



After the Fact | [Less Incarceration, Less Crime](#)

Originally aired March 21, 2017

Total runtime: 00:19:22

TRANSCRIPT

Adam Gelb, director, The Pew Charitable Trusts: “There really is a sea change in this attitude toward crime and punishment across the country over the past 10 years.”

[Music]

Dan LeDuc, host: That’s Adam Gelb. We’ll be speaking with him today about this episode’s data point: 13 percent. It signals a bit of a turning point in public safety in this country.

We’ll also be joined by special guests later in this episode who will tell us how research and data led to real change in corrections policies in South Carolina, where there are fewer people in prison and crime is down.

This is After the Fact, a podcast that explores the facts, numbers, and trends shaping our world. I’m Dan LeDuc and this new series is brought to you by the nonpartisan Pew Charitable Trusts, which works to improve public policy, inform the public, and invigorate civic life. And that’s what we hope to do here—offer some solutions to meet the challenges facing the world today, inform you a bit, and maybe invigorate our national conversation.

Dan LeDuc: Beginning in the 1970s, America’s prison population skyrocketed, rising nearly five times historic levels and reaching a point where one in 100 adults were behind bars. The growth was largely the result of state laws and policies that put more and more offenders behind bars and kept them there longer and longer.

But in recent years, states have begun embracing proven strategies that offer better ways to protect the public—which is, after all, the most important consideration. These strategies ensure offenders are held accountable, and that there’s a greater return on taxpayer dollars spent on prisons and corrections. In fact, since 2007, policymakers in 33 states have changed laws and adopted new policies, and it’s had an impact. Which leads us to this episode’s data point: since hitting that peak of one in 100 in 2007, incarceration levels nationwide are now down 13 percent.

Instead of trying to build their way to a safer society with more prisons, state leaders are reversing a trend that was costing them over \$50 billion a year. These new ways have been



embraced by policymakers across the country, and across party lines. They have allowed states to spend billions less on prisons, and all this has been happening while crime rates have continued to fall.

Here to tell how this new approach works are three guests. Two of them are in South Carolina, which has been a leader in these efforts. Bryan Stirling is the director of the state Department of Corrections and state Senator Gerald Malloy helped enact the changes. We'll hear from them in a few minutes. First, we're joined by Adam Gelb, director of Pew's public safety performance project. Its work in corrections policy has spanned a decade and Adam and his team are familiar figures in many state capitals, helping governors and legislators navigate these important and often controversial concerns.

Dan LeDuc: So the public safety performance project. Man, that's a mouthful. So tell us, what do you do?

Adam Gelb: Let me tell you what that really means. We try to help states figure out how to squeeze as much public safety as possible out of their corrections system. We want high-performing corrections systems that make sure that prisons are holding those people that we truly are afraid of and are steering lower-level offenders into alternatives that work better and cost less.

Dan LeDuc: Now, the reason we got into this is because there is an enormous prison population in this country. Over the last few decades, the numbers have soared. Tell us how we got to this point.

Adam Gelb: It's a long and very sad tale, quite frankly. In this country, we had what criminologists call the stability of punishment from the 1920s through the early 1970s, about a 50-year period when the incarceration rate ticked a little bit up, and down a little bit. But it was really flat for this long period of time. And then in the early '70s, it started skyrocketing and reached—about 10 years ago now, about 2007, 2008—a point where we had one out of every 100 adults in this country behind bars. And that's just a phenomenal number. Everybody thought that the best way to try to keep crime and drugs at bay was to lock up as many people for as long as possible.

So there were new laws passed that sent more people to prison, other laws that kept people in prison longer. And the accumulation of all this was this five-fold increase in the nation's incarcerated population. And not only the size of the population, but the enormous cost of it.



Dan LeDuc: OK, let's go back to this episode's data point, which is the 13 percent decrease in incarceration rates. That is progress in terms of the overall incarceration rate for the nation. But where does it fit in historically and what does it say about what may be left to do?

Adam Gelb: It means tens of thousands of fewer people locked up. It means billions of dollars saved in prisons that weren't built and other costs not incurred to taxpayers. But, at the same time, it means that there's still a long way to go. This is a rate that is still more than four times higher than those historical levels.

Dan LeDuc: Well, you spend a lot of time out in state houses, right? You're talking with legislators who are the folks who go to the Rotary Club meetings, who are out at the chicken dinners to meet their constituents. State legislators are probably some of the key people in this country who know the real pulse of the nation. But they're not hearing a huge pushback among the general public over making some of these changes. It seems like we've made a change as a nation, is what I guess I'm getting at.

Adam Gelb: That's exactly right. There really is a sea change in this attitude toward crime and punishment across the country over the past 10 years. Our project at Pew has worked in 33 states around the country at this point. And in many of these states, significant reforms—the sentencing and corrections policies, those very policies that sent people to prison for longer and kept them there longer—are being dialed back in many of these states with unanimous votes. So policymakers on both sides of the aisle are saying, “Enough is enough. We've got enough cells to keep the people who are serious, chronic, violent offenders locked up. But we really got to do a better job. And we, frankly, owe it to taxpayers to find lower-cost alternatives for these people who otherwise are just cycling in and out of these prisons and we're not accomplishing anything.”

