

ntroduction

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 and Introduction to Policy Development

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 researchbased supervision and sentencing practices.
 - Reinvest savings into strategies shown to decrease recidivism, including improved reentry outcomes.

3

Introduction

Outline

- Sentencing
- Community Supervision
- Financial Principles to Support the Research
- Break
- Public Testimony

SENTENCING

5

Sentencing

Multiple Objectives of Incarceration

- **Incapacitation**: Removing the ability of offenders to commit crimes against the public by holding them in prison
- Deterrence: Reducing the likelihood of future criminal involvement by increasing the punishment for the current offense
- Rehabilitation: Reducing the likelihood of future criminal involvement by addressing the criminogenic needs of the offender via effective interventions
- Retribution: Punishment, in the form of imprisonment, for violating community norms and order

Sentencind

Outline

- Sentencing
 - Prison is not more effective than prison alternatives at reducing recidivism
 - Longer prison stays do not reduce recidivism more than shorter prison stays
- Community Supervision
- Financial Principles to Support the Research
- Break
- Public Testimony

Sentencind

Prison Is Not More Effective at Reducing Recidivism than Non-custodial Alternatives

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

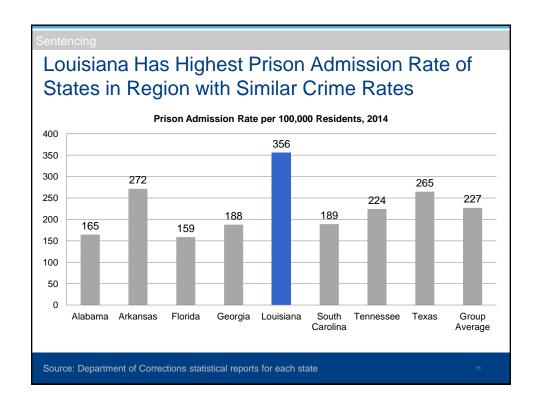
- Research model
 - Design: matched samples comparing incarceration vs. noncustodial sanctions
 - Outcome: recidivism measures
- Key findings
 - No significant differences in recidivism rates, on average

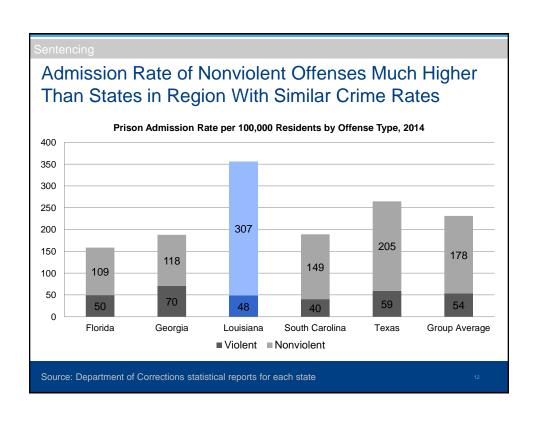
Source: Campbell Collaboration (2015); Nagin, Cullen, & Lero Johnson (2009); Nagin & Snodgrass (2013)

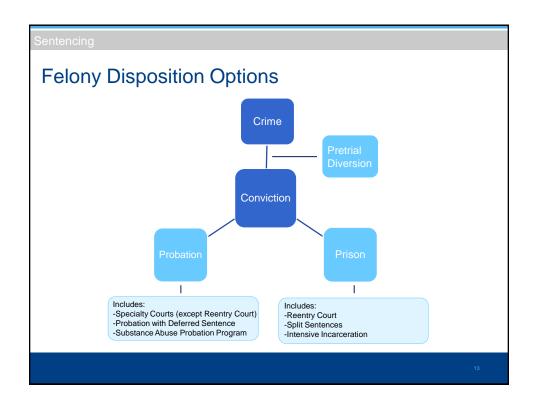
Sentencing

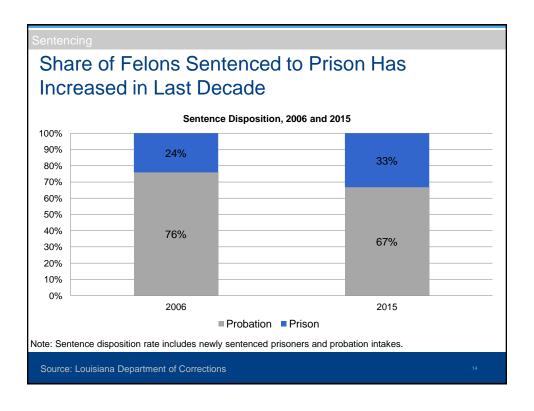
Use of Prison and Prison Alternatives: Current Practices

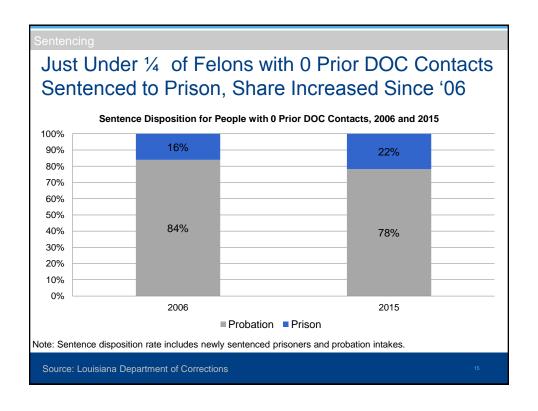
- Research Summary:
 - Prison is not more effective at reducing recidivism than prison alternatives (such as probation, drug court, etc.).
- Current Practices in Louisiana:
 - Louisiana sends nonviolent offenders to prison at a rate 1.5 to 3 times that of neighboring states with similar crime rates.
 - The use of prison over prison alternatives has been increasing over the last decade.
 - The use of prison alternatives is limited by statutory restrictions, geographical variability, and funding, among other reasons.

