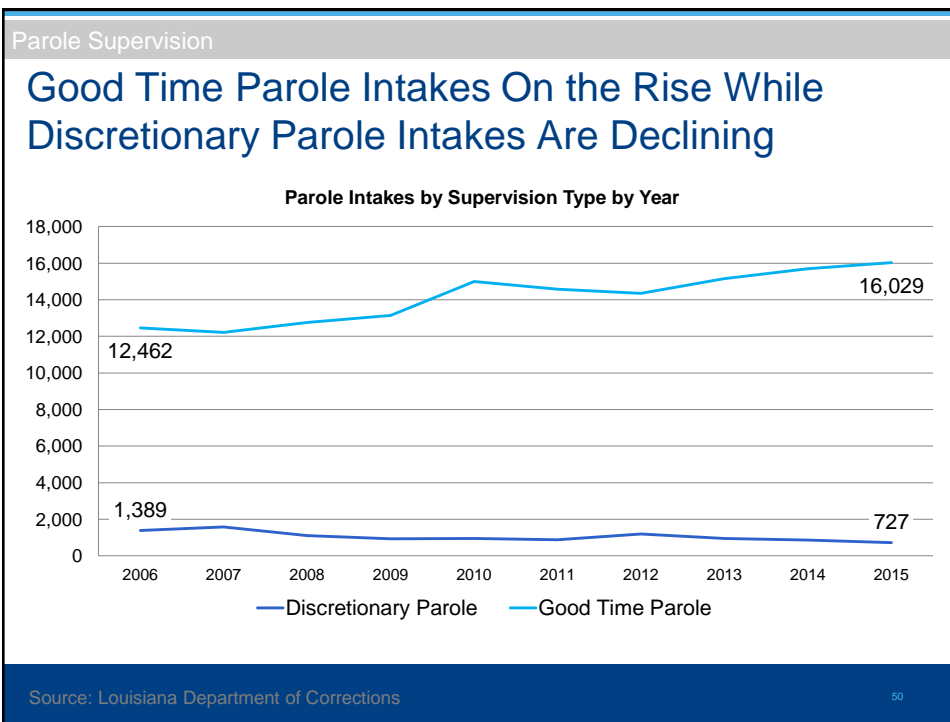
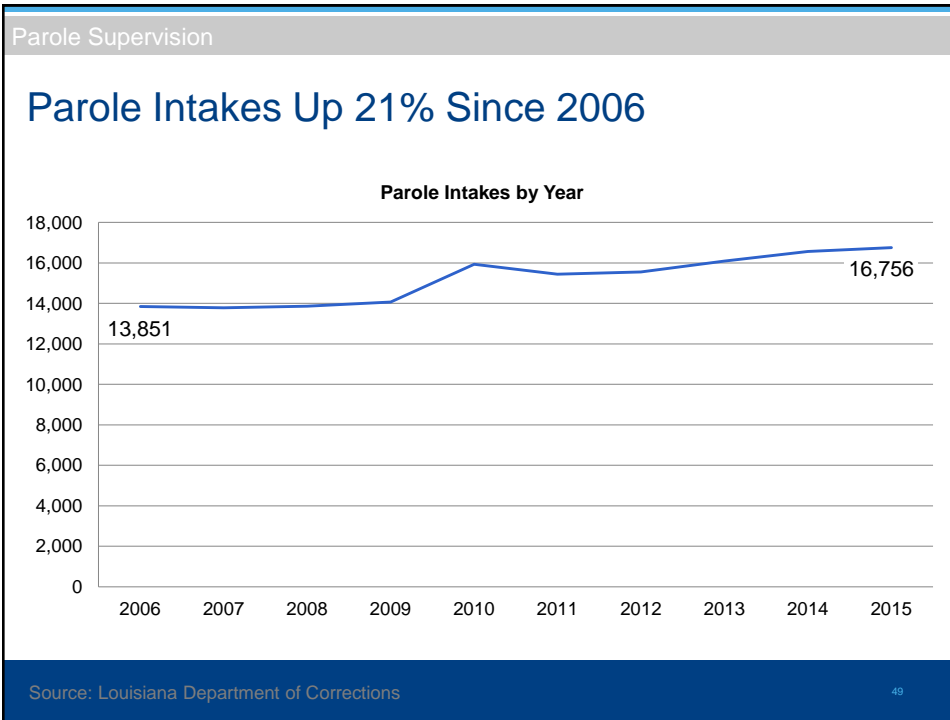
Parole Supervision Population by Year, Dec. 31st Snapshot

