



The Simple Solution For Reducing Correctional Costs

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Author's Note: The views expressed in this article are those of the author and do not reflect the policies of the National Institute of Corrections.

To put it simply, the American correctional system costs too much. When something “costs too much,” it usually means either that it is more than what someone needs or that it is simply more than someone can afford. These are the factors that people consider whenever they buy anything, a family car for example. In this financial climate, people are buying fuel-efficient cars, not Hummers. Many people believe that the American correctional system has become a Hummer — more than America needs and increasingly more than it can afford.

This does not mean American corrections does not work; it is simply too big for our current needs. Growth in American corrections began 35 years ago in response to rapidly increasing crime rates. Those same crime rates have now fallen back to the levels they were at 35 years ago, but corrections has not readjusted to this new reality. Added to this change is a fiscal crisis that both demands a response from corrections and creates the opportunity for a dramatic reorientation of the mission of corrections.

Correctional Populations Drive Costs

The fundamental driver of correctional costs is the number of people incarcerated in jails or prisons and the number of people in the community under pretrial, probation or parole supervision. In 1980, there were 1.84 million people in the U.S. under some form of correctional supervision, either incarcerated in a prison or jail or being supervised in the community by probation or parole agencies. Today, nearly 30 years later, more than 7.5 million people are incarcerated or being supervised in the community. This includes more than 1.5 million prisoners and another 780,000 jail inmates. Based on a U.S. population of 303 million, this means the U.S. incarceration rate is 762 inmates per 100,000 people in the population. By comparison, the most recent available estimates indicate that there are more than 9.8 million people incarcerated worldwide. Based on a world population of 6.7 billion people, the world incarceration rate is 145 inmates per 100,000 people worldwide. No other country, including many that have higher victimization rates, appears to have a higher incarceration rate than the U.S.¹ For the 50 years before the correctional population buildup began in the early 1970s, the incarceration rate in the U.S. was steady at about 110 inmates per 100,000 people in the population.

This much may be clear enough, but what comes next might not seem so obvious: To reduce the cost of corrections substantially, the field must reduce the size of the correctional population dramatically. The reason a substantial cost savings requires a dramatic population reduction has to do with what economists call “marginal costs.” Common financial discussions talk about an average daily cost per person, but those figures are a combination of the direct cost per person plus indirect or fixed costs such as administrative overhead, capital costs, maintenance of physical plants and so forth. If one reduces a population by a small amount, all that is saved at the beginning is the direct costs, which are a fraction of the average daily costs. One also incurs administrative and other costs when, for example, people are released, and jurisdictions spend additional money when some of them later are returned to supervision. All of this means that a correctional population may have to be cut by 10 or 20 percent for a jurisdiction to break even and that the population must be cut by at least one-quarter and probably half before real savings will be realized.

As leaders at all levels and in each branch of government address the effects of the fiscal crisis, they are also re-examining policies that have driven the extraordinary growth of the correctional population.² While corrections professionals may have differing perspectives on the philosophy of justice that should motivate the correctional system, all recognize that the system should calibrate punishments to fit both the crime and the offender while remaining effective and humane. Justice is not simply a product of the number of people punished. The current level of incarceration carries with it both enormous social costs and the consumption of resources that could be used for different purposes.³ Further, the criminal justice system does not control crime rates just by dialing the incarceration rate up or down.⁴

Against the backdrop of the continuing growth of correctional populations is the fact that crime rates in the U.S. have been dropping for more than a decade. In its last release of Uniform Crime Report data, the Federal Bureau of Investigation reported that the violent crime rate in the U.S. had fallen to 466.9 crimes per 100,000 people in the population, the lowest rate since the early 1970s. Property crimes have fallen to the levels they were in the late 1960s.⁵ Research indicates that the level of incapacitation resulting from high rates of incarceration is responsible for about one-quarter of the drop in crime rates at the national level.⁶ Law professor Franklin Zimring points out that the drop in the crime rate in the U.S. has taken place without the kind of fundamental changes in American society or revolution in its legal system that many once believed would be required to cause such a change.⁷

