

Blueprint for Smart Justice Louisiana



Blueprint *for* Smart Justice Louisiana

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Executive Summary

Over the past five decades, the United States has dramatically increased its reliance on the criminal justice system as a way to respond to drug addiction, mental illness, and poverty. As a result, the United States today incarcerates more people, in both absolute numbers and per capita, than any other nation in the world. Millions of lives have been upended and families torn apart. This mass incarceration crisis has transformed American society, has damaged families and communities, and has wasted trillions of taxpayer dollars.

We all want to live in safe and healthy communities, and our criminal justice policies should be focused on the most effective approaches to achieving that goal. But the current system has failed us. It's time for the United States to end its reliance on incarceration, invest instead in alternatives to prison and in approaches better designed to break the cycle of crime and recidivism, and help people rebuild their lives.

The ACLU's Campaign for Smart Justice is committed to transforming our nation's criminal justice system and building a new vision of safety and justice. The Campaign is dedicated to cutting the nation's incarcerated population in half and combatting racial disparities in the criminal justice system.

To advance these goals, the Campaign partnered with the Urban Institute to conduct a two-year research project to analyze the kind of changes needed to cut by half the number of people in prison in every state and reduce racial disparities in incarceration. In each state and the District of Columbia, we identified primary drivers of incarceration and predicted the impact of reducing prison admissions and length of stay on

state prison populations, state budgets, and the racial disparity of those imprisoned.

The analysis was eye-opening.

In every state, we found that reducing the prison population by itself does little to diminish racial disparities in incarceration — and in some cases would worsen them. In Louisiana — where in 2016, 1 in 66 Black Louisiana residents was in prison¹ — reducing the number of people imprisoned will not on its own reduce racial disparities within the prison system. This finding confirms that urgent work remains for advocates, policymakers, and communities across the nation to focus on efforts like policing or prosecutorial reform that are specific to combatting these disparities.

In Louisiana, more than half (51 percent) of admissions to prison in 2016 were the result of revocations of probation, parole, and other community supervision programs.² In 2017, 1 in 5 imprisoned people was serving time for a drug offense,³ and 16 percent were imprisoned for property offenses.⁴ Louisiana's severe sentencing laws also contribute to the state's large prison population. In 2017, the average maximum sentence in Louisiana was 16 years, with the average maximum sentence increasing by 13 percent over the past five years.⁵

So, what's the path forward? Any meaningful effort to reach a 50 percent reduction in incarceration in Louisiana will need to focus on reducing admissions and length of imprisonment for drug and property offenses. Louisiana judges and district attorneys could look to alternatives to imprisonment, such as offering treatment for substance use disorder, support services for mental health care, employment, housing, health

care, and vocational training. The Legislature could decriminalize personal use and possession of drugs and take prison time off the table for a range of less serious drug and property offenses by reducing them to misdemeanors that can carry up to a year in jail instead.

Reducing time served, even by just a few months, can further reduce the number of people in Louisiana prisons. Louisiana can build upon the historic 2017 Justice Reinvestment package of reforms designed to reduce time served, which included eliminating the state's severe habitual sentencing enhancement and expanding opportunities for people to earn credits against their prison sentences. Additionally, Louisiana should move in line with most of the country by ending mandatory life in prison without the possibility of parole.

Further progress will be up to Louisiana's voters, policymakers, communities, and criminal justice advocates to continue the urgent work of ending Louisiana's obsession with mass incarceration.

The State of the Louisiana Prison System

The Louisiana prison population⁶ grew more than fourfold between 1980 and 2016 – reaching its peak in 2012.⁷ Recently, there has been a decline in the state’s prison population – attributable to new policy reforms in 2017 that helped halt the precipitous growth in the prison population.⁸

In 2016, Louisiana admitted 16,254 people to prison – bringing the total prison population to 35,001 in 2017.⁹ As of 2016, the Louisiana prison population is the 12th largest in the country.¹⁰

What Is Driving People Into Prison?

In Louisiana, a litany of offenses drives people into prisons.¹¹ More than 1 in 3 people admitted to prison in 2016 were convicted of a property offense, an increase of 9 percent in the past decade. Thirty percent of all admissions were because of drug offenses.¹²

AT A GLANCE

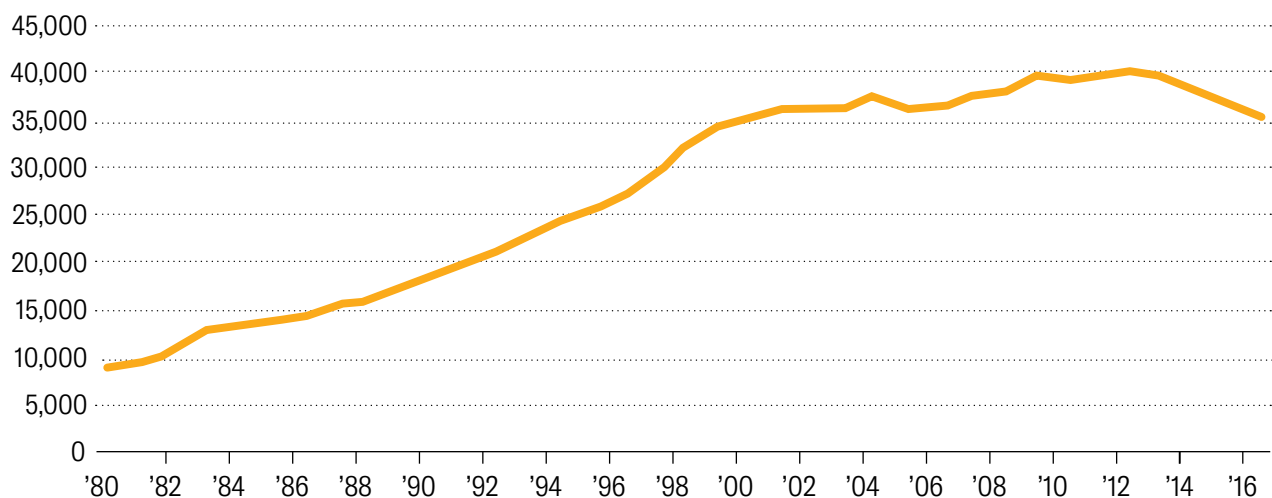
LOUISIANA PRISONS

Louisiana ranked **12th** in the nation in the number of people imprisoned in 2016.

