

Ohio Commission on Fatherhood

Minutes from the Meeting of

Tuesday, July 21, 2009

<p>Commissioners Present:</p> <p>Mr. David Kontur, Vice Chairman</p> <p>Senator Ray Miller</p> <p>Representative Marian Harris</p> <p>Representative Carlton Weddington</p> <p>Mr. Robert Boykins</p> <p>Mr. Robert “Bo” Chilton</p> <p>Mr. Cedric Collins</p> <p>Ms. Rose Handon</p> <p>Mr. Eddie Joyce</p> <p>Dr. Diane Karther</p> <p>Mr. Steven Killpack</p> <p>Mr. Joseph Maiorano</p> <p>Mr. Scott Neely</p>	<p>OCF Staff Present:</p> <p>Mr. J. Tracy Robinson, Executive Director</p> <p>Ms. Monica Mahoney</p>
<p>Commissioners Represented by Designee:</p> <p>Representative Kevin Bacon (by Sean McCullough)</p> <p>Commissioners Participating via Telephone</p> <p>Commissioner Peter Lawson Jones, Chairman</p>	<p>Guests:</p> <p>Ms. Teresa Coll, Dr. Karther’s student</p> <p>Mr. Al Grimes, Cuyahoga County Fatherhood Initiative</p> <p>Ms. Nicole Harper, Office of Senator Ray Miller</p> <p>Mr. Carl Lee, Family Services Council</p> <p>Pastor Eugene Norris, Summit County Fatherhood Initiative</p> <p>Mr. Abdul Shakoor, Queens Chess Academy</p>

I. Call to Order & Welcome

The meeting was called to order at 10:40 am by Chairman Peter Lawson Jones who participated by telephone. A quorum was achieved.

II. Introduction of New Commissioners

Executive Director Tracy Robinson introduced our two new commissioners, Representative Marian Harris (D-19) and Representative Carlton Weddington (D-27). Chairman Jones thanked them for agreeing to serve on the Ohio Commission on Fatherhood.

III. Approval of May 19, 2009 Minutes

Commissioner Weddington moved, with Commissioner Harris seconding, that the minutes from the meeting of May 19, 2009, be approved as submitted. The motion carried unanimously.

IV. Executive Director's Report

Executive Director Robinson provided a written summary of his activities in June and July, which synopsis is incorporated into these minutes. He highlighted the following events and activities from the past two months:

- Presentation on May 20th at Alvis House's Alum Creek Residential Facility to forty-four incarcerated men.
- Radio interview on May 21st on the Trinity Broadcasting Network of Akron about the 100th Celebration of Father's Day. Pastor Norris was the interviewer.

Once the Executive Director receives the final program reports (dues June 30th) from the current OCF grantees, he will prepare a report on "lessons learned" during his first year at the helm of the Commission.

- Regarding the RFGA, Executive Director Robinson has done everything that is required of him. The contracts office must now release it. Commissioner Handon noted that the RFGA has moved more expeditiously than the previous RFP process. Commissioners Kontur and Harris had questions about the size of the grants. Because of the state budget shortfall, all GOFBCI programs, including the Ohio Commission on Fatherhood, reduced their budget 40% for the 2009-2010 biennium. The Executive Director anticipates awarding \$900,000 in grants to ten programs. Unlike the previous RFP where all grantees received \$225,000, the Executive Director would like to award smaller grant amounts depending on the demonstrated need of the applicants. Commissioner Joyce asked what became of the unspent grant money awarded to current grantees, and the Executive Director responded that ODJFS recouped all unspent TANF money, including OFI grants, and used the money to fund shortfalls in the Food Stamps Program.

V. Child Support Guideline Recommendations

Carri Brown, Assistant Deputy Director in the Office of Child Support, distributed copies and made a presentation on the final report of the fifth Child Support Guidelines Advisory Council (“Council”). By statute, ODJFS is required to gather economic data and convene this advisory council every four years. The General Assembly will propose legislation based on the recommendations included in the report. The Council convened twelve community forums, and Executive Director Robinson attended several.

Assistant Deputy Director Brown highlighted four of the thirteen recommendations in the 95-page final report:

- 1) Update Child Support Schedule (page 29): Child support orders will increase 10-30% to reflect the increased cost of living since the last adjustment in 1994.

2) Create Self-Support Reserve (page 60): The Council recommends creating a self-support reserve test that will result in a downward adjustment when the noncustodial parent is at or below the federal poverty level.

3) Increase Amount of Minimum Order (page 44): The amount of the minimum child support order will increase from \$50 to \$80 (\$960 annually) to reflect the same percentage (11%) increase of the 2009 federal poverty level for one person.

4) Parenting Time Adjustment (page 62): When there is a standard parenting time order (i.e., visitation) of less than 40%, the noncustodial parent's annual obligation should be reduced by 8.75% to reflect the time the child spends in the noncustodial parent's home.

Chairman Jones asked what percentage of the obligors are male, and Assistant Deputy Director Brown replied that 85% are fathers and 15% are mothers or kinship caretakers. Executive Director Robinson recommended that the OCF Legislative Subcommittee consider the issue of child support.

VI. Ohio Fatherhood Summit Recap

Al Grimes, Coordinator of the Cuyahoga County Fatherhood Initiative, offered a summary of the Initiative's fifth annual conference and jointly-sponsored for the first time with the OCF and held in Cleveland on June 17-20th.

Mr. Grimes provided the following numbers regarding the conference: 262 people attended the Wednesday night reception; 60 organizations participated in the resource fair; 86 people served as panelists or moderators; 360 people attended the plenary breakfast meeting on Thursday; 500 people attended the keynote luncheon on Friday; and 2,500 people participated in the Father and Family day at the Cleveland Zoo on Saturday. The official final conference report will include a list of the summit attendees.

Senator Ray Miller said that he was a facilitator at the town meeting and was impressed with the tremendous mix of people in attendance and the depth of knowledge and expertise of the panelists. The Ohio Commission on Fatherhood had answers to virtually any question that was asked. Senator Miller feels that people are paying attention to what the OCF is doing.

Commissioner Handon attended the conference and felt that the most impressive aspect of the conference was hearing from young fathers. She suggests that the OCF regionalize the conference in the future.

