



## **Research Report**

# **State by State: Controlling the Increasing Cost Of Corrections**

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BUREAU OF LEGISLATIVE RESEARCH

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## Executive Summary

"More than 7.3 million adults are in prison, on probation or parole, or under other post-prison supervision. The correction system costs states nearly \$50 billion a year, and federal and local governments spend billions more" (Pew Center, p. 1, 2008). In Arkansas for Fiscal Years 2009 and 2010, budgets have been cut for both the Department of Correction (DOC) and the Department of Community Corrections (DCC). For FY 2009, the revised forecast provided funding of categories A, A1 and 53.9% of B for all state agencies, resulting in reductions totaling \$106.8 million. This reduced the DOC's general revenue funding in category B by \$13.1 million and the DCC's by \$6.4 million. In FY 2010 Arkansas has had two revisions in the official forecast. October 20, 2009 budget reductions amount to \$9.1 million for the DOC and \$2.9 million for the DCC. January 11, 2010 reductions total \$6.7 million for the DOC and \$1.5 million for the DCC. Authorized appropriations for FY 2011 are as follows:

- Department of Corrections - \$404,212,642
- Department of Community Corrections - \$100,891,027

In these challenging economic times, many states have looked for ways to decrease corrections costs without putting public safety at-risk. The strategies they have tried include cutting operational costs, reducing recidivism rates, early release initiatives, developing alternatives to incarceration and early prevention programs. This report describes four broad approaches states are using to control their corrections costs both for the short and long term.

- **Operations.** State corrections departments are using multiple methods to reduce corrections operating expenditures. They have cut staff, eliminated prison programs and closed facilities.
- **Sentencing and Policy.** Looking at mandatory minimums, truth-in sentencing, three-strikes, and other sentencing legislation.
- Expanding **Prison Release Policies and Programs.** Tough sentencing policies have contributed to a growing prison population over the past forty years. To control prison overcrowding, some states have expanded programs that give inmates time credit for good behavior.
- Strengthening **Parole, Probation and Re-Entry Programs.** Some states have tried to reduce recidivism and parole violations by improving the support and monitoring they provide parolees and probationers.
- **Early Childhood Prevention and Social Support Programs.** Long-term solutions for controlling corrections costs include crime prevention efforts. Pre-kindergarten programs, parenting skills training and child social skills training are among the programs that have proven effective.

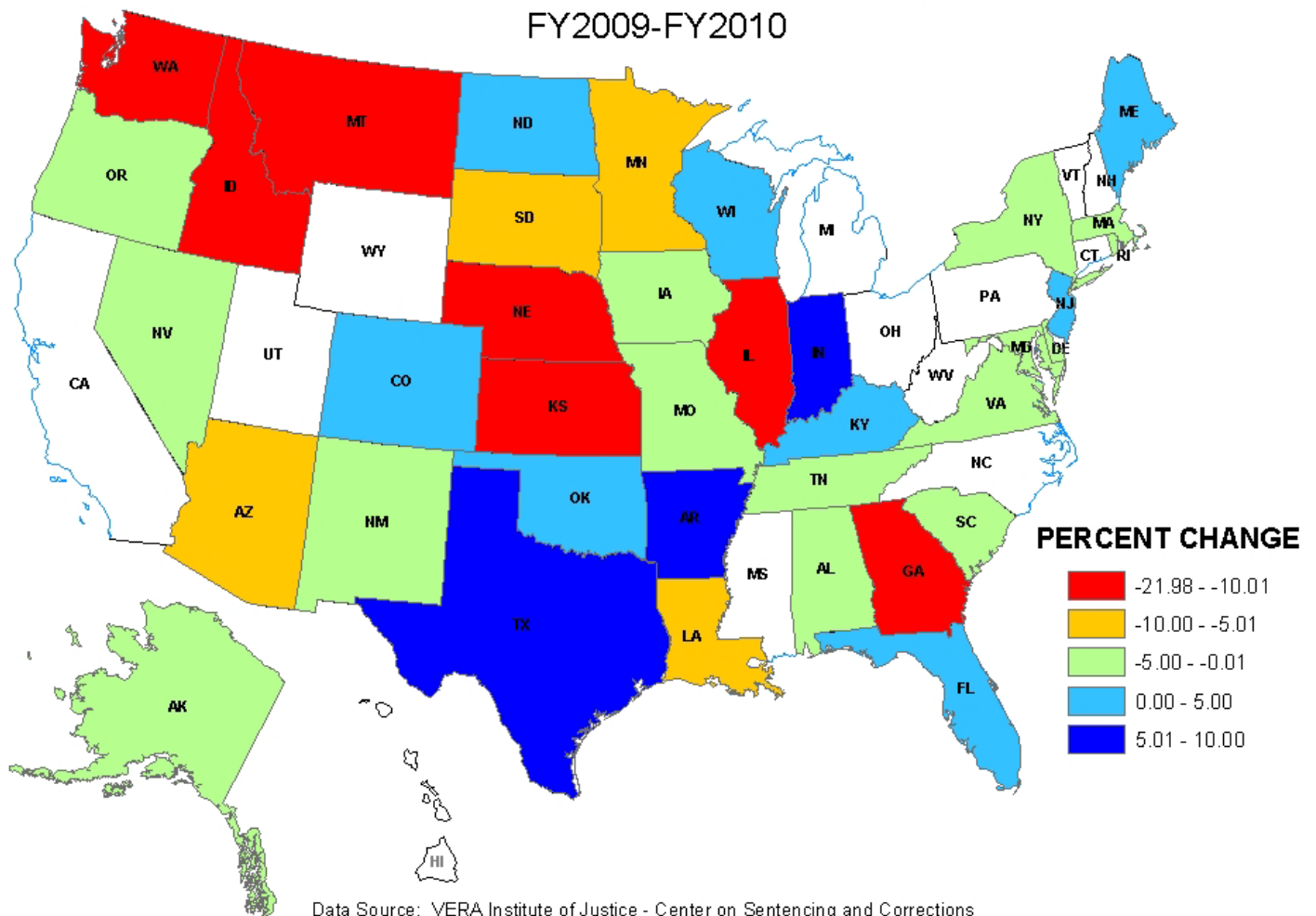
This report examines the research that identifies which programs and policies have been shown to work and which have shown little result. The report also examines two innovative efforts to reduce corrections costs. In 2007, the Texas Legislature enacted a corrections reinvestment initiative that called for greater treatment capacity in the prison system. New York's Alternatives to Incarceration (ATIs) strategy allows a judge to sentence someone to a program where they receive treatment, education and employment training in the community, instead of incarceration.

## Operations

Many state corrections officials believe cutting operational spending can be the quickest way to reduce their corrections costs. However, determining what services are truly non-essential can be difficult. Many services may be important, but not immediately necessary to sustain life. The Vera Institute of Justice, an independent, non-partisan, nonprofit center for justice policy and practice, compiled information on the state corrections budgets. Of the 37 states that provided information to the Institute, just ten states, including Arkansas, increased their 2010 budgets from their 2009 levels. This report "The Fiscal Crisis in Corrections: Rethinking Policies and Practices" lists some areas where state correctional departments are making operational cuts in order to work within their new budgets. The most common way states have chosen to reduce operating costs are through reductions in salaries and benefits, layoffs or hiring freezes and eliminating or reducing programs.

"Second only to Medicaid, corrections has become the fastest growing general fund expenditure in the United States." (Hayward, p.3, 2009)

Chart A – Changes in Corrections Budgets



**Chart B – Corrections Budget Changes and Cost-Saving Efforts**

STATE	CORRECTIONS BUDGET CHANGES		COST- SAVING EFFORTS IN FY2010 BUDGETS						
	Initial FY2010 general fund appropriations (in millions)	% change in initial general fund appropriations from FY2009 to FY2010	Decrease health services (medical, mental health or dental)	Reduce food services	Eliminate pay increases, reduce benefits, or decrease overtime	Staff reductions or hiring freezes	Eliminate or reduce programs or discontinue/ renegotiate contracts for programming	Close facilities or reduce beds	Delay expansion or construction of new facilities
AL	\$366.20	-1.13			x	x			
AK	\$212.40	-0.16					x		x
AZ	\$876.30	-\$7.51	x		x	x	x	x	x
AR	\$290.40	5.31							
CO	\$677.60	0.38			x	x		x	x
DE	\$249.50	-3.71		x	x	x	x		x
FL	\$2,297.90	1.64	x	x		x	x		
GA	\$986.60	-14.77			x	x	x	x	
IL	\$1,097	-17.42			x	x	x	x	
ID	\$150.70	-14.35			x	x		x	x
IN	\$678.80	6.38			x	x			x
IA	\$356.50	-4.31			x			x	
KS	\$215.10	-21.98	x		x	x	x	x	
KY	\$440.40	3.73			x	x		x	x
LA	\$604.40	-7.63			x	x	x	x	x
ME	\$165.30	3.49	x	x	x	x	x		
MD	\$1,049.60	-4.59			x	x			
MA	\$521.10	-1.78	x		x	x	x	x	
MN	\$430.90	-8.75	x			x	x		
MO	\$656.90	-1.48			x	x	x		
MT	\$167.40	-11.19							
NE	\$120.80	-18.06							
NV	\$257.70	-0.08			x	x	x	x	x
NJ	\$1,052.10	1.50			x	x	x	x	
NM	\$284.60	-4.21	x	x	x	x	x	x	x
NY	\$2,300.90	-3.76			x	x	x	x	
ND	\$70.50	1.29							
OK	\$503	0				x			
OR	\$604.70	-4.63			x	x	x	x	x
RI	\$177.40	-0.69			x	x	x	x	
SC	\$330	-1.97			x	x	x		
SD	\$75.90	-8.51	x	x	x	x			
TN	\$667.30	-1.90		x		x			x
TX	\$2,791.50	6.66							
VA	\$973.40	-4.22		x	x	x	x	x	
WA	\$1,555.70	-10.37	x		x	x		x	x
WI	\$1,123.90	3.49			x	x			

Source: "The Fiscal Crisis in Corrections: Rethinking Policies and Practices" The Vera Institute: Center on Sentencing and Corrections, July 2009 (Updated) by Christine S. Scott-Hayward.

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## Sentencing and Policy

Sentencing is a big focus for states across the country as they try to address their increasing cost of corrections. For example, "Mississippi reduced its prison population and saved millions by allowing non-violent offenders to be considered for parole after serving 25 percent of a sentence, instead of the 85 percent previously required" (Teegardin, 2010). Georgia is an example of a state that is making cuts, but not by decreasing time on an inmate's sentence. They are still working under the "adage, if you do the crime, you do the time" (Teegardin, 2010). Listed below are other state examples of sentencing reform. One is on South Carolina's recent sentencing reform bill. The others are brief summaries of legislation from Minnesota and Nevada. There are also two appendices (Appendix A and Appendix B) attached to this report. These are two documents from the National Conference of State Legislatures (NCSL) listing sentencing and policy options that have either been adopted or are being considered by states.