35,001 people were imprisoned in Louisiana in 2017.

16,254 people were admitted to Louisiana prisons in 2016.

LOUISIANA PRISON POPULATION



In 2015, the most common offenses for new admissions to Louisiana prisons did not involve violence; these included simple burglary (7 percent),¹³ operating a vehicle while intoxicated (6 percent), and possession of a firearm by a felon (5 percent).¹⁴ Yearly new admissions for possession of a firearm by a felon tripled between 2006 and 2015.¹⁵

Louisiana has harsh laws that trigger mandatory prison sentences for individuals in many situations, including when someone has a prior felony conviction. This can lead to mandatory prison sentences for someone who could otherwise be eligible for probation or other alternative programs.¹⁶

Violations of probation, parole, and other community supervision programs are another key driver of incarceration. More than half (51 percent) of 2016 admissions to Louisiana prisons were for revocations from these programs, and nearly 1 in 5 admissions was for a technical violation while on community supervision, like missing a curfew or failing to report for an office visit.¹⁷

In addition, a lack of access to treatment options and reentry support for people convicted of a crime means

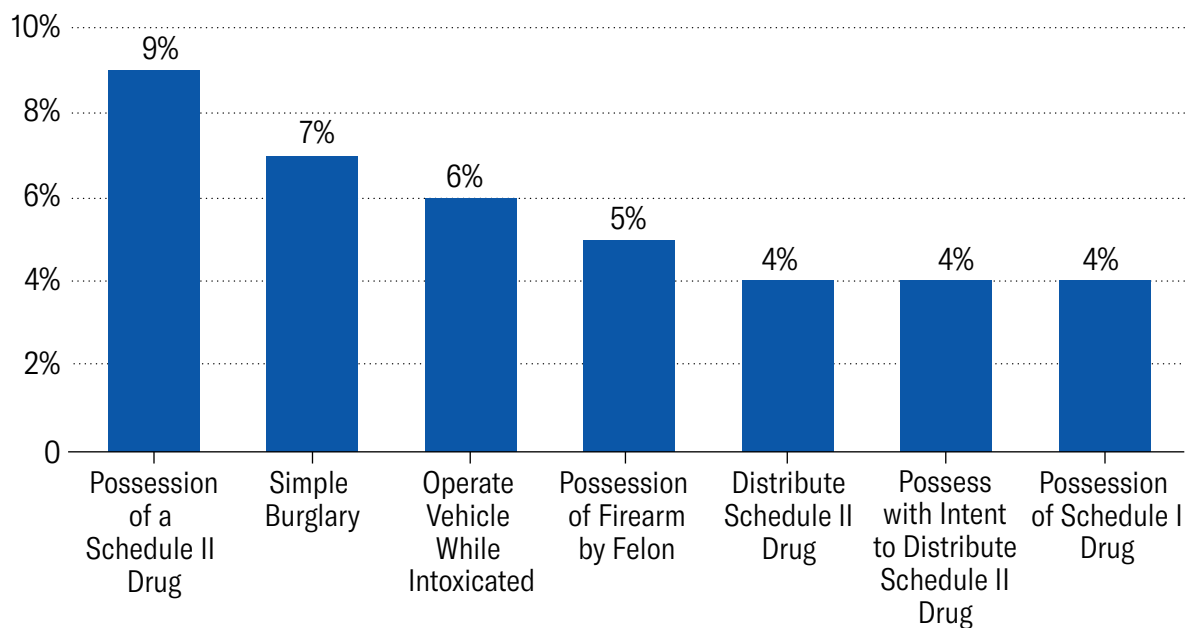
many people are sent back to prison after they are released. Of all the people released from Louisiana prisons in 2011, 44 percent were reincarcerated within five years. Of those who returned to custody within five years, the largest proportion were originally convicted of a drug offense.¹⁸

The Current Prison and Jail Population

The Louisiana Department of Corrections relies heavily on parish jails to accommodate its growing prison population. As of September 2017, the majority (52 percent) of people held in state custody are actually serving their sentences in local facilities, including local parish jails, instead of state prison facilities.¹⁹

The corrections department does contract with individual jails to provide certain rehabilitative programming, but most do not provide substantial options like treatment or training, a serious concern for people held in the facilities for years. Other programming, if jails provide it, is locally funded or volunteer-led.²⁰

LOUISIANA PRISON ADMISSIONS BY TOP OFFENSE TYPES (2015)



AT A GLANCE

LOUISIANA JAIL AND PRISON POPULATION

52 percent of people incarcerated under state jurisdiction were serving sentences in local facilities instead of state prison facilities in 2017.

In 2017, **1 in 5** people imprisoned in Louisiana was serving time for a drug offense.

At least 45 percent of people imprisoned in Louisiana were serving time for offenses involving violence in 2015.

