



A Handbook for Employers



**FROM TAX BURDENS TO TAX PAYERS:
Why Hiring the Previously Incarcerated
is Right on Crime**

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INTRODUCTION

Ninety-five percent of all individuals held in prisons today will be released and will return to our communities.¹ According to the National Reentry Resource Center’s latest statistics, in 2015, “641,000 people who had been sentenced to state and federal prison were released.”² In Louisiana, the Department of Corrections reports 18,000 people are released each year.³ Their ability to obtain full employment is vital to their success in moving from being tax burdens to tax payers.⁴ Recidivism rates in Louisiana indicate that within five years, nearly 43 percent of individuals with criminal records will return to prison, either for violating the conditions of supervised release or for committing a new crime.⁵ This translates into nearly half of the 18,000 released each year winding up back in prison. One of the most effective ways for a person to successfully return to society from prison is to obtain a good paying job soon after release.

Many companies, including Home Depot, Koch Industries, and Starbucks, have made efforts to hire certain individuals with a criminal history. Yet, based on a variety of circumstances, it can be difficult for employers to make the decision to hire those with a criminal background and understandably so. Through this brief “how to” handbook, Right on Crime wishes to equip employers with information that will help them understand there are many benefits in hiring those with criminal records, not only for individuals and employers, but also for public safety and society as a whole.

The ability of those with criminal records to obtain full employment is vital to their success in moving from being tax burdens to taxpayers.



PROFILE OF THE TYPICAL PERSON WITH A CRIMINAL RECORD

According to the Louisiana Department of Corrections (LDOC) 2017 demographic profile, of those presently incarcerated, 94.2 percent are male and 5.8 percent are female.⁶ They are likely to have served time at least two or three times with average sentences of three to five years over their lifetime. The average age of these individuals range from mid-20's to mid-30's.

With 81 percent of inmates lacking a high school diploma or equivalent upon entering the system, the LDOC has focused on providing GED programs in all of the state facilities and established GED programs in a number of local jails.⁷ Additionally, the majority of individuals released from prison will likely have been employed prior to incarceration and are afforded job readiness skills training through reentry programming and vocational technical skills training through a partnership with the Louisiana Community and Technical College System.⁸

While this partnership exists presently only in state facilities, there are plans to expand the provision of job skills training into local facilities, where a large number of inmates who would normally be in DOC facilities are housed due to overcrowding. This will be possible due to prison savings from [sweeping legislation](#) that was passed and signed by the governor in 2017.⁹ Additionally, reentry courts that have been established in the parishes of Jefferson, St. Tammany, East Baton Rouge, and Orleans, send their participants to Louisiana State Penitentiary at Angola for a two-year intensive program whereby certifications and licenses are obtained in welding, auto body and repair, electrical, plumbing, and construction trades. There are plans to establish smaller programs modeled after the Angola program to provide skills training for low-risk first-time offenders.



EMPLOYING INDIVIDUALS WITH CRIMINAL RECORDS PROVIDES ECONOMIC STABILITY FOR FAMILIES

Sixty-five percent of individuals released from prison in Louisiana are parents. According to Secretary James Le Blanc of the LDOC, 94,000 children in the state have an incarcerated parent.¹⁰ According to a Rutgers study, half of the children with incarcerated parents in the U.S. are under the age of 10.¹¹ Louisiana's overall poverty rate is 20.2 percent. However, for Louisiana households with children ages 5 to 17 years, the percentage jumps to 27.2 percent.¹² Given Louisiana's historically high incarceration rate

(second highest in the country), it is no surprise that children of the incarcerated are most likely to be living in households that have incomes below the poverty threshold of \$24,000 for a family of four.¹³

One of the most effective solutions to poverty is for adults in the household to be employed in a good-paying, stable job. When they hire individuals with criminal records, employers provide benefits not only to these individuals, but also to their families and children. Economic stability makes it less likely that individuals with criminal records return to criminal activity and allows them to model a positive work ethic for their children. Additionally, they gain self-respect, improve their mental health, and are offered the opportunity to develop strong positive relationships through their work.¹⁴ Individuals leaving prison have stressed the importance of having a job in order to avoid criminal activity. Employers are in a special position to support these individuals and help them become contributing members of their families and communities.¹⁵

WHY EMPLOYMENT SHORTLY AFTER RELEASE IS IMPORTANT

Obtaining employment is an important step in reintegration into the community where individuals with criminal records will live. Employment is a strong contributor to recidivism-reduction efforts as it helps individuals with criminal records focus their time and efforts on prosocial activities, protecting them from involvement in criminal behavior.¹⁶ A recent recidivism study in three states (Illinois, Ohio, and Texas) indicated that of the 740 respondents interviewed eight months after release, more of the participants in the study had successfully found employment than at two months post-release with 65 percent being employed at some point since release.¹⁷ The study also noted that less than half were actually employed at the time of the study interview. The study also noted that “while the majority reported that their criminal history made the job hunt more difficult, 80 percent of employed respondents said their employer knew about their criminal history.”¹⁸ The reasons given for not readily obtaining employment ranged from lack of training, lack of knowledge as to where to look for work, to lack of persistence in applying for jobs. This study also indicated that those employed shortly after incarceration and making a wage of at least \$10.00 an hour were half





as likely to return to prison within the first year as those making minimum wage.¹⁹

