



Analytics

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RELEASE: CRI - Center for Economic Policy and Analysis

RE: Delaware Budget Alternative Series: Corrections Department

DATE: 3/12/2010

Potential Annual Savings: \$35 - 65 million

Proposals:

Amend "Truth in Sentencing" Law from mandatory sentences to 85% of time served

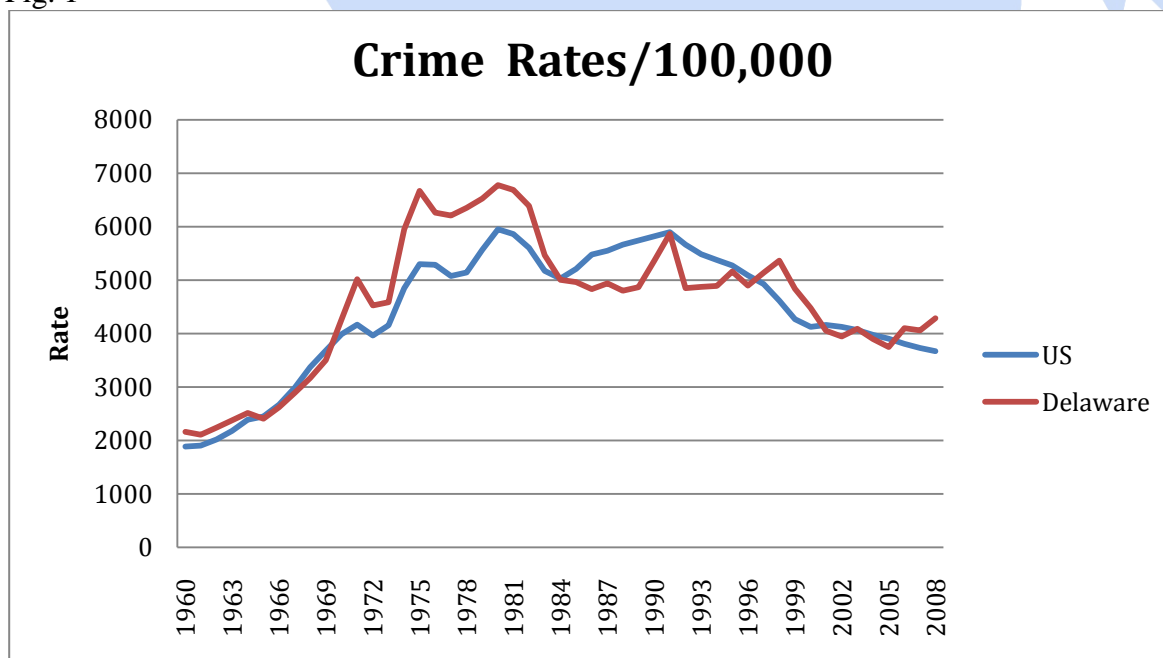
Increase reliance on day reporting and electronic monitoring

Improve transitional support for released prisoners

Compare line item budgets with neighboring states

Delaware had the seventh highest prison incarceration rate in the country in 2008 and spends about \$250 million/year on corrections. We may be wasting tens of millions of dollars and thousands of potentially productive lives on excessive use of prison incarceration. While Delaware has roughly the same crime rates as the rest of the country (Fig 1) we spend 36% more per capita on corrections and imprison 42% more of our citizens compared to the national average. Meanwhile 7.5% of the state's population has served jail time losing voting rights and being put at a disadvantage in applying for jobs and credit. That number rises to 20% for the African American community. Bottom line, we may simply have 1500 more people in our over-crowded prisons than is justified by best practice. Delaware has recently raised taxes which makes us less competitive with other states for job growth. Here is a way we can cut spending instead.

