

THE
PEW
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Effective Sentencing and Corrections Policies

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America's Prison Population at an All Time High

2.3 Million and Counting

National incarceration rate





1 in **104**

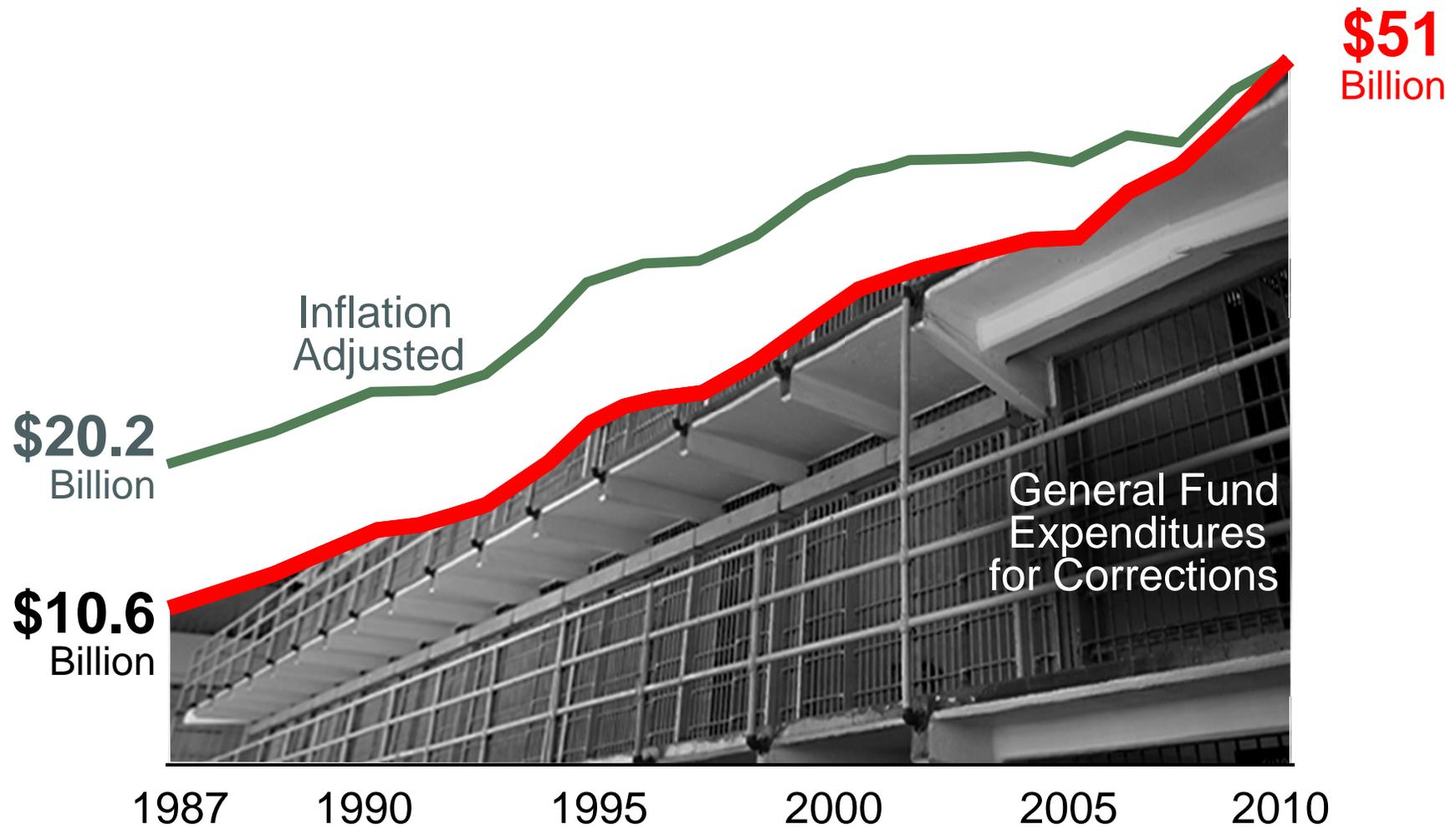
adults now
behind bars



1 in **33**

adults under
some form of
correctional control

Correctional Costs Have Exploded



Prisons Dominate Spending

CORRECTIONAL POPULATION

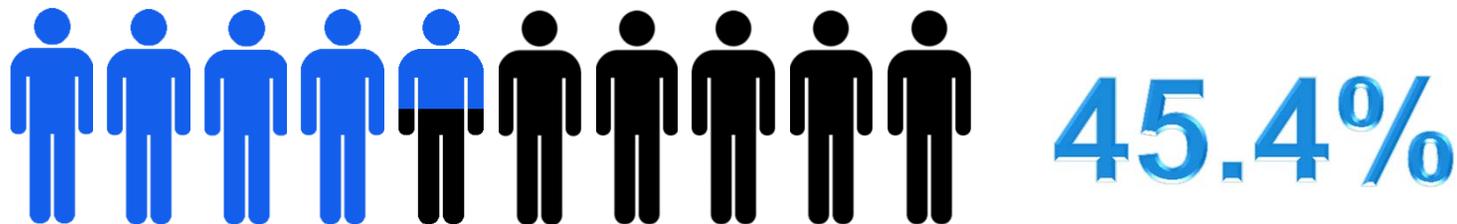
CORRECTIONAL SPENDING



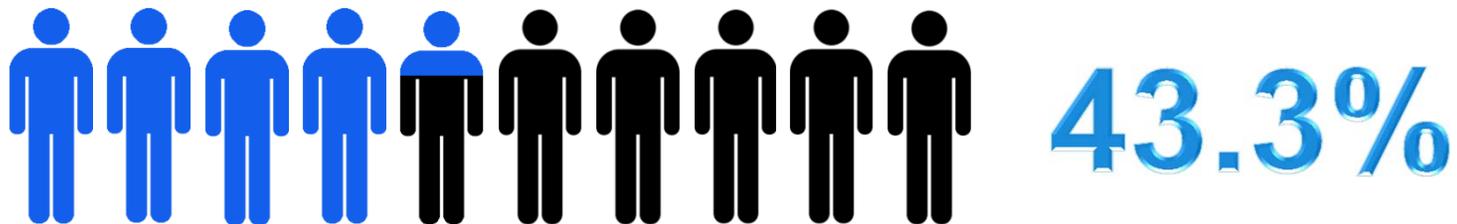
America's National Recidivism Rate Remains High

More than 4 out of 10 adult American offenders return to prison within three years of their release.