BARRIER TO EMPLOYMENT—BACKGROUND CHECKS & EMPLOYER LIABILITY

Individuals with criminal records face a number of barriers when trying to reintegrate into society. One of the hardest obstacles to overcome is the reluctance of employers to hire someone with a criminal background.²⁰ Another concern of employers who use background checks is protection from any liability that could stem from hiring an individual with a criminal record. Below is important information for employers who have these concerns.

Criminal Background Checks

Research backed by the National Institute of Justice (NIJ) has shown that most employers are reluctant to hire applicants with criminal records. According to the NIJ, in a study conducted in New York City, “a criminal record reduced the likelihood of a callback or job offer by nearly 50 percent (28 percent for applicants without a criminal record versus 15 percent of applicants with).”²¹ With the widespread use of criminal background checks (more than 80 percent of U.S. employers perform checks on prospective employees), individuals with criminal records are often deemed unemployable before they can get a face-to-face interview.²²

What Employers Should Consider

Criminal background checks are an important tool that all employers can utilize especially if they are hiring individuals to work with vulnerable populations such as children or the elderly. There has been little guidance for employers about interpreting what a background check actually indicates or when it would be considered “safe” to overlook past criminal records when considering someone for a particular job.²³

A recent report titled *Redemption in an Era of Widespread Background Checks* studied when criminal history should no longer be a determining factor in employment.²⁴ According to this widely published and referenced study, employers have historically relied on an arbitrary number of years after which the relevance of a criminal record should expire, usually five, seven, or ten years.²⁵ However, the NIJ study utilized actuarial estimates to create a model for providing empirical evidence on when someone with a criminal record has been “clean” long enough (sufficient length

When they only look at a background check to make a hiring decision, employers may miss out on hiring a good employee based on an inaccurate analysis of the risk to their company.

of time from any criminal activity) to be considered employable.²⁶ The study indicates that depending on the nature of the crime, the probability of new arrests for those with previous criminal activity does decline at varying years (3.8 for burglary, 4.3 for aggravated assault, and 7.7 for robbery) and eventually will become as low as the general population.²⁷ In another well-cited study on recidivism of individuals with criminal records, Miles Harer, Ph.D., found that the longer an individual was out of prison, the lower the incidence of recidivism was.²⁸ Harer noted that the failure rate dropped from 29 per 1,000 releasees in the 1st month after release to 2 per 1,000 in the 36th month.²⁹ Harer also cites the efficacy of educational attainment as a deterrent to recidivating. Except for a small increase in the recidivism rate between those with no more than an eighth-grade education and those with some high school, the recidivism rate steadily decreases from 54.6 percent for those with some high school to 5.4 percent for those with a college degree.³⁰

When they only look at a background check to make a hiring decision, employers may be missing out on hiring a good employee based on an inaccurate analysis of what that history actually means in terms of reoffending or risk to their company.

EMPLOYER LIABILITY—PROTECTING EMPLOYERS FROM EMPLOYEE WRONGDOING

In recent years, several states have enacted legislation that holds employers harmless from misdeeds an employee who has a criminal background may commit. In Louisiana, during the 2014 legislative session, R.S. 23:291(E) was enacted, patterned after Texas legislation passed in 2013. It protects employers from negligent hiring and supervision liability in many claims based solely on an employee's past criminal convictions.³¹ Exceptions apply if the employee's actions are substantially related to the nature of past crimes, or if the employee was convicted of a specified crime of violence or sex offense.

What Employers Should Consider

This law gives employers a certain level of protection when they hire someone with a criminal background. It also serves as a guide for determining the proper fit for a position based on the individual's background. Additionally, some other questions for employers to consider when contemplating hiring someone with a criminal background, as provided by the Michigan Department of Corrections are³²:



- What is the relevance of the offense to the job being applied for?
- How long ago did the offense(s) occur? (Research supports that after seven years of law-abiding behavior the individual has the same level of risk as someone who does not have a criminal record.)
- What is the seriousness of the offense and was it work-related?
- What has the person accomplished since being convicted of an offense (job skills, life skills, drug treatment, further education)?