VII. Discussion and Decision

A. 2010 Meeting Dates

Monica Mahoney distributed a proposed calendar of 2010 OCF meeting dates. Commissioner Harris said it would be easier for our commissioners who also serve as state legislators to attend our meetings if they are held on Thursdays. Chairman Jones agreed to seek to change the meeting dates of the Board of Cuyahoga County Commissioners on the Thursdays that conflict with OCF meetings.

B. Federal Legislation

Discussion was deferred until the September 15th meeting.

VIII. Announcements & New Business

There were no announcements or new business.

IX. Adjournment

The official meeting adjourned at 11:53 pm. Thereafter, all commissioners went to Governor Strickland's office for a photograph and presentation of an award to the Governor from the Ohio Fatherhood Summit.

Ohio Commission on Fatherhood
Executive Director Report Summary – August –September 2009

1. Outreach

Executive Director made presentations or attended the following:

Ohio Commission on Fatherhood Initiative RFGA Bidder's Conference, ODJFS Air Center, Columbus, Ohio. 140 organizations participated. (August 10, 2009) ✓

Mount Vernon Back to School Rally, Distributed school supplies to needy families. Columbus, Ohio. (August 17, 2009)

American Association of Blacks in Energy, keynote speaker, Ashland University, Columbus, Ohio. (August 18, 2009)

State Senator Ray Miller, Family Stability Conference, Ohio Statehouse, Columbus, Ohio. (August 25, 2009)

Ohio Family and Children First, Family Engagement Committee, Riffe Center, Columbus, Ohio. (August 27, 2009)

Fiscally Fit Fathers Planning Committee meetings, Rhodes Tower, Columbus, Ohio. (September 1, 2009)

2. Briefings:

Michael McCreight, Deputy Director, Office of Families Children, Ohio Department of Job and Family Services, Columbus, Ohio. Briefed Mr. McCreight on the purpose of the Ohio Commission on Fatherhood. (August 17, 2009)

Director Angela Cornelius Dawson, Ohio Department of Alcohol and Drug Addiction Services. Briefed Director Cornelius Dawson on the purpose of the Ohio Commission on Fatherhood. Welcomed to OCF Commission. (August 26, 2009)

Ohio and Family Services Review, Program Improvement Plan, Ohio Department of Job and Family Services, Columbus, Ohio. (September 1, 2009) ✓

L. Kent Wilcox, Regional Administrator and Vander Green, Family and Marriage Specialist, U.S. Department of Health and Human Services, Administration for Children and Families, Region 5, Chicago, Illinois. (September 9, 2009) ✓

3. Legislative

State Representative Ron Maag (R-35 District), Salem. Briefed Rep. Maag on the purpose of the Ohio Commission on Fatherhood. Welcomed to OCF Commission. (August 3, 2009)

ODJFS Legislative Strategy Meeting, Carri Brown, Lakeisha Hilton and Monica Mahoney. Coordinate legislative efforts. Columbus, Ohio, (August 27, 2009)

OCF Legislative subcommittee meeting. Columbus, Ohio (September 1, 2009) ✓



Summary of Key Provisions

Substitute Senate Bill 22 as reported by Senate Judiciary Committee

September 4, 2009

I. Provisions contained in Introduced Version:

Earned Credit

- Increases from 1 to 5 days per month, same as introduced version.
- All sex offenders excluded from any earned credit eligibility, same as introduced version.
- Language added to exclude most Felony 1 and 2 offenders from eligibility for expanded credits.
- Includes provision requiring GPS monitoring for the first 14 days following release for offenders who earn over 60 days of credits while incarcerated.
- Caps overall earned credit at 8 percent.
- Provisions of bill will be prospective (will not apply to those currently incarcerated).

Increase in theft threshold

- Increases from \$500 to \$1,000 (previously \$750 introduced version) the minimum threshold to determine increased penalties (generally from a misdemeanor to a felony) for theft-related offenses and certain non-theft-related offenses.
- Increases other threshold amounts by 50% that determine other increased penalties for theft and non-theft related offenses.

Non Payment of Support

- Gives preference to sentencing non support offenders to alternative community sanctions.
- Substitute bill provides courts discretion to sentence offenders to prison when: (1) it is consistent with purposes and principles of sentencing, or (2) if offender was previously convicted of felony non support after the effective date of the amendment, and when either the offender was sentenced to a prior prison term, or was sentenced to prior community sanctions and failed to meet the conditions.

Absconding Supervision

- Authorizes Adult Parole Authority to utilize existing sanctioning authority including potential return to prison for offenders who fail to comply with their terms of supervision.
- Offenders who abscond for a period of greater than 9 months may be charged with an additional felony offense of "escape from detention" as under current law.

Responsible Fatherhood and Healthy Families Act of 2009

Senators Evan Bayh (D-IN) and Representative Danny K. Davis (D-IL) introduced the Responsible Fatherhood and Healthy Families Act of 2009 on June 19, 2009. The companion bills will:

- Fund job training programs and community partnerships to help parents find employment;
- Fund financial literacy programs and budgeting education, employment services, and mediation and conflict resolution for low-income parents;
- Ensure that child support payments to families do not count as income and result in loss of food stamps;
- Restore cuts in federal child support enforcement funding to help state and local governments collect \$13 billion in additional payments for single parents;
- Require states to send 100 percent of all child support payments to the single parent within five years, rather than letting states take a portion of money for administrative costs;
- Prohibit unfair and unequal treatment of two-parent families receiving Temporary Assistance to Needy Families (TANF), ensuring the state work participation standard is the same for all families;
- Expand the Earned Income Tax Credit to increase the incentive for full-time work and fulfillment of child support obligations; and,
- Fund programs designed to protect the families who have been affected by domestic violence.
- Prohibit states from considering any part of a period of incarceration as voluntary unemployment that would disqualify the parent from obtaining a review and adjustment of the child support obligation.
- Require states to develop procedures to review, and if appropriate, reduce child support debt owed to the state.
- Provides funding for state fatherhood commissions, increases funding for responsible fatherhood programs and broadens allowable activities for healthy marriage programs.

