



# Louisiana's 2017 Criminal Justice Reforms

The most incarcerated state changes course

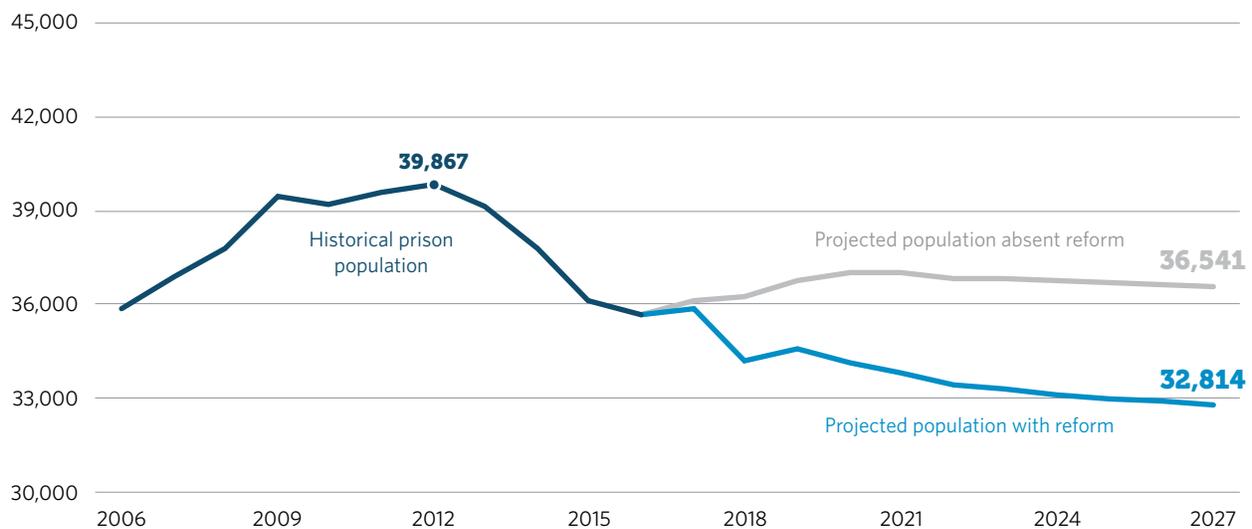
## Overview

On June 15, 2017, Louisiana Governor John Bel Edwards (D) signed the most comprehensive criminal justice reform in state history. Six Republicans, two Democrats, and one independent authored the bipartisan package of 10 bills, which should enable Louisiana to shed its long-held status as the state with the nation's highest imprisonment rate by the end of 2018. Their efforts received widespread support, earning endorsements from the state district attorneys association, business and faith leaders, and diverse coalitions of advocates and community members. The measures steer people convicted of less serious crimes away from prison, strengthen incarceration alternatives, reduce prison terms for those who can be safely supervised in the community, and remove barriers to re-entry. Over 10 years, the reforms are projected to reduce the prison and community supervision populations by 10 and 12 percent, respectively. Lawmakers also committed to reinvest 70 percent of the estimated \$262 million savings in local programs that reduce reoffending and support crime victims.

Figure 1

## Reforms Expected to Cut Prison Population 10 Percent

Number of Louisiana prisoners projected with and without changes in the law



Source: Louisiana Justice Reinvestment Task Force

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## Bill Sponsors

A bipartisan group of lawmakers sponsored 10 bills that became Louisiana's comprehensive criminal justice reform package. (See pages 10-18 for more information.)



**Senator Dan Claitor (R):**

S.B. 16 permits most people originally sentenced to life as juveniles to be considered for parole after 25 years in prison.



**Representative Walt Leger (D):**

H.B. 489 mandates the collection of data to monitor the reforms and requires the state to redirect 70 percent of corrections savings to community-based prison alternatives, victim services, and recidivism-reduction programs in state prisons and parish jails.



**Senator Daniel Martiny (R):**

S.B. 139 broadens eligibility for parole and other prison release provisions; expands eligibility for probation; reduces maximum probation terms; and adopts evidence-based sanctions and incentives to improve community supervision outcomes.



**Representative Julie Emerson (R):**

H.B. 519 simplifies the occupational licensing process for state residents with criminal convictions.



**Senate President John Alario (R):**

S.B. 220 and S.B. 221 reduce penalties for drug, property, and other nonviolent crimes and modify habitual-offender penalties to make them comparable to those in other states.



**Representative Joseph Marino (I):**

H.B. 680 temporarily suspends child support obligations for inmates incarcerated for more than six months.



**Representative Stephen Dwight (R):**

H.B. 116 streamlines registration for victim notification and ensures that victims can request safety measures as a condition of a prisoner's release.



**Representative Helena Moreno (D):**

H.B. 681 lifts the ban on public assistance benefits for people with drug convictions.



**Representative Tanner Magee (R):**

H.B. 249 tailors criminal justice fines and fees to a defendant's ability to pay by creating a payment plan and debt forgiveness incentive for those facing financial hardship.