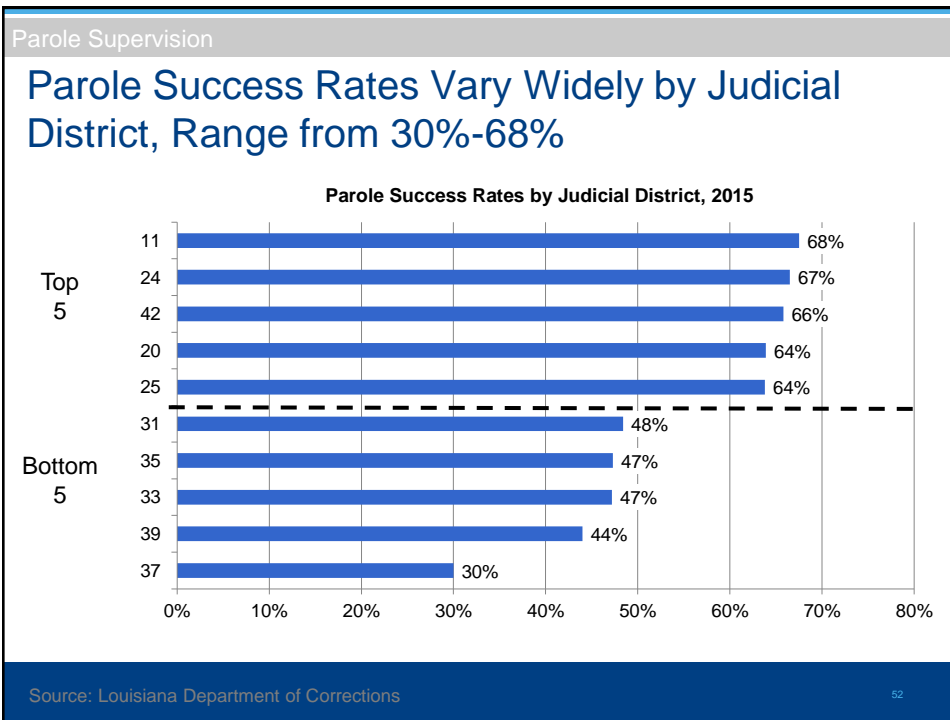
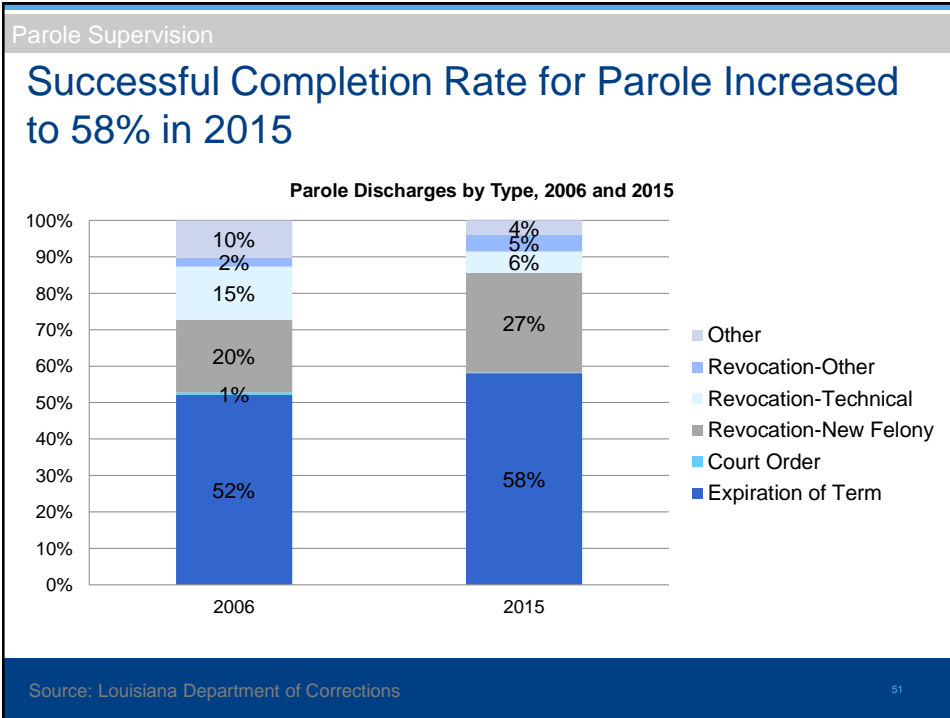


