

PRESS RELEASE

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States Reduce Incarceration, Change Sentencing Laws to Address Fiscal Crises

Some States Lower Spending on Prisons During Worst Budget Crunch Since World War II; National Polling Supports Balanced Criminal Justice Policies

Washington, DC: New information released today shows a continued move by states around the country to reduce their prison populations as a way of addressing the largest state budget shortfall since World War II. As states implement historic sentencing reforms by abolishing mandatory sentences and commuting sentences, and as public opinion shifts to support more alternatives to prison, the latest available data shows that at least 10 states—representing 1/3 of the US population—experienced declines in their prison populations and realized millions of dollars in savings.

As new governors contemplate cuts to health care, education and social services, data from the National Association of Budget Officers estimate that one in every 14 state general fund dollars is spent on corrections budgets. To curb corrections costs, some states are returning discretion to judges by modifying mandatory sentencing laws and are rethinking the war on drugs to reduce the expense of incarcerating large prison populations. Even small declines in a state's prison population can yield significant savings, without impacting public safety. Between year-end 2000 and 2001, New York experienced one of the nation's largest prison population declines, saving the state millions on incarceration costs. At the same time, New York experienced a 5.6% drop in serious (index) crime.

Figure I: 10 States Reduced Prison Populations 2000 - 2001

State	Prison Population Drop 12/31/00-12/31/01	Annual Per Inmate Cost of Incarceration
MA	120	\$36,131
NJ	1,642	\$28,000
NY	2,665	\$32,000
RI	45	\$36,566
IL.	933	\$19,543
OH	552	\$22,045
OK	401	\$18,091
TX	4,649	\$14,837
CA	3,557	\$26,690
UT	294	\$22,000

Source: Prison population statistics from Prisoners in 2001 (2002), Bureau of Justice Statistics, Table 3, *Prisoners Under the Jurisdiction of State and Federal Correctional Authorities*. Annual incarceration costs from individual state correctional departments.

“States around the country are finding that the needless use of incarceration is an expensive mistake,” stated Justice Policy Institute President Vincent Schiraldi. “With public opinion supporting treatment and rehabilitation for nonviolent offenders, now is the time for states to implement more effective and less expensive options that protect public safety while addressing tough fiscal realities.”

States Around the Country are Reducing Prison Populations

Nearly one year ago, two national think tanks, the Justice Policy Institute and the Sentencing Project, released reports outlining steps states were taking to reduce their prison populations and take a more balanced approach to public safety (<http://www.justicepolicy.org/cutting2/>). Last spring, the Justice Department reported that during 2001, the nation’s prison population rose at the lowest rate since 1972 and had the smallest absolute increase since 1979.

The reports showed that Republican governors in **Ohio, Illinois, Michigan** and **Florida** decided to close prisons; and **Texas, Ohio, North Carolina, Alabama,** and **Louisiana** reduced or took steps to reduce prison populations. The analyses revealed that states used a variety of methods to reduce their prison populations, including parole reforms (e.g., revoking fewer inmates on parole, establishing objective risk assessment instruments to guide parole release, developing alternative punishments) and sentencing law changes (e.g., abolishing mandatory sentences for certain offenders and returning discretion to judges, diverting nonviolent drug offenders from prison).

Since these reports were released (February 2002), other states have moved to reduce the number of nonviolent offenders they incarcerate. **Michigan’s** tough-on-crime Republican Governor John Engler signed historic legislation on December 25, 2002 that repealed Michigan’s mandatory minimum drug sentences. The legislation received widespread support from judges, prosecutors, civil rights organizations and others. “Michigan’s prosecutors recognize that an effective drug policy is a combination of criminal justice strategies, readily available drug treatment programs, incarceration where appropriate, and prevention activities in schools, businesses, and homes,” said David Morse, president of the Prosecuting Attorneys Association of Michigan. “That is why we support a responsible approach to replacing the mandatory minimum sentences for drug crimes with sentences that are appropriate for the crime.”