Senator Bayh commented, "Our government spends \$100 billion a year to deal with the fallout of absent fathers. The government can't pass a law to make men good dads, but we can support local programs that specialize in job training, career counseling and financial literacy to help those men who embrace their parental responsibility and are trying to earn a livable wage to do right by their kids. I am glad President Obama is starting a national conversation to draw public attention to the critical role that fathers play in raising responsible, healthy adults."

Representative Davis stated, "No one argues that there is any one model of family structure but the elimination of government barriers to healthy relationships and healthy marriages, the promotion of cooperative parenting skills and the fostering of economic stability and the provision of incentives to non-custodial parents to fulfill financial and emotional support responsibilities are clearly in the interests of millions of children. We must do more to ensure all children have opportunities to become productive citizens--through revised income support, health care, and education policies. This will require new thinking about federal investments and more focus on prevention and longer term investments."

The House version of the bill was named after Julia Carson, the late Indianapolis Congresswoman who championed fatherhood throughout her career. House co-sponsor and grandson Congressman Andre Carson added, "Our current system too often has benefits set up in a way that encourages single parent households rather than two-parent families. The unintended consequence, of course, is that parents have a disincentive to remain together. My grandmother's vision--and this bill-- focuses on changing the system so that it's more pro-family and creates incentives for both parents to work together to raise their children."



MEMORANDUM

TO: Members of the Ohio Senate
FROM: Senator Bill Seitz
DATE: August 14, 2009
RE: Senate Bill 22

With about a month to go before session resumes, I am hoping you will have some time to consider the attached July 2009 reports from the NCSL and the Vera Institute on Justice. The NCSL report is entitled "Cutting Corrections Costs – Earned Time Policies for State Prisoners". The Vera Institute report is entitled "The Fiscal Crisis in Corrections – Rethinking Policies and Practices". Both reports convincingly demonstrate three things:

1. States are expanding the use of these policies;
2. The modest expansion proposed in my SB 22 is far less than what other states have done (the maximum sentence reduction in the version of SB 22 that passed the Senate Committee is 5 days per month or 8% of total time – but Washington allows 50%; Mississippi – 30 days per month; Nevada – 10 days per month; South Carolina – 6-15 days per month; Texas – 10-30 days per month; Pennsylvania – 15-25% of total time; and Colorado just increased earned time from 10-12 days per month, while Oregon just increased earned time from 20-30% of the total sentence);
3. These programs reduce recidivism – while saving money – see especially page 5 of the NCSL Report.

The most controversial provision of SB 22 is the earned credit expansion, which expands from 1 day per month to 5 days per month the amount of time that a prisoner may earn off his sentence if he actively participates in educational, job training, and similar programs in prison. As you can see from the enclosed, even with the expansion of earned credit that SB 22 proposes, we would still give less credit than such "liberal" states as Mississippi, South Carolina, and Texas. All other provisions of SB 22 have now been satisfactorily negotiated – including the felony escape provisions, by reason of a post-committee negotiation between the Prosecuting Attorneys Association, DRC, and me. Moreover, as you can see from the enclosed reports, all of these other provisions of SB

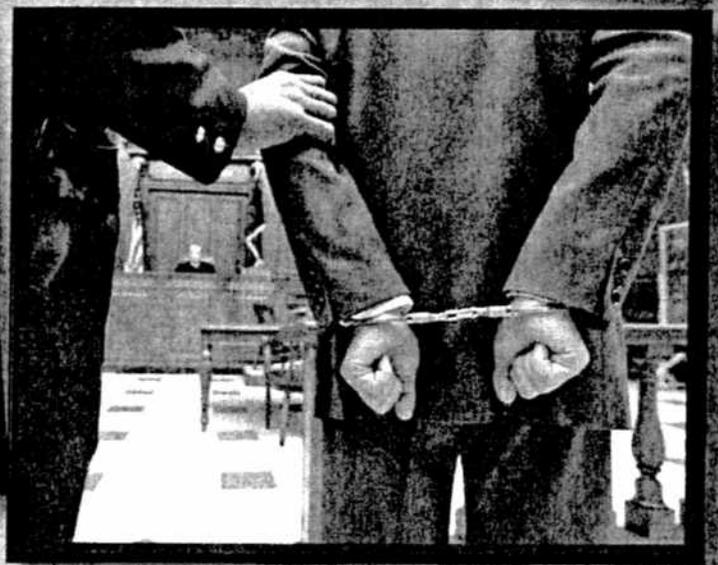
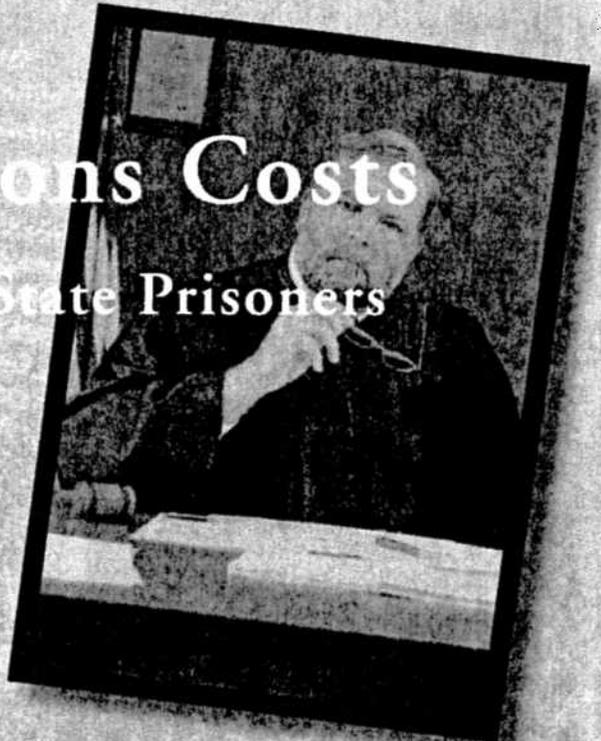


NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

Cutting Corrections Costs

Earned Time Policies for State Prisoners



PREFACE AND ACKNOWLEDGMENTS

In addition to the author, Alison Lawrence, policy specialist in NCSL's Criminal Justice Program, other NCSL staff who contributed to this report and the project are Donna Lyons, group director for Criminal Justice, and Vicky McPherson, staff coordinator. The author also thanks Leann Stelzer, program principal, in NCSL's Publication Department, for editing and coordinating art and production.