"A bill designed to reduce the number of people going to jail in South Carolina for minor offenses and let more people out on parole received key approval Thursday (March 25, 2010). The bill approved by the Senate is expected to save taxpayers money while providing improved oversight and training of non-violent offenders. Proponents said that it will ensure there is prison space for high-risk, violent criminals and that they will serve longer prison terms. People convicted of non-violent crimes account for nearly half of the state's 25,000 inmates, and nearly one in five inmates are imprisoned for drug crimes. South Carolina's inmate population and its cost to taxpayers have soared since 1983, from less than 9,200 costing the state \$64 million, to 25,000 costing \$394 million. If trends continue, there will be 3,200 more inmates in five years, costing an extra \$141 million to house and feed them, and several hundred million more for construction of new prisons. The bill deletes mandatory minimum sentences for first conviction on simple drug possession, allows the possibility of probation or parole for certain second and third drug possession convictions and removes sentencing disparities between crack and cocaine possession. The idea is to incarcerate the people pushing the drugs, not the users. The bill also includes allowing home detention for third-offense driving under suspension, it increases penalties for someone driving with a suspended license who injures someone and changes the status of two dozen crimes from non-violent to violent - including sex crimes involving children - meaning those inmates cannot be paroled until they serve at least 85 percent of their time (Adcox, p.1, 2010).

In Minnesota, "SB 208 converts mandatory minimum sentence for repeat offenders of fifth degree controlled substance from an unwaivable [sic] to a waiveable one, considered a departure from the sentencing guidelines" (NCSL , p.3, 2010).

In Nevada, "AB 168 - Chapter 44 authorizes the court to reduce or suspend a sentence for a conviction of trafficking a controlled substance if the court finds that the defendant provided substantial assistance in the investigation or prosecution of any offense" (NCSL , p.3, 2010).

In New York, "AB 156 - Chapter 56 permits conditionally sealing arrest, prosecution and conviction records for controlled substance offenses or certain non-violent offenders sentenced to parole supervision who have successfully completed a judicially sanctioned drug treatment diversion program. Permits the court to extend a period of interim probation for one additional year for continued participation in treatment. Creates the Jail Diversion Program for certain drug and non-violent offenders charged with Class B,C, D or E felony controlled substance offense or certain non-violent offense. Permits offenders convicted of Class B felony controlled substance offenses serving an indeterminate sentence of more than three years to apply to be re-sentenced to an indeterminate sentence. Decreases mandatory minimums, expands probation eligibility and permits departures from mandatory incarceration for various felony drug offenses. A provision allows certain previously convicted offenders to apply for re-sentencing. Gives the court discretion to sentence any Class B, Class C, Class D or Class E felony controlled substance offense to a sentence of probation, conditional discharge and unconditional discharge in accordance with the authorized dispositions for felony controlled substance offenses in law. Offenders convicted of operating as a major drug trafficker and criminal sale of a controlled substance to a child are exempted from the sentencing and supervision changes" (NCSL, p.3, 2010).

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## Prison Release Policies and Programs

In addition to streamlining operations budgets, some states are changing policies to accelerate the early release of inmates. Earned Time Credit (ETC) is given in at least 31 states according to the National Conference of State Legislatures (NCSL). There are many ways that non-violent, low-risk offenders can potentially earn a credit for early release. The most common ways to earn early release are to participate in or complete an education program, extra work program, vocational program or rehabilitative program. Another way is through meritorious service. "In North Dakota, meritorious service can be defined as 'exceptional quantity or quality of work far beyond the normal expectations for the job assignment'" (Lawrence, p.2, 2009). Other programs that enable offenders to build up earned time credit vary by state. The following list shows the number of states that have specific earned time programs:

- (21) states have ETC for participating in/or completing an educational program.
- (18) states have ETC for work program(s).
- (16) states have ETC for participating in/or completing a vocational program.
- (14) states have ETC for participating in a rehabilitative program.
- (13) states have ETC for meritorious service.

"In Arkansas, for example, inmates are eligible for one-time credits of 90 days for completion of educational, vocational, and substance abuse programs. California, Iowa and New Mexico, allow a one-time award of up to 365 days for meritorious service" (Lawrence, p.2, 2009). Among states that have earned time or early release programs, specific policies can differ slightly. For example, the amount of earned time that can be awarded varies as well as the types of offenders who are eligible. However, it is fairly consistent that only non-violent, non-repeat offenders are the individuals who can participate in these programs. This reserves the beds in prisons and other correctional facilities for the more violent, repeat offenders.

"Three quarters of state prison commitments are for non-violent offenses, resulting in overcrowded prisons and shorter prison terms for more dangerous offenders. We over-incarcerate some offenders, and under-incarcerate others." **(Warren, p.i. 2007).**

### Kansas

"In 2007, Kansas adopted a package of measures designed to control the growth of incarceration while keeping communities safe. An earned time credit of 60 days can be offered to a low-level offender (typically drug or property crime offenders) for the successful completion of one of four programs: substance abuse treatment, a general education diploma, a technical or vocational training program or any program the secretary of corrections believes will reduce a given inmate's risk of violating the conditions governing his eventual release" (Lawrence, p. 6, 2009).

### Pennsylvania

"Hoping to reduce recidivism and control the state prison population, Pennsylvania in 2008 adopted legislation allowing some offenders to trim their minimum sentence by as much as one-fourth for completing targeted programs. The Recidivism Risk Reduction Incentive (RRRI) is for offenders who have not committed a personal injury crime, a sex crime, a crime with a firearm or crimes establishing them as drug kingpins" (Lawrence, p. 7, 2009). It allows the offenders to complete certain programs in order to receive an earned time credit. These efforts will hopefully provide them with some skills that will be useful upon release, as well as keep the prison safer for staff and other inmates during their time served.

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## Washington

"In 2003, the Washington Legislature increased the amount of earned time non-violent and property crime offenders could earn. Subsequently, lawmakers asked the non-partisan Washington State Institute of Public Policy to analyze the costs and benefits of that move.

Results are as follows:

- The three-year felony recidivism rate for offenders under the new 50% law has reduced new felony convictions in Washington by about 3.5%.
- The length of prison stay was shortened by an average of 63 days.
- On the benefit side, they found that the 63-day reduced length of stay produced about a \$5,500 in cost savings per offender.
- The 3.5% reduction in the future recidivism rates of the offenders resulted in an avoided crime benefit of about \$5,100, plus about \$3,000 in taxpayer costs that would have been incurred to process those crimes.
- Prisoners entering the workforce earlier would generate some earnings - this total was about \$1,800 per released offender, bringing total benefits per offender to about \$15,400" (Lawrence, p. 5, 2009).

"The impact of incarceration on crime largely depends on who goes to prison and for what length of time. Incarceration has a far greater impact and return on investment when it is used for violent and high-rate offenders" (Przybylski, p.27, 2008).

However, "on the cost side, we believe that an increase in property crimes is due to a decrease in the incarceration rate, which produces about \$8,200 in added costs to victims and taxpayers. The bottom line estimate is that the 2003 law expanding earned time generates a net savings of about \$7,200 per offender or about \$1.90 of benefits for each \$1 of costs" (Lawrence, p. 5, 2009).



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## Parole, Probation, and Re-Entry Programs

Many states are trying to strengthen their community corrections systems, hoping that successful programs for parolees and probationers will reduce the chances that offenders will return to prison. "High rates of failure among people on probation or parole are a significant driver of prison populations and costs in most states" (Hayward, p.2, 2009). One contributor to this high rate of failure is the inability of parole/probation officers to focus on the support side of probation because of the overwhelming demand placed on them to simply maintain contact with all of the offenders under their care and supervision. Consequently, many states have tried to place more emphasis on community corrections and services that parolees need to keep them out of prison and active, contributing members of society. States' efforts have focused on providing additional support to offenders to decrease the chances they will commit another crime and more closely monitoring offenders to reduce parole and probation violations.

### Reducing Recidivism

Once offenders are set to be released from prison, the goal is to successfully integrate the individual back into society. There are a number of programs both in and out of prison to support individual offenders. In the report, "What Works: Effective Recidivism Reduction and Risk-Focused Prevention Programs," Roger Przybylski describes two basic types of criminal risk factors: "(1) static, which cannot be

Recidivism - "the rate at which people released from prisons and jails commit new crimes, violate terms of probation or parole, are re-arrested or are re-incarcerated."  
(Yoon and Nickel, p.7, 2008)

changed (e.g., criminal history, age) and (2) dynamic, which are malleable. *Dynamic risk factors* are also known as *criminogenic needs* because they are amenable to change and are appropriate targets for intervention and case management. These risk/needs factors include criminal attitudes, thinking and values; unstable living arrangements; lack of employment; anti-social peer associations; problems with substance abuse; and lack of self-control" (Przybylski, p.30, 2008). There is a wide range of programs that attempt to address these needs upon release back into society and a number of them have proven effective (when properly implemented) in reducing the number of individuals who re-offend and return to prison.

Rehabilitation is one type of program that has proven to be an effective strategy for supporting these needs and reducing recidivism, according to Przybylski's 2008 report. He noted that, "more than 30 years of research has produced a body of evidence that clearly demonstrates that rehabilitation programs work. A variety of programs properly targeted and well-implemented, can reduce recidivism and enhance public safety" (Przybylski, p.2, 2008). Listed below are the types of rehabilitation programs that Przybylski indicates are known to reduce recidivism rates.

- Education and Vocational Programming
- Substance Abuse Treatment
- Drug Courts
- Sex Offender Treatment
- Mental Health Treatment
- Cognitive-Behavioral Programs
- Programs for Juvenile Offenders

Across the board, programs that have a strong foundation based on research i.e. evidence-based programs, seem to be the ones that work best. "Investing in these evidence-based programs is the key to reducing victimization and increasing public safety while simultaneously managing correctional costs" (Przybylski, p.4, 2008).

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In 2009, Illinois passed legislation that "establishes *Adult Redeploy Illinois*, a program that directs state funds toward local efforts at rehabilitation. This system of incentive funding will be used to support locally-based sanctions and treatment alternatives that reduce the number of people entering local and state incarceration facilities" (Hayward, p.12, 2009).

"High rates of failure among people on probation and parole are a significant driver of prison populations and costs in most states" (Hayward, p.2, 2009).

In 2008, the Pew Center on the States identified some other evidence-based practices for strengthening community corrections. The practices they identified were developed from 25 years of research. The report offers recommendations as well as "suggested language, research rationale and state examples" (Pew Center, p.2, 2008). Some of the state examples are listed in the remainder of the report under sub-categories taken from the report. For example, "in March 2009, Governor Bobby Jindal of Louisiana announced the establishment of a program designed to prepare state prison inmates for release and re-entry into society. The program was piloted in two parishes at a cost of \$1.1 million in FY 2010. Inmates will be evaluated medically, mentally and educationally when they enter prison and will undergo three to six months of pre-release training on topics such as communication skills, money management training, housing resources and succeeding on parole" (Hayward, p.8, 2009).

The Pew Center acknowledges that "state criminal laws and justice systems vary widely, as do the capacities of community corrections agencies to implement the proposed policy changes." Because of those differences, the Pew Center acknowledged that states may need to modify the recommendations to fit their own programs. Following the programs recognized in the Pew Center report, Chart C on page 12 gives additional state examples of re-entry programs.

## **Evidence-Based Practices**

### Iowa

"Iowa requires all Community-Based Corrections programs (CBCs) to undergo an annual evaluation on adherence to evidence-based principles, develop Quality Improvement Action Plans and collect and track specific performance measures" (Pew Center, p.9, 2008).

