

# ALLIANCE FOR SAFETY AND JUSTICE



November 15, 2022

Dear Chair Manning, Vice Chair McColley, Ranking Member Thomas, and members of the Senate Judiciary Committee:

Thank you for the opportunity to weigh in on this important effort. We are proud to support Senate Bill 288 and Ohio's leaders advancing this and other improvements to our public safety systems.

The Alliance for Safety and Justice (ASJ) is a multi-state organization that promotes effective approaches to public safety across the country. We also bring together diverse crime survivors via our flagship project, Crime Survivors for Safety and Justice, to advance policies that help underserved crime victims and stop cycles of crime. We support strategies that reduce costly reliance on incarceration, increase trauma recovery services, and build healthy communities.

There is no more important role of our justice system than promoting public safety. For the past decade, Ohio lawmakers have taken important steps to strengthen public safety, improve the operation of Ohio's justice system, and make better use of limited public safety resources. Ohio lawmakers have read the evidence, seen what works, and developed solutions in SB 288 that recognize that rehabilitative programming, recidivism reduction, and safe reentry are cornerstones of public safety. The commonsense provisions in this bill have received widespread support from a broad array of public safety stakeholders.

Today we are testifying in support of three key elements of this bill: 1) increasing earned credit incentives for people to engage in recidivism-reducing rehabilitative programming, 2) improving access to reentry support via transitional control, and 3) streamlining and standardizing Ohio's judicial release process.

## **1. SB 288 Promotes Public Safety by Reinforcing Incentives for Recidivism-Reducing Rehabilitative Programming**

### ***Research shows earned credits increase public safety by reducing recidivism***

Research has consistently shown that providing opportunities for rehabilitation reduces crime and improves long-term public safety outcomes.<sup>1</sup> The public safety benefits of providing

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<sup>1</sup> E.g., National Institute of Justice (2016). Five Things About Deterrence.; National Research Council (2014). The Growth of Incarceration in the United States: Causes and Consequences.; Nagin, D.S. (2013). Deterrence: A Review of the Evidence by a Criminologist for Economists. *Annual Review of Economics*, 5:83-105.

meaningful access to rehabilitative programming during incarceration are also well-documented in the literature,<sup>2</sup> and studies demonstrate that programming is most effective when paired with strong incentives for participation.<sup>3</sup> Incentives can be powerful tools to prepare people for release by enhancing individual motivation to complete treatment and engage in positive behavioral change. Allowing people to earn time off for being active participants in their own rehabilitation can incentivize them to gain the support they need to be successful when they return to their communities. For example, educational programming and vocational training can help people secure and maintain employment after returning home from prison, which in turn is associated with lower recidivism rates and increased public safety.<sup>4</sup>

Ohio has a uniquely robust body of research demonstrating the benefits of in-prison programming for improving public safety outcomes. The late Ed Latessa of the University of Cincinnati Corrections Institute (UCCI) conducted an extensive evaluation of Ohio's rehabilitative programming in prisons, finding that program completion was associated with both lower rates of misconduct in prison and lower recidivism rates post-release.<sup>5</sup> Additionally, people who completed multiple types of programs (for example, educational programming and recovery services) had even lower recidivism rates. Based on these findings, the UCCI team concluded that creating more incentives for people in prison to participate in programming that prepares them for reentry could increase public safety by boosting participation rates across different program types. In line with this research, SB 288 strengthens the incentives for incarcerated people to equip themselves with the research-backed tools they need to succeed upon release.

### ***Research shows earned credits make prison facilities safer***

SB 288's earned credit expansion will also help alleviate the impact of Ohio's current challenges with correctional staffing shortages<sup>6</sup> by reducing disciplinary incidents and allowing people who have earned time off and demonstrated rehabilitation to return to their communities. Research shows that education and vocational programming and therapeutic interventions are associated with fewer disciplinary incidents among participants.<sup>7</sup> Reducing disciplinary incidents in turn reduces correctional expenditures needed to address incidents as well as the cost of additional incarceration that may be imposed in response to violations. Defrayed costs can be reinvested in expanding rehabilitative program capacity and strengthening reentry supports that improve public safety.

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<sup>2</sup> Duwe, G. (2017). *The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes*. National Institute of Justice. Retrieved from: <https://www.ojp.gov/pdffiles1/nij/250476.pdf>

<sup>3</sup> Solomon et. al. (2008). *Putting Public Safety First: 13 Parole Supervision Strategies to Enhance Reentry Outcomes*. The Urban Institute. Petersilia, J. (2007). "Employ Behavioral Contracting for "Earned Discharge" Parole." *Criminology & Public Policy*, 13:10. Andrews, D. A., & Bonta, J. (2010). *The psychology of criminal conduct* (5th ed.).