The national media has shone a spotlight on **Kentucky** Governor Paul E. Patton’s decision to release 567 nonviolent inmates early from prison. While some media accounts have indicated that Kentucky is expected to save somewhere between \$1.3 and \$5 million by releasing these low-level inmates an average of three months early, according to the Kentucky Department of Corrections, the state cut corrections spending by \$20 million this year by postponing three prison expansion projects, reducing spending on private prison and county jail beds, and cutting staff positions. Gov. Patton, who is also chair of the National Governors’ Association, recently told CNN that “**Kentucky** and most other states simply don’t have the revenue it takes to house increasing prisoners.”

The **Kansas** Sentencing Commission has recommended a revision to that state’s penal code to reduce the incarceration of nonviolent offenders, and **Alabama’s** sentencing commission is expected to issue similar recommendations early in 2003, after that state modified its mandatory sentencing laws last year to allow more judicial discretion. **Iowa’s** Program Elimination Commission is expected to recommend changes in the state’s sentencing code to deemphasize incarceration of nonviolent offenders there. The state’s Republican House Majority Leader, Chuck Gipp, stated “We have to put judgment back in the judicial process.”

On January 1, 2003 **New Mexico** Governor Bill Richardson stated “I intend to build no new prisons. I want to invest in education and economic development. We must find a corrections policy that is cost effective.” (For a compilation of newspaper accounts of changes in state penal policies, see the Justice Policy Institute’s web site at <http://www.justicepolicy.org/cutting2/>).

Favorable Public Opinion

Three separate public opinion polls (Peter Hart and Associates, ABC News, and Parade Magazine) have been released since last February, all of which corroborate a shift in public opinion away from the “lock ‘em up and throw away the key” approach of the early 1990s, in favor of an approach that balances punishment and rehabilitation (see **Figure II**). According to the Hart and Associates poll, “Public opinion on crime and criminal justice has undergone a significant transformation over the past few years. Support for long prison sentences as the primary tool in the fight against crime is waning, as most people reject a purely punitive approach to criminal justice. Instead, the public now endorses a balanced, multifaceted solution that focuses on prevention and rehabilitation in concert with other remedies.”

Figure II: New Public Opinion Surveys Show Support for Alternatives to Prison

Changing Public Attitudes toward the Criminal Justice System, by Peter Hart and Associates: February, 2002 (www.soros.org/crime)

- Given a choice of six budget areas that could be reduced to help states balance the budget, the public places spending on prisons at the top of their list, tied with transportation.
- Nearly two-thirds (62%) of Americans believe we need to change the laws so that fewer nonviolent crimes are punishable by prison terms and roughly the same percentage feel that drug abuse should be handled by treatment and counseling (63%) as opposed to prison (31%).
- The public favors dealing with the roots of crime over stricter sentencing by a two-to-one margin, 65% to 32%. This is a dramatic change from public attitudes in 1994, when 48% of Americans favored addressing the causes of crime and 42% preferred the punitive approach.

Crime and Punishment: Poll Finds Americans Forgiving of Nonviolent and First-Time Offenders: March, 2002 (http://abcnews.go.com/sections/us/DailyNews/crime_punish_poll020307.html)

- Nine in 10 Americans favor treatment programs for first-time drug offenders over prison.
- Three quarters of Americans say nonviolent offenders who commit up to three crimes (“three strikes”) should not face mandatory life-terms.

What Americans Say About Our Justice System, Parade Magazine, New York: February, 2002

- Eighty-eight percent of Americans said that people convicted of nonviolent crimes should be sentenced to community service instead of prison
- To solve the problem of prison overcrowding, 76% support community service for nonviolent crimes and 64% favor more probation. Only 42% support building more prisons to deal with prison overcrowding.

“With public opinion favoring common sense legislation that treats and rehabilitates nonviolent offenders, states have an historic opportunity to save money and reduce their overburdened corrections systems,” says Justice Policy Institute Executive Director Timothy Roche. “The money saved from cutting corrections spending correctly should be invested in schools, hospitals and employment opportunities.”

The Justice Policy Institute is a non-profit research and public policy organization dedicated to ending society’s reliance on incarceration and promoting effective and just solutions to social problems. Funding for this research was provided by the JEHT Foundation, the Open Society Institute’s Criminal Justice Initiative, and the Public Welfare Foundation.

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