

# Louisiana

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From 1990 to 2010, Louisiana’s prison population more than doubled while its corrections costs more than tripled. The key factors driving this growth were incarceration of nonviolent non–sex offenders, technical parole violations, and the declining use of parole. In response to these challenges, Louisiana adopted justice reinvestment policies to improve the use of good time and earned time credits, increase parole eligibility for certain offenders, and improve probation and parole operations. In 2013, Louisiana also invested \$1.7 million in community-based treatment services. These policies are projected to save the state \$103.8 million over the next 11 years. By 2024, Louisiana is expected to reduce its prison population by over 1,100 inmates.

## Impetus for Justice Reinvestment

For Louisiana, which joined the Justice Reinvestment Initiative (JRI) in 2010, the process offered a strategy for addressing the state’s growing corrections population and costs. In the 20 years leading up to 2010, the state’s prison population more than doubled, and its prison costs tripled. In 2008, Louisiana had the highest incarceration rate in the country (one out of every 55 adults was in jail or prison); in 2011, the state’s prison population stood at 39,709 inmates. Per person incarceration costs per year were \$21,838; by June 2012, the total corrections budget was \$670 million. These spiraling costs came at a time when Louisiana’s budget was already under immense strain.<sup>1</sup>

By reviewing sentencing and corrections practices, Louisiana hoped to reduce prison populations and spending. In the summer of 2010, Louisiana requested assistance in the review process, which was provided through the JRI.<sup>2</sup>

## Establish an Interbranch Bipartisan Working Group

To address costs while ensuring public safety, the legislature passed two bills in 2008 (Acts 916 and 629) that reactivated and restructured the Louisiana Sentencing Commission, which had been founded in 1987 to develop felony sentencing guidelines. Act 916 reduced the size of the commission and redefined its membership.<sup>3</sup> Act 629 broadened the commission’s research mandate to include justice system outcomes, recidivism reduction, and the use of corrections

### HIGHLIGHTS

- From 1990 to 2010, Louisiana’s prison population doubled; in 2008, it had the highest incarceration rate in the nation.
- JRI policies improved the use of good time and earned credit and the operation of probation and parole.
- Prison population reductions due to JRI are projected to save Louisiana about \$103.8 million over 11 years.
- By 2024, Louisiana’s prison population is expected to decline by over 1,100 inmates.
- Louisiana reinvested \$1.7 million into community-based treatment in 2013.

programming to facilitate reentry.<sup>4</sup> The commission has 22 members, including the secretary of Louisiana’s Department of Public Safety and Corrections (DPS&C), legal academics, sheriffs, district attorneys, victims’ advocates, defense attorneys, members of the judiciary, and legislators.<sup>5</sup>

## Engage Stakeholders

Throughout the policy development process that took place in 2011 and 2012, the commission convened discussions with elected officials, criminal justice experts, practitioners, and other key public safety stakeholders. All the effort put into engaging stakeholders resulted in broad approval for policies: Louisiana’s 2012 JRI legislation was approved by numerous key stakeholder groups, including the Louisiana Sheriff’s Association, Louisiana District Attorneys Association, Louisiana Conference of Catholic Bishops, DPS&C,

and key members of the judiciary.<sup>6</sup>

## Analyze Data and Identify Drivers

To analyze Louisiana's crime data and identify the key justice system cost and population drivers, the Vera Institute of Justice (Vera) and Pew Charitable Trusts worked with the JFA Institute to help the commission conduct an in-depth review of state justice data. Results from this data analysis found three key factors driving the ongoing growth of Louisiana's prison population. The first driver was incarceration of nonviolent, non-sex offenders, who constituted 61.1 percent of admissions to prison in 2009. The second driver was technical violations of parole, which accounted for 23.6 percent of all admissions to prison. The third driver was declining use of parole, both hearings and grant rates. While the prison population increased by 15 percent between 2000 and 2009, the total number of parole hearings decreased by 17 percent, and parole grant rates dropped by more than 56 percent in the same period.<sup>7</sup>

## Develop Policy Options

To translate the results of the data analysis into policy recommendations, the Louisiana Sentencing Commission gathered information on national best practices and held deliberations with a broad array of Louisiana public safety stakeholders, legal academics, practitioners, elected officials, and criminal justice experts. These meetings provided a forum for obtaining feedback on potential policies and for building consensus around an eventual set of recommendations.<sup>8</sup>