BENEFITS TO EMPLOYERS WHO HIRE INDIVIDUALS WITH CRIMINAL RECORDS

Worker Opportunity Tax Credits³³

The Work Opportunity Tax Credit (WOTC) is a federal program available to employers who hire individuals from certain groups, including individuals with criminal records. WOTC is just one tool designed to help people move into gainful employment and obtain on-the-job experience. It joins other tax credits, education, and workforce training and development programs that help American workers with barriers to employment prepare for good jobs, ease their transition from job to job, benefit from the creation of effective regional economic development strategies, and create high-performance workplaces. For individuals with criminal records, the tax credit is based on qualified wages paid to the employee for the first year of employment. Qualified wages are capped at \$6,000. The credit is 25 percent (\$1,500) of qualified first-year wages for those employed at least 120 hours but fewer than 400 hours, and 40 percent (\$2,400) for those employed 400 hours or more. The IRS Form 8850 and the ETA Form 9061 must be completed and mailed to the WOTC Processing Unit within 28 days of the employee's start date. Pertinent forms mentioned above can be found on the IRS website at <https://www.irs.gov/forms-pubs/form-8850-pre-screening-notice-and-certification-request-for-the-work-opportunity-credit>.

Federal Bond Program³⁴

The U.S. Department of Labor (DOL) created the Federal Bonding Program (FBP) in 1966. The FBP has been successfully providing fidelity bonds to employers, giving them access to job

seekers and opening doors of opportunity to proper employment.

Thousands of employers across the country have integrated the FBP into their hiring practices, in industries that support our country's economy—hospitality, retail, construction, transportation, auto repair, manufacturing, health care, nonprofits, banking, tourism, and more. This DOL program has had over 52,000 job placements made for at-risk job seekers who were automatically made bondable, with 774 bonds issued to 606 individuals last year.

The FBP, a unique hiring incentive tool, targets individuals whose backgrounds can pose significant barriers to securing or retaining employment, including:

- Individuals with criminal records
- Individuals in recovery from substance-use disorders
- Welfare recipients
- Individuals with poor credit records
- Economically disadvantaged youth and adults who lack work histories
- Individuals dishonorably discharged from the military

The bonds issued by the FBP provide protection for employers who want to hire individuals that may face certain challenges to employment, such as criminal backgrounds, prior substance abuse, or no work history. Employers can obtain the bonds—starting at \$5,000 face value—free of charge as an incentive to hire these special applicants; coverage is for the first six months of employment. The FBP bond insurance was designed to reimburse the employer for any loss due to employee theft of money or property:

- NO special application form for job seeker to complete
- NO bond approval process
- NO federal regulations covering bonds issued
- NO papers for employers to submit or sign
- NO follow-up or required termination actions
- NO deductible in bond insurance amount if employee dishonesty occurs
- NO bondee age requirements (other than legal working age in state)

The Federal Bond Program Has Achieved a 99% Success Rate

Since the inception of the program over 50 years ago, bonds have been activated only 1% of the time. The truth is the **Federal Bonding Program** has introduced talented, dedicated, and passionate employees to their employers with many successful outcomes.



Bonds can be applied to:

- ANY job
- ANY state
- ANY employee dishonesty committed on or away from the work site
- ANY full- or part-time employee paid wages (with federal taxes automatically deducted from pay), including individuals hired by temp agencies. Self-employed people cannot be covered by fidelity bonds

Employers can contact the state bonding coordinator through the Louisiana Workforce Commission:

Thomas Levatino, Bonding Service Coordinator

1001 N. 23rd St., P.O. Box 94094

Baton Rouge, LA 70804-9094

Phone: 225-342-2939 **Fax:** 225-342-3282

Email: tlevatino@lwc.la.gov

HIRING INDIVIDUALS WITH CRIMINAL RECORDS PUTS EMPLOYERS IN GOOD COMPANY

A number of large and small companies hire individuals with criminal records across the U.S. Below is a sample of national companies and Louisiana businesses explaining why they employ individuals with criminal records.

KOCH INDUSTRIES

Koch Industries is committed to creating products and providing services that improve people’s lives. They believe businesses should do the same for their employees and their communities. Koch decided to “ban the box” by removing the questions about a criminal record from their job applications. This is aligned with Koch’s desire to find the best employees regardless of past mistakes and to more easily comply with the patchwork of state and municipal ban-the-box laws in the various states where Koch has a presence. Employers are engaged in a global competition for talent and need the best employees, not just the best employees without a criminal record.

To date Koch Industries has hired hundreds of people with criminal records. Leadership at Koch Industries is committed to a culture of opportunity for all qualified individuals and to creating value for society and for employees. Koch’s philosophy is that all businesses have a stake and a role to play in providing meaningful

“Nobody should be defined by their worst day. Everyone who paid their debt to society and wants to work hard deserves a fair chance.”

—Mark V. Holden,
Koch Industries
General Counsel

employment for those seeking a second chance and that considering qualities beyond a criminal record is a smart business practice.

MANDA FINE MEATS, INC.

We started employing individuals from various work-release programs in our local area and found that some of these individuals wanted to remain with us after they were released. We gave them this opportunity, and we have found that these individuals are some of our most loyal and reliable employees. We do not differentiate between people with criminal records and other individuals within our organization. Participating in these work-release programs has enabled us to create a workforce that is both helpful and reliable.

“At Manda Fine Meats we believe in giving people a second chance!”