Initially, dramatically reducing the total correctional population might seem unrealistic. Cutting the correctional population in half would return it to where it was in 1988. That year marked the end of an eight-year period of rapid growth during which the correctional population doubled from 1.8 million in 1980 to 3.6 million. In theory, if the correctional population could double in eight years, it ought to be able to halve in eight years. If corrections could safely build up to meet the challenge in the 1980s, it ought to be able to safely build down to meet the new challenge of

today. The National Institute of Corrections (NIC) has been exploring this possibility for some time through the Norval Morris Project, a unique initiative dedicated to the memory of Norval Morris, Ph.D., who was instrumental in founding NIC and remained a guiding influence as a charter member of the NIC Advisory Board until he passed away in 2004. Morris set a standard for the critical examination of corrections and the criminal justice system and pioneered the application of research to policy.⁸

Search to Halve the Population Begins

The Norval Morris Project brings together people both inside and outside corrections to develop interdisciplinary approaches and draw on professional networks that cut across academic, private sector and public sector boundaries. The project’s steering group, the Keystone Group, is tasked with posing the most challenging questions to the field. The Keystone Group’s first meeting took place in September 2008 and involved 19 thought leaders — more than half of them practitioners with experience in one or more sectors of corrections, including prisons, jails and community corrections.

One of the Keystone Group’s challenges to the field was the following question: “How can we safely and systematically reduce the correctional population by half in eight years?” The initial inspiration for this 50 percent reduction goal came from a 2007 report *Unlocking America: Why and How to Reduce America’s Prison Population*, authored in part by JFA Institute President James Austin. Economist William Spelman has made the same recommendation.⁹

Shortly after the Keystone Group meeting, NIC provided Austin support to produce *Reducing America’s Correctional Population: A Strategic Plan*. The paper expanded beyond the focus of the prior one on prisons to account for the entire correctional population, including people in jails and community corrections.¹⁰ The paper lays out in concrete terms how a 50 percent reduction could be accomplished during a period of a few years.

Austin noted that growth or decline in the correctional population is the product of two key factors — admissions and length of stay — and that a correctional population is a function of the following formula: Admissions x Length of Stay = Correctional Population. He went on to say, “As either or both of these two population drivers change, so too will the resulting correctional population. ... These two factors have driven the growth of correctional populations in the past and will be the keys to population reductions in the future.” Corrections professionals can influence both of these factors by using tools already available. Austin says:

The good news is that the necessary reforms have either currently been adopted in many states or were in use previously, so the desired reduction is readily achievable. It should also be noted that changes are neither radical nor need to take a long time to implement. What is required is relatively modest, but steady changes in current practices over a sustained period of time. This is because relatively small adjustments in key decision points will have a large cumulative effect over a relatively short period of time.

ENDNOTES

Incremental changes in reducing the number of people admitted (or readmitted) to correctional supervision and in shortening the time they remain under supervision will have a cumulative effect that, even in a few years, will produce a dramatic impact.

No one solution will work for every state or local agency; each will have to be tailored to the unique characteristics of a jurisdiction's laws and legal culture, range of options, scope of authority, and political and policy environment. For example, good time and earned time are two options for reducing length of stay, but no two states have exactly the same policies for their prisoners.¹¹ Revocations are an important factor driving prison and jail populations, but developing a response to probation and parole violations requires multiple strategies fitted to each agency's situation and resources.¹²

During 2009, the Norval Morris Project continued by forming topic teams to build on and expand the work of the Keystone Group and Austin's strategic planning document. The Population Reduction Topic Team included members of the Keystone Group and others recruited from a variety of fields with experience related to the subject. Through an extended series of interactions using a community forum on the NIC Web site, e-mails, conference calls and, in September 2009, a planning meeting, the topic team developed action plans to feed back into the Keystone Group's second meeting in November 2009. Following the Keystone Group's meeting, development has continued on the plans, and supporting materials have been compiled. The latest versions of these materials are available on the NIC Web site at www.nicic.org/Norval.

