

Public Safety

Louisiana should create an effective criminal justice system that focuses prison space on those who pose a public safety threat and uses evidence-based practices to reduce recidivism.

Build an Effective Criminal Justice System that Improves Public Safety

Protecting citizens is one of the highest priorities of any government. Louisiana deserves policies that prioritize public safety and ensure that limited tax dollars are used effectively.

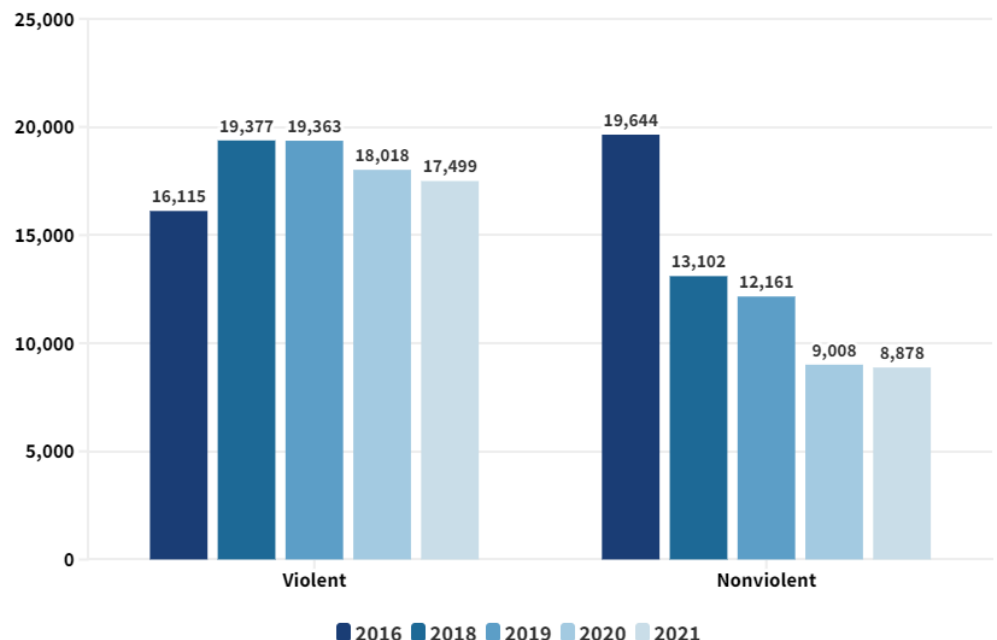
Louisiana historically sent more people to prison and held them for longer than other states, particularly for nonviolent crimes, consistently earning the title as the state with the highest per-capita incarceration rate in the United States. That's all while Louisiana routinely had higher crime rates than the rest of the nation. Something isn't working.

Research suggests such "tough on crime" stances don't make states safer, but they do drain states' budgets. Keeping tens of thousands of people incarcerated for long stretches of time costs taxpayers hundreds of millions of dollars annually to house offenders in state prisons and parish jails run by local sheriffs.

Following best practices of other states such as Texas, Louisiana started to reverse course in 2017, backing a 10-bill package of sentencing law changes and other adjustments recommended by the Louisiana Justice Reinvestment Task Force.

The changes expanded probation and parole opportunities and reduced sentences, mainly for nonviolent offenders. They eased some financial burdens inmates face upon release. And they required most of the savings from the reduction in prison population to be spent on treatment and training programs aimed at keeping exiting inmates from returning to crime.

Prison Population by Violent and Nonviolent Crimes



Source: Louisiana Department of Corrections

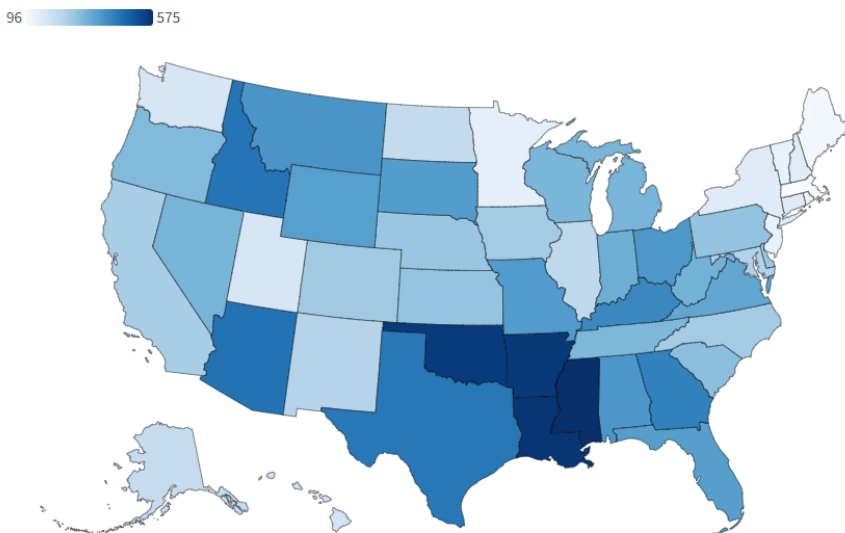
The goal was to focus state inmate beds on those who pose a serious threat to public safety and reinvest other corrections dollars into evidence-backed prison alternatives and reentry programs aimed at helping people return to the workforce and society through rehabilitation, rather than getting locked into a continuous cycle of imprisonment. The revamp effort won bipartisan support from a wide-ranging coalition that included faith-based groups, conservative organizations, business leaders and the American Civil Liberties Union.