As of September 2017, the majority (54 percent) of the Louisiana prison population was imprisoned for an offense that did not involve violence.²¹ One in 5 was serving time for a drug offense, and another 16 percent were imprisoned for property offenses.²²

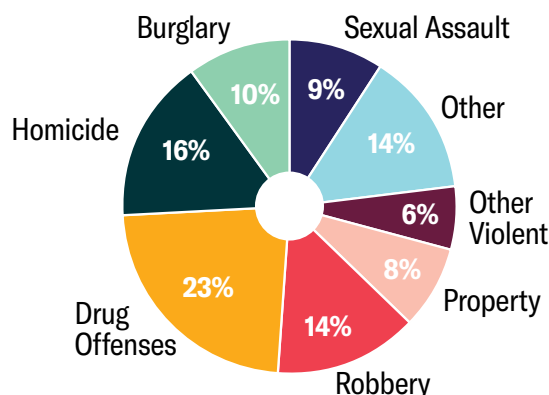
In 2015, at least 45 percent of the prison population was serving time for offenses involving violence. Some of these offenses included: homicide (16 percent), robbery (14 percent), and assault (4 percent).²³ At least 43 percent of people in prison in 2015 were on probation, parole, or other community supervision program at the time of their arrest.²⁴

Why Do People Stay in Prison for So Long?

The amount of time people spend in Louisiana prisons is driven by two factors: 1) the length of their initial sentence and 2) how much of that sentence they are required to serve before they are released, usually on parole.

Initial sentence lengths have increased significantly in recent years. In 2017, the average maximum sentence length in Louisiana was 16 years, an increase of 13 percent over the previous five years.²⁵ Nearly one-third

LOUISIANA PRISON POPULATION BY OFFENSE TYPE (2015)



of those imprisoned in 2017 were serving a maximum sentence longer than 20 years.²⁶ People who stay in Louisiana prisons the longest are likely to have been admitted at a young age: According to a 2016 study, 46 percent of people with the longest prison stays committed their crime when they were under age 25.²⁷

A 2016 study estimated that the average sentence length for people with new sentences who were released from Louisiana prisons increased 22 percent between 2010 and 2015. Much of this increase is attributed to drug and property offenses, including an estimated 33 percent increase for possession of a schedule I drug (like heroin), 67 percent increase for possession with intent to distribute a schedule II drug (like cocaine), and 67 percent increase for simple burglary.²⁸

The average length of imprisonment in Louisiana prisons for people released in 2016 was two years, a 5 percent increase since 2000. People convicted of offenses involving violence who were released in 2016 had spent an average of 4.8 years in prison — more than double the average time served across all offense types.²⁹

Although time served at release for drug and property convictions has decreased since 2000, time served at release for crimes involving violence increased 45

AT A GLANCE

LENGTH OF IMPRISONMENT

In 2017, people in prison had an average maximum sentence length of **16 years**.

People released from prison in 2016 served an average of **2 years**.

58 percent of people in the Louisiana prison system who were given a parole hearing were denied parole in 2016.

In 2017, **14 percent** of people in the prison system were serving life without parole.

percent between 2000 and 2016.³⁰ Some offenses that do not involve violence have seen significant increases in time served as well. For instance, the average length of imprisonment for people newly admitted to prison for operating a vehicle while intoxicated nearly doubled between 2006 and 2015. For people who are required to register as a sex offender and are newly admitted to prison for failing to submit the required information to court, the average length of imprisonment increased fourfold over the same time period.³¹

Since 2000, the number of parole hearings conducted yearly has been cut in half, and the parole approval rate has decreased by 18 percent.³² Between 2000 and 2015, the Louisiana Legislature passed 216 new restrictions on parole eligibility.³³ In 2016, the Louisiana Board of Pardons and Parole denied parole to 58 percent of all people who were given a hearing.³⁴ A recent Louisiana Justice Reinvestment Task Force study estimates that more than half of the Louisiana prison population in 2015 was eligible to be considered for parole.³⁵

Among the states, Louisiana is one of a handful of states where adults serving life sentences are never eligible for parole.³⁶ People serving life without parole sentences accounted for 14 percent of the prison population in 2017.³⁷ That same year, 32 percent of those serving life sentences were younger than 25 when they were convicted.³⁸

Louisiana's criminal code outlines hundreds of felony crimes, each of which carries unique penalties and restrictions on sentencing options. This complicated system, along with the widespread use of mandatory minimum sentences, results in harsh sentencing outcomes. Before reforms in 2017, Louisiana had at least 164 mandatory minimum sentencing statutes, 56 percent of which were for crimes not involving violence.³⁹ Although Louisiana eliminated many of these mandates in 2017, most changes do not apply retroactively for individuals who have already been sentenced under these laws.

Louisiana's habitual offender laws require longer prison sentences for people with prior convictions. In 2015, nearly 3 out of 4 people admitted to prison under these laws were convicted of a drug or property crime as their primary offense. The number of people admitted to prison under the habitual offender laws more than doubled between 2006 and 2015 and accounted for 5 percent of all new admissions in 2015.⁴⁰

Moreover, habitual offender laws contribute to Louisiana's growing prison population through a "stacking effect" — while a relatively small number of people may be admitted each year under these statutes, people stay in prison for so long that they contribute to the growing prison population over time. As a result, individuals sentenced under the habitual sentencing law account for a significant portion (15 percent) of the 2017 prison population.⁴¹ The habitual sentencing law reforms that went into effect in 2017 are not retroactive and do not provide any relief for individuals currently in prison. The "good time" changes, however, are retroactive and will affect some people sentenced under the habitual offender statute.⁴²

Who Is Imprisoned

Black Louisianans: As of 2016, the Black imprisonment rate in Louisiana (1,522 per 100,000) was nearly four times the white imprisonment rate, and 1 in 23 adult Black men in the state is in prison.⁴³ As of 2014, the Black per capita imprisonment rate in Louisiana was the 13th highest in the country.⁴⁴ Though they account for just 33 percent of the state

AT A GLANCE

PRISON DEMOGRAPHICS

21 percent of people imprisoned in Louisiana were age 50 or older in 2017.