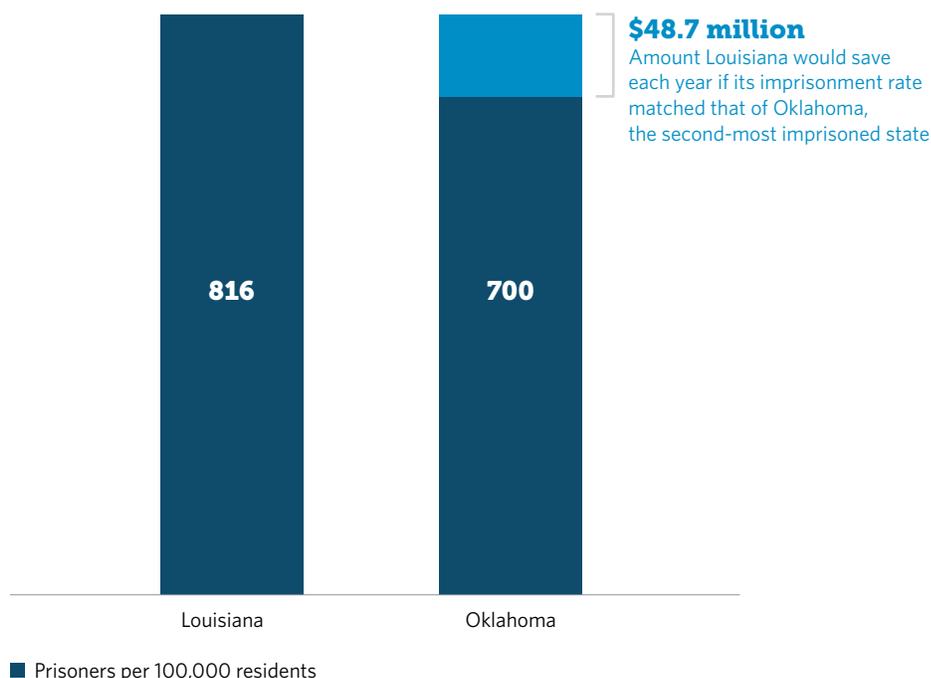
## Background

Louisiana’s prison population peaked in 2012 at roughly 40,000, a fivefold increase since the late 1970s, growing much faster than the state’s overall population.<sup>1</sup> Between 2012 and 2015, statutory and administrative changes that expanded evidence-based correctional practices helped lower the number of prisoners by 9 percent while crime also declined.<sup>2</sup> Even with this reduction, however, Louisiana still had more prisoners per capita than any other state and nearly double the national average.<sup>3</sup>

These high levels of imprisonment came at great cost to Louisiana taxpayers. In fiscal year 2017, lawmakers appropriated \$625 million for adult corrections—the state’s third-largest expenditure behind education and health care.<sup>4</sup> The consequences of these high costs can be best understood by comparing Louisiana with other states. For example, had Louisiana’s 2014 imprisonment rate been the same as Oklahoma’s—the nation’s second-most-imprisoned state—Louisiana would have spent roughly \$49 million less annually.<sup>5</sup> (See Figure 2.) Highlighting the burden of being number one in imprisonment, Gov. Edwards and Department of Corrections Secretary James LeBlanc called for reforms that would “reduce the state prison population significantly with the modest goal of not having the highest incarceration rate in the country.”<sup>6</sup>

Figure 2

### Taxpayers Incurred High Cost of Being in Most Incarcerated State Imprisonment rates and associated cost differential, Louisiana and Oklahoma 2014



Note: Louisiana pays \$24.39 per capita per diem to house state prisoners in local jails.

Sources: U.S. Department of Justice, Bureau of Justice Statistics; Louisiana Revised Statutes 15:824

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## Louisiana Justice Reinvestment Task Force

In 2015, the state Legislature created the Louisiana Justice Reinvestment Task Force to develop recommendations for sentencing and corrections policies and practices that would improve public safety and reduce spending. The task force consisted of legislators, judges, prosecutors, defense attorneys, law enforcement officials, the corrections secretary, and the state sentencing commission chair, as well as faith leaders and victim and community advocates. It held public meetings, town halls, and victim advocate roundtables and formed subgroups to generate policy options for sentencing, community corrections, and budgetary issues. The Department of Corrections and the courts contributed staff support, and The Pew Charitable Trusts and the Crime and Justice Institute provided nonpartisan data analysis and technical assistance as part of the Justice Reinvestment Initiative, a public-private partnership between Pew and the U.S. Department of Justice's Bureau of Justice Assistance.

### Task force members

**Secretary James LeBlanc (Chair)**, Louisiana Department of Corrections

**Sheriff Michael Cazes**, West Baton Rouge

**Senator Dan Claitor**, Louisiana state Senate

**Flozell Daniels**, Foundation for Louisiana

**Public Defender James Dixon**, Louisiana Public Defender Board

**District Attorney Bofill Duhé**, 16th Judicial District

**Judge Bonnie Jackson**, 19th Judicial District Court

**Chief Justice Bernette Johnson**, Louisiana Supreme Court

**Judge Lori Landry**, 16th Judicial District Court

**Representative Terry Landry**, Louisiana House of Representatives

**Representative Walt Leger**, Louisiana House of Representatives

**Representative Sherman Mack**, Louisiana House of Representatives

**Senator Daniel Martiny**, Louisiana state Senate

**Reverend Gene Mills**, Louisiana Family Forum

**Judge Laurie White**, Louisiana Sentencing Commission



“[T]he passage of the sprawling 10-bill incarceration package ... is the boldest change of direction for Louisiana since the reform of New Orleans public schools after Hurricane Katrina.”

**The Advocate**, “Our Views: At Last, A Real Shot at Prison Reform” (editorial, June 7, 2017)

## Key findings

The task force identified six principal factors that contributed to Louisiana’s highest-in-the-nation imprisonment rate.

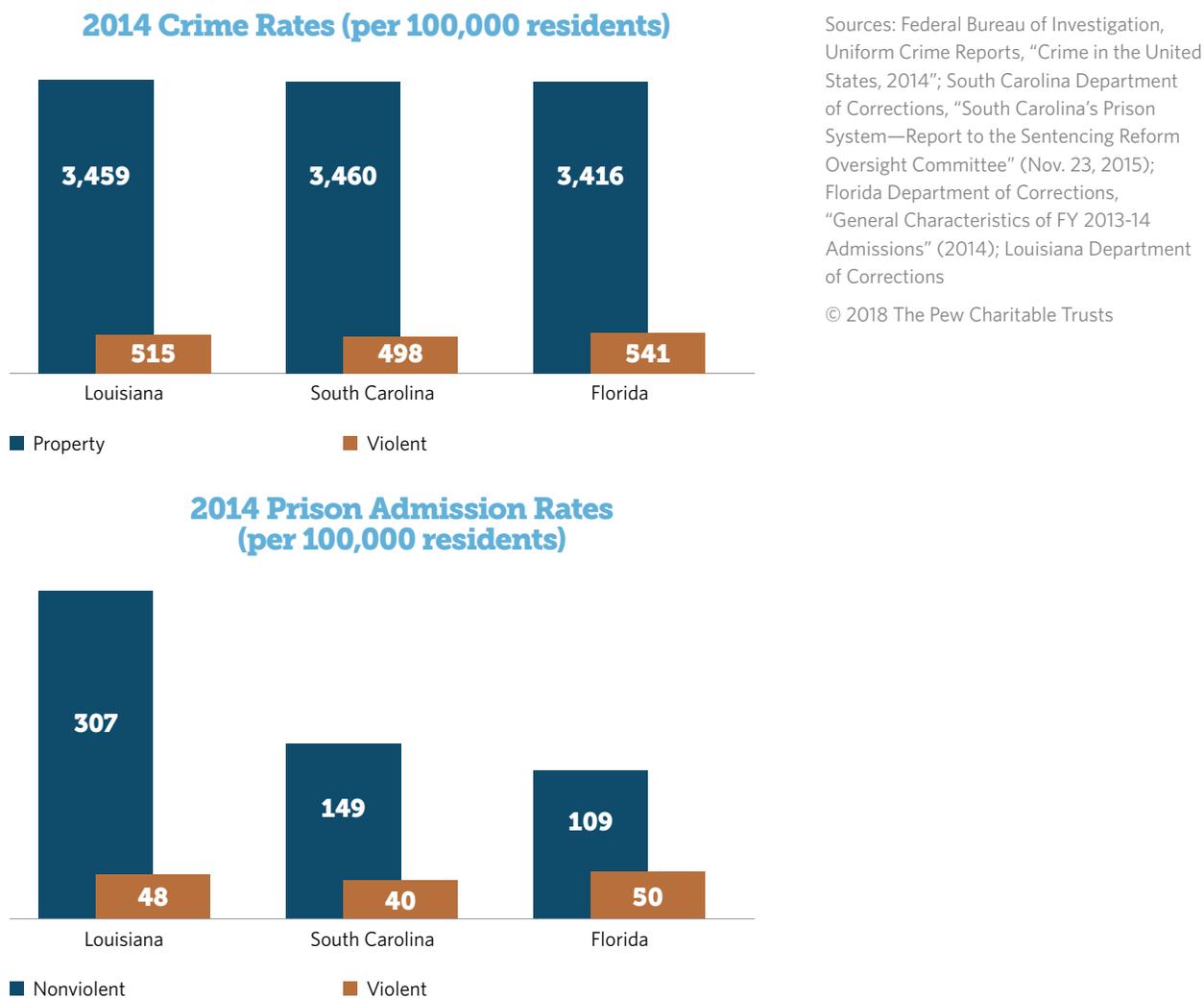
### Unusually high admissions for nonviolent crimes

