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Alternatives to incarceration are cutting prison numbers, costs and crime

Approaches pioneered by states like New York are winning political recognition that simply locking people up is no solution



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Rikers Island, near New York City: thanks to innovative policies, the state's prison rolls and crime rate are both down. Photograph: Chip East/Reuters

Recent months have brought good news for those concerned about the rate of incarceration in the US: after decades of expansion, it appears that the number of Americans in jail or prison has begun to decline. A closer look at the numbers reveals that much of this reduction has been driven by a handful of states – places like

California, Michigan, New Jersey and New York – that have managed to reduce their prison rolls by tens of thousands of prisoners over the past couple of years.

The New York story is particularly worth exploring because, as its prison rolls have gone down, so, too, has crime. According to a recent report (pdf) from the Vera Institute of Justice, the JFA Institute and the Brennan Center for Justice, the New York state prison population declined by 17% from 2000 to 2009 – from about 71,000 people to 59,000. Just as important, the head count in the New York City jail system declined 40%, from nearly 22,000 in 1991 to 13,200 in 2009. Indeed, it appears that New York City is driving the jail and prison decline for the entire state. And, as has been well documented, crime is down in the city: there were a record low 414 murders in 2012 (whereas, in 1990, there were more than 2,400).

What is going on here? How has New York managed to reduce both crime and imprisonment simultaneously? The short answer is that no one knows for certain. As Michael Jacobson of the Vera Institute of Justice says, the precise causes "will be debated by social scientists until the sun hits the earth".

The leading theories for this success tend to focus on the size and strategic acumen of New York's police force, for understandable reasons. Less remarked is something else that distinguishes New York from many other states: a vibrant network of alternative-to-incarceration programs.

Nonprofit organizations like the Center for Alternative Sentencing and Employment Services and the Center for Employment Opportunities have worked with the justice system to offer community-based alternatives to traditional sanctions, including drug treatment and job training, for more than a generation. In recent years, they have been joined by dozens of drug courts, mental health courts and community courts that have been created by the New York state court system under the leadership of Chief Judge Jonathan Lippman to link offenders to social services and community restitution, in lieu of incarceration.

For many years, these programs worked under the radar, operating in a political climate that was hostile to anything that could be caricatured as "soft on crime". There are signs, however, that this may be changing.

In New York, the political branches have come to recognize that meaningful alternatives to incarceration should be embraced, not scorned. Indeed, expanding New York's infrastructure of drug courts was a central component of the Rockefeller drug laws reform of 2009. This bipartisan reform effort enhanced the discretion of New York

judges to send felony-level offenders to drug court and other forms of treatment, instead of lengthy prison sentences.

So what happened after the reform? A [new study \(pdf\)](#) by researchers at the [Center for Court Innovation](#) and [NPC Research](#) documents that the impact of the reform has been considerable. In the first year following the repeal of the Rockefeller drug laws, courts in New York State sent nearly 1,400 more drug-addicted offenders to treatment – an increase of 77% from the year before. The new study reveals that the increase in treatment referrals after 2009 saved taxpayers \$5,144 per offender. These savings resulted primarily from a drop in re-offending – and from the fact that community-based drug treatment is less costly than the sentences that treatment participants would otherwise have received.

So how do you reduce incarceration while lowering the crime rate? Out of the limelight, New York's alternative-to-incarceration programs have been able to test new ideas, figure out what works (as well as what doesn't) and document effectiveness. For states in search of a more effective approach to criminal justice that lowers costs and places fewer men and women behind bars without sacrificing public safety, the New York approach is one worth replicating.



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