03
The Incarceration Budget: High and Climbing Higher

05
Budget Drivers: Retirement and Medical Costs

07
State Budget: Subsidizing Local Jails, Sheriffs, and Deputies

11
industry Employment

13
Costs Beyond The Jail

16
Future Budget Impacts

18
Conclusion
THE INCARCERATION BUDGET: HIGH AND CLIMBING HIGHER

Budget documents are one of the best ways to cut through the chatter and get down to the numbers. What are we trying to do, and how much are we spending on it? From the time Gov. Jeff Landry ran for office to the time he celebrated his “special crime” legislation, one would guess a few things based on not just his words and deeds, but the people around him.

First, they believe that the way to prevent crime is to ensure someone is convicted, incarcerated, and not released for as long as possible so they can commit no more crimes (at least not until released). Second, they don’t believe in the concept of rehabilitation, change, second chances and helping people assimilate back into society. Finally, they are willing to write a blank check to achieve goal number one. With that said, it is increasingly difficult to understand the mission of the Department of Corrections if it reverts into a place of hopeless and brutal punishment that incites more crime than it prevents.

What follows is a look into the overall funding, a framing of the incarceration industry as a Louisiana employer, and the peculiar usage of local jails to handle a state obligation. Download the full budget here.

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[Image of pie charts showing budget allocations for FY23, FY24, and FY25, with details on budget amounts and percentages for various correctional services and housing types.]
Despite the number of people incarcerated going down since the 2009 – 2012 peak, the cost of locking people up continues to climb past $1 billion dollars and beyond.

One look at the overall budget, and it is clear prisons are a massive part of the statewide budget and are at no risk of being cut.
To cover up this major expense, politicians might seek to focus on “user fees,” such as probation fees, canteen profits, telephone kickbacks, or medical co-pays.

The users, however, are overwhelmingly penniless and it never adds up to any substantial percentage of the budget.

**BUDGET DRIVERS: RETIREMENT AND MEDICAL COSTS**

Why is incarceration so steep? The majority of funding goes to staffing expenses (more on that below), and to the thousands of retired staff who continue collecting a pension. Unfunded Accrued Liability (“UAL”) is not our expertise, but this is the amount of expected monies owed that do not have funds set aside. You can see that the Corrections budget has over $103 million (18%) going to UAL and retiree’s insurance.
Another major cost is medical care for patients in prison. According to the DOC, in their legislative presentation, total medical care spending is “somewhere around $100 million.” The monies are partly found in bills for people sent to the outside doctors, partly in the particular facility’s budget, and partly paid out to the local jails where people are detained.

The Legislature’s 2024 Special Crime Session passed several new laws that should make the medical costs skyrocket as people get older. Eliminating parole (including medical and geriatric) and major cuts to Good Time credits will increase sentences. Narrowing parole for people already inside (unanimous parole decision) will turn other people’s sentences into Death Sentences.

The *Lewis v. Cain* case on Angola’s unconstitutional health care is forcing that institution under federal receivership. Costs will go up as care becomes legitimate. And lawsuits should begin against every facility that houses people, as none of them provide anything close to a reasonable standard of care.

In the Corrections budgets, you will see them broken out by the overall statewide administration, and then each of the facilities in the system. The Louisiana State Penitentiary, AKA Angola, has the most incarcerated people who are the oldest and most likely to die in custody. Every facility budget has a few things that stand out:

- Office of Risk Management fees (Angola: $12.9m)
- Medical services ($1.1m)
- Vehicle financing payments ($1m)

Angola also has $1.6m going to Badge Ferry, which likely refers to the prison ferry that crosses the Mississippi River for employees. It is unclear if that ferry still operates, and it is well known most of the staff live at the penitentiary itself. Angola’s budget is also peculiar in having costs for putting on the infamous rodeo, but it is *unclear where the profits from these weekends fit into the budget*. Meanwhile, every facility will put in costs for purchasing canteen supplies; however, if this is referring to the items incarcerated people are buying with their own funds, we know the prison runs an overall profit on that exchange.
Looking at the overall summary, it is clear that another big piece is keeping the buildings functional, constitutionally compliant, and large enough to handle the influx of people. One shrinking part of the budget is in regard to Winn Correctional Center. In the Feb. 28 budget presentation at the Senate Finance Committee, it was noted that this prison is being leased out to the sheriff in Winn, “for about a million dollars.” *It isn’t clear where that million is reflected.* DOC Undersecretary Bickham explained to the House Appropriations Committee (March 6, 2024) that there is a Cooperative Endeavor Agreement in place, and the state can take control back from the Sheriff at any time, with roughly six months’ notice.

