

# Criminal Justice/ Public Safety

**Build an Efficient  
Criminal Justice  
System that  
Improves Public  
Safety**

Louisiana should create an efficient criminal justice system that utilizes prison space for those who pose a public safety threat and implements evidence-based practices to reduce recidivism.

Louisiana's prison population has increased five-fold since the late 1970s, a rate 30 times faster than the state population growth in the same time period<sup>i</sup>. The Louisiana prison population reached a peak in 2012 at approximately 40,000 felony inmates<sup>ii</sup>. Recognizing the need for innovative change, Louisiana enacted several statutory and administrative changes that reduced the prisoner population by nine percent between 2012 and 2015.

However, even with this decline, Louisiana kept its title as the state with the highest per-capita imprisonment rate in the United States. In 2015, Louisiana's imprisonment rate was still nearly double the national average and significantly higher than Oklahoma (the second highest state) and Alabama (the third highest state)<sup>iii</sup>.

The cost of incarcerating so many people burdens the state budget and Louisiana taxpayers. Louisiana lawmakers approved \$625 million for our adult corrections system in fiscal year 2017, representing the third largest state appropriation category. Only education and healthcare receive larger state appropriations<sup>iv</sup>.

Why has Louisiana's prisoner population grown so dramatically? Are people in Louisiana more prone to criminal activity than people in other states? How do Louisiana's criminal justice laws and administrative rules and practices compare to other states – especially neighboring southern states?

## **National Background**

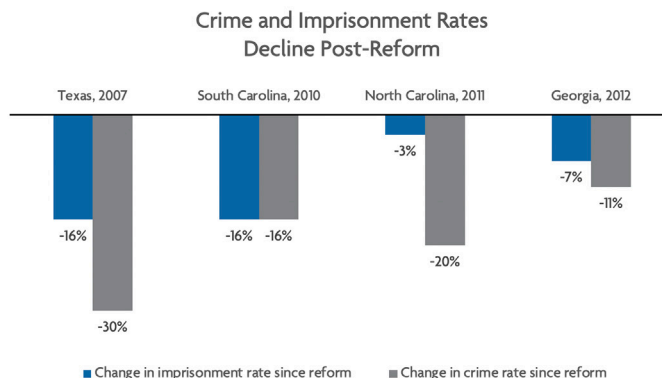
Louisiana's 40-year dilemma of an exploding prisoner population and a ballooning corrections budget is a problem many other states and the federal system also faced. Policy decisions made in state houses across the nation and in Congress increased criminal penalties and decreased prisoner release options – and the number of people in U.S. prisons grew seven-fold between 1972 and 2008<sup>v</sup>. As a result, the U.S. prisoner population grew nine times faster than the U.S. adult population<sup>vi</sup>.

**Starting with Texas in 2007, a wave of states – now roughly two-thirds of them – have adopted law and policy reforms under the banner of “justice reinvestment.” Justice reinvestment is a strategic response to rising costs and high recidivism rates that aims to get a better return on investment out of corrections spending. Under this approach, states pass measures that focus their prison beds on those who pose a serious threat to public safety. That leads to cost savings. States then reinvest a portion of the savings into evidence-backed prison alternatives, and expanding practices that reduce recidivism and support victims of crime. That, in turn, reduces the flow of people into the courts and prisons, creating a continuous cycle of improved outcomes for public safety and public spending.**

*- Louisiana Justice Reinvestment Task Force Report, March 2017*

The many costs of this rapid growth in prisoner population took its toll on state budgets and communities across the country. States began to recognize the need for systemic change that could break this cycle of escalating incarceration and budget-busting incarceration costs. Texas led the way by adopting a set of changes in 2007. Those early efforts by a state long regarded as tough on crime sparked a public policy transformation that is still unfolding in numerous states (and in Congress) today.

The goal is to create a new, positive cycle of improved public safety coupled with an increased return for taxpayers on our annual corrections investment. The results from four southern states – Texas, South Carolina, North Carolina and Georgia – show great promise and serve as encouragement to elected leaders in other states to investigate their opportunities to create positive change.



## Here in Louisiana

Organized efforts to implement justice reinvestment changes in Louisiana emerged shortly after Texas began to report positive results from its 2007 changes in law and policy. Louisiana enacted a set of statutory and administrative changes that did reduce Louisiana's prisoner population by nine percent between 2012 and 2015.

These efforts were boosted significantly in 2015 when the Louisiana State Legislature adopted House Concurrent Resolution 82 creating the Louisiana Justice Reinvestment Task Force. This task force was charged with developing recommendations focused on three general goals<sup>vii</sup>:

1. Reduce the corrections population and associated spending.
2. Expand research-based supervision and sentencing practices.
3. Strategically reinvest savings to reduce recidivism and improve reentry outcomes.

This 15-member task force included law enforcement, the Secretary of Department of Corrections, faith leaders, community advocates, judges, defense and prosecution attorneys and legislators. The task force worked from the summer of 2016 through March of 2017. Throughout, the task force received a broad set of inputs and guidance from judges, court administrators, corrections practitioners, law enforcement officials, behavioral health experts, service providers, formerly and currently incarcerated individuals and their families, justice reform advocates, victim advocates, business leaders and faith leaders<sup>viii</sup>.

