



POLICY FRAMEWORK TO STRENGTHEN COMMUNITY CORRECTIONS

Challenge

States have added 1 million prison cells over the past 20 years, pushing the U.S. prison population to 2.3 million and the incarceration rate past 1 in 100 adults, by far the highest in the world. Still, more than 95 percent of inmates are eventually released back to the community. Add in offenders on probation, parole or other post-prison supervision and there are now 7.3 million American adults under correctional control on any given day. The corrections system costs states nearly \$50 billion a year, and federal and local governments billions more.

That kind of money might be justified if it were dramatically cutting crime. But it's not. More than 40 percent of probationers do not complete their probation period successfully and more than half of parolees end up back behind bars within three years. While repeat offenders are major drivers of prison growth and costs, so are people who have broken the rules of their probation or parole release but who have not committed a new crime. Offenders who violate their supervision conditions account for a significant portion of prison admissions, reducing space available for violent and chronic criminals.

These high failure rates stem in large part from overwhelmed community supervision agencies. While national attention has focused on the dramatic rise of incarceration, the probation and parole populations have risen just as fast. The agencies responsible for supervising these 5 million offenders, however, haven't received nearly enough resources or authority to keep up.

Solution

More than 25 years of research has identified a series of policies and practices that can make substantial cuts in recidivism rates. Policy makers in several states have enacted reforms that help corrections agencies adopt these "evidence-based practices" by providing fiscal incentives, clearing obstacles, enhancing their authority, and tracking their results.

During 2008, the Public Safety Performance Project of The Pew Charitable Trusts' Center on the States brought together leading policy makers, practitioners and researchers to review a wide range of these reforms. From the review and discussions with dozens of additional experts emerged a package of policy-level actions for state legislators and executives. The measures below were selected as part of the initial framework; others may be added as state and local leaders continue to innovate. And though individual sections would have impact if adopted alone, taken together they offer policy makers a powerful opportunity to help reduce victimization and control corrections costs.

A Word About Implementation

State criminal laws and justice systems vary widely, as do the capacities of community corrections agencies to implement the proposed policy changes. To account for this, many of the provisions contain bracketed terms or timeframes that may need to be adjusted to fit the circumstances in individual states. The recommendations in brackets should be viewed as starting points for deliberations. In addition, some of the provisions could be adopted by executive order or court rule as well as by legislative action.

Menu of Policy Options

Full provisions—including suggested language for legislation, executive order or court rules, research rationale and state examples—are available at www.pewpublicsafety.org.

1. Evidence-Based Practices

- Requires 75 percent of offenders be supervised in accordance with evidence-based practices within four years.
- Requires that 75 percent of state funds spent on programs and treatment be spent on programs that are evidence-based within four years.
- Requires use of objective risk assessment tools to assign supervision levels and development of individual case plans.
- Requires agencies to provide employees training on evidence-based practices.
- Sets aside a portion of agency funds for research on program effectiveness.

2. Earned Compliance Credits

- Creates an “earned compliance credit” that would reduce the time that offenders are on active supervision by 15 days for each month that they are in full compliance with their conditions of supervision, including payment of restitution to crime victims. After an offender has paid all outstanding restitution, fines and fees, the court or releasing authority may reduce the period of supervision by the amount of credit earned.

3. Administrative Sanctions

- Requires community corrections agencies to adopt a set of swift, certain and graduated sanctions and rewards to respond to violations and compliance with the conditions of supervision.
- Establishes authority for agencies to impose graduated sanctions and rewards through an administrative process.

4. Performance Incentive Funding

- Establishes performance-based funding for local jurisdictions or state regions/districts so that community corrections agencies will receive a portion of the imprisonment costs averted when they reduce the rate of new felony convictions and the rate of revocations for technical violations.
- Additional savings will be appropriated to agencies if they show improvement in each of three other key outcome measures: employment, drug test failures, and victim restitution collection.
- Eliminates incentive funding if there is an increase in the agency’s new felony conviction rate for probationers and parolees.
- Permits incentive funding to be used to implement evidence-based practices, expand effective offender programming, and provide grants to victim service organizations.

5. Performance Measurement

- Requires community corrections agencies to set up a system to track and report regularly on key performance measures as defined by the American Correctional Association and the American Probation and Parole Association.
- The measures are: recidivism, employment, substance use, payment of victim restitution, compliance with “no contact” orders, and the overall performance of offenders as measured by the type of discharge from supervision.

Policy Framework Reviewers

The following experts reviewed drafts of the provisions in the framework. Neither they nor their current or former organizations necessarily endorse the findings or recommended provisions.

- Steve Aos, Wash. State Institute for Public Policy
- James Austin, The JFA Institute
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- Peggy Burke, Center for Effective Public Policy
- Bill Burrell, Temple University
- Pam Casey, National Center for State Courts
- Elyse Clawson, Crime and Justice Institute
- Marshall Clement, Council of State Governments Justice Center
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- George Keiser, National Institute of Corrections
- Alison Lawrence, National Conference of State Legislatures
- Mary Lou Leary, National Center for Victims of Crime
- Dan Levey, Advisor for Victims, AZ Governor's Office
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- Donna Lyons, National Conference of State Legislatures
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- Ginger Martin, OR Dept. of Corrections
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- Don Murray, National Association of Counties
- Pat Nolan, Prison Fellowship
- Ron Reinstein, AZ Center for Evidence Based Sentencing
- Ed Rhine, OH Dept. of Rehabilitation and Correction
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- Dennis Schrantz, MI Dept. of Corrections
- Anne Seymour, Crime Victims consultant
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