—Ronny Webb,
Plant Manager

TURNER INDUSTRIES

At Turner we have had good experiences with those who have criminal records. The training these folks receive is the same curriculum used in our high schools, technical colleges, and apprentice training centers. With this training, the fit for our industry is perfect. These folks have the need and desire to perform the task at hand to improve their lives and the life of their families.

“By not giving them a second chance we are overlooking a valuable source of qualified talent.”

—Wayne Tyson, Turner
Industries Workforce
Development Manager

WHY INDIVIDUALS WITH CRIMINAL RECORDS MAKE OUTSTANDING EMPLOYEES

As stated previously, employment soon after release from prison or jail is a major factor preventing an individual from returning to criminal activity. Additionally, not being employed can negatively affect the this individual’s family whose economic status may have already been compromised while their loved one was incarcerated. However, beyond the intrinsic societal factors of employment and economic stability, employers hiring individuals with criminal records may actually experience lower employee turnover, saving their company thousands of dollars each year.³⁵ In addition, many may be on probation or parole adding a level of accountability that can serve as a safety net for the employer. Individuals with criminal records will have to report frequently for drug testing, and they must keep a job to stay out of jail or prison. (A list of general probation and parole requirements is found in **Appendix 1.**)

Michigan-based Butterball Farms experienced a shortage of workers (see sidebar on next page), and Louisiana has been in the same predicament in the area of skilled workers for their

“We’ve found that just by us giving that opportunity [of employment], a lot of people so appreciate it that what we get back as a company in return is much greater than what we ever gave in the beginning,” says Bonnie Mroczek, chief talent officer for Butterball Farms.

Butterball is a leader in the effort to get more so-called released offenders into stable employment. But its original motive wasn’t strictly altruistic, says Mroczek. Twenty years ago, Butterball was having trouble filling positions and wanted to expand the applicant pool. The company discovered ex-offenders were great workers with lower turnover rates on average than other employees.”³⁷

—*The Guardian*

construction/industrial dependent economy. According to the National Skills Coalition, through 2024 Louisiana will experience job openings of 20 percent for high-skill jobs, 54 percent for middle-skill jobs and 20 percent for low-skill jobs. Further, 57 percent of Louisiana’s job market requires at least middle skills, and only 47 percent of the state’s workers are trained to that level.³⁶

Considering the staggering needs for skilled workers that Louisiana continues to grapple with, employers who consider hiring individuals with criminal records can find individuals who have used their time in prison productively by participating in any number of life skills and job training opportunities found in Louisiana prisons. According to the LDOC’s website, the following skills training are provided to the state population with a criminal record:

Soft Skills Training – Inmates approaching release are required to complete a 100-hour, pre-release, life skills program that includes modules in job readiness, money management, parenting/family relationships, communication, victim awareness, and substance abuse prevention.

Job Skills Training – Job skills training and employment readiness are major components of successful reentry by a person with a criminal record. A significant percentage of individuals who enter prison are not employed at the time the crime was committed. The utilization of vocational-technical programs by inmates will greatly improve their marketable skills. A model program has been established through the specialized Reentry Courts at Louisiana State Penitentiary at Angola whereby highly-skilled mentors are utilized to enhance the training development in automotive and construction training classes to assist non-skilled inmates in attaining an Industry-Based Certification (IBC) in their chosen field of training. Certifications through the National Center for Construction Education and Research (NCCER) and the Automotive Service Excellence (ASE) are offered to inmates as they complete the training program to assist them in attaining employment after release.

A satellite campus of New Orleans Baptist Theological Seminary (NOBTS) has been in place at Louisiana State Penitentiary at Angola for over 15 years and offers inmates faith-based course work leading to an associate or bachelor’s degree in theology. This program has proven to enhance the social and quality-of-life skills needed for this population.

Through a partnership with the Louisiana Community & Technical College System (LCTCS), inmates are able to earn college credit in vocational-technical training fields. Vocational-technical education programs focus on the development of entry-level employment skills for inmates through classroom instruction and hands-on training.

Certified Treatment and Rehabilitative Programs (CTRP) – Over the last decade, the LDOC has organized and standardized programs and services in state prisons addressing criminogenic needs and to better prepare inmates for a successful reintegration into their communities. In 2010, as some local jails began to offer these programs to inmates, the LDOC instituted the “Certified Treatment and Rehabilitative Program” certification process to insure the programs implemented in state prisons and local jails were evidence-based and standardized. Inmates are provided the opportunity to participate in a variety of evidence-based programs designed to address criminogenic risks and needs identified in their reentry risk/needs assessment, ensuring inmates are obtaining programming that best suits their individual situations.³⁸

CONCLUSION

The fundamental intent of Right on Crime in providing this handbook is to assist employers in making informed decisions when considering individuals with criminal records for employment in their companies. Right on Crime engages in criminal justice reform because we wish to move the sphere from a zero-sum model of punitive engagement to a mutual-benefit model of restitution and rehabilitation while ensuring public safety. We also have a strong belief and support for preserving the family. Providing those released from prison opportunities for employment benefits individuals, their families (especially children), as well as the communities in which they return to live, work, and raise children.