The author gratefully acknowledges Adam Gelb, Richard Jerome and Jake Horowitz of the Public Safety Performance Project of the Pew Center on the States for their assistance in producing this report.

The author also thanks Jenifer Warren for conducting interviews and preparing the sidebars. A reporter for the *Los Angeles Times* for more than two decades, Ms. Warren is now a consultant to the Public Safety Performance Project of the Pew Center on the States.

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INTRODUCTION

Under historic budget cuts, state legislatures are looking for ways to trim corrections costs while maintaining public safety. One option is to stabilize or reduce expensive prison populations by accelerating release of lower-risk inmates who complete education, vocational training, treatment and work programs or participate in other productive activities.

At least 31 states provide these incentives—called “earned time”—that reduce the costs of incarceration and help offenders succeed when they return to the community. Inmate prison terms are reduced from the date on which they might have been released had they not completed the specified programs. Earned time is distinguished from, and can be offered in addition to, “good time” credits, which are awarded to offenders who follow prison rules.

Benefits of appropriately tailored earned time policies can include cost savings and reduced recidivism. Even though some earned time laws offer inmates a fairly small reduction in prison terms, those few days can add up to a significant cost savings across hundreds or thousands of inmates. Although any policy that involves shorter lengths of stay for inmates raises concerns about public safety, states with earned time provisions have seen recidivism rates either remain unchanged or actually drop. This decrease in repeat offending can be attributed partially to the benefits of prison-based programming. The reduced recidivism results in a secondary savings



through averted future crime and punishment costs.

TYPES OF EARNED TIME

State laws generally instruct corrections departments to determine the specific programs and activities that will count toward earned time. Programs often include educational, vocational and substance abuse or other rehabilitation classes. In several states, inmates can earn time by participating in work projects and disaster or conservation efforts, or by performing meritorious acts. The appendix illustrates types of earned time by state.

Education and work offer the most common opportunity for earned time. In at least 21 states, inmates earn time off their sentences by participating in or completing educational courses. In Nevada, for example, an inmate can earn 10 days per month for participation in an education program; and an additional 60, 90 or 120 days for completing a certificate, diploma or degree, respectively.

At least 18 states provide earned time for work. This includes facility work assignments, jobs with prison industries or work crews. California, Colorado and Louisiana laws reward inmates who are trained to work in disaster relief or on conservation projects. Sentence credits for these programs are greater than for ordinary prison work, education or training. In California, an inmate earns two days’ credit for every one day of such service.

not eligible for a 60-day credit for completing vocational or educational courses.

Inmates who are serving sentences with indeterminate minimums and maximums can have earned time taken off the minimum term, the maximum term or both. In Massachusetts, inmates who participate in rehabilitative programs reduce their length of stay with earned time deductions from both the minimum and maximum terms. In Oklahoma, earned time is deducted only from the maximum term of the sentence; offenders still must serve the entire minimum term ordered by the court. Earned time in Iowa is reduced from the mandatory minimum sentence an inmate is serving.

Most states allow earned time to be lost and be gained back. State laws generally create or instruct the corrections department to create policies and procedures for forfeiture and restoration. Depending on the state, offenders can lose earned time for escapes or attempted escapes, frivolous lawsuits, and other rule violations.

PUBLIC SAFETY AND COST SAVINGS

Studies of earned time have examined the effect on crime rates, recidivism and costs. In New York, for example, the Department of Correctional Services reviewed the state's merit time program from 1997 through 2006. During that time, 24,000 inmates received six-month reductions in their minimum term, resulting in a savings of \$369 million. Another \$15 million in savings during a three-year period can be attributed to the need for less capital construction. The recidivism rate for the early-

release group was lower (31 percent) than that for inmates serving the full term (39 percent) after three years.

In 2003, the Washington Legislature increased the amount of good time from 33 percent of the total sentence to 50 percent of the total sentence for certain nonviolent drug and property offenders. The Washington State Institute of Public Policy analyzed the public safety and cost benefits of the increase in good time. Considering both taxpayer and victim costs and benefits, the study found an overall net benefit of \$7,179 per offender. (See "Expanding Earned Time Pays Off in Washington" on page 5.)

Finally, the National Council on Crime and Delinquency recently published a literature review of studies on state "accelerated release" policies over a 23-year period. Of the 13 research reports reviewed, none found a statistically significant increase in rates of recidivism for those offenders who reduced their length of incarceration. A few studies instead found a decrease in recidivism rates. An evaluation of Wisconsin's earned time policy, for example, found that 17 percent of inmates released early returned to prison after the first year, compared to 28 percent of those freed on their mandatory release date.

RECENT EXPANSION OF EARNED TIME POLICIES

Several states have recently adopted or expanded earned time policies as part of managing prison populations and corrections budgets. Nevada increased the amount of time an inmate who completes educational, vocational or substance

EXPANDING EARNED TIME PAYS OFF IN WASHINGTON

In 2003, the Washington Legislature increased the amount of earned time¹ available to certain nonviolent drug and property offenders. Subsequently, lawmakers asked the nonpartisan Washington State Institute of Public Policy to analyze the costs and benefits of that move. Steve Aos, an economist who works for the institute, is co-author of the report.



Aos

How has Washington's earned time policy changed and what did your study examine?

The Legislature modified the amount of earned time that could be granted to eligible inmates, increasing it from 33 percent to 50 percent of the total sentence. The law also specified which offenders would not be eligible for credit—offenders who have a current or prior conviction for a violent offense, a sex offense, a crime against a person, a domestic violence offense, a residential burglary, manufacture or delivery of methamphetamine, or delivery of a controlled substance to a minor. In addition to those exclusions, eligibility is further restricted to offenders in the Department of Corrections' two lowest risk categories.

The Legislature asked us to evaluate the effect of the changes. Specifically, we looked at its effect on recidivism rates for offenders granted early release from July 2003 to August 2004, the first year after the law was changed. We then tracked reconviction rates of these offenders over a three-year period.

What did you learn about the effects of the policy change?