<sup>4</sup> Duwe, G. (2017). *The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes*. National Institute of Justice. Retrieved from: <https://www.ojp.gov/pdffiles1/nij/250476.pdf>

<sup>5</sup> Latessa, E., et. al. (2015). *Evaluation of Ohio's Prison Programs*. Retrieved from: <https://www.uc.edu/content/dam/uc/corrections/docs/IntheNews/Prison%20Study%20Final%20Report%2010-26-15.pdf>.

<sup>6</sup> Laura A. Bischoff, "Ohio prisons short more than 1,000 guards as state struggles to hire in tight labor market," *Cincinnati Enquirer*, February 7, 2022.

<sup>7</sup> Duwe, G. (2017). *The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes*. National Institute of Justice. Retrieved from: <https://www.ojp.gov/pdffiles1/nij/250476.pdf>

## ***Earned credit expansion has widespread use and bipartisan support across states***

Expanding earned credit is a widely used and common-sense public safety reform with strong bipartisan support. For example, the American Conservative Union recently published a paper in support of expanding earned credit to improve public safety and spending efficiency (please see attached brief in Appendix B).<sup>8</sup> Ohio is one of at least 38 states that use earned time to achieve public safety goals, and many states have built on early success and expanded access to sentence credits in recent years to realize positive safety results.<sup>9</sup> Data from recent earned credit expansion in Kansas, Maryland, Minnesota, New York, Pennsylvania, and Washington, have documented associated improvements to community safety due to reductions in recidivism. Alongside the benefits to public safety, eligibility expansions have also reduced corrections costs.<sup>10</sup>

## ***SB 288 would expand Ohio's limited credit opportunities to align with best practices***

Despite the many documented benefits of expanded earned credit, Ohio's credit earning availability is currently significantly more restricted than most other states. SB 288 would increase the benefits of rehabilitative programming in Ohio prisons by expanding opportunities for credit earning for multiple program completions, raising the cap on monthly earned participation credits from 8% to 15% of someone's prison term, and realigning participation credit earning rates. These changes are in line with best practices in other states and supported by an established and expanding body of research on the importance of rehabilitative incentives to public safety. SB 288 would also increase the documented public safety benefits specific to programming in Ohio prisons.

SB 288's adjustments to two types of earned credit carry unique public safety benefits:

1. ***Expanding opportunities to earn the 90-day program completion credit.*** Among states that offer program completion credits, Ohio is an outlier in only allowing the credit to be earned once. Nearly all other states that use completion credits (including Arkansas, California, Delaware, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Nevada, New Mexico, Rhode Island, Tennessee, Utah, and West Virginia) offer multiple

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<sup>8</sup> American Conservative Union. (2022). Expanding the Use of Earned Credits in Prison Increases Public Safety. <https://conservativejusticereform.org/expanding-the-use-of-earned-credits-in-prison-increases-public-safety/>

<sup>9</sup> Lawrence, Alison. (2013). *Trends in Sentencing and Corrections: State Legislation*. National Conference of State Legislatures. Retrieved from <https://www.ncsl.org/Documents/CJ/TrendsInSentencingAndCorrections.pdf>

<sup>10</sup> Kansas Department of Corrections. (n.d.). *Annual Report Fiscal Year 2016*. Retrieved from <https://www.doc.ks.gov/publications/Reports/Archived/2016/view>; Lawrence, A. (2009). *Cutting Corrections Costs: Earned Time Policies for State Prisoners*. National Conference of State Legislators. Retrieved from [https://www.ncsl.org/Portals/1/Documents/cj/Earned\\_time\\_report.pdf](https://www.ncsl.org/Portals/1/Documents/cj/Earned_time_report.pdf); Kansas Legislature. (2017). *House Appropriations Testimony*. Retrieved from [http://kslegislature.org/li\\_2018/b2017\\_18/committees/ctte\\_h\\_apprprtns\\_1/documents/testimony/20170317\\_02.pdf](http://kslegislature.org/li_2018/b2017_18/committees/ctte_h_apprprtns_1/documents/testimony/20170317_02.pdf). Duwe, G. (2014). "An Outcome Evaluation of a Prison Work Release Program Estimating Its Effects on Recidivism, Employment, and Cost Avoidance." *Criminal Justice Policy Review*, 26(6), 532–544. Lawrence, A. (July 2009). *Cutting Corrections Costs: Earned Time Policies for State Prisoners*. National Conference of State Legislatures. [http://www.ncsl.org/Documents/cj/earned\\_time\\_report.pdf](http://www.ncsl.org/Documents/cj/earned_time_report.pdf). Austin, James. *A Common-Sense Approach for Reducing Prisoner Risk, Recidivism and Prison Populations: The Maryland Story*. (2015). Washington, D.C.: The JFA Institute (Unpublished). Pennsylvania Department of Corrections. (2016). *Recidivism Risk Reduction Incentive 2016 Report*. Retrieved from <https://www.cor.pa.gov/About%20Us/Initiatives/Documents/RRRI/2016%20RRRI%20Annual%20Report.pdf>. Prison Fellowship. (n.d.). *Earned Time Credit: Issue Overview*; Washington State Institute for Public Policy. (2009). *Increased Earned Release from Prison: Impacts of a 2003 Law on Recidivism and Crime Costs, Revised*.