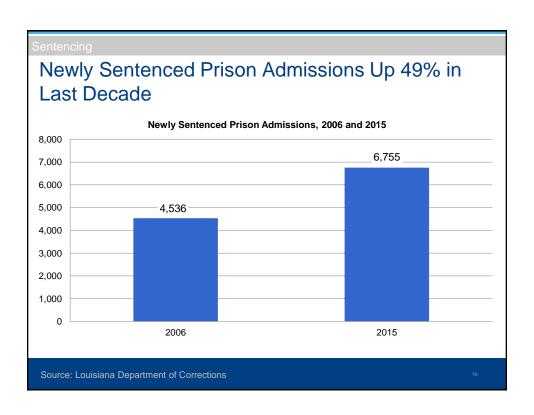


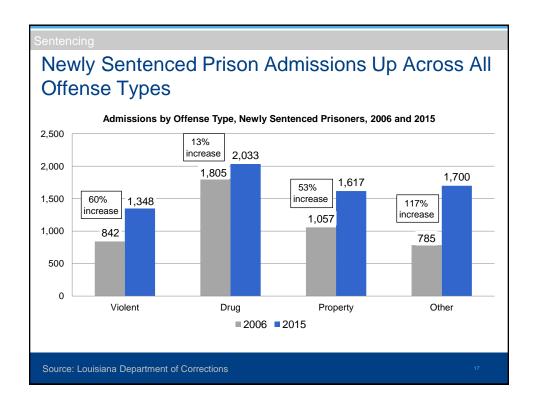




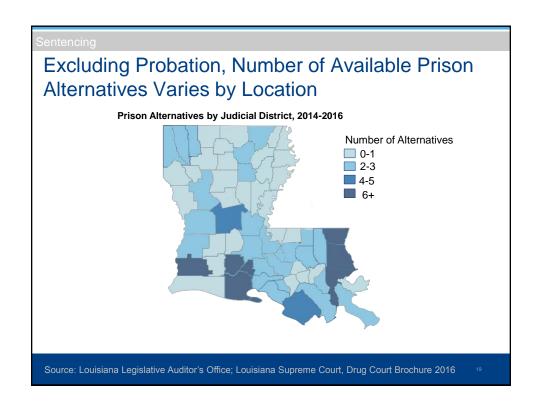


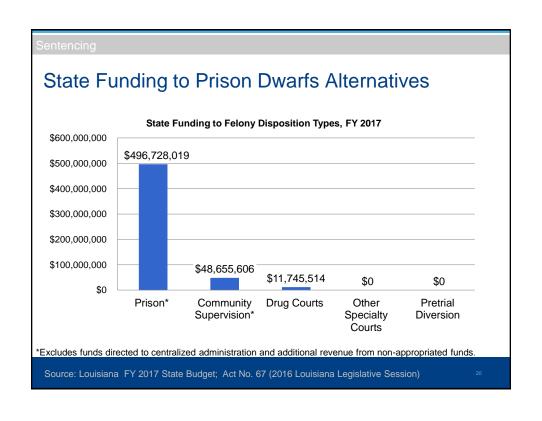






	,	Alternatives Available, But Limited
Туре		Eligibility
Pretrial Diversion Programs		Based on DA discretion, eligibility varies from jurisdiction to jurisdiction
Regular F	Probation	First- and second-time non-capital felonies, excluding violent and certain other offenses, specified third-time non-capital felonies if the DA consents, or a fourth-time DWI if a sentencing alternative had previously not been made available
Specialty	Probation Option	ons
Deferr Substa	tion with ed Sentence ance Abuse tion Program alty Courts	First-time non-capital felonies, excluding certain violent, sex, and drug offenses, can have their sentences deferred with leave of the court Possession or low-level possession with intent to distribute felonies, excluding offenders with prior violent or sex offenses Varies by type, but typically an offender must be charged or convicted of a nonviolent crime





Sentencing

Longer Prison Stays Do Not Reduce Recidivism More than Shorter Prison Stays

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)

21

Sentencing

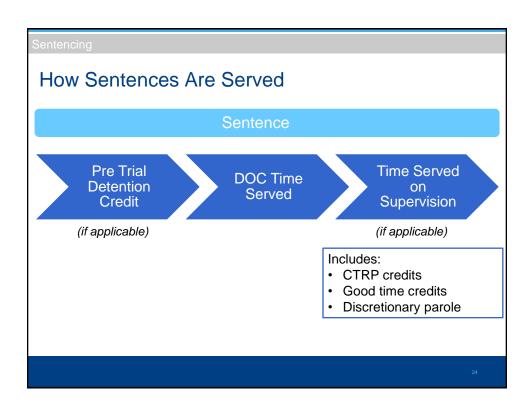
Length of Prison Stay and Recidivism: Current Practices

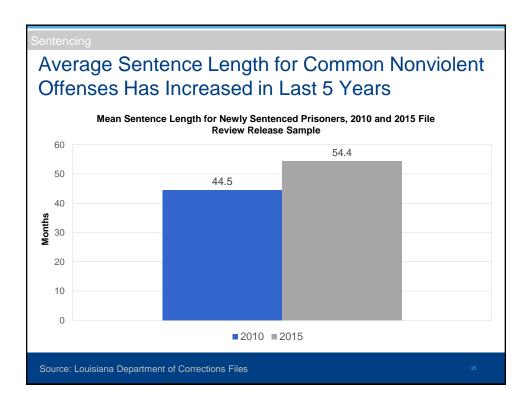
- Research Summary:
 - Longer prison stays do not reduce recidivism more than shorter prison stays.
- Current Practices in Louisiana:
 - Sentence lengths for common nonviolent offenses have increased in recent years.
 - On average, more inmates are accruing CTRP credits, but program availability differs between state and local facilities.

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Length of Prison Stay and Recidivism: Current Practices Continued

- Research Summary:
 - Longer prison stays do not reduce recidivism more than shorter prison stays.
- Current Practices in Louisiana:
 - Use of discretionary parole for nonviolent offenses is limited and shrinking.
 - Over the last decade, Louisiana has seen significant growth in the number of inmates with very long prison stays.