Although Louisiana’s crime rates were nearly identical to South Carolina’s and Florida’s, the state was sending people to prison for nonviolent crimes at twice and nearly three times the rates of those states, respectively.<sup>7</sup> (See Figure 3.) The 10 most common convictions resulting in prison sentences in Louisiana were nonviolent, led by drug possession.<sup>8</sup>

Figure 3

## Louisiana Sent More People to Prison for Nonviolent Offenses Than Comparable States Did

2014 crime and prison admission rates for Louisiana, South Carolina, and Florida



## Longer prison terms and narrower parole eligibility

The task force found that Louisiana inmates were entering prison with longer sentences and fewer opportunities to earn release than those admitted five to 10 years earlier. Between 2010 and 2015, average sentence lengths for common nonviolent crimes increased by 10 months.<sup>9</sup> Further, the number of inmates who had been in prison for at least 10 years increased by more than 2,400 between 2006 and 2015, accounting for nearly 1 in 5 state prisoners by the end of that decade. In addition, nearly 5,000 individuals were serving life sentences without the possibility of parole, many of whom would have been eligible for parole in other Southern states, including Alabama, Arkansas, Georgia, Mississippi, and Texas.<sup>10</sup>

Meanwhile, the Legislature adopted 80 new restrictions on parole eligibility between 2006 and 2015. Two-thirds of those new rules applied to nonviolent crimes.<sup>11</sup>

## Large and growing number of people supervised in the community

Long supervision terms—stretching well beyond the period when probationers and parolees were most likely to reoffend—contributed to caseloads averaging 139 people per officer.<sup>12</sup> At the end of 2015, Louisiana’s probation and parole officers supervised more than 70,000 people, an increase of more than 10,000 in just 10 years. The task force found that these large caseloads led to high failure rates, which in turn accounted for most of Louisiana’s annual prison admissions; that sanctions for violating supervision conditions were inconsistently applied; and that incentives for compliance were inadequate.<sup>13</sup>

“ The business community is committed to being part of the solution by expanding job opportunities and hiring rehabilitated inmates, but lawmakers must take the first step by casting their votes in favor of reform.”

**Stephen Waguespack**, president and CEO, Louisiana Association of Business and Industry  
(guest column, *The Advocate*, May 24, 2017)

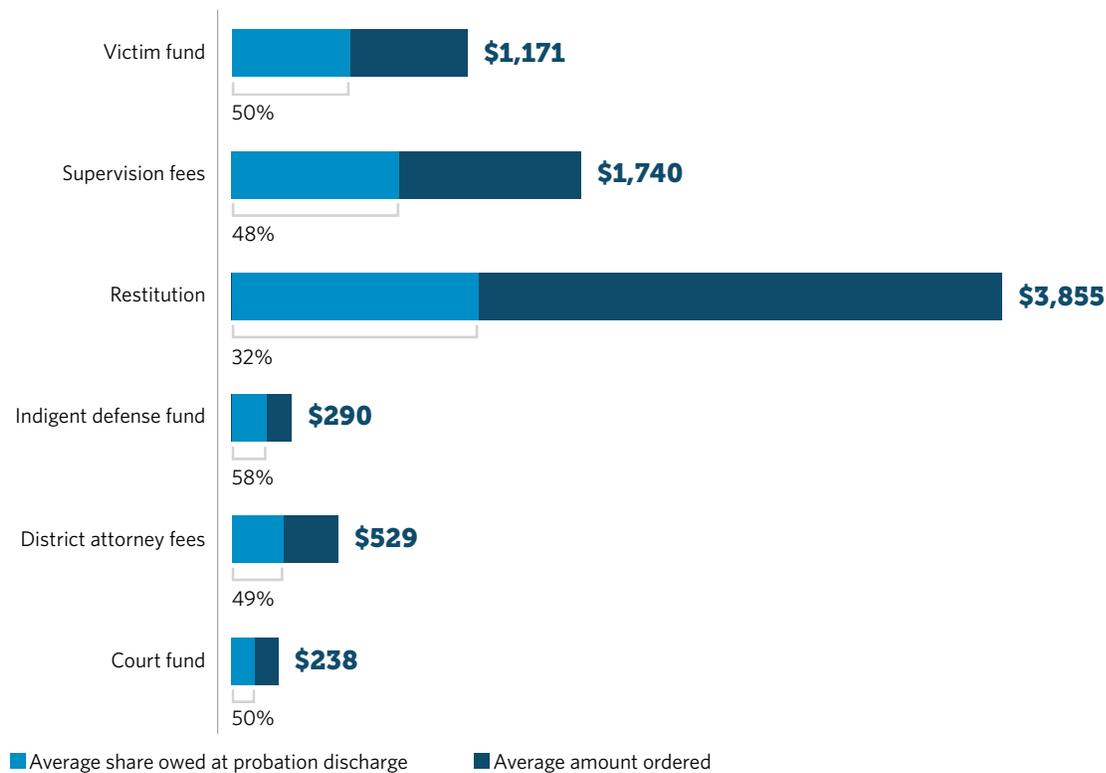
## Significant criminal justice debts and other barriers to successful re-entry