opportunities to earn these credits. As discussed above, evaluations of rehabilitative programming in Ohio have shown that completion of multiple types of programs results in even stronger reductions in recidivism. SB 288 will allow eligible people to earn this completion credit for each qualifying program completed, and additionally allow the Ohio Department of Rehabilitation and Corrections (ODRC) discretion to respond to evolving rehabilitative needs in credit-eligible program offerings.

2. *Adjusting the **participation credit** earning cap and rate to strengthen the public safety benefits associated with program engagement.* Program participation among people in prison carries clear benefits for public safety both within facilities and after release. Currently, however, Ohio has one of the lowest caps in the country on allowable earned credit<sup>11</sup> coupled with a high number of offense-based earning rate restrictions that limit many participation credit-eligible people to the lowest possible rate. Specifically, people in Ohio who earn participation credits at 1 day/month (accruing to a possible 3% of their sentence) are statutorily capped at the lowest earning rate of any state in the country. SB 288 removes constraints that limit the public safety benefits of participation credits by 1) increasing the overall cap on participation credits from 8% to 15%, and 2) allowing most eligible people to earn at the 5 day/month rate to align with the cap increase.

## **2. SB 288 Streamlines Access to Transitional Control, a Proven Program with a Track Record of Recidivism-Reduction Success**

### ***SB 288 builds on prior reform to increase access to Transitional Control***

In line with the research, SB 288 would reduce barriers to the transitional control program by removing a secondary review process at the court level for people with sentences of one to two years who have already been reviewed and approved to participate. The legislature already removed this secondary review process for people serving longer sentences (often for more serious offenses) eight years ago in 2014. The transitional control program facilitates reentry and prevents crime by ensuring that people exiting prison have supports that help them succeed after release, including employment assistance, vocational training, and substance abuse treatment.<sup>12</sup>

Currently, approval decisions are final for eligible individuals with sentences of over two years. SB 288 would streamline and standardize the process for all incarcerated people with sentences of a year or more who have been approved to participate in transitional control. Importantly, the transitional control changes in SB 288 would not alter the underlying sentence that individuals are required to serve under the control of the ODRC. Rather, limiting the judicial veto will allow more approved individuals to access the most appropriate programs and services during their sentence – similar to a move across security levels or ODRC facilities – to help

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<sup>11</sup> Prison Fellowship. (2018). [Earned and Good Time Policies: Comparing Maximum Reductions Available](#).

<sup>12</sup> National Conference of State Legislatures. (2009). *Sentencing and Corrections Profiles: Ohio*. Retrieved from: <https://www.ncsl.org/documents/cj/pew/OHplan.pdf>.

them succeed after release. Individuals who do not comply with transitional control requirements can be transferred back to an ODRC facility to complete their sentence.

### ***Transitional Control reduces recidivism***

Ensuring that a greater number of eligible people who have been reviewed and approved are able to participate in the transitional control program will improve public safety. Research has consistently demonstrated the clear public safety benefits of strong reentry support, including for people who are incarcerated for shorter terms of under two years.<sup>13</sup> A research team from UCCI conducted an extensive evaluation and found that the return to prison rate was 42% lower for individuals who completed transitional control.<sup>14</sup> Additionally, a peer-reviewed study of Ohio's community-based residential programs found that the programs were overwhelmingly effective at decreasing recidivism,<sup>15</sup> earning the programs a positive rating in the National Institute of Justice's crime solutions database.<sup>16</sup>

Streamlining and standardizing the transitional control process is particularly important to ensure that people with shorter sentences have sufficient access to treatment and programming during their sentences. This change is especially critical for this group because people with shorter sentences may not be able to get off the waitlist for in-prison programming before their sentences expire. Transitional control ensures that they have access to critical services and treatment before they finish their terms.