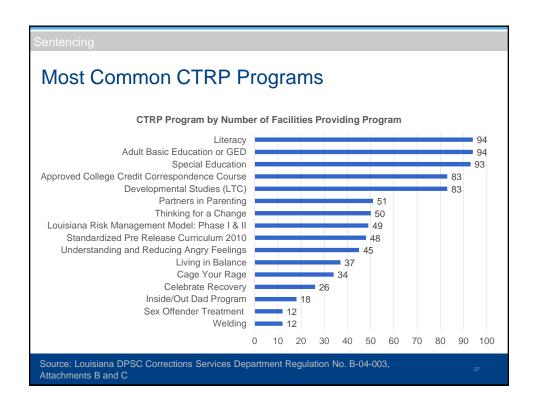


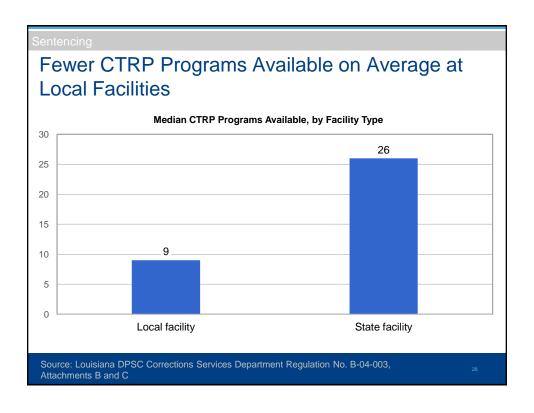
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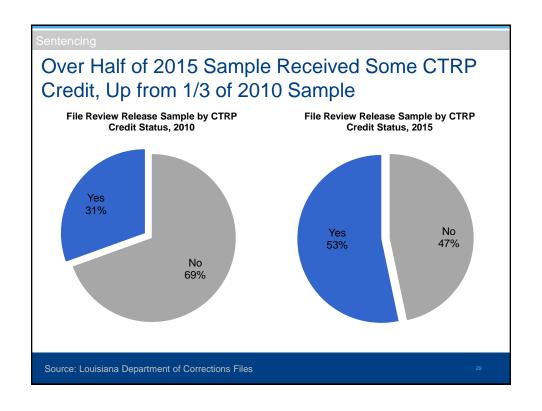
Certified Treatment and Rehabilitative Programming Credit

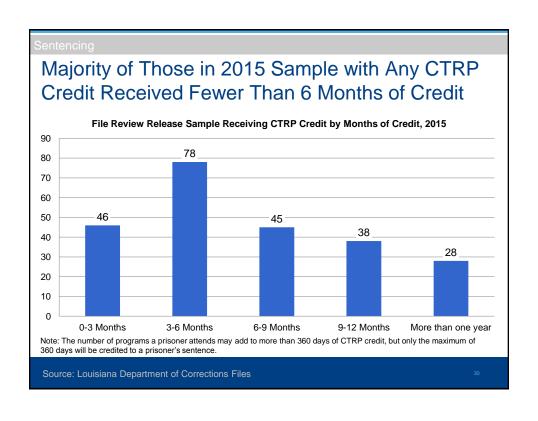
- What is CTRP credit?
 - CTRP credit is time that prisoners can earn off their prison stay for participation in certified treatment and rehabilitative programming.
- How much CTRP credit can an inmate earn? How is it allocated?
 - An eligible inmate can earn up to 360 days of CTRP credit.
 - Each approved CTRP program has an associated amount of credit (e.g. completion of the *Living in Balance* program results in 90 days of CTRP credit).
- Who is eligible to earn CTRP credit?
 - All inmates except those convicted of sex offenses specified under R.S. 15:537, those violent offenders with a prior violent offense, and habitual offenders with an instant violent or sex offense.

Source: Louisiana DPSC Corrections Services Department Regulation No. B-04-003









Sentencing

Discretionary Parole

- What is discretionary parole?
 - A conditional release from prison granted by the Parole Board where the offender is allowed to serve the remaining portion of their sentence on community supervision overseen by the Parole Board.
- How is discretionary parole different from good time parole (also called diminution of sentence)?
 - Unlike discretionary parole, the Parole Board does not make a
 determination of release readiness for good time parole. Instead, a
 good time parole release is an automatic release after the time in
 custody, the accrued good time, and CTRP credits earned equal the
 sentence length imposed.

Source: Louisiana Department of Corrections Briefing Book (April 2016 update)

3

Sentencing

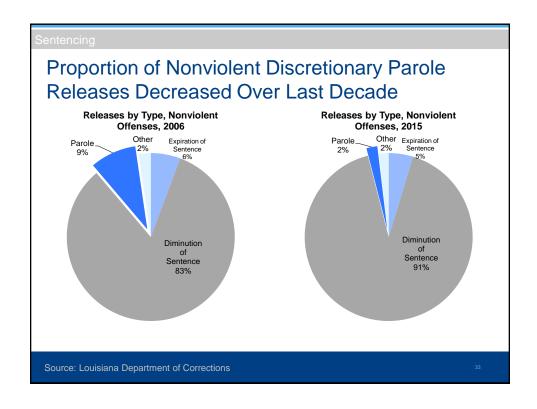
Eligibility for Discretionary Parole for Nonviolent Offenses

- What nonviolent/non-sex inmates are eligible for discretionary parole and when?
 - Certain nonviolent, non-sex offenses are not eligible for discretionary parole. However, if the underlying offense is parole eligible, then the following eligibility criteria apply*:

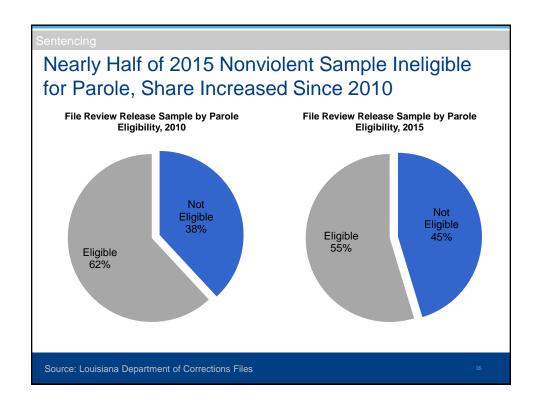
Eligible for Parole After Serving Percent of Sentence:				
25%				
33%				
	Not eligible			
	25%			

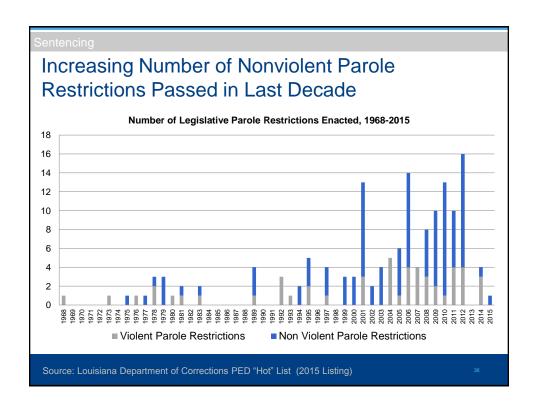
*Excludes habitual offenders

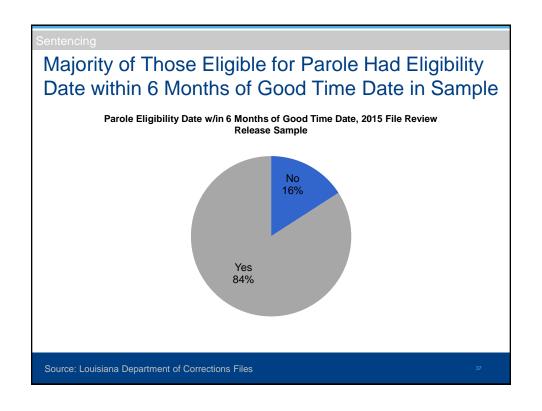
Source: Louisiana Department of Corrections Briefing Book (April 2016 Update)