Fig. 1



Source: FBI, Uniform Crime Reporting

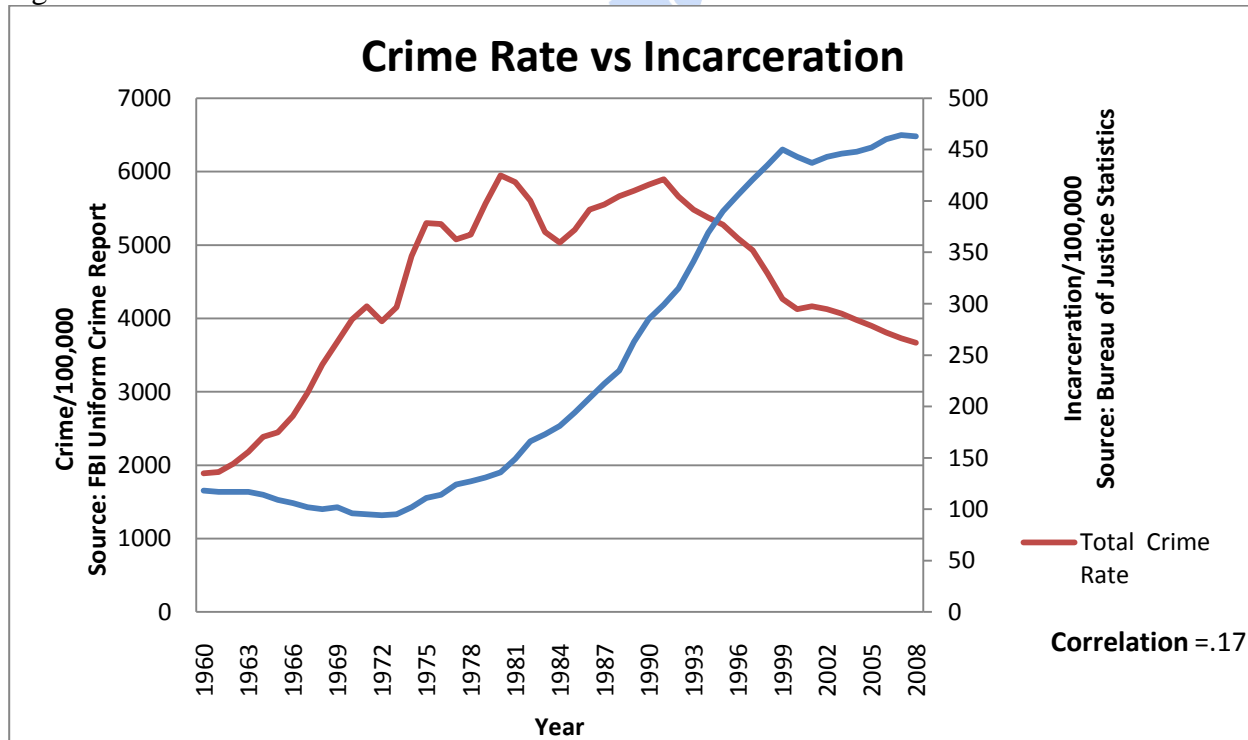


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Obviously, if high incarceration rates led convincingly to lower crime rates our higher prison rates would be worth it. This does not appear to be the case. A review of the literature shows no widely accepted cause for rapidly rising crime rates in the 60's and 70's or for the rapid decrease starting about 1990. Theories for changing crime rates include changes in unemployment, respect for government, economic growth, abortion, policing strategies, hand gun availability, and incarceration. Most likely an interplay of these factors drives crime rates. In the last ten years crime rates have been stable in Delaware while incarceration rates have fallen 13%. Comparing national crime rates and incarceration rates from 1960 to 2008 (Fig. 2) shows only a 0.17 correlation rate (0 means no correlation and 1 means perfect correlation).