THE CONSERVATIVE CASE FOR CRIMINAL JUSTICE REFORM

1. Public Safety

Although crime has declined in recent years, more than 10 million violent and property crimes were reported in 2012. Because government exists to secure liberties that can only be enjoyed to the extent there is public safety, state and local policymakers must make fighting crime their top priority, including utilizing prisons to incapacitate violent offenders and career criminals. Prisons are overused, however, when nonviolent offenders who may be safely supervised in the community are given lengthy sentences. Prisons provide diminishing returns when such individuals emerge more disposed to re-offend than when they entered prison.

2. Right-Sizing Government

Nearly 1 in every 100 American adults is in prison or jail. When you add in those on probation or parole, almost 1 in 33 adults is under some type of control by the criminal justice system. When Ronald Reagan was president, the total correctional control rate was 1 in every 77 adults. This represents a significant expansion of government power. By reducing excessive sentence lengths and holding nonviolent offenders accountable through prison alternatives, public safety can often be achieved consistent with a legitimate, but more limited, role for government.

3. Fiscal Discipline

The prison system now costs states more than \$50 billion per year, up from \$11 billion in the mid-1980s. It has been the second-fastest growing area of state budgets, trailing only Medicaid, and consumes one in every 14 general fund dollars. Conservatives must address runaway spending on prisons just as they do with education and health care, subjecting the same level of skepticism and scrutiny to all expenditures of taxpayers' funds.

4. Victim Restoration

In 2008, Texas probationers paid \$45 million in restitution to victims, but prisoners paid less than \$500,000 in restitution, fines, and fees. Making victims whole must be prioritized when determining appropriate punishments for individuals with criminal records. The criminal justice sys-

tem should be structured to ensure that victims are treated with dignity and respect and that they may participate in the criminal justice process and receive restitution.

5. Personal Responsibility

With some 5 million individuals with criminal records on probation or parole, it's critical that the corrections system hold these individuals accountable for their actions by holding a job or performing community service, attending required treatment programs, and staying crime- and drug-free. When the system has real teeth, the results can be dramatic: Individuals with criminal records subject to swift, certain, and commensurate sanctions for rule violations in Hawaii's HOPE program are less than half as likely to be arrested or fail a drug test.

6. Government Accountability

More than 40 percent of individuals with criminal records return to prison within three years of release, and in some states, recidivism rates are closer to 60 percent. As Newt Gingrich and Mark Earley have asked, "if two-thirds of public school students dropped out, or two-thirds of all bridges built collapsed within three years, would citizens tolerate it?" Corrections funding should be partly linked to outcomes and should implement proven strategies along the spectrum between basic probation and prison.

7. Family Preservation

According to *National Review*, "40 percent of low-income men who father a child out of wedlock have already been in jail or prison by the time their first son or daughter is born." The family unit is the foundation of society. In a society in which too many young men are incarcerated, marriage rates are depressed and far too many children grow up in single-parent homes. Instead of harming families, the corrections system must harness the power of charities, faith-based groups, and communities to reform individuals with criminal records and preserve families.

8. Free Enterprise

The Constitution lists only three federal crimes, but the number of statutory federal crimes has now swelled to around 4,500. This is to say nothing of the thousands of bizarre state-level crimes, such as the 11 felonies in Texas related to the harvesting of oysters. The explosion of





non-traditional criminal laws grows government and undermines economic freedom. Criminal law should be reserved for conduct that is blameworthy or threatens public safety, not wielded to regulate non-fraudulent economic activity involving legal products.

RIGHT ON CRIME STATEMENT OF PRINCIPLES

As members of the nation’s conservative movement, we strongly support constitutionally limited government, transparency, individual liberty, personal responsibility, and free enterprise. We believe public safety is a core responsibility of government because the establishment of a well-functioning criminal justice system enforces order and respect for every person’s right to property and life, and ensures that liberty does not lead to license.

Conservatives correctly insist that government services be evaluated on whether they produce the best possible results at the lowest possible cost, but too often this lens of accountability has not focused as much on public safety policies as other areas of government. As such, corrections spending has expanded to become the second fastest growing area of state budgets—trailing only Medicaid.

Conservatives are known for being tough on crime, but we must also be tough on criminal justice spending. That means demanding more cost-effective approaches that enhance public safety. A clear example is our reliance on prisons, which serve a critical role by incapacitating dangerous offenders and career criminals but are not the solution for every person with a criminal record. And in some instances, they have the unintended consequence of hardening nonviolent, low-risk offenders—making them a greater risk to the public than when they entered.