Louisiana ranked **13th** in the nation for its Black per capita imprisonment rate in 2014.

1 in 66 Black Louisiana residents was in prison in 2016.

66 percent of people in the Louisiana prison system were Black in 2017.

population, Black people made up 66 percent of the Louisiana prison population in 2017.⁴⁵

Female Louisianans: Between 1980 and 2016, the number of women in the prison population grew more than sixfold, far outpacing the growth in the number of imprisoned men over the same time period.⁴⁶

Older Louisianans: Louisiana's prison population is rapidly aging. More than 1 in 5 people imprisoned in Louisiana in 2017 was age 50 or older — a population generally considered to pose a negligible risk to public safety.⁴⁷

Education: Approximately 4 out of 5 people who enter Louisiana prisons have not received a high school diploma or its equivalent.⁴⁸

People With Mental Health and Substance Use Disorders

At least 21 percent of people imprisoned in Louisiana have some form of mental illness.⁴⁹ According to the Louisiana Department of Corrections, approximately 4 out of 5 people imprisoned have substance use disorder issues.⁵⁰

AT A GLANCE

MENTAL HEALTH AND SUBSTANCE USE DISORDERS

At least **21 percent** of people imprisoned in Louisiana have mental illness needs.

4 out of 5 people imprisoned in Louisiana have substance use disorders.

Budget Strains

As Louisiana's incarcerated population has risen, so has the cost burden. Louisiana spent \$729 million of its general fund on corrections in 2016.⁵¹ These costs increased 82 percent between 1986 and 2016, forcing tradeoffs in other state priorities. For example, over that same time period, higher education general fund spending in Louisiana decreased by 43 percent.⁵² In fiscal year 2017, corrections was Louisiana's third-highest expenditure behind education and health care.⁵³

AT A GLANCE

SPENDING ON CORRECTIONS

Louisiana spent **\$729 million** of its general fund on corrections in 2016.

General fund corrections spending increased by **82 percent** between 1986 and 2016.

Higher education general fund spending decreased by **43 percent** between 1986 and 2016.

Ending Mass Incarceration in Louisiana: A Path Forward

Policies enacted over the last several years, especially the reform package passed in 2017, have started Louisiana on the path of change. However, there is much more to be done to end Louisiana's mass incarceration crisis. Below is an outline of some of the potential directions available to the state, specifically designed to either reduce the amount of time Louisianans spend in prison or reduce the number of people entering prison in the first place. While these are promising potential reforms for Louisiana, they are not the only options. It will be up to the people and policymakers of Louisiana to determine exactly which set of reforms is right for them.

Reducing Admissions

To end mass incarceration, Louisiana must end its overreliance on prisons to hold people accountable for their crimes. In fact, evidence indicates that prisons seldom offer adequate solutions to wrongful behavior. At worst, imprisonment can be counterproductive — failing to end cycles of misbehavior and violence or to provide rehabilitation for incarcerated people or adequate accountability to the crime survivors.⁵⁴

In the coming years, Louisiana plans to carry more than 70 percent of the savings achieved from prison population reductions into the following year's budget for reinvestment into programs that aim to reduce recidivism, along with programs that aid crime victims.⁵⁵ Here are some other strategies:

- **Alternatives to incarceration:** Offer alternatives programs that provide substance abuse treatment, mental health care, employment, housing, health care, and

vocational training. Such programs — often with some community service requirement — can significantly cut recidivism rates for participants. For crimes involving violence, restorative justice programs — designed to hold people accountable and support those who were harmed — can be promising. When they are rigorous and well-implemented, these strategies have been shown to reduce recidivism⁵⁶ and decrease symptoms of posttraumatic stress in crime survivors.⁵⁷

By embracing these approaches, prosecutors and judges may be able to achieve better results for public safety and better support crime survivors in their healing than imprisonment can deliver. Other successful models include law-enforcement-led programs, which divert people to treatment and support services at the time of arrest, and prosecutor-led programs, which divert people before they are charged.

- **Sentencing reform:** Drug offenses, for example, continue to be leading drivers of imprisonment in Louisiana. Stakeholders could look for evidence-based alternatives — such as substance abuse treatment or decriminalization of personal use and possession — and shift more resources to a health-policy approach. Short of that, the Legislature can take state prison time off the table for a range of less serious drug and property offenses by reducing them to misdemeanors, which carry up to a year in local jail instead. Prison time, a felony record, and the countless collateral consequences that result from a felony conviction make it harder for

someone to find work or housing or to support a family.

- **Expanded treatment:** Substance use disorders are often underlying drivers of other more serious offenses, including burglaries, robberies, and assaults. Actually reducing the incidence of these crimes may be better and more effectively achieved through alternative responses instead of prison time in a substantial number of cases. Similarly, mental health treatment and supervision can provide a better, more productive alternative to prison for many offenses, minor and more serious, and could be more effective in improving overall public safety in the long term.
- **Maintaining judicial discretion:** Judges must also have a variety of options at their disposal besides imprisonment, allowing them to require treatment, mental health care, restorative justice, or other alternatives to incarceration. These programs should be available to the court in all or most cases, regardless of the severity of the offense or someone's prior criminal history. The court, not the Legislature, should be in a position to decide whether such an option is appropriate in individual cases.
- **District attorney oversight:** District attorneys are the most powerful actors in the criminal justice system, with decision-making power from the charging stage through sentencing. Despite this authority, their decisions and actions are largely unchecked. A national leader in wrongful convictions,⁵⁸ Louisiana should create an oversight body for its prosecutors' offices to increase transparency and accountability.