Beyond requirements that people convicted of crimes pay restitution to crime victims, plus fines collected as a part of their punishment, Louisiana’s statutes authorized the imposition of hundreds of additional fees on those convicted of crimes. These include payments to cover the costs of law enforcement, prosecution, court services, and supervision as well as local jurisdiction surcharges and offense-specific charges for DWIs, drug-related crimes, and other offenses.<sup>14</sup> Although defendants typically agree to fines, fees, and costs as part of plea agreements, the court in most cases was not making determinations regarding their financial ability to meet those obligations.<sup>15</sup> Louisiana’s statutes offered no guidance on the use of waivers for criminal justice debt, nor did they address payment plans or debt forgiveness.<sup>16</sup>

The task force found that on average, felony probationers still owed a third of their restitution amounts and half of their other costs and fees at the end of their supervision terms. (See Figure 4.) Because many people with criminal convictions have difficulty finding a job and do not have a reliable income, their court-ordered payments can accrue and harm their financial stability.<sup>17</sup> Further, the state’s penalties for failure to pay these debts in full,

including incarceration and suspension of a driver's license, were compounding the already substantial barriers to re-entry, such as restrictions on employment and public assistance and child support arrears from periods of incarceration.<sup>18</sup>

Figure 4  
**Fees Exceeded What Average Louisiana Probationers Could Afford**  
 Amounts ordered and owed at discharge, 2015



Note: The data are limited to financial obligations tracked by the Louisiana Department of Probation and Parole. Average dollar amounts include only those individuals ordered to pay the fees specified in each category above.

Source: Louisiana Department of Corrections

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“Financial obligations in excess of what an offender can reasonably pay undermine the primary purpose of the justice system which is to deter criminal behavior and encourage compliance with the law. Financial obligations that cause undue hardship on the offender should be waived, modified, or forgiven.”

Louisiana H.B. 249 (2017 regular session)

## Budgetary decisions inconsistent with long-term goals

In the years before Louisiana's justice reinvestment process, the Department of Corrections had achieved measurable savings by investing in programs in state prisons to reduce recidivism and help prisoners make the transition back into the community.<sup>19</sup> Lawmakers did not, however, fund sufficient programming for state inmates housed in parish jails or offer local governments financial incentives to develop and expand community-based diversion programs, such as specialty courts and treatment services for substance use disorders, that could lessen the flow of people into the state prison system.

The state had also dramatically scaled back behavioral health services. Between 2012 and 2015, the number of adults served by community programs was cut more than 40 percent, from about 38,000 to just over 21,000. Meanwhile, 13 percent of state inmates in 2016 had serious mental illness (about three times the rate in Louisiana's general population), and 70 percent had a substance use disorder (roughly eight times the rate among the general population).<sup>20</sup>

## Inadequate services and supports for crime victims

In roundtable discussions and public testimony, crime victims and their advocates called for increased transparency in and access to the justice system, noting inefficiencies in the state's notification system and the lack of a mechanism to allow victims to offer input on parole conditions that could affect their safety.<sup>21</sup> They also asked that restitution be prioritized over other criminal justice fines and fees and recommended more state investment in safety planning, trauma-informed services, and shelters and transitional housing.

“ We can improve public safety and prevent others from experiencing ... the anguish that far too many families in our state experienced as the result of the violence that plagues our communities. We can do this while reducing our reliance on incarceration, building a stronger system of community accountability, and promoting healing for victims of violent crimes and their families.”

**Deborah Cotton**, victim advocate (op-ed, *The Advocate*, March 21, 2017)

### Louisiana Voters Prioritize Alternatives to Incarceration

High levels of public support for criminal justice reform were critical to the enactment of Louisiana's new laws. Research by a bipartisan polling team revealed that state voters favored alternatives to imprisonment that hold people accountable for criminal behavior, enhance public safety, and save taxpayer dollars.\*

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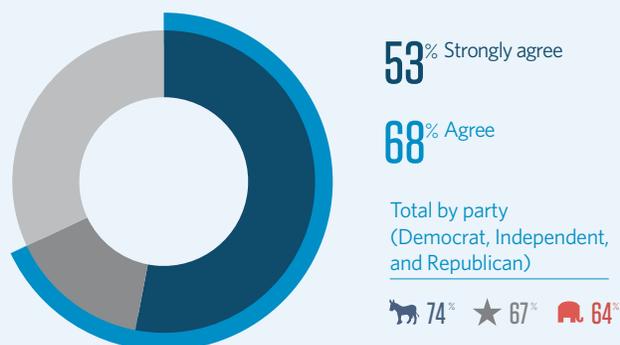
The survey of 600 likely voters, commissioned by Pew and conducted in March 2017, found that:

- 3 in 4 voters supported eliminating mandatory minimum sentences and giving judges more discretion over criminal penalties.
- Nearly 2 in 3 believed that fewer people should be sent to prison for nonviolent crimes and that eligibility for alternatives such as probation and parole should be expanded.
- Nearly 2 in 3 voters favored reducing penalties for lower-level drug offenses while maintaining those for serious drug trafficking.
- 3 in 4 thought most noncriminal probation and parole violations did not warrant incarceration and that other sanctions, such as community service, would be appropriate.
- Nearly 9 in 10 voters favored tying the amount of monthly criminal justice fines and fees to a defendant's income.

Figure 5

## Across Party Lines, Louisiana Voters Prioritized Cutting Recidivism Over Length of Prison Terms

Participants were asked whether they agreed with the following statement: "It does not matter whether a nonviolent offender is in prison 15 or 20 or 24 months. What really matters is that ... when these offenders do get out, they are less likely to commit another crime."