**State Budget: Subsidizing Local Jails, Sheriffs, and Deputies**

### 08-407-Winn Correctional Center

**Agency Description**

Winn Correctional Center (WNC), a medium custody facility located on a 1,209-acre tract in Winn Parish, was opened in March 1990. Current operational capacity is 1,440 offenders, however only 30 state offenders are being housed in this facility. WNC is a privately managed state correctional institution operated by the Winn Parish Law Enforcement District. Currently, the majority of the operational capacity is being utilized to house Immigration and Customs Enforcement (ICE) detainees. The WNC received American Correctional Association (ACA) accreditation in June 1991 and has since maintained accreditation. WNC was released from the federal consent decree in 1997.

The mission of WNC is to house offenders for the Louisiana Department of Public Safety and Corrections. Specifically, the facilities maintain the necessary level of security to ensure public safety as well as provide work programs, academic programs, and vocational programs to incarcerated offenders.

According to the budget report, the mission of Winn Correctional Center is to “house offenders for the Louisiana Department of Corrections.” However, it isn’t doing that. Instead, they are renting the beds out to Immigration and Customs Enforcement (ICE). During the Trump Administration’s massive border detention crackdown (which neither turned people back nor let them stay free pending their administrative hearing) Louisiana rented bed space to ICE for nearly 10,000 detainees. This is likely a large reason why the sheriffs had no qualms with the prison system contracting the way it did. The Feds pay a much higher rate per person. With that number coming down quite a bit, perhaps this contributes to why Gov. Landry deployed our National Guard to the Mexican border.
We are unsure why ICE or Winn Parish Sheriff, who uses LaSalle Corrections to administrate the prison, would want to obscure any details in a contract between two public entities, but it appears that somewhere around $65m is transferred between federal public funds to Winn, according to the Sheriff’s budget report. The entire parish population is only 13,755, and likely includes the number of incarcerated people. It is easy to see why a sheriff’s $14m payroll, pensions, plus local contracts contribute to political influence.

You may be wondering: Can the state lease out one of its facilities to a sheriff, who can then turn a profit with the federal government? And then pay for some incarcerated workers to help staff the facility?
It’s important to understand the relationship between state and local facilities. These parish jails were built in bulk during a time when the state subsidized construction costs and guaranteed the population to be detained. A great summary of this process is in “Prison Capital” (2023) by Lydia Pelot-Hobbes, who was a recent guest on the “From Chains to Change” podcast (listen here).

When the state facilities are bursting, the overflow goes to local jails run by sheriffs, with a per diem paid (less than half of what ICE pays the Winn Sheriff). Traditionally, the state/local balance was about 50/50, but taking Winn offline for state incarceration has led to the local jails holding more than the state prisons. While our prisons report only 781 total vacancies, and only 21 releases per day, the local housing has 7,322 vacancies. And naturally, the budget is confusing as to whether Winn is a state or local facility.
At times, this math does not add up. Rep. Kimberly Coates (D-73) of Tangipahoa brought up a dilemma in her parish. The local jail is full of state prisoners, for which the sheriff collects the per diem from the state. Meanwhile, there is not enough room for locally arrested people. This forces the parish (not the Sheriff) to pay $800,000 to ship these people out to other jails.

Also noteworthy in the above graphic are the 1,456 “Re-entry participants” at regional programs inside the local jails. This is a fraction of the 11,870 people serving state time, but part of the programming funded by the Justice Reinvestment Initiative (JRI). For those clamoring “JRI didn’t work,” we never once heard them criticize the sheriffs and their programming.

The state has an operational carceral capacity of 14,359 (not including Winn), and 13,505 people are housed. Local jails, on the other hand, can hold 39,617 people, and only 12,885 are being held pre-trial. It is clear who stands to gain by decreasing the use of bail, increasing probation and parole violations, and lengthening sentences. And we also are unlikely to see them give back the $26m in savings from JRI.

