



Protecting Public Safety and Reducing Costs in Louisiana

“Without education, job skills, and other basic services, offenders are likely to repeat the same steps that brought them to jail in the first place. This not only affects the offender, but families and our communities as well. This is a problem that needs to be addressed head-on.”

--- Gov. Bobby Jindal, March 18, 2009¹

“**Effective reforms will prioritize prison space for violent offenders, while strengthening probation, parole, and accountability courts for non-violent offenders.**”

Louisiana’s Corrections Challenges

In 2011, when Louisiana announced a partnership with the Pew Center on the States to study the drivers in the state’s prison population, the announcement was supported by Governor Bobby Jindal, Senate President Joel Chaisson, House Speaker Jim Tucker, and Louisiana Sheriffs’ Association Executive Director Hal Turner.² These leaders understand that Louisiana taxpayers are spending hundreds of millions on their prisons.³ They further understand that in 2009, one in every 55 Louisianans was in prison or jail, the highest incarceration rate in the U.S.⁴ Nevertheless, despite high incarceration rates and corrections costs, the state has one of the worst violent crime rates in the country, and in fact, in 2010, Louisiana had the country’s highest murder rate—only Washington, DC ranked higher.⁵ Moreover, in 2009, the five-year recidivism rate in Louisiana was about 48%.⁶

The Role of the Sentencing Commission

The Louisiana Sentencing Commission, which consists of several prominent legislators, judges, sheriffs, district attorneys, and other stakeholders, was created to study and make recommendations to address these challenges.⁷ Prior to this legislative session, it issued recommendations that Commission members believe will result in more public safety per taxpayer dollar spent. The Commission’s proposed reforms seek to prioritize prison space for violent offenders, while strengthening probation, parole, and accountability courts for non-violent offenders.

Taking Cues from Texas

Among the several recommendations made by the Louisiana Sentencing Commission, policymakers should pay special attention to the Commission’s suggestion to alter policies on mandatory minimums so that discretion is returned to the judges and district attorneys who are most familiar with the facts of a case.⁸ Policymakers concerned with streamlining government should also pay attention to the Commission’s suggestion to simplify the formulas that permit non-violent, non-sexual offenders to earn days off their sentences for exemplary behavior.⁹ The Commission also sensibly suggested that reentry courts be expanded into new parishes.¹⁰ Louisiana currently has twenty-nine adult diversion drug courts, seven additional diversion drug courts focusing in part on DWI cases, and three reentry adult drug courts.¹¹ Accountability courts like this have proven to cost-effectively reduce recidivism.¹²

These policies would make the Louisiana system look a bit more like criminal justice in Texas, where the use of mandatory minimums is rare and flexibility is valued,¹³ where it is easier to calculate and understand the formulas that permit non-violent and non-sexual offenders to earn days off their sentences for exemplary behavior,¹⁴ and where the state has increased its reliance on accountability courts.¹⁵

In fact, since 2007, state legislators in Texas have focused on expanding community-based options like accountability courts and halfway houses,¹⁶ and the years in which these changes were implemented have coincided with declining crime rates in Texas.¹⁷ It is notable that the decline is occurring as the state relies less, not more, on incarceration. In fact, in 2011, for the first time in history, Texas closed down a prison – the Central Unit in Sugarland, TX.¹⁸

Genuine Reform in Louisiana Should Be Guided by Six Principles¹⁹

1. As with any government program, the criminal justice system must be transparent and include performance measures that hold it accountable for its results in protecting the public, lowering crime rates, reducing re-offending, collecting victim restitution and conserving taxpayers' money.
2. Crime victims, along with the public and taxpayers, are among the key "consumers" of the criminal justice system; the victim's conception of justice, public safety, and the offender's risk for future criminal conduct should be prioritized when determining an appropriate punishment.
3. The corrections system should emphasize public safety, personal responsibility, work, restitution, community service, and treatment—both in probation and parole, which supervise most offenders, and in prisons.
4. An ideal criminal justice system works to reform amenable offenders who will return to society through harnessing the power of families, charities, faith-based groups, and communities.
5. Because incentives affect human behavior, policies for both offenders and the corrections system must align incentives with our goals of public safety, victim restitution and satisfaction, and cost-effectiveness, thereby moving from a system that grows when it fails to one that rewards results.
6. Criminal law should be reserved for conduct that is either blameworthy or threatens public safety, not wielded to grow government and undermine economic freedom.

Conclusion

By building on existing research from the Louisiana Sentencing Commission and following key principles that have guided successful reforms in Texas and other states, Louisiana policymakers can take the next steps to enhance public safety in the state and control costs borne by taxpayers.

Six Principles:

1. Transparency
2. Justice
3. Treatment
4. Community
5. Results Oriented
6. Limited Government



¹ Office of the Governor, "[Governor Jindal Announces New Re-Entry Program for State Inmates in Parish Prisons to Reduce Recidivism Rate and Make Communities Safer](#)," news release, March 18, 2009.

² Office of the Governor, "[Governor Jindal Announces LA Selected for Pew Partnership to Reform LA Criminal Justice System](#)," news release, January 20, 2011.

³ Ruth Delaney and Christian Henrichson, "[The Price of Prisons: What Incarceration Costs Taxpayers](#)" (Vera Institute of Justice Center on Sentencing and Corrections, January 2012), 8.

⁴ Tim Morris, "[Louisiana's Incarceration rate is No. 1 in nation](#)," *New Orleans Times-Picayune*, March 2, 2009 (accessed April 25, 2012).

⁵ United States Department of Justice, "[Crime in the United States](#)" (Federal Bureau of Investigation, 2010).

⁶ Office of the Governor, "Governor Jindal Announces LA Selected for Pew Partnership."

⁷ The Louisiana Sentencing Commission Overview provides a broad outline of the Commission's recommendations and a listing of the Commission's members. Louisiana Sentencing Commission, "[Louisiana Sentencing Commission Overview](#)" (March 2012), 7.

⁸ *Ibid.*, 19.

⁹ *Ibid.*, 20.

¹⁰ *Ibid.*, 21.

¹¹ National Association of Drug Court Professionals, "[Drug Court Map](#)" (accessed May 10, 2012).

¹² Marc A. Levin, "[Drug Courts: The Right Prescription for Texas](#)," (Texas Public Policy Foundation, February 2006), 1-2.

¹³ Ashley Stebbins, "[A Tale of Two States Without a Sentencing Commission: How Divergent Sentencing Approaches in California and Texas Have Left Texas in a Better \(and Model\) Position](#)," 62 BAYLOR L. REV. 873, 880 (2010) ("California can draw important lessons from Texas sentencing. Texas has preserved an indeterminate system with unique features that have allowed it to remain flexible in its own recent reforms and to address prison overcrowding.")

¹⁴ [TEX. GOV'T CODE ANN. § 508](#) (Vernon 2011); see also generally Texas Department of Criminal Justice Parole Division and Texas Board of Pardons and Paroles, "[Parole in Texas: Answers to Common Questions](#)" (2012).

¹⁵ Texas Department of Criminal Justice, "[Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds](#)" (December 1, 2007), 10-11.

¹⁶ *Ibid.*

¹⁷ Texas Department of Public Safety, "[Annual Report of 2010 Uniform Crime Reporting Data Collection](#)" (2010), 1.

¹⁸ Zen T.C. Zheng, "[Lawmakers agree to shut 102-year-old Sugar Land prison](#)," *Houston Chronicle*, May 18, 2011 (accessed April 25, 2012).

¹⁹ Right On Crime "[Statement of Principles](#)."