We learned that the early release law could affect crime in two opposing ways. First, the three-year felony recidivism rate for offenders under the new 50 percent law was lower—by about 3.5 percent—than it was for offenders under the old law. This finding tells us that the 50 percent law has reduced new felony convictions in Washington. At the same time, the new law shortened the length of prison stay for the eligible offenders by an average of 63 days. This reduced length of stay has caused Washington's incarceration rate to drop, other factors held constant. Given that we expect crime rates to go up when the incarceration rate goes down, with other factors held constant, we estimate that Washington has experienced an increase in property crimes. Because our study revealed two opposing effects, we conducted a cost-benefit analysis to determine a net bottom line.

And what did you find about cost?

On the benefit side, we found that the 63-day reduced length of stay produced about \$5,500 in cost savings per offender. These savings reflect the prison operating and capital costs the state avoids through a shorter prison term. We also estimated that, because of the 3.5 percent reduction in the future recidivism rates of the offenders, additional benefits will accrue to taxpayers who otherwise would have been the victims of those avoided crimes. We estimate the avoided crime benefit at about \$5,100, plus about \$3,000 in taxpayer costs that would have been incurred to process those crimes. We also estimate that some of the offenders released early would have entered the labor force sooner and would have generated some earnings. We put this total at about \$1,800 per released offender, bringing total benefits per offender to about \$15,400.

On the cost side, we believe that an increase in property crimes is due to a decrease in the incarceration rate, which produces about \$8,200 in added costs to victims and taxpayers. Thus, our bottom line estimate is that the 2003 law expanding earned time generates a net savings of about \$7,200 per offender, or about \$1.90 of benefits for each \$1 of costs.

1. The Washington good time policy is called "earned release time." The study analyzed the credits awarded to an inmate for following prison rules and required participation in activities.

INCENTIVE CREDITS IN PENNSYLVANIA

Hoping to reduce recidivism and control the state prison population, Pennsylvania in 2008 adopted legislation allowing some offenders to trim their minimum sentence by as much as one-fourth for completing targeted programs. Corrections Secretary Jeffrey A. Beard, who runs the state's 50,000-inmate prison system, says the new approach makes prisons more manageable by improving inmate behavior and increases the odds offenders will lead crime-free lives upon release.



Beard

As a corrections professional, what do you value about earned time? And how does Pennsylvania's program work?

A major part of our public safety mission is to reduce the risk that an offender will commit new crimes after being released. Earned time provides an incentive for offenders to not only enroll in specified programs but also to complete those programs, easing their reentry problems and giving them a better chance to succeed in the community. Also, because good behavior is a core requirement of the earned-time credit, its use makes our institutions safer for staff and inmates.

Here in Pennsylvania, we have a Recidivism Risk Reduction Incentive (RRRI) for offenders who have not committed a personal injury crime, a sex crime, a crime with a firearm, or crimes establishing them as drug kingpins. The *incentive* is the opportunity to receive 25 percent off their sentence (for offenders sentenced to a minimum sentence of up to three years) or 15 percent off (for those with minimum sentences longer than three years). We believe in transparency, so at sentencing the court prescribes two minimum terms—the regular minimum and the RRRI minimum. For example, for an offender who is eligible for the credit and receives a typical two- to four-year sentence, the regular minimum would be 24 months, and the RRRI minimum would be 18 months. Offenders get the shorter RRRI term only if they complete prescribed programs while maintaining good conduct and a satisfactory work record.

How does Pennsylvania develop and assign eligible offenders to programs?

We have a fairly sophisticated risk assessment process. When an offender comes in, we measure everything from drug and alcohol dependency to hostility and anger management issues and mental health concerns. We also evaluate their background and social history. Based on all that, we put together a program to address each person's specific needs right when they enter the system.

How is the state expected to benefit from this approach?

First and most important, more eligible offenders will complete programming. This will have a direct impact on reducing crime and victimization. Earned time also allows eligible offenders who fulfill our requirements to be released before their regular minimum date. This, coupled with the expected drop in recidivism, will free valuable prison space. The end result will be a less costly but more effective prison system for taxpayers.

The fact is that we are locking up too many lower level offenders, and for too long. From 1940 to 1980, the prison population in Pennsylvania was flat with no real growth. It was not until our "war on drugs" and "get tough on crime" agendas took hold in the 1980s that prison populations began to grow here and around the country. Unfortunately, our obsession with confinement has been a costly one and not very effective. Instead, we need to get offenders into sound, evidence-based programs that will reduce the likelihood they will claim new victims once they walk out our gate.

Appendix. Earned Time Policies in State Prisons: Amounts Established by Law									
State	Earned Time								
	Education	Vocation	Rehabilitation	Work	Disaster / Conservation	Meritorious	Other	Notes	
Alabama									
Alaska									
Arizona									
Arkansas	90 days per completion	90 days per completion	90 days per completion						Not to exceed 270 days
California	3 to 6 months per each 6 months of participation, 4 months for each 8 months in 2 to 4 year college			3 to 6 months per each 6 months working	2 days per 1 day working	Up to 12 months for service			
Colorado					1 day per 1 day of working		30 to 60 days at agency discretion		
Connecticut						Up to 120 days for service			
Delaware									
Florida	6 days per 150 hours of participation, 60 days for completion	60 days for completion				Up to 60 days for service			
Georgia	1 day per 1 day of participation	1 day per 1 day of participation		1 day per 1 day working				Statute recommends not mandate	
Hawaii									
Idaho						15 days per month for service			

Appendix. Earned Time Policies in State Prisons: Amounts Established by Law (continued)									
State	Earned Time								
	Education	Vocation	Rehabilitation	Work	Disaster / Conservation	Meritorious	Other	Notes	
Maryland	5 days per month of participation	5 days per month of participation		5 days per month of working			10 days per month of participation	Not to exceed 20 days per month	
Massachusetts	2.5 to 7.5 days per month of participation	2.5 to 7.5 days per month of participation		2.5 to 7.5 days per month of working			2.5 - 7.5 days per month of participation		
Michigan									
Minnesota									
Mississippi	30 days per month of participation; agency discretion for completion			30 days per month working; agency discretion for completion			30 days per month of participation; agency discretion for completion		
Missouri									
Montana									
Nebraska									
Nevada	10 days per month participation; 60 to 120 days for completion	60 days for completion	60 days for completion	10 days per month working		Up to 90 days for service			
New Hampshire									
New Jersey				3 to 5 days per month working					
New Mexico	3 to 5 months for completion	1 month for completion	1 month for completion			Up to 1 year per award and 1 year total in a 12-month period for service			