### Maine

"HB 1327 (requiring that local jurisdictions establish criminal justice planning committees to update and increase the use of evidence-based correctional practices)" (Pew Center, p.8, 2008).

### North Carolina

"General Statutes 143B, article 6a, section 17.15(d)(part of the North Carolina State-County Criminal Justice Partnership Act)(the 'Research and Planning Division of the Department of Correction shall review national best practice programs for community corrections and recommend whether the types of programs currently being funded should continue to be funded, and whether alternative programs should be funded if a county wants to expand sanction options'). Juvenile Justice Reform Act of 1998 (147-33.55) requires that the state juvenile justice office fund programs "that it determines to be effective in preventing delinquency and recidivism. Programs that have proven to be ineffective shall not be funded" (Pew Center, p.8, 2008).

<http://www.ncga.state.nc.us/gascripts/BillLookup/BillLookup.pl?Session=1997&BillID=S1260>.

### Oklahoma

"HB 2101 (establishing task force to identify evidence-based programs in reentry support)" (Pew Center, p.9, 2008)

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### Oregon

"SB 267, Sections 3-9 of Oregon Laws 2003. This law requires the Oregon Department of Corrections, the Youth Commission and the Criminal Justice Commission to ensure that a specified portion of their programs or interventions are experimentally tested, cost-effective approaches to reducing a person's propensity to commit crimes. For the biennium beginning 2005, 25 percent of programs and interventions were expected to meet these criteria. For the biennium 2007, it increases to 50 percent and in 2009 and future biennium this increased to 75 percent. The agencies addressed by this legislation must audit and report on their spending on programs and are warned that 'the Legislative Assembly shall consider the agency's failure to meet the requirement of this section in making appropriations to the agency for the following biennium'" (Pew Center, p.9, 2008).

<http://www.leg.state.or.us/03orlaws/sess0600.dir/0669ses.htm>.

### Tennessee

"Public Chapter 585, SB 1790. 'The Department of Children's Services, and any other state agency that administers funds related to the prevention, treatment or care of delinquent juveniles, shall not expend state funds on any juvenile justice program related to the prevention, treatment, or care of delinquent juveniles, including any service model or delivery system in any form or by any name, unless the program is evidence-based.' The legislation goes on to protect innovation by stating, 'the department shall continue the ongoing research and evaluation of sound, theory-based and research-based programs with the goal of identifying and expanding the number and type of available evidence-based programs, and to that end the department may engage in and fund pilot programs as defined in this section.' Like the Oregon law, this legislation includes a 'phase in' period, with the percentage of funds spent on evidence-based programs rising from 25, to 50, to 75 and then to 100 percent over an eight year period" (Pew Center, p.9, 2008).

### Texas

"SB 166 (requiring that county grant applications for prison diversion program include an evidence-based assessment process)" (Pew Center, p.9, 2008).

### Washington

"SB 6157 (requiring that analysis be conducted to identify evidence-based reentry practices)" (Pew Center, p.9, 2008)

### Kansas

"Community Corrections Act, KSA 75-5291(a)(2)(E)(listing as one of its possible eligibility criteria that an offender be classified high risk, high need or both" (Pew Center, p.10, 2008).

### Virginia

"Sentencing Commission enabling statute, VCA 17.1-803(5)-(6) (requiring the establishment of a risk and needs assessment to be used for all felony offenders)" (Pew Center, p.10, 2008).

### Washington

"Offender Accountability Act, RCW 9.94A.501 (community supervision limited to offenders with higher risk scores or with certain current or past offenses. Of the remaining offenders eligible for community supervision, those that are lower risk are placed on administrative probation or 'case banking'" (Pew Center, p.10, 2008).

"Washington, Delaware, Iowa, Oregon and Vermont "are all states focusing their resources on high risk offenders and placing low risk offenders in an administrative category, or 'case banking'" (Pew Center, p.10, 2008).

<http://apps.leg.wa.gov/RCW/default.aspx?cite=9.94A.501>.

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## Maryland

"The Maryland Proactive Community Supervision (PCS) model has demonstrated that how an agency provides community supervision case management matters. Maryland has realized a 28 percent reduction in the rate of arrests for new criminal charges by offenders on supervision by implementing (1) valid assessment tools; (2) case plans that are responsive to the criminal risk factors of high and moderate-risk offenders; (3) appropriate services and controls that use social learning or cognitive-behavioral interventions; and (4) an environment where the offender can learn pro-social behaviors and successfully complete supervision" (Pew Center, p.10, 2008).

## Vermont

"Department of Corrections to establish levels of supervision for each offender based on risk assessment, and specific caseload limits are set for different levels of supervision (H.859, 2008)" (Pew Center, p.10, 2008).

## **Earned Compliance Credit**

Earned Compliance Credits focus more on moderate to high-risk offenders. "Research has shown that moderate-to high-risk offenders benefit most from supervision and services and that lower-risk offenders do worse under these conditions" (Pew Center, p.4, 2008)

## Arizona

"On June 28, 2008, Governor Janet Napolitano signed legislation (effective 12/31/08) authorizing the court to reduce the term of an offender's probation by up to 20 days per month, provided the offender has met certain specific measures of probation compliance (earned time credit). See Arizona Senate Bill 1476.

<http://www.azleg.gov/legtext/48leg/2r/bills/sb1476s.pdf>

"A growing body of research suggests that improving community supervision and helping formerly incarcerated people reintegrate into society can save money and, in many cases, also increase public safety" (Hayward, p.7, 2009).

## Nevada

"In 2007, Nevada adopted a sentencing reform act that enhances reduction-of-sentence credits for parolees and probationers, as well as state prison inmates who participate in programs shown to reduce recidivism. See Nevada Assembly Bill 510, effective July 1, 2007.

[http://www.leg.state.nv.us/74th/Bills/AB/AB510\\_EN.pdf](http://www.leg.state.nv.us/74th/Bills/AB/AB510_EN.pdf)

## Delaware

"In a pilot program that led to a provision in SB 50, the Probation Reform Act, approximately 65 percent of probationers who entered the program were discharged early from their probation. By completing certain goals established by the court, these offenders completed probation sentences of many years in a year and 18 months" (Pew Center, p.5, 2008).

## **Administrative Sanctions**

### Delaware

"11 4334 (Probation Reform Act, SB 50) authorized the Department of Corrections to move offenders between levels of supervision, including a financial/restitution-only status and to impose administrative sanctions for minor or technical probation violations, including up to 5 days in jail, not to exceed 10 days annually" (Pew Center, p.8, 2008)

### Florida

"948 allows the Parole Commission to return the parolee to prison or place the parolee in a community control program. This program can include intensive supervision and surveillance, confinement to a residence outside of employment and public service hours, mandatory public service, electronic monitoring and standard conditions of probation" (Pew Center, p.8, 2008).

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### Georgia

"42-9-34.1 (HB 1161) authorizes a sentencing judge to set a cap below which chief probation officers or Department of Corrections hearing officers may impose administrative sanctions, including placement in secure state residential facilities" (Pew Center, p.8, 2008).

### Illinois

"730 ILCS 5/5 6-4 authorizes intermediate sanctions, including a term of home confinement" (Pew Center, p.8, 2008).

### Maine

"17-A MRSA 1208 authorizes the probation officer to impose administrative sanctions up to 90 days in a residential prerelease center" (Pew Center, p.8, 2008).

### Montana

"46-23-1015 authorizes a hearing officer to impose up to a 30-day sanction in local jail for probation violations" (Pew Center, p.8, 2008).

### Oregon

"137.595 and 144.106 authorize supervising agency personnel to administratively sanction according to a statutory sanctions guideline, including imposition of limited jail sanctions" (Pew Center, p.8, 2008).

### Oklahoma

"57-502 establishes an Intermediate Sanction Matrix that addresses technical violations. A hearing judge can determine whether a technical violation occurred and, if so, consult the matrix for the appropriate intermediate sanction" (Pew Center, p.8, 2008).

### Wisconsin

"302.113 establishes a short-term sanction program for offenders under Extended Supervision through the Wisconsin Truth-in-Sentencing statute. This program allows the Department of Corrections to impose as a sanction for a condition violation confinement in a regional detention facility or local jail for up to 90 days, as opposed to revocation. In addition, the Department of Corrections has adopted regulations for 'functional responses' to conditions violations that establish an administrative system for graduated sanctions" (Pew Center, p.9, 2008).

### Wyoming

"7-13-1107 authorized the DOC to develop administrative sanctions as an alternative to probation or parole violations, not to exceed 30 days in jail or 60 days in community corrections center" (Pew Center, p.9, 2008).

## **Performance Incentive Funding**

### Arizona

"SB 1476 (2008) creates a performance funding mechanism for probation departments to employ best practices to reduce crime and violations committed by people under probation supervision. Under the new legislation, the state will award counties that successfully reduce crime and probation revocations a percentage of the cost savings generated by these reductions at the state-level. The county will then be required to reinvest this supplemental funding in victim services, substance abuse treatment and strategies to improve community supervision and reduce recidivism" (Pew Center, p.7, 2008).

### Kansas

"SB 14 (2007) provides \$4 million annually in state grants to county community corrections programs that submit plans to reduce revocations by 20 percent" (Pew Center, p.7, 2008)

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## Ohio

"OHIO REV. CODE ANN. Sec. 5139.41-.44 (Supp. 2000). The Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors (RECLAIM) system, started in 1993, provides subsidy grants to the state's counties to serve up to 100,000 youth annually through about 700 programs. About \$30 million in RECLAIM funds and \$20 million in 'base' youth services funding combine to pay for programs. RECLAIM Ohio gives each county a fund for local programs based on a formula, and encourages courts to keep low-risk delinquents in county programs by deducting amounts from the fund for each low-risk delinquent sent to state facilities" (Pew Center, p.8, 2008).

## California

"SB 81 (2007) provides counties with block grant funds - an average of \$130,000 per youth - to pay for alternatives to a state commitment for juvenile offenders. To receive a grant, counties must submit a Juvenile Justice Development Plan outlining their intended use of the funds. SB 81 also authorized up to \$100 million statewide in bond funds for the design and construction of new or renovated county facilities for youthful offenders. Oversight will be provided by the state's Juvenile Justice Commission. The reform bill is expected to cut the population in state juvenile facilities from 2,500 to about 1,500 within two years" (Pew Center, p.8, 2008).

