**FACT VS. FICTION:**

**Louisiana State Laws on Crime and Public Safety**

*Fiction: “The criminal justice reforms approved several years ago by Louisiana state lawmakers and the governor are “soft on crime” policies that let violent criminals off easy.”*

**FACT: Laws enacted in 2017 to improve Louisiana’s justice system were focused on achieving improved outcomes for non-violent offenders.** They allow those convicted of a non-violent crime (except for sex crimes) to earn “good time” credit for participating in counseling, education, and job training programming aimed at staying out of jail for good. Once individuals are released from jail, they are still required to serve their full sentence through community supervision on probation or parole.

*Fiction: “The 2017 laws did nothing but release a bunch of dangerous prisoners who will commit new crimes and make our streets even less safe.”*

**FACT: Those laws are directly aimed at creating a criminal justice system that focuses incarceration on the most violent crime.** The savings that are created from the shorter sentences for non-violent offenders are then reinvested back into the corrections system for reentry programs and alternatives to detention that have been proven in other states to reduce recidivism, the rate at which individuals return to prison. Prior to the reforms, the recidivism rate for offenders one-year post-release was as high as 15%, but by 2020, that rate had already fallen to 11%.

The new laws gave judges and the parole board more discretion to determine who goes to prison and for how long, based on the best research in the field. Louisiana’s traditional sentencing and corrections system has been ineffective in changing criminal behavior. Expanding discretion based on the unique aspects of each case allows judges and the parole board to determine and manage risk in individual cases instead of using long prison sentences as a one-size-fits-all solution.

*Fiction: “Prior to the present laws, most of the people serving long prison sentences in Louisiana were violent criminals.”*

**FACT: Prior to the laws currently in effect, more than two-thirds of Louisiana’s prison admissions were those convicted of non-violent crimes and with no violent prior conviction on record.** A key goal of passing the new laws was to shift the focus of incarceration to violent offenders while offering rehabilitation programs to non-violent offenders. The composition of Louisiana’s prison population changed, where nearly half of the prison population contained non-violent offenders; today, only one-third of the population represents individuals who committed non-violent crimes.

*Fiction: “Keeping offenders in prison longer reduces recidivism.”*

**FACT: Louisiana has a history of using long prison sentences without much evidence of good outcomes.** According to data from the [Louisiana Department of Corrections](https://doc.louisiana.gov/about-the-dpsc/annual-statistics/), as of January 2022, there were approximately 32,000 people in Louisiana prisons and jails. Of those, about 18,000 were serving sentences of 10 years or more, and more than 8,000 were serving sentences of 20 years or more. Additionally, there are approximately 4,300 people serving life sentences without the possibility of parole.

The Council on Criminal Justice, a non-partisan, non-profit national organization, recently released a [report with recommendations](https://counciloncj.foleon.com/tfls/long-sentences-final-report/) on prison sentences that recommends a more responsible, evidence-based approach to sentencing. One of the main findings of the report is that long prison sentences are not always effective in reducing crime or enhancing public safety. In fact, many studies have shown that lengthy sentences can have negative effects, such as increased recidivism rates, increased costs to taxpayers, and negative impacts on families and communities. The current recidivism rate of offenders within five years of their release is over 40% and does not get better as their sentences are extended.

*Fiction: “The current laws have dramatically reduced the length of the sentence that offenders will serve through the use of “good time.’”*

**FACT: Early releases from the law enacted in 2017 were a result of a reduction of the “good time” rate for those serving a sentence for a non-violent or non-sex crime, as the legislature intended.** Prior to this law, those individuals would have served 40% of their sentence before being released to parole. However, under the new law, they are serving 35% of their sentence before being released on parole. The full sentence is still being served, though, through parole and community supervision rather than in prison.

*Fiction: “The laws passed in 2017 were the work of liberal groups who are more concerned about the welfare of the criminals than the safety of the people.”*

**FACT: The Louisiana Justice Reinvestment Task Force was a bipartisan group comprised of law enforcement, court practitioners, community members, and state legislators.** It was created prior to the 2017 reforms to study policies from around the country and make recommendations for legislation.

Bill sponsors for the justice reinvestment reform package included six Republicans, two Democrats, and one Independent. The Louisiana District Attorneys Association, faith leaders, business leaders, and a coalition of advocates and community members endorsed the package of bills. The reforms have had broad support from the Louisiana business community and well-established business and free-market organizations and coalitions including Smart on Crime, Committee of 100, Pelican Institute for Public Policy, Louisiana Sheriff’s Association, One Acadiana, Baton Rouge Area Chamber, Greater New Orleans, Inc., Crowley Chamber of Commerce, Right on Crime, and many more.

During the year-long public discussion of the Task Force and the entire 2017 Regular Legislative Session where bills were debated, there were numerous public meetings held, including:

* Nine (9) public task force meetings;
* Twelve (12) public subgroup meetings;
* Multiple statewide victims’ roundtables;
* Community town hall meetings; and
* Two (2) task force meetings specifically reserved for stakeholder testimony at the request of the District Attorneys and Sheriffs.

