

THE DIMINISHING RETURNS OF INCREASED INCARCERATION

A Blueprint to Improve Public Safety and Reduce Costs

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“Our resources are misspent, our punishments too severe, our sentences too long.”

—JUSTICE ANTHONY M. KENNEDY, AUGUST 14, 2003¹

In his recent speech before the American Bar Association, Justice Kennedy directed attention to the “remarkable scale” of incarceration in the United States compared to other industrialized countries, the high proportion of incarcerated African-American males, and the high costs of prisons.

Rattled by a combination of escalating costs that restrict the funding of more popular government services and a number of highly publicized prison-related scandals, a growing number of state officials are calling for a re-evaluation of policies that continue to increase incarceration.

Incarcerated populations in the United States have reached historically high levels. With over 2 million people housed in our nation’s prisons and jails and another nearly 5 million people on probation or parole, we lead the world in incarceration and punishment. The cost of America’s correctional system now exceeds \$60 billion per year. Corrections employed 747,061 people in 2001, up from nearly 300,000 in 1982. Between 1977 and 2001, total state and local expenditures for corrections increased by 1,101 percent compared to 448 percent for education, 482 percent for hospitals and healthcare, and 617 percent for public welfare.²

The rise in the size and costs of the correctional system has occurred after nearly three decades of “tough on crime” reforms. These reforms have been supported by both Democratic and Republican administrations in response to the rapid increases in crime rates that began in the 1970s. However, after 1990, crime rates began to drop. Ironically, the decline in crime rates occurred for all states regardless of their use of prisons. At the same time, the financial crises in the states and unabated correctional costs have in turn put strains on the education and health and human services budgets. It is becoming increasingly clear that while prison systems are costing us more, they are becoming less effective in deterring crime.

The eminent criminologist James Q. Wilson argues that we have reached a tipping point of “diminishing returns” on our investment in prisons.³ According to Wilson, judges have always been tough on violent offenders and given them incarceration and relatively long sentences. However, as states have expanded incarceration they have dipped “deeper into the bucket of persons eligible for prison, dredging up offenders with shorter and shorter criminal records.”⁴ Thus, lengthening time served beyond some point will, like increasing the proportion of convicted criminals sent to prison, encounter “diminishing marginal returns” in terms of crime reductions.

At a time of budget crises in the states, and after two decades of increasing incarceration rates and adopting more punitive policies, states need to examine the returns on the investment if continuing down this road. We are not dismissing the fact that the higher incarceration rates and the larger number of adults under supervision was a proper response to public grievances about lax punishments and weak supervision, particularly for violent offenders. However, the issue now is one of fine tuning policies to make them more cost-effective. This is particularly the case for policies directed at expanding correctional options for low risk offenders. Well-targeted intermediate sanctions, treatment options, short incarceration terms and specialized supervision can produce the same or better public safety returns than continuing to expand incarceration for this population and can do so at a lower cost.

The big questions states need to ask are: Have they come to this point of little or no return in terms of further expansion of their prison systems? Is the investment in new prisons now costing much more while returning much less in terms of increased public safety?

This report highlights promising initiatives that a number of states have implemented to reform prison systems to reduce costs while maintaining public safety. These initiatives are designed to enhance public safety by first ensuring that dangerous and violent prisoners are incarcerated and then reduce prison populations and costs by diverting non-violent offenders from prison to alternative rehabilitation and sanctioning programs or reducing their prison sentences.

The key to success of such reforms lies in states doing a better job of targeting offenders for the most appropriate sanction and treatment services, and accurately estimating the costs and consequences of such policies before they are adopted. The overall strategy recognizes that while violent and dangerous offenders need to be incarcerated, long-term reductions in crime rates may only occur when states improve their deployment of limited criminal justice resources and better manage the risk of property and drug offenders.

Following is a blue print for how to do this. In section one, the report covers the basics about the size of the prison population, who goes to jail and the cost associated with the rise in incarceration rates. In section two, it examines the tools that state policymakers can use to design alternative programs or reforms that will reduce prison costs while maintaining public safety. The reforms may also free up public dollars to be spent on pressing social issues like education and healthcare. Lastly, it outlines the most promising correctional system reforms and highlights states that are implementing these with good results.

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The Basics

What Is the Growth of the United States Correctional System?

There are nearly 7 million adults under some form of correctional supervision in the United States today as compared to 1.8 million in 1980. This number exceeds the total population of all but nine states. As depicted in Table 1 below, this represents a 268 percent increase in the number of adults under correctional supervision during this period. The largest proportion is people on probation (nearly 4 million) followed by those in state and federal prison (1.4 million). Both the prison and jail populations have increased the fastest but there have also been significant increases in the probation and parole populations. Part of the reason for these increases is population growth in the United States (an increase of 29 percent).⁵ However, sentencing and revocation policies adopted nationally have played a tremendous role in enlarging the size of the nation’s correctional populations. Specifically:

- The average of so-called “length of stay,” which represents how long people are incarcerated, has grown as the courts hand out longer prison terms or states require prisoners to serve high proportions of their sentences via truth-in-sentencing or mandatory-minimum laws.
- The number of probationers and parolees who have been sent to prison for violations of their supervision rules not involving new convictions, such as use of alcohol or drugs, unemployment, lack of residency or not paying supervision fees, has increased.

Despite fiscal crises in the states, the number of prisoners in federal, state and local facilities increased in 2003 according to the U.S. Bureau of Justice Statistics mid-year report for 2003. These are the latest figures available nationally.⁶ In absolute numbers, the total increase of 40,983 state and federal prison inmates was significantly higher than the growth during the previous 12-month period of 20,587 inmates.⁷ The mid-year state and federal prison inmate count increased by 2.9 percent, from 1,419,937 in June 30, 2002 to 1,460,920 in June 30, 2003. The nation’s incarceration rate also increased during this period from 476 per 100,000 residents at the end of 2002 to 480 at mid-year 2003. The number of inmates held in local jails increased by 3.9 percent, from 665,475 at the end of 2002 to 691,301 at mid-year 2003.⁸

Population	1980	2002	Percent Change
Probation	1,118,097	3,995,165	+257
Jail	182,288	665,475	+265
Prison	319,598	1,367,856	+328
Parole	220,438	753,141	+242
Total Adults Under Corrections	1,840,421	6,781,637	+268
Total U.S. Adult Population	162.8 million	209.4 million	+29
Percent of Adults Under Corrections	1.1%	3.2%	+191

Definitions

Jails: These are correctional facilities usually operated by local governments that house persons who are serving sentences of less than a year, defendants in pre-trial status or persons awaiting transfer to prison.