## **Performance Measurement**

### Arizona

Department of Corrections

<http://www.azcorrections.gov/adcr/reports/5YearPlan05.pdf>

<http://www.azcorrections.gov/adcr/reports/CAG/CAGAug08.pdf>

### Georgia

Board of Pardons and Paroles

[http://www.pap.state.ga.us/opencms/export/sites/default/resources/07Annual\\_Report.pdf](http://www.pap.state.ga.us/opencms/export/sites/default/resources/07Annual_Report.pdf)

### Iowa

Department of Corrections

<http://www.doc.state.ia.us/Documents/2006AnnualPerformanceReport.pdf>

### Maryland

Department of Public Safety and Correctional Services

<http://www.gov.state.md.us/statestat/reports/DPPvol2no15.pdf>

### New Jersey

Probation Services

<http://www.judiciary.state.nj.us/quant/cman0809.pdf>

### Oregon

Progress Board

<http://www.oregon.gov/DAS/OPB/GOVresults.shtml#top>

### Texas

Legislative Budget Board

[http://www.lbb.state.tx.us/PubSafety\\_CrimJustice/2\\_Current\\_Corr\\_Pop\\_Indicators/recidivism\\_tables.pdf](http://www.lbb.state.tx.us/PubSafety_CrimJustice/2_Current_Corr_Pop_Indicators/recidivism_tables.pdf)

**Chart C – ReEntry / Transition Efforts**

State	Description
<i>California</i>	<p>Creation of the <b>Northern California Re-entry Facility</b>. This was a former women's prison that has been converted into a 500-bed secure re-entry facility that will house male inmates for up to 12 months prior to parole. The facility will provide:</p> <ul style="list-style-type: none"> <li>- Intensive substance abuse treatment.</li> <li>- Vocational training and job placement.</li> <li>- Academic education.</li> <li>- Housing placement.</li> <li>- Anger management classes.</li> <li>- Family counseling.</li> <li>- Other targeted services.</li> </ul>
<i>Colorado</i>	<p>The FY2010 <b>Crime Prevention and Recidivism Reduction Package</b> establishes and provides \$160,000 in funding for community corrections discharge planning.</p> <ul style="list-style-type: none"> <li>- Mental health and substance abuse needs.</li> <li>- Discharge planning for inmates within four months of release, i.e. individualized education modules.</li> </ul>
<i>Connecticut</i>	<p>Re-entry furloughs release people from prison up to 45 days early and provide accountability, support, and aftercare services to released individuals for a period of community supervision and is estimated to save more than \$5 million each year.</p>
<i>Louisiana</i>	<p>Pilot program in two parishes designed to prepare inmates for release and re-entry into society. Inmates are evaluated medically, mentally, and educationally when they enter prison and will undergo 3-6 months of pre-release training on topics such as:</p> <ul style="list-style-type: none"> <li>- Communication skills.</li> <li>- Money management training.</li> <li>- Housing resources.</li> <li>- Success on parole.</li> </ul>
<i>Maryland</i>	<p>Expansion of the <b>Violence Prevention Initiative</b> (launched FY 2009). Aimed at reducing re-offending by the state's most violent supervisees and using the following techniques:</p> <ul style="list-style-type: none"> <li>- Stricter supervision.</li> <li>- Follow-up counseling.</li> <li>- GPS monitoring.</li> </ul>
<i>Michigan</i>	<p><b>Michigan Prisoner Re-entry Initiative</b> aims to reduce the state's costly recidivism rate by better preparing inmates for release.</p>
<i>Missouri</i>	<p><b>Community Re-entry Grants</b> program makes funds available to local agencies and non-profit organizations to support re-entry. State budget also provides \$900,000 for ongoing funding for the <b>St. Louis re-entry program</b>, a pilot program being converted to a permanent program.</p>
<i>Montana</i>	<p>Through budget allocations, the state is adding 33 beds to the <b>Great Falls Pre-Release Center</b>, a facility that serves mentally ill and aging/disabled inmates as they transition from secure custody to community placements.</p>
<i>Texas</i>	<p>HB 1711 of 2009 required the establishment of a comprehensive re-entry plan for people leaving correctional facilities. Goals were to reduce recidivism, ensure successful re-entry of inmates into the community. Texas focused on the following programs:</p> <ul style="list-style-type: none"> <li>- Needs assessments.</li> <li>- Transition programs.</li> <li>- Information sharing across agencies.</li> </ul> <p>This act also established a multi-agency Re-entry Task Force to identify gaps in services and coordinate with providers.</p>

Source: "The Fiscal Crisis in Corrections - Rethinking Policies and Practices." The Vera Institute: Center on Sentencing and Corrections, July 2009 (Updated) by Christine S. Scott-Hayward

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## Public/Private Partnerships

Many states have been able to access private resources through various faith-based and community organizations. "These states share a key strategy: they have learned how to create valuable partnerships with faith-based and community organizations that provide re-entry programs and services" (Yoon and Nickel, p.1, 2008). Although many re-entry partnerships exist in a number of states, there are some common obstacles that exist to collaboration. Five of these are listed in a report released from the Council of State Governments (CSG) Justice Center. They are listed below:

- *Networks*. States often lack familiarity with service providers at the local level and have difficulty identifying new partners,
- *Funding*. Organizations often anticipate cumbersome paperwork and confusing application requirements when contracting with state agencies or competing for grants,
- *Distinct organizational cultures*. State agencies and faith-based and community organizations often have different values, goals and institutional cultures,
- *Target populations*. Effective re-entry initiatives must respond to the characteristics and needs of the local re-entry population.
- *Accountability*. Tracking outcomes is critical for evaluating the impact of any re-entry initiative and for its long-term survival" (Yoon and Nickel, p. 5, 2008).

Regardless of the challenges states and organizations can face in working collaboratively, there are many programs in existence. Summaries of some of these programs and initiatives are listed on a state-by-state basis.

### Missouri

"The Missouri Department of Corrections (DOC) coordinates with the Department of Social Services (DSS) to connect with DSS's Community Partnerships grantees. Community Partnerships are coalitions of local non-profits that provide services and support to people in need, including people released from prisons and jails" (Yoon and Nickel, p. 13, 2008).

"SHARE Network was established in 2006 by the Missouri Department of Economic Development, Division of Workforce Development, the U.S. Department of Labor and other state and local agencies. SHARE is a state-wide comprehensive social service resource directory called the SHARE network. This web-based directory is free and available to the public. More than 5,200 non-profit organizations, educational institutions, government agencies and for-profit providers are listed.

### Michigan

Returning Citizens Public Health Center is "administered by the Bureau of Substance Abuse Prevention, Treatment and Recovery in Detroit. It is a part of an extensive network of local government agencies and community-based organizations that work together to provide re-entry services" (Yoon and Nickel, p. 14, 2008). There is a state-wide program, the Michigan Prisoner Re-entry Initiative (MPRI). The local coordinator for MPRI sits on the advisory board for the health center and is able to "work closely with the administrators of the bureau and other advisory board members to build relationships with local providers and incorporate them into a statewide network(s) via MPRI listservs, e-newsletters and directories" (Yoon and Nickel, p.14, 2008).

### Multi-State Program

"Faith and Service Technical Education Network (FASTEN) is a collaborative initiative originally coordinated by the Pew Charitable Trusts, involved the National Crime Prevention Council, Harvard University, the Sagamore Institute for Policy Research and the Baylor University School of Social Work. Acting as an intermediary, FASTEN sponsored research and a number of conferences as well as a major website at [www.FASTENnetwork.org](http://www.FASTENnetwork.org). The focus was on multi-sector collaboration for community transformation" (Yoon and Nickel, p.14, 2008).



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### Washington, DC

"The federal Court Services and Offender Supervision Agency (CSOSA) oversee individuals who are on probation, parole or supervised release in Washington, DC. CSOSA employ six community relations specialists who maintain strong, active relationships with key stakeholders in local neighborhoods" (Yoon and Nickel, p.15, 2008).

### Kansas

"Topeka Re-entry Roundtables are convened monthly by the Kansas Department of Corrections in Topeka in an effort to reach out to faith-based, volunteer and community organizations and individuals working with people released from prisons and jails. These meetings offer informational sessions with guest speakers and panel groups that focus on different re-entry themes. Participants have the opportunity to ask questions and discuss how these issues are playing out in their neighborhoods" (Yoon and Nickel, p.16, 2008).

### South Dakota

"Through its Family Assistance Project, the South Dakota Federal Probation Office provides referrals to its sizable Native American client population for service and supports in the Sioux Falls community. Probation staff conducts interviews with representatives from numerous local agencies and community-based organizations to identify resources available in the community for housing services, substance abuse treatment, employment assistance and other areas" (Yoon and Nickel, p. 17, 2008).

### New York

"The Nonprofit Coordinating Committee of New York, Inc. (NPCC) is a membership organization that offers a number of resources of interest to organizations providing services to people released from prisons and jails" (Yoon and Nickel, p.18, 2008).

### California

"The Sacramento Valley Regional Care Coalition, a multi-ethnic, multi-denominational coalition of churches and non-profits that provide social services in the region, has developed a close working relationship with the California Department of Corrections and Rehabilitation. Coalition members meet with agency officials regularly to highlight local re-entry needs, identify what services coalition members can provide and discuss the possibility of allocating government funding to fill service gaps" (Yoon and Nickel, p. 18, 2008).

### Washington

"4People is an online information and referral service for Washington State's 39 counties. This non-profit organization compiles information about social services and resources for the Community Transition Coordination Network. It maintains a database of government, non-profit and faith-based direct service providers in the state" (Yoon and Nickel, p. 20, 2008).

### Colorado

"In 2005, the Colorado Division of Youth Corrections (DYC) implemented its Continuum of Care Initiative (CCI) which is designed to improve services for juvenile offenders from detention through commitment and parole. The initiative integrates assessment, treatment and transitional services in a comprehensive and coordinated manner to ensure that each youth's unique criminogenic needs are identified and addressed, thereby reducing the likelihood of recidivism. Risk assessment, individualized case management and a comprehensive continuum of services are cornerstones of the effort" (Przybylski, p.72, 2008).

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## Early Childhood Prevention and Social Support Programs

Crime prevention is one of the most attractive methods for corrections cost containment if programs can be implemented that provide actual results and make an impact. The Colorado Division of Criminal Justice produced a report identifying evidence-based options for early prevention, as well as a number of other areas. The report attributes the success of some early prevention programs to their success in identifying and understanding early risk factors, such as low IQ, broken home, abusive parents, being male or problem (anti-social) behavior. The report lists specific risk factors for children ages 6-11 and 12-14. Various programs and state findings are summarized in the following pages.

Programs noted in the Colorado report include the following:

### Home Visitation Parent Education Programs

"Home Visitation Parent Education programs are one of the most common prevention programs delivered during the early years of a child's life. These programs focus on parent education designed to improve the pre- and post-natal care of the child" (Przybylski, p. 86, 2008).

Research sponsored by the U.S. Dept. of Justice, Office of Juvenile Justice and Delinquency Prevention has shown that chronic offenders have multiple risks in their backgrounds, including deficits in such areas as family and school (**Przybylski, p. 83, 2008**).

### Nurse Family Partnership Programs (NFP)

"NFP programs are one of the most commonly evaluated programs. Overall, these studies have shown that the NFP program is capable of producing a variety of positive outcomes across highly diverse settings. For example, program participants had fewer verified reports of child abuse or neglect, fewer maternal behavioral problems and child arrests" (Przybylski, p. 86, 2008).

#### Colorado

"Invest in Kids (IIK) - A non-profit organization dedicated to improving the lives of Colorado's children and their families. IIK partners with communities to improve the health and well being of Colorado's children by facilitating the implementation and promoting the sustainability of programs that work. NFP was the first program the organization advocated throughout Colorado. IIK worked with the Colorado legislature to create a sustainable source of funding to bring the NFP program to as many eligible Colorado families as possible" (Przybylski, p.87, 2009).