Reducing Time Served

Reducing the amount of time people serve, even by just a few months, can lead to thousands of fewer people in Louisiana's prisons. Here's how:

- **Sentencing reform — general:** The Louisiana Legislature can continue to amend Louisiana's criminal code to reduce sentences, including and especially for drug offenses, burglary, robbery, assault, and public order offenses.
- **Sentencing reform — habitual:** The Legislature can also continue to reform or, even better, eliminate Louisiana's severe habitual sentencing enhancement, which has resulted in extreme sentences for thousands of people in Louisiana prisons. The 2017 reforms were a good start, but more work will be required. Short of eliminating this enhancement, the Legislature can continue to both limit its severity and limit the number of people exposed to it by reducing the number of situations in which it applies.
- **Parole reform:** Improving parole and release policies and practices to ensure that more eligible people are released earlier from prison is another key way to reduce the amount of time a person will spend in prison. For example, Louisiana can take steps to expand administrative or presumptive parole policies that can streamline and speed up the release of people who have demonstrated good behavior and have served their minimum sentences. Additionally, Louisiana should move in line with most of the country by ending mandatory life in prison without the possibility of parole, providing parole consideration for many of its longest-serving inmates.
- **Earned time/credit reform:** The state can continue to expand opportunities for people to earn credits against their prison sentences through participation in educational, vocational, and other opportunities while in prison.

Reducing Racial Disparities

Reducing the number of people who are imprisoned in Louisiana will not on its own significantly reduce racial disparities in the prison system.

People of color (especially Black, Latino, and Native American people) are at a higher risk of becoming involved in the justice system, including living under heightened police surveillance and being at higher risk for arrest. This imbalance cannot be accounted for by disparate involvement in illegal activity, and it grows at each stage in the justice system, beginning with initial law enforcement contact and increasing at subsequent stages such as pretrial detention, conviction, sentencing, and postrelease opportunity.⁵⁹ Focusing on only one of the factors that drives racial disparity does not address issues across the whole system.

Racial disparity is so ingrained in the system that it cannot be mitigated by solely reducing the scale of mass incarceration. Shrinking the prison population across the board will likely result in lowering imprisonment rates for all racial and ethnic populations, but it will not address comparative

disproportionality across populations. For example, focusing on reductions to prison admissions and length of stay in prison is critically important, but those reforms do not address the policies and practices among police, prosecutors, and judges that contribute greatly to the racial disparities that plague the prison system.

New Jersey, for example, is often heralded as one of the most successful examples of reversing mass incarceration, passing justice reforms that led to a 26 percent decline in the state prison population between 1999 and 2012.⁶⁰ However, the state did not target racial disparities in incarceration, and, in 2014, Black people in New Jersey were still more than 12 times as likely to be imprisoned as white people — the highest disparity of any state in the nation.⁶¹

Ending mass incarceration is critical to eliminating racial disparities but not sufficient without companion efforts that take aim at other drivers of racial inequities outside of the criminal justice system. Reductions in disparate imprisonment rates require implementing explicit racial justice strategies.

TAKING THE LEAD

Prosecutors: They decide on what charges to bring and which plea deals to offer. They can decide to divert more people to treatment programs (for example, drug or mental health programs) rather than send them to prison. And they can decide to charge enhancements that require the imposition of prison sentences.

State lawmakers: They decide which offenses to criminalize, how long sentences can be, and when to take away judges' discretion. They can change criminal laws to remove prison as an option when better alternatives exist, and they can also fund the creation of new alternatives.

Parole boards: They decide when to allow people to leave prison. In Louisiana, the parole board is an especially important player when it comes to reforming how long people spend in prison.

Judges: They often have discretion over pretrial conditions imposed on defendants, which can make a difference. For example, individuals who are jailed while awaiting trial are more likely to plead guilty and accept longer prison sentences than people who are not held in jail pretrial. Judges can also have discretion in sentencing and should consider alternatives to incarceration when possible.

Some examples include:

- Ending overpolicing in communities of color
- Evaluating prosecutors' charging and plea-bargaining practices to identify and eliminate bias
- Investing in diversion/alternatives to detention in communities of color
- Reducing the use of pretrial detention and eliminating wealth-based incarceration
- Ending sentencing enhancements based on location (drug-free school zones)
- Reducing exposure to reincarceration due to revocations from supervision
- Requiring racial impact statements before any new criminal law or regulation is passed and requiring legislation to proactively rectify any potential disparities that may result with new laws or rules
- Fighting discriminatory gang sentencing enhancements that disproportionately target people of color
- Addressing any potential racial bias in risk assessment instruments used to assist decision making in the criminal justice system
- Shifting funding from law enforcement and corrections to community organizations, job creation, schools, drug and mental health treatment, and other social service providers

“Merely reducing sentence lengths, by itself, does not disturb the basic architecture of the New Jim Crow. So long as large numbers of African Americans continue to be arrested and labeled drug criminals, they will continue to be relegated to a permanent second-class status upon their release, no matter how much (or how little) time they spend behind bars. The system of mass incarceration is based on the prison label, not prison time.”⁶²

— From *The New Jim Crow*, Michelle Alexander

Forecaster Chart

There are many pathways to cutting the prison population in Louisiana by 50 percent. To help end mass incarceration, communities and policymakers will need to determine the optimal strategy to do so. This table presents one potential matrix of reductions that can contribute to cutting the state prison population in half by 2025. The reductions in admissions and length of stay for each offense category were selected based on potential to reduce the prison population, as well as other factors. To chart your own path to reducing mass incarceration in Louisiana, visit the interactive online tool at <https://urbn.is/ppf>.