With the state prisons relatively stable in population, unless Winn’s lease is canceled, it is the local jails, run by sheriffs, whose funding was in jeopardy by increasing rehabilitation, decreasing recidivism, providing reentry support, scaling back discrimination, and downsizing prisons. The JRI funding to sheriffs was tailored to garner their support.
The conflation of state prisons and local jails can be very misleading to the public, and not just in the budget. For example, the DOC’s presentation leans into their employment situation.

Any agency with close to 5,000 employees is an industry. We have heard the stats about high turnover across law enforcement and incarceration (juvenile facilities were saying 300%, meaning they hire for the same position 3 times in a year). Not only do the facilities need to recruit and train new people, and struggle through the learning curve, they also need to deal with the added payment of a position every time someone retires.

15% of the DOC staff is eligible to retire today, creating a massive staffing crisis.

While the positions are open, the state will continue paying massive overtime to those who remain. While the wildfires increase and the Governor focuses on hiring 43 state troopers to post in New Orleans, a third of General Fund excess will pay for overtime in prisons.

It may come as a surprise to many that the busiest legislative committee is consistently the Administration of Criminal Justice. Even after a Special Crime Session, there are currently 86 bills pre-filed in the ACJ, out of 717 total bills across 16 committees. On the Senate side, the three Judiciary Committees (A, B, and C) have 106 bills of 376 in the Senate’s 17 committees. This says quite a bit about a state that struggles to stay above water, has a crisis in auto and homeowner insurance, has abysmal education and health statistics, is shrinking in population, and is the only place in the world home to a “Cancer Alley.” Among state employees, 13% are working in corrections. For context as to the expanse of Louisiana’s mass incarceration, consider the proportion of jail and prison staff being equal to half of all other state employees. The incarceration employment is nearly a third the size of Louisiana’s school teachers, and more than the number of certified elementary school teachers across the state.
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And how did we calculate the number of deputies? The state not only sends funds to the jails for every incarcerated person, but we also subsidize local deputies' paychecks with “Supplemental Pay.”

Every deputy receives $600/month from the state after they have worked one year of service, totaling over $63m in pay. 8,846 have over a year in, and if somewhere around 11% of the workforce is new (keep in mind the turnover dilemma), then the overall is roughly 10,000. This may be more than the municipal police, whose 5,225 eligible officers only collect $41m in state pay.
The incarceration industry is not solely the front-line workers, who typically get the least pay and the roughest jobs. **Louisiana spends over $40m on prosecutors, not including the new unit proposed for the Attorney General in New Orleans (prosecuting the state police cases).**

During HB 1 in the Crime Session, Rep. Bacala and others repeatedly criticized the lack of services currently provided to victims of violent crimes. They cited lack of notification about the criminal case, lack of communication with the prosecutors, and yet the law the Legislature passed will simply put court clerk’s “minute entries” online in a public database, presumably so victims of crime could look up the case status for themselves. Despite some calls that they audit the millions of dollars and staffing dedicated to victims’ services (through the district attorney offices), this was ignored; suggesting the real purpose of HB 1 “Transparency” bill is to create an online database of arrested people, and convicted people, to make discrimination in housing, employment, and beyond much easier. And apply it to juveniles arrested on violent crimes, along with 17-year-olds arrested on any crime (as they are now “adults.”)

The costs of prosecution will continue to spiral upwards.

Not only have the District Attorney budgets climbed by a third between FY2017 and FY2025 (even with a gap in prosecution due to COVID), but now the costs of indigent defense should be expected to balloon with an added focus on ratcheting up sentencing and violation hearings. Additionally, every public defender will face utmost scrutiny in their performance now that Gov. Landry is appointing Louisiana’s statewide head defender, along with the bulk of the board that has (maybe) some oversight. Starving the budget (an historical tactic used by executives who dislike an agency) will force additional 6\(^{th}\) Amendment litigation which will further deplete Louisiana’s coffers.

**Litigation is costly.** Every facility has a line item for Office of Risk Management (Fees). It isn’t clear how this is calculated, but the ORM is the state liability insurance for workers compensation, vehicle accidents, property liability, and general liability for things such as deprivation of rights. The amount per facility is likely the premium they pay on the policy.
All those fees may seem reasonable with the number of claims filed and won in court.