### Preschool

Preschool programs address the issue of low intelligence being a predictor/indicator of criminal behavior. "This link between low intelligence at an early age and problems later in life has led to the development of prevention programs that are delivered to children at a very early age for the purpose of improving their learning and social competencies" (Przybylski, p. 87, 2008).

#### Illinois:

Chicago Child Care Center (CPC) - "This program provides educational and family-support services to disadvantaged children during the preschool and early elementary school years. Children in high-poverty neighborhoods are targeted through this program. With 24 centers now in operation, the CPC program is specifically designed to promote success in school, but research has shown that it produces long-term benefits in a variety of other areas, including delinquency prevention" (Przybylski, p. 89, 2008).

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### Michigan:

High / Scope Perry Preschool Project - This project "started in Ypsilanti, Michigan in 1962. It was designed as a curriculum development and research project that coupled an innovative preschool program for low-income, at-risk children with a highly rigorous evaluation. The curriculum was designed to develop cognitive, language, social and other competencies, and it emphasized initiative, creativity and problem solving in a cooperative and highly interactive environment" (Przybylski, p. 88, 2008).

## **Parent Management Training (PMT)**

PMT focuses on "the critical role families play in shaping a child's behavior. Parent Management Training (PMT) programs target family risk factors such as poor child rearing practices and they have been found to be effective at preventing delinquency and criminal conduct" (Przybylski, p. 91, 2008).

Criminal or anti-social parents, parental conflict, poor child-rearing practices, and large family size have all been found to increase the likelihood that a child will engage in delinquent or criminal conduct later in life  
**(Przybylski, p.91, 2008).**

### Oregon

Parent Management Training - Oregon (PMTO) - "PMTO is a family-based intervention that teaches parents and caregivers effective strategies for managing a child's behavior. Parents are taught to replace coercive processes with the following five effective parenting practices:

- Skill encouragement,
- Proper discipline,
- Behavior monitoring,
- Problems solving,
- Positive involvement" (Przybylski, p. 92, 2008).

### Multiple States, Canada and the United Kingdom

Incredible Years Training Series (IYS) - **This program is being used in 43 states, Canada and the United Kingdom.** "IYS was developed Carolyn Webster-Stratton at the University of Washington. The program was designed to prevent delinquency and behavior problems in children by promoting parental and teacher competence and strengthening families. IYS emphasizes the importance of the child's socialization process and its development was strongly influenced by OSLC research. IYS is a community-based, universal prevention program that is delivered in homes, schools and other settings" (Przybylski, p. 92, 2008).

### Colorado

"IYS became the second program Colorado's IIK organization chose to adopt for statewide implementation. IIK identified the need for child mental health and school readiness programming that helps bridge the transition from early childhood education to elementary education. The IYS program was chosen to meet that need because of its approach, target population and effectiveness" (Przybylski, p. 93, 2008). (A Nurse Family Partnership program was the first program chosen for adoption by the IIK organization).

## **Preparing for the Drug Free Years Program (PDFY)**

"PDFY is a parent training program designed to reduce the risks that a child will abuse drugs or develop other problem behaviors. PDFY teaches parents how to reduce critical risk factors and enhance protective factors for juvenile substance abuse that are present during the later elementary and middle school years. The program targets parents of children ages 8-14" (Przybylski, p. 93, 2008).

### Washington

"The PDFY program is commercially available through Developmental Research and Programs (DRP) in Seattle, Washington. DRP also offers a 3-day training course that prepares community members to serve as a PDFY workshop leader" (Przybylski, p. 94, 2008).

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## Child Social Skills Training

"Impulsiveness and low empathy that are evident in childhood are risk factors for offending later in life. Raising empathy and self-control in children is a goal of child social skills training, and it is delivered to children at an early age for the purpose of improving their social and emotional competencies" (Przybylski, p. 94, 2008).

### Montreal, Canada

"Preventive Treatment Program (PTP) is an example of an effective social skills program. Developed by Richard Tremblay and his colleagues in Montreal, Canada, the program combines child social skills training with parent training and it targets boys from low socio-economic backgrounds who display high levels of disruptive behavior at an early age.

## School - Based Programs

"Elementary, middle or junior high school students are the primary program targets, and interventions tend to focus on the school environment or self-control or social competency using cognitive behavioral methods. Schools are not the only locus of delivery but are an essential element of the programs design" (Przybylski, p. 94, 2008).

### Washington

"The Seattle Social Development Project (SSDP) is a multi-year, school-based intervention designed to reduce risk factors and increase protective factors in multiple domains. The program is based on the work of J. David Hawkins and Richard Catalano at the Social Development Research Group at the University of Washington, Seattle. SSDP uses teacher training, parent training and skills training for children to enhance a child's bonds with school and family. The program targets Grades 1-6 with both general and high-risk student populations" (Przybylski, p. 95, 2008).

### Virginia

"Responding to Peaceful and Positive Ways (RiPP) is a school-based violence prevention program designed to provide students with conflict resolution strategies and skills. The program was developed by researchers at Virginia Commonwealth University in collaboration with public schools in Richmond, Virginia. RiPP is based on social cognitive learning theory and it combines classroom instruction with real world skill building opportunities such as peer mediation. The overall goal of RiPP is to reduce risk factors and increase protective factors related to violence and problem behavior" (Przybylski, p. 96, 2008).

## Community-Based Programs

"Community-based crime prevention can take many forms. Situational crime prevention (i.e. target hardening), community defense (such as neighborhood watch and citizen patrols), community development (Weed and Seed Programs) and a variety of other approaches" (Przybylski, p. 100, 2008). Consequently, community-based programs have proven difficult to evaluate for their overall effect on reducing crime or criminal behavior. Although research appears inconclusive in determining the overall effectiveness of community-based programs, "Farrington and Welsh (2007:154) recently reported 'the state of evaluation research is somewhat better with respect to after-school and community-based mentoring programs (ASPs)" (Przybylski, p. 100, 2008).

"After-school programs (ASPs) that emphasized social skills and character development were most effective. In a 2004 report, 'After School Programming: A Pressing Need-A Public Policy', five core elements of effective ASPs were identified" (Przybylski, p. 101, 2008).

1. Positive Youth Development
2. Cultural Competency
3. Partnerships
4. Evaluation
5. Sustainability

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(National Program)

Boys and Girls Clubs of America (BGCA) "have been providing youth with a safe and pro-social place to spend time during non-school hours and the summer for more than 100 years. They focus on prevention of delinquency and gang involvement (Przybylski, p. 102, 2008).

(National Program)

Big Brothers Big Sisters of America Mentoring Program (BBBS) "is the largest mentoring program in the nation. The program matches youth 6-18 with mentors in professionally supported one-to-one relationships. BBBS offers both community-based and school-based mentoring programs" (Przybylski, p. 102, 2008).

## Other Early Prevention Programs

Olweus Bullying Prevention Program (BPP) "is a multi-component, school-based program designed to prevent and reduce bullying problems. BPP has school level, classroom level and individual level components" (Przybylski, p. 97, 2008).

Life Skills Training Program (LST) "was developed by Gilbert Botvin, a professor of public health and psychiatry at Cornell University's Weill Medical College. The LST program was designed to influence individual risk factors associated with substance abuse but has recently been found to reduce delinquency and violent behavior in the months immediately following the program" (Przybylski, p. 97, 2008).

CASASTART (Striving Together to Achieve Rewarding Tomorrows) "is a school-centered youth development program designed to prevent criminal conduct and other problem behaviors by high-risk 8 - 13 year olds. CASASTART is a flexible program that is primarily designed at the local level to address unique community needs. However, all programs share a core set of features:

- A committed lead agency,
- A defined target population,
- A defined geographic boundary for program operations,
- Regular meetings between program staff and partner organizations to build relationships and ensure services are available and delivered to program participants" (Przybylski, p. 98, 2008).

"CASASTART model is comprised of the following eight core services:

- Case management,
- Family support,
- Education services,
- Out-of-school activities,
- Mentoring,
- Incentives,
- Community policing,
- Juvenile justice intervention" (Przybylski, p. 98, 2008).

## Truancy Programs

"Research has shown that truancy is related to a number of other problem behaviors, including dropping out and delinquency. Research conducted in the Denver Public Schools (DPS) by the National Center for School Engagement (NCSE) has found that approximately 60% of students who left the DPS for juvenile incarceration were chronically truant. Interventions range from a letter or phone call from the school to parents to hearings and possible punitive sanctions for certain truants in juvenile court" (Przybylski, p. 99, 2008).

## Peer Programs

Peer Programs are "peer-based prevention programs that typically attempt to reduce the influence of anti-social and deviant peers while increasing the influence of peers who are pro-social and law-abiding" (Przybylski, p. 102, 2008).

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Blueprints for Violence Prevention "is a national violence prevention initiative to identify violence prevention programs that are effective. Blueprints began in 1996 with initial funding from the Colorado Division of Criminal Justice, the Center for Disease Control and Prevention and the Pennsylvania Commission on Crime and Delinquency" Examples of Blueprints for Violence Prevention Model Programs are listed below: (Przybylski, p. 103, 2008)

Big Brothers Big Sisters of America
Functional Family Therapy
The Incredible Years
Life Skills Training
Mid-Western Prevention Project
Multidimensional Treatment Foster Care
Multi-systemic Therapy
Nurse-Family Partnership
Olweus Bullying Prevention Program
Project Towards No Drug Abuse
Promoting Alternative Thinking Strategies

Mid-western Prevention Project "is a community-based program that targets adolescent drug use. The program uses five intervention strategies designed to combat the community influences on drug use:

- Mass media
- School
- Parent
- Community Organization
- Health Policy Change

The primary intervention is the school" (Przybylski, p. 104, 2008).

Project Towards No Drug Abuse (TND) "is a drug abuse prevention program that targets high school age youth at traditional and alternative high schools. The curriculum, taught by teachers and/or health educators, contains twelve 40-minute interactive sessions, and focuses on motivations to use drugs, social skills and cognitive processing skills" (Przybylski, p. 104, 2008).

Promoting Alternative Thinking Strategies (PATHS) "is an elementary school-based intervention designed to promote emotional competence, including the expression, understanding and regulation of emotions" (Przybylski, p. 104, 2008).

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## Texas: Justice Reinvestment Initiative of 2007

Addressing the problem of how to contain increasing correctional costs is commonplace among policy-makers in all fifty states, but in 2007 as legislators in Texas came into session they were "faced with a major dilemma: spend a half billion dollars to build and operate new prisons to accommodate the surging number of people expected to be incarcerated or explore options to control that growth" (Justice Center, p.1, 2009). Prior to the 2007 session, these policy-makers had the foresight to seek the assistance of the Council of State Government's (CSG) Justice Center. They wanted the Justice Center to "conduct a comprehensive analysis of the state's prison population" (Justice Center, p.1, 2009). Based on the outcome of this analysis, Texas was faced with three factors that were contributing to "the buildup of the prison population:

- Increased probation revocations.
- Reduced capacity of residential treatment programs serving people on probation and parole.
- Fewer approvals for parole" (Justice Center, p.3, 2009).