The task force released its report of findings and recommendations in March of 2017. Here are its major findings<sup>ix</sup>:

- Louisiana has unusually high admissions for nonviolent crimes,
- Louisiana has longer prison terms and narrower parole eligibility,
- Louisiana has large and growing number of people supervised in the community,
- Louisiana has significant criminal justice debts (fees and fines) and other barriers to successful reentry,
- Louisiana has budgetary decisions inconsistent with long-term goals, and
- Louisiana has inadequate services and supports for crime victims.

In response to these basic findings, the task force report included 21 consensus recommendations grouped into five major categories.

## Ensure Clarity and Consistency in Sentencing

- o Implement a felony class system to reduce uncertainty in sentencing and release.
- o Simplify the criminal code to create transparency for prosecutors, defense counsel, judges and victims.
- o Increase equity by making back-end release mechanisms retroactive for those convicted of nonviolent offenses.
- o Improve the victim registration and notification process.

## Focus Prison Beds on Those Who Pose a Serious Threat to Public Safety

- o Expand alternatives to incarceration.
- o Revise drug penalties to target higher-level drug offenses.
- o Consolidate laws on property crimes and raise the value threshold for felony charges.
- o Distinguish penalties for illegal possession of a weapon based on the type of underlying felony.
- o Reduce the window of time for which certain prior crimes count toward habitual offender penalty enhancements.
- o Establish a temporary furlough policy for inmates with serious medical needs.
- o Change parole eligibility laws for life sentences imposed for crimes committed as juveniles.
- o Streamline parole release for those who are compliant with case plans and institutional rules.

## Strengthen Community Supervision

- o Focus community supervision on the highest-risk period by reducing maximum probation terms and establishing an earned compliance credit initiative.
- o Improve the process for responding to violations of probation and parole conditions with swift, certain and proportional sanctions.

## Clear Away Barriers to Successful Reentry

- o Eliminate certain collateral consequences of felony convictions that create barriers to re-entry.
- o Tailor criminal justice financial obligations to a person's ability to pay.

- o Modify penalties for failure to pay criminal justice financial obligations.
- o Suspend child support payments during incarceration.
- o Expand incentives for inmates to participate in high-skilled workforce development and recidivism reduction programming.
- o Expand eligibility period for transitional work programs and increase take-home pay.

## Reinvest a Substantial Portion of the Savings

- o Reinvest over \$154 million dollars saved from lowering the prison population into research-based programs that reduce recidivism and services that support victims of crime.

These recommendations served as the foundation for a breakthrough package of 10 bills that were passed in June of 2017 by the Louisiana Legislature, with bipartisan support, and signed into law by the Governor.

**“Louisiana is on the verge of a wide-ranging criminal justice overhaul aimed at curbing the highest incarceration rate in America.”**

- *The Wall Street Journal*, “Change and Culture Collide in America’s Prison Capital” (May 25, 2017)

**“Last month, Louisiana passed one of the most ambitious criminal-justice reform packages in the country – 10 new laws that make important changes to everything from drug sentences, parole and community supervision to re-entry and victims’ rights. It would have been remarkable coming from any state. It’s historic coming from Louisiana.”**

- *The New York Times*, “Louisiana’s Big Step on Justice Reform” (editorial, July 19, 2017)

These new policies are beginning to produce desired results including a 7.6% drop in the prisoner population. Prison admissions have declined by 2.9% and parole and probation caseloads have decreased by 4.2%. Additionally, first year savings of \$12 million was double the first-year projection of \$6 million<sup>x</sup>.

## The RESET

Louisiana’s progress to date is a real achievement born through the hard work of stakeholder collaboration that included the honest sharing of differences and good-faith problem solving. Most importantly, a clear and broadly supported framework is in place to guide a reset of Louisiana’s criminal justice and public safety future.

- **Louisiana should fully implement the 10-bill Justice Reinvestment package passed by the Louisiana Legislature in 2017.**
- **Louisiana should utilize the stakeholder task force mechanism to produce a new report of findings and recommendations focused on crime prevention and evidence-based crisis response systems that can effectively address addiction and other behavioral health issues.**

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## Endnotes

- i Louisiana Justice Reinvestment Task Force, Report and Recommendations (March 16, 2017). [http://gov.louisiana.gov/assets/docs/Issues/Criminal-Justice/Justice-Reinvestment-Task-Force-Report\\_2017.pdf](http://gov.louisiana.gov/assets/docs/Issues/Criminal-Justice/Justice-Reinvestment-Task-Force-Report_2017.pdf).
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- vii *ibid*
- viii *ibid*
- ix The Pew Charitable Trusts, Louisiana's 2017 Criminal Justice Reforms Brief (March 2018). [https://www.pewtrusts.org/-/media/assets/2018/03/pspp\\_louisianas\\_2017\\_criminal\\_justice\\_reforms.pdf](https://www.pewtrusts.org/-/media/assets/2018/03/pspp_louisianas_2017_criminal_justice_reforms.pdf).
- x Riley, Kahryn. Pelican Institute for Public Policy, Reforming Criminal Justice in Louisiana: A Jobs and Opportunity Agenda for Louisiana (February 2019). [https://pelicaninstitute.org/wp-content/uploads/2019/02/PEL\\_CrimJustice\\_v2.pdf](https://pelicaninstitute.org/wp-content/uploads/2019/02/PEL_CrimJustice_v2.pdf).