

To: Representative Barry Usher & Other Members of the Law & Justice Interim Committee
From: Jeremiah Mosteller & Henry Kriegel of Americans for Prosperity
Subject: Data-Informed Justice Reforms and State Savings
Updated: Tuesday, November 2, 2021

Montana invests a significant amount of taxpayer money to advance public safety – over [\\$440 million](#) for the Department of Corrections, [\\$108 million](#) for its court system, and hundreds of millions more for its [state](#) and [local](#) law enforcement agencies. Public safety is a core function of government that should be properly and fully funded but there are steps Montana can take to both improve public safety and reduce the fiscal burden on taxpayers. This memo serves as a response to a request for data on other state's data-driven criminal justice efforts by the Law & Justice Interim Committee. The examples provided here are only a few examples and we would be more than willing to provide other examples upon request.

Texas

- Summary of Reforms: Increased substance abuse treatment pre-trial and post-conviction (2007); Transitional housing for those leaving prison (2007); Implemented graduated sanctions for probation and parole (2007); Created comprehensive reentry plan for individuals leaving incarceration (2009); Created statewide public defense system (2011); Adopted risk assessment for use in probation (2013); Expanded ability to seal criminal records (2015; 2017); Expanded alternatives to incarceration for inability to pay court debts (2017); Expanded ability for police to use citations in lieu of arrest (2019); Provided judges with more flexibility to consider an individual's ability to pay before imposing fines and fees (2021).ⁱ
- Important Outcomes:
 - Closed 10 prisonsⁱⁱ
 - Saved \$3 billion+ⁱⁱⁱ
 - Violent crime is down 12.5% and property crime has declined 45.5%^{iv}

Louisiana

- Summary of 2017 Reforms:
 - (1) Expanded access to alternatives to incarceration, probation, and parole to ensure prison space was reserved for those posing the highest risk.
 - (2) Strengthened the state's probation and parole systems by focusing resources on high-risk periods and establishing swift, certain, and graduated sanctions for violations of supervision conditions.
 - (3) Eliminated barriers to a second chance by tailoring fines, fees, and restitution to ensure they are ultimately paid and expanding access to employment opportunities that require a professional license.
 - (4) Reinvested savings from reduced prison populations into evidence-based treatment programs and victim support and protection.^v
- Important Outcomes:
 - Reduced incarcerated population by more than 25%.^{vi}
 - Reduced the number of individuals incarcerated in prison (5.3%) and local jails (55.8%) for technical violations of probation or parole.^{vii}

- Saved the state \$35.3 million during 2018-2020.^{viii}
- Since 2017, the property crime rate in Louisiana has fallen 14.3% and state's violent crime rate stayed relatively constant until the nationwide spike seen during 2020.^{ix}

Georgia

- Summary of 2012 and 2017 Reforms:
 - Expanded access to drug and mental health courts to every judicial district.
 - Reduced criminal penalties for burglary, forgery, theft, and drug possession.
 - Reconfigured probation to allow for certain low-risk individuals to shift to unsupervised status after two years and shortened probation terms for those who are compliant with their terms of supervision.
 - Established swift, certain, and graduated sanctions for violations of probation and parole conditions.^x
- Important Outcomes:
 - Jail backlog from prisons declined by 72%.^{xi}
 - Reduced parole revocations to prison by 18%.^{xii}
 - Reinvested \$232 million in treatment and reentry.^{xiii}
 - Saved \$264 million in taxpayer money.^{xiv}
 - Since 2012, the property crime rate in Georgia has fallen 41% and state's violent crime rate had declined by 14% until the nationwide spike experienced during 2020.^{xv}

Utah

- Summary of 2015 Reforms:
 - Sentencing reforms that downgraded all first- and second-time drug possession convictions from felonies to misdemeanors and 241 misdemeanors to citations no longer subject to arrest or jail.
 - Established swift, certain, and graduated sanctions for violations of probation and parole conditions and provided term reduction credits for compliance with conditions.
 - Developed a system of earned-time credits to promote recidivism-reduction programs in state prisons.^{xvi}
- Note: A recent report was released showing that the state never fully implemented the reforms adopted in 2015.^{xvii}
- Important Outcomes:
 - Total prison population has declined by 7% and those incarcerated for drug possession only have declined by 47%.^{xviii}
 - Saved the state \$542 million in taxpayer funds.^{xix}
 - Property crime has declined by 18% since 2015.^{xx} Violent crime has stayed consistently low in the state until the nationwide spike experienced during 2020.^{xxi}