Applying the following conservative principles to criminal justice policy is vital to achieving a cost-effective system that protects citizens, restores victims, and reforms wrongdoers:

- 1.** As with any government program, the criminal justice system must be transparent and include performance measures that hold it accountable for its results in protecting the public, lowering crime rates, reducing re-offending, collecting victim restitution, and conserving taxpayers’ money.
- 2.** Crime victims, along with the public and taxpayers, are among the key “consumers” of the criminal justice system; the

victim's conception of justice, public safety, and the offender's risk for future criminal conduct should be prioritized when determining an appropriate punishment.

3. The corrections system should emphasize public safety, personal responsibility, work, restitution, community service, and treatment—both in probation and parole, which supervise most offenders, and in prisons.

4. An ideal criminal justice system works to reform amenable offenders who will return to society through harnessing the power of families, charities, faith-based groups, and communities.

5. Because incentives affect human behavior, policies for both offenders and the corrections system must align incentives with our goals of public safety, victim restitution and satisfaction, and cost-effectiveness, thereby moving from a system that grows when it fails to one that rewards results.

6. Criminal law should be reserved for conduct that is either blameworthy or threatens public safety, not wielded to grow government and undermine economic freedom.

7. These principles are grounded in time-tested conservative truths—constitutionally limited government, transparency, individual liberty, personal responsibility, free enterprise, and the centrality of the family and community. All of these are critical to addressing today's criminal justice challenges. It is time to apply these principles to the task of delivering a better return on taxpayers' investments in public safety. Our security, prosperity, and freedom depend on it.

STATEMENT OF PRINCIPLES SIGNATORIES

Jeff Aftwater, Former Senate President, FL

Donna Arduin, Arduin, Laffer & Moore

Bob Barr, Former Prosecutor and U.S. Congressman

David Barton, WallBuilders

Gary Bauer, American Values

Ken Bell, Former Supreme Court Justice, FL

William J. Bennett, Former Secretary of Education

Allan Bense, Former Speaker of the House of Representatives, FL

Ken Blackwell, Former Secretary of State, OH

Connor Boyack, Libertas Institute

Adam Brandon, FreedomWorks

Susan Broderick, Former Assistant District Attorney

Matthew J. Brouillette, Commonwealth Foundation

Jeb Bush*, Former Governor, FL

Dominic M. Calabro, Florida TaxWatch

Jon Caldara, Independence Institute

Dean Cannon, Former Speaker of the House of Representatives, FL

Michael Carnuccio, Oklahoma Council of Public Affairs

Brad Cates, Former Federal Prosecutor

Chuck Colson (1931-2012), Prison Fellowship Ministries

Ward Connerly, American Civil Rights Institute, Former Regent of University of California

Ed Corrigan, Conservative Partnership Institute

Joshua Crawford, Pegasus

Steve Crisafulli, Former Speaker of the House of Representatives, FL

Monica Crowley, Ph.D., Fox News Political Analyst

Ken Cuccinelli, Former Attorney General, VA

Deborah Daniels, Former U.S. Attorney, Assistant U.S. Attorney General

Doug Deason, Deason Foundation

Allison DeFoor, Former Sherriff of Monroe County & Judge, FL

Jim DeMint, Former Senator, SC

Craig DeRoche, Prison Fellowship Ministries

Donald Devine, Former Director of the Office of Personnel Management

John J. DiLulio, Jr., University of Pennsylvania

Viet Dinh, Georgetown University Law Center, Former U.S. Assistant Attorney General

Richard Doran, Former Attorney General, FL

Mark Earley, Former Attorney General, VA

Robert Ehrlich, Former Governor, MD

Erick Erickson, Founder, Red State

Daniel Erspamer, Pelican Institute

Luis Fortuño, Former Governor, PR

Andy Gardiner, Former Senate President, FL

Don Gaetz, Former Senate President, FL

Stephen Gele, Smith and Fawer

Paul Gessing, President, Rio Grande Foundation

Newt Gingrich, Former Speaker, U.S. House of Representatives

Tom Giovanetti, Institute for Policy Innovation

Rebecca Hagelin, Executive Committee of the Council for National Policy

Mike Haridopolis, Former Senate President, FL

Timothy Head, Faith & Freedom Coalition

John Hood, John Locke Foundation

Mike Huckabee, Former Governor, AR

B. Wayne Hughes, Jr., Businessman, Philanthropist

Asa Hutchinson*, Former U.S. Attorney, Administrator of the U.S. Drug Enforcement Agency

Henry Juszkievicz, CEO, Gibson Guitar

David Keene, Former Chairman of the American Conservative Union & National Rifle Association

George Kelling, Manhattan Institute

Bernie Kerik, Former Police Commissioner, NYC

Craig Ladwig, Indiana Policy Review Foundation

Jay Lapeyre, Laitram

Rabbi Daniel Lapin, American Alliance of Jews and Christians

Eli Lehrer, R Street Institute

George Liebmann, Calvert Institute for Policy Research

Raul Lopez, Men of Valor

Simone Marsteller, Former District Court of Appeals Judge, FL

Jerry Madden, Former Member, House of Representatives, TX

Mark Meckler, Citizens for Self-Governance

J. Robert McClure III, James Madison Institute

John McCollister, Platte Institute

Kelly McCutchen, High Impact Network of Responsible Innovators

Edwin Meese III, Former U.S. Attorney General

Gene Mills, Louisiana Family Forum

Charles Mitchell, Commonwealth Foundation

Cleta Mitchell, Former Member, Oklahoma House of Representatives, Attorney, Foley & Lardner LLP