CUTTING BY 50%: PROJECTED REFORM IMPACTS ON POPULATION, DISPARITIES, AND BUDGET

Impact Compared to 2025 Baseline*				
Offense category**	Policy Outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Drug offenses	<ul style="list-style-type: none"> Reduce average time served by 70% (from 1.58 to 0.48 years). Institute alternatives that reduce admissions by 60% (3,089 fewer people admitted). 	21.78% reduction (7,241 fewer people)	White: 5.4% increase Black: 2.7% decrease Native American: 9.2% increase Asian: 9.2% decrease	\$181,522,751
Burglary	<ul style="list-style-type: none"> Reduce average time served by 50% (from 1.80 to 0.90 years). Institute alternatives that reduce admissions by 30% (648 fewer people admitted). 	7.66% reduction (2,547 fewer people)	White: 1.4% decrease Black: 0.7% increase Native American: No change Asian: 0.7% increase	\$40,014,726
Robbery	<ul style="list-style-type: none"> Reduce average time served by 50% (from 4.85 to 2.43 years). Institute alternatives that reduce admissions by 10% (66 fewer people admitted). 	4.78% reduction (1,590 fewer people)	White: 2.7% increase Black: 1.4% decrease Native American: 5.0% increase Asian: 2.6% increase	\$20,616,990
Public order offenses*****	<ul style="list-style-type: none"> Reduce average time served by 60% (from 1.45 to 0.58 years). Institute alternatives that reduce admissions by 60% (721 fewer people admitted). 	4.41% reduction (1,465 fewer people)	White: 3.0% decrease Black: 1.5% increase Native American: 16.2% decrease Asian: 4.6% increase	\$24,765,837
Assault	<ul style="list-style-type: none"> Reduce average time served by 50% (from 1.66 to 0.83 years). Institute alternatives that reduce admissions by 30% (291 fewer people admitted). 	3.15% reduction (1,049 fewer people)	White: 0.7% increase Black: 0.3% decrease Native American: 0.8% decrease Asian: 1.4% increase	\$16,088,694
Weapons offenses*****	<ul style="list-style-type: none"> Reduce average time served by 50% (from 1.12 to 0.56 years). 	2.62% reduction (873 fewer people)	White: 0.4% increase Black: 0.2% decrease Native American: 2.7% increase Asian: 0.4% decrease	\$12,229,021

Impact Compared to 2025 Baseline*				
Offense category**	Policy Outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Theft	<ul style="list-style-type: none"> • Reduce average time served by 50% (from 1.32 to 0.66 years). • Institute alternatives that reduce admissions by 30% (279 fewer people admitted). 	2.41% reduction (802 fewer people)	White: 1.3% decrease Black: 0.7% increase Native American: 2.5% increase Asian: 2.5% increase	\$13,242,386
DWI	<ul style="list-style-type: none"> • Reduce average time served by 50% (from 1.29 to 0.65 years). • Institute alternatives that reduce admissions by 30% (223 fewer people admitted). 	1.86% reduction (620 fewer people)	White: 2.4% decrease Black: 1.2% increase Native American: 1.9% increase Asian: 2.3% decrease	\$9,884,815
Fraud	<ul style="list-style-type: none"> • Reduce average time served by 50% (from 1.29 to 0.65 years). • Institute alternatives that reduce admissions by 30% (155 fewer people admitted). 	1.32% reduction (437 fewer people)	White: 0.8% decrease Black: 0.4% increase Native American: 1.3% increase Asian: 0.6% decrease	\$7,344,062

* The baseline refers to the projected prison population based on historical trends, assuming that no significant policy or practice changes are made.

** The projections in this table are based on the offense that carries the longest sentence for any given prison term. People serving prison terms may be convicted of multiple offenses in addition to this primary offense, but this model categorizes the total prison term according to the primary offense only.

*** Racial and ethnic disproportionality is traditionally measured by comparing the number of people in prison — of a certain race — to the number of people in the state's general population of that same race. For example, nationally, Black people comprise 13 percent of the population, while white people comprise 77 percent. Meanwhile, 35 percent of people in state or federal prison are Black, compared to 34 percent who are white. While the proportion of people in prison who are Black or white is equal, Black people are incarcerated at nearly three times their representation in the general population. This is evident in Louisiana, where Black people make up 67 percent of the prison population but only constitute 33 percent of the state's total population.

**** Note: Cost impact for each individual policy change represents the effect of implementing that change alone and in 2015 dollars. The combined cost savings from implementing two or more of these changes would be greater than the sum of their combined individual cost savings, since more capital costs would be affected by the population reductions.

***** Some public order offenses include drunk or disorderly conduct, escape from custody, obstruction of law enforcement, court offenses, failure to comply with sex offense registration requirements, prostitution, and stalking, as well as other uncategorized offenses.

***** Some weapons offenses include unlawful possession, sale, or use of a firearm or other type of weapon (e.g., explosive device).

Total Fiscal Impact

If Louisiana were to implement reforms leading to the changes above, 16,624 fewer people would be in prison in Louisiana by 2025, a 50 percent decrease. This would lead to a total cost savings of \$822,565,909 by 2025.