As a result of these findings, Texas worked with the CSG Justice Center to create the Justice Reinvestment Initiative. Instead of building new prisons at a planned cost of \$523 million, the reinvestment initiative "included greater treatment capacity in the prison system and the expansion of diversion options in the probation and parole system. The Legislative Budget Board projected that the justice reinvestment policies, if adopted and implemented, would cause the prison population to stabilize and would result in no significant shortfall in the prison system capacity by 2012" (Justice Center, p.5, 2009).

In the implementation phase of the initiative, there were challenges that had to be addressed. For example, getting enough requests for proposals (RFPs) for the Transitional Treatment Centers (TTC) was challenging in part because there were no communities enthusiastic about having a TTC in their area. It was also difficult to find an adequate number of counselors for the facilities that they had planned. Overall, a net savings of \$443.9 million was seen by expanding existing services and programs, instead of building new prisons and funding additional bed space. As a result, "from January 2007 to December 2008, the Texas prison population increased by only 529 individuals; the projected increase for that period at the beginning of the 2007 legislative session was 5,141 individuals if the justice reinvestment strategies had not been implemented" (Justice Center, p.2, 2009).

"If we provide re-entry services that work, the public is safer. If we provide drug treatment that works, the public is safer. Not only that, the state is approaching \$1 billion in savings as a result of the reinvestment begun three years ago."

**State Legislatures - March 2010  
Rep. Jerry Madden, Texas**

Although these strategies have shown to be successful in Texas, there are still challenges ahead of state policy-makers. In 2009, some of the ongoing challenges they face include a shortage of correctional officer candidates to fill needed positions, additional support for probation and re-entry strategies and continuous economic strain.

**Chart D - Implementation Status of the Texas 2007 Justice Reinvestment Initiative**

<b>Program</b>	<b>2007 Legislative Increase in Funding/Size</b>	<b>Description</b>	<b>Status as of January 2009</b>
Probation Outpatient Treatment	\$10 million 3,000 slots	Probation outpatient substance abuse treatment under contract or by probation department.	All funding distributed to local probation departments for the services.
Mental Health Pre-Trial Diversion	\$10 million 1,500 slots	Mental health treatment funding dedicated to encouraging pre-trial release of mentally ill offenders.	All funding distributed to local authorities for the services.
State Jail Treatment	\$5.8 million 1,200 slots	Substance abuse treatment in state jail facilities housing low-level property and drug offenders.	Operational
In-Prison Therapeutic Community (IPTC)	\$21.7 million 1,000 slots	The program provides intensive substance abuse treatment services to offenders in prison and post-release. The 6-month in-prison phase is followed by 3 months in a TTC in the community, and 3 to 9 months of outpatient counseling. The parole board uses the program as a condition for the release of offenders who need substance abuse treatment.	Operational
DWI Prison Treatment	\$22.2 million 500 beds	A prison facility dedicated to providing offenders convicted of DWI offenses with a 6-month substance abuse treatment program.	Operational
Probation Residential Treatment	\$32.2 million 800 beds	Residential treatment facilities provide substance abuse treatment, counseling, and rehabilitation services. Programs range from 3 to 12 months.	752 beds operational (84% operational) with 48 beds pending
Parole Halfway Houses	\$5.6 million 300 beds	Halfway houses are used for offenders approved for prison release who need transitional housing contingent upon a suitable residence plan. The average length of stay in a halfway house is 90 days.	200 operation 100 pending in late 2009
Substance Abuse Felony Punishment (SAFP)	\$63.1 million 1,500 beds	The program provides intensive residential substance abuse treatment services to offenders on probation who are violating the conditions of their supervision due to substance abuse problems. The program involves treatment in a secure facility for 6 months, followed by 3 months in a TTC in the community, and 3 to 9 months of outpatient counseling. This program is also available to parolees, but most of the capacity is used for probationers.	704 beds operational (47% operational) with 796 pending in 2009 and 2010.  236 of pending will be operational in April 2009 and 560 in September 2009.
Transitional Treatment Centers (TTCs)	After-care funding included institutional programs above 1,250 beds.	Residential facilities dedicated to providing transitional treatment for up to 6 months for offenders participating in any of the institutional treatment programs such as the IPTCs and SAFPs.	312 beds operational (25% operational) with 938 pending or pending program restructuring
Intermediate Sanction Facilities (ISFs), Parole/Probation	\$28.7 million 1,400 beds	ISFs are secure facilities that serve as detention centers for offenders violating the conditions of their supervision ('technical violations').	309 beds operational (22% operational) with 1,091 fully operational by August 2010.



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## **Alternatives to Incarceration (ATIs)**

In New York State, the Division of Probation and Correctional Alternatives (DPCA) "funds and oversees a variety of pre-trial services and correctional alternative programs throughout the state. These programs may fall under the authority of governmental or non-profit agencies. They operate in conjunction with the criminal justice system in all New York State counties and the City of New York" (DPCA - ATI, p.1). Alternatives to Incarceration (ATI) is one DPCA strategy that works to decrease their correctional cost. ATI "allows a judge to sentence someone to a program where they receive treatment, education and employment training in the community, all the while remaining under strict supervision. ATI is an integral part of the strategy that has allowed New York City, for example, to reduce crime, reduce jail and prison populations, and help individuals and neighborhoods across the City" (Gardner, p.1).

According to the DPCA website, there are currently 165 ATI programs operating across New York State. They range in the following areas:

- Mental Illness Programs
- Pre-trial Services
- TASC and Drug and Alcohol Programs
- Specialized Programs
- Community Services Programs
- Defender-Based Advocacy

Grants are awarded to assist with these programs. Examples of some that were awarded this year include:

- The Bronx Mental Health Diversion Services
- The Nathaniel Project
- The Albany County Rapid Assessment, Intervention and Linkage Program
- The Erie County Shared Population Program
- Cattaraugus County Safe Communities/Safe Futures
- The Lewis County Transitions to Independence Process (TIP)

There are several more programs listed. DPCA works to ensure continued success of these programs and more. To gain assistance with this effort, DPCA works collaboratively with the NYS Office of Mental Health, the NYS Commission on Quality of Care for the Mentally Disabled, the NYS Office of Alcoholism and Substance Abuse Services, the NYS Office of Temporary and Disability Assistance, the NYS Conference of Local Mental Hygiene Directors and the NYS Council of Probation Administrators. The success of many of these ATI programs is described in a report by Tracie Gardner, Director of State Policy - Legal Action Center in New York.

"Recent analysis by the New York Criminal Justice Agency found that ATI participants were significantly less likely to be re-arrested than similar people sent to and discharged from a City jail" (Gardner, p.2).

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"According to the City of New York Department of Correction, the average annual cost per jail inmate is \$62,595. By contrast, some ATE services cost as little as \$1,400 to \$13,000 per person served" (Gardner, p.2).

"By keeping people out of jail, ATIs avoid the disruption that incarceration causes families and communities. ATIs allow people to remain part of the workforce, to be parents and to play a role in strengthening the fabric of their families and neighborhoods" (Gardner, p.3).

"In a recent evaluation of one ATI program by the Vera Institute of Justice, illegal drug use declined from 80% to 42% by participating in an ATI program that involves a unique partnership between parole, probation and family members" (Gardner, p.3).

"New York City's ATIs employ hundreds of people, many of whom work in the neighborhoods most affected by high crime, and high incarceration rates. ATIs may do more to build the local economy than investments in more jail cells or upstate prisons" (Gardner, p.3).

"ATIs invigorate the network of services in a community. ATI staff partner with schools, the faith community, local employers and local treatment providers to give their clients what they need" (Gardner, p.3).

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## Conclusion

The question of how to control the rising costs in corrections is not an easy one to answer. As this report has shown, there are a number of states and organizations that have come up with solutions that stretch across all levels of the correctional process. From incarceration to parole and probation, many programs have been initiated to slow or even reverse the increasing cost of corrections. Texas and New York have both decreased prison populations by investing in other areas. Since incarcerating individuals contributes significantly to corrections costs, it only seems logical to try and find ways to decrease the number of people serving time in prison without reducing public safety. Many studies have pointed to the make-up of the prison population and the fact that the majority of those serving time in prison are non-violent offenders. Consequently, finding ways to successfully reintegrate these individuals back into society, as contributing members of society, and saving the high cost of incarceration for the violent, repeat offenders makes sense. One study even pointed to incarceration being more effective on violent, repeat offenders and having a more negative impact on non-violent and first-time offenders. These first-time, non-violent offenders may benefit more by being able to participate in substance abuse treatment or employment assistance programs. New York showed great success in lowering its incarceration rate and decreasing its crime rate simultaneously - all by strengthening community corrections and supervision programs.

"Given that current state budget deficits are expected to continue and possibly increase over the coming years, states will need to continue to find ways to control corrections cost. Each year, the decisions will become more difficult. Management strategies may extend operating efficiencies, but the resulting cost savings are likely to fall short of what states will need to make ends meet. When deeper cuts are required, states will have to shift expenditures from costly prisons to far more economical investments in community corrections and confront controversial questions about which people really need to go to prison and how long they should stay. State governments are beginning to rise to the challenge of cutting corrections costs while maintaining or even boosting public safety" (Hayward, p.2, 2009).

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## Appendix A: NCSL – Sentencing Policy and Options

State	Sentencing Policy and Options	Community Supervision	Facility Administration and Programming	Release and Transition
Alabama	Postpones development of voluntary truth-in-sentencing standards.	Authorizes a county alternative sentencing program and pretrial diversion programs.		Creates a county work release program.
Alaska (N/A)				
Arizona	Adds mitigating and aggravating sentence lengths for the crime of multiple drug offenses not committed on the same occasion.	Increases the maximum probation caseload.		
Arkansas	Establishes the Arkansas Legislative Task Force on Criminal Justice to analyze initial charges versus final dispositions.	Allows disposing of a probation violation in the same manner as a contempt of court offense. Permits dismissal or expungement upon completion of a drug court program.	Permits contracting with state or private entities for inmate education.	Instructs the Parole Board to consider inmate's participation in programming for release to parole. Creates a certificate of successful completion of incarceration for released inmates. Requires a license to operate offender transitional housing.
California	Increases the monetary threshold for felony theft and additional property crimes.	Grants funds to counties for reducing revocations to prison due to probation violations by using evidence-based supervision and rehabilitative services. Creates a program that uses a "parole violation decisionmaking tool" to determine intermediate sanctions for parole violations. Prohibits returning certain low-level parole violators to prison. Permits local courts to operate deferred judgment programs for first-time, nonviolent drug offenders.	Permits flexibility in placement of new correctional bed space provided for in the Public Safety and Offender Rehabilitation Services Act of 2007.	Creates earned time for completion of rehabilitative programming. Permits inmate firefighters and inmates trained in conservation or firefighting to earn sentence credits. Permits operation of a reentry court. Permits the Board of Parole Hearings to grant release without a hearing under certain circumstances.