Derek Monson, Sutherland Institute

Stephen Moore, Heritage Foundation

Russell Moore, Ethics & Religious Liberty Commission

Penny Nance, Concerned Women for America

Lisa Nelson, American Legislative Exchange Council

BJ Nikkel, Former Republican House Majority Whip, House of Representatives, CO

Pat Nolan, American Conservative Union Foundation

Grover Norquist, Americans for Tax Reform

Sal Nuzzo, James Madison Institute

Matthew Orwig, Former U.S. Attorney

Justin Owen, Beacon Institute

Star Parker, Center for Urban Renewal and Education

Tony Perkins, Family Research Council

Rick Perry*, Former Governor, TX

Jim Petro, Former Attorney General, OH

Sidney Powell, Former Federal Prosecutor

Jon Pritchett, Mississippi Center for Public Policy

Ralph Reed, Faith & Freedom Coalition

Kevin Roberts, Texas Public Policy Foundation

Stacie Rumenap, Stop Child Predators

Kris Steele, Former Speaker, House of Representatives, OK

Hal Stratton, Former Attorney General, NM

Kory Swanson, John Locke Foundation

Brenda Talent, Show-Me Institute

Larry Thompson, Former U.S. Deputy Attorney General

Mike Thompson, Thomas Jefferson Institute for Public Policy

Richard Viguerie, ConservativeHQ.com

Wansley Walters, Former Department of Juvenile Justice Secretary, FL

J.C. Watts, Former Representative, U.S. House of Representatives, OK

Will Weatherford, Former Speaker of the House of Representatives, FL

Joe Whitley, Former Acting U.S. Associate Attorney General and U.S. Attorney

Kyle Wingfield, Georgia Public Policy Foundation

Bob Williams, State Budget Solutions

Bob Woodson, Center for Neighborhood Enterprise

**Signatory Emeritus*





ACCOMPLISHMENTS TO DATE RIGHT ON CRIME—LOUISIANA

2017 Legislative Session:

Senate Bill 139 (Supervision Reform; Modified in 2018):

- Expands probation eligibility to third-time nonviolent offenders and first-time lower-level violent offenses.
- Expands eligibility of substance abuse probation programs and drug courts.
- Allows for parole eligibility for nonviolent/nonsexual offenses at 25% of sentence served and allows for prisoners convicted of nonviolent/nonsexual offenses to be “good time” released at 35% of sentence served.
- Streamlines parole for prisoners who were convicted of non-violent/nonsexual offenses who have successfully completed their case plan.
- Allows for parole eligibility for first time violent or sexual offenders at 65% of sentence served and good time release at 75% of sentence served.
- Lowers max probation terms for most nonviolent offenders to three years.
- Probationers can reduce their time through complying with probation terms.
- Expands Louisiana’s “swift, certain, proportional” sanctions model for probation and parole.
- Provides greater incentives for probationers and parolees to participate in recidivism reducing programming by increasing time allowed to be credited against the supervision term.

House Bill 249 (Fines and Fees Reform; Modified in 2018):

- Requires the court at sentencing (felony offenders) to determine whether full payment of fines and fees would cause themselves or their dependents financial substantial financial hardship. If found, the court is now able to waive fines and fees or create a payment plan.
- Requires that half of each payment goes towards restitution.
- Allows for “debt forgiveness” for those who pay every month for a year or half of their probation/parole term (whatever is longer).
- Allows for jail and driver’s license suspension only in cases of willful failure of payment.
- Restricts the court’s use of extended probation for failure to pay fines and fees to one six-month extension (certain circumstances) and only to pay restitution.

House Bill 489 (Justice Reinvestment):

- Increase reporting requirements based on package of reforms
- Requires seventy percent of realized savings from reduction in prison population go to recidivism-reducing programs and victims services grants

House Bill 116: Requires that victims can request for certain requirements for their safety as a condition of the offender’s release.

House Bill 519: Reforms outdated and onerous process for ex-offenders to apply and receive an occupational license.

House Bill 680: Suspends child support payments for certain inmates unless they have ability to pay.

House Bill 681: Lifts ban on SNAP and TANF benefits for ex drug offenders.

2018 Legislative Session

HB 622: Provides for the delay in the implementation from the fines and fees reforms bill from 2017. Was originally an additional two year delay but with the advocacy, it was reduced to August 2019.

SB 248: A bill that would have delayed implementation of “Raise the Age” legislation by two years was successfully cut only to one year.