Appendix. Earned Time Policies in State Prisons: Amounts Established by Law (continued)									
State	Earned Time								
	Education	Vocation	Rehabilitation	Work	Disaster / Conservation	Meritorious	Other	Notes	
South Dakota									
Tennessee	1 to 16 days per month of participation, 60 days for completion	1 to 16 days per month of participation, 60 days for completion		1 to 16 days per month working					
Texas	10 to 30 days per month of participation	10 to 30 days per month of participation	10 to 30 days per month of participation	10 to 30 days per month working					
Utah									
Vermont				30 days per month working					
Virginia									
Washington									
West Virginia									
Wisconsin						Agency discretion for service			
Wyoming									

This chart highlights earned time policies applicable to state prison inmates listed in statute. Earned time is defined as a credit against an inmate's sentence or period of incarceration that he or she earns for participation in or completion of productive activities. Earned time is distinguished from, and can be offered in addition to, "good time" credits given to offenders for following prison rules and required participation in activities. This chart only includes earned time.

Source: National Conference of State Legislatures, 2009.

Author's Bio

Alison Lawrence is a policy specialist in NCSL's Criminal Justice Program. She is NCSL's lead staff liaison to the Public Safety Performance Project of the Pew Center on the States, working on sentencing and corrections issues. She is the author of several publications related to sentencing and corrections issues and is also a contributor to NCSL's *State Legislatures* magazine. Before working at NCSL, she worked in community corrections in Denver, Colo., and in probation in Boulder, Colo. Ms. Lawrence received her Master's of Public Administration from the University of Colorado.

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The Fiscal Crisis in Corrections

Rethinking Policies and Practices

JULY 2009

Christine S. Scott-Hayward

FROM THE CENTER DIRECTOR

The story of the rise in incarceration rates in the United States and the associated increase in corrections expenditures is not new. In most states, prisons are full or overcrowded, and corrections absorbs significant resources—more than \$90 billion in 2008. What is new is the states' recent focus on cutting corrections costs and improving criminal justice outcomes.

This report, from Vera's Center on Sentencing and Corrections, examines how states are responding to the current fiscal crisis and attempting to make changes in their criminal justice systems that will not only reduce costs but also enhance public safety and reduce recidivism.

This report could not be more timely. Political leaders on both sides of the aisle are looking for cost-effective ways to increase public safety. Fortunately, for the past number of years, researchers and practitioners around the country have developed and tested new and innovative criminal justice policies that work to reduce recidivism. And these policies are gaining support at all levels of the government—from state governments to the Department of Justice, where Attorney General Eric Holder has repeatedly supported using modern, evidence-based methods for developing policy.

As policymakers navigate their budget shortfalls this year and next, we hope this report provides them with useful evidence-based options for cutting costs and increasing public safety.



Peggy McGunagle
Director, Center on Sentencing and Corrections

Introduction

As their 2009 legislative sessions ended, many states were still working to balance their budgets. Deficits that affected a handful of states in FY2008 had become widespread: Forty-three states were facing an aggregate budget gap in FY2009 of more than \$100 billion, undermining funding for essential services such as education, health care, and corrections. More shortfalls were projected for FY2010, and at least 31 states had forecast budget gaps for FY2011.¹ These gaps would be even greater without the availability of federal stimulus funds.

Second only to Medicaid, corrections has become the fastest growing general fund expenditure in the United States.² Two million three hundred thousand people in the U.S. are now in prison or jail—more than one in 100 adults.³ On any given day 7.3 million adults are under federal, state, or local correctional control (including those on probation, parole, and other forms of supervision)—one in 31 adults.⁴ In FY2008, the most recent year data are available, states spent an estimated \$47 billion of general funds on corrections, an increase of 303 percent since 1988. They spent an additional \$4 billion in special funds and bonds and \$900 million in federal funds, bringing total corrections expenditures to nearly \$52 billion. With one in every 15 state general fund dollars now spent on corrections, officials have little choice but to look there for savings. In doing so, however, they must be careful to find cuts that will not compromise public safety.

This report, based on a survey of enacted FY2010 state budgets and other recent sentencing and corrections legislation, found that at least 26 states have reversed the trend of recent decades and cut funding for corrections.⁵ The report examines the form of these cuts: reductions in operational costs, strategies for reducing recidivism, and reforms in release policies. It also highlights a number of innovations that states are pursuing for long-term cost reductions.

Table 1: Corrections Budget Changes and Cost-Saving Efforts in Fiscal Year 2010

State	CORRECTIONS BUDGET CHANGES		COST-SAVING EFFORTS IN FY2010 BUDGETS						
	Initial FY2010 general fund appropriations (in millions)	% change in initial general fund appropriations from FY2009 to FY2010	Decrease health services (medical, mental health, or dental)	Reduce food services	Eliminate pay increases, reduce benefits, or decrease overtime	Staff reductions or hiring freezes	Eliminate or reduce programs or discontinue/renegotiate contracts for programming	Close facilities or reduce beds	Delay expansion or construction of new facilities
AL	\$366.2	-1.13							
AK	\$212.1	-0.16			x	x			
AZ	\$816.3	-1.57	x				x		x
AR	\$290.4	5.37			x	x	x	x	
CO	\$677.6	0.38							
DE	\$249.5	-3.71		x	x	x		x	x
FL	\$1,297.9	1.64	x	x	x	x	x		x
GA	\$286.6	-14.77			x	x	x		
	\$1,097	-7.82			x	x		x	
ID	\$150.7	-14.35			x	x	x	x	
IN	\$678.8	6.38			x	x		x	x
IA	\$356.5	-4.31			x	x			x
KS	\$215.1	-21.98	x		x	x		x	
KY	\$440.4	3.73			x	x		x	
LA	\$604.4	-7.67			x	x		x	x
ME	\$165.3	3.49	x	x	x	x	x	x	x
MD	\$1,049.5	-4.59		x	x	x	x		
MA	\$521.1	-1.78	x		x	x			
MN	\$130.9	-6.15	x		x	x	x	x	
MO	\$656.9	-1.18			x	x	x		
MT	\$167.4	-11.19			x	x	x		
NE	\$126.8	-18.06							
NV	\$257.7	0.05							
NJ	\$1,052.1	1.50			x	x	x	x	x
NM	\$284.6	-4.21	x	x	x	x	x	x	
NY	\$2,300.9	-3.76			x	x	x	x	x
ND*	\$76.5	1.29			x	x	x	x	
OK	\$503	0							
OR†	\$604.7	-1.63			x	x	x		
RI	\$177.4	-0.69			x	x	x	x	x
SC	\$120	-1.97			x	x	x	x	
SD	\$75.9	-8.51	x	x	x	x	x		
TN	\$467.3	-1.70		x	x	x			
TX	\$219.5	6.66				x			x
VA	\$973.4	-4.22		x	x	x	x	x	
WA*	\$1,655.7	-10.37	x		x	x		x	x
WV	\$1,279	3.19			x	x		x	x