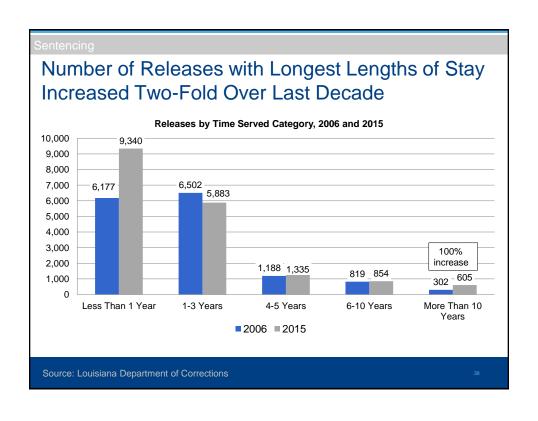


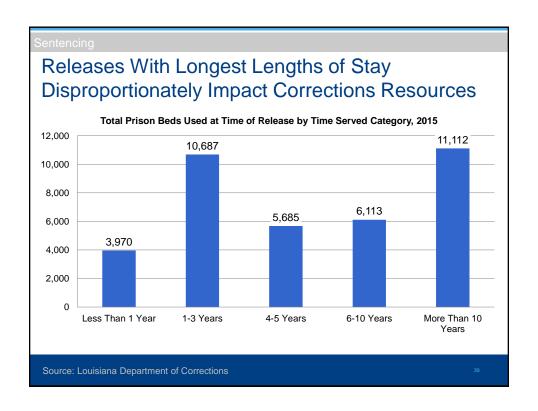
In Last Decade, Number of Discretionary Parole Cases Heard Decreased But Grant Rate Up Parole Board Cases; 2006 & 2015 2006 2015 % Change, 2006-2015 TOTAL HEARD 2,758 1,504 -45% GRANTED 669 690 3% PERCENT GRANTED 24% 46% Source: Louisiana Department of Corrections Briefing Book (April 2016 Update)

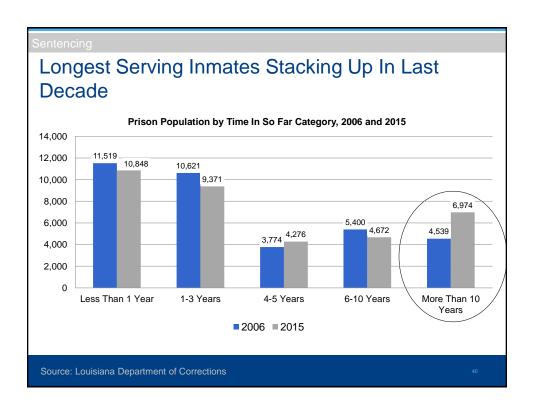












Sentencing

Inmates with Longest Prison Stays: Older, With Violent Convictions and Few Past Convictions

- Inmates with the longest stays in prison are:
 - Older than the average inmate, with 63% who are 45 or older
 - Likely to have been convicted of a violent offense, with by far the most prevalent offenses including second degree murder and armed robbery
 - Likely to have few past convictions, with more than 63% having 1 or fewer prior DOC contacts
 - Likely to have committed their offense at a young age, with 46% committing their crime when they were under age 25

Source: Louisiana Department of Corrections

41

Sentencing

Questions for Policy Development

- Can Louisiana increase the availability and use of alternatives to incarceration?
- What opportunities exist to target longer prison stays on more serious offenders and shorter prison stays on less serious offenders?
- Can Louisiana further focus prison beds on serious and dangerous offenders?

Sentencind

Sentencing Subgroup Members

- Representative Walt Leger (Subgroup Chair)
- Senator Daniel Claitor
- Honorable Jay Dixon
- Honorable M. Bofill (Bo) Duhé
- Judge Bonnie Jackson

43

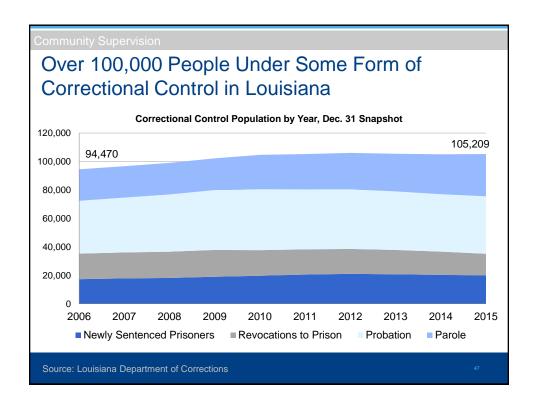
Questions?

