



American Fight on Crime policy memo

THE ISSUE

Taxpayer dollars are wasted by the billions each year housing low-risk offenders for misdemeanors, non-violent crimes, and minor felonies. Each year, a significant portion of taxpayer dollars, amounting to billions, is inefficiently utilized to incarcerate individuals convicted of low-level petty crime. The existing procedures within the criminal justice system may inadvertently contribute to the perpetuation of criminal behavior, essentially fostering the development of career criminals. This approach is not only counterproductive but also constitutes a wasteful allocation of resources. Implementing policies that punish crime while also reducing repeat offenses is best

practice. Such policies would not only enhance public safety but also result in substantial cost savings for taxpayers, as the current system essentially leads to increased expenditure for diminishing community well-being.

As Mark Earley and Newt Gingrich have noted, "[j]ust as a student's success isn't measured by his entry into high school but by his graduation...celebrating taking criminals off the street with little thought to their imminent return to society is foolhardy."

IMPACT

Conditional probation, as described here, offers an alternative to imprisonment for specific low-risk offenders. When executed proficiently, it offers three key benefits: firstly, it upholds punishment for criminal actions, avoiding a lenient "slap on the wrist" approach and compelling individual accountability; secondly, it provides low-risk offenders with essential skills to deter recidivism and facilitates their active involvement in society; and thirdly, it reduces costs for taxpayers.

Extensive and costly sentences are essential and inevitable for individuals involved in serious offenses; however, the same may not be applicable to low-level, non-violent offenders. In such cases, conditional probation might be a viable option. These interventions can effectively diminish the chances of repeat offenses. Consequently, in certain instances, society's objectives for public safety can be realized without incurring the expenses associated with incarceration, reentry facilitation, or the pursuit and re-imprisonment of offenders who have transitioned into a pattern of criminal behavior.

The effectiveness of conditional probation can be significantly enhanced by incorporating risk assessments, which consist of targeted questions aimed at predicting

the likelihood of an individual reoffending. These inquiries may encompass factors such as age, criminal history, employment status, substance use history, and the age at which the first offense occurred. Administering a risk assessment tool at the initiation of probation allows for a tailored determination of the requisite level of supervision based on the assessed risk factors.

Traditional probation, as it has been used, does not incentivize good behavior. This creates low morale, and offenders may feel participation in the probation program is fruitless. Pessimistic attitudes may lead to the repeat of certain behaviors. Conditional probation will incentivize consistent good behavior.

SOLUTIONS

- First, in lieu of sending low-risk offenders to prison, conditional probation allots offenders a chance to remain in their communities. Low-risk offenders agree to this bargain during sentencing. Forgoing imprisonment is only contingent upon the successful completion of the conditional probation. Should they fail to meet the requirements of their conditional probation, the probation will be breached and the offender will be incarcerated.
 - Offenders will enter the conditional probation program for a minimum 2 years. Longer probation periods are contingent upon crime committed and risk assessment of offender.
 - During probation period offenders remain in their communities under strict supervision.

- Offenders will meet with Probation officer monthly, and social worker bi-weekly for home check-ins.
- Second, because probation allows offenders to keep jobs and earn income, it increases the likelihood that they will be able to pay restitution to victims, and actively participate in society, lowering risk of recidivism.
 - Offenders must adhere to course requirements such as, but not limited to, anger management, conflict resolution, and rehab.
 - Certain offenders must take and complete job training and adult education courses, and will be assisted in securing a full-time job.
 - Offenders will be required to maintain the job for a minimum of a year. Participating employers in the program will report on performance directly to probation officers.
 - Certain offenders will be placed on gun-ban lists, behavioral watch lists, travel-ban lists, and driver suspension lists.
 - If these requirements are not met, this will result in a breach of probation. Three breaches of their conditional probation voids the probation, at which time they are detained for the duration of their original prison sentence.
 - Offenders who show a record of good behavior, consistent attendance at required courses, and meet at required times with probation officer will be given more leniency. This can be, but is not limited to, reduced supervision over time, partial liberties restored like removal from travel bans to certain regions, and behavioral lists.

- Third, because probation is significantly cheaper than incarceration, it can be a cost-effective form of rehabilitation. In New York City, the Annual cost of incarceration grew to \$556,539 a person per year – or \$1,525 each day, this was just 2021. Administrative costs of probation are about 5 times less.
 - Certain offenders who meet an income requirement may not have to pay probation fees. Making someone who may be poor, pay money they don't have could exacerbate their condition.

CONCLUSION

In addressing the inefficiencies and financial strain of incarcerating low-risk offenders for minor offenses, the American Fight on Crime Plan advocates for conditional probation as a pragmatic alternative. This approach ensures that consequences for criminal actions are maintained, emphasizing individual accountability and reducing the likelihood of recidivism through skill-building. The plan's three-pronged impact includes upholding punishment, equipping offenders with essential tools, and providing substantial cost savings for taxpayers.

It must be noted that society as a whole can greatly benefit from this plan. There are hundreds of thousands of open jobs in the country that need filling, often general labor or industrial. Participating employers not only help themselves fill open positions by taking on low-risk offenders but also help offenders create a better life for themselves while bolstering our economy and filling a need in our job market.

The proposed solutions focus on the implementation of conditional probation, allowing offenders to remain in their communities under strict supervision while participating in rehabilitation programs. By integrating risk assessments and emphasizing education and job training, the plan aims to create a holistic and effective approach. Recognizing the financial aspect, the plan highlights the cost-effectiveness of probation over incarceration, promoting a more sustainable strategy for the American criminal justice system.