1999 - 2004

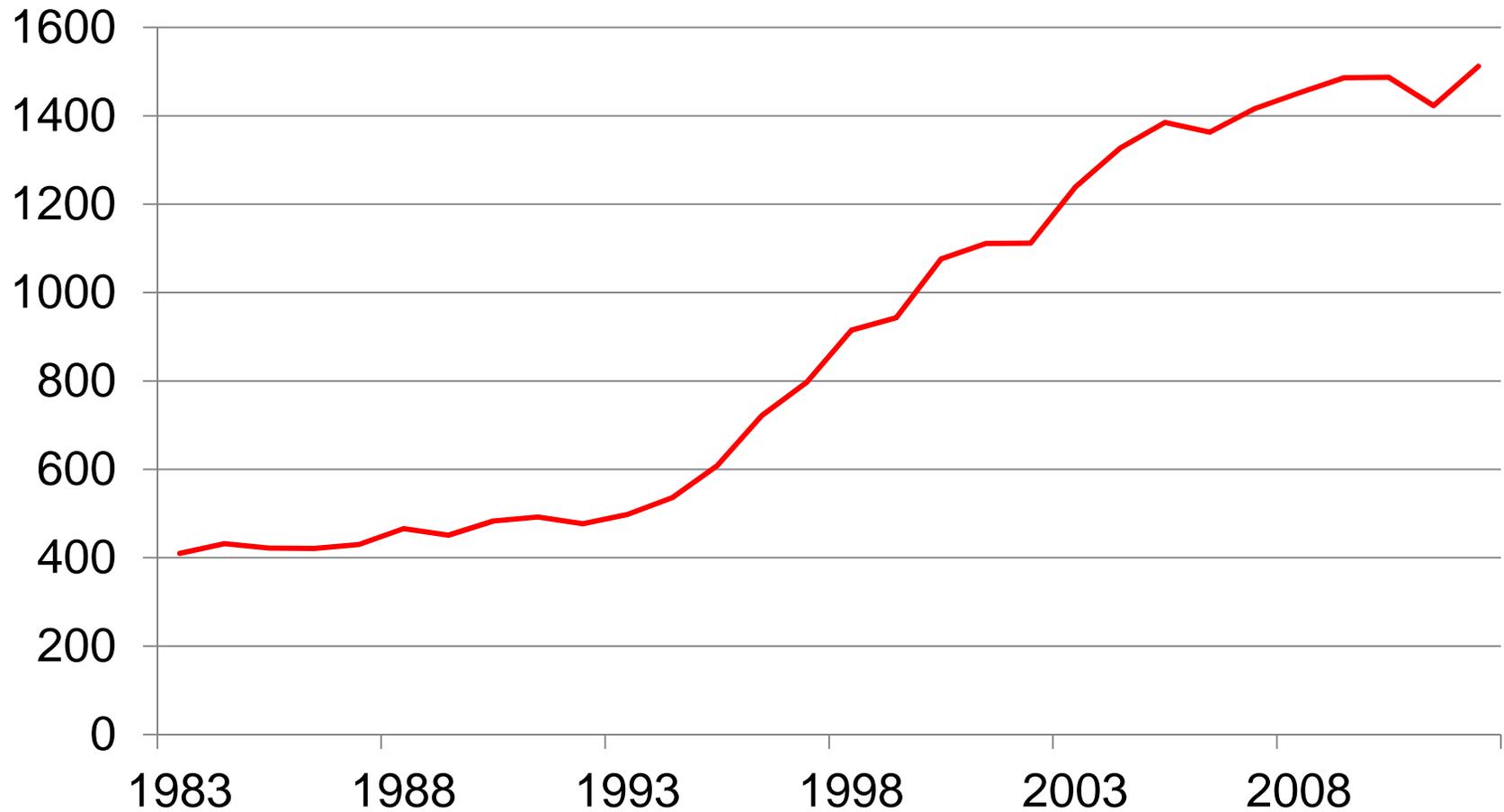


2004 - 2007



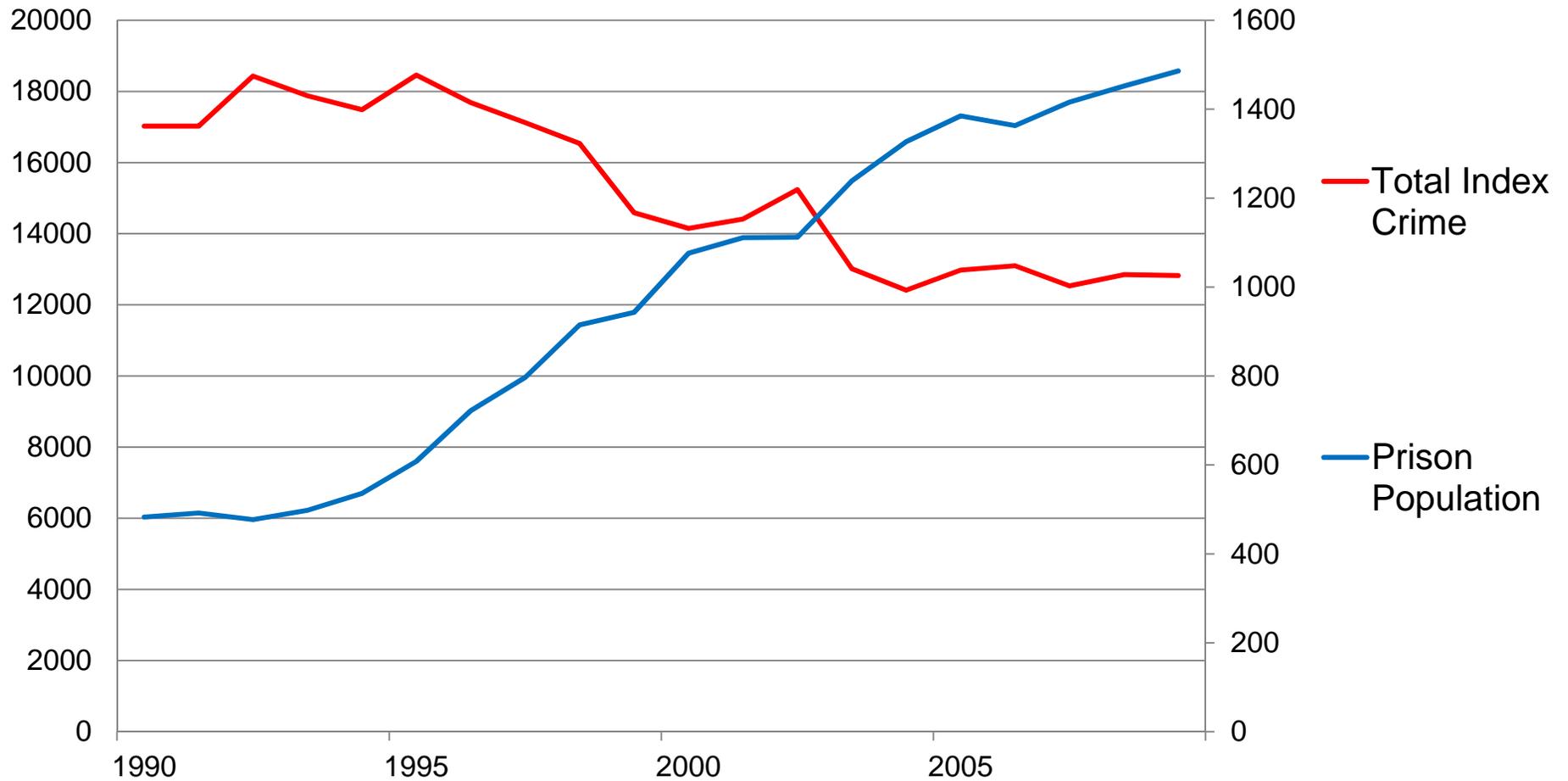
North Dakota Prison Population

DOC Jurisdiction Population (1983-2012)