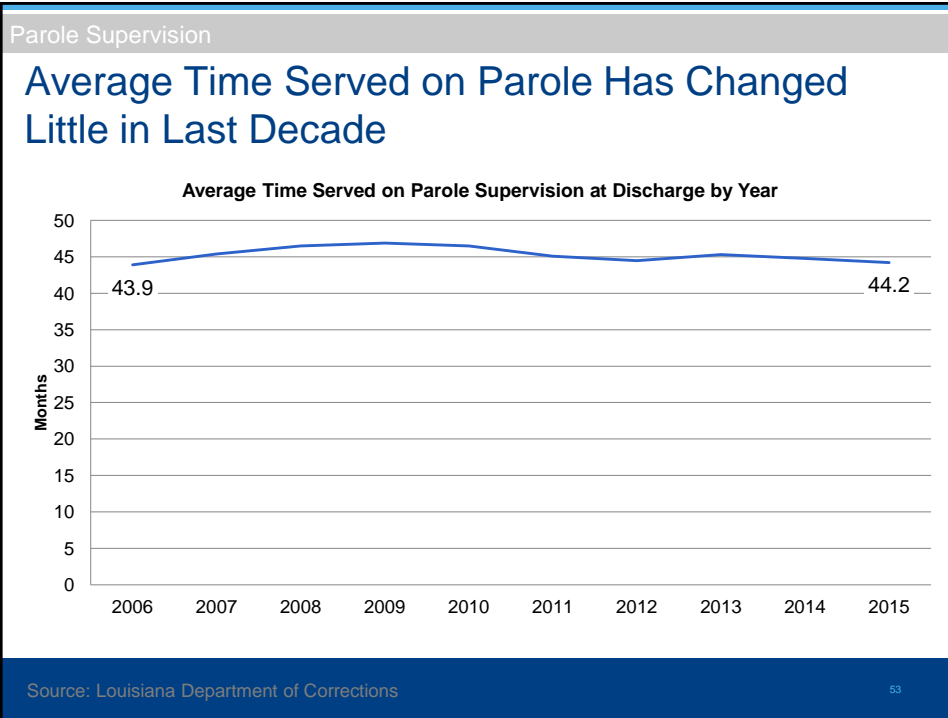
Source: Louisiana Department of Corrections

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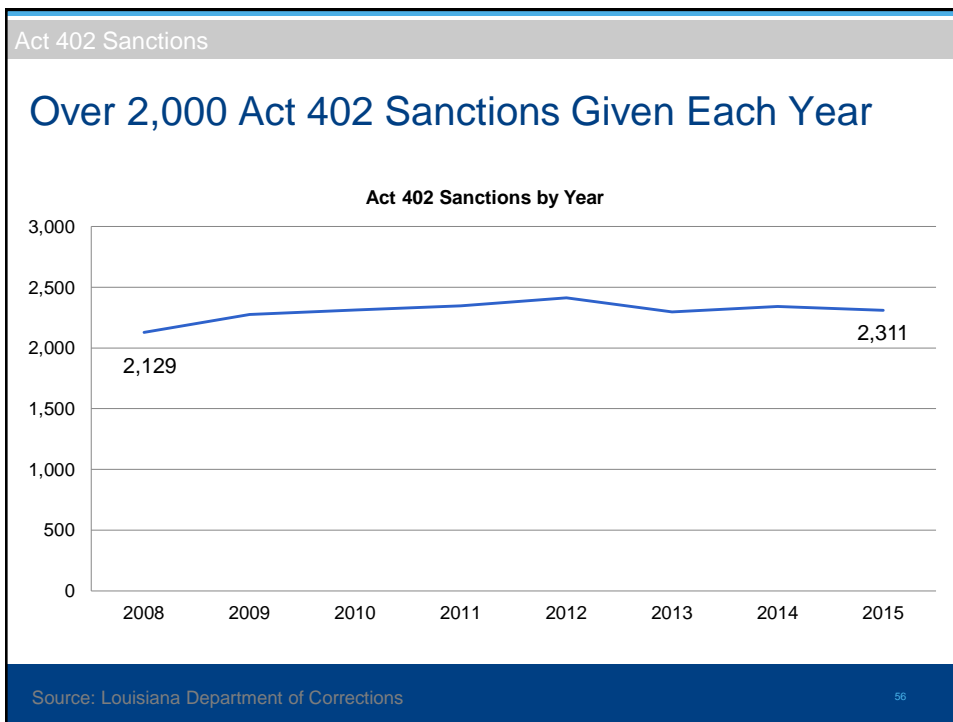
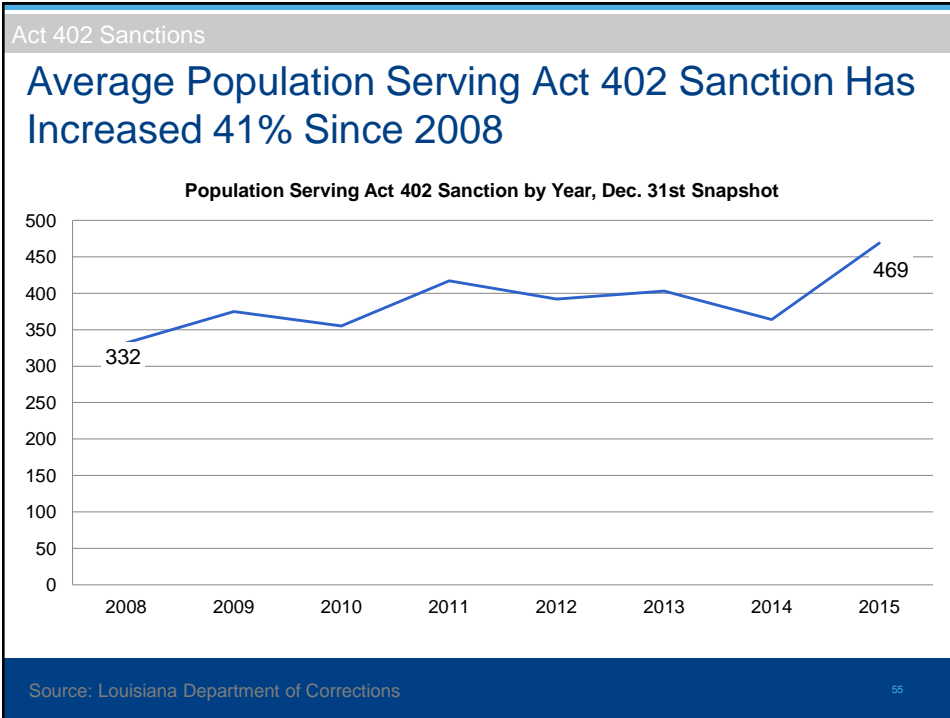