Methodology Overview

This analysis uses prison term record data from the National Corrections Reporting Program to estimate the impact of different policy outcomes on the size of Louisiana's prison population, racial and ethnic representation in the prison population, and state corrections spending. First, trends in admissions and exit rates for each offense category in recent years are analyzed and projected out to estimate a baseline state prison population projection through 2025, assuming recent trends will continue. Then, a mathematical model was used to estimate how various offense-specific reform scenarios (for example, a 10 percent reduction in admissions for drug possession or a 15 percent reduction in length of stay for robbery) would change the 2025 baseline projected prison population. The model allows for reform scenarios to include changes to the number of people admitted to prison and/or the average length of time served for specific offenses. The model then estimates the effect that these changes would have by 2025 on the number of people in prison, the racial and ethnic makeup of the prison population, and spending on prison. The analysis assumes that the changes outlined will occur incrementally and be fully realized by 2025.

All results are measured in terms of how outcomes under the reform scenario differ from the baseline projection for 2025. Prison population size impacts are measured as the difference between the 2025 prison population under the baseline scenario and the forecasted population in that year with the specified changes applied. Impacts on the racial and ethnic makeup of the 2025 prison population are measured by comparing the share of the prison population made up by a certain racial or ethnic group in the 2025 baseline population to that same statistic under the reform scenario and calculating the percent change between these two proportions. Cost savings are calculated by estimating the funds that would be saved each year based on prison population reductions relative to the baseline estimate, assuming that annual savings grow as less infrastructure is needed to maintain a shrinking prison population. Savings relative to baseline spending are calculated in each year between the last year of available data and 2025, then added up to generate a measure of cumulative dollars saved over that time period.

Endnotes

- 1 Urban Institute analysis of: U.S. Census 2016 Population Estimates and LDOC Briefing Book, October 2017. Note: Because of the unavailability of certain data, state population data is from July 2016 and prison demographic numbers are from September 2017.
- 2 LDOC Briefing Book, October 2017.
- 3 Offense breakdowns in this Blueprint are based on the most serious, or “controlling” offense for which a person in prison is serving time. Some people in prison are serving time for multiple convictions and are categorized here only under the controlling offense types.
- 4 LDOC Briefing Book, October 2017.
- 5 LDOC Briefing Book, January 2012; LDOC Briefing Book, October 2017. Note: Maximum sentence length refers to the length of imprisonment without any credit for good time, completion of rehabilitation programs, etc.
- 6 Note: Due to prison overcrowding, Louisiana incarcerates more than half of all people under state correctional jurisdiction in local facilities, including local parish jails. For the purposes of this profile, the “prison population” or “prison system” refer to individuals confined in state prisons, individuals serving state sentences in local jails, and individuals in transitional work programs.
- 7 BJS Correctional Statistical Analysis Tool.
- 8 [Pew, Louisiana Adopts Landmark Criminal Justice reforms \(2017\): Families against Mandatory Minimums, Louisiana.](#)
- 9 LDOC Briefing Book, October 2017.
- 10 BJS, Prisoners in the United States (2016).
- 11 Prison admissions reflect the number of people entering Louisiana prisons in a given year, while the total prison population refers to the total number of people incarcerated at a given point in time.
- 12 LDOC Briefing Book, October 2017.
- 13 Simple burglary is defined as the “unauthorized entering of any dwelling, vehicle, watercraft, or other structure, movable or immovable, or any cemetery, with the intent to commit a felony or any theft therein.”
- 14 Pew Charitable Trusts, Justice Reinvestment Task Force, *Louisiana Data Analysis Part II* (Sept. 23, 2016). Note: New admissions include people admitted to prison under a new sentence and excludes revocations from supervision.
- 15 Pew Charitable Trusts, Justice Reinvestment Task Force, *Louisiana Data Analysis Part II* (Sept. 23, 2016).
- 16 LDOC Briefing Book, October 2017. Note: Louisiana district attorneys do not have a mandated oversight body or prescribed public balancing measure to subscribe to when allocating charges or to whom they offer alternative programs or resolutions.
- 17 LDOC Briefing Book, October 2017.
- 18 LDOC Briefing Book, October 2017.
- 19 LDOC Briefing Book, October 2017.
- 20 Louisiana Commission on Law Enforcement and Administration of Criminal Justice, 2016 STATUS OF STATE AND LOCAL CORRECTIONS FACILITIES AND PROGRAMS REPORT (April 1, 2017).
- 21 Note: This includes all offenses classified as “drug crimes,” “property crimes,” and “all other crimes.” It does not include offenses classified as “violent crimes.”
- 22 LDOC Briefing Book, October 2017.
- 23 BJS, National Corrections Reporting Program, 2015.
- 24 Pew Charitable Trusts, Justice Reinvestment Task Force, *Louisiana Data Analysis Part II* (Sept. 23, 2016).
- 25 LDOC Briefing Book, January 2012; LDOC Briefing Book, October 2017. Note: Maximum sentence length refers to the length of imprisonment without any credit for good time, completion of rehabilitation programs, etc.
- 26 LDOC Briefing Book, October 2017.
- 27 Pew Charitable Trusts, Justice Reinvestment Task Force. *Louisiana System Assessment and Introduction to Policy Development*. (November 17, 2016).
- 28 Pew Charitable Trusts, Justice Reinvestment Task Force, *Louisiana Data Analysis Part II* (Sept. 23, 2016). Note: This data is based on a file review sample from the Department of Corrections, including people released from prison in 2010 and 2015 (not sentenced in 2010 and 2015).
- 29 LDOC Briefing Book, October 2017.
- 30 LDOC Briefing Book, October 2017.
- 31 Pew Charitable Trusts, Justice Reinvestment Task Force, *Louisiana Data Analysis Part II* (Sept. 23, 2016).
- 32 LDOC Briefing Book, October 2017; LDPSC, 10-Year Adult Secure Population Projection, 2002-2012.
- 33 Justice Reinvestment Task Force, Nov. 17, 2016 presentation.
- 34 LDOC Briefing Book, October 2017.
- 35 Pew Charitable Trusts, Justice Reinvestment Task Force, *Louisiana Data Analysis Part II* (Sept. 23, 2016).
- 36 The Sentencing Project, Still Life: America’s Increasing Use of Life and Long-Term Sentences (May 2017). Note: Louisiana’s Justice Reinvestment reforms in 2017 establishes parole eligibility for a small number of people serving life sentences, including those committed as juveniles.
- 37 LDOC Briefing Book, October 2017.
- 38 LDOC Briefing Book, October 2017.
- 39 [Louisiana Legislative Auditor, Evaluation of Strategies to Reduce Louisiana’s Incarceration Rate and Costs for Nonviolent Offenders \(2016\).](#)
- 40 Pew Charitable Trusts, Justice Reinvestment Task Force, *Louisiana Data Analysis Part II* (Sept. 23, 2016).
- 41 Louisiana Legislative Auditor, “[Evaluation of Strategies to Reduce Louisiana’s Incarceration Rate and Costs for Nonviolent Offenders](#)”; LDOC Briefing Book, October 2017.
- 42 [LDOC, Louisiana’s Justice Reinvestment Reforms, Practitioners’ Guide.](#)
- 43 Urban Institute analysis of: U.S. Census 2016 Population Estimates and LDOC Briefing Book, October 2017. Note: Because of the unavailability of certain data, state population data is from July 2016 and prison demographic numbers are from September 2017.
- 44 [The Sentencing Project, The Color of Race and Justice: Racial and Ethnic Disparity in State Prisons, 2016.](#)

