



LAW ENFORCEMENT LEADERS

To Reduce Crime & Incarceration

Testimony: Senate Bill 220

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Dear Chairman Claitor, Vice-Chairman Perry and Honorable Members of Senate Judiciary Committee C:

I write today to offer testimony in support of the changes proposed in Senate Bill 220, which downgrades penalties for drug and property offenses. I believe these proposals will help our state reduce unnecessary incarceration and improve public safety.

It's no secret that when it comes to our prison system, our state is an outlier. Louisiana incarcerates more people per capita than any other state – including our tough-on-crime neighbors such as Alabama, Mississippi and Oklahoma.¹

Much of this population growth has been driven by mental illness and addiction. For decades, our prisons and jails have been forced to serve as substitute health facilities and our law enforcement officers as mental health or addiction professionals. We have neither the adequate training nor resources to provide mental health services. Yet, we are often the first responders to someone in the midst of a mental health or addiction crisis, and officers have little alternative to making an arrest. After the arrest, these offenders are incarcerated rather than treated for their underlying issue.

Jails and prisons are not a solution to mental illness, addiction. Few who need treatment receive it while incarcerated and as a result, when these people are released they are, at best, no better off than then they went in. When you add the stigma and legal barriers of a criminal conviction, they are, in all likelihood, much worse. This creates an ever-revolving door into our justice system at the expense of taxpayers and our communities.

Furthermore, every year, thousands of prisoners enter Louisianan prisons for property offenses.² In fact, according to the Justice Reinvestment Task Force findings, between 2006 and 2015, prison admissions for property crimes jumped 53 percent.³ In many cases these offenders are struggling with poverty, mental illness or stealing to feed their addiction.

While there must be sanctions for even the lowest-level property offenses, the punishment must be proportional to the crime. According to the Task Force findings, Louisiana's current felony-level penalties are out of step with most other states – fueling our bloated prison population and burdening thousands of offenders with the life-long burden of a felony conviction.⁴

There is no question that illicit drug use takes a toll on our communities and that we need to hold people accountable for even low-level petty theft. However, when crimes are driven by addiction, mental illness or poverty, overly harsh penalties do not effectively deter nor prevent future crime. Furthermore, it directs our finite prison and law enforcement resources away from focusing on the most serious and violent offenders – at the expense of public safety.

When considering these changes, Louisiana has the benefit of looking to other states that have successfully reduce penalties and seen a positive reduction in crime. For example, South Carolina reformed mandatory minimum sentencing for drug possession and enacted other reforms in 2010. In the next four years, the state saw a 9 percent decrease in the prison population and a 17 percent decrease in violent crime.⁵ And in 2012, the Georgia General Assembly increased the felony threshold for theft crimes and expanded use of sentencing alternatives. Since passage, Georgia's state prison population dropped by 10.3 percent; the state continues to enjoy historically low crime rates.⁶

Having spent my career in law enforcement, I know we can keep our communities safe without relying on arbitrary and excessive punishment. In fact, effective crime control is best achieved through a targeted approach that focuses correctional, law enforcement, and prosecutorial resources on finding and punishing the most violent offenders while diverting those more effectively served by other proven means outside the prison system. By lowering penalties for low-level drug and property offenses, SB 220 will enable us to reduce unnecessary incarceration in our state while making our communities safer.

Thank you for your consideration of this critical legislation. I look forward to continuing to work with you to improve justice and safety in our state.

Sincerely,



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Chairman, Law Enforcement Leaders to Reduce Crime and Incarceration
Former Police Superintendent, New Orleans Police Department

¹ E. ANN CARSON & ELIZABETH ANDERSON, BUREAU OF JUSTICE STATISTICS, PRISONERS IN 2015 9 tbl.6 (2016), <https://www.bjs.gov/content/pub/pdf/p15.pdf>.

² DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS 71 (2016), <http://www.doc.la.gov/media/1/Briefing%20Book/Jan%202017/recid.admis.rels.jan.17.pdf>.

³ See LOUISIANA JUSTICE REINVESTMENT TASK FORCE REPORT AND RECOMMENDATIONS 39 (2017).

⁴ See LOUISIANA JUSTICE REINVESTMENT TASK FORCE REPORT AND RECOMMENDATIONS 39 (2017).

⁵ See generally GREGORY NEWBURN, AM. LEGISLATIVE EXCH. COUNCIL, THE STATE FACTOR (Mar. 2016), <https://www.alec.org/app/uploads/2016/03/2016-March-ALEC-CJR-State-Factor-Mandatory-Minimum-Sentencing-Reform-Saves-States-Money-and-Reduces-Crime-Rates.pdf>. Compare PAUL GUERINO, ET AL., BUREAU OF JUSTICE STATISTICS, PRISONERS IN 2010 14 app. tbl.1 (2011), <http://www.bjs.gov/content/pub/pdf/p10.pdf> (showing 23,578 prisoners incarcerated in South Carolina in 2010) with E. ANN CARSON, BUREAU OF LABOR STATISTICS, PRISONERS IN 2014 3 tbl.2 (2015), <http://www.bjs.gov/content/pub/pdf/p14.pdf> (showing 21,401 prisoners incarcerated in South Carolina in 2014). Also compare UCR Data Online, UNIF. CRIME REPORTING STATISTICS, <http://www.ucrdatatool.gov/index.cfm> (providing crime statistics from 1960 to 2012 and showing the South Carolina violent crime rate was 602.2 per 100,000 people in 2010) with UCR Data Online, CRIME IN THE UNITED STATES, 2014 tbl.5 (2015), <https://ucr.fbi.gov/crime-in-the-u.s/2014/crime-in-the-u.s.-2014> (showing the South Carolina violent crime rate was 497.7 per 100,000 people in 2014).

⁶ Nathan Deal, *Georgia's Story of Redemption: Criminal Justice Reform is Saving Lives and Preserving Families*, WASHINGTON TIMES, Oct.18, 2016, <http://www.washingtontimes.com/news/2016/oct/18/georgias-criminal-justice-reform-saving-lives-pres>.