Source: Telephone survey of 600 voters representing the likely 2018 Louisiana electorate conducted for The Pew Charitable Trusts by the Mellman Group and Public Opinion Strategies between March 27 and 30, 2017

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\* The Mellman Group and Public Opinion Strategies conducted the survey March 27-30, 2017. The poll had a margin of error of plus or minus 4.0 percentage points at the 95 percent confidence level, and higher for subgroups. The top line can be found at: [http://www.pewtrusts.org/-/media/assets/2018/02/louisiana\\_statewide\\_survey\\_2017.pdf](http://www.pewtrusts.org/-/media/assets/2018/02/louisiana_statewide_survey_2017.pdf)

## Comprehensive legislative reform package

In March 2016, the task force presented Gov. Edwards and the Legislature with 21 consensus recommendations, which became the basis of a package of 10 bills. After extensive vetting in legislative committees and negotiations with the Louisiana District Attorneys Association, all 10 bills passed with strong bipartisan majorities. The governor signed them into law June 15, 2017.



Governor John Bel Edwards signs the 10 justice reinvestment bills June 15, 2017.

The legislation has four primary objectives:

### Prioritize prison space for those who pose a public safety threat

To steer people with less serious offenses away from prison and reduce the length of imprisonment for those who can be safely supervised in the community, the law:

- **Expands probation and other prison alternatives.**
  - Establishes probation eligibility for third-time nonviolent felonies and certain first-time violent crimes.
  - Broadens eligibility for Louisiana's substance abuse probation program, which combines supervision with drug treatment and counseling, to crimes other than drug possession.
  - Opens drug courts and substance abuse probation to those convicted of certain violent crimes.

- **Tailors drug sentences by weight.**
  - Reduces maximum terms of incarceration for drug possession involving small amounts of controlled substances.
  - Creates penalty tiers for drug sales and manufacturing according to the weight of the substances involved in the offense.
- **Reduces habitual-offender penalties.**
  - Reduces mandatory minimum sentences for most second and third offenses and grants judges discretion to disregard minimum sentences outlined in the habitual-offender statute if they would be cruel and unusual.
  - Eliminates the possibility of a life sentence for a fourth nonviolent conviction.
  - Shortens the “cleansing period”—the time before a felony can no longer be used to enhance a subsequent penalty—for nonviolent offenses.

“ We’re hoping that, with these changes, we can generate some savings, build up these services, and lower our incarceration rate safely. That’s why we’re behind it.”

**E. Pete Adams**, executive director, Louisiana District Attorneys Association  
(news conference, May 16, 2017)

Table 1

## Louisiana Reforms Lower Drug Penalties and Habitual-Offender Sentences

Example: Penalties for cocaine offenses under previous and current laws, by conviction type and number

Crime	Law	Standard penalty	Sentence ranges under the habitual-offender statute		
			2nd offense	3rd offense	4th offense
Cocaine possession < 2 grams	Prior law	0-5 years	<u>2.5</u> -10 years	<u>3.3</u> -10 years	<u>20 years</u> -life
	Current law	0-2 years	<u>8 months</u> -4 years	1-4 years	<u>20 years</u>
Cocaine sale > 4 grams	Prior law	<u>2</u> -30 years	<u>15</u> -60 years	<u>20</u> -60 years	<u>20 years</u> -life
	Current law	1-10 years	<u>3.3</u> -20 years	<u>5</u> -20 years	<u>20 years</u>

Note: This table represents changes to drug penalties and to the formula for enhancing sentence ranges under the habitual-offender statute. Underlined numbers reflect mandatory minimum sentences. The sentence ranges in this table apply only to individuals with less serious, nonviolent criminal histories.

Sources: Senate Bills 220 and 221 (Louisiana Reg. Session 2017); Louisiana Revised Statutes 15:529.1, 40:966-970

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- **Simplifies property crime statutes and raises the felony theft threshold.**
  - Eliminates numerous specialty crime categories that are duplicative of other theft, property damage, and burglary offenses.
  - Creates a single penalty structure for most property crimes and raises to \$1,000 the dollar value at which theft is considered a felony.
- **Reduces penalties for other crimes and recategorizes certain offenses as nonviolent.**
  - Brings minimum and maximum penalties for various crimes more in line with those in other states and removes certain offenses from the violent crimes list.
  - Creates a task force to categorize felony offenses.
  - Establishes a working group to develop a felony classification system based on the seriousness of offenses that would create standard sentencing and release provisions.
- **Expands parole eligibility for some violent offenses.**
  - Allows parole consideration for those sentenced for violent crimes who have served 65 percent of their sentences and have no prior violent convictions (see Table 2) and those who have served 75 percent and have one prior violent conviction, unless they are otherwise ineligible for parole consideration.

“ Last month, Louisiana passed one of the most ambitious criminal-justice reform packages in the country—10 new laws that make important changes to everything from drug sentences, parole and community supervision to re-entry and victims’ rights. It would have been remarkable coming from any state. It’s historic coming from Louisiana.”

*The New York Times*, “Louisiana’s Big Step on Justice Reform” (editorial, July 19, 2017)

“ Louisiana is on the verge of a wide-ranging criminal justice overhaul aimed at curbing the highest incarceration rate in America.”

*The Wall Street Journal*, “Change and Culture Collide in America’s Prison Capital” (May 25, 2017)



Grace has been extended to each of us. Now, within the criminal justice system, we must consider intentionally extending that same grace to the eligible and willing residents of our jail and prison system.”

**Gene Mills**, president, Louisiana Family Forum (op-ed, *The Advocate*, Oct. 4, 2016)

Table 2

## Louisiana Expanded Parole and ‘Good Time’ Eligibility

Percentage of sentence required before consideration for release under previous and current law, by conviction type and prior history

		Percentage of sentence for parole eligibility		Percentage of sentence for “good time” release eligibility	
		Prior law	Current law	Prior law	Current law
<b>Nonviolent conviction</b>					
<b>Prior convictions</b>	None	25%	25%	40%	35%
	1 nonviolent	33%	25%	40%	35%
	2 or more nonviolent	Ineligible	25%	40%	35%
	1 violent	33%	25%	40%	35%
	2 or more violent	Ineligible	25%	40%	35%
<b>Violent conviction</b>					
<b>Prior convictions</b>	None	75%	65%	85%	75%
	1 nonviolent	75%	65%	85%	75%
	2 or more nonviolent	Ineligible	65%	85%	75%
	1 violent	75%	75%	Ineligible	Ineligible
	2 or more violent	Ineligible	Ineligible	Ineligible	Ineligible

Sources: Senate Bill 139 (Louisiana Reg. Session 2017); Louisiana Revised Statutes 15:571.3 and 574.4

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State Representative Terry Landry (D) speaks at a rally for criminal justice reform at the Louisiana State Capitol in Baton Rouge on April 20, 2017.