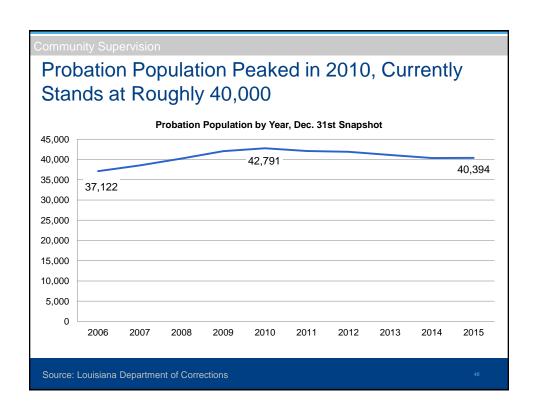
COMMUNITY SUPERVISION

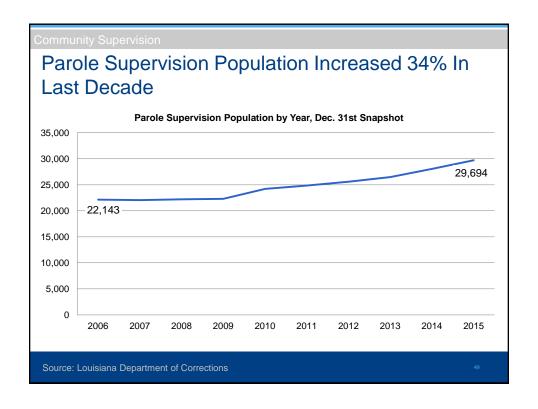
Community Supervision

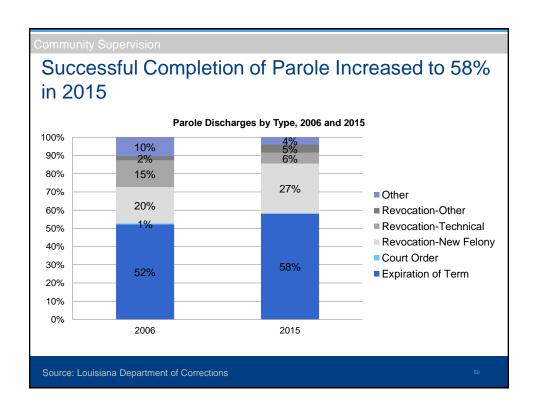
Outline

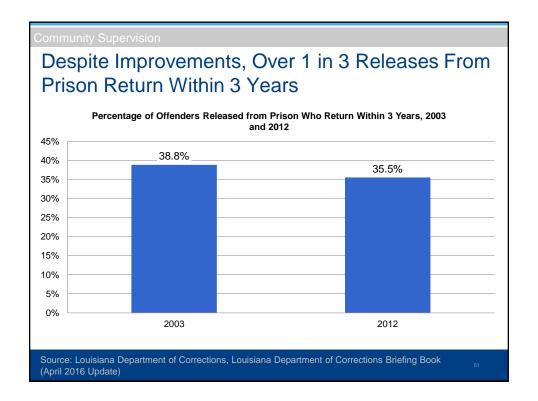
- Sentencing
- Community Supervision
 - Implement the risk, needs, responsivity model
 - Use swift, certain, and proportional sanctions
 - Incorporate rewards and incentives
 - Frontload resources and support reentering offenders
- Financial Principles to Support the Research
- Break
- Public Testimony











Research Principle: Risk, Needs, Responsivity

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

Source: Andrews (1999)

Risk, Needs, Responsivity: Current Practices

- Research Summary:
 - Target high-risk supervisees, address criminogenic needs, remove barriers to success.
- Current Practices in Louisiana:
 - Louisiana currently uses the LARNA tool to identify supervisee risk and inform supervision levels; TIGER tool in development.
 - A significant portion of the community supervision population is low-risk.
 - There is no statutory requirement that supervision conditions be based on risks and needs.

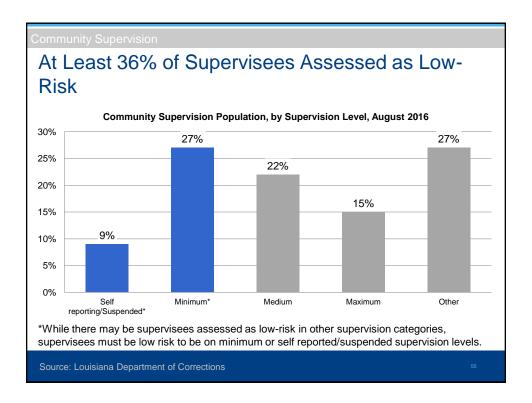
53

Community Supervision

TIGER Risk Tool Will Improve On LARNA

Louisiana Risk and Needs Assessment (LARNA I)	Targeted Interventions Gaining Enhanced Reentry (TIGER)
Limited needs portion	Fleshed-out, research-based needs assessment
Provides supervision officer limited information to individualize programming	Produces a recommended and individualized "programming bundle"
Administered at beginning of supervision term	Administered in prison and case plan continues onto supervision
Full categories of automatic overrides	No automatic overrides; up to 10% manual clinical overrides

Source: Louisiana DPSC Corrections Services Department Regulation No. B-01-004; LARNA Training Manual; TIGER tool interviews



No Requirement that Supervision Conditions Be Determined by Risks and Needs

- Practitioners report that supervisees are typically given most or all standard conditions, regardless of individual risk and needs.
 - Good time parolees are consistently given all standard conditions available in statute.
- The judiciary has no access to a risk and needs assessment prior to determining supervision conditions.

Source: RS 15:574.4.2; CCRP 895

Community Corrections

Research Principle: Use 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.

Source: Nagin & Pogarsky (2001)

57

Community Corrections

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

Source: Nagin & Pogarsky (2001)

Use Swift, Certain, and Proportional Sanctions: Current Practices

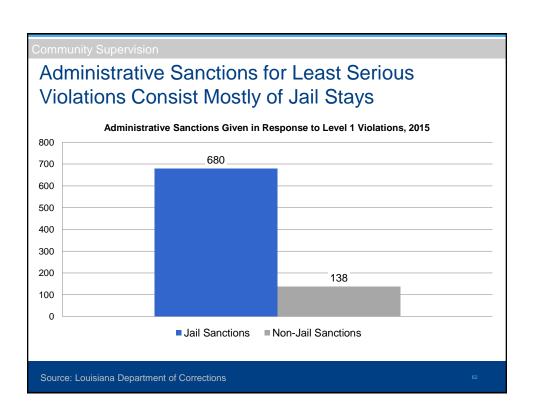
- Research Summary:
 - Respond to problem behavior in a manner that will change the behavior.
- Current Practices in Louisiana:
 - Louisiana has taken steps in recent years to advance swift, certain, and proportional sanctions.
 - These intermediate responses, specifically administrative and Act 402 sanctions, still rely heavily on incarceration.
 - Revocations from supervision still make up the majority of admissions to prison and probation revocations have longer average sentences than newly sentenced prisoners for common nonviolent offenses.



Administrative Sanctions

- What are administrative sanctions?
 - Administrative sanctions are intermediate penalties that supervision officers can administer in responding to low-level violations in lieu of a full revocation.
 - For example, to respond to a failed drug test, an officer can require a
 probationer to complete out-patient drug treatment, instead of initiating a
 revocation.
- Is the use of administrative sanctions required?
 - The use of administrative sanctions is not required by statute and utilization varies widely across the state.
 - The Parole Board has issued a full authorization for the use of administrative sanction for parolees.
 - Authorization by courts for probationers varies statewide.

