

To cut prison bill, states tweak laws, try early releases

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Cost nears \$35 billion a year, driving programs to keep prisoners from returning, some over 65 get paroled

When Theresa Lantz took over as Connecticut's corrections commissioner in early 2003, the state's prison and jail population had hit a high of 19,320 inmates. Prisons were so crowded that 500 state inmates were being housed in Virginia -- at an annual cost of \$12 million -- and an additional 2,000 were about to be shipped.

Less than three years later, the state's prison and jail population is down 6.2%, and state inmates are all housed in Connecticut. Ms. Lantz credits a state law that promoted the release of less-dangerous offenders -- for example, by letting those accused of minor crimes stay home while awaiting trial.

Connecticut is one of many states taking steps to reduce its prison population. That has little to do with any change in tough-on-crime thinking and a lot to do with dollars and cents. Housing criminals is expensive: The average cost was \$22,650 a year per person in 2001, the last year for which figures are available.

Strict adherence to tough sentencing laws "became incredibly expensive without necessarily enhancing public safety," says Ms. Lantz.

The two-decade trend of severe penalties has led to a surge in corrections spending. In fiscal year 2006, states are expected to spend \$34.6 billion, up 24% from five years earlier, according to the National Conference of State Legislatures. Only Medicaid has grown faster in the past decade among state budget items. "Something has got to give," says Scott Pattison, executive director of the National Association of State Budget Officers.

Raising taxes to pay for more prisons or repealing mandatory minimum sentences would ease crowding, but neither step is politically palatable in most states. As a result, corrections officials and some politicians are looking at other ways -- none of them magic bullets -- to ease the financial pain:

Re-Entry Programs

Recidivism is one of the largest contributors to overcrowding. The storyline is familiar: A convict gets released but has no job, no skills, no money and no place to live so he resorts to crime and pretty soon is locked up again. Of the estimated 650,000 inmates released annually, two-thirds are re-arrested within three years and more than half end up behind bars again, according to the Department of Justice.

Sen. Sam Brownback, a Kansas Republican, has introduced a bill this session that would provide \$200 million to help inmates readjust to society. The bill has bipartisan support but is pending in the Senate Judiciary Committee. It would provide grants to state and local governments to fund programs including mentorship, housing, education and job training and engagement with community colleges. It also would include grants for programs to help families of inmates.

Mr. Brownback's state has one of the most promising re-entry programs. It started as a pilot project in Shawnee County three years ago and now is expanding statewide. The program identifies inmates who are due to be released within 18 months and assesses their education, job skills, addictions and living arrangements. It also tries to pinpoint industries where workers are needed.

Before release, each inmate is given an individualized re-entry program and a counselor who helps them obtain housing, find a job and reconnect with their families. In one-to-one and group sessions at the prison, counselors also teach emotional and interpersonal skills -- for example, how to negotiate for what you need without resorting to

underhanded tactics.

One of the biggest hurdles facing ex-convicts is getting identification. As a result, parole officers in Kansas are certified by the motor-vehicle department to administer the written driver's license exam inside the prison. A police officer does a background check to determine if the inmates have outstanding fines and citations that might prevent them from getting driver's licenses.

"That sounds real basic but when you dig into the issue you find a lot of the men and women have suspended licenses or outstanding tickets" that prevent them from getting licenses, said Margie Phelps, state director of re-entry programs.

Also as part of the program, housing and credit specialists determine if there are debts and bills in arrears that would stop the prisoners from getting apartments.

The initial results from the program are encouraging. Officials have tracked a group of 29 of the state's highest-risk ex-convicts who took part in the program when it first began in Shawnee County three years ago. The recidivism rate is 13.7%, says Ms. Phelps, far better than the 80% that's typical for such a group.

Releasing Older Prisoners

Lengthier sentences have led to a surge in the number of older inmates, who tend to pile up larger health-care bills. In 2004, there were 67,200 prisoners aged 55 or older nationwide, up from 19,160 in 1990. That's still a small fraction of the 1.4 million state and federal inmates, but it's a number that is expected to rise sharply. State inmate health-care costs rose to \$3.7 billion in 2003, up 42% in one year.

Many criminologists and corrections officials believe that prisoners get significantly less dangerous after the age of 40 or so, although the reasons aren't well-understood. Inmates themselves sometimes talk about "criminal menopause."

