

**EXPANDING EARNED TIME PAYS OFF IN WASHINGTON**

In 2003, the Washington Legislature increased the amount of earned time<sup>1</sup> available to certain nonviolent drug and property offenders. Subsequently, lawmakers asked the nonpartisan Washington State Institute of Public Policy to analyze the costs and benefits of that move. Steve Aos, an economist who works for the institute, is co-author of the report.



Aos

*How has Washington's earned time policy changed and what did your study examine?*

The Legislature modified the amount of earned time that could be granted to eligible inmates, increasing it from 33 percent to 50 percent of the total sentence. The law also specified which offenders would not be eligible for credit—offenders who have a current or prior conviction for a violent offense, a sex offense, a crime against a person, a domestic violence offense, a residential burglary, manufacture or delivery of methamphetamine, or delivery of a controlled substance to a minor. In addition to those exclusions, eligibility is further restricted to offenders in the Department of Corrections' two lowest risk categories.

The Legislature asked us to evaluate the effect of the changes. Specifically, we looked at its effect on recidivism rates for offenders granted early release from July 2003 to August 2004, the first year after the law was changed. We then tracked reconviction rates of these offenders over a three-year period.

*What did you learn about the effects of the policy change?*

We learned that the early release law could affect crime in two opposing ways. First, the three-year felony recidivism rate for offenders under the new 50 percent law was lower—by about 3.5 percent—than it was for offenders under the old law. This finding tells us that the 50 percent law has reduced new felony convictions in Washington. At the same time, the new law shortened the length of prison stay for the eligible offenders by an average of 63 days. This reduced length of stay has caused Washington's incarceration rate to drop, other factors held constant. Given that we expect crime rates to go up when the incarceration rate goes down, with other factors held constant, we estimate that Washington has experienced an increase in property crimes. Because our study revealed two opposing effects, we conducted a cost-benefit analysis to determine a net bottom line.

*And what did you find about cost?*

On the benefit side, we found that the 63-day reduced length of stay produced about \$5,500 in cost savings per offender. These savings reflect the prison operating and capital costs the state avoids through a shorter prison term. We also estimated that, because of the 3.5 percent reduction in the future recidivism rates of the offenders, additional benefits will accrue to taxpayers who otherwise would have been the victims of those avoided crimes. We estimate the avoided crime benefit at about \$5,100, plus about \$3,000 in taxpayer costs that would have been incurred to process those crimes. We also estimate that some of the offenders released early would have entered the labor force sooner and would have generated some earnings. We put this total at about \$1,800 per released offender, bringing total benefits per offender to about \$15,400.

On the cost side, we believe that an increase in property crimes is due to a decrease in the incarceration rate, which produces about \$8,200 in added costs to victims and taxpayers. Thus, our bottom line estimate is that the 2003 law expanding earned time generates a net savings of about \$7,200 per offender, or about \$1.90 of benefits for each \$1 of costs.

1. The Washington good time policy is called "earned release time." The study analyzed the credits awarded to an inmate for following prison rules and required participation in activities.

## REDUCING RECIDIVISM IN KANSAS

Facing projections for a huge and costly jump in the prison population, Kansas in 2007 adopted a package of measures designed to control the growth of incarceration while keeping communities safe. The new strategies included an earned time credit for offenders. Among those advancing reform was Representative Pat Colloton. An attorney, Colloton is chairwoman of the House Committee on Corrections and Juvenile Justice and a member of the Kansas Sentencing Commission.



*Colloton*

### *What does earned time look like in Kansas?*

We offer a 60-day earned credit for the successful completion of one of four programs: substance abuse treatment; a general education diploma; a technical or vocational training program; or any program our secretary of corrections believes will reduce a given inmate's risk of violating the conditions governing his eventual release. Unlike other states, we offer only this one-time credit, and you can't just show up for the program—you must complete it. Our credit is restricted to low-level offenders, most of whom have committed drug or property crimes because of addiction or mental illness.