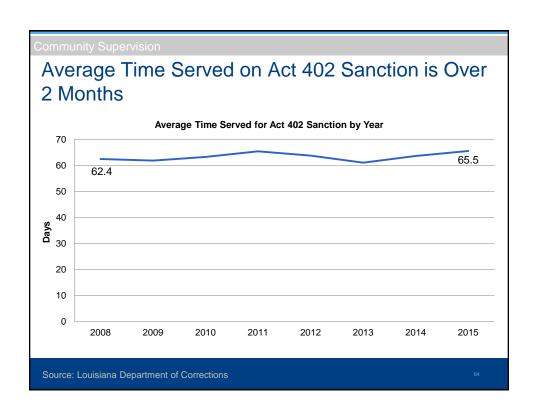
Source: RS 15:574.7; CCRP 899.1; Louisiana Department of Probation & Parole

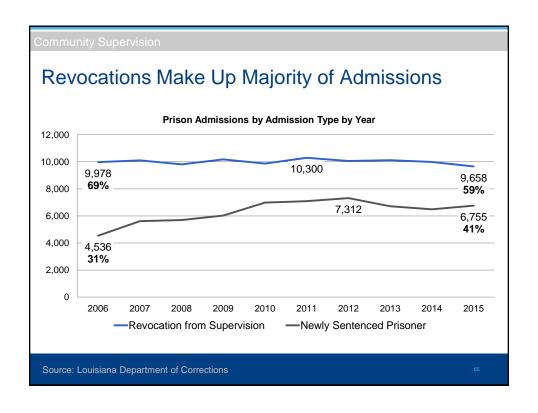


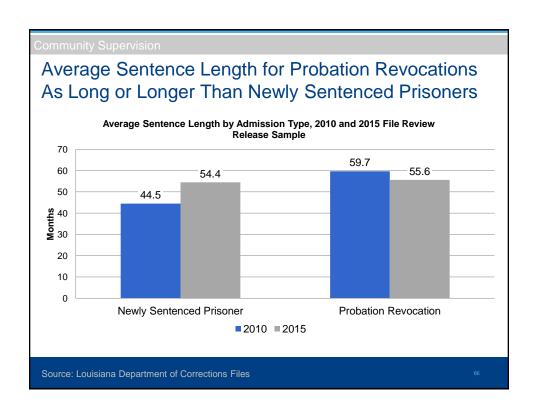
Act 402/299 Sanctions

- What are Act 402/299 sanctions?
 - Act 402 sanctions are capped 90-day incarceration periods that are used when responding to certain technical violations of probation and parole.
 - Legislation passed in 2015 (Act 299) expanded the use of these capped incarceration periods to all eligible parole violations at graduated increments (120 days for second-time violations and 180 days for third and subsequent violations).
- How often are Act 402/299 sanctions used?
 - Over 2,000 Act 402/299 sanctions were given in 2015, a 9% increase in utilization of this sanction since the law was fully implemented in 2008.

Source: RS 15:574.9; CCRP 900; Louisiana Department of Corrections







Lack of Statutory Controls May Be Contributing to Long Revocation Periods

- Unlike parole, there is no requirement for credit for time successfully served on probation, allowing judges to sentence to the full suspended term.
- Those revoked on parole are required to serve the full remainder of their sentence.

Source: CCRP 900; RS 15:574.9

67

Community Supervision

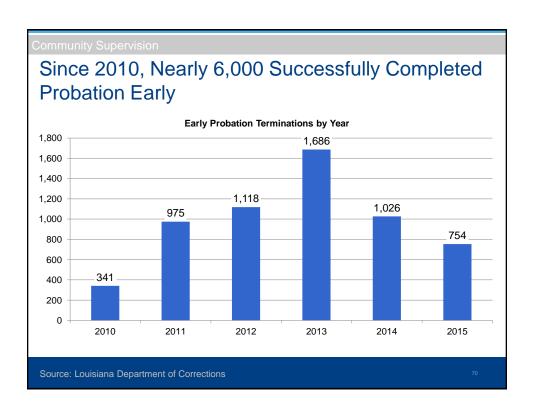
Research Principle: Incorporate Rewards and Incentives

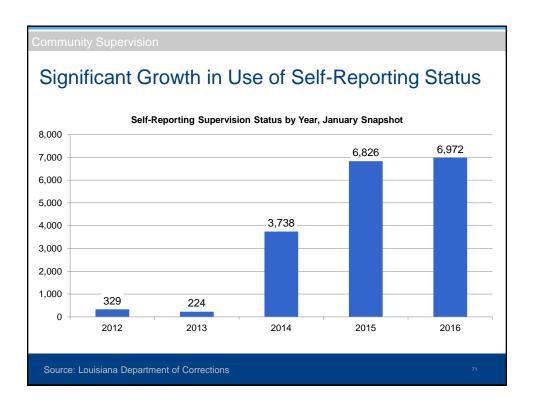
- Provide rewards and incentives for meeting case-specific goals of supervision to enhance individual motivation.
- Develop a continuum of rewards to round out the continuum of sanctions.
- Higher program completion when rewards outnumber sanctions.

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

Incorporate Rewards and Incentives: Current Practices

- Research Summary:
 - Rewards and incentives enhance individual motivation to comply with supervision.
- Current Practices in Louisiana:
 - Louisiana has a number of incentives available to reward supervision compliance, including early probation termination, self-reporting supervision, and suspended supervision.
 - No system-wide framework exists for incentives, creating variation in practices and limitations on their efficacy.





Louisiana Has No System-Wide Framework for Rewards and Incentives

- While the use of early termination of probation has increased, variation in judicial practices limit its certainty and motivational capacity.
- Additionally, suspended supervision and self-reporting have increased; however, both rewards are limited as fees continue to apply.

Source: Louisiana Department of Corrections

Research Principle: Frontload Resources and Support Reentry

- 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)

73

Community Supervision

Frontload Resources and Support Reentry: Current Practices

- Research Summary:
 - Focus resources during the initial day, weeks, and months when violations are most likely to occur.
- Current Practices in Louisiana:
 - The Department of Corrections has established a framework for reentry, which has been applied to all inmates in state facilities, and is currently being expanded to the local level.
 - Supervision resources are stretched over long supervision terms.

DOC Reentry Framework Aims to Prepare Inmates to Successfully Return to Their Communities

- The DOC has piloted the Louisiana Prisoner Reentry Initiative (LA-PRI), a public-private partnership, to focus on reducing recidivism by:
 - Improving case planning
 - The Reentry Accountability Plans (ReAP) combines risk/need assessment and case planning in a management system.
 - Strengthening reentry at the state and local levels
 - Community partnerships with Louisiana Associations of Nonprofit Organizations (LANO) & ReEntry Alliance of Louisiana (REAL) focus on securing housing and employment for reentering offenders.