North Dakota Prison Population and Crime Trends

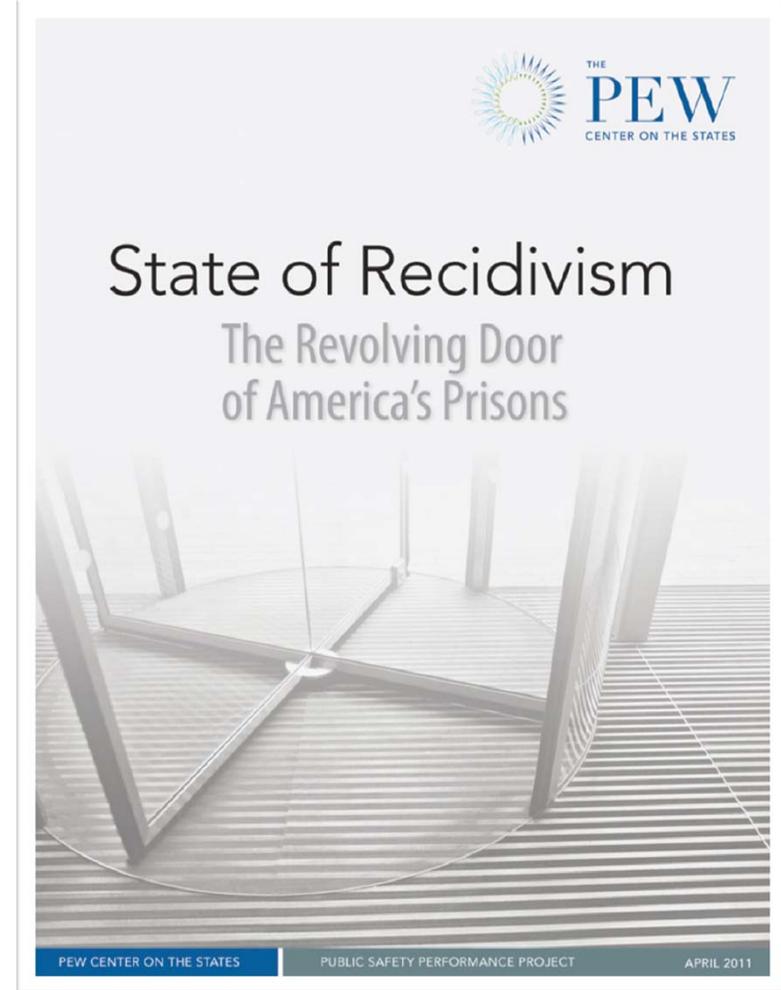
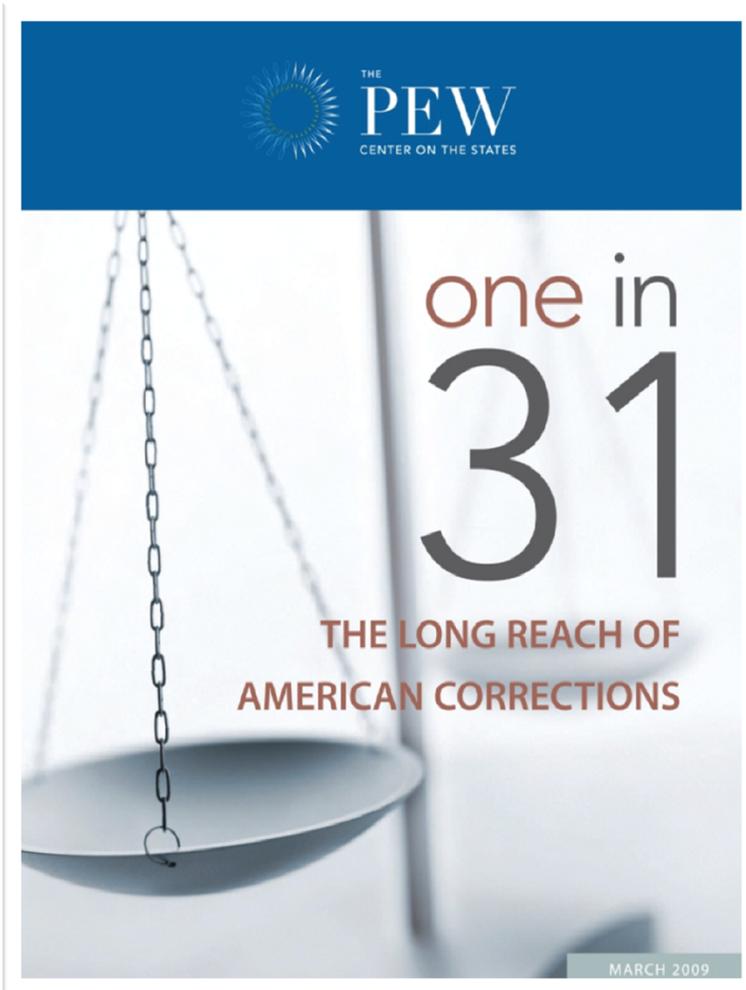
Prison Population and Total Index Crime (1990-2009)