### *What are the benefits of offering earned time credits?*

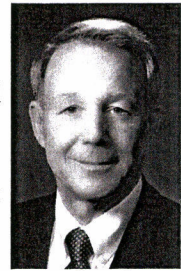
Earned time motivates offenders to behave and engage in useful activities while in prison, making them better prepared to return to our neighborhoods. These are people who typically need substance abuse treatment, job training and other interventions to help them turn their lives around. Otherwise, they are at substantial risk of violating their parole or probation—by testing positive for drugs three times, for example—and land back in an expensive prison bed. If that happens, nobody wins. We want to put our offenders back in their communities prepared to work and pay taxes, child support and victim restitution. Earned time credit is one tool that helps us with that mission. The exciting news is that, since our reforms took effect, we have seen a 35 percent decrease in crime among parolees who participated in our reentry programs. Parole revocations are down too, by 45 percent.

### *What has the political climate been for advancing earned time in Kansas?*

We compromised on which offenders would be eligible. One helpful tool was a University of Kansas survey asking residents whether they wanted state money spent on prisons or on reentry programming. Eighty percent wanted the programming, so this allayed the fears of some legislators about appearing “soft on crime.” Finally, in passing this legislation our emphasis was on changing overall trends, and we clearly acknowledged that individual incidents would occur when prisoners were released. We knew, of course, that such incidents would occur anyway, even without these programs. So, given our results, we think we're being smart on crime and smart about how we use taxpayers' money. We've already significantly reduced the rate of re-offending by parolees. Instead of a backlash, we've actually seen editorials expressing concern that, if budget cuts lead to the demise of these programs and policies, crime will go up again in Kansas.

## INCENTIVE CREDITS IN PENNSYLVANIA

Hoping to reduce recidivism and control the state prison population, Pennsylvania in 2008 adopted legislation allowing some offenders to trim their minimum sentence by as much as one-fourth for completing targeted programs. Corrections Secretary Jeffrey A. Beard, who runs the state's 50,000-inmate prison system, says the new approach makes prisons more manageable by improving inmate behavior and increases the odds offenders will lead crime-free lives upon release.



Beard

*As a corrections professional, what do you value about earned time? And how does Pennsylvania's program work?*

A major part of our public safety mission is to reduce the risk that an offender will commit new crimes after being released. Earned time provides an incentive for offenders to not only enroll in specified programs but also to complete those programs, easing their reentry problems and giving them a better chance to succeed in the community. Also, because good behavior is a core requirement of the earned-time credit, its use makes our institutions safer for staff and inmates.

Here in Pennsylvania, we have a Recidivism Risk Reduction Incentive (RRRI) for offenders who have not committed a personal injury crime, a sex crime, a crime with a firearm, or crimes establishing them as drug kingpins. The *incentive* is the opportunity to receive 25 percent off their sentence (for offenders sentenced to a minimum sentence of up to three years) or 15 percent off (for those with minimum sentences longer than three years). We believe in transparency, so at sentencing the court prescribes two minimum terms—the regular minimum and the RRRI minimum. For example, for an offender who is eligible for the credit and receives a typical two- to four-year sentence, the regular minimum would be 24 months, and the RRRI minimum would be 18 months. Offenders get the shorter RRRI term only if they complete prescribed programs while maintaining good conduct and a satisfactory work record.

*How does Pennsylvania develop and assign eligible offenders to programs?*

We have a fairly sophisticated risk assessment process. When an offender comes in, we measure everything from drug and alcohol dependency to hostility and anger management issues and mental health concerns. We also evaluate their background and social history. Based on all that, we put together a program to address each person's specific needs right when they enter the system.

*How is the state expected to benefit from this approach?*

First and most important, more eligible offenders will complete programming. This will have a direct impact on reducing crime and victimization. Earned time also allows eligible offenders who fulfill our requirements to be released before their regular minimum date. This, coupled with the expected drop in recidivism, will free valuable prison space. The end result will be a less costly but more effective prison system for taxpayers.

The fact is that we are locking up too many lower level offenders, and for too long. From 1940 to 1980, the prison population in Pennsylvania was flat with no real growth. It was not until our "war on drugs" and "get tough on crime" agendas took hold in the 1980s that prison populations began to grow here and around the country. Unfortunately, our obsession with confinement has been a costly one and not very effective. Instead, we need to get offenders into sound, evidence-based programs that will reduce the likelihood they will claim new victims once they walk out our gate.