SB 288 builds on the success of prior reforms by reducing geographic inequity in access to transitional control. In 2013, the legislature streamlined transitional control by eliminating the secondary judicial review process for all people with sentences of two years or more who had already undergone ODRC's extensive vetting process and been approved to participate while completing the remainder of their sentence (please see attached Appendix A for an overview of ODRC's vetting process). Data published in the eight years since has shown that for the many people who remain subject to the secondary judicial review — all of whom are serving terms of less than two years for lower-level offenses — access to transitional control is dictated by geography rather than suitability for the program. Between 2014 and 2018, every single

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<sup>13</sup> James, N. (2015). *Offender Reentry: Correctional Statistics, Reintegration into the Community, and Recidivism*. Congressional Research Service. Retrieved from: <https://sgp.fas.org/crs/misc/RL34287.pdf>. Soloman, A., et. al. (2008). *Life After Lockup: Improving Reentry from Jail to the Community*. Urban Institute. Retrieved from:

<https://www.urban.org/sites/default/files/publication/31686/411660-Life-After-Lockup-Improving-Reentry-from-Jail-to-the-Community.PDF>. Willison, J.B. et. al. (2012). *Process and Systems Change Evaluation Findings from the Transition from Jail to Community Initiative*. Urban Institute. Retrieved from: <https://www.urban.org/sites/default/files/publication/25881/412670-Process-and-Systems-Change-Evaluation-Findings-from-the-Transition-from-Jail-to-Community-Initiative.PDF>.

<sup>14</sup> Latessa, E. et. al. (2010) Follow-up Evaluation of Ohio's Community Based Correctional Facility and Halfway House Programs – Outcome Study. Table 30. See also Lowenkamp, C.T., and E. Latessa. (2002). Evaluation of Ohio's Community Based Correctional Facilities and Halfway House Programs. University of Cincinnati Center for Criminal Justice Research. Retrieved from: [https://www.researchgate.net/publication/237720823\\_Evaluation\\_of\\_Ohio%27s\\_Community-Based\\_Correctional\\_Facilities\\_and\\_Halfway\\_House\\_Programs](https://www.researchgate.net/publication/237720823_Evaluation_of_Ohio%27s_Community-Based_Correctional_Facilities_and_Halfway_House_Programs). Latessa, E. et. al. (2015) Follow-up Evaluation of Ohio's Community Based Correctional Facility and Halfway House Programs. Retrieved from: [https://www.uc.edu/content/dam/uc/ccjr/docs/reports/project\\_reports/2010%20HWH%20Executive%20Summary.pdf](https://www.uc.edu/content/dam/uc/ccjr/docs/reports/project_reports/2010%20HWH%20Executive%20Summary.pdf)

<sup>15</sup> Lowenkamp, Christopher T., and Edward J. Latessa. 2005. "Increasing the Effectiveness of Correctional Programming through the Risk Principle: Identifying Offenders for Residential Placement." *Criminology & Public Policy* 4(2):263–90. Retrieved from: <https://www.uc.edu/content/dam/uc/ccjr/docs/articles/RiskPrinciple.pdf>.

<sup>16</sup> National Institute of Justice, "Program Profile: Community-based Residential Programs (Ohio)." Web resource. Retrieved from: <https://crimesolutions.ojp.gov/ratedprograms/454>.

transitional control approval was vetoed in one county, 75% or more approvals were vetoed in three additional counties, and 50% or more of approvals were vetoed in 14 additional counties. In other words, access to this proven recidivism-reduction program has been severely and unevenly limited in over 20% of Ohio counties.

SB 288 will continue the work the legislature started almost ten years ago in 2013. In line with the evidence, SB 288 will increase public safety by ensuring that all eligible people in Ohio prisons with sentences of a year or more who have already been evaluated and approved to participate in transitional control while serving the last six months of their sentence are able to benefit from the program's demonstrated positive impact on reentry and public safety. Removing barriers that prevent eligible, evaluated, and approved people from being released will also defray incarceration expenses, freeing up resources that can be redeployed to further advance public safety by strengthening reentry programming.

### **3. SB 288 Strengthens and Streamlines Judicial Release Procedures**

SB 288 would also promote public safety by strengthening and streamlining Ohio's judicial release procedures. Currently, pathways to judicial release from prison in Ohio are complex, burdensome on the courts, and inhibited by unintended administrative barriers to release. SB 288 would address these issues. The changes in this bill would alleviate administrative burden and promote public safety by ensuring that release decisions are informed by current assessments of individuals' readiness to safely return to their community. Importantly, SB 288 preserves existing requirements regarding victim notification and opportunities to submit a statement and/or participate in any hearings to inform judicial release decision-making.

SB 288 would improve public safety and strengthen the judicial release process by allowing ODRC to conduct a thorough vetting process for individuals who may be ready for release, and initiate a presumptive judicial release process for those that demonstrate rehabilitation. The ODRC is in the strongest position to make recommendations based on an individual's current risk level and entire record while in prison. As part of the recommendation process, the ODRC will submit relevant documentation to the court, including the individual's participation in programming, evidence of their readiness for release, and any other documentation requested by the court. SB 288 also cements a secondary level of public safety review after the ODRC's vetting process, allowing state attorneys to block presumptive release if there is a demonstrable and substantial public safety risk that has not already been considered. Allowing ODRC to recommend eligible people for judicial release will expand the state's capacity to base release decisions on demonstrated readiness to safely return home.