Corrections' Future Requires Collaboration

The Norval Morris Project has focused on practical approaches and concrete strategies that corrections professionals can use to better manage and, in the long run, reduce the size of their populations. An effort of this magnitude touches on every aspect of correctional policy and practice. It requires a qualitative change in the mission of corrections, a reengineering of its operations and practices, and a transformation of its work force. It requires a reorientation of corrections in its relationship to families and communities, other governmental and nongovernmental human service organizations or systems, and the private sector. It requires corrections to expand its mission beyond just reducing recidivism to embracing prevention. Such an undertaking demands the full support of legislative and judicial bodies as well as executive leadership in every state. In short, it requires increased transparency and collaboration throughout corrections.

The purpose of the Norval Morris Project is to find the pathways corrections can follow to lead the country to a future very different from the one that recent trends imply. The spirit of the project is to draw on every available body of knowledge, whether from within or outside criminal justice, to develop practical responses to the challenges confronting the field.

¹ West, H. and W. Sabol. 2009. *Prison inmates at midyear 2008 — Statistical tables* (revised April 8, 2009). Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Available at www.ojp.usdoj.gov/bjs/pub/pdf/pim08st.pdf; Walmsley, R. 2009. *World prison population list, eighth edition*. London: International Centre for Prison Studies, King's College London; van Dijk, J., J. van Kesteren and P. Smit. 2008. *Criminal victimisation in international perspective: Key findings from the 2004-2005 ICVS and EU ICS*. United Nations Interregional Crime and Justice Research Institute.

² Crary, D. 2009. *Budget woes prompt states to rethink prison policy*. Associated Press, Jan. 10; Hayward-Scott, C. 2009. *The fiscal crisis and corrections: Rethinking policies and practices*. New York: Vera Institute of Justice.

³ Clear, T. 2007. *Imprisoning communities: How mass incarceration makes disadvantaged neighborhoods worse*, Oxford, England: Oxford University Press; Pattillo, M., D. Weiman and B. Western, eds. 2004. *Imprisoning America: The social effects of mass incarceration*. New York: Russell Sage Foundation; Mauer, M. and M. Chesney-Lind, eds. 2002. *The collateral consequences of mass imprisonment*. New York: The New Press.

⁴ Jacobson, M. 2005. *Downsizing prisons: How to reduce crime and end mass incarceration*. New York: New York University Press; Useem, B. and A. Piehl. *Prison state: The challenge of mass incarceration*, Cambridge, England: Cambridge University Press.

⁵ Federal Bureau of Investigation. 2009. Crime in the United States, 2008. Washington, D.C.: U.S. Department of Justice, Federal Bureau of Investigation. (September). Available at www.fbi.gov/ucr/cius2008/index.html.

⁶ See Pew Public Safety Performance Project. 2008. *The Impact of incarceration on crime: Two national experts weigh in*; Spelman, W. 2006. The limited importance of prison expansion. In *The crime drop in America*, eds. A. Blumstein and J. Wallman, 97-129. Cambridge, England: Cambridge University Press.

⁷ Zimring, F. 2007. *The great crime decline*. Oxford, England: Oxford University Press.

⁸ Morris, N. and G. Hawkins. 1970. *The honest politician's guide to crime control*. Chicago: University of Chicago Press; Morris, N. 1974. *The future of imprisonment*. Chicago: University of Chicago Press.

⁹ Austin, J., et al. 2007. *Unlocking America: Why and how to reduce America's prison population*. Washington, D.C.: JFA Institute; Spelman, W. 2009. Crime, cash, and limited options: Explaining the prison boom. *Criminology and Public Policy*, 8(1):29-77.

¹⁰ Austin, J. 2009. *Reducing America's correctional population: A strategic plan*. Norval Morris Project working paper. Washington, D.C., National Institute of Corrections.

¹¹ Lawrence, A. 2009. *Cutting corrections costs: Earned time policies for state prisoners*. Denver: National Conference of State Legislators.

¹² Carter, M., ed. 2001. *Responding to parole and probation violations: A handbook to guide local policy development*. Washington, D.C.: National Institute of Corrections.

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