- **Streamlines parole release for nonviolent crimes.**
  - Expands parole eligibility to those who have served 25 percent of their sentences for nonviolent crimes, and authorizes their release without a hearing when certain conditions are met. (See Table 2.)
- **Institutes a medical treatment furlough policy.**
  - Authorizes the release and transfer of prisoners with significant health and mobility issues to off-site medical facilities and provides for parole supervision for the remainder of their sentences.
- **Establishes parole consideration for some of Louisiana’s longest-serving prisoners.**
  - Creates retroactive and prospective parole eligibility for most people who have served 25 years of life sentences imposed for crimes they committed as juveniles.
  - Makes individuals convicted of second-degree murder between 1973 and 1979 parole eligible.
- **Improves crime victim notification and protections.**
  - Allows victims to submit a “re-entry statement” to the parole board that can include a request for proximity and contact restrictions for the victims’ protection.
  - Requires the development of an electronic victim registration and notification system.

## Strengthen community supervision

To expand the use of evidence-based community supervision practices that reduce recidivism, the law:

- **Focuses probation and parole officers' time on high-risk periods.**
  - Reduces maximum probation terms for nonviolent crimes from five to three years to concentrate officers' time on the period when those under supervision are most likely to fail.
- **Provides incentives for probationers and parolees to meet their supervision conditions.**
  - Establishes "earned compliance credits" for nonviolent crimes, a policy that awards 30 days off of community supervision terms for every full calendar month of compliance.
- **Requires that successfully completed probation time for nonviolent convictions be credited toward prison sentences imposed for probation violations.**
  - Reduces the time a person revoked from probation serves behind bars by deducting time spent in compliance with supervision. This change was modeled on a policy already in place for those on parole.
- **Establishes swift, certain, and proportional sanctions for supervision violations.**
  - Gives probation officers blanket authority to use administrative sanctions, such as increased reporting, community service, and short jail stays, for probationers with nonviolent convictions who fail to comply with the terms of their supervision. Similar powers had already been granted for all parolees.
  - Prohibits the use of jail as a sanction for first and second low-level violations.
  - Modifies the use of jail sanctions under Acts 402 and 299, which were adopted in 2007 and 2015, respectively, and allow for alternatives to complete revocation of community supervision:<sup>22</sup>
    - Authorizes an unlimited number of jail sanctions for probationers and parolees.
    - Caps stay at 15, 30, and 45 days for the first, second, and subsequent sanctions, respectively. (See Table 3.)
    - Broadens the categories of misconduct that can be addressed with Act 402/299 jail sanctions.
    - Expands the pool of violations for which officers can respond with administrative sanctions.

Table 3

### Louisiana Made Intermediate Sanctions More Proportional to Violations

Jail terms under previous and current law, by supervision type and sanction

Act 402/Act 299 sanction number	Prior law		Current law
	Probation	Parole	Probation and parole
First	90 days	90 days	15 days
Second	Ineligible	120 days	30 days
Third or more	Ineligible	180 days	45 days

Source: Senate Bill 139 (Louisiana Reg. Session 2017); Louisiana Revised Statutes 15:574.9; Louisiana Code of Criminal Procedure section 900

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## Reducing the Footprint of Community Supervision

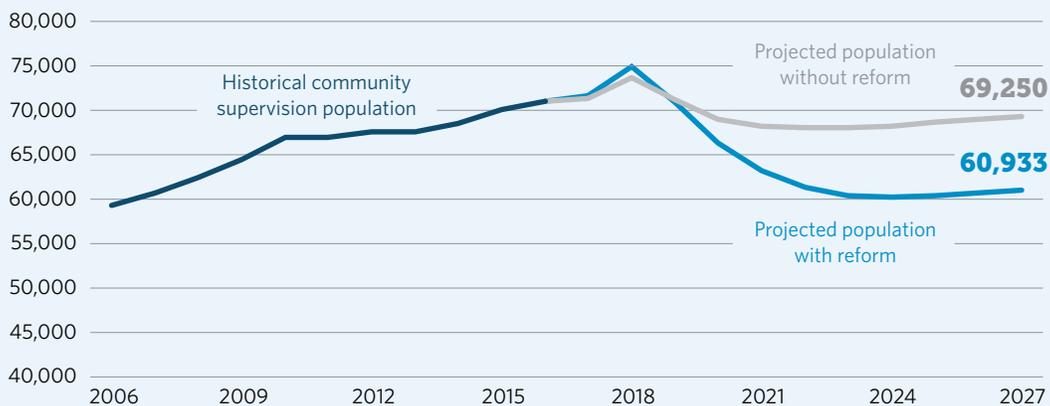
Because parolees and probationers are most likely to violate their conditions or commit new crimes during the first year of supervision, the public safety benefit of monitoring them after that time drops significantly.\* Despite research that supports front loading resources during this early phase, average probation and parole terms in Louisiana stretched well beyond that high-risk period, contributing to a swelling supervision population and high caseloads: In 2016, the average officer supervised 139 individuals.† In addition, the state's court and corrections system lacked a consistent process for discharging those who had been successful.

By capping probation terms and adopting a system of earned compliance credits, Louisiana aimed to focus its limited resources on the highest-risk stage and reserve extended periods of supervision for those who fail to comply with their conditions. The Louisiana Department of Corrections and the Justice Reinvestment Task Force estimate that these statutory changes will reduce the community supervision population by 12 percent by 2027, dropping average caseloads to 119 cases per officer.

Figure 6

### Louisiana Projects 12% Drop in Community Supervision Population

Estimated number of probationers and parolees 2017-27, with and without reform



\* National Research Council, "Parole, Desistance From Crime, and Community Integration" (2007); Ryken Grattet, Joan Petersilia, and Jeffrey Lin, "Parole Violations and Revocations in California" (2008); The Pew Charitable Trusts, "Maximum Impact: Targeting Supervision on Higher-Risk People, Places, and Times" (2009).

† Louisiana Department of Corrections.

Source: Louisiana Justice Reinvestment Task Force

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We shouldn't incarcerate people just because they're poor. Or just because they're addicted. Or just because they don't have a home. But we've done that for way too long."