Dan LeDuc: When we talk about corrections policy and the sort of research that you rely on, Adam, the word recidivism comes up a lot. What that basically means is sort of the revolving door of prison, right, people leaving and coming back. So more specifically, what does it mean and why is it important to know about that?

Adam Gelb: Well it's not that much more complicated than what you said. Recidivism is kind of a mouthful. But most people know what it means, and it's just simply the rate at which people come back to prison. And it is probably the central point of most of the conversations we have in the state.



But there's pretty much universal agreement that, for the people who are getting out the back end, we need to do a better job of helping them be successful and making sure they don't come back again and slowing that revolving door.

And here's the key point about this—that for all this huge increase in spending on corrections, from \$10 billion to over \$50 billion over the last 25 years or so, there has not been a detectable change in the national recidivism rate. And this is one of the things that is really convincing policymakers on both sides of the aisle that we're not getting good public safety return on investment, that we can't just continue to spin this revolving door around and around. We have to have more effective policies, practices, and programs.

Dan LeDuc: Well, a lot of the reason folks are spinning through that door is because they may be violating parole and probation conditions that have been placed on them and, in fact, end up serving more time for that infraction rather than the time they served for their original offense. So what does that say about how the system is working?

Adam Gelb: It says that the system has been geared toward catching people when they mess up rather than helping them succeed. And that's a dynamic that's got to change. Dan, about half of the people who return to prison go back for breaking the rules of their supervision, not for committing new crimes.

But the key point here, Dan, is that, and one of the most important findings in the research, is that there is very little connection between the amount of time you spend in prison and the likelihood that you will commit a new crime on the back end.

Dan LeDuc: Really?

Adam Gelb: This is where the assumption has been over the years, right, that if you lock somebody up for longer, they're going to learn their lesson better. And you're going to send a stronger message to the public at large that you shouldn't commit these crimes because there will be severe punishment. And what turns out to be the most important lesson from the research in crime and punishment is that the swiftness and certainty of responses to behavior of punishments, or rewards, are much more important than the severity of those punishments. And so this central fact is driving a lot of the policy change.

Dan LeDuc: So, again, getting this stuff through a legislature, any passage of a new law is a challenge. I mean, that's the nature of the process. That's the American system. But so who are the natural allies? Who are the natural skeptics when you're in a state?



Adam Gelb: At this point, there is an amazing array of supporters for smarter sentencing and corrections policies. There are business leaders who have come out in support of this and held huge convenings of business leaders across their state to say, “We shouldn’t be pouring our state tax dollars into these dead-end prisons. We should be instead redirecting this money to workforce development, to education, and making sure that our businesses and our state thrives.”

And we have now done a lot of polling and public opinion research across the country. People, on a general level, think that lower-level offenders should be in alternatives. And at a specific policy level, there are high levels of support across party lines, across regions of the country, and even in law enforcement households and victim households where people are saying, “We just want the revolving door to stop.”

And so there’s been a tremendous support across all these sort of nontraditional allies in this field for policies that reinvest prison savings into more effective programs that will change offender behavior.

Dan LeDuc: So we’ve gotten to 33 states. That’s two-thirds. How do you keep this momentum going? Perhaps it’s in the rest of the states. But even in the states where there has been progress, how does that sort of momentum continue? And what, if any, is Pew’s role in that?

Adam Gelb: You’re going to be talking shortly to two of those champions from South Carolina, people who were not necessarily even focused on this issue let alone dedicating their lives to it, have gone through this data-driven process and now have decided, “This is what I want to do with my life. I want to try to make sure that we have a more effective and more fair criminal justice system.”

It’s going to be the leadership and it’s going to be the leadership and the courage of folks who understand what’s at stake here. And if you do actually look at the data and look at the research you can make progress.

[Music]

Dan LeDuc: We turn now to someone who has shown that leadership and knows what’s been at stake in South Carolina—state Senator Gerald Malloy.

So, South Carolina has become a real national leader in changing its criminal justice system. How did that play out in your state, which we know is traditionally known for being very tough on crime?



Gerald Malloy: South Carolina had a tough on crime, not necessarily a smart on crime attitude. We had taken a lock them up and throw away the key approach, and we were somewhat of a lock them up society. We had a history of establishing new criminal offenses and stiff penalties based on reactions to headlines, instead of using what we know that we should be using now is evidence-based practices.

In 1983, what we found was that we had about 9,000 inmates. Well, in 2009, we were up to 25,000. We would expect to accumulate another 3,000 over the next five years.

When we were able to put the numbers together, the prison system was experiencing a record number of inmates. This was a tremendous burden on our system. And basically, we knew that we had to end up making some changes. So we had to put together some legislative initiatives to listen to these alternative solutions. And so once we could determine what the drivers were in the system, then we could effect some change that may come up with some good results.

Dan LeDuc: We sometimes forget that the only way you can make progress is often to have a set of facts that everybody agrees on, right? And then, you sort of figure out where to go forward from there. And it sounds like you created a process where everyone could sort of, in a transparent way, see what the facts were and then try to find a solution.