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- ⁱ H.B. 385 (2021); H.B. 569 (2021); H.B. 3540 (2019); S.B. 306 (2019); Justice Center, *Playing the Long Game: Improving Criminal Justice in Texas*, The Council of State Governments (2016), <https://csgjusticecenter.org/wp-content/uploads/2016/04/TX-CJ-Policies.pdf>; Justice Center, *Assessing the Impact of the 2007 Justice Reinvestment Initiative*, The Council of State Governments (April 2009), https://csgjusticecenter.org/wp-content/uploads/2012/12/Texas_Bulletin.pdf.
- ⁱⁱ Jolie McCullough, *As the Texas prison population shrinks, the state is closing two more lockups*, Texas Tribune (February 2020), <https://www.texastribune.org/2020/02/20/texas-closing-two-prisons/>.
- ⁱⁱⁱ Pew Charitable Trusts, *Public Safety in Texas*, Pew Charitable Trusts (August 2015) <https://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2013/01/14/public-safety-in-texas>.
- ^{iv} Federal Bureau of Investigation, *Crime Data Explorer: Crime Trends - Texas*, U.S. Department of Justice (2021), <https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/crime-trend>.
- ^v 2017 La. Acts No. 258; 2017 La. Acts No. 260; 2017 La. Acts No. 261; 2017 La. Acts No. 262; 2017 La. Acts Bo. 264; La. Acts No. 265; 2017 La. Acts No. 277; 2017 La. Acts No. 280; La. Acts No. 281; La. Acts No. 282.
- ^{vi} At the baseline (January 2017), the number of individuals incarcerated was 35,702. As of the June 2021, that number had declined to 26,714. See Louisiana Department of Public Safety & Corrections, *Population Trends: Raw Data*, Louisiana Department of Public Safety & Corrections (2021), <https://s32082.pcdn.co/wp-content/uploads/2021/10/oa-Population-Trends.pdf>.
- ^{vii} Louisiana Department of Public Safety & Corrections & Louisiana Commission on Law Enforcement, *Louisiana's Justice Reinvestment Reforms: 2019 Annual Performance Report*, Louisiana Department of Public Safety & Corrections (June 2019), https://www.doc.la.gov/media/1/Justice%20Reinvestment%20Task%20Force/2019_jri_performance_annual_report_final.pdf.
- ^{viii} Louisiana Senate Finance Committee, *FY22 Recommended Budget: Public Safety and Corrections*, Louisiana Senate Finance Committee (2021), <https://senate.la.gov/FiscalServices/Presentations/2021/RS/Final%20FY22%20Corrections.pdf>; Louisiana Senate Finance Committee, *FY21 Proposed Budget: Public Safety and Corrections*, Louisiana Senate Finance Committee (2020), <https://senate.legis.state.la.us/FiscalServices/Presentations/2020/1es/FY21%20Corrections%20FINAL.pdf>.
- ^{ix} Federal Bureau of Investigation, *Crime Data Explorer: Crime Trends – Louisiana*, U.S. Department of Justice (2021), <https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/crime-trend>.
- ^x Samantha Harvell, et al., *Georgia*, Urban Institute (April 2019), <https://www.urban.org/sites/default/files/jri-factsheet-ga.pdf>; Georgia Council on Criminal Justice Reform, *Report of the Georgia Council on Criminal Justice Reform*, Georgia Council on Criminal Justice Reform (February 2018), https://dcs.georgia.gov/sites/dcs.georgia.gov/files/related_files/site_page/2017-2018%20Report%20of%20the%20GA%20Council%20on%20Criminal%20Justice%20Reform.pdf.
- ^{xi} Dropped from 1,600 before reforms in July 2012 to 442 as of September 2021. See Georgia Department of Corrections, *Friday Report – October 29, 2021*, Georgia Department of Corrections (2021), <http://www.dcor.state.ga.us/sites/default/files/FridayReport.pdf>; Georgia Council on Criminal Justice Reform, *Report of the Georgia Council on Criminal Justice Reform*, Georgia Council on Criminal Justice Reform (January 2014), available at <https://dcs.georgia.gov/important-links/georgia-council-criminal-justice-reform>.
- ^{xii} Dropped from 2,681 in FY 2017 to 2,199 in FY 2020. See Georgia Board of Pardons and Paroles, *Annual Report FY 2020*, Georgia Board of Pardons and Paroles (2020), available at <https://pap.georgia.gov/document/document/annual-report-fy-2020/download>; Georgia Board of Pardons and Paroles, *Annual Report FY 2017*, Georgia Board of Pardons and Paroles (2017), available at <https://pap.georgia.gov/document/document/annual-report-fy-2020/download>.
- ^{xiii} Harvell, *supra* note x.
- ^{xiv} Harvell, *supra* note x.
- ^{xv} Federal Bureau of Investigation, *Crime Data Explorer: Crime Trends – Georgia*, U.S. Department of Justice (2021), <https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/crime-trend>.
- ^{xvi} The Pew Charitable Trusts, *Utah's 2015 Criminal Justice Reforms*, The Pew Charitable Trusts (June 2015), [https://www.pewtrusts.org/-/media/assets/2015/10/utahs2015criminaljusticereforms-\(1\).pdf](https://www.pewtrusts.org/-/media/assets/2015/10/utahs2015criminaljusticereforms-(1).pdf).
- ^{xvii} Legislative Auditor Office, *A Performance Audit of the Justice Reinvestment Initiative*, State of Utah (2020), https://olag.utah.gov/olag-doc/2020-08_RPT.pdf.
- ^{xviii} Legislative Auditor Office, *supra* note xvii.
- ^{xix} Legislative Auditor Office, *supra* note xvii.
- ^{xx} Federal Bureau of Investigation, *Crime Data Explorer: Crime Trends – Utah*, U.S. Department of Justice (2021), <https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/crime-trend>.
- ^{xxi} Federal Bureau of Investigation, *supra* note xx.