Since the criminal justice overhaul passed, the number of state inmates in Louisiana has fallen 23%, from 35,702 at the start of 2017 to 27,405 in 2022, according to numbers from the state Department of Corrections. The drop is almost entirely driven by keeping fewer people in prison for nonviolent crimes.

In addition, the number of people on community supervision has declined, shrinking the caseloads for overloaded probation and parole agents and giving them more time to focus on the remaining offenders they oversee.

The Department of Corrections also said it is seeing drops in the number of people returning to prison after release, though the recidivism data available so far is more limited for comparison.

Total Imprisonment Rates of U.S. Residents by State 2021
Per 100,000 U.S. residents



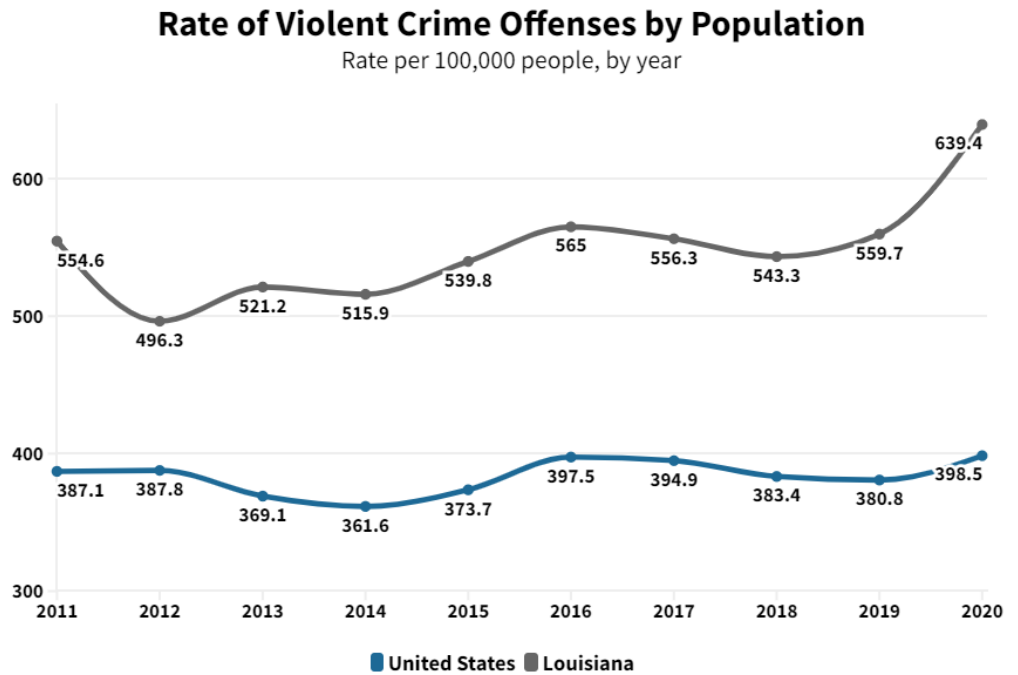
Source: Bureau of Justice Statistics, Federal Justice Statistics Program, 2021

Still, Louisiana's 2021 incarceration rate of 564 inmates for every 100,000 residents remained well above the national average of 350 prisoners. But it no longer ranked as the highest in the country. Instead, Louisiana was second to Mississippi, which had 575 people imprisoned for every 100,000 residents, according to data from the U.S. Department of Justice's Bureau of Justice Statistics. Only four states – Mississippi, Louisiana, Arkansas and Oklahoma – incarcerated more than 500 people per 100,000 state residents, the data showed.

Incarcerating such large numbers of people and supervising them when on probation and parole carries a hefty cost for the state budget and for taxpayers. The Department of Corrections is budgeted for \$696 million in the current financial year – not counting the \$177 million separately paid to sheriffs to house the state's adult offenders in local jails. Nearly all of that comes from the state general fund.

Only education and health care receive larger general fund appropriations than corrections in Louisiana. When they revamped the criminal justice laws in 2017, state lawmakers required 70% of the savings from incarcerating fewer people to pay for recidivism reduction efforts through reentry and education programs, alternatives to prison and crime victim assistance. More than \$26 million has been redirected and spent on those efforts since the requirements began, according to state Senate budget analysts. But policymakers are now questioning whether the reform efforts exacerbated crime.