Appendix A: NCSL – Sentencing Policy and Options

State	Sentencing Policy and Options	Community Supervision	Facility Administration and Programming	Release and Transition
Colorado	Instructs the Colorado Commission on Criminal and Juvenile Justice to study sentencing reform.	Grants funds to counties for recidivism reduction programs for mentally ill offenders.	Requires inmates to pay for college-level education programs.	Creates good time for jail inmates. Permits parole violators awaiting a revocation hearing to earn good time. Increases the amount of good time for prison inmates and adds a 60-day credit; appropriates future savings from the credit to recidivism reduction programs. Authorizes a program to provide jail inmates with identification. Requires creation and implementation of a process for collecting information on parole board decisions, including rationale for decisions, recidivism rates and types of reentry.
Connecticut			Requires quarterly reports on inmate assaults and disciplinary reports, workers compensation, and prison population density.	
Delaware	Increases the monetary threshold for felony theft.			Permits occupational boards to grant waivers for convictions substantially related to the profession by a hearing or review of documentation provided the applicant meets specified criteria.
Florida	Grants courts discretion to order probation for non-felony offenders determined to have a low risk of reoffending. Requires the court to sentence nonviolent, low-risk offenders to a prison diversion program unless it is	Creates a prison diversion program for nonviolent offenders. Permits the use of drug courts as a sanction for probation and community control violations related to substance abuse.		

State	Sentencing Policy and Options	Community Supervision	Facility Administration and Programming	Release and Transition
	determined he or she poses a risk to the public. Permits a community supervision sentence to include drug court.			
Georgia		Permits a continuum of sanctions for probation violations. Creates an electronic pretrial and monitoring program.		Expands eligibility for work release and transitional centers for violent offenders during the final year of incarceration.
Hawaii		Creates a drug treatment facility as a probation sentencing option.		Creates a parole reentry program.
Idaho	Clarifies a mental health examination is not required if a previous one provides the necessary information.			
Illinois	Creates the Sentencing Policy and Advisory Council to review current and proposed sentencing policies and practices and to examine any impact on the criminal justice system. Creates a task force to develop a standard risk assessment tool for use across the criminal justice system. Requires the court to consider treatment options when	Provides local jurisdictions funds to reduce revocations to prison by using intermediate sanctions and treatment alternatives for nonviolent offenders. Requires a portion of community programming be evidence-based and that risk assessments be used for supervision.	Requires a case plan, based on risk assessments, to determine prison programming. Requires implementation of evidence-based programming. Requires training for correctional employees on evidence-based practices. Requires correctional facilities to provide voluntary addiction recovery services. Creates informational material for families and children of incarcerated parents.	Permits revocation of good time for misconduct in a county jail. Creates the Task Force on Inventorying Employment Restrictions to review employment restrictions based on criminal record.



State	Sentencing Policy and Options	Community Supervision	Facility Administration and Programming	Release and Transition
	sentencing members of the armed forces diagnosed with a mental illness.			
Indiana			Instructs the Sentencing Policy Advisory Committee to evaluate whether costs of a trial for an offense committed in a correctional facility should be covered by the state.	Permits inmate wages to be saved for reentry.
Iowa		Decreases funding for a probation and parole violator program.		
Kansas (N/A)				
Kentucky	Requires pretrial substance abuse screening for felony offenders. Continues the Penal Code Study Committee. Applies time on parole to the total sentence length except for violent offenders, sex offenders and parole violators convicted of a new crime.	Creates a pretrial substance abuse diversion program.	Creates an intensive substance abuse program in a minimum security correctional facility.	Requires the Parole Board to review low-risk inmates for release after serving a minimum period of confinement. Increases the time violent and sex offenders must serve before release.
Louisiana	Authorizes local courts to operate specialized dockets. Permits a sentence of incarceration to include a term of house arrest and increases the length of time a court is permitted to order house arrest.	Permits intensive incarceration for drug diversion probation violations. Permits dismissal of a conviction for successful completion of probation or intensive incarceration.	Creates an entrepreneurial skills prison program.	Removes the limit on amount of good time an inmate can earn for program participation and permits the restoration of time previously forfeited. Permits certain violent and repeat offenders to participate in work release during the final period of confinement. Authorizes inmates in work release programs to work off the coast of Louisiana. Allows work release

State	Sentencing Policy and Options	Community Supervision	Facility Administration and Programming	Release and Transition
				wages to cover cost of room, board and additional administrative costs. Prohibits work release facilities from being located near a school or day care. Permits inmates serving life sentences for certain drug convictions to be considered for parole after serving a minimum term.
Maine	Streamlines the process for court-ordered mental health examinations.	Authorizes a community confinement program for moderate or low-risk inmates to serve the final portion of confinement in structured community-based programming. Authorizes a pretrial diversion program for “worthless check” offenses. Creates a community intervention program that addresses offenders’ risk of recidivism.		Expands the definition of a terminally ill inmate and permits release to community confinement.
Maryland	Divides the crime of theft of property or services into two classes and decreases the penalties for the lesser offense. Permits extending a term of probation for participation in substance abuse treatment.		Continues the Task Force to Study Prison Violence.	Expands conditional release eligibility for nonviolent inmates. Prohibits conditional release for violent offenders until after his or her parole eligibility date. Provides identification to inmates upon release. Prohibits state agencies from denying an occupational license based solely on a conviction that is nonviolent and unrelated to the occupation. Establishes a task force on prisoner reentry.
Massachusetts (N/A)				
Michigan (N/A)				

State	Sentencing Policy and Options	Community Supervision	Facility Administration and Programming	Release and Transition
Minnesota	Allows a sentence departure for certain low-level drug crimes. Prohibits imprisonment or extension of probation for nonpayment of fines.	Limits length of confinement for first-time violations of supervised release. Instructs the Department of Corrections to study the use of evidence-based practices in community supervision.	Prohibits cutting inmate education, chemical dependency programs or reentry programs in correctional facilities and requires Challenge Incarceration program beds to be kept full. Permits an intermediate sanctions facility pilot program for probation violators. Creates a task force to research strategies for reducing prison costs. Instructs correctional industries to create a marketing plan to attract business from state and local governments.	Eliminates a program allowing inmates to serve the final portion of incarceration in a county jail.
Mississippi		Eliminates the maximum length of participation in the intensive supervision program and permits drug offenders to participate. Permits suspension of a sentence for misdemeanor convictions after initial sentencing under certain circumstances.		Removes the limit on the amount of earned time that can be accumulated for program participation.
Missouri			Separates inmates in private jails according to gender and if they are confined for a civil or criminal reason.	
Montana	Raises the monetary threshold for felony property theft.	Grants funds to counties for programs that reduce admissions of mentally ill offenders to the state hospital. Permits conditional discharge from probation or parole.	Permits wages earned in prison industries to be saved for release.	
Nebraska	Creates the Sentencing and Recidivism Task Force to study equality in sentencing and effectiveness of reentry programs.			Authorizes the director of Correctional Services to assign inmates to work camp.
Nevada	Narrows the definition of habitual criminal. Requires the court to collect data on criminal cases,	Allows probationers convicted of gross misdemeanors or felonies to earn time for work or program participation. Creates a specialized court for veterans or active military	Requires the Department of Corrections to research the effectiveness of vocational and educational prison programs and track recidivism	Permits parole violators to earn good time while incarcerated. Allows certain low-level offenders to be granted

State	Sentencing Policy and Options	Community Supervision	Facility Administration and Programming	Release and Transition
	including specialty courts.	with mental illness, substance abuse or post-traumatic stress. Removes the waiting period for sealing a record related to completion of a specialty court and requires sealing a record related to completion of a substance abuse presentence program.	rates and to monitor private correctional facilities that house out-of-state inmates.	parole without a hearing. Expands eligibility for residential confinement.
New Hampshire	Requires a pre-sentence report with treatment recommendations for members or veterans of the armed forces who have a diagnosed mental illness.	Establishes the Division of Community Corrections to operate services for probationers and parolees and serve as the liaison between the DOC, community-based providers, courts, and state and federal entities. Establishes the position of director of Community Corrections to oversee the Division of Community Corrections.	Creates a committee to study correctional health care services, inmate access to health care, mental health care, and substance abuse treatment.	Establishes the Division of Community Corrections to oversee services preparing inmates for release, transitional housing and work release programs. Commissions a study on the use of nursing facilities for medically paroled inmates.
New Jersey	Establishes the Criminal Sentencing Commission to conduct a review of the state's criminal sentencing provisions and repeals two commissions designed to study sentencing.			
New Mexico (N/A)				
New York	Amends felony drug sentencing by allowing a sentence to shock incarceration, decreasing certain mandatory minimum terms of incarceration, expanding probation eligibility, and permitting departures from mandatory incarceration. Permits resentencing previous convictions in accordance with new felony	Instructs the Board of Parole to use graduated sanctions and risk assessments for parole supervision. Creates a jail diversion treatment program that includes intermediate sanctions for drug and nonviolent offenders. Permits conditionally sealing records of certain drug and nonviolent offenders who complete a drug diversion program.	Expands eligibility for the shock incarceration program.	Creates earned time for completing specified educational or work programs. Expands eligibility for medical parole and requires a discharge plan. Establishes Local Conditional Release Commissions to review and grant releases from local correctional facilities. Instructs the Board of Parole to consider new felony drug sentencing laws when

State	Sentencing Policy and Options	Community Supervision	Facility Administration and Programming	Release and Transition
	drug sentencing laws. Permits extending a term of probation for continued participation in treatment.			considering the release of inmates sentenced under the previous laws. Creates a pilot project for soon-to-be released inmates to apply for medical assistance.
North Carolina	Creates a procedure for determining pretrial release when a probationer is charged with a new crime. Adjusts sentence lengths of offense classes to make more proportional. Restructures point levels assigned to prior convictions used to determine current sentence length.	Expands eligibility for community punishment based on risk assessments. Permits house arrest to be used for pretrial release. Authorizes notification of supervision violation hearings via U.S. mail for unsupervised probationers. Makes it a crime to interfere with an electronic monitoring device used for community supervision. Authorizes transferring misdemeanants to unsupervised probation. Gives local courts exclusive jurisdiction over all supervision and revocation hearings for probationers in drug court.	Creates a pilot program to conduct court proceedings that involve inmates via video conference.	
North Dakota	Continues the Commission on Alternatives to Incarceration which studies sentencing alternatives, mandatory sentences, treatment options, and problem-solving courts.	Permits use of the 24/7 sobriety treatment program as an intermediate sanction for probation violations or as a condition for parole.	Appropriates funds for prison construction and expansion. Permits inmate medical, psychological and treatment records to be used for conducting research.	
Ohio (N/A)				
Oklahoma	Permits certain offenders with a prior violent conviction to be considered for drug court. Places a time limit on using a prior conviction to determine a current charge or conviction.	Prohibits a deferred sentence for probation and parole violations.	Increases the required inmate proficiency level. Authorizes correctional facilities to serve free meals to employees.	Narrows the prohibition on transitional facilities being located near a school or residential neighborhood to only those that house sex offenders or offenders with a capital offense.

