

REINVESTING IN LOUISIANA’S CRIMINAL JUSTICE SYSTEM

*Governor John Bel Edwards**

It is great to be here with you all today, especially among a group of students, administrators, and faculty at a Catholic institution concerned about social justice. As a lifelong Catholic raised by my mom and dad, I will tell you that social justice was *always* a subject at our supper table—a dinner table, as some of you would call it. As a Catholic, one of the highlights of my life thus far was traveling to Rome this past January where I had a private audience with the Pope to discuss human trafficking—what we can do in Louisiana to partner with the private sector, do more with our state agencies to combat human trafficking, but also to take better care of human trafficking victims. The victims of crime are not always those who suffer the direct consequences of crime. They can also be the children of the offender, and that is the focus of today’s symposium. It plays into the overall impact of criminal justice reform, which we successfully engaged in this year, changing the direction in the state of Louisiana where we had—for forty years—been going in the opposite direction. So I am excited about what we have done, and I am happy to be here to talk to you all about it.

I want us to think today about how children are affected by parents who come into contact with our criminal justice system, a space where we can find what are sometimes referred to as “collateral consequences.” In my days in the Army, we defined it

* The governor grew up in Amite, Louisiana as one of eight children. With four Tangipahoa Parish Sheriffs in his lineage, he learned the importance of public service at an early age. Governor Edwards graduated in 1988 from the United States Military Academy at West Point. The governor served eight years as an Airborne Ranger on active duty with the United States Army and commanded a rifle company in the 82nd Airborne Division at Fort Bragg, North Carolina. He went on to graduate Order of the Coif from Louisiana State University Law Center and set up a civil law practice in his hometown of Amite. In 2008, he was elected to the Louisiana House of Representatives from District 72, where he served for eight years until the voters of Louisiana elected him governor in November 2015. Governor Edwards and his wife, First Lady Donna Edwards, have three children: Samantha Bel, Sarah Ellen, and John Miller.

as “collateral damage,” but it is the same thing. I want to talk about what we are doing right to improve public safety but also think about some vulnerable and important people we need to do right by: our children. A civilized society is measured by how it treats its old, its young, and those who cannot otherwise take care of themselves. While we can never ignore the personal responsibility of the offender, we have to consider what the consequences of their bad choices are on their selves and their families, and what our obligations are, nevertheless, with respect to providing more opportunity.

We have to provide opportunity on the front end, whether it is education, jobs, or an opportunity for a better life. While we can never guarantee quality of outcomes, we better be in the business of guaranteeing quality of *opportunity*. Once somebody enters the criminal justice system, we have to determine whether continued opportunity is right for them, their family, and their community, and whether the state as a whole would benefit. This is a change in thought from what we did in Louisiana for a very, very long time.

As you may know, for many months over the last year I worked together with a large bipartisan group of legislators [to pass major sentencing and corrections reform], and a couple of them are here today—Speaker Pro Tempore Walt Leger, a good friend of mine; Representative Joe Marino, who is an Independent, is also here. I do not see any Republican authors here, but actually a majority of the bills were authored by Republicans, both in the House and in the Senate. The package, which I will discuss in more detail later, is projected to reduce our prison population by 10%, which is about 3,500 people, over the next ten years. We are projected to save \$262 million over the same time period while we improve public safety. In everything we do these days, we are asked to conduct an analysis on whether we are getting a return on our investment.

We are going to save money, reinvest money, and improve public safety. I am absolutely convinced of that because we are going to pursue proven strategies already adopted in other southern conservative states that target specifically nonviolent and non-sex offenders. My administration determined early on that we would take on the issue of crime and justice—as emotional and as personal as it is and as politically dangerous as that topic can be. We made it a priority for the state. In fact, when I ran for office, I said everywhere I went, to every group

that I spoke to, that Louisiana, by the end of my first term, would not have the highest incarceration rate in the nation because I have never believed that people in Louisiana are innately more sinister, more criminal, than people elsewhere. So why are we locking them up in such great numbers and keeping them there for so long when we are not safer as a result?

We needed to be bold. We needed to think big. And you have to be courageous because if you change the direction of where Louisiana has been going for forty years, then you set yourself up for criticism, especially from those who would want to take political advantage. There are already those who are engaging in fear mongering around the state of Louisiana. It is just a few folks, but they are doing it and giving factually incorrect statements about the process that led to criminal justice reform and the context of that reform. They either demonstrate a lack of understanding or an intentional misrepresentation about what we have done in Louisiana. But that is why it takes courage and that is why it took forty years to get it done.

We are not just thinking about big things, but also about small things—about individuals and families affected by crime, about the thin line that often exists between perpetrator and victim, and the smallest individuals of all who are caught up in this: our children.