Violent crime rates increased in Louisiana during the COVID-19 pandemic, just as they have across the country. The rates of violent crime in Louisiana were higher than the national average in 2020, the last year of FBI data available – a rate of 639 violent crimes in Louisiana for every 100,000 people, compared to 399 nationally. Louisiana's homicide rate in 2020 was more than double the national average. Property crimes, meanwhile, have continually decreased in Louisiana over the last decade, just like in other states, the data shows.



Source: Federal Bureau of Investigation Crime Data

However, Louisiana's violent crime rate remains below rates seen from 2006 through 2009, even as it remains higher than nearly all its neighboring states except Arkansas, according to the FBI data, which includes murder and non-negligent manslaughter, rape, robbery and aggravated assault statistics to determine a state's violent crime rate.

Evidence does not support the idea that criminal justice reforms enacted before the pandemic have led to Louisiana's increases in violent crime. It seems far more likely the primary driver is the economic and societal upheaval caused by the COVID-19 outbreak.

Policymakers should let data-driven research and best practices from other states – rather than political calculations – determine if changes to the reform measures are justified, particularly whether there's evidence to indicate that reductions to sentencing requirements somehow are tied to violent crime spikes. Many criminal justice researchers say that years of data don't indicate that higher imprisonment rates lessen violent crime rates.

Taxpayers deserve a better system.

Even as Louisiana publicly focused on lessening its nation-leading incarceration rate, the state often has kept people behind bars beyond their release dates.

Federal DOJ investigators conducting a two-year review said in January that the Department of Corrections is violating the constitutional rights of offenders, while also wasting millions of dollars annually for improper incarcerations, not counting the costs of settlements for over-detention lawsuits. Corrections officials have known of the problem for at least a decade. The legislative auditor's office has pointed out the problem multiple times in its reports.

In a review of more than 4,100 people released from Louisiana state custody between January and April 2022, DOJ found 27% of the inmates were held longer than they should have been. The median number of days inmates were held past their release dates was 29. Federal officials said the state paid parish jails about \$850,000 in fees over the period to hold people beyond their sentences, estimating that over-detention costs Louisiana more than \$2.5 million a year. These are dollars that could be used to tackle crime or, better yet, prevent it in the first place.

The DOJ review cited the state's lack of a centralized, uniform and computerized system for receiving sentencing documents from local officials as a primary problem, along with deficiencies in staff training, oversight and sentencing computation processes.

The Department of Corrections attempted to shift to a new offender management system in 2015, but it failed within six weeks of its rollout. The state then returned to using its decades-old, antiquated system. The corrections agency is currently undergoing a new technology upgrade that it says will include a mechanism for submitting sentencing documents electronically, though the completion of that new computer system remains years away.

After their release, offenders who have served their time face a variety of barriers to successful reentry into society, such as hefty fees and fines that exceed their financial means and counterproductive constraints that limit opportunities to secure work. Worse, these fees are often imposed by entities that rely on them to pay for their operations. Fees can be a useful tool when used as an alternative to incarceration for nonviolent offenders, but they should not be the mainstay of judicial budgets.



The RESET

Louisiana doesn't have enough money to waste on solutions that don't work. Officials need to smartly allocate resources to maximize the chances of reducing crime, improve the reentry process and use better data and technology to be effective. To improve safety through the criminal justice system, Louisiana should:

- **Continue ongoing reform work aimed at using prison space for those who pose a public safety threat, strengthening our systems of community supervision, lowering barriers to successful reentry and reinvesting the savings to reduce recidivism and support victims.**
- **Avoid undermining well-researched reform efforts because of hearsay, politics and fear of crime. Focus on research-based work that uses proven ideas from other states.**
- **Use a statewide collaborative of best-practice programs that maximize crime prevention and crisis response alternatives to incarceration.**

- Create a prison-to-workforce pipeline in specific industries (such as construction and agriculture) that connects offenders with skills training needed by that sector and works with employers facing labor shortages to encourage them to hire people exiting prison.
- Improve data collection efforts through technology, including the creation of a statewide clearinghouse that allows stakeholders in the criminal justice system to share crime data. Address problems of systemic over-detention of offenders with a consolidated state web portal that can be used by sheriffs, clerks of court and others.
- Fund the state's courts and public defenders without counterproductive fees and fines on offenders that create a perverse structure inhibiting successful reentry into society.
- Follow evidence-based practices to reduce recidivism.
- Invest dollars in job training programs, mental health services, rehabilitation programs and other efforts to smooth reentry for offenders leaving prison and to better prepare them for the workforce and society.
- Expand drug courts with targeted programs aimed at keeping people out of prison and offering them needed treatment services.

