

Budget woes prompt states to rethink prison policy

By DAVID CRARY

(01/10/09 08:37:47)

Their budgets in crisis, governors, legislators and prison officials across the nation are making or considering policy changes that will likely remove tens of thousands of offenders from prisons and parole supervision.

Collectively, the pending and proposed initiatives could add up to one of biggest shifts ever in corrections policy, putting into place cost-saving reforms that have struggled to win political support in the tough-on-crime climate of recent decades.

"Prior to this fiscal crisis, legislators could tinker around the edges - but we're now well past the tinkering stage," said Marc Mauer, executive director of the Sentencing Project, which advocates alternatives to incarceration.

"Many political leaders who weren't comfortable enough, politically, to do it before can now - under the guise of fiscal responsibility - implement programs and policies that would be win/win situations, saving money and improving corrections," Mauer said

In California, faced with a projected \$42 billion deficit and prison overcrowding that has triggered a federal lawsuit, Gov. Arnold Schwarzenegger wants to eliminate parole for all offenders not convicted of violent or sex-related crimes, reducing the parole population by about 70,000. He also wants to divert more petty criminals to county jails and grant early release to more inmates - steps that could trim the prison population by 15,000 over the next 18 months.

In Kentucky, where the inmate population had been soaring, even some murderers and other violent offenders are benefiting from a temporary cost-saving program that has granted early release to nearly 2,000 inmates.

Virginia Gov. Tim Kaine is proposing early release of about 1,000 inmates. New York Gov. David Paterson wants early release for 1,600 inmates as well as an overhaul of the so-called Rockefeller Drug Laws that impose lengthy mandatory sentences on many nonviolent drug offenders.

"These laws have neither curbed drug use nor enhanced public safety," said Donna Lieberman of the New York Civil Liberties Union. "Instead, they have ruined thousands of lives and annually wasted millions of tax dollars in prison costs."

Policy-makers in Michigan, one of four states that spend more money on prisons than higher education, are awaiting a report later this month from the Council of State Governments' Justice Center on ways to trim fast-rising corrections costs, likely including sentencing and parole modifications.

"There's a new openness to taking a look," said state Sen. Alan Cropsey, a Republican who in the past has questioned some prison-reform proposals. "What we'll see are changes being made that will have a positive impact four, five, six years down the road."

Even before the recent financial meltdown, policy-makers in most states were wrestling with ways to contain corrections costs. The Pew Center's Public Safety Performance Project has projected that state and federal prison populations - under current policies - will grow by more than 190,000 by 2011, to about 1.7 million, at a cost to the states of \$27.5 billion.

"Prisons are becoming less and less of a sacred cow," said Adam Gelb, the Pew project's director. "The budget crisis is giving leaders on both sides of the aisle political cover they need to tackle issues that would be too tough to tackle when budgets are flush."

In contrast to past economic downturns, Gelb said, states now have better data on how to effectively supervise nonviolent offenders in their communities so prison populations can be reduced without increasing the threat to public safety.

Safety remains a potent factor. In California, for example, the state correctional officers' union contends Schwarzenegger's proposals will fuel more crime.

In Idaho, a combination of budget cuts and prison overcrowding contributed to an uprising Jan. 2 in a former prison workshop that was converted into a temporary cell block. Inmates who engaged in vandalism and arson had been placed there as part of a cost-cutting effort to move other prisoners back to Idaho from more expensive quarters at a private prison in Oklahoma.

Thomas Sneddon, a former Santa Barbara, Calif., prosecutor who is now executive director of the National District Attorneys Association, said he and his colleagues support reappraisals of corrections policies yet worry constantly that dangerous criminals will be released unwisely.

"I don't think the public at large has any idea of who's in these prisons," Sneddon said. "If they went and visited, they'd say 'My God, don't let any of these people out.'"

He noted that many states are seeking to send fewer offenders back to prison for technical violations of parole conditions. Some of these violations are indeed relatively minor, Sneddon said, but often they are accompanied by more serious criminal behavior that warrants a return to prison.

As budgetary pressures worsen, some advocacy groups are concerned that spending cuts will target the very programs needed to help inmates avoid re-offending after release - education, vocational and drug-treatment programs.

"The idea that we'd cut programs and then release inmates early is a toxic combination," said Pat Nolan, vice president of Prison Fellowship. "Just opening prison doors and letting people out with no preparation - that's cruel to the offender and dangerous to public."

However, Nolan, a former California legislator who served time in a federal prison on a racketeering charge, sees the current climate as ripe for the kind of reforms Prison Fellowship has advocated with its Christian-based outreach programs.

"It's forcing the legislators to see the actual costs of imprisonment, because it's coming out of the budget for schools, roads, hospitals," he said.

The Council of State Government's Justice Center has been working with 10 states to develop options for curbing prison populations without jeopardizing public safety. Tactics used in Texas and Kansas have included early release for inmates who complete specified programs, more sophisticated community supervision of offenders, and expanded treatment and diversion programs.

"There's an unprecedented level of interest in this kind of thinking," said the Justice Center's director, Michael Thompson. "It's a combination of fiscal pressure and a certain fatigue of doing the same thing as 20 years ago and getting the same return."

In Florida, where prisons are so crowded that the state has acquired tents for possible use to house inmates, officials say 19 new prisons may be needed over the next five years. As an alternative, Corrections Secretary Walter McNeil told lawmakers they should re-evaluate the state's hard-line sentencing policies and look at ways to help released inmates avoid returning to prison.

One important variable is the role of private prisons, which some advocacy groups consider less accountable than state-run prisons. Elizabeth Alexander of the American Civil Liberties Union's National Prison Project expressed concern that fiscally struggling states would rely increasingly on private operators.

The largest private prison firm, Nashville, Tenn.-based Corrections Corporation of America, operates in 20 states and says some of them have asked if CCA can expand its capacity so more beds don't need to be added to the state-run system.

"Of the states we do business with, none have made prison construction a priority in this economic environment," said Tony Grande, CCA's executive vice president. "Our partnership with the states will become even stronger. ...We want to be a part of their financial solution."

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