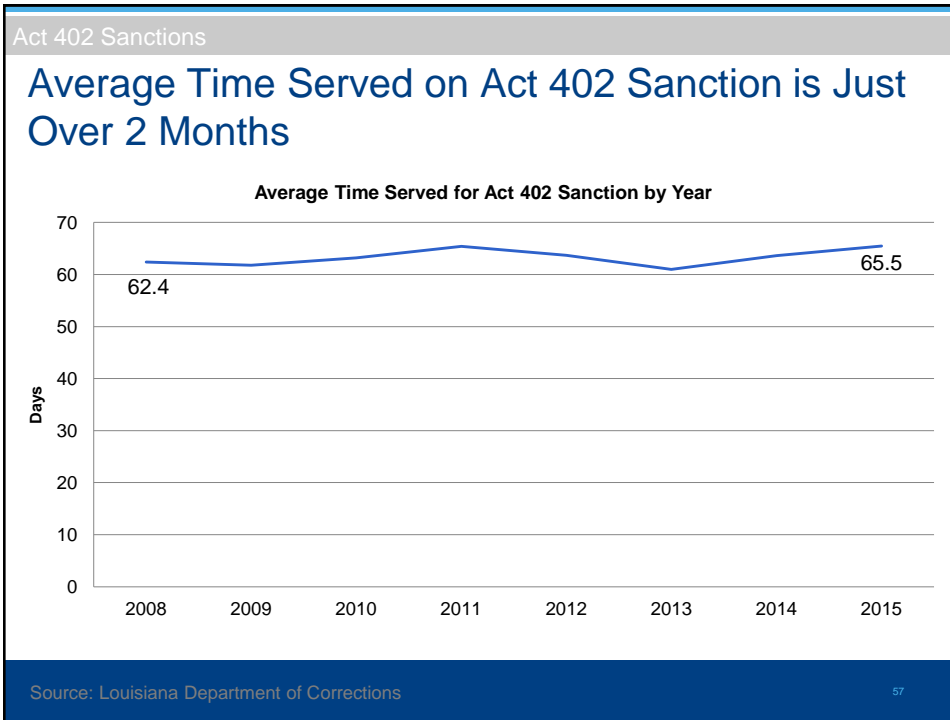




# ACT 402 SANCTIONS

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Summary

## Key Takeaways

- Felony convictions are more likely to result in a prison sentence now than they were a decade ago.
- There are over 100,000 people in prison or on community supervision in Louisiana.
- Probation and parole success rates have increased but vary widely across the state.
- The share of technical revocations from parole has declined alongside use of intermediate sanctions under Act 402.

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Questions?

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Break

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Introduction

## Outline

- Data Analysis III
- *Break*
- Survey of Research
  - Research on Incarceration
  - Research on Effective Practices

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# RESEARCH ON INCARCERATION

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## Overview

- Does more incarceration result in less crime?
- Does incarceration reduce recidivism?
- Do longer incarceration periods reduce recidivism?

## Does more incarceration result in less crime?

- Researchers have examined the question of whether increased incarceration caused the crime decline in the 1990's, and have found that it was responsible for 10-30% of the crime decline
- Difficult to isolate the impact because of other simultaneous variables, including:
  - Improved police strategies, technology, and personal security habits
  - Demographic shifts
  - Changes in drug markets



## Research: Incarceration

## Does more incarceration result in less crime?

- Agreement among researchers that increasing incarceration today will have little, if any, effect on crime
- Diminishing returns: The marginal impact of incarceration (the value to society of sending one more person to prison) has been declining since the 1990's

Source: National Research Council (2014).

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## Research: Incarceration

## Does incarceration reduce recidivism?

Researchers have examined whether incarceration reduces recidivism more than non-custodial sanctions

- Research models
  - Design: matched samples comparing incarceration vs. non-custodial sanctions
  - Outcome: recidivism measures
- Key findings
  - No significant differences in recidivism rates, on average

Source: Campbell Collaboration (2015); Nagin, Cullen, & Lero Johnson (2009); Nagin & Snodgrass (2013).

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## Does incarceration reduce recidivism?

- Campbell Collaboration (2015):
  - Found no significant difference in re-arrest and re-conviction rates
- Nagin & Snodgrass (2013):
  - Found no significant difference in 1, 2, 5, and 10-year re-arrest rates
- Nagin, Cullen, & Lero Jonson (2009):
  - Found incarceration has a null or mildly criminogenic effect compared to non-custodial sanctions

Source: Campbell Collaboration (2015); Nagin & Snodgrass (2013); Nagin et. al (2009).