Prisons: These are correctional facilities operated by the states that usually house felons serving sentences longer than one year. The federal government operates prisons that house offenders that have violated federal laws and have been convicted by the federal judiciary. Federal prisons are funded by the United States government while state prisons are funded by state governments. The vast majority of prisoners are in state prison systems.

Juvenile Justice System: Juvenile offenders, defined in most states as persons between the ages of 10 and 17, are processed in a separate system from adult offenders. The system usually consists of juvenile courts and juvenile probation departments operated at the local level. Juveniles can be detained in local short-term detention centers which are similar in their functions to adult jails. Detention centers are usually operated by local governments. Youth who are adjudicated (i.e., found guilty) of their crimes can be placed on probation or committed to state correctional facilities for youthful offenders.

Probation: Refers to a suspended prison sentence granted by the court to be served under community supervision. Probationers who violate their conditions of probation supervision can be revoked to prison. Probation departments administer probation systems usually under the supervision of the local courts although some states have centralized probation systems managed by a state correctional agency.

Parole: Refers to the policy of releasing prisoners after serving a proportion of their prison sentence allowing them to serve the remainder of their sentences in the community under the supervision of a parole officer. Parole systems are usually administered by a state correctional agency. The decision to release can be made at the discretion of a parole board or the completion of a certain portion of the sentence. Persons under parole supervision can be revoked to prison for violating their conditions of supervision.

Who Goes to Prison?

While prison is still a relatively rare experience for many Americans, it is becoming a more common event, especially for certain segments of our society—in particular, young black and Hispanic males.

The federal government estimates that based on the current use of state and federal prisons, 5.6 million adults have experienced prison. This represents one in every 37 United States adults.⁹ Based on current criminal justice practices, one in every 15 Americans born today will be imprisoned during their lifetime.

The likelihood of incarceration for black and Hispanic males is even greater. Table 2 (on page 7) shows the life chances of going to state or federal prison for the first time in the United States in 1974, 1991 and 2001. These figures are calculated by the U.S. Bureau of Justice Statistics of the United States Department of Justice. As seen in Table 2, one of every three black males will be sentenced to prison during life (32.2 percent). For Hispanic males the probability is one in six (17.0 percent), and for white males it is one in nine (11.3 percent). While women have substantially lower rates of imprisonment, it is estimated that one in 55 (1.8 percent) will be imprisoned with black females having a probability of one in 19 (5.6 percent).

There are nearly 7 million adults under some form of correctional supervision in the United States today as compared to 1.8 million in 1980. This number exceeds the total population of all but nine states.

These imprisonment rates by gender, race and ethnicity actually underestimate the extent of imprisonment because they exclude people who have been detained in or sentenced to county and city jails and juvenile facilities. While the United States jail population is about half the size of the prison system, it processes a far greater number of adults and juveniles. The last estimate by the Department of Justice is that nearly 10 million people are admitted to jail as opposed to only 600,000 prison admissions.¹⁰ If these jail admissions were included, the estimates of imprisonment would be far higher.

The mid-year 2003 prisoner and jail population count by the U.S. Bureau of Justice Statistics, the most recent data available nationally, shows that among the more than 2 million offenders incarcerated in federal and state prisons and local jails, an estimated 577,300 were black males between ages 20 and 39. According to this report, among males age 25 to 29, 12.8 percent of blacks were in prison or jail, compared to 3.7 percent of Hispanics and about 1.6 percent of whites.¹¹

Who Commits Crimes?

The vast majority of all major categories of crime occurring in the United States (and elsewhere) are committed by young males. More specifically, of the 13.7 million arrests in 2002, 60 percent were for males between the ages of 13 and 39. The vast majority (nearly 40 percent) of these arrests were for drug and alcohol crimes (use, possession, sale, drunkenness, disorderly conduct). By race, 70.7 percent of arrestees were white, 26.9 percent were black, and the remainder was of other races.¹²

	1974	1991	2001
Total	1.9%	5.2%	6.6%
Males			
White	3.6%	9.1%	11.3%
Black	13.4%	29.4%	32.2%
Hispanic	4.0%	16.3%	17.0%
Females			
White	0.2%	0.5%	0.9%
Black	1.1%	3.6%	5.6%
Hispanic	0.4%	1.5%	2.2%

Only small geographic areas within large urban areas are plagued by high crime rates. The average annual rate of violent crimes per 1,000 persons age 12 or older was 33.2 percent for urban areas compared to 21.2 percent for suburban and 19.3 percent for rural areas.¹³ Within urban areas crime is then concentrated in a few poor neighborhoods. The average annual victimization per 1,000 persons age 12 or older in households making less than \$7,500 a year is 45.5 percent compared to 19.0 percent in households making \$75,000 or more.¹⁴ These communities have the same demographic, social, and economic attributes that explain why some states have higher or lower crime rates. Yet, most geographic areas within a state or city are extremely safe from serious crime and in particular violent crime.

The high-crime-rate communities also have high concentrations of people who are either in prison, on parole or on probation. Unfortunately, these communities and families are ill-equipped to handle this population in terms of having reasonable housing, job and other basic services. For example, a recent study released by the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice reviews the impact of family structure and community on criminal victimization.¹⁵ Youth in single-parent families are about twice as likely as youth in two-parent families to become a victim of violence in their own neighborhood (40.8 versus 19.9 per 1,000 population). The study found that highly disadvantaged communities that have a high proportion of young people and single-parent families have conditions that make violence prevention more difficult. In these communities there are fewer adults to monitor youth activities and the adults who are available are more economically distressed and have less time to develop strong community networks.

Again, as stated above, the point is that crime tends to be committed by young males and to concentrate in small geographical areas of economic and social distress while, in general, other parts of the community are relatively safe from crime. Policies impacting the welfare of these communities may impact crime as much as incarceration policies.

What Are Justice and Crime Costs?