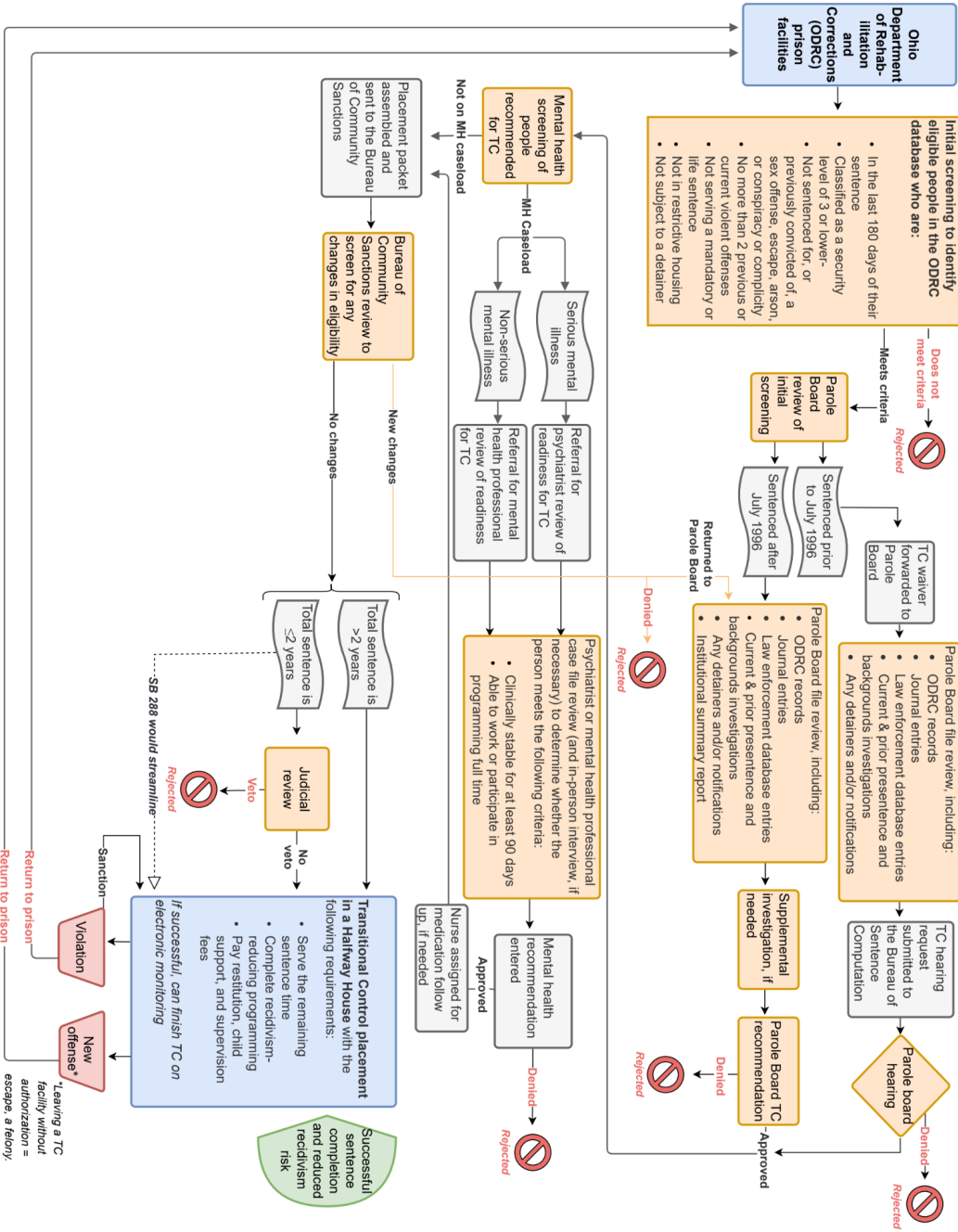
Allowing ODRC to initiate judicial release recommendations will alleviate burdens on the courts, which is currently the only pathway to initiate judicial release for all eligible individuals in Ohio prisons who have demonstrated rehabilitation and readiness to return home. Removing barriers that prevent eligible, reviewed, and approved people from being released will also defray incarceration expenses. These resources can then be redeployed to further advance public safety by strengthening reentry programming.