State	Sentencing Policy and Options	Community Supervision	Facility Administration and Programming	Release and Transition
Oregon	Increases the monetary threshold for the crimes of theft, theft of services, criminal mischief, and fraudulent use of a credit card. Suspends implementation of a provision in Measure 57 (approved by voters in 2008) that would increase penalties for certain property and drug crimes.	Limits confinement length for technical probation violations. Permits transferring to inactive supervision offenders who have served a minimum period on community supervision and remained compliant. Suspends implementation of a provision in Measure 57 (approved by voters in 2008) that would provide drug treatment services for medium- to high-risk offenders.		Creates good time for completing educational courses or apprentice certifications. Increases the amount of earned time a nonviolent inmate can accumulate and makes it retroactive. Allows seriously mentally ill inmates to apply for public assistance before release. Provides inmates with verification of work history and certification of programming completed at the time of release.
Pennsylvania		Codifies provisions relating to probation and parole by creating the Prisons and Parole Code.	Codifies provisions relating to prisons by creating the Prisons and Parole Code.	
Rhode Island	Removes the mandatory minimum sentence for manufacturing, selling or possessing a controlled substance.	Permits a parolee whose sentence termination date is scheduled on a weekend or holiday to be released the preceding business day.		Permits an inmate scheduled to be released on a weekend or holiday to be released the preceding business day.
South Carolina	Continues the Sentencing Reform Commission's review of sentencing guidelines, parole and alternative sentencing.			
South Dakota			Authorizes a new combined minimum security and parole facility.	
Tennessee	Requires use of risk assessments to create pre-sentence reports and determine treatment recommendations.	Authorizes community corrections as a sanction for technical probation violations.	Requires supervision plans for inmates that are based on risk assessments.	

State	Sentencing Policy and Options	Community Supervision	Facility Administration and Programming	Release and Transition
Texas	Permits electronic monitoring sentence as an alternative to jail. Establishes a pretrial veterans court program.	Authorizes counties to establish veterans court programs.		Permits suspension, rather than forfeiture, of good time for a violation of prison rules. Grants nonviolent inmates awaiting transfer to a state correctional facility earned time for manual labor. Establishes a comprehensive reentry plan that includes intake assessments, prison programming and transitional programming upon release. Creates a Reentry Task Force to identify gaps in services and coordinate with local service providers. Provides inmates with identification upon release. Assists newly released parolees with temporary housing, food, hygiene and clothing needs.
Utah	Increases the minimum sentence for capital felonies and aggravated murder. Prohibits diversion sentences for domestic violence offenses.	Requires localities participating in the Drug Offender Reform Act to provide substance abuse screening, assessment, community-based supervision, and treatment for felony offenders.	Permits contracting with community colleges to provide post secondary education in correctional facilities.	Instructs the Department of Corrections to create a recidivism reduction plan.
Vermont			Requires treatment plans for inmates with serious functional impairment be based on best practices. Prohibits closing a facility or reducing operations without submitting a plan and seeking approval from a joint oversight committee. Instructs the commissioner of corrections to identify	Requires coordination with the Department of Disabilities, Aging and Independent Living to provide reentry services for inmates with serious functional impairment.

State	Sentencing Policy and Options	Community Supervision	Facility Administration and Programming	Release and Transition
			opportunities for housing federal, state and local inmates; and consider building a new facility with ARRA funds.	
Virginia		Creates a "behavioral" corrections program for certain nonviolent offenders that require a minimum term of intensive substance abuse treatment, after which the court can suspend the remainder of the sentence to incarceration and grant probation. Authorizes county drug treatment courts. Prohibits keeping an offender on supervised probation for nonpayment of fees. Creates a task force on alternatives to incarceration for nonviolent, low-risk offenders.		Requires a review of incarceration length for inmates subject to parole consideration versus inmates sentenced under the current sentencing guidelines and to identify those eligible for geriatric release.
Washington	Increases monetary thresholds for crimes of malicious mischief; theft; unlawful issuance of a bank check; theft of rental, leased, lease-purchase or loaned property; possession of stolen property; and organized retail theft. Requires a risk/needs assessment only when considering a residential chemical dependency treatment sentence.	Permits earned time for pre-sentence community programs. No longer requires the Department of Corrections to supervise certain misdemeanants convicted of nonviolent, non-sex offenses. Establishes determinate lengths of post-prison community supervision based on conviction and/or sentence length. Requires a plan for using evidence-based practices in community supervision. Implements a new risk assessment instrument.	Instructs a work group to recommend policies related to inmates with developmental disabilities and develop a screening tool to identify inmates with disabilities at intake.	Expands eligibility for medical release, tracks the number of releases, the costs incurred, and any cost savings. Implements a new risk assessment instrument and amends earned time eligibility based on the new tool. Permits inmates without approved release plans to be transferred to partial confinement or be provided with rental assistance; requires the Department of Corrections to provide transitional support services.
West Virginia		Authorizes local drug courts with oversight by the Supreme Court of Appeals and local advisory committees. Creates a pretrial release pilot program for defendants charged with misdemeanors or nonviolent felonies. Prohibits probation officers from collecting money or posting bond for		Creates good time for jail inmates for successful program completion.



State	Sentencing Policy and Options	Community Supervision	Facility Administration and Programming	Release and Transition
		probationers.		
Wisconsin		Permits modification or discharge from probation and discharge from extended supervision after serving a minimum term. Instructs the Department of Corrections to establish community services aligned with the goal of reducing recidivism.	Expands the earned release program to include inmates with treatment needs not necessarily related to substance abuse.	Creates “positive adjustment” time for abiding by prison rules and performing assigned duties. Creates a risk reduction sentence that reduces the sentence length upon completion of prison programming and treatment. Expands eligibility for medical parole. Establishes the Earned Release Review Commission to replace the Parole Commission. Establishes the Council on Offender Reentry to coordinate and improve reentry services, to identify federal grant opportunities, and to coordinate with various agencies to maximize use of services.
Wyoming		Creates the Court-Supervised Treatment Program to replace the Drug Court Program.		

(N/A) = Not Applicable -- 2009 enacted legislation is not applicable to this report.

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## Appendix B: NCSL – State Legislation Easing Mandatory Sentences



NATIONAL CONFERENCE *of* STATE LEGISLATURES

*The Forum for America's Ideas*

State Legislation Easing Mandatory Sentences  
(mandatory minimums, truth-in-sentencing, three-strikes, and habitual offender laws)

### February 2010

#### **Alabama SB 97 (2009)**

Postpones from 2009 to 2011 the development and presentation of the voluntary truth-in-sentencing standards to the Legislature. Postpones from October 1, 2009 to October 1, 2011 the implementation date, if approved by the legislature, of the truth-in-sentencing standards.

#### **Connecticut S 1160 (2001)**

Allows courts to deviate from mandatory minimum sentences for certain drug crimes when the defendant did not threaten physical injury or possess a firearm.

#### **Delaware HB 109 (2009)**

Permits the attorney general to petition the court to modify, reduce, or suspend the sentence, including any mandatory or minimum sentence, of a convicted person who provides substantial assistance in the identification, arrest or prosecution of another person.

#### **Delaware H 210 (2003)**

Reduces mandatory minimum sentence for many drug possession and trafficking offenses; and increases minimum sentence for many violent offenses. Retains mandatory minimum for drug manufacture, delivery or possession with intent to deliver for defendants with prior such offenses.

#### **Florida SB 12-A (2009)**

Makes it discretionary rather than mandatory for a court to impose probation in a non-felony matter when it is determined the recurrence of criminal behavior is unlikely. Permits the court to impose a criminal fine in a non-felony matter when it does not impose probation (The court is no longer required to order a term of probation for all criminal matters but may impose fines in all criminal matters).

#### **Indiana H 1892 (2001)**

Amends mandatory minimum 20-year sentence requirement for dealing in controlled substances, applying it only to those who possess a firearm or deliver drugs to minors.

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**Louisiana HB 630 (2009)**

Amends a 2001 mandatory sentencing provision for offenders serving a life sentence for the production, manufacturing, distribution, or dispensing or possessing with intent to produce, manufacture, or distribute heroin to be eligible for parole consideration after serving 15 years of imprisonment.

**Louisiana S 239 (2001)**

Amends habitual offender law to eliminate mandatory life imprisonment for some crimes, including certain controlled substance distribution crimes. Removes mandatory imprisonment for certain non-violent crimes.

**Maine HB 633 (2003)**

Expands circumstances in which courts may deviate from mandatory minimum sentences to include certain defendants who have prior criminal history.

**Maryland HB 1371 (2007)**

Permits an offender with a sentence greater than 2 years to have a single sentence review by a review panel. Provides an offender is not entitled to a sentence review if the sentence was imposed by more than one judge or a review of an order requiring a suspended sentence. Provides for offenses where the predicate offense for a mandatory minimum sentence is burglary or daytime housebreaking, the review panel may credit time off the offender's parole but prohibited from shortening the sentence.

**Maryland HB 596 (2005)**

Allows persons serving mandatory minimum prison sentences for burglary or daytime housebreaking, imposed before October 1, 1994, to apply for sentence review.

**Michigan H 5394, H 5395 and H 6510 (2002)**

Eliminates mandatory minimum sentences for schedule 1 or 2 narcotic or cocaine delivery or possession. Also raises the controlled substance threshold amounts for which various terms are imposed under sentencing guidelines; eliminates lifetime probation for drug offenders; and allows certain incarcerated drug offenders to be paroled.

**Minnesota SB 802 (2009)**

Converts the mandatory minimum sentence for fifth degree controlled substance and sale crimes from an unwaivable to a waiveable one.

**Nevada AB 239 (2009)**

Removes provisions concerning convictions or prior convictions of petit larceny, or certain crimes involving fraud or the intent to defraud, all misdemeanors, from the habitual criminal statutes. Thus, a person may only be convicted as a habitual criminal if he/she is convicted of a felony and has committed two previous felonies.

**New York AB 156 (2009)**

Amends the "Rockefeller Drug Laws". Decreases the mandatory minimum terms for certain controlled substance crimes and authorizes probation, shock incarceration and alternative definite sentences of one year or less incarcerated as sentencing options.

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**New York A 11892 (2004)**

Comprehensively revises sentencing structure for New York's drug laws to reduce prison terms for non-violent drug offenders, including retroactive sentencing relief. Significantly reduces sentences for first-time, non-violent offenders, changing those from indeterminate to determinate sentences. Other sentences for non-violent felony convictions also decline moderately; and sentences for drug offenders with prior violent felony convictions could increase moderately. Provides for post-release supervision following determinate terms for those sentenced under these reforms. Precise sentences depend on case and statutory sentencing ranges for felon classes. Also allows certain prisoners to qualify sooner for supervised release to community based substance abuse treatment. Allows Class A-I felony offenders serving sentences of 15-25 years to life under previous laws to be eligible to apply to sentencing court for conversion of their sentence consistent with the new law. (This is expected to affect about 400 inmates.)

**North Dakota S 2211 (2003)**

Exempts from laws providing mandatory prison terms for armed offenders those convicted of simple possession of marijuana.

**North Dakota H 1364 (2001)**

Eliminates first-time drug manufacture, delivery or possession with intent to manufacture or deliver offenders from mandatory minimum sentencing requirement.

**Rhode Island HB 5007/ SB 39 (2009)**

Removes the mandatory minimum sentence and minimum fine for the crime of manufacturing, selling, or possessing controlled substances and the crime of manufacturing, selling, or possessing with intent to manufacture, or sell, a controlled substance.

**South Dakota H 1153 (2003)**

Establishes that mandatory sentence for possession of marijuana applies only to defendants with intent to distribute the substance.

For more information, NCSL's Criminal Justice Program in Denver, Colo., is at 303-364-7700; or email [cj-info@ncsl.org](mailto:cj-info@ncsl.org)