The nation spends \$167.1 billion per year on civil and criminal justice functions (police, the courts and corrections) according to the most recent report by the U.S. Department of Justice.¹⁶ As seen in Table 3, total justice expenditures increased over 366 percent between 1982 and 2001. This represents a tax burden of \$586 for every resident per year compared to \$158 in 1982. The increases occurred at the federal, state and local levels.

Corrections, which consists of prisons, jails, probation and parole services, accounts for \$60.3 billion to supervise a correctional population of about 7 million adults and juveniles. As seen in Figure 1, corrections costs increased from \$9.5 billion in 1982 to \$60.3 billion in 2001, an increase of 535 percent. This compares to an increase of 306 percent for all other justice system costs (which increased from \$26.3 billion in 1982 to \$106.8 billion in 2001). Corrections costs in 2001 represented approximately 36 percent of all justice expenditures, up from nearly 27 percent in 1982.

The cost of the system is also reflected in a very real way in the budget ledgers of states. Recently, these ledgers have been under strict scrutiny by policymakers trying to balance state budgets. According to a recent report by the Vera Institute in New York and funded by the U.S. Department of Justice, state legislators in many states have taken steps to modify sentencing and corrections policies due to fiscal belt-tightening. The states in fiscal year 2004 faced an aggregate \$78 billion deficit, with two-thirds of the states facing budget gaps amounting to 5 percent of their general funds. Correctional budgets, therefore, have been reduced, creating additional pressure to evaluate the effectiveness of sentencing and correctional policies.¹⁷

TABLE 3
Total Justice Expenditures and Percent Change by Level of Government
Fiscal Years 1982–2001

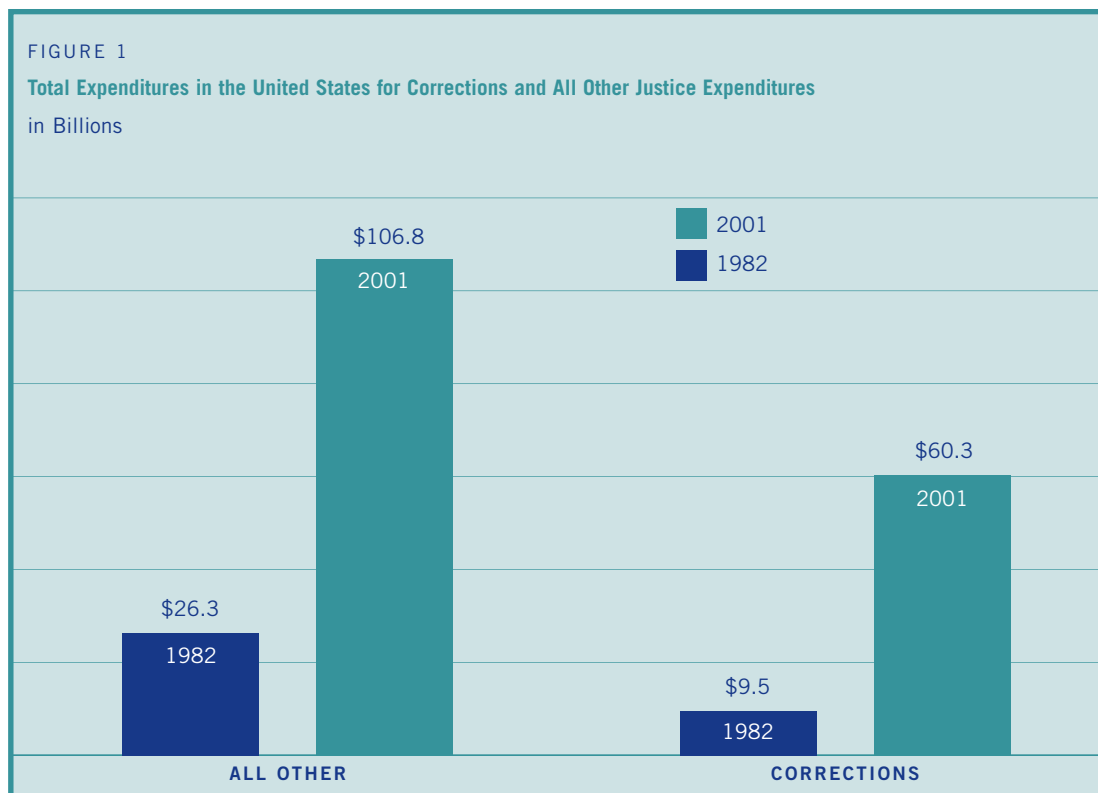
Year Expenditures (in millions)	Total Justice	Federal	State	Local
1982	\$35,842	\$4,458	\$11,602	\$20,968
1987	\$58,871	\$7,496	\$20,157	\$33,265
1992	\$93,777	\$17,423	\$33,755	\$50,115
1997	\$129,793	\$27,065	\$46,444	\$67,083
2000	\$155,722	\$27,820	\$58,165	\$78,995
2001	\$167,113	\$30,443	\$63,372	\$83,377
Percent Change 1982–2001	366.2	582.9	446.2	297.6

The costs of crimes to victims and society are difficult to quantify. The U.S. Department of Justice estimates that the total economic loss to victims of crime totaled \$15.6 billion in 2002 or about one-tenth of the total costs of the justice system. The typical (median) cost to victims for each crime is \$100, of which approximately 10 percent to 15 percent was recovered by the victim. These costs included losses from property theft or damage, cash losses, medical expenses and amount of pay lost because of injury or activities related to the crime. The 2002 losses are about \$2 billion less than the amount reported in 1992.¹⁸

Clearly these costs do not include the emotional costs associated with violent and sex crimes. Often referred to as “pain and suffering” costs, these are awarded through the civil courts and often greatly increase direct victim costs. There is considerable dispute among criminologists and economists on the extent of these costs. One highly controversial attempt to quantify these costs claimed that if one tries to include pain, suffering and the reduced quality of life costs, the cost of crimes to victims reaches an estimated \$450 billion annually.¹⁹ This is over 2.5 times higher than the total cost of the justice system. However, one must note that these costs are not tangible as there are no civil court awards for such crimes. Moreover, savings in pain and suffering due to crime reductions are not directly translated into state budget savings as those savings are imbedded in complex interactions in the economy that may or may not impact government costs.

