

# Why Prison Populations Are Shrinking and How to Shrink Them More

***Saving money isn't the only reason to continue reforming sentencing and helping former inmates stay out.***

BY: [Marc Mauer](#) | March 20, 2014

*The New York Times* reported recently on a lunch get-together at the Justice Department between Attorney General Eric Holder and Republican Sen. Rand Paul. That's right: Two political leaders who seemingly could not be further apart politically, and yet they engaged in a frank discussion about their common vision for sentencing and corrections reform. And in just the past two months, the Senate Judiciary Committee has passed two reform measures with strong bipartisan support. One bill would sharply reduce mandatory sentences for federal drug offenses; the other would provide sentence-reduction incentives for prisoners who take part in rehabilitative programming.

This collaboration at the federal level mirrors a trend that has been developing at the state level for the past decade. The dramatic expansion of prison populations of the 1980s and '90s has seemingly ended, and for the past three years there has even been a modest overall decline. This has come about in part because of a decline in crime, but is also due to changes in policy and practice. Notably, these reductions have had no adverse impact on public safety.

The states leading this trend are California, New Jersey and New York, all of which have experienced a 20 percent reduction in their prison populations over the past decade. In California, a policy of "realignment" is shifting supervision of non-violent offenders and parole violators to the local level. In New York, reduced prosecutions of lower-level drug offenders and a scaling back of the state's "[Rockefeller drug laws](#)" have made a big difference. And in New Jersey, policymakers have slowed the return of parole violators to prison through enhanced supervision and services. Other states engaging in similar reforms include Georgia, Michigan, South Carolina and Texas.

The common wisdom to explain this shift in criminal-justice policy is that the economic recession has brought together liberals and conservatives focused on reducing the cost of excessive incarceration. That's true, but the reform trend predates the onset of the fiscal crisis. Several other factors can help us understand these developments:

- The national decline in crime rates since the mid-1990s has made the issue of crime less emotional and politicized. These days, few candidates for office campaign on a "tough-on-crime" platform.
- In the late 1990s, the Department of Justice developed the concept of *reentry*, based on the observation that 95 percent of the people sent to prison come home one day. Regardless of one's politics, it's in everyone's interest that offenders return to the community prepared to lead a law-abiding life. This suggests that we need to provide counseling and skills development in prison, as well as support for employment and housing upon release. In 2008, support for reentry led to Congress adopting the Second Chance Act, which provides about \$70 million annually to states and localities for reentry services.
- Policymakers are now increasingly concerned with identifying interventions that can promote public safety effectively. Thus, programs such as "boot camps" that sounded tough but were largely ineffective are losing credibility, while cost-effective initiatives such as [Nurse-Family Partnerships](#) that address factors contributing to substance abuse are being increasingly embraced.

While these trends are encouraging, they still represent only a modest course correction from the ballooning of the prison population. Policymakers seeking to save tax dollars and enhance public safety will need to explore more-comprehensive reform. Key elements of such a strategy include a reexamination of the mandatory sentencing policies that require a "one-size-fits-all" approach to many drug offenses rather than permitting judges to make an individualized determination of punishment and rehabilitation; enhanced support for diversion from incarceration for offenders in need of substance-abuse and mental-health services; shifting resources from a bloated prison system to investments in community-based prevention; and a reassessment of policies that create barriers for people with criminal records to reenter the workforce and secure housing.

For too long, our criminal-justice policies have been weighted toward reactive approaches. Incarcerating offenders is necessary at times, but takes place only after the harm has been done. Proactive interventions that invest in communities and expand opportunity can produce better public-safety results and do so in a more compassionate way.

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