## Codify and Document Changes

Louisiana passed justice reinvestment legislation in both 2011 and 2012. In 2011, the state passed Acts 104, 153, 168, 186, and 285. Act 104 authorizes probation and parole officers to impose administrative sanctions for technical violations of parole and probation; Act 153 mandates evidence-based practice (EBP) training for parole board and pardon board members and requires DPS&C to conduct a risk and needs assessment on every parole-eligible offender for the parole board to use in making parole decisions; Act 168 requires electronic monitoring and home incarceration service providers to report outcomes of home incarceration;

Act 186 simplified and consolidated the good time and earned credit statutes for nonviolent, non-sex offenders; and Act 285 made first-time nonviolent, non-sex offenders convicted of a felony eligible for parole after serving 25 percent of their sentence, down from 33 percent under the previous law. All these acts were signed by the governor in June 2011.<sup>9</sup>

By May 2012, the legislature had passed a second set of JRI legislation to support and build on the 2011 projects: Acts 110, 123, 158, 159, 160, 399, and 714. Act 110 creates transparency in the earning of good time, setting the rate of time earned at one and a half days for every day served; Act 123 eliminated costly and underused state risk review panels; Act 158 prevents notification of administrative sanctions from being introduced as evidence so that sanctions could be implemented as the legislature intended without triggering additional penalties; Act 159 allows the parole board to consider second-time nonviolent, non-sex offenders after they have served 33 percent of their sentences; Act 160 provides that mandatory minimums can be waived for certain nonviolent, non-sex crimes if the prosecutor, defense counsel, and judge agree; Act 399 expands Louisiana's reentry courts as a means to rehabilitate nonviolent, non-sex offenders; and Act 714 merged the functions of the boards of pardon and parole to save money and improve efficiency.<sup>10</sup>

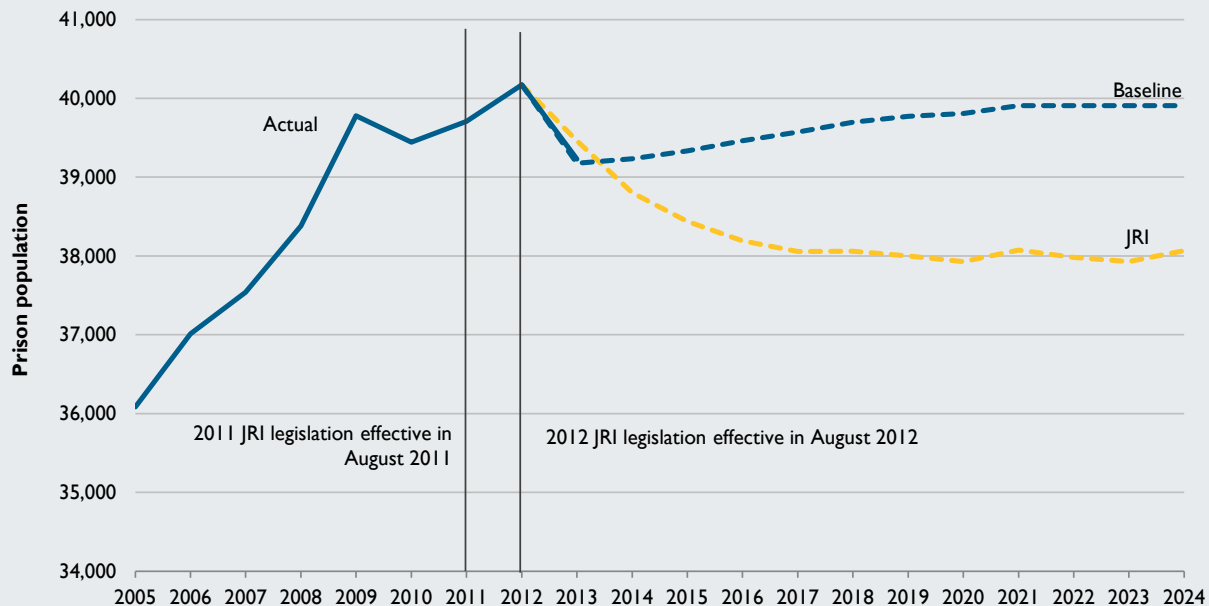
## Implement Policy Changes

To facilitate the implementation of JRI policies, the commission created the JRI Oversight Committee, which approved a comprehensive implementation plan. Louisiana's implementation efforts focused on teaching justice system practitioners how to make use of administrative sanctions. Ensuring that sanctions are used properly has required close collaboration with local sheriffs, who have been cooperative and have allocated bed space for individuals serving an administrative sanction. Louisiana educated judges and probation and parole officers on the use of administrative sanctions and identified the need for additional trainings. Louisiana is one of the first states in the nation to examine home incarceration practices and develop new standards.<sup>11</sup> Finally, Vera is working with the commission to consider new drug legislation for 2014.<sup>12</sup>