Attempting to quantify the costs of crime is important to understand the consequences of victimization. The point here is that, as mentioned above, as the costs of corrections escalate, and the fiscal crises in the states force a re-examination of prison policies, we should concentrate on policies that can fiscally support the incarceration and effective re-entry to the community of those offenders producing the highest victimization costs. These are the violent offenders.

The vast majority of crimes (over 90 percent) are property, drug or public disorder offenses for which any associated long-term emotional trauma cannot be equated with the potential level of pain and suffering of victims of violent crimes. Of the total victimization cost that included the pain and suffering estimates quoted above, 95 percent of the cost was accounted for by violent crime (\$426 billion out of \$450 billion). Therefore, continuing to increase incarceration rates and incarceration costs for property and drug offenders, particularly in light of the fiscal crises in the states, may divert resources from prevention, incapacitation and re-entry policies that can more effectively combat violent crime. Effective alternatives to incarceration for property and drug offenders can also reduce cost while reducing the victimization costs accounted by these offenders.



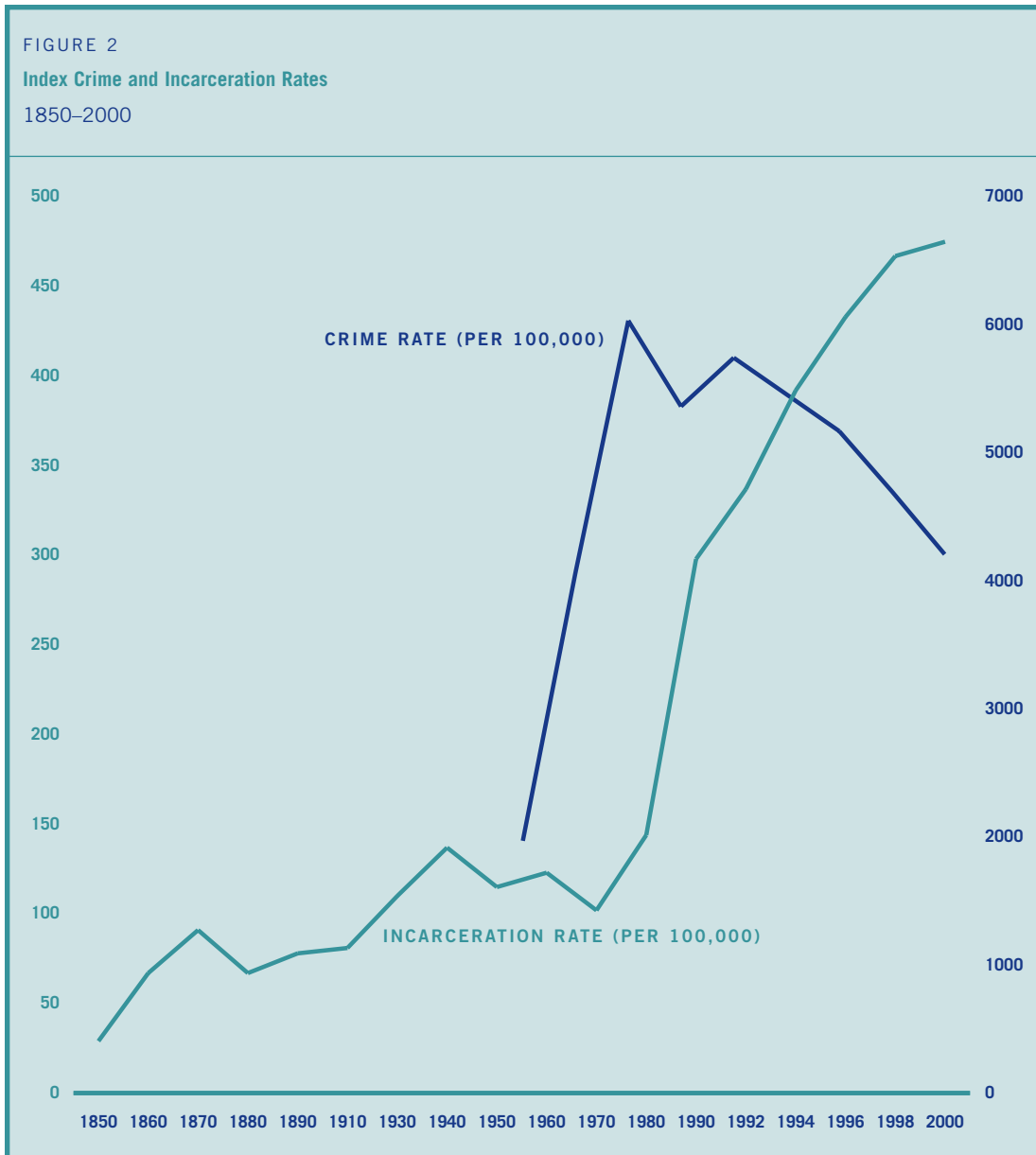
Increasing the incarceration rate can have an impact on crime but much depends on who is incarcerated and for what period of time.

What Is the Effect of Higher Incarcerations Rates on Crime Rates?

The relationship between incarceration rates and crime rates, and the relationship between system cost and victim benefits, is complex and easily subjected to rhetorical manipulations. Increasing the incarceration rate can have an impact on crime but much depends on who is incarcerated and for what period of time. The issue is to what extent, and at what point, do you get diminishing returns for each incarceration dollar, particularly each new dollar applied to the incarceration of low risk and non-violent offenders.

Figure 2 shows historic trends in both incarceration rates (the rate of persons in prison on any given day per 100,000 U.S. population) and crime rates (the rate of crimes reported to police per 100,000 U.S. population). This chart shows five major trends:

1. The U.S. incarceration rate was relatively stable for over 100 years from 1850–1970.
2. Beginning in 1975, there was a 25-year, unprecedented increase in incarceration rates that has continued unabated.
3. Conversely, the U.S. crime rate, a measure that was initiated by the FBI in 1960, grew quite rapidly since its initiation until reaching its highest points in 1980 and 1991.
4. Since 1991, crime rates have declined significantly and have now stabilized. They do not continue to decline despite a continued increase in incarceration.
5. In the 1960s the nation's crime rate was two to three times lower than what it is today. At the same time, the nation's incarceration rate was three to four times lower than what it is today.