Finally, SB 288 addresses unintended logistical barriers to release by detailing the “state of emergency-qualifying offender” release process. Currently, individuals who are otherwise eligible for release in state of emergency situations are rendered ineligible if they have been previously denied judicial release at any time. This limitation has created unintended consequences, particularly in the context of the COVID-19 pandemic when safely reducing Ohio’s prison population and alleviating overcrowding has been a pressing public health goal. The change in SB 288 would ensure that release decision making in narrowly defined state of emergency situations is based on evaluations of current public safety risk and correctional management needs and goals, rather than being dictated by old release considerations that are no longer relevant.

In conclusion, SB 288 reflects widely used, common-sense, and research-backed improvements to sentencing and corrections that will result in safer communities across Ohio. We thank you for your dedication and ongoing leadership on improving public safety in Ohio, and we would be happy to provide additional information at any time.

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# Appendix A: Transitional Control Approval Process



# Ohio Transitional Control Approval Process



**Appendix B: *Expanding the Use of Earned Credits in Prison Increases Public Safety*, American Conservative Union (2022).**



# Expanding the Use of Earned Credits in Prison Increases Public Safety

Earned-time credit programs are a public safety force multiplier. They can:

- Incentivize prisoners to improve themselves, thus facilitating re-entry and reducing likelihood of recidivism.
- Free up tax dollars funds to pay for other, more effective public safety strategies such as improving recruiting, retention and training of police.
- Encourage good conduct, which makes prisons safer for staff and inmates alike.

## Overview

Earned credit programs incentivize those serving time in prison to participate in programs that are proven to help incarcerated people be more productive members of society upon release. If we set people on a path for success after prison, they are far less likely to offend again. The incentives offered get inmates to do the hard work of self-improvement in exchange for time credits that allow people to leave prison earlier than otherwise.

Earned time credit programs create other benefits as well. Since these credits can be forfeited as punishment for violating prison rules, such programs make prisons safer and more orderly. Additionally, by marginally reducing incarceration rates, earned time credit programs free up revenues that can be re-allocated to other public safety initiatives, thus making communities even safer.

About two thirds of U.S. states use earned credits as a core public safety strategy to incentivize incarcerated people to participate in anti-recidivism programming. Allowing people in prison to earn time off their sentences by engaging in educational programs, workforce training, mental health treatment, or other proven rehabilitative programs increases community safety, keeps prisons more secure, ensures correctional staff safety, and allows taxpayer dollars to be used more efficiently.

In particular, correctional cost savings can have a significant impact on broader public safety. Like compounded interest (i.e., interest earned on prior interest payments), the

savings generated by incentivizing positive behavior can fund other initiatives that further reduce crime.

In short, offering sentence reductions to incentivize self-improvement allows corrections and public safety systems to re-invest savings in more effective crime control strategies. Examples include funding additional police billets, recruiting and retention programs for law enforcement officers, increases in officer salaries, improved training (particularly de-escalation and officer safety strategies), and use of co-responders to assist law enforcement in mental health cases which further contribute to increased community safety.

## Earned programming credits increase public safety.

Providing opportunities for rehabilitation, including while people are serving their prison sentences, reduces recidivism and improves long-term public safety outcomes (see Figure 1).<sup>1</sup> Reducing recidivism is key to lowering crime in communities. Every time a person reoffends, there is another victim involved, another trial, and often another expensive prison cell. Cutting recidivism rates can and does lead to greater public safety.

Studies demonstrate that programming is most effective when paired with strong incentives for participation.<sup>2</sup> Incentives can be powerful tools to prepare people for release by enhancing individual motivation to complete treatment and engage in positive behavioral change. Extending broad eligibility for earned credits, including to people who are serving longer terms in prison, can realize public safety benefits inside and outside of the prison walls.<sup>3</sup>