The reforms we passed this year that are in the process of coming online will make us safer than we are today while doing less harm. This is true for everyone in Louisiana—our communities as a whole and families affected by crime and incarceration. We are all going to benefit.

In the most comprehensive and exhaustive study of our criminal justice system ever done, leading experts from Louisiana and around the country took a hard look at our criminal justice system. This is what they found:

We were imprisoning more of our citizens than any other state;

We were sending more people to prison for drug possession than any other crime;

We had cut behavioral health services in the communities around Louisiana;

Enormous numbers of people with addiction and mental health issues had landed in our jails and prisons without services to address the underlying causes of their behavior. Many of our citizens were simply being warehoused;

The system we had built was bloated, inefficient, and wasteful;

Too many crime victims said the system was inaccessible; and

Too many children and families were paying too high a price to further a misplaced sense of safety and security.

In addition, these experts found that, collectively, Louisiana is paying too high of a price in funding our corrections system. It costs \$700 million to run our Department of Corrections every single year to support that highest incarceration rate in the nation. The only two things we spend more on are healthcare and education.

Doing better was not only possible; it was absolutely necessary. We needed reform because a broken justice system leads to more crime, not less. We should always remember that even before these reforms were undertaken, 95% of the people in prison were going to get out. What were we doing to prepare them for successful reentry? If they are unsuccessful, you are creating more victims of crime. If you want to fight crime in the context of that system, you better do more to prepare people for successful reentry. That is where we were coming up short—woefully short. As a result, it led to injustices for individuals and whole communities, and ultimately to people losing faith in the criminal justice system altogether.

When we passed these reforms, we took a great leap forward towards building the system we want, rather than settling for the system we had built. The reform package passed by our legislature had an overwhelming bipartisan base of support. The package grew out of the rigorous work of the Justice Reinvestment Task Force, with members serving on that task force from all three branches of state government. It was chaired by the Secretary of the Department of Corrections, who worked for me, although the Task Force was formed in the last year of my predecessor's term. We had judges, legislators, and other stakeholders in the justice system serving as well. We had individuals from the Pew Charitable Trust, from the Louisiana Association of Business and Industry on one hand, to the ACLU on the other, all coming together for a common cause. That

should inspire confidence in you all because if you turn on the TV today you see where interest groups cannot even talk anymore, cannot get together. But it is still possible. That should inspire confidence that we can tackle all of our major challenges, both in this state and in this country, if we can be civil and engage in reasonable discourse. I know that it can happen. The task force faced a very real, daunting challenge in identifying reforms that responded to both what the data and evidence showed we were not getting right, and the concerns of stakeholders about changing too much too fast or not doing enough to get at the roots of our problems.

As [Representative] Joe [Marino] and [Representative] Walt [Leger] will tell you, we have some people saying we did not do enough, other people say we did too much. That means, to me, we got it about right. For those of you who will be practicing law, you will be settling cases one day. Some people will say you got too much and other people will say you got too little. That means you got it about right.

The key to getting this right was twofold. First, we had to be sure we were hearing from people who had a stake—in this effort—professionals working in our justice and corrections systems, people and families affected by it—with an open mind and a keen ear. Including, especially, crime victims. I only had one appointee on the task force. My appointee was Flozell Daniels from New Orleans, whose son was killed here in New Orleans. My one appointee to the task force was a crime victim. Second, we had to put our preconceived notions and accepted wisdom aside, and take a fresh look, with an open mind, at what the data and evidence made clear about where we were falling short.

There are a few organizations I specifically want to highlight for their valuable contributions to this dialogue: Voice of the Experienced, led by Norris Henderson, as well as Louisianans for Prison Alternatives; Nia Weeks, with Women With a Vision; re-entry coalitions in several of our major cities; business leaders from the Smart on Crime coalition and the Louisiana Association of Business and Industry; faith leaders, like Gene Mills with the Louisiana Family Forum; along with judges, law enforcement, corrections, district attorneys, courtroom attorneys, public defenders, victim advocates, and other practitioner groups. I thank these groups for their vision, leadership, effort, and energy in broadening our discourse on issues of criminal justice and public safety. It was truly a large and impressive coalition of

folks that came together.

Compromise was not easy, but it ultimately proved essential. Though the full slate of recommendations that the task force offered were not ultimately adopted into the bill package, legislators were able to craft a package of ten bills that yields most of the correctional population reductions and cost savings we knew were possible. The task force learned, for example, that more than half of annual prison admissions were people failing community supervision. People in Louisiana went to prison for drug, property, and other non-violent crimes at twice the rate of South Carolina and nearly three times the rate of Florida, but our overall crime rates are the same. The top ten crimes for which people were admitted to prison were all nonviolent, the most common by far being drug possession.