Public Safety Performance Project

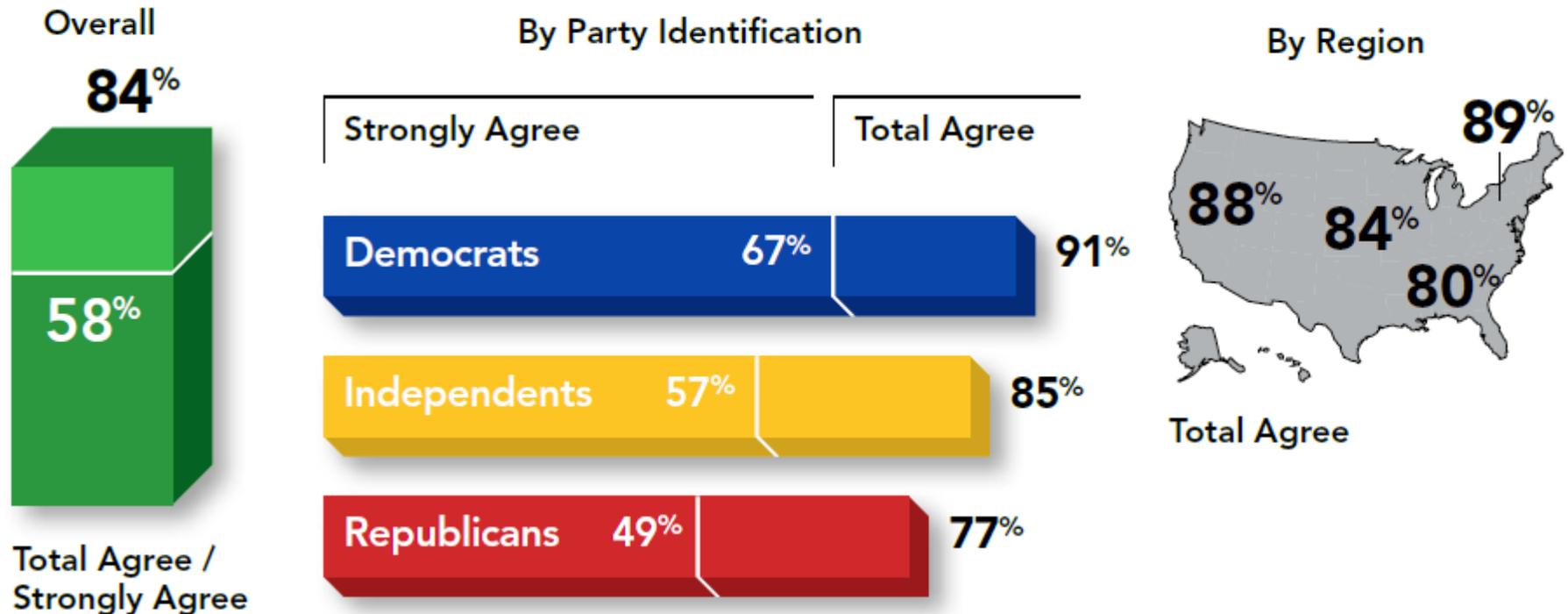
- Improving Public Safety*
- Holding Offenders
Accountable*
- Controlling Corrections
Costs*

Research



Strong Public Support for Reform

“Some of the money that we are spending on locking up low-risk, non-violent inmates should be shifted to strengthening community corrections programs like probation and parole.”



Source: Pew Center on the States, *Public Opinion*

Case Study: South Dakota

Key Findings

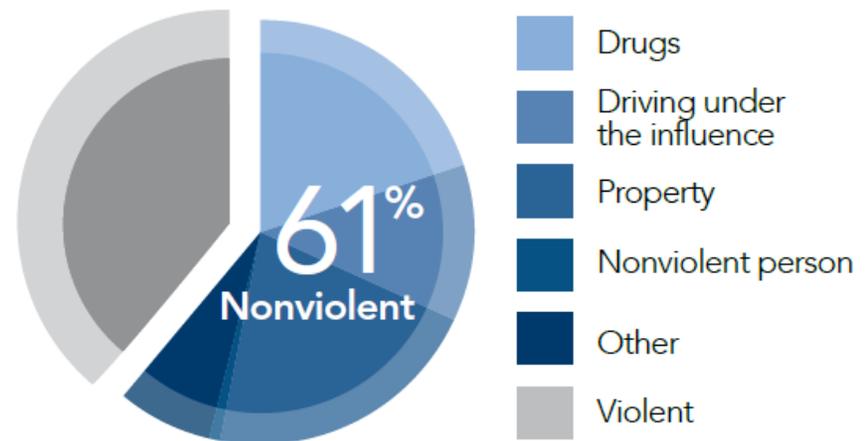
High proportion of inmates serving time for nonviolent crimes

More inmates serving time for drug possession than any other offense

Increasing number of inmates are parole violators

Nonviolent Offenders Are More Than 60 Percent of Prisoners

Figure 2: South Dakota Prison Population by Offense Type, 2012



Source: South Dakota Department of Corrections; analysis by The Pew Charitable Trusts