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## Do longer incarceration periods reduce recidivism?

Researchers have also examined whether longer periods of incarceration reduce recidivism more than shorter periods

- Research models
  - Design: matched samples comparing shorter periods vs. longer periods of incarceration
  - Outcomes: recidivism measures
- Key finding
  - No increased benefit of longer periods of incarceration

Source: Nagin et al. (2009) ; Anwar & Stephens (2011); Meade, Steiner, Makarios, & Travis (2012).

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## Research: Incarceration

## Do longer incarceration periods reduce recidivism?

- Nagin et al. (2009):
  - Found no relationship between time served and recidivism
- Anwar & Stephens (2011):
  - Found no recidivism benefit to increased time served
- Meade et al. (2012):
  - For prison terms of 5 years or less: no effect on recidivism
  - For prison terms of 10 years or longer: some reduction in re-arrest due to aging out

Source: Nagin et al. (2009); Anwar & Stephens (2011); Meade et al. (2012).

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## Summary

## Summary

- Does more incarceration result in less crime?
  - Played a small, but significant, part in the U.S. crime decline
  - Today, it has little, if any, additional crime reduction effect
- Does incarceration reduce recidivism?
  - Incarceration is not more effective than non-custodial sanctions
  - Longer prison terms do not guarantee better outcomes

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# RESEARCH ON EFFECTIVE PRACTICES

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Research: Effective Practices

## Overview

Criminal justice interventions should:

- Address risk, target criminogenic needs, and address barriers to success
- Use swift, certain, and proportional sanctions
- Use incentives and rewards
- Frontload resources for offenders coming out of prison

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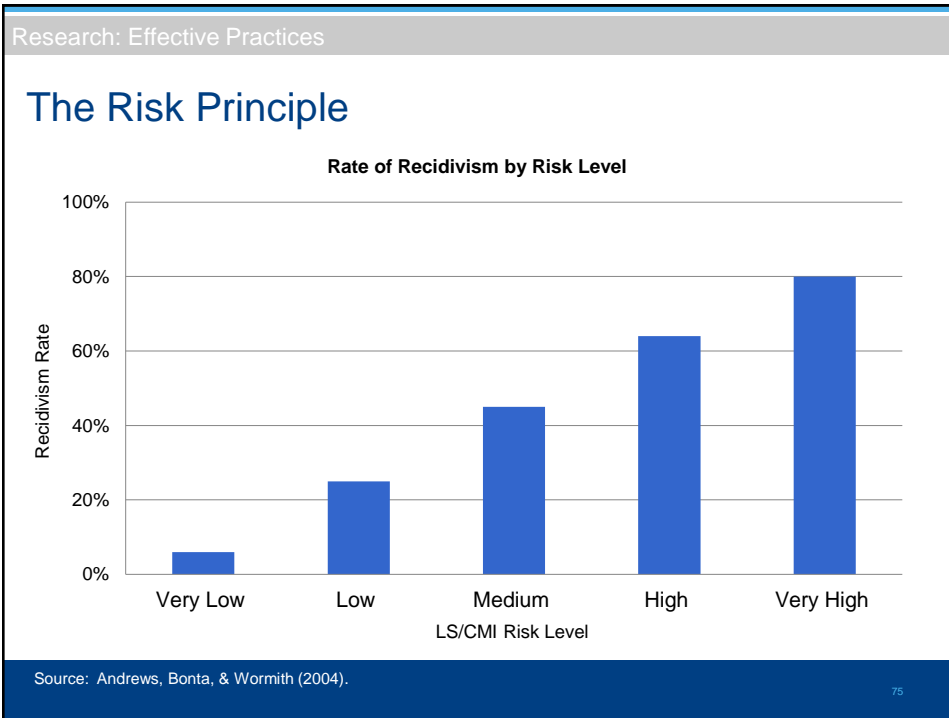
## Core Principles

- Risk Principle – tells us WHO to target
- Needs Principle – tells us WHAT to target
- Responsivity Principle – tells us HOW to target

## The Risk Principle

Risk = the likelihood of future offending

- Risk of future offending ≠ seriousness of the current offense
  - Someone who committed a serious crime could be likely to reoffend (high-risk) or unlikely to reoffend (low-risk)
- Risk level should be determined using a validated, actuarial tool