**Craig Webre**, sheriff, Lafourche Parish (op-ed, *The Times-Picayune*, April 23, 2017)

## Eliminate barriers to re-entry

To smooth prisoners' re-entry into the community and the workforce and to promote their long-term success and financial stability, the law:

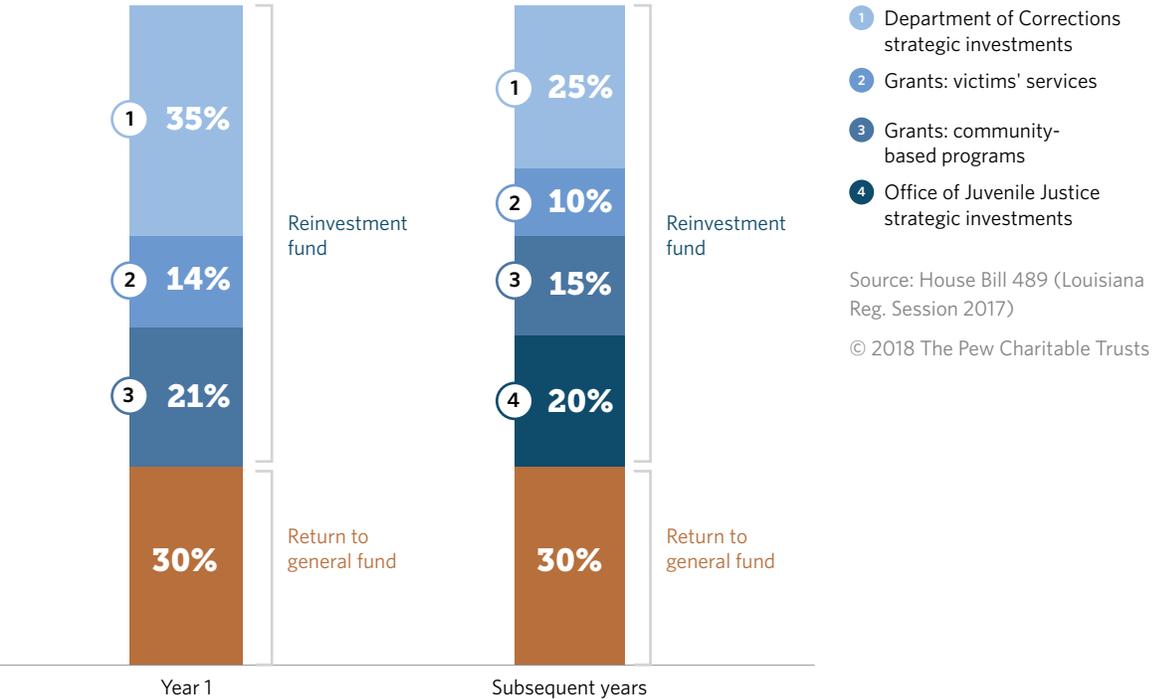
- **Tailors criminal justice fines and fees to a defendant's ability to pay.**
  - Requires courts to determine ability to pay fines, fees, and restitution before ordering and enforcing them in felony cases. If payment of the full amount would cause hardship, the court must waive the obligations or create a payment plan.
  - Matches monthly payments to each defendant's wage for an eight-hour workday, ensuring that the financial burden is adjusted according to the amount of money earned and requires that half of each payment go toward victim restitution when ordered rather than justice system operations.
- **Creates a debt forgiveness incentive to reward consistent payment.**
  - Forgives remaining debt for those who make regular monthly payments for 12 months or half the supervision term, whichever is longer.
- **Modifies penalties for failure to pay.**
  - Limits penalties such as incarceration and driver's license suspension to those cases in which a person was able but refused to pay fines and fees.
  - Prohibits a court from extending a probationary period for the purpose of collecting unpaid financial obligations, except for a single six-month extension for victim restitution, under certain circumstances.
- **Suspends child support during incarceration.**
  - Requires temporary suspension of child support orders for those incarcerated for 180 days or more in order to bolster inmates' long-term financial stability and help ensure consistent payment of child support over time. Payment orders resume after release.
- **Simplifies the application process for professional licenses.**
  - Eliminates waiting periods and provisional licensure for those with nonviolent and non-sex offense convictions who seek a professional license.
- **Lifts restrictions on public assistance programs.**
  - Eliminates constraints that had prevented people with drug convictions from getting public assistance through the Supplemental Nutrition Assistance and the Temporary Assistance for Needy Families programs.

# Reinvest prison savings to reduce recidivism, support victims

To reduce reoffending, provide services for crime victims, and save taxpayers money, the law:

- **Returns to the Louisiana general fund 30 percent of the annual savings arising from the reforms.**
  - Requires the Department of Corrections to calculate and report the annual surplus budgeted for housing state inmates as population and costs decline and treats 30 percent of that surplus as net savings to the state.
- **Reinvests 70 percent of the savings in recidivism reduction and victim support programs.**
  - Obliges the state to carry over 70 percent of the surplus to the following year’s budget for programs and services, including:
    - Incentive grants to parishes, judicial districts, and nonprofit community partner organizations to expand evidence-backed prison alternatives.
    - Competitive grants for victims’ services, treatment, and transitional housing as well as victim-focused training for justice system professionals.
    - Targeted investments in community supervision and recidivism reduction programming in prisons, jails, and work release facilities.
    - Juvenile justice initiatives and programs.

Figure 7  
**Corrections Savings Will Support Recidivism Reduction and Victim Programs**  
 Expected distribution of reinvestment funds in first and subsequent years after reform





Flozell Daniels Jr., president and CEO of Foundation for Louisiana, speaks at a rally April 20, 2017.

## Supporting organizations

### Local organizations

- Baton Rouge Area Chamber
- Baptist Community Services
- Broussard Chamber of Commerce
- Chamber Southwest Louisiana
- Crowley Chamber of Commerce
- Foundation for Louisiana
- Greater New Orleans Inc.
- H.O.P.E. Foundation
- Jefferson Chamber of Commerce
- Louisiana Association of Business and Industry
- Louisiana Center for Children's Rights
- Louisiana Conference of Catholic Bishops
- Louisiana Department of Corrections
- Louisiana District Attorneys Association
- Louisiana District Judges' Association (supported nine of the 10 bills)
- Louisiana Family Forum
- Louisiana Interchurch Conference
- Louisiana State Bar Association
- Louisianans for Prison Alternatives
- New Orleans Chamber of Commerce
- One Acadiana
- The Pelican Institute
- Right on Crime, Louisiana
- Smart on Crime, Louisiana
- Vera Institute of Justice, New Orleans
- Voices of the Experienced

### National organizations

- American Civil Liberties Union
- American Conservative Union Foundation
- Americans for Tax Reform
- Drug Policy Alliance
- Families Against Mandatory Minimums
- FWD.us
- Law Enforcement Leaders
- Prison Fellowship
- Right on Crime
- Southern Poverty Law Center
- U.S. Justice Action Network



I am not proud of our title as the most incarcerated state. But that's going to be part of our history rather than our future."