Note: Corrections budgets are given for informational purposes only. Some budgets include appropriations for probation, parole, and/or juvenile corrections, while others only include adult corrections expenditures.

Sources: Enacted budgets; interviews with state departments of corrections officials.

At time of printing, three states—Connecticut, Michigan, and Pennsylvania—had not passed budgets for FY2010.

*FY2009-2011 Biennium. Figure for North Dakota's FY2010 is an estimate provided by the North Dakota DOC. Figure for Oregon's FY2010 estimated by the Oregon DOC at 48 percent of the agency's biennial budget. The Washington DOC was unable to provide a figure for FY2010.

† Officials in Kansas, Nebraska, and South Dakota reduced initial general fund appropriations for their departments of corrections knowing that a portion of the reductions would be made up by federal stimulus funds. In addition to the \$215.1 million in general fund appropriations, the Kansas DOC initial FY2010 operating budget includes \$40.5 million in federal stimulus funds, thus the actual operational impact on the Kansas DOC budget is a decrease of 7.28% from FY2009. Similarly, the Nebraska DOC's FY2010 budget replaced approximately \$35 million of general funds with federal stimulus funds with the result that its FY2010 operational budget increased by 5.67% from FY2009. South Dakota added \$8 million in federal stimulus funds to its DOC budget making its FY2010 operating budget \$83,861,452, an effective increase of 1.1% from FY2009.

the opening of new facilities. It bears noting, however, that not all states are in a position to take such actions. Only those that have engaged in policy reforms that lowered their prison populations can take this step. Some of these successful policy changes are discussed below.

Reducing Costs Associated with Recidivism

A growing body of research suggests that improving community supervision and helping formerly incarcerated people reintegrate into society can save money and, in many cases, also increase public safety. Over the past decade, more and more states have begun to focus on these strategies. Actions taken during recent legislative sessions show an increased willingness to invest scarce resources in evidence-based programs and initiatives in these areas.

IMPROVING COMMUNITY SUPERVISION

Given that more than five million people in the United States are on probation, parole, or post-prison supervision and that many of them will return to prison for failing to comply with their conditions of supervision, states are looking for ways to reduce both the cost of supervision and the number of technical violations that return people into custody—violations of conditions of release, such as

not attending meetings with parole officers or failing drug tests. The costs of technical violations are huge: more than one-third of prison admissions are the result of a parole violation.⁹

An increasing number of states are relying on “evidence-based” policies and practices, which have been shown by research to reduce recidivism among individuals on community supervision. These include using graduated responses to violations, eliminating or minimizing supervision requirements for lower-risk people, using positive reinforcements, and adopting incentive funding. (Many of these strategies are described in the sidebar on page 12.)

GRADUATED RESPONSES. Graduated responses represent a range of actions, each more emphatic than the former, that provide supervision officials with alternatives to revocation. Since 2007, nine states have established formal graduated response grids, providing a set of options for responding swiftly and certainly to both compliant and non-compliant behavior. New York and Wyoming are currently considering response grids like this. Two other states, Missouri and Arkansas, are developing technical violator centers, an additional graduated response involving short-term intensive residential programming to serve as a last resort before returning a violator to prison.

REDUCING SUPERVISION REQUIREMENTS. To reduce supervision costs and focus scarce resources on those who are most at risk of violating or committing a new offense, some states are shortening

periods of supervision; others are reducing, or eliminating, supervision requirements for certain populations altogether. Virginia now requires judges to remove from supervision people who have been supervised for at least two years and have satisfied all conditions except the payment of restitution, fines, or costs. Washington eliminated supervised probation of people convicted of misdemeanors and some low-level felonies. Texas has reduced the maximum probation terms for people convicted of certain property or drug offenses from 10 to five years, allowing officials to focus supervision resources on the early years after release, when research shows people are most likely to commit new crimes. The Washington Department of Corrections is also preparing to end supervision of low-risk people (except those convicted of a sex offense), and Wisconsin’s department of corrections may discharge people from community supervision if they have completed 50 percent of the probation period.

POSITIVE REWARDS. Some states are increasing the use of positive rewards. At least two states have established or expanded earned compliance credits for people on community supervision. Arizona passed legislation last year that allows some people on probation to reduce their supervision term by up to 20 days for every 30 days they comply with the terms of their release and are current in payments of victim restitution. Nevada passed a similar provision in 2007, increasing the credits earned by parolees who are current with supervision fees and restitution

payments. These provisions provide incentives for people to complete the terms of their probation and parole supervision, saving states money in both the short and long term.

INCENTIVE FUNDING Finally, some states are adopting incentive funding to improve the performance of county systems. Both Kansas and Arizona recently adopted legislation that provides counties with incentives to adopt evidence-based practices and programming to reduce the rate of probation or community corrections revocations in their jurisdictions. In the first year of implementation in Kansas, community corrections revocations dropped statewide by 21.9 percent.¹⁰ This year, the Illinois General Assembly passed the Crime Reduction Act, which directs state funds toward locally based sanctions and treatment alternatives if the local jurisdiction successfully reduces the number of people entering local or state incarceration facilities.¹¹ Similar performance incentive funding is under review in California.

REENTRY AND REDUCING RETURNS TO PRISON

People returning from prison face a variety of challenges. These include reconnecting with family and peers, finding housing and employment, and more generally, avoiding criminal activity. There is growing, nationwide interest and support for comprehensive reentry planning and services—with the understanding that these must begin when an individual enters prison. There is also a recognition that these services, by reducing the likelihood that a person

will return to prison, can help save states money.