- 45 LDOC Briefing Book, October 2017; US Census Quick Facts, Louisiana. Note: Because of the unavailability of certain data, state population data is from July 2016 and prison demographic numbers are from September 2017.
- 46 BJS Correctional Statistical Analysis Tool.
- 47 LDOC Briefing Book, October 2017. American Civil Liberties Union, *At America's Expense: The Mass Incarceration of the Elderly*, 2012.
- 48 LDOC, Reentry Programming.
- 49 Addressing Louisiana's Behavioral Health Crisis through the Criminal Justice System (October 2016).
- 50 LDOC, Reentry Programming.
- 51 NASBO, State Expenditure Report 1985-2016.
- 52 NASBO, State Expenditure Report 1985-2016.
- 53 Justice Reinvestment Task Force, Nov. 17, 2016.
- 54 Vera Institute of Justice 'Accounting for Violence: How to Increase Safety & Break our Failed Reliance on Mass Incarceration' 2017.
- 55 LDOC Practitioners Guide.
- 56 Mark S. Umbreit, Robert B. Coates, and Betty Vos, "Victim-Offender Mediation: Three Decades of Practice and Research," *Conflict Resolution Quarterly*, 22, nos. 1-2 (2004), 279-303 and National Council on Crime & Delinquency, *Scaling Restorative Community Conferencing Through a Pay for Success Model: A Feasibility Assessment Report* (Oakland, CA: NCCD, 2015), 9.
- 57 Research gate, https://www.researchgate.net/publication/271659858_Short-term_effects_of_restorative_justice_conferences_on_post-traumatic_stress_symptoms_among_robbery_and_burglary_victims_a_randomized_controlled_trial.
- 58 Purpora, Paul. "New National Registry Details Wrongful Convictions." *The Times-Picayune*, 5/21/2012; The National Registry of Exonerations, <https://www.law.umich.edu/special/exoneration/Pages/Exonerations-in-the-United-States-Map.aspx>.
- 59 See, for example, Katherine B. Spencer, Amanda K. Charbonneau and Jack Glaser. "Implicit Bias and Policing." *Social and Personality Psychology Compass* 10/1 (2016): 50–63, 10.1111/spc3.12210. Accessed from <https://gspp.berkeley.edu/assets/uploads/research/pdf/SpencerCharbonneauGlaser.Compass.2016.pdf>; Kutateladze, B., Lynn, V., & Liang, E., Do race and ethnicity matter in prosecution? A review of empirical studies (New York: Vera Institute of Justice, June 2012). Accessed from <http://archive.vera.org/sites/default/files/resources/downloads/race-and-ethnicity-in-prosecution-first-edition.pdf>; Racial Disparity in Sentencing: A Review of the Literature (Washington D.C.: Sentencing Project, January 2005). Accessed from <https://www.opensocietyfoundations.org/sites/default/files/disparity.pdf>; See, for example, Michael Pinard, "Collateral Consequences of Criminal Convictions: Confronting Issues of Race and Dignity." *New York University Law Review* 85, no. 2 (2010): 457-534; Lisa Stolzenberg, Stewart J D'Alessio, and David Eitle. "Race and Cumulative Discrimination in the Prosecution of Criminal Defendants." *Race and Justice* 3, no. 4 (2013), p. 275. Accessed from <http://raj.sagepub.com/content/3/4/275.abstract>.
- 60 The Sentencing Project, Fewer Prisoners, Less Crime: A Tale of Three States (2014).
- 61 The Sentencing Project, The Color of Justice: Racial and Ethnic Disparity in State Prisons (2016).
- 62 Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: [Jackson, Tenn.]: New Press; Distributed by Perseus Distribution, 2010. Print.

