States are facing problems with their correctional programs, including but not limited to issues of overpopulation and inadequate budgets. Some states, including North Dakota, have high ambitions to resemble the European prison system. Other states, including Alabama, Massachusetts and Utah are taking small steps toward progressive prison reform to save taxpayer dollars and possibly save lives.

The Missouri River Correctional Center in North Dakota, a minimum-security prison known locally as The Farm, has started to focus on rehabilitative measures to model itself after the Norwegian prison system—a system with two-year recidivism rates as low as 20 percent, much lower than the three-year recidivism rate of 67.8 percent found in the U.S. Reforms include baseball games between staff and “residents” (inmates are not called “prisoners”), field trips to local attractions, and freedom for the residents to roam the grounds during the day.

Leann Bertsch, the director of the North Dakota Department of Corrections and Rehabilitation, was inspired to implement such changes after a 2015 trip to Norway as part of the U.S.-European Criminal Justice Innovation Program. The environment of mutual respect between prisoners and staff and the successful rehabilitation measures found in Norwegian prisons motivated Bertsch to shift the focus away from lock-ups to an imitation of life on the outside. Prison violence has declined in her state as a result.

Advocates of progressive prison reform believe that the goal of incarceration should be to successfully reintroduce prisoners back into society, and part of that involves breaking down the barriers around mental health, financial instability, and lack of social and workforce skills that are often the reason a person returns to prison. However, critics of progressive prison reform argue that European models are not scalable to larger correctional programs as seen in the U.S. They also caution against reform that may soften crime laws too much and put victims’ interests at risk. Others add that reform is coming at an inappropriate time as the current opioid epidemic grips the country.

But some issues, including a rapidly increasing prison population and decreasing budgets, are causing some states to take smaller steps toward prison reform. In Utah, Gov. Gary Herbert and the Legislature chose the legislative route by changing first- and second-time drug possession violations into misdemeanors instead of felonies. The new law is projected to save the state $500 million over 20 years. The reform legislation also includes new stipulations for parole violations and re-entry specialists, who are meant to make the transition from prison to the outside world more successful.

Former Alabama Gov. Robert Riley saved his state an estimated $18 million after signing a law that limited incarceration for those who committed administrative errors but did not break any laws. Before the legislation, almost 25 percent of new inmates were placed in overcrowded cells in a system that was designed to hold 12,000 prisoners—not 30,000 as it does now. Over half of the new inmates were incarcerated for minor violations such as missed appointments or unpaid fines that did not result in a new offense. The new legislation not only saves taxpayer dollars, but also confronts the population problem.
In Massachusetts, both chambers of the state Legislature negotiated a reform bill to present to Gov. Charlie Baker. The Senate version of the bill sought to reduce or remove mandatory minimum sentences on drug offenses to give judges greater power in assigning appropriate punishments; to limit solitary confinement because it can be harmful to inmates’ mental health; and to lower the fee brackets on several offenses since low-income offenders are often jailed due to their inability to pay fines. The House version also sought to scale back mandatory minimum sentences, and to make it easier for some convicts to obtain employment and housing.

The compromised bill, Bill S.2371, was signed by Baker on April 13. It contained provisions from both sides, including the elimination of some mandatory sentences for drug dealers and requirements for better conditions for inmates in solitary confinement.

Across the board, states are facing difficulties as they struggle to find the balance between prison population control, budget cuts, rehabilitation and justice. There has never been a better time to call states the laboratories for democracy as they continue to experiment with new methods to help all citizens—those who obey the law, and those who don’t.

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