Fig. 2



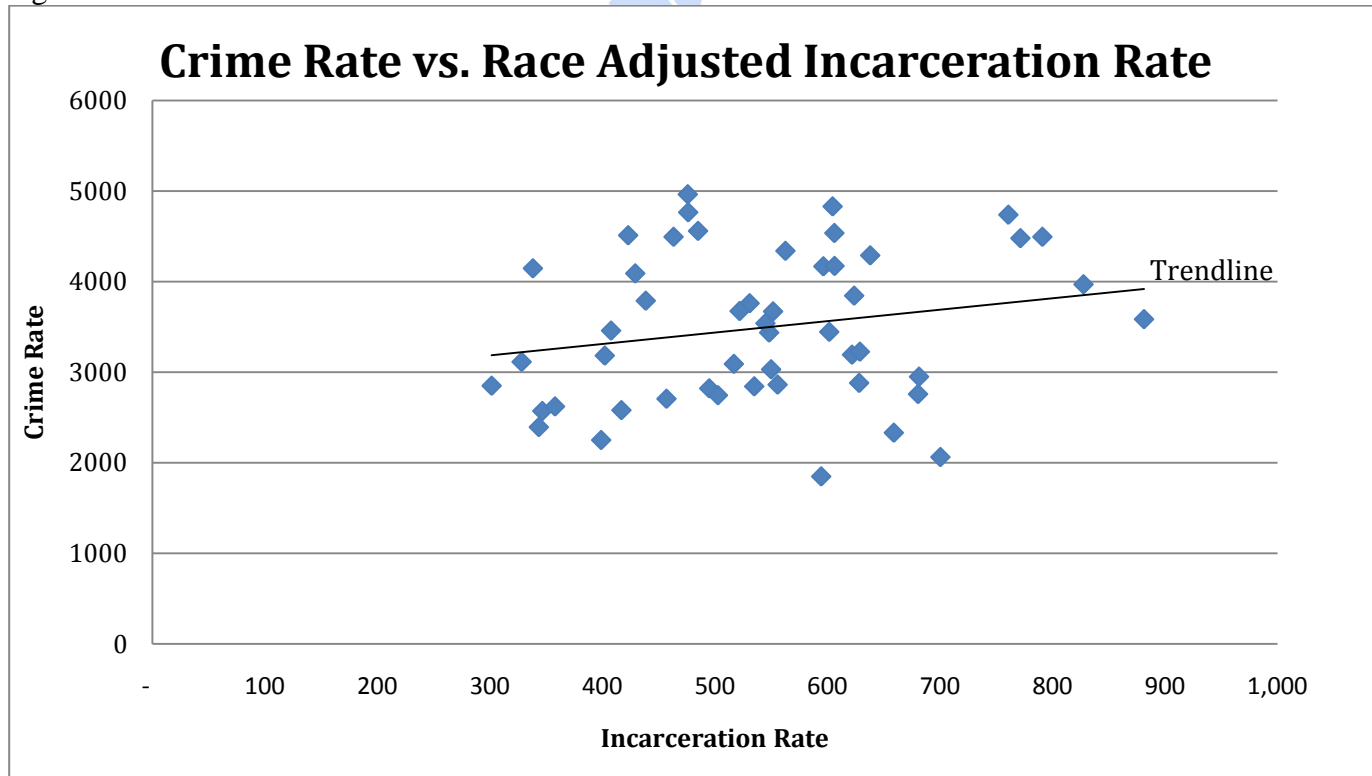


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When 2008 data for all fifty states is plotted (Fig. 3) there is actually an inverse trend line showing crime rates going up as incarceration rates increase! There is a "backfire" theory that suggests when incarceration rates go too high deterrence effects go down and crime causing factors go up in neighborhoods with high incarceration rates. Since blacks account for 13% of the US population (DE,21%) but 39% of prison population (DE,64%), state to state comparisons require adjustment for disparities in racial make up. Considering the low correlation of incarceration rates to crime rates and the possible "backfire" effect shown in Fig. 3, we should be able to safely reduce incarceration rates without a significant danger of crime rates going up.

Fig. 3





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To eliminate the possibility Delaware is “different” than the rest of the country and has special circumstances Delaware incarceration rates were compared to eight states with small populations and four neighboring states (Fig. 4). Small states reflected the national average but the neighboring states (Maryland, New Jersey, Pennsylvania, and Virginia) had even lower incarceration rates. The graph is adjusted lower for Delaware to account for our reporting persons in jail (less than 1 year) combined with persons in prison (sentences of 1 year or more) unlike other states.