5-Year Claim History by Department and Agency

It is good to know that there is recourse and liability when harm is committed. Keep in mind, however, that this is only a reflection of those state institutions, not the local jails where most people are held. The bifurcated system is a major reason why the true costs of incarceration is so difficult to assess, particularly in a special legislative session where an hour of testimony is allowed “per side,” and bill sponsors present no data nor experts to bolster their claims.
Every dollar amount, from food and clothing to litigation costs, are likely to rise with the increase of the incarcerated population. **Currently, the average person in state custody is about 32 years old and serving 7 to 10 years.** With many of the new reforms applying to non-violent crimes and 17-year-olds (particularly ending parole and massive cuts to Good Time parole credits), it is easy to see the area for expanding Louisiana’s mass incarceration impact. Additionally, increasing probation sentences to five years will add to caseloads, and add to technical violations (no new crime committed) in years four and five of a probation sentence that previously did not exist.
FUTURE BUDGET IMPACTS

The Legislative fiscal office traditionally has a difficult time pinning down expected impacts of proposed legislation. Numbers will often be “indeterminate,” and never have they accounted for the medical costs of an incarcerated person. Nonetheless, the fiscal notes in this Crime Session illustrate the priorities of the Governor and Legislature, and how they would like to invest public funds. None of the bills address the root causes of crime, such as untreated addiction, violence, poverty, or untreated mental illness.

At times, the economic impacts are subtle and typically spread across multiple purses. In 2023, for example, Louisiana increased time to serve for people convicted for a fourth offense. The fiscal note outlined the impact on lengthened sentences and lost probation fees (along with increased custody costs) yet would not prospectively provide a dollar estimate. When the budget comes out, they hone in on the genuine impact, as accuracy is critical.

One year after the bill becomes law, a $4.5 million loss of revenue is expected.

The Legislature should require courts to submit fiscal notes for every sentencing order. These notes should acknowledge mandatory obligations in a range, based on the shortest potential time served to the maximum. These notes should recognize potential (or known) costs in medical care, while being respectful of HIPAA privacy protections. After one year, the Legislature will have a sample size that can be extrapolated. After three years, Louisiana is likely able to project incarceration costs that factor in the retirement system of employees, and the facility repairs and constructions.

There may come a time when some people clamor for more, or newer, prisons. As the New Orleans jail expansion has shown, there will be those who call for “mental health” jails. There will be desire for “elderly” prisons, along with the
“juvenile” prisons currently in the pipeline. These facilities are excellent deals for the construction companies, and the financiers who advance the money by selling bonds at long-term interest, but it takes generations to pay them off.

Just like buying a house or a car, the cost of an investment is not the initial price tag, but the amount paid, including interest... and repairs. According to Deputy Secretary Bickham (testifying in House Appropriations Committee on March 6, 2024), the prison system has a backlog of $400 million in repairs.

Generally, changes in our government structure are difficult to reverse. Gov. Landry’s stated goal of adding state police troopers as a unit in New Orleans came with more speculation than facts. Budgets, however, are more illuminating. The plan is to host several more police academy classes that ultimately bring on 43 troopers specifically assigned to New Orleans. Whether this means the entire troop will be new officers or not, this will be an annual increase.
CONCLUSION

Although the incarceration budgets are increasing, and likely at the expense of rehabilitative and reentry programming, it is unknown if people will go back to prison the way our community once did. Years ago, discrimination was nearly absolute, with blanket policies excluding anyone with a criminal record from housing and employment, voting, education, and more. Over the past twenty years there has been a gradual cultural shift towards inclusion and assimilation. Fewer people have been returning to prison and, despite the rhetoric, crime is nowhere near the peaks of the 1990s. Regardless of what happens in our courts and prisons, all people will retain the desire to live free and embrace the pursuit of happiness.

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<th>Calendar Year</th>
<th>Total Releases</th>
<th>First Year Returns</th>
<th>Percent</th>
<th>Second Year Returns</th>
<th>Percent</th>
<th>Third Year Returns</th>
<th>Percent</th>
<th>Fourth Year Returns</th>
<th>Percent</th>
<th>Fifth Year Returns</th>
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Recidivism is defined as:

- "Return to custody following conviction for a new felony or technical revocation of supervision after having been released from incarceration through completed sentence, released on parole, conditional release, or split probation sentence."

18
WANT TO KNOW MORE?

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