Case Study: South Dakota

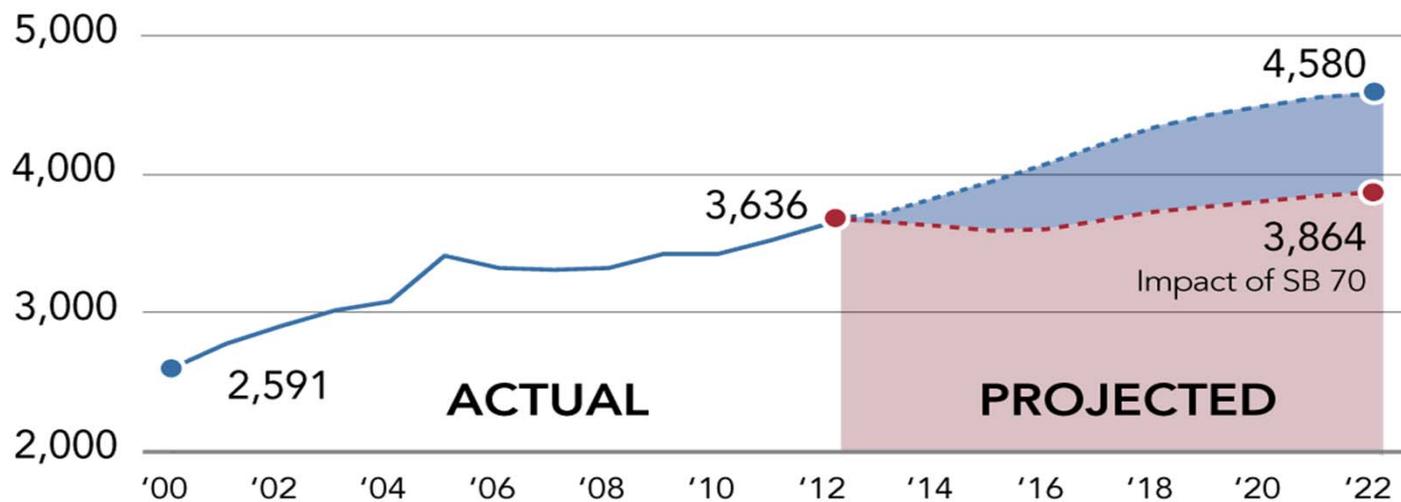
SB 70: The Public Safety Improvement Act

Strengthen Offender Supervision and Accountability	<ul style="list-style-type: none">• Focus treatments on recidivism reduction• HOPE and tribal population pilot probation programs• Earned discharge from probation
Focus Prison Space on Violent and Career Criminals	<ul style="list-style-type: none">• Created more targeted punishments for certain property crimes• Established presumptive probation for some nonviolent felonies
Ensure the Quality and Sustainability of Reforms	<ul style="list-style-type: none">• Established an oversight council• Required regular reporting on performance measures• Required fiscal impact statements

Case Study: South Dakota

Projected Prison Growth Averted, Millions Saved

Figure 1: South Dakota Prison Population and Projections, 2000-2022



Source: South Dakota Department of Corrections (historical data);
The Pew Charitable Trusts (projections)

Common Drivers of Prison Growth

1 Sentencing Policies and Practices

- Increased use of prison in lieu of probation or diversion
- Longer sentences by courts
- Actual time served increasing

2 Probation and Parole Revocations

- Technical revocations often account for more than 50% of revocations

Common Drivers of Prison Growth

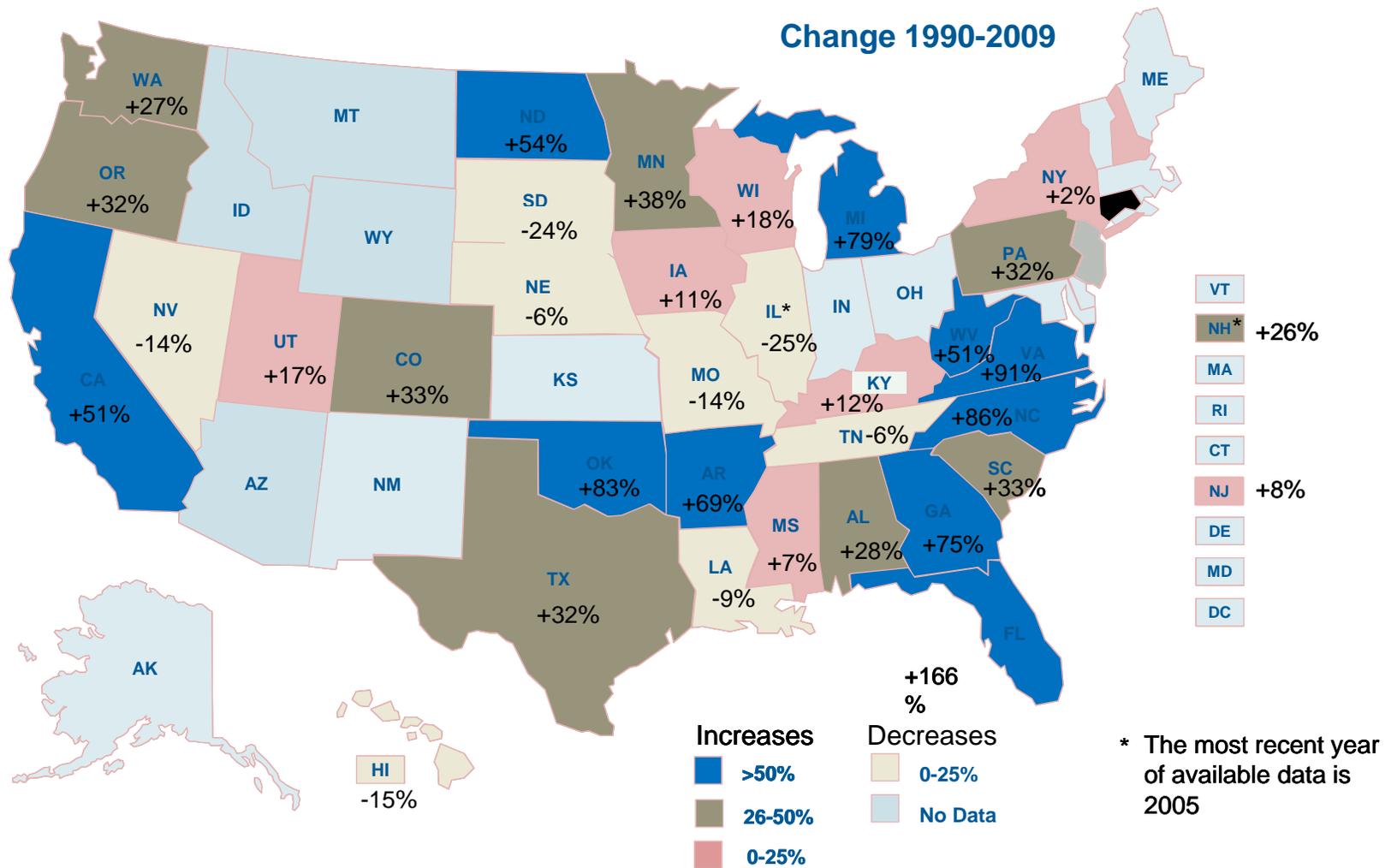
3 Lack of Community Supervision and Support