Source: Louisiana DPSC Corrections Services Department Regulation No. B-08-013

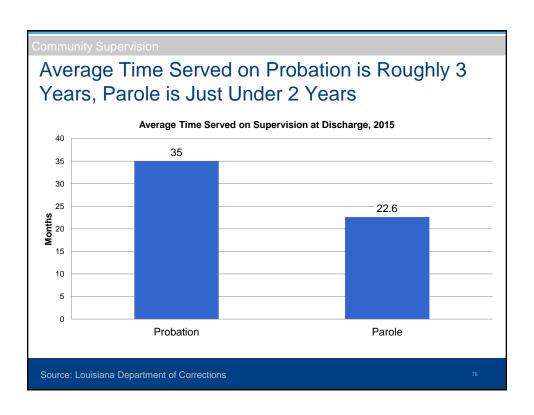
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75% of Releases Exit a Local Facility or Transitional Work Program Releases by Release Facility, 2015 Transitional Work Transitional Work Transitional Work Program 12% State Prison 16% Private Facility 4% Other 2% Source: Louisiana Department of Corrections

DOC Plans to Extend Reentry Framework Further Into Parish Prisons

- The DOC recently added 20 transitional specialists for parish prisons, covering nearly 50% of local releases, with plans for full coverage in the future.
- With the expansion of the DOC's reentry framework into parish prisons, there is greater and more consistent communication between local facilities and the Department of Probation and Parole.

Source: Louisiana DPSC Corrections Services Department Regulation No. B-08-013



Questions for Policy Development

- How can supervision conditions and practices best address criminogenic needs?
- Can Louisiana improve upon current sanctions to make them more swift, certain, and proportional?
- What incentives and rewards can be used to change problematic behavior?
- How can resources be distributed to concentrate on higherrisk people early in their supervision period, and maximize reentry success?

Community Supervision

Community Supervision Subgroup Members

- Senator Daniel Martiny (Subgroup Chair)
- Honorable Chief Justice Bernette Johnson
- Reverend Gene Mills
- Representative Sherman Mack

Questions?

FINANCIAL PRINCIPLES TO SUPPORT THE RESEARCH

Outline

- Sentencing
- Community Supervision
- Financial Principles to Support the Research
 - Align system funding with desired outcomes
 - Use financial obligations to advance system goals
- Break
- Public Testimony

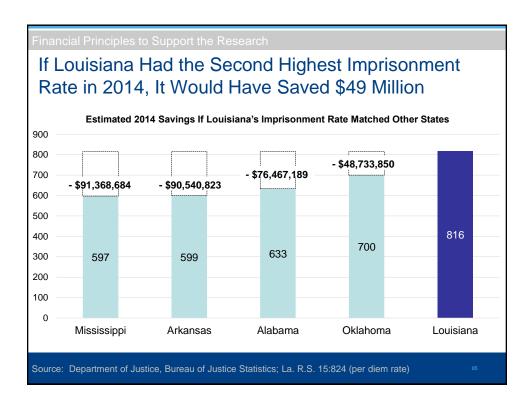
83

Financial Principles to Support the Research

Corrections Is the Third-Highest State Expenditure Behind Education and Health Care

- In FY17, Louisiana appropriated \$625 million for adult corrections (plus \$52 million from other sources)
 - Third highest state expenditure behind education and health care
 - Twenty times the state appropriation for public safety services

Source: Louisiana FY17 State Budget

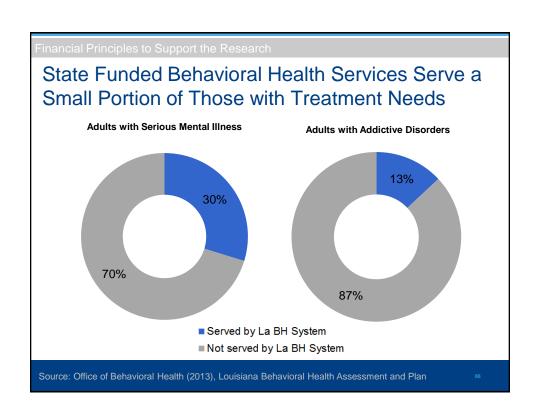


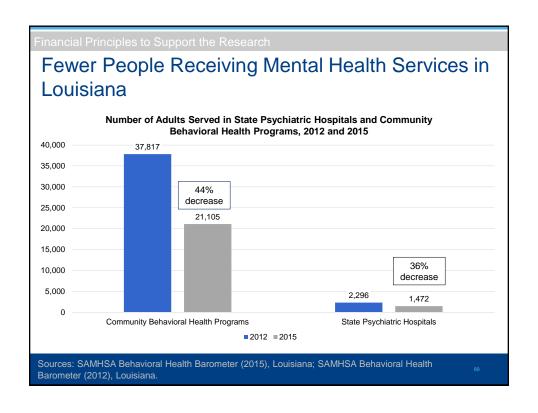
Align System Funding with Desired Outcomes: Current Practices

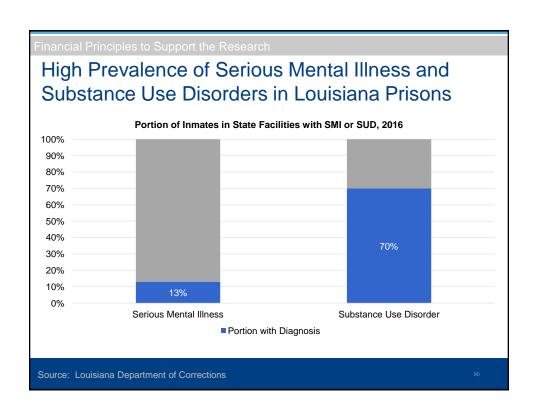
- Financial Principle:
 - Align how the system is funded (how resources are allocated, what programs are prioritized) with desired outcomes.
- Current Practices in Louisiana:
 - Louisiana has cut behavioral health resources in the community, and has a high portion of prisoners with behavioral health needs.
 - The state invests no funding into crime victim reparations, and dollars from other sources have declined.