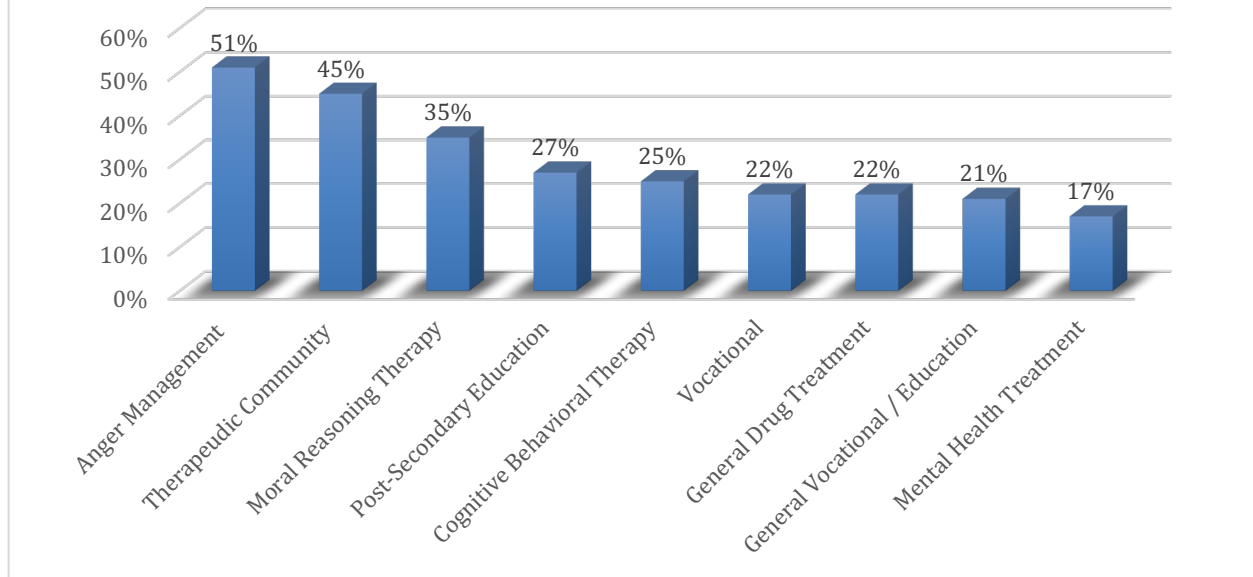
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<sup>1</sup> E.g., National Institute of Justice (2016). *Five Things About Deterrence*.; National Research Council (2014). *The Growth of Incarceration in the United States: Causes and Consequences*.; Nagin, D.S. (2013). *Deterrence: A Review of the Evidence by a Criminologist for Economists*. *Annual Review of Economics*, 5:83-105. Duwe, G. (2017). *The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes*. National Institute of Justice. Retrieved from: <https://www.ojp.gov/pdffiles1/nij/250476.pdf>; Gerald G. Gaes et al., *Adult Correctional Treatment*, in 26 CRIME AND JUSTICE: A REVIEW OF RESEARCH—PRISONS 361, 415 (Michael Tonry & Joan Petersilia eds., 1999); Dora Schriro, *Is Good Time a Good Idea? A Practitioner's Perspective*, 21 FED. SENT'G REP. 179-81 (2009).

<sup>2</sup> Solomon et. al. (2008). *Putting Public Safety First: 13 Parole Supervision Strategies to Enhance Reentry Outcomes*. The Urban Institute. Petersilia, J. (2007). "Employ Behavioral Contracting for "Earned Discharge" Parole." *Criminology & Public Policy*, 13:10. Andrews, D. A., & Bonta, J. (2010). *The psychology of criminal conduct* (5th ed.); Families Against Mandatory Minimums (2017). *Using Time to Reduce Crime: Federal Prisoner Survey Results Show Ways to Reduce Recidivism*. Families Against Mandatory Minimums. Accessed from: [https://famm.org/wp-content/uploads/Prison-Report\\_May-31\\_Final.pdf](https://famm.org/wp-content/uploads/Prison-Report_May-31_Final.pdf)

<sup>3</sup> Charles Colson Task Force on Federal Corrections. (2016). *Transforming Prisons, Restoring Lives: Final Recommendations of the Charles Colson Task Force on Federal Corrections*. Retrieved from: <https://www.urban.org/research/publication/transforming-prisons-restoring-lives>. Courtney, L., et. al. (2017). *A Matter of Time: The Causes and Consequences of Rising Time Served in America's Prisons*. Urban Institute. Retrieved from: <https://apps.urban.org/features/long-prison-terms/intro.html> Kevin R. Reitz, Edward E. Rhine, Allegra Lukac, and Melanie Griffith (2022). *American Prison-Release Systems: Indeterminacy in Sentencing and the Control of Prison Population Size*. Robina Institute. Accessed from: [https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/american\\_prison-release\\_systems.pdf](https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/american_prison-release_systems.pdf)

**Figure 1: Examples of Program Recidivism Reduction**



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## Earned programming credits make prisons safer and more secure.