These figures have been used by some to justify the widely expanded use of prison to reduce crime and by others to conclude that imprisonment is not always effective in reducing crime. One can see that as incarceration rates increased in the early 1970s there was no reduction in crime rates until 1990. Further, one must ask why did crime rates suddenly increase after nearly a century of stable incarceration rates. One would think that crime rates would only have increased after a significant decline in incarceration rates in the 1960s. But the incarceration rates were relatively stable until 1975. The point is that crime rates are influenced by something more than just incarceration rates.

We know that simply increasing or decreasing the incarceration rate alone will not lead to lower or higher crime rates.²⁰ Even a cursory comparison of the relationship between changes in the incarceration rate and the crime rate in different states shows how the most populous states differ significantly in the relationship between changes in their national incarceration rate rankings and changes in their national crime rate rankings. For example, in 1991, Texas ranked 21st among the states in its incarceration rate while having the second-highest crime rate in the country. By 2001, Texas ranked third in incarceration rates but still had one of the highest crime rates (although it had dropped to seventh place). Contrast this with the experience of New

York—a state as populous and demographically and economically diversified as Texas. Unlike Texas, New York lowered its incarceration rate (from 15th to 28th) but experienced a significant drop in its crime rate (from 10th to 42nd). From a different perspective, during this period Texas increased its incarceration rate by 139 percent and reduced its crime rate by 34 percent. New York increased its incarceration rate by 10 percent and reduced its crime rate by 53 percent. Other states like California, Florida and Michigan have different ratios.²¹ The point being, again, that incarceration rates are not the only factor impacting crime rates.

Differences in crime rates, both among and within a state, have been associated with demographic, social and economic factors. For example, states with low crime rates have lower unemployment claims, fewer illegitimate births, fewer school drop-outs, fewer people on welfare and less population mobility. States with higher crime rates score higher on these same factors even though they have much higher incarceration rates.²² Leading scholars and practitioners have reflected on the recent crime declines and concluded that no single explanation is possible as different areas of the country have experienced different patterns of changing crime.²³

Do Longer Stays in Prisons Make Sense?

Longer stays in prison make sense as a policy to increase punishment and incapacitation for violent and repeat offenders. However, for the great majority of prisoners—namely, persons convicted of property and drug crimes—increasing length of stays in prison beyond certain levels significantly increases costs and does not necessarily produce more public safety. Cross-national comparisons related to crime and incarceration seem to indicate that the United States is not universally more punitive than other industrialized societies for violent offenders, particularly given the high levels of lethal violence in this country. However, this country is more punitive for property and drug offenders and “reasonably large reductions in the prison population could be achieved by reducing the use of incarceration and the length of time served for property crime and possibly drug offenses” to the level of other industrialized societies.²⁴

Criminologists have conducted many studies of criminal careers and have reached certain conclusions that relate to the impact of longer incapacitation on crime. One of the most relevant for our argument here is that the peak years for criminal behavior for males are between the ages of 17 and 25. Due to maturation

TABLE 4
National Incarceration Rate Ranking and National Crime Rate Ranking
of California, Texas, New York, Florida and Michigan,
1991 and 2001

STATE	National Incarceration Rate Ranking (Rate per 100,000)		National Crime Rate Ranking (Rate per 100,000)	
	1991	2001	1991	2001
California	16 (318)	13 (453)	4 (6,773)	29 (3,903)
Texas	21 (297)	3 (711)	2 (7,819)	7 (5,153)
New York	15 (320)	28 (355)	10 (6,245)	42 (2,925)
Florida	11 (344)	16 (437)	1 (8,547)	2 (5,570)
Michigan	7 (388)	11 (488)	13 (6,138)	27 (4,082)

Obviously, factors other than incarceration rates influence crime rates. Differences in crime rates, both among and within a state, have been associated with demographic, social and economic factors.

and other factors, about 60 percent of all prisoners do not return to prison within three years of release (the standard follow-up period used for recidivism studies). Therefore, continuing to increase length of stay in prison may produce diminishing returns in term of recidivism reductions. The most recent study by the U.S. Department of Justice on recidivism shows that modest changes in length of stay (either increasing it by a few months or reducing it by a few months) have no impact on recidivism rates or aggregate level crime rates within a state.²⁵ Recent studies show similar findings in Texas and Kentucky, to name a few.²⁶ Moreover, the same study shows that contrary to what the public may think, released prisoners account for a small percentage of all serious crimes. The U.S. Department of Justice reports that released prisoners accounted for 4.7 percent of all arrests for serious crime that occurred in the nation from 1994 to 1997, the most recent years for which data are available.²⁷

Increases in length of stay, on the other hand, have a huge impact on prison costs. For example, if the national average length of stay of prisoners increases by one month from the present level, the national prison population would increase by approximately 50,000 prisoners. Assuming that the national average cost of incarcerating an offender is \$30,000 per year, this extra month in length of stay increases national correctional costs by \$1.5 billion and would probably only achieve marginal returns or no returns in term of new crime reductions. On the opposite side, a one month reduction will free up 50,000 prison spaces, reduce correctional costs by the same amount and probably have no significant impact on increasing recidivism or the crime rate.

Where to Go from Here: A Toolbox for Assessing Your State's Effective Use of Imprisonment

Applying well-established research and planning methodologies to determine what forms of treatment and punishment are going to be most effective with which offender populations is the key to creating roadmaps for smart correctional reforms. Smart correctional reforms are those that can reduce incarceration without jeopardizing public safety by the more effective management of the risk posed by certain offenders, the better deployment of resources and the design of systems to measure accountability for results.

Policymakers need what we call “action research” to help them create this roadmap. This practice uses empirical data to identify an offender’s risk inside and outside prison which is then used to decide how to manage the offender during the punishment and community supervision phase. Action research can also suggest program or sanction options that are the most cost-effective to manage the risk of offenders without jeopardizing public safety.

The following lists tools and technologies that, if properly applied, can help a state manage its correctional policies more effectively.