These sorts of data trends anchored the policy discussion and created a shared vocabulary that made it easier to reach consensus on what needed to change. The data trends also informed the assumptions behind projections of the future prison population with and without reform so that we could compare estimated taxpayer savings, not just in relation to what the numbers are today, but also what they would be in the future if we did not make the changes. This data-driven, forward-thinking approach allowed us to move beyond the conversations we had been having for many years about sentencing and corrections, and enact a comprehensive reform package to take us in a new direction. Altogether, six Republicans, two Democrats, and an Independent sponsored these bills. They include [Representatives] Walt Leger and Joe Marino. Joe has done a lot of criminal defense work, while Walt was a prosecutor here in New Orleans. Their abilities as legislators—their leadership abilities and their experience—were invaluable and integral to our success.

The reforms move us closer to some very important goals for public safety. In doing so, they also advance our related goal of keeping families together. The reforms give more people an alternative to prison—alternatives that are proven to be more effective in reducing recidivism. They reduce penalties for thousands of people who break the law in nonviolent ways, focusing prison beds on more serious crimes by targeting more severe penalties to escalating behavior. They eliminate mandatory minimum prison terms for drug and property crimes. In short, we are going to let judges be judges again. They give

some of our longest-serving prisoners a meaningful opportunity to be considered for release. They invest in services to protect and support crime victims, and give crime victims better access to decision-makers in courts, and a stronger voice with the Parole Board.

The reforms also clear away barriers to reentry for those coming out of prison. Part of what the task force found was that, for many people returning home following prison, the primary barrier to success was financial debt. Felony convictions were generally accompanied by thousands of dollars in fines and fees, which made it harder for people reentering the community and workforce to support themselves, much less their families. We are now aiming to address those obstacles by requiring courts to determine a person's ability to pay, creating standards for payment plans to hold people accountable, and rewarding people who make consistent payments with a debt forgiveness incentive. As a result of the reforms, more people returning home from prison will be able to get a job, get food and housing, pay their restitution and child support, and pay taxes.

More people getting out will have the resources they need to stay out for the long term. We know that often success on reentry is determined in the first seventy-two hours. I want you to think about that. An individual getting out of prison will often decide in the first seventy-two hours whether they are going to return to a life of crime or whether they are going to persevere. There can be no question that, for returning citizens who are raising children, the ability to do these things is essential to building or rebuilding a stable life. Just like we teach parenting classes all over the state of Louisiana, in different contexts and settings, we can do that in our prisons. Faith-based programs can be especially effective when used in conjunction with more frequent meaningful contact with children while they are still incarcerated. We simply have to break the cycle.

I know that judges, prosecutors, and everyone involved in the criminal justice system sees this too often: [incarceration] tends to run in families. If we want to do better going forward, we are going to have to break that cycle. Through the reform process, we learned, as a state, to expand our sense of what public safety means. To recognize that minimizing disruption and collateral damage to families, and strengthening communities most impacted by violence, goes a long way towards improving public safety. I am extremely proud of the work that we have

been able to do together on these issues, and we are taking steps to ensure that we continue to lead on criminal justice reform. This includes taking a hard look at how we are serving our children.

In Louisiana, an estimated 94,000 children—about 8% of our children—have had to cope with having a parent in jail or prison. Nationwide, the number exceeds 5 million. According to the *Times-Picayune*, that is a conservative estimate because it does not include those offenders who had children but were not living with their children at the time that they were incarcerated. As implementation continues, some of the most important questions we should keep returning to are:

Are we doing all we can, and all that we should, for our children? Is our justice system considering their needs in holding parents accountable?

Is there more that we can do to ensure that family bonds are upheld, even when a parent is behind bars, for instance, by supporting families who want to visit their incarcerated loved one in person?

What can the state do, and what do our cities and parishes need to do, to step up?

We have to keep these questions in mind going forward.

I have mentioned the bill Representative Leger sponsored. House Bill 489 is a linchpin of the broader justice reform package. Representative Leger's bill details how we will reinvest the savings we achieve by having fewer people in prison as we trim excessive sentences, divert more people from prison, and increase opportunities for people to demonstrate their readiness to return to our community—and to their families—through supervised parole. Reinvestment is the key because it is how we channel these reforms into positive change. How do we know? As I told you before, everything we did was modeled after what other conservative southern states did, but they did it years ahead of us. We had the benefit of their experiences and their experience is certainly instructive.

North Carolina, for instance, adopted sentencing and corrections reforms in 2011. This is what they have seen: with a 3% drop in their imprisonment rate in the years since they enacted their reforms, they have reinvested \$30 million of the savings and achieved a 20% drop in the crime rate. Similarly, in

Georgia, reforms adopted in 2012 have produced a 7% decline in their imprisonment rate. They have reinvested \$56 million of the savings and have experienced an 11% drop in crime.