Offering earned credits for participation in rehabilitative programming makes prisons and prison staff safer and more secure. Program participation that is linked to incentives of earned credit reduces disciplinary incidents among people in prison. Research shows that programming involving cognitive behavioral therapy can have a particularly significant impact on reducing misconduct among people in prison. Along with work and higher education opportunities prisons can greatly decrease incidents.<sup>5</sup>

<sup>4</sup> The Boston Consulting Group (2016). Reducing Recidivism Through Programming in the Federal Prison Population Report, The Boston Consulting Group. Accessed from: <https://www.justice.gov/archives/dag/page/file/914031/download>

<sup>5</sup> Duwe, G. (2017). *The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes*. National Institute of Justice. Retrieved from: <https://www.ojp.gov/pdffiles1/nij/250476.pdf>; Byrne, James M. (2019). "The Effectiveness of Prison Programming: A Review of the Research Literature Examining the Impact of Federal, State, and Local Inmate Programming on Post-Release Recidivism." *Federal Probation*, Vol. 84 No.1. Accessed from: [https://www.uscourts.gov/sites/default/files/84\\_1\\_1\\_0.pdf](https://www.uscourts.gov/sites/default/files/84_1_1_0.pdf)

## Earned programming credits enable people to take responsibility for advancing their own rehabilitation.

Earned credit policies create pathways for people in prison to take accountability for their rehabilitation, prove their readiness for release, and earn their return to their communities. How people spend their time while they are in prison should matter and can have a significant impact on their post-release trajectory. For example, educational programming and vocational training can help people secure and maintain employment and support their families after returning home from prison, which in turn is associated with lower recidivism rates and increased public safety.<sup>6</sup> Earned credits incentivize people to take responsibility for their own rehabilitation and gain tools they need to be successful, productive, and taxpaying citizens when they return home.

## Earned programming credit use is common across states and was a hallmark of the federal First Step Act.

The vast majority of states use sentencing credits to achieve their public safety goals,<sup>7</sup> and many have built on early success and expanded access to credits in recent years with positive results.<sup>8</sup> States that have recently expanded their earned credit systems include Arizona, Kansas, Louisiana, Tennessee, Utah, and Virginia. Data show that these reforms increase public safety by lowering recidivism, and also reduce corrections costs.<sup>9</sup> Earned

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<sup>6</sup> Duwe, G. (2017). *The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes*. National Institute of Justice. Retrieved from: <https://www.ojp.gov/pdffiles1/nij/250476.pdf>

<sup>7</sup> Kevin R. Reitz, Edward E. Rhine, Allegra Lukac, and Melanie Griffith (2022). *American Prison-Release Systems: Indeterminacy in Sentencing and the Control of Prison Population Size*. Robina Institute. Accessed from: [https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/american\\_prison-release\\_systems.pdf](https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/american_prison-release_systems.pdf)

<sup>8</sup> Lawrence, Alison. (2013). *Trends in Sentencing and Corrections: State Legislation*. National Conference of State Legislatures. Retrieved from <https://www.ncsl.org/Documents/CJ/TrendsInSentencingAndCorrections.pdf>

<sup>9</sup> Kansas Department of Corrections. (n.d.). *Annual Report Fiscal Year 2016*. Retrieved from <https://www.doc.ks.gov/publications/Reports/Archived/2016/view>; Lawrence, A. (2009). *Cutting Corrections Costs: Earned Time Policies for State Prisoners*. National Conference of State Legislators. Retrieved from

[https://www.ncsl.org/Portals/1/Documents/cj/Earned\\_time\\_report.pdf](https://www.ncsl.org/Portals/1/Documents/cj/Earned_time_report.pdf); Kansas Legislature. (2017). *House Appropriations Testimony*. Retrieved from

[http://kslegislature.org/li\\_2018/b2017\\_18/committees/ctte\\_h\\_apprprtns\\_1/documents/testimony/20170317\\_02.pdf](http://kslegislature.org/li_2018/b2017_18/committees/ctte_h_apprprtns_1/documents/testimony/20170317_02.pdf).

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credits were also a hallmark of the federal First Step Act, a sentencing reform bill that was developed by the Trump Administration and passed with overwhelming bipartisan support in 2018. This legislation created a new system of credits that allows people in federal custody to move to home confinement earlier by participating in recidivism reduction programming.

## Earned programming credits make correctional spending more efficient.

Earned credit policies use taxpayer dollars more efficiently by ensuring that prison administrators do not unnecessarily spend limited corrections resources by holding people who have demonstrated their rehabilitation and readiness for release longer than otherwise permitted. Additionally, incentivizing good behavior keeps prisons safer for offenders, correctional officers, and staff. Doing so further reduces costs by avoiding expenditures associated with managing disciplinary incidents. Using earned credits can allow corrections administrators to instead increase investment in crime prevention and reentry services.

## Conservative solutions to strengthen earned credit:

- Create new opportunities to earn sentencing credits or expand existing opportunities.
- Ensure adequate capacity in prison-based anti-recidivism and anti-addiction programming to meet demands.
- Increase mental health programming and behavioral cognitive therapy.
- Expand vocational and educational programming to increase re-entry work opportunities.

**For more information, please contact the *American Conservative Union Foundation - Nolan Center for Justice* at (202) 347-9388 or go to [www.conservativejusticereform.com](http://www.conservativejusticereform.com).**

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