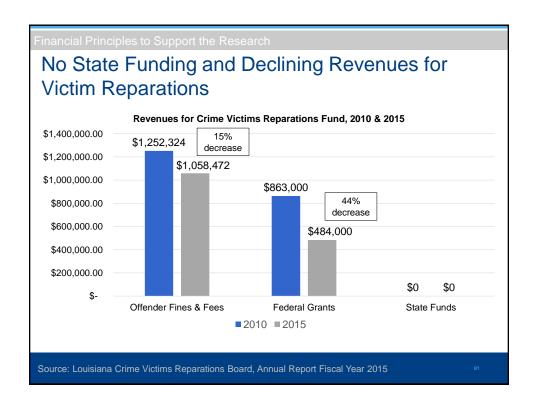
Align System Funding with Desired Outcomes: Current Practices

- Financial Principle:
 - Align how the system is funded (how resources are allocated, what programs are prioritized) with desired outcomes.
- Current Practices in Louisiana:
 - Funding for inmates housed in local jails is inadequate to provide programming, and is not tied to evidence-based practices or recidivism outcomes.
 - State incentive funding aimed at improving criminal justice system outcomes exists for the DOC, but not for the parishes, courts, or probation districts.









Minimal Funding for Inmates Housed in Parish Jails

- Practitioners report funds are inadequate to provide programming and services.
- Per diems not tied to evidence-based practices or recidivism outcomes.

Placement of DOC inmate	Funding per DOC inmate per day
State-Run Prison Facilities	\$51.62
Parish Jails	\$24.39
Reentry Centers	\$24.39 + programming staff costs
Transitional Work Programs, non-contract	\$14.39 + portion of inmate wages
Transitional Work Programs, contract	\$10.25 + portion of inmate wages

Sources: La. R.S. 15:824; DOC S.O.P., Ch. 17 § 2.g.3.a; DOC FY16 Budget and Cost Data Summary

Performance Incentive Funding

What is performance incentive funding?

- Funding programs that reward decision makers at the state and local levels with funding when they:
 - Expand community-based recidivism reduction programs
 - Increase restitution payments
 - Increase probationers employed
 - Reduce probation revocations
 - Reduce prison admissions

See: Vera Institute of Justice, www.vera.org/projets/performance-incentive-funding

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Financial Principles to Support the Research

Performance Incentive Funding Exists for DOC, But Not for Local Decision-Makers

- Louisiana has provided performance incentive funding to the Department of Corrections for programs and services that achieve savings by reducing the prison population.
 - Funds to expand CTRPs, transitional work programs, reentry centers, and day reporting centers.
 - Goal: achieve savings and avert costs through recidivism reduction and fewer re-admissions to prison.
- But the state has not provided similar funding to judicial districts, parishes, or probation offices.

Source: La Government Efficiencies Management Support, Final Report (2014)

Use Financial Obligations to Advance System Goals: Current Practices

- Financial Principle:
 - Use financial obligations (fees/fines/restitution) to restore victims and hold offenders accountable, but don't create barriers to successful reentry.
- Current Practices in Louisiana:
 - Offender payments to crime victims are prioritized above other criminal justice debts, but still not fully collected.
 - High criminal justice debt and penalties for failure-to-pay may create barriers to reentry.

95

Financial Principles to Support the Research

Research Shows that Significant Criminal Justice Debt May Increase Risk of Re-Offense

Harris, Evans & Beckett (2010) (qualitative study)

- Substantial debt compared to earning power can result in:
 - Housing / food / medication instability
 - Decreased ability to support children
 - Decisions to earn money through illegal means or abscond from supervision

Piquero & Jennings (2016) (juvenile study)

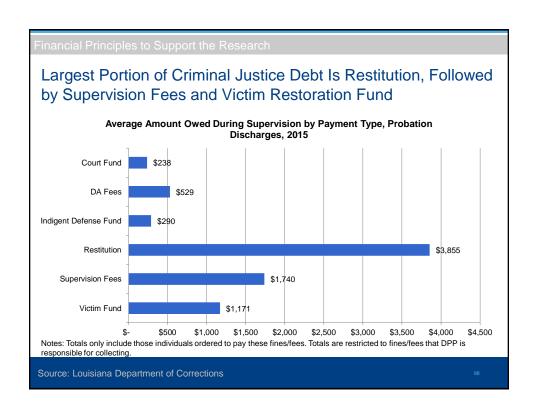
High financial penalties increase likelihood of recidivism

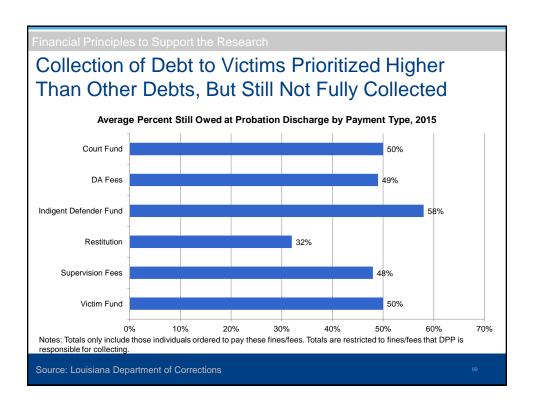
Source: Harris, Evans & Beckett (2010); Piquero & Jennings (2016).

Penalties for Failure-to-Pay Can Create Barriers to Successful Reentry

- Penalties in Louisiana for failure to pay criminal justice debt can create barriers to successful reentry.
- Examples:
 - Suspending the person's driver's license
 - Interest and surcharges on uncollected debt

Source: La. CCrP 885.1, 886, 893, 900; La. R.S. 47:1676





No Statutory Requirement that Courts Determine Ability to Pay Criminal Justice Financial Obligations

- Practitioners report that most plea agreements include fees, fines, and costs without a determination of the defendant's ability to pay.
- No statutory guidance on ordering partial payments or payment plans.
- Lack of data collection and oversight on fees/fines/costs ordered and collected.

See: La. R.S. 13:4206, 15:175; La CCrP 884, 887; La. Dist. Ct. Rule 8.0;

Questions for Policy Development

- How can Louisiana realign spending to get better criminal justice system outcomes for both victims and offenders?
- What funding incentives can be created to encourage parishes, judicial districts, and other local decision-makers to expand services and improve outcomes?
- What policies should be developed to ensure criminal justice debt holds offenders accountable without creating barriers to reentry?

101

Financial Principles to Support the Research

Finance Subgroup Members

- Secretary James LeBlanc (Subgroup Chair)
- Sheriff Mike Cazes
- Representative Terry Landry
- Mr. Flozell Daniels

Questions?

103

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10-