*Fiction: “The offenders who earned ‘good time’ release are recidivating at a higher rate than those who serve their full sentences.”*

**FACT: In 2016, prior to the new laws being passed, the** [**recidivism rate**](https://s32082.pcdn.co/wp-content/uploads/2023/04/0c-Recidivism-Admission-and-Releases.pdf) **within one-year post release was 15%; in 2020, that rate was down to 11%.** The three-year post release data is similar. In 2016, the recidivism rate was 35%; in 2020, it was down to 30%. This means that fewer offenders are returning to prison after they are released. As reentry programming is expanded and offered to more incarcerated individuals, the recidivism rate is expected to continue to decline.

*Fiction: “Louisiana’s reentry programs are not working.”*

**FACT: According to the Louisiana Department of Corrections, first-year recidivism has decreased from 15% to 11% in the five years since the 2017 laws were enacted.** While there is still much to be done regarding reentry programming, this is a good starting point. Reentry programming isn’t available to all eligible offenders, particularly those housed in local jails. Also, while work has been done on reducing barriers to a successful reentry, such as ensuring that offenders have valid forms of government-issued identification, birth certificates, and social security cards upon release, improvements are still needed to ensure that all offenders receive these items in a timely manner, and that barriers to work are removed. The Louisiana Department of Corrections needs to significantly improve its data collection systems and begin collecting data on outcomes so that we know, without a doubt, which ones are working best and where improvements need to be made.

*Fiction: “Community supervision and probation is less effective than incarceration.”*

**FACT: Supervision can lead to positive results for justice-involved individuals, their families, and their communities.** The expanded use of alternatives to prison and increased services for those leaving prison has resulted in an increased reliance on community supervision, or probation and parole. Changes to require more community supervision for those who are more high-risk allows probation and parole officers to focus on services and support to provide resources to assist in their successful reentry.

*Fiction: “Crime has increased in Louisiana because of the 2017 reforms, and they need to be repealed to get public safety back on track.”*

**FACT: Crime in Louisiana has been**[**decreasing**](https://files.pelicanpolicy.org/wp-content/uploads/2022/12/Crime-in-Louisiana-Analyzing-the-Data-paper-12-1-22-Digital-2.pdf)**for some time now.** Property crime has been down since 2017. Violent crime rates in Louisiana remained relatively constant from 2014 through 2019, with a sharp increase in 2020 consistent with national trends during the post-COVID pandemic. This increase was driven primarily by increases in murder and aggravated assault. Robberies declined 25% from 2017 to 2020. Crime data experts are reporting that violent crimes are beginning to [decline](https://jasher.substack.com/p/murder-remains-on-track-for-a-large), both nationally and in Louisiana.

*Fiction: “Lawmakers must enact ‘truth in sentencing’ laws so that criminals are required to serve their full sentences to reduce the crime rate in Louisiana.”*

**FACT: “Truth in Sentencing” laws don’t give incarcerated individuals any incentive for engaging in** [**beneficial programs**](https://www.recidiviz.org/updates/the-consequences-of-truth-in-sentencing) **while in prison; they increase violence inside prison, and they increase recidivism upon release.**

“Truth in sentencing” laws have also shown to increase violence inside prison and increase recidivism upon release. Another consequence of these laws is that because individuals serve their full sentence in prison, they are released with no supervision, which then increases the likelihood that they will commit a crime again and return to prison.

[Earning good time](https://www.prisonfellowship.org/resources/advocacy/release/parole-and-credit-policies/) will reduce the amount of time that an individual spends in prison, but their entire sentence is still served on probation or parole. [Research](https://www.urban.org/urban-wire/six-myths-about-criminal-justice-reform) shows that individuals released from prison under supervision have the support and resources to assist in their successful reentry and reduce recidivism.

*Fiction: “Voters do not like the concept of reforms to the criminal justice system.”*

**FACT: A statewide**[**poll**](https://winwithjmc.com/wp-content/uploads/2023/04/Justice-Action-Network-Executive-Summary-2023-January-Release-Copy-V3.pdf)**of likely voters was conducted in January 2023 and showed that 70% of respondents agree that the length of sentence does not matter; what matters most is that the individual does not reoffend once released.**

Similarly, a national [poll](https://www.theadamsproject.org/decision-2024) and focus group of Republican voters was conducted between April and June of this year, and 69% of participants reported that the traditional criminal justice system does not work well. More than 80% of focus group participants agreed that punishment is only one piece of the criminal justice puzzle. They acknowledged that violent criminals must be incarcerated; however, they must have the chance to redeem themselves through effective reentry programming to get their lives on track once their sentence is complete. In addition, 61% of participants did not believe that incarceration for low-level non-violent crimes (such as loitering and drug possession) is effective.

*Fiction: “The criminal justice laws are insensitive to the victims of crime.”*

**FACT: Lawmakers increased funding for victims as a part of the new laws.** In fact, 20% of the savings realized from the reforms were dedicated to victims’ services provided by Louisiana Commission on Law Enforcement ([Act 261](http://www.legis.la.gov/legis/BillInfo.aspx?s=17RS&b=HB489&sbi=y)). There is also a Crime Victims Reparations Fund that reimburses crime victims for a variety of services, such as counseling, medical bills, lost wages or property, and even funeral expenses.

Since the laws have been in effect, additional changes have been made to the criminal justice system to assist victims with their cases through improved court case management, and notification when the offender is moved to a different facility or is being considered for probation, parole, or release.