Understand the Risks: Prison Classification Security Systems

Knowing the risk levels of the prisoners currently incarcerated is a critical piece of information for effectively managing a prison system. In particular, what is the number of prisoners who pose little risk to public safety that can be housed in minimum security facilities? What is the number that is dangerous and should be housed in maximum security facilities? What inmates have characteristics that make them vulnerable to prison rapes and how can these inmates be protected? Prison classification systems, which are now found in virtually every prison system, can help answer these questions. A prison classification system segments the prison population by characteristics of institutional risk factors (like propensity for aggression and escape risks, among others) to classify the population for appropriate housing and custody levels. These systems are also extremely useful in developing profiles of prisoners who are potential candidates to either be diverted from prison in the future or to be released more quickly to reduce their lengths of stay in prison. They also are used to identify what forms of services, such as education, vocational training, drug treatment and life skills, should be completed by prisoners to better prepare them for release. In those states where reliable and valid classification systems exist, the results show that at least 30 percent to 40 percent of the daily prison population is classified as minimum custody, requiring lower-cost housing and having a low probability of returning to prison.

Try Before You Buy: Correctional Population Simulation Models

Before a state can determine what reforms may impact its correctional populations, it must first understand what factors are driving the current level of growth. Correctional population simulation models are designed to mimic the movement and characteristics of populations in the correctional system under both current and proposed policies and laws. There are different sophistication levels for these models, but in essence all provide a tool for policymakers to project correctional populations and to simulate the impact of current and alternative criminal justice policies and laws on correctional population growth (prisons, parole and probation). Depending on the available data, these estimates can be broken down by gender, crime types, program participation categories and custody levels to better determine future operational and capital costs. Many states are not equipped with these models, which greatly restricts their ability to estimate the possible impact of new sentencing laws and new correctional policies on prison population growth. These estimates are essential for both developing a comprehensive strategy for reducing a state’s prison population in a safe and effective manner as well as monitoring such reforms as they are implemented.

Keep a Close Watch on Those Who Need It: Probation and Parole Risk Assessment

Similar to prison classification, probation and parole risk assessments are based on risk factors statistically associated with the recidivism of a particular population. Administrators and policymakers can use these instruments to accurately classify the risk of their probation and parole populations. These systems can be designed to help probation and parole agencies determine the level of supervision and services persons placed on probation and parole need in order to reduce re-offending and technical violations. In some jurisdictions without risk assessments, probationers and parolees who are low-risk and high-risk may be supervised in the same manner, which is inefficient and decreases public safety. Proper use of a risk assessment system can help identify weaknesses in current supervision policies that, unless corrected, can lead to higher recidivism rates. The need for these systems is great as many states either do not have such systems or they have not been re-validated based on changes in the size and attributes of the “community correctional” population.

Smart correctional reforms are those that can reduce incarceration without jeopardizing public safety by the more effective management of the risk posed by certain offenders, the better deployment of resources and the design of systems to measure accountability for results.

Decide Who Can Safely Go Early: Parole Release Guidelines

Most states have parole boards with the authority to release prisoners after they have served a significant portion of their sentences. Ironically, even though most states have indeterminate sentencing structures with discretionary release powers, very few have validated and objective parole guidelines to govern such release decisions. Parole guidelines were first developed by the U.S. Parole Commission which still uses its pioneering Salient Risk assessment model. They were developed to provide consistency in the decision-making process as well as to improve public safety. The latter goal was to be achieved by grounding the guidelines in a risk assessment component. Yet few states have these. Risk assessments can be used to determine the likelihood of an offender being re-arrested and returned to custody. If more parole boards used these, they could combine public policy concerns about severity with risk assessments to allay the public’s concern about the improper and early release of dangerous prisoners.

Cut Down Recidivism through Better Staffing: Geo-Mapping Systems

Mapping systems are computerized programs that integrate GPS and database mining technologies to determine the geographical patterns of particular events (like crimes) and the geographical locations of populations (like the concentration of probationers in particular neighborhoods). Analyzing geographical patterns of crimes to more effectively deploy police officers was one of the critical elements in the successful “community policing” reforms in the city of New York in the early 1990s. Mapping systems can now be adapted to assist parole, probation and prison agencies in the more effective deployment of resources. For example, mapping the geographical location producing the highest number of probation violators and recidivists may lead to a redeployment of supervision and program staff to locations in a city in which offenders are having the most trouble following supervision rules. Probation staff can then better coordinate with community-based groups or other social agencies to identify better intervention strategies to reduce violations and revocations.

Know What Is Working: Program Performance Accountability Systems

Data-merging technologies and scientific evaluation protocols can be used to track the recidivism of prisoners and evaluate the effectiveness of treatment programs and other intermediate sanctions. A correctional agency starting a new program—like a short-term community substance abuse treatment program for parole violators in lieu of a prison revocation—needs to determine if the program is effective. Setting evaluation protocols as the program is designed and implemented is essential to determine which data are to be collected and what program and comparison groups need to be tracked to determine the impact of the program on recidivism. As the protocol is established, data sources in the prison, parole and state police data systems can be identified and merged to create a tracking system that can routinely provide information to administrators and policymakers on the recidivism of prisoners participating in the program in comparison with similar offenders. With this information, the effectiveness of the program can be determined, supporting the policy or calling for modification if the policy is not producing the desired results.

States Using These Tools and Getting Results

A number of states are using the tools and technologies described above to dramatically reduce the costs of their prison systems without jeopardizing public safety. Like most jurisdictions, these states have experienced substantial growth in their prison populations and are faced with substantial budget deficits. Yet they have found it possible to quickly identify options to reduce these costs that were acceptable to the public and maintain public safety. In fact one could argue that public safety has actually been enhanced by allowing the state to adequately fund other important government services like education, job development and public works projects that can help lower crime rates. Below are some recent examples of how action research conducted by the authors in partnership with state and national agencies helped states develop real solutions to combat their overgrown correctional systems that were adding fuel to their fiscal crises.

Connecticut

In 2003, the Connecticut state legislature requested assistance from the Council of State Governments to identify options for reducing the state's growing prison population. Like Texas, Connecticut's prison system was expanding at a rapid rate with little relief in sight. The situation had become so bad that the state had to contract with the Virginia Department of Corrections to hold hundreds of its prisoners.

In order to better understand what options were available, the state used "mapping technology" to educate Connecticut legislators about the disproportionately high concentration of residents from certain neighborhoods in New Haven going in and out of prison each year. Based on this work, it was possible to show how much was being spent to incarcerate residents from each of New Haven's neighborhoods each year. The mapping supported the specific prison population reduction measures, savings strategy and neighborhood reinvestments recommendations being made by reformers. For example, by quantifying how much the state was spending to incarcerate residents of the Hill neighborhood for technical violations of parole (\$19 million a year), the mapping analysis reinforced the importance of instituting recommended parole violation guidelines to reduce revocations by the parole agency.