Gerald Malloy: This approach took the 'P' out of politics. It put it into people. So it brought all the stakeholders and put them in the same room and then we start having a discussion and that's how we figured out we could end up making progress. If you look at it from a cost perspective, in '83, our state had spent about \$63 million in prison operations. By 2008, which is under 25 years later, the costs had increased by more than 500 percent. And so we were bordering up on \$400 million then.

One driver that was critical was that about 44 percent of our people that were in prison during that time were in prison for 18 months or less. And so what we found was that we were locking up a lot of individuals, incarcerating a lot of individuals, for minor drug offenses, for property crimes, and for matters such as driving under suspension, non-DUI related. And so those were the individuals that we did not need in the prison system occupying the bed space.

So we reclassified crimes and we're happy to report now that after almost seven years looking back in South Carolina for the work that was done—I think we were the 11th highest incarcerated state in the country—and now we are 20th in South Carolina. We have averted our prison growth probably 14 percent. And so the number that I gave you earlier was almost 25,000. We're down now to about 20,700 average prison population in 2016. That's 14 percent less.



[Music]

Dan LeDuc: Of course, once the legislature passes these changes, they must be implemented. That job fell to the South Carolina Department of Corrections, which has been able to close six prisons. The department's director is Bryan Stirling.

Dan LeDuc: So, what are the markers that the legislature laid down for you to continue showing success?

Bryan Stirling: I think some of the markers are the cost savings, which is tremendous. We went through some tough times a couple of years ago with the recession. For the taxpayer, the cost avoidance was just under \$500 million. That's a lot of money. So I think some of the justice reinvestment money can go back in the prison system and some of the things that we've done with it have helped the recidivism rate. And I think made the state safer at less of a cost.

Dan LeDuc: South Carolina has been a real national leader in changing its criminal justice system. How did that play out in your state, which is traditionally known for being very tough on crime?

Bryan Stirling: Sure, and I still think we are tough on crime. And I frankly think putting someone in prison and feeding them three meals a day, giving them free health care, and a place to sleep as opposed to having them out on the street and requiring them to work, pay taxes, pay back their victims—that's really paying for their crimes. So I think that is actually a little harder on crime. I know incarceration is tough. Basically, in South Carolina, what we're doing is we are locking people up that we are afraid of and not that we're mad at.

One thing that listeners should know is our population flipped. It used to be 60 percent, roughly, give or take, nonviolent, and 40 percent violent. Now it's just the opposite. We have about 60 percent violent and 40 percent nonviolent inside our institutions.

Dan LeDuc: What's been public reaction in South Carolina to all this? You have been in state government for quite a while, and I'm sure you have a sense of public opinion out there. Are most residents aware of some of these changes, recognizing sort of the savings in tax dollars?

Bryan Stirling: I will tell you when we announce that we are closing prisons, people like the savings and tax dollars. They like less money going to the government, lower taxes. I can tell you people that are involved in law enforcement see this as a positive thing with a historically low recidivism rate, a low crime rate, less prisons being built, or no prisons being built, and prisons being closed. That's a win-win for the state and the citizens.



Dan LeDuc: Well, it is interesting in your state, your department isn't the department or bureau of prisons, it's the Department of Corrections. And there's a distinction there, right?

Bryan Stirling: There is. You know, prison is meant to be a punishment. But it's also an opportunity for the state to allow people to make the right decision, work hard, get their GED, get their work keys, things of that nature, build up their resume. There's a great societal cost when a crime is committed. So if we can give people the tools to be successful and they take advantage of it, then that's a win for the taxpayers, that's a win for public safety, that's a win for the prison system. It's a win for everybody.

We teach carpentry, plumbing, brick masonry, barber shop, auto body, auto painting, HVAC, just a few trades or apprenticeship programs. Those are all hopes. Someone goes out and has a welding certificate, I mean they can make \$60,000 to \$75,000 a year just out the door.

Well, there was one young man, they wanted him to get a job and he couldn't fill out the application. And they thought maybe he was illiterate, needed more education, couldn't read for various reasons. And finally someone figured out that he just couldn't see the paper. So they took him to a free clinic. They got him a free pair of glasses. And he went and applied for a job. And we'll probably never see him again.

Hope is key. When you take hope away from someone, especially in prison, they're going to lash out and they're going to hurt my officers or they're going to hurt other inmates, sometimes very badly. So building hope and keeping hope is very important.

Dan LeDuc: That's a hopeful note for us to end on. Thank you, Director Stirling. Earlier we also heard from Pew's Adam Gelb and state Senator Gerald Malloy.

[Music]

Dan LeDuc: If you'd like to learn more about Pew's public safety performance project and states' efforts to reform their criminal justice systems, go to pewtrusts.org/afterthefact. Please tune in for our next episode, when we'll talk with experts from the Pew Research Center about national attitudes on an important public health concern—childhood vaccinations. If you like what you've heard on this podcast, subscribe on iTunes and other streaming services. We'd like to hear from you, too, so write a review and let us know what you think. Thanks for listening. For The Pew Charitable Trusts, I'm Dan LeDuc, and this is After the Fact.

[Music]