Colorado was in the vanguard of this trend in 2007, when it adopted the Crime Prevention and Recidivism Reduction Package, authorizing the use of evidence-based, cost-effective reforms aimed at reducing recidivism. Despite limited funds, Governor Bill Ritter extended this effort into FY2009-10 with an additional \$9.5 million appropriation to fund a series of reforms that are expected to save the state more than \$380 million over the next five years.¹²

Other states are also considering developing or expanding reentry programs. Connecticut, for example, recently established reentry furloughs that not only accelerate prison releases, but also provide aftercare services to people transitioning from prison to community supervision. The aftercare provision is supported by evidence-based research that clearly demonstrates that a period of community supervision and targeted interventions after release lower the risk of recidivism.

To reduce the second highest recidivism rate in the country, Louisiana's governor, Bobby Jindal, recently established a program to prepare people in prison for release and reentry into society. Inmates will be evaluated when they enter prison for their educational, health, and mental health needs, and participants will undergo three to six months of pre-release programming. The program will be piloted in two parishes and then expanded to 10 regional offices.

Maryland and Michigan are expanding their existing reentry initiatives. Proposed funding for the

Michigan Prisoner Re-entry Initiative more than doubled between FY2009 and FY2010, in large part due to the role it is has played in reducing that state's prison population.¹³ (Details on these initiatives as well as other state activity in this area are highlighted in Reentry/Transition Planning Efforts, opposite page.)

Accelerating Prison Releases

Many states are facing the increased fiscal consequences from years of harsher policies—such as truth-in-sentencing requirements, “three strikes” laws, and mandatory minimum sentences—that have resulted in long sentences. While there is wide consensus that tougher penalties are necessary and appropriate for those convicted of serious violent or sex offenses, many policymakers are questioning the need for long prison terms for people convicted of less serious crimes such as non-violent drug offenses. Some of these provisions were reversed during the fiscal crisis earlier this decade, but many remain, resulting in severe prison overcrowding in some states.¹⁴ States are also presented with a growing number of elderly and chronically ill prisoners whose ongoing care requires significant resources. To address these issues, officials have added or modified the laws and policies that determine the amount of time people spend in prison. These changes have the potential to lower prison populations,

- > Governor Jennifer Granholm of Michigan expanded the parole board from 10 to 15 members so that it can expedite the review and possible parole of 12,000 inmates who have served their minimum sentences.
- > Idaho's department of corrections will provide resources to the state's Pardons and Parole Commission to reduce the number of inmates incarcerated past their parole eligibility dates.
- > To reduce severe overcrowding, California prison officials have granted early releases (of up to 60 days) to some people serving prison time for parole violations or who are in prison awaiting a hearing on a parole violation. All people released were screened and approved by the parole board.
- > Mississippi is enhancing coordination between the department of corrections and the parole board and recently provided the parole board with a list of 2,900 nonviolent inmates for consideration of parole.

MEDICAL OR GERIATRIC PAROLE

Providing health care to the growing number of elderly and chronically ill people in prison presents states with a significant financial burden. A number of states have proposed

new, or modified existing, medical or geriatric release provisions to avoid sole responsibility for these costs. By releasing this population and placing them in the community, states can share the medical costs with the federal government under Medicare and Medicaid rules. In 2008, at least seven states established medical or geriatric parole, or expanded already existing provisions.¹⁷ Several other states have followed their lead this year:

- > New York expanded the eligibility requirements of the current medical parole policy for a projected cost savings of \$2 million annually.
- > Washington projects \$1.5 million in savings from its new geriatric and medical parole release policy, which allows early release for adult inmates who are chronically or terminally ill and 55 years or older.
- > Wisconsin's Earned Release Review Commission (formerly the Parole Commission) was given the authority to release inmates with extraordinary health conditions to extended supervision as long as public safety is maintained.

RISK REDUCTION SENTENCES

Risk reduction sentences are a sentencing option recently adopted in two states, Pennsylvania (2008) and Wisconsin (2009), that give inmates

an incentive to participate in pre-release programs designed to reduce recidivism. At sentencing, people convicted of some low-level offenses may be eligible to receive two minimum sentences: the regular minimum and a shorter, risk-reduction incentive minimum. If the inmate completes programming required by the department of corrections based on a risk/needs assessment and also demonstrates satisfactory institutional behavior, he or she will be released after serving the risk reduction minimum. The fiscal benefits to this policy are twofold. Not only does it reduce the length of stay for participants, but by encouraging participation in programs designed to meet their criminogenic needs, it reduces the likelihood that they will return to prison after release.

A Look Toward the Future: Sustainable Policy Changes that Cut Costs

A series of sentencing policies enacted over the past three decades—including mandatory minimums, habitual offender laws, enhanced sentences for drug offenders, and truth in sentencing—have helped generate the high incarceration rates that many states face today.¹⁹ Even though most states have stopped enacting such policies, and some have begun to repeal earlier legislation, their corrections systems must still contend with the costs these policies

incurred. Fortunately, new and innovative policies implemented over the past 10 years suggest that states can both save money by slowing the growth of their prison populations and, in the process, also increase public safety—a combination formerly considered inconceivable.

Despite facing severe budget cuts, many states continue to invest in these new policies. Yet such investments cannot be taken for granted. Over the past decade, Kansas made huge improvements in its community supervision practices, becoming a national leader for achieving significant reductions in the number of people returned to prison from probation and parole. However, it recently made program cuts that jeopardize this progress. It is critical that other states consider the repercussions of cutting programs that have a positive impact on system and

individual outcomes. Fortunately, sentencing commissions—independent, government-sanctioned bodies that inform sentencing and corrections policymaking—have also been established recently in many states. These bodies may help ensure that policy reforms are thoughtful and sustainable (see box on page 10).

The next several years will be difficult ones for the states as they continue to confront severe budget shortfalls. This analysis of current trends, drawing on FY2010 budgets and recent legislation, suggests that many states are not simply looking for operational efficiencies. Rather, they are taking advantage of the opportunity this crisis presents to invest in innovative, evidence-based options that have proven to cut corrections costs while maintaining or even improving public safety.

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