The mapping also highlighted the overlap in residential concentrations of parolees, welfare recipients and unemployment insurance claimants. The analysis helped alert government officials to the potential conflicts among the individual policies of the parole, social services and labor departments that could undermine the effectiveness of each of the agency's policies. Reformers were able, therefore, to identify opportunities of collaborative planning across agencies and to pool resources for the good of the greater community.

Based on the recommendations set forth in the studies, the prison population has stopped growing and has actually declined by about 700 prisoners since 2003. Most of the reductions were caused by reductions in the number of community supervision violations. In 2004, the state legislature is reviewing other long-term proposals that have emanated from this effort which, if implemented, will avert \$50 million per year in prison costs.

Kentucky

This is another state that has stabilized prison population growth by simply making smarter release decisions. A few years ago, the Parole Board requested assistance to develop parole guidelines to help the Board identify low-risk candidates for parole. A recidivism study was conducted to develop a risk assessment instrument that would help the Board decide when a prisoner should be released as part of their guidelines.

The revised guidelines were adopted in 2003 and have served to increase the number of low-risk prisoners who are eligible for parole. This change in parole policies has resulted in eliminating the need for additional

prison beds. It also allowed the state to end a controversial early release program. In fact the state is now struggling with the issue of what to do with a new prison it may not need. Additional initiatives are also underway that will produce a more coordinated approach to the release of prisoners to the community—especially those being released to the Louisville metropolitan area.

Maryland

When a new governor was elected in Maryland in late 2003, he made it clear that he wanted to change the way the state's prison system operated. To that end, his secretary of public safety and corrections and the chair of the Maryland Parole Commission launched a number of initiatives to stop the growth in the prison system and reduce recidivism rates. Two parts of this work entail a re-examination of the prison classification system and the Parole Commission's decision-making process.

Recent research showed that the Maryland prison system was over-classifying its inmates to expensive and unnecessary high security prisons. Reforms instituted to correct this problem resulted in an additional 800 prisoners being placed in pre-release facilities. This is significant to the Department of Public Safety as these beds are less expensive to operate and prisoners released from pre-release centers have a higher rate of being paroled and have a much lower recidivism rate. Overall, there are more prisoners in the less expensive prisons who are more likely not to come back to prison.²⁸

Further, the parole commission has instituted a number of procedures to better identify low-risk prisoners to be released at their designated release date rather than delaying such actions. Prior to this reform, upon being granted parole, prisoners often waited several months before they were actually released. This cumbersome process was essentially extending the length of imprisonment for low-risk prisoners.²⁹

The two reforms (better classification and risk assessment) have resulted in a decline in the prison population of more than 800 prisoners. The Department and Parole Commission has requested that another study be done to support a modification in the parole guidelines to take into account the fact that female prisoners require less security than male prisoners and are at less risk for parole. The new guidelines would also place greater emphasis on the participation of prisoners in rehabilitative programs that have been shown to suppress criminal behavior. Overall, it is hoped that these additional reforms will further serve to reduce recidivism while decreasing the overall prison population.

New Mexico

New Mexico is facing a severe budget crisis creating a renewed interest in reducing the state's prison population. The most recent prison population projections indicated that unless there are substantial changes in the current laws and policies, the prison population will grow from 6,200 to nearly 9,000 over the next decade.³⁰ However, like other governors, New Mexico's governor stated that no new prisons will be built under his tenure. So the challenge is to find ways to stabilize the prison population—and perhaps even lower it.

In New Mexico, prisoners are sentenced under a determinate sentencing structure and have a fixed release date that can only be altered by the awarding or removal of a variety of good time credits. However, the prison system can release a prisoner twelve months ahead of the formal release date into a community corrections status that is simply a form of early parole supervision. In order for this to occur without jeopardizing public safety, prison officials would have to use action research to develop and implement a risk instrument to guide them in the targeting of eligible prisoners and help them monitor the early released prisoners.

A related initiative is a parole and probation technical violation reduction effort. The same risk instrument used for the early release program was also applied to a probation and parole officer's recommendation to violate a parolee or probationer. Since the prison officials also oversee the parole and probation supervision operations, it is relatively easy to coordinate the supervision and services to be provided to the released prisoners based on their risk level.

Finally, prisoners can have their prison terms reduced by completing education and treatment programs that also serve to reduce their recidivism rates. For each program completed, the prisoner can receive several months of special program credits. The Department of Corrections (DOC) was concerned that staff were not maximizing the prisoner involvement in such programs. A special study completed by the Department under the direction of the authors of this report verified this was indeed the case. Steps have now been taken by the Department to correct this problem by creating a central office unit to regulate and monitor the awarding of these program credits.

The net result of these activities has been a dramatic reduction in technical violators being returned to prison, increases in the number of prisoners receiving program credits, and a risk assessment instrument that will help the DOC evaluate the level of supervision for parolees and probationers. This has resulted in the elimination of the need for an additional 2,800 prison beds and the real possibility that the prison population might even decline over the next few years.

Texas

From late 1999 to early 2001, the Texas prison population started increasing after a period of stability. Between September 1999 and July of 2000, the population increased from 147,718 to 151,100. In April 2000 Texas had to contract for an additional 1,500 beds to address the shortfall created by the increased in population.³¹ A projection of this trend led policymakers to understand that unless corrective policies were implemented, the state would have a shortfall of 7,800 prison beds by the end of 2003.

Two critical factors were identified that were causing the high prison growth rate: 1) a low parole grant rate, and 2) an increase in parole revocations to prison for technical violations. Swift reaction by policymakers to this information gave a major push to the final adoption of parole guidelines and a progressive sanctions system to provide alternatives short of a prison revocation for parolees committing technical violations.

The guidelines were developed using action research to determine the factors associated with the risk of recidivism of the release population and using research to objectively rank severity factors of importance to the parole board members and as defined by the state penal codes.³² Around the same time, using risk assessment research, the parole administrative agency adopted a Violation Action Grid (VAG) clearly defining a system of progressive sanctions that had to be used before revoking a parolee to prison for a technical violation. A continuum of sanctions was in place but was subsequently expanded to support the spectrum of potential sanctions required in the VAG.