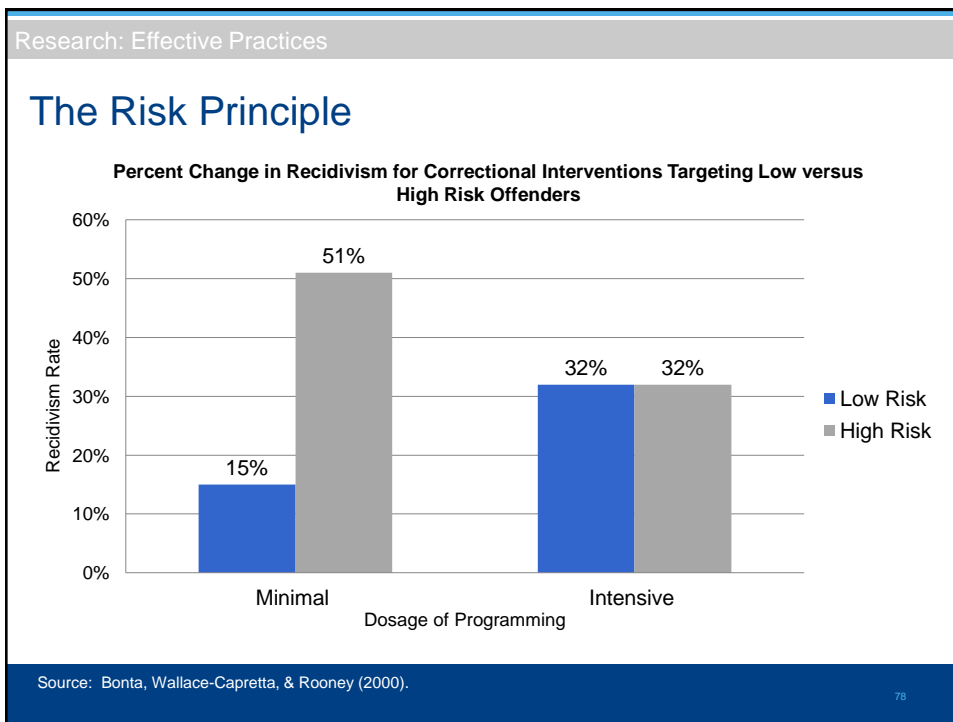
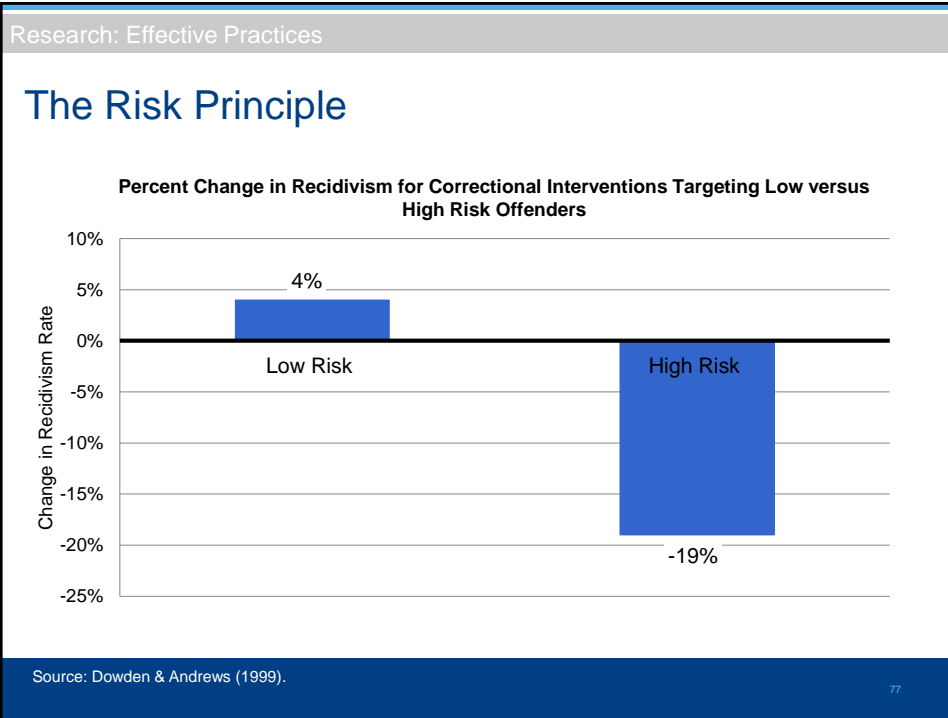
Research: Effective Practices

## The Risk Principle

- Target the group of offenders with the highest risk of recidivism
  - Focus resources where they can have the biggest impact
  - Give offenders with the most risk factors the most supervision and access to the best programming and treatment
- Violating this principle by targeting low risk offenders for intensive interventions can actually *increase* recidivism

Source: Andrews (1999); Lowenkamp, Latessa, & Holsinger (2006).

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## The Needs Principle

Needs = the dynamic risk factors associated with criminal behavior

- Use effective interventions to address these criminogenic needs and reduce risk of reoffending

## The Needs Principle

### “Big Four”

- Antisocial thinking (attitudes, values, beliefs and rationalizations supportive of crime)
- Antisocial personality (impulsive, low self-control, disregard for others)
- Antisocial peers / lack of prosocial friends
- History of antisocial behavior\*

### Secondary Criminogenic Needs

- Substance abuse
- Employment and education
- Poor family relationships / low expectations from family
- Lack of prosocial leisure activities