- Insufficient supervision and services for released offenders
- Inaccurate or lack of risk assessment tools to target supervision and reentry resources

4 Parole System Delays and Denials

- Reduced parole grant rates
- Long delays in release due to release procedures

Prison Growth: Increased Length of Stay



Source: The Pew Charitable Trusts

What does the latest science
tell us about what works
to reduce recidivism?

Proven Principles for Reducing Recidivism

- Focus on high-risk offenders
- Frontload resources
- Use swift & certain sanctions
- Incorporate rewards and incentives
- Combine surveillance with treatment

Common Policy Options

1

Sentencing Policies and Practices

- Reclassify/redefine drug and property offenses
- Expand eligibility for community corrections, drug courts
- Use valid risk and need assessment tools at sentencing

Sentencing Policies and Practices: State Examples

Kentucky	<ul style="list-style-type: none">Established a proportionate scale of penalties to ensure penalties for serious drug traffickers are more severe than for those who sell small amounts for personal use
Georgia	<ul style="list-style-type: none">Separated a single burglary sentencing range into 2 degrees to differentiate between burglaries of residential and commercial dwellings
Arkansas	<ul style="list-style-type: none">Revised drug statutes to distinguish between drug users and career criminals by enhancing penalties for serious offenses and revising felony definitions for simple possession.

Common Policy Options

2 Probation and Parole Revocations

- ☑ Use Swift, Certain and Proportional Responses to Technical Violations:
 - Adopt graduated sanctions
 - Incorporate incentives and rewards for compliance
- ☑ Adopt administrative use of jail sanctions for technical violations
- ☑ Cap revocation time for technical violations