The impact of these reforms was dramatic. The parole rate was increased moderately for low-risk prisoners and the number of parole revocations for technical violations was reduced. As a consequence, the prison population decreased by 6,117 from 151,100 in August 2000 to 144,983 by August 2001. Subsequently, the long-term projection was changed to reduce the future demand for prison space, avoiding \$544 million in prison construction costs and \$300 million operating costs for FY2004–2005.³³

Summary

Incarcerated populations across the United States have reached historically high levels—and so have the related costs. At the same time, state financial crises have put strains on correctional budgets at a time when crime rates have moderated, causing policymakers to demand more effective correctional policies—policies that can reduce correctional costs while maintaining public safety.

The combination of the above forces is creating an opportunity for “smart reforms” that promote cost-effectiveness without losing sight of public safety. Policymakers need a “toolbox” to design reforms that will best address each state’s unique challenges. Useful tools include correctional population simulation models, prison classification systems, probation and parole risk assessments, parole guidelines, mapping systems and program performance accountability systems. These tools provide the means for policymakers to determine what forms of treatment and punishment are going to be most effective with which offender populations, to manage offender risks inside and outside prisons and to assist in making release decisions or deploying effectively supervision resources. As seen in the cases of Connecticut, Kentucky, Maryland, New Mexico and Texas, the proper utilization of these tools in decision-making and administration can have a significant impact in reducing correctional costs without jeopardizing public safety.

TABLE 5 Summary of Recent State Experiences		
State	New Policies	Results
Connecticut	<ul style="list-style-type: none"> • Reduced technical violators • Higher parole rate for low risk prisoners 	Reduction of 800 in the prison population which has allowed hundreds of prisoners being housed in Virginia to be returned to the state.*
Kentucky	<ul style="list-style-type: none"> • Revised parole guidelines based on risk assessment • Higher parole rate 	Stabilization of prison population and the elimination of a controversial early release program.
Maryland	<ul style="list-style-type: none"> • New prison classification system • More prisoners assigned to pre-release centers • Higher parole grant rate for low risk prisoners • Expedited parole hearings 	Reduction in the prison population by over 800 prisoners within one year. Further reductions are expected once the new guidelines are implemented in 2004.*
New Mexico	<ul style="list-style-type: none"> • Increased participation in treatment programs • More good time awarded to prisoners who complete programs • Lower parole technical violation rates 	Stabilization in the prison population at a time when it was expected to increase by over 400 prisoners. The need for additional prisons has now been eliminated.
Texas	<ul style="list-style-type: none"> • Revised parole guidelines based on risk assessment • Higher parole grant rate • Reduction in technical violations by establishing a progressive sanctions policy and expanding parole revocation centers 	Estimated reduction in the projected need for 14,330 prison beds. These actions averted \$544 million in new prison construction and over \$300 million in new prison operations per year.

*As of the time of the writing of this report

Key Questions to Guide Smart Reforms

The following questions can be used to assess whether your state has in place the tools to maintain effectiveness in correctional policies and to guide smart reforms.

Is there a computerized simulation model in place in your state that can be used to project correctional populations, simulate the impact of policy changes and, in general, monitor key indicators affecting the operations of the correctional system? Is this model operated by trained, credible staff, updated regularly and subject to peer review?

Does your state's prison classification system consider prisoner risk and needs and has it been validated by the state's current prison population?

Do your current parole board guidelines determine the most appropriate time to release prisoners by using risk criteria that has been validated regularly by tracking the risk of prisoners who were released from the state's prison population three years earlier?

Is there a probation and parole risk-based supervision caseload management system in place in your state that has been validated on the state's probation and parole populations?

Can your state conduct geographic mapping to show the distribution of correctional populations throughout the state in order to determine the most effective deployment of supervision staff and program services?

Does your state have in place advanced information systems and research operations that can support sophisticated monitoring, planning and evaluation of the most effective use of state resources on probation, prison and parole populations?

Does your state have on-going evaluations to monitor and regularly assess the cost-effectiveness of innovative sentencing and programs designed to reduce recidivism?

Has your state developed the capability to routinely conduct population and process analyses to:

- Implement effective protocols of collaboration among probation, parole, private, faith-based and public agencies to provide services to populations under supervision?
- Implement comprehensive community re-entry plans to facilitate the transition of persons from prison to community supervision with a special focus on managing the risk of violent offenders?
- Implement a wide range of intermediate sanction protocols and programs with adequate capacity to sanction probationers or parolees for technical violations of supervision short of a revocation to prison?

Does your parole board have decision making guidelines that integrate scientifically designed risk-based factors to be considered in making parole decisions? Do your current parole board guidelines determine the most appropriate time to release prisoners by using risk criteria that has been validated regularly by tracking the risk of prisoners who were released from the state's prison population three years earlier?

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About The JFA Institute

The JFA Institute conducts research into federal, state and local criminal justice and correctional issues in order to help provide policymakers insight into how to improve the cost and public safety effectiveness of their correctional systems. Recent research includes 10 year population projections for the Nevada and Louisiana Department of Corrections, an assessment of the Arkansas probation and parole populations to identify best candidates for diversion alternatives, assessment of the Maryland prison classification system and development of a new prison classification instrument for the Administration of Corrections of the Commonwealth of Puerto Rico. Ongoing research includes an examination of the impact of learning disabilities in corrections and a study of the prosecution of parental rights termination cases in Texas.

The JFA Institute has offices in Washington, D.C., and Austin, Texas. The organization's principals, Dr. James Austin and Wendy Naro in Washington and Dr. Tony Fabelo in Austin, have a combined 50 years of experience in the criminal justice field. The principals of The JFA Institute have worked with policymakers in diverse localities including Connecticut, Georgia, Kentucky, Louisiana, New Jersey, Puerto Rico, Texas and California, in promotion and adoption of effective correctional policy reform. Current and recent clients include the Bureau of Justice Assistance of the U.S. Department of Justice, the National Institute of Corrections and the Council of State Governments.

The organization receives funding from federal, state and local governmental agencies and from foundations interested in developing and evaluating new initiatives to assist states and local agencies in more effectively managing their justice, crime prevention and correctional policies. Key support comes from the JEHT Foundation and The Open Society Institute.

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