## The Needs Principle

### Example

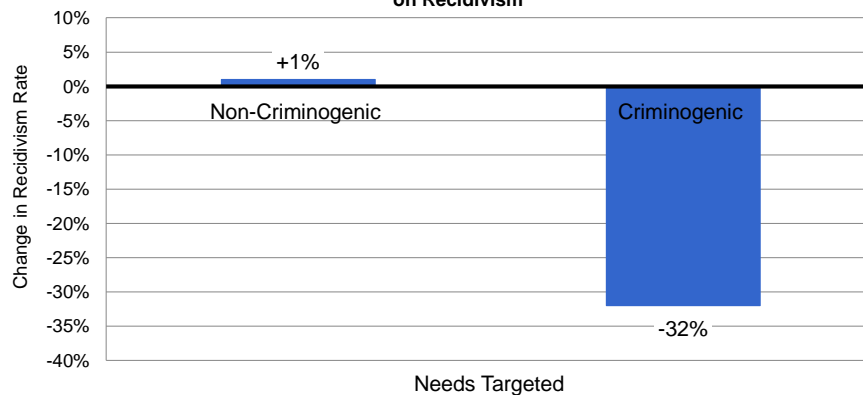
- Criminogenic need: Antisocial thinking
- Supervision and programming to target that need:
  - Identify attitudes and rationalizations that are antisocial
  - Teach, model, and reinforce new skills that offenders can use in stressful situations (coping skills, prosocial responses, anger management, etc.)
  - Provide opportunities for offenders to practice those new skills

Source: Latessa (2004).

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## The Needs Principle

**Effect of Programming Addressing Criminogenic vs. Non-Criminogenic Needs on Recidivism**



Source: Gendreau, French, & Taylor (2002).

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## The Responsivity Principle

Responsivity = addressing barriers to successful outcomes

- Responsivity factors impact the likelihood of an individual being successful in a program, intervention, or service

## The Responsivity Principle

### Specific responsivity

- Literacy, language barriers, motivation, transportation, child care, mental illness, developmental disabilities, different learning styles

### General responsivity

- Cultural differences (i.e. not all interventions work in all places)

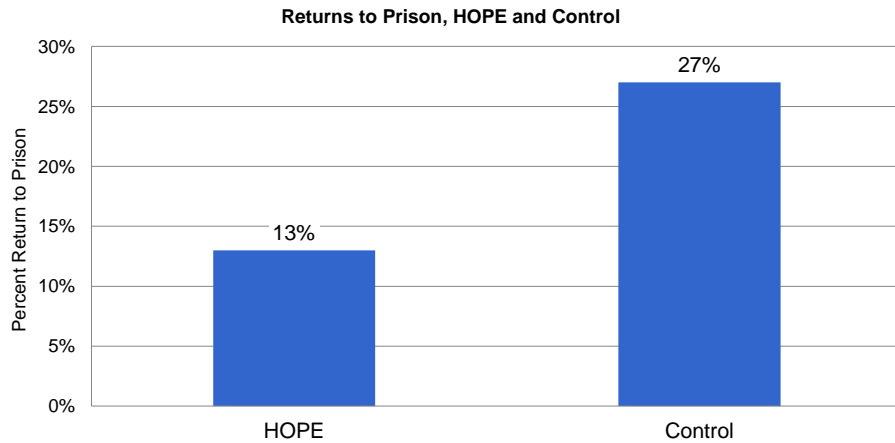
## Swift, Certain, and Proportional Sanctions

- Respond to problem behavior in a manner that will change that behavior
- Research has demonstrated that swift, certain, and proportional sanctions have a stronger deterrent effect than delayed, random, and severe sanctions

## Example: Probation supervision practices

- Less effective deterrent
  - Letting multiple violations build up before a response
  - Imposing sanctions after a delay
  - Imposing sanctions that are out of proportion to the problem behavior
- Strong deterrent
  - Making consequences clear upfront
  - Responding swiftly to problem behavior
  - Responding with sanctions that are proportionate to the problem behavior

## Swift, Certain, and Proportional Sanctions



Source: Hawken, Kulick, Smith, Mei, Zhang, Jarman, Yu, Carson, & Vial (2016).

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## Swift, Certain, and Proportional Sanctions

- Harrell & Roman (2001) examined whether using swift, certain, and proportional sanctions as part of a drug court program reduced recidivism
  - Research models
    - Design: matched samples of participants in drug court program with swift, certain, and proportional sanctions vs. participants without
    - Outcome: re-arrest rates after 2 years
  - Key Finding
    - Substantially lower re-arrest rates for swift, certain, and proportional sanctions group (19% vs. 27% for the control group)

Source: Harrell & Roman (2001).

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## Incorporate Rewards and Incentives

- Provide rewards and incentives for meeting case-specific goals of supervision to enhance individual motivation
- Develop a continuum of rewards to round out the continuum of sanctions
- Higher program completion when rewards outnumber sanctions

Source: Wodahl, Garland, Culhane, & McCarty (2011).

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## Incorporate Rewards and Incentives

- Allow probationers and parolees to step-down their supervision (reduced reporting, less frequent drug testing, etc.) and/or earn their way off supervision for compliance with conditions
  - Encourages offenders to play by the rules, thereby reducing violations
  - Allocates resources based on which offenders are exhibiting problem behaviors

Source: Petersilia (2007).