Here in Louisiana, House Bill 489 requires that we redirect 70% of our cost savings into community-based alternatives, victim services, and recidivism-reduction programs. It mandates the collection of data so that we know how the reforms are going, what sort of results they are yielding, and what adjustments we might make in the future to be sure we are getting it right. Of the 70% savings, a portion will go to the Department of Public Safety and Corrections to award incentive grants to parishes, judicial districts, and nonprofit community partner organizations to expand evidence-backed prison alternatives and reduce admissions to the state prison system.

Another portion of the savings will be allocated to the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice to award competitive grants for victims services, including but not limited to victim safety assessments and safety planning, trauma-informed treatment and services for victims and survivors, shelters and transitional housing for domestic violence victims and their children, batterers' intervention programming, and victim-focused education and training for justice system professionals. The remaining part of the savings will go to the Department of Public Safety and Corrections for targeted investments in reentry services, community supervision, education and vocational programming, transitional work programs, and contracts with parish jails and other local facilities that house state prisoners to incentivize expansion of recidivism-reduction programming and treatment services.

The competitive grant process will be underway next year. At this point, we do not know exactly what programs are going to be funded through justice reinvestment. Community input will be indispensable to making these determinations. We already have some nonprofit community organizations making great strides, and the reinvestment process allows us to infuse even more resources towards identifying good ideas, getting worthy projects off the ground, and sustaining success going forward. The parameters of reinvestment I just described create a lot of space to boost programs that help meet the needs of children with incarcerated parents. Reducing recidivism and supporting victims of crime are the explicit goals of the reinvestment process.

They are both a means and an end. They are a means to strengthening our communities and minimizing the disruption and collateral consequences—the collateral damage—of incarceration. But they also provide an end in themselves: safer communities, stronger families, and minimizing the disruption and collateral consequences of crime.

Children whose parents are behind bars know better than anyone that crime and incarceration are not simple matters of “good guys and bad guys.” People are more complex than that. We are working to build a system that does more to recognize this complexity and that channels it towards a safer and more just state for all of us. I ask that you join in this effort, and that you make sure we move it successfully all the way through.

I also want to take a second to talk about Representative Joe Marino’s bill. It may seem paradoxical to you that, in order to help children and these families, maybe you have to relieve some of these offenders of their child support obligations. Not in terms of whether they meet them, but *when* they have to meet them. His bill was a very strategic look at that, and it is going to allow judges more flexibility to fashion the payment obligations of those offenders so we do not basically create debtors’ prisons, and we take the parents, primarily the father, of these children, and keep them in prison because they cannot pay child support. They are not going to pay it while they are in prison either, right? But we give them a chance to get a job and extend those payment obligations out in to the future. Ultimately [the children] are benefitted not just in having the monetary support, but also by having that relationship with their parent who is not incarcerated needlessly.

Even though it is common sense, the changes that I just talked about with the bills authored by Representatives Walt Leger and Joe Marino are politically perilous. It takes a lot of courage for people to bring those bills and to put their name on them.

I am asking all of you to stay involved. Get to know your legislators. You might even think about taking their job one day. If they are doing a good job, do it when term limits kick in. If not, run for office. Make sure you have a personal relationship with your state senator. Have a personal relationship with your state representative. You are always more effective if you create that relationship before you ever ask them to do something or to not do something. If they know you are their constituent, and you go

in and introduce yourself and tell them what types of things you are interested in, should you feel the need to contact them and have a conversation that they would allow you to do that, I promise you every one of them is going to say “yes.” And then when you go back to them with a specific concern, it will be much better received. I can say that because I spent eight years in the legislature and I know that is how it works.

Be engaged. That is what social justice is all about. Mercy has two component parts: compassion and forgiveness. Both of those are at issue in criminal justice reform. Forgiveness speaks for itself; it is pretty important, too. It is Matthew Chapter 6 where Jesus Christ told us how pray, and we are going to be forgiven as we forgive others. But compassion . . . You know I guess you have compassion if you see a situation and you say, “Boy, I wish that a certain situation was better. I hope that they do better. I am even going to pray that they do better.” But compassion takes on a totally different dimension if you stop and make it better. That is what social justice is about. That is what criminal justice reform is about: taking action to make things better. That is why it is important that we did it. I am very proud of the effort. I know we are going to have to make some tweaks going forward because we are not capable of getting it exactly right the first time. But I know that our state is headed in a much better direction, and I know that we are doing what we are called to do when it comes to showing mercy (which is one of the beatitudes that you will find in Matthew 5).

I want to thank you all for the opportunity to be with you this morning and ask that you not just keep in contact with your state legislators, but with me and my administration, too, if we can ever be of assistance to you.