SB 389: This bill was born from several rounds of negotiations regarding rollback efforts to the JRI package of 2017. More severe cuts to the JRI package died as Right on Crime and other supporters advocated zealously for the JRI package to remain intact. The provisions in the bill include:

- When restitution remains outstanding at the end of a probation term, it can be reduced to a civil money judgment while removing provision that allowed probation to be extended by six months for unpaid restitution.
- Current law capped probation to three years for 1st, 2nd, or 3rd convictions of a noncapital felony as long as certain provisions were met. Additionally, current law made earned compliance credits mandatory if conditions were met. The new bill allows for courts to extend probation (up to two years) to allow the person to satisfactorily comply with the terms of probation and allows for some discretion in the granting of earned compliance credits.
- Remove several prohibitions against incarceration for the lowest tier probation violations on the first or second violations.
- Makes the granting of “street time” for probation revocations discretionary.





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or all of them, at any time, by the probation officer or the parole officer assigned to him, with or without a warrant of arrest or with or without a search warrant, when the probation officer or the parole officer has reasonable suspicion to believe that the person who is on probation is engaged in or has been engaged in criminal activity.

Conditions of Parole:

1. Upon release, I will report no later than 48 hours to the Probation and Parole Office, Department of Public Safety, which is listed on this certificate.
2. I will submit a monthly report by the fifth of every month until I complete my supervision. I will also report to my Parole Officer when ordered to do so.
3. I will live at the address on this Certificate. If I must move from this address, I will get permission from my Parole Officer before doing so. In addition, I will not leave the State of Louisiana without written permission from my Parole Officer.
4. I will not engage in any criminal activity, nor will I associate with people who are known to be involved in criminal activity. I will avoid bars and casinos. I will refrain from the illegal use of drugs or alcohol.
5. I shall not have in my possession or control any firearms or dangerous weapons.
6. I will work at a job approved by my Parole Officer; if I become unemployed, I will immediately report this to my Parole Officer.
7. I will truthfully and promptly answer all questions directed to me by my Parole Officer.
8. I will submit myself to available medical, mental health or substance abuse exams, treatment or both when ordered to do so by your Parole Officer. Also, I will submit to drug and alcohol screens at my own expense.
9. I agree to visits at my residence or place of employment by my Parole Officer at any time. I also agree to searches of my person, property, residence, and/or vehicle, when reasonable suspicion exists that I am or have been engaged in criminal activity.

10. I will pay supervision fees in an amount set by the Louisiana Department of Corrections pursuant to the Louisiana Revised Statutes. Payments are due the first day of each month.
11. That I do hereby waive extradition to the State of Louisiana from any jurisdiction in or outside of the United States where I may be found and also agree that I will not contest any effort by any jurisdiction to return me to the State of Louisiana.
12. I understand that should my parole be revoked for any reason, I will forfeit all good time earned and/or any additional credits earned or could have earned on that portion of my sentence served prior to the granting of parole. I am to serve the remainder of my sentence as of the date of my release on parole.



ABOUT THE AUTHORS



Elain Ellerbe is the state director of Right on Crime in Louisiana. Her expertise includes over thirty years of business and non-profit management. For the past 20 years, Elain has focused her work in the area of prison reentry programming. Elain's expertise in this area and in programs that address the special issues facing families impacted by the criminal justice system have been recognized nationally and in Louisiana. In 2013, Elain was named to the Louisiana Justice Hall of Fame, along with her husband Michael, posthumously, for their lifelong work in the area of reentry. In 2014, Elain was selected by the Louisiana Women's Legislative Caucus as their Heroine of the Year for her commitment to assist the incarcerated and their families.

Elain holds a bachelor's degree in criminal justice and a master's degree in human services and counseling/criminal justice. She also holds certifications in a number of evidence-based programs to include Nurturing Parenting, Inside/Out Dad, Bridges Out of Poverty, and Moral Recognition Therapy.



Greg Glod is the manager of state initiatives for Right on Crime and a senior policy analyst at Texas Public Policy Foundation. Glod is an attorney who began his legal career as a law clerk for the Honorable Judge Laura S. Kiessling on the Circuit Court for Anne Arundel County, Maryland. He subsequently practiced at a litigation firm in Annapolis, Maryland, before joining Right on Crime and the Texas Public Policy Foundation. In 2010, he graduated from Pennsylvania State University with B.A. degrees in Crime, Law, and Justice and political science. In 2013, Glod received his J.D. from the University of Maryland School of Law.



ABOUT RIGHT ON CRIME

Right on Crime is a national campaign of the Texas Public Policy Foundation, in partnership with the American Conservative Union Foundation and Prison Fellowship, that supports conservative solutions for reducing crime, restoring victims, reforming offenders, and lowering taxpayer costs.



ABOUT TEXAS PUBLIC POLICY FOUNDATION

The Texas Public Policy Foundation is a nonprofit, non-partisan research institute. The Foundation promotes and defends liberty, personal responsibility, and free enterprise in Texas and the nation by educating and affecting policymakers and the Texas public policy debate with academically sound research and outreach.