Virginia revised its laws in 2001 to allow prisoners who are at least 65 years old and have served at least five years in prison to apply for parole on the basis of their age. Prisoners who are 60 or older and have served 10 years also may apply to the board. Inmates serving time for capital murder aren't eligible.

Only 400 of the system's 30,729 inmates were eligible to apply as of Dec. 15, so the process hasn't led to much change in the prison population so far. "Down the line you will get people who may have been 25 or 30 when they committed their crimes and then when you're looking at them at 60 or 65, it will be a different situation than we're seeing now," says Helen Fahey, the chairwoman of the Virginia parole board.

Some states also have mechanisms for releasing critically ill prisoners. Washington state will release inmates with serious medical conditions if there is a cost savings for the prison and it's safe to let them out. Under a Mississippi law passed in 2004, an ill prisoner can be released if a medical official certifies that the illness is permanent with no chance of recovery and the state would incur unreasonable medical costs by keeping the inmate locked up.

Tweaking the Laws

Connecticut's experience shows that major statutes don't need to be tossed out to reduce prison overcrowding.

Like many states, Connecticut has truth-in-sentencing laws that require inmates to serve at least 85% of their sentence. A study commissioned by state legislators found in 2003 that hundreds of inmates were serving more than 85% of their sentences even when there was no compelling reason to hold them longer. It projected that 850 prison beds could be freed up with a rule change to get inmates out more quickly.

This discovery and others prompted tweaks that reduced crowding and allowed out-of-state inmates to be brought home.

A major change was to reduce the number of people incarcerated for technical violations of probation and parole.

Those violations include flunking a drug test or failing to appear before the parole officer. A law passed in 2004 mandated that the department develop a system to cut those violations by 20%. The state now allows offenders to remain free for violations such as changing residence without permission.

The legislature also allowed sentencing judges to divert some offenders into treatment for alcohol and drug addictions instead of sending them away for mandatory minimum sentences. And it gave the state corrections department -- which also runs local jails in Connecticut -- authority to release those charged with less serious crimes while they are awaiting trial.

"You want to reserve prison beds and jail beds for those individuals who constitute a threat to the public. You don't want somebody in a jail bed who can be appropriately supervised in the community," says Ms. Lantz, the state corrections commissioner.

The state prison and jail population has fallen by more than 1,000 inmates since March 2003 and stood at 18,103 as of last week. Meanwhile, Federal Bureau of Investigation crime statistics show the violent crime rate in Connecticut is also down. That suggests the people being released aren't committing many new crimes, says Ms. Lantz. "It is a philosophical and cultural shift" from the "confinement model which was to lock people up their entire sentence," she says.

Restoring Parole

One of the simplest ways to reduce the prison population is parole. But at the federal level, there is no parole for people sentenced after 1987. And at the state level, parole is increasingly unpopular because officials don't want to take the blame for releasing someone who later commits a crime as a parolee.

Between 1995 and 2004, the number of people under the supervision of corrections officials -- in jail, prison, probation or parole -- rose 31% to seven million, but the parole population rose only 13% over the same period to 765,355, according to the Department of Justice.

"Truth in sentencing is always construed as lengthy sentencing but inmates should be able to earn good time if they aren't considered a threat," says Richard Stalder, president of the National Association of State Correctional Administrators and secretary of corrections and public safety in Louisiana.

In June 2003, Alabama's inmate population was at 28,440, forcing the corrections department to send hundreds of inmates out of state while hundreds more languished in local jails, unable to move into state prisons because of overcrowding. Gov. Bob Riley and the state Legislature created a second parole board to look at a special docket of nonviolent inmates to determine if they could be paroled earlier than anticipated. The state hired more than two dozen parole officers to handle the added caseload.

More than 4,000 nonviolent offenders were released that year through the second parole board, bringing the population down to 26,220 by October 2004, a decrease of 7.8%. The state's corrections department spokesman says the drop allowed the state to move all of its out-of-state prisoners back to Alabama and cleared the overflow of state inmates being held in local jails.

This year, the state's tough sentencing laws have pushed the population back up to 27,842. Still, all the inmates are being housed within the state. Mr. Riley recently received recommendations from an 11-member panel on prison crowding that suggested lighter punishment for technical parole violators. Those offenders could report to a halfway-house-type facility. The governor is calling on the state legislature to take up the recommendations next month.