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Research: Effective Practices

## Incorporate Rewards and Incentives

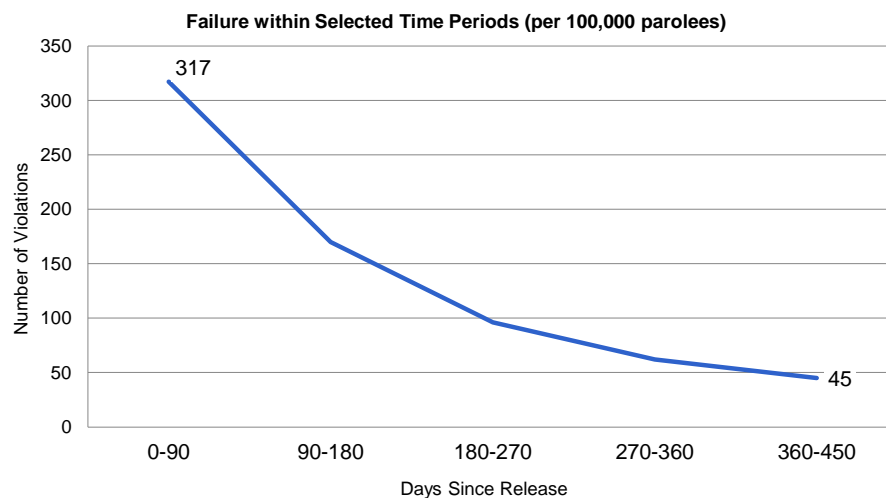
- Missouri implemented earned compliance credits and saw:
  - 14 month decrease in average supervision term
  - 18% decline in the supervised population
  - 16% decline in average probation/parole caseloads
  - No change in recidivism.

Source: Pew Charitable Trusts (2016).

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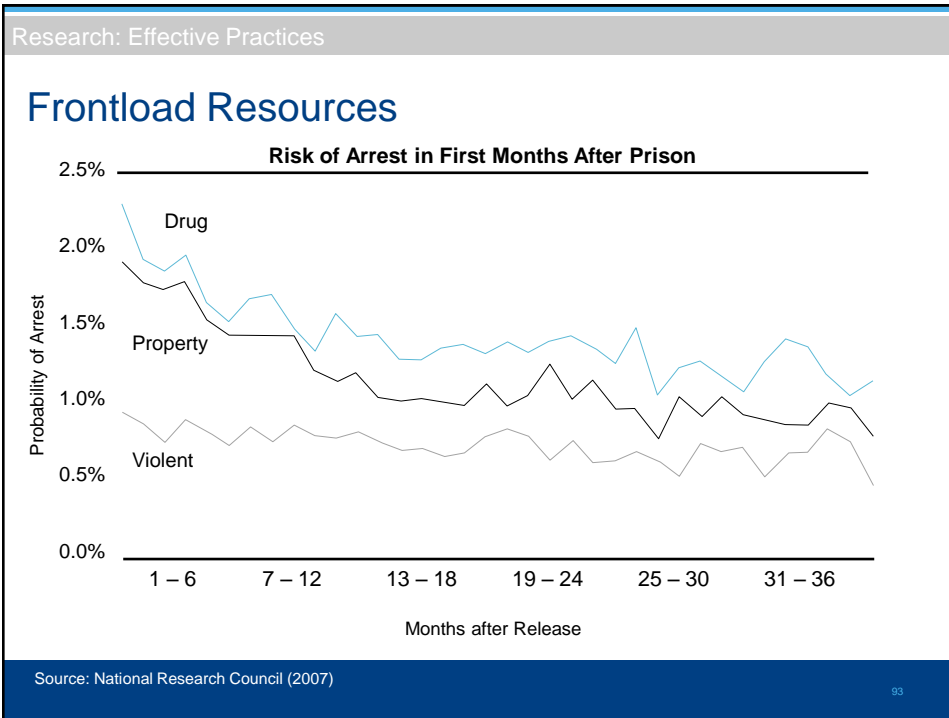
Research: Effective Practices

## Frontload Resources



Source: Grattet, Petersilia, & Lin (2008).

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Research: Effective Practices

## Frontload Resources

- Focus community supervision resources in the first days, weeks, and months when offenders are most likely to violate conditions or commit a new crime
- Identify offenders who need enhanced supervision and those who do not
  - Reduce reporting requirements / conditions for successful offenders to offset costs of frontloading
- Deter future crime and technical violations by changing offender behavior early in the supervision process

Source: National Research Council (2007).

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## Summary

### Summary

Criminal justice interventions should:

- Address risk, target criminogenic needs, and address barriers to success
- Use swift, certain, and proportional sanctions
- Use incentives and rewards
- Frontload resources for offenders coming out of prison

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Questions?

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## Contact Information

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- Public Safety Performance Project
  - [www.pewtrusts.org/publicsafety](http://www.pewtrusts.org/publicsafety)