Louisiana has adopted EBPs to improve probation and parole operations. Risk and needs assessments were part of corrections operations before JRI; when the parole and pardon boards were merged in 2012, they adopted such

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**FIGURE I**  
**Louisiana Prison Population**



Sources: Actual population data from JFA Institute (2012). Baseline and JRI projection data are from JFA Institute email message, January 21, 2014.

Note: Dotted lines represent projections.

assessments as well.<sup>13</sup>

The JRI Oversight Committee and Vera have been preparing for the receipt of a subaward, which will support the creation of a training assessment and training plan for judges and probation officers on the use of administrative sanctions; the training for judges and probation officers on these sanctions; training for judges, district attorneys, and defense attorneys on discretionary waivers of mandatory minimum sentences; research on the impact of those sentences; and the development of standards for home incarceration providers.<sup>14</sup>

## Reinvest Savings

While Louisiana has not developed a formal reinvestment plan, state leadership has maintained a strong commitment to supporting probation, parole, and reentry: \$1.7 million was allocated to DPS&C in 2013 to provide opportunities for community-based treatment for offenders identified by the court as having substance abuse addictions as the underlying cause of their offense.<sup>15</sup>

## Measure Outcomes

The DPS&C is working with Vera to measure the impacts of JRI legislation. Vera has helped the department develop a dashboard of key performance measures. The metrics also track performance of local jails, where approximately 50 percent of the state felony offender population is housed. Measures on the dashboard are reported quarterly, with the first report developed in August 2013.<sup>16</sup> Key performance measures on the dashboard include total offender, prison, and local jail counts; number of new prison admissions, releases, new parolees, and new probationers; new paroles under the good time parole program; and percentage changes in performance measures from the base year (2011).<sup>17</sup> The JRI Oversight Committee has developed a reporting schedule for measuring performance measures, and DPS&C has started reporting these measures to the committee.<sup>18</sup>

Louisiana created population projections in 2010 and 2013. The 2010 projection represents the expected change in Louisiana's incarcerated population absent subsequent reforms while the 2013 projection estimates the impact of JRI policies passed in 2011 and 2012. In 2010, Louisi-

ana's prison population was expected to increase 2 percent between 2013 and 2024. Because of JRI policy changes in 2011 and 2012, Louisiana's prison population is expected to decrease by 3 percent between 2013 and 2024 (figure 1). This population reduction will save \$103.8 million over 11 years. From 2012 to 2013, Louisiana's prison population declined slightly and is expected to decline until 2016 to 2017 when population declines will begin to stabilize.<sup>19</sup>

## Notes

1. Vera Institute of Justice. 2013. "Justice Reinvestment Initiative: Louisiana." Accessed November 20. <http://www.vera.org/justice-reinvestment-initiative-louisiana>.
2. Ibid.
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4. Louisiana Act 629, 2008.
5. Louisiana Act 916, 2008.
6. Louisiana Sentencing Commission. 2012. "Louisiana Legislature Adopts All Recommendations of the Louisiana Sentencing Commission." June 4.
7. Vera Institute of Justice. "Justice Reinvestment Initiative, Louisiana Phase II Workplan." 2012.
8. Louisiana Sentencing Commission (2012).
9. Louisiana Sentencing Commission. 2011. "Improving Public Safety, Controlling Corrections Costs: Legislation for the 2011 Regular Session."
10. Vera Institute of Justice. "Justice Reinvestment Initiative, Louisiana Phase II Workplan." 2012.
11. Vera Institute of Justice. "Louisiana Justice Reinvestment Phase II Application for Pass-Through Funds." 2012.
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13. Vera Institute of Justice. "Louisiana Justice Reinvestment Phase II Application for Pass-Through Funds." 2012.
14. Ibid.
15. Department of Public Safety and Corrections. Email message. August 13, 2013.
16. Louisiana TA provider interview with Vera Institute of Justice, July 17, 2013.
17. Vera Institute of Justice. Email message. July 17, 2013.
18. Vera Institute of Justice. "Louisiana November Technical Assistance Monthly Tracking Form." December 15, 2013.
19. JFA Institute. Email message. January 21, 2014.

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