Gov. John Bel Edwards, signing the justice reinvestment bills

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## Endnotes

- 1 Unless otherwise noted, the Louisiana Justice Reinvestment Task Force's technical assistance staff analyzed all figures cited in this report using data from the Louisiana Department of Corrections and the U.S. Department of Justice, Bureau of Justice Statistics.
- 2 Ibid.
- 3 Ibid.
- 4 State of Louisiana, "Governor's Executive Budget, Fiscal Year 2016-17" (2016) [http://www.doa.la.gov/opb/pub/FY17/FY17\\_Executive\\_Budget.pdf](http://www.doa.la.gov/opb/pub/FY17/FY17_Executive_Budget.pdf).
- 5 See La. R.S. 15:824 for local housing per diem rate for state inmates, <http://www.legis.la.gov/Legis/Law.aspx?d=79341>.
- 6 Letter from Gov. Edwards and Secretary LeBlanc to Louisiana Justice Reinvestment Task Force members (Jan. 13, 2017).
- 7 Crime rates and population figures from the Federal Bureau of Investigation, Uniform Crime Reports, "Crime in the United States, 2014," <https://ucr.fbi.gov/crime-in-the-u.s/2014/crime-in-the-u.s.-2014>. Admissions rates from the South Carolina Department of Corrections, "South Carolina's Prison System—Report to the Sentencing Reform Oversight Committee" (Nov. 23, 2015); Florida Department of Corrections, "General Characteristics of FY 2013-14 Admissions" (2014), [http://www.dc.state.fl.us/pub/annual/1314/stats/ia\\_genadm.html](http://www.dc.state.fl.us/pub/annual/1314/stats/ia_genadm.html); and Pew analysis of data from the Louisiana Department of Corrections.
- 8 Ibid. Violent crimes are defined in Louisiana Revised Statutes 14:2(B).
- 9 The Department of Corrections and task force technical assistance staff reviewed 800 randomly selected case files focused on prisoners released in 2010 and 2015 who had been admitted to prison for a primary offense that was one of the 16 most common nonviolent crimes at admission.
- 10 Louisiana Department of Corrections; for parole eligibility in other Southern states, see the Sentencing Project, "Life Goes On: The Historic Rise in Life Sentences in America" (2013), <http://sentencingproject.org/wp-content/uploads/2015/12/Life-Goes-On.pdf>.
- 11 Louisiana Department of Corrections, "PED Hot List" (2015 listing), available upon request from Department of Corrections.
- 12 National Research Council, "Parole, Desistance From Crime, and Community Integration" (2008), <https://doi.org/10.17226/11988>; Ryken Grattet, Joan Petersilia, and Jeffrey Lin, "Parole Violations and Revocations in California" (2008), <https://www.ncjrs.gov/pdffiles1/nij/grants/224521.pdf>; The Pew Charitable Trusts, "Maximum Impact: Targeting Supervision on Higher-Risk People, Places, and Times" (2009), <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2009/07/17/maximum-impact-targeting-supervision-on-higherrisk-people-places-and-times>; Pete Fremin, director of probation and parole, Louisiana Department of Corrections, pers. comm.
- 13 State of Louisiana, "Louisiana Justice Reinvestment Task Force Report and Recommendations" (2017), [http://www.lasc.org/documents/LA\\_Task\\_Force\\_Report\\_2017\\_FINAL.pdf](http://www.lasc.org/documents/LA_Task_Force_Report_2017_FINAL.pdf).
- 14 See, for example, La. CCRP 887, 890.2, 895.1, 895.4; La. R.S. 13:722, 13:841.4, 13:847, 13:853, 13:995.29, 13:1000.13, 13:1381 et seq., 13:1894.2, 13:2106, 13:2496.4, 13:3049, 13:5535, 13:5722; 14:98 et seq., 15:168, 15:176, 15:255, 15:541-543, 15:574 et seq., 16:16 et seq., 40:2266.1, 46:1816, and 46:2633.
- 15 State of Louisiana, "Louisiana Justice Reinvestment Task Force Report and Recommendations" (2017).
- 16 See La. R.S. 13:4206, 15:175; La. CCRP 884, 887; La. Dist. Ct. Rule 8.0.

- 17 Alexes Harris, Heather Evans, and Katherine Beckett, "Drawing Blood From Stones: Legal Debt and Social Inequality in the Contemporary United States," *American Journal of Sociology* 115, no. 6 (2010), <http://faculty.washington.edu/kbeckett/articles/AJS.pdf>; Alicia Bannon, Mitali Nagrecha, and Rebekah Diller, "Criminal Justice Debt: A Barrier to Reentry," Brennan Center for Justice (2010), <http://www.brennancenter.org/sites/default/files/legacy/Fees%20and%20Fines%20FINAL.pdf>; Karin D. Martin, Sandra Susan Smith, and Wendy Still, "Shackled to Debt: Criminal Justice Financial Obligations and the Barriers to Re-Entry They Create," Harvard Kennedy School, Executive Session on Community Corrections (2017), [https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/shackled\\_to\\_debt.pdf](https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/shackled_to_debt.pdf).
- 18 See La. CCrP 884, 885.1, 886, 893, 900; La. R.S. 9:315.1, 9:314.14, 9:315.23, 15:542, 37:31-37:36, 40:501, 46:233.2, and 47:1676.
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- 21 Anne Seymour, "Victim/Survivor/Advocate Roundtables Summary Report and Priorities," prepared for the Louisiana Justice Reinvestment Task Force (January 2017).
- 22 Act 402 (2007) and Act 299 (2015) established intermediate 90- to 180-day jail sanctions that are less severe than the complete revocation of community supervision for those who violate the terms of their probation or parole. La. R.S. 15:574.9; La. CCrP 900.

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