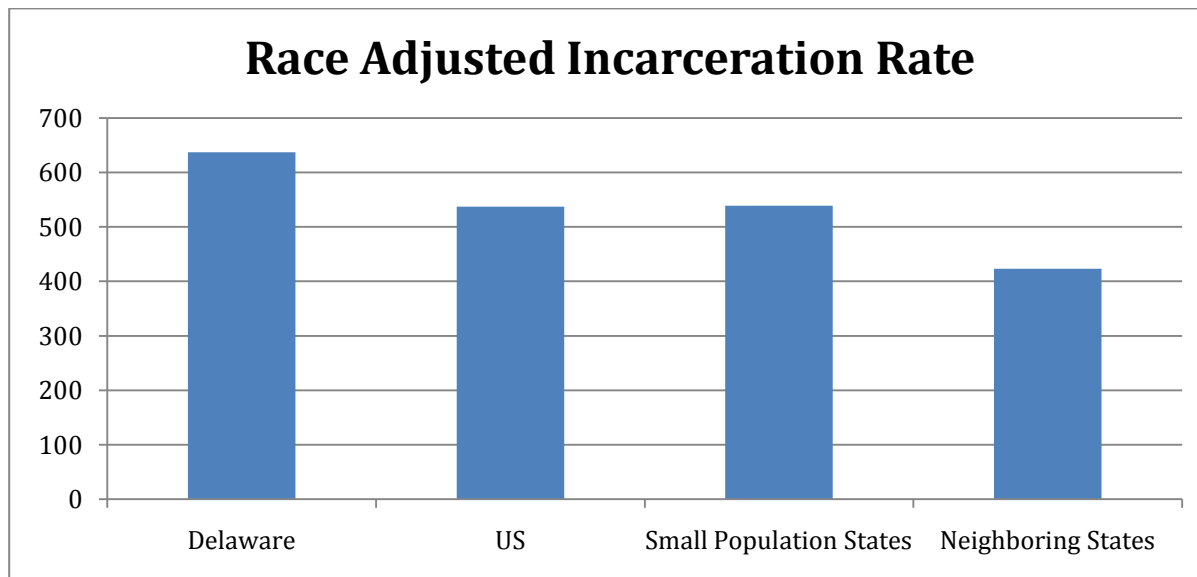


Fig. 4

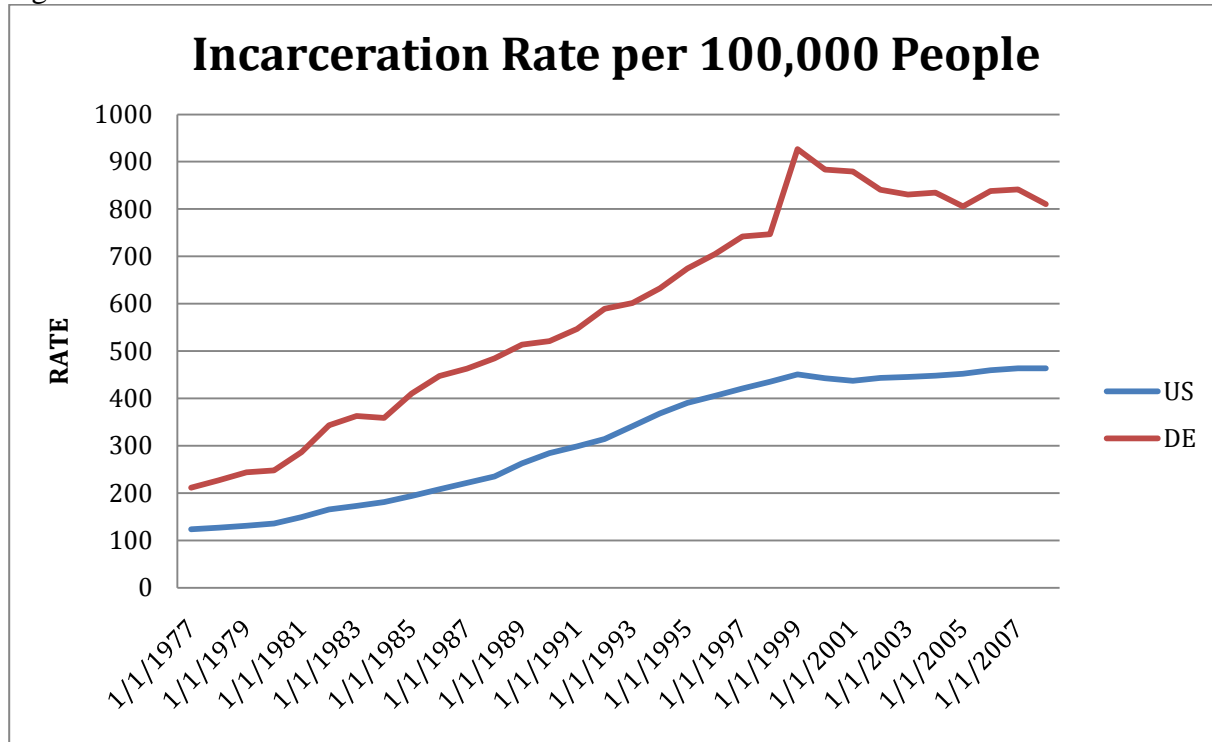
Delaware’s version of the Truth in Sentencing law may be a big part of the problem. In the late 80’s the federal government encouraged these laws but offered some flexibility. Most states chose to allow judicial flexibility in sentencing but required prisoners serve a minimum of 85% of their term. Delaware chose mandatory sentencing guidelines limiting judicial flexibility but requiring a minimum of only 75% of the sentence be served. Sentencing flexibility allows more judicial flexibility and the possibility of more time off for good behavior that can be used to manage prisoner behavior. Delaware’s incarceration rate spiked after adoption of mandatory sentencing (Fig. 5). The Truth in Sentencing law is monitored and updated by the Delaware Sentencing Accountability Commission. This commission should review the current law and suggest changes to bring Delaware incarceration rates down closer to the national average.



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Fig. 5



Source: Bureau of Justice Statistics

Other states have lowered incarceration rates dramatically with fewer mandatory sentences. Other reduction strategies include more use of day reporting and electronic monitoring, deployment of risk assessment programs, and substituting treatment programs for jail time for minor drug offenses.

A national study has shown two out of three ex-convicts are re-incarcerated within three years. The 20% of the prison population exiting each year need better exit strategies and more post prison support. I have been part of the support network for eight ex-convicts and only one went back to prison. This three times better success rate is similar to what was reported in the April 18th News Journal article titled "Hard to Escape" by Esteban Parra for Tammy Robinson's job readiness program at Wilmington's Gateway House. Prisoners need substance abuse treatment, job readiness skills, and a driver's license before they leave prison. Treatment needs to continue and they need a mentor to encourage them after they leave prison. This is not welfare, it cost less to keep people out of prison than to keep them in.

Lowering head count will only be part of the answer to bringing the Department of Corrections in line with other states. Identifying other specific cost cutting measures is beyond the scope of this study. A careful review by the Department of neighboring state budget details may provide ideas for further cuts in spending.

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