Probation and Parole Revocations: State Examples

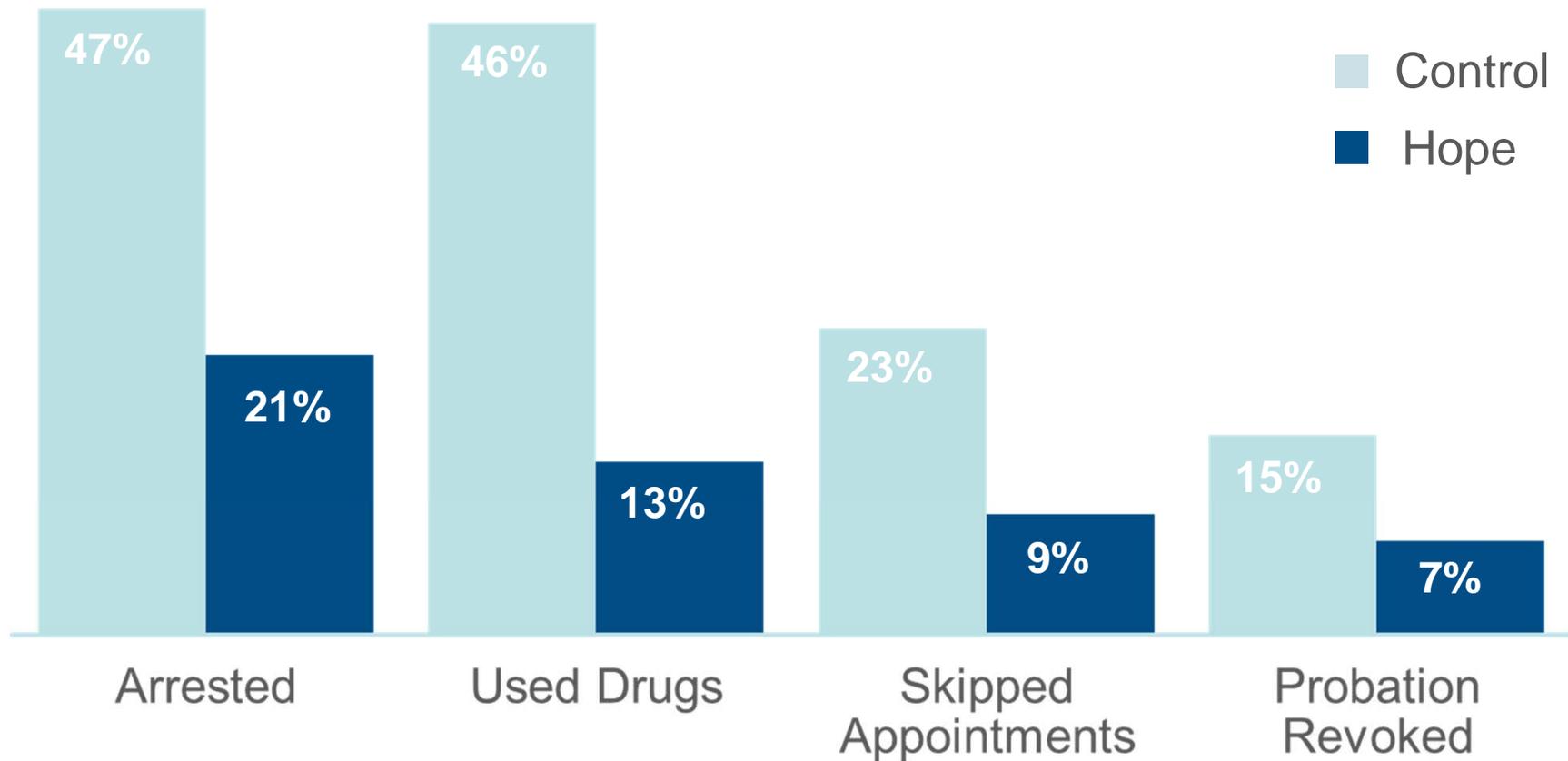
Kentucky	<ul style="list-style-type: none">• Created two pilot projects based on the HOPE model
North Carolina	<ul style="list-style-type: none">• Limited incarceration time for technical violations to 3 months, but offenders who commit new crimes or abscond can be revoked
South Carolina	<ul style="list-style-type: none">• Authorizes Department of Probation, Parole and Pardon Services to impose administrative sanctions for technical violations

What is HOPE?

- Created in 2004 by Judge Steven Alm of Hawaii's First Circuit
- Swift and certain sanctions for probationers
- Aims to reduce recidivism
- Rigorously evaluated

Swift, Certain, and Proportional: Research

Hawaii's HOPE Program Outcomes



Common Policy Options

3 Community Supervision and Support

- Reinvest savings into community-based treatment
- Use risk-needs assessments in supervision
- Focus resources on high-risk offenders and target criminogenic needs
- Offer incentives for agencies, offenders

Community Supervision: State Examples

South Carolina	<ul style="list-style-type: none">• Adopted a validated risk and needs assessment in probation and parole supervision, and in parole release decisions.
Texas	<ul style="list-style-type: none">• Reinvested \$241 million to expand in-prison and community-based substance abuse and mental health treatment and diversion programs
Kentucky	<ul style="list-style-type: none">• Reinvested savings achieved by drug law changes into evidence-based community interventions to reduce recidivism.

Community Supervision: State Examples

South Dakota	<ul style="list-style-type: none">Utilized evidence-based practices to better direct resources to high-risk offenders.
Arkansas	<ul style="list-style-type: none">Required Department of Community Corrections to conduct risk-needs assessment at intake and use the results to set the conditions of supervision and assign programming.

Common Policy Options

4 Release and Parole Procedures

- Earned early release or reduced lengths of supervision
- Mandate re-entry supervision
- Streamline parole procedures
- Expand parole eligibility

Release and Parole Procedures: State Examples

Arkansas	<ul style="list-style-type: none">• Allowed the Department of Community Corrections to discharge probationers and parolees at up to ½ of their supervision term if they comply with court-ordered conditions.
South Dakota	<ul style="list-style-type: none">• Created earned discharge credits of 30 days for every month of compliance for offenders on parole.

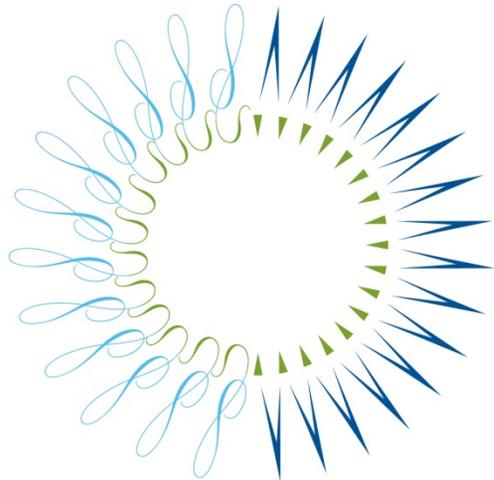
Release and Parole Procedures: State Examples

South Carolina

- Requires non-violent inmates who have been incarcerated for at least two years be released to mandatory supervision 180 days before their release date.

Kentucky

- Requires 6 months of supervision for offenders who would otherwise be discharged without supervision except for serious offenders, who will be supervised for 1 year upon release.



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