

Department of Public Safety & Corrections  
State of Louisiana

JOHN BEL EDWARDS  
GOVERNOR



JAMES M. LE BLANC  
SECRETARY

July 24, 2020

The Honorable Jay Dardenne, Commissioner  
Division of Administration  
Post Office Box 94095  
Baton Rouge, Louisiana 70804

The Honorable Mack "Bodi" White, Chairman  
Joint Legislative Committee on the Budget  
Post Office Box 44294, Capitol Station  
Baton Rouge, Louisiana 70804

Dear Commissioner Dardenne and Chairman White:

In accordance with LRS 15:827.3(A), the attached report from the Department of Public Safety & Corrections—Corrections Services is being provided to you regarding the statement of calculated annual savings for Fiscal Year 2019 – 2020 realized as a result of reforms to the criminal justice system.

In the report you will find the methodology used to calculate the savings, the actual final calculated savings, and that part of the calculated savings that represents a bona fide obligation of the State to be used for reinvestment. In summary, the department has calculated a savings of \$5.25 million in Fiscal Year 2019, of which 70%, or \$3.68 million, represents the bona fide obligation for reinvestment in Fiscal Year 2020 - 2021.

The continued support of the Division of Administration and the Legislature is greatly appreciated. Should you have any questions or need additional information, please contact Thomas Bickham, Undersecretary, at 225-342-6739.

Sincerely,

  
James M. LeBlanc, Secretary  
Department of Public Safety & Corrections

**Louisiana Department of Public Safety & Corrections –  
Corrections Services**



**Report to The Commissioner of Administration  
And The  
Joint Legislative Committee on the Budget  
Regarding  
Calculated Savings Realized from Criminal Justice Reform  
for Fiscal Year 2019-2020**

**July 24, 2020**

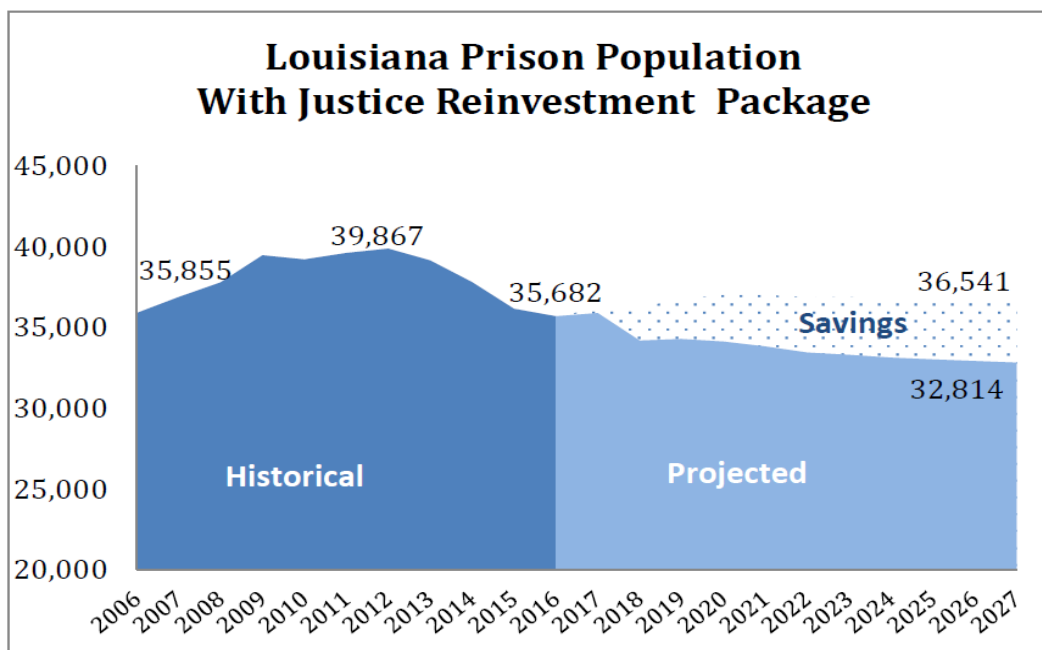
## **PURPOSE**

The submittal of this report by the Department of Public Safety & Correction—Corrections Services (DPS&C-CS) is in compliance with LRS 15:827.3(A), which states in part, “At the end of each fiscal year, the Department of Public Safety and Corrections shall provide to the Commissioner of Administration and to the Joint Legislative Committee on the Budget a statement of calculated annual savings realized as a result of reforms to the criminal justice system.”

## **METHODOLOGY FOR CALCULATING SAVINGS**

Pursuant to the work done by PEW in conjunction with the Louisiana Justice Reinvestment Task Force, the savings realized from criminal justice reforms are calculated as follows:

1. PEW predicted a monthly baseline population should the State continue as usual and not enact criminal justice reforms. The baseline population predicted by PEW was 35,919 at the end of October, 2017 and would gradually increase over the ensuing 116 months to 36,541 at the end of Fiscal Year 2027, resulting in an increase of 622 offenders as noted graphically below.



This projected increase in turn has a material effect on the calculated savings. However, applying a projected growth in the savings calculation essentially amounts to contingency budgeting/funding. Appropriately, the baseline population should be adjusted to the actual population on day before implementation (October 31, 2017), which was 35,961 offenders. The decision was made in the Fiscal Year 2018 report to use 35,961 as the baseline for all reporting going forward.

2. Subsequent to the implementation of the criminal justice reforms, the DPS&C-CS would compile ACTUAL end-of-month population reports
3. At the end of each month, DPS&C-CS compares the baseline population (35,961) against the actual post-implementation population, with the difference between the two constituting a reduction in the population and the basis for the savings
4. The actual monthly savings are then calculated by multiplying the difference between the baseline population and the actual population by the local level per diem of \$25.39 per offender per day and then multiplying by the number of days in the month. Calculations use the local level per diem as all population decreases were assumed to be at the local level.
5. Beginning in the Fiscal Year 2019 reporting period and each subsequent year thereafter, the savings from the previous fiscal years are subtracted out.

SPECIAL NOTE: Beginning in FY 2019-2020, the local level per diem increased to \$25.39 per offender per day. This was a \$1 increase from the previous per diem of \$24.39. As such the two previous years calculated savings were adjusted downward so as not to overstate the total savings.

6. The savings are then rolled up at the end of a fiscal year.

**CALCULATED SAVINGS FOR FY 2019–2020 AND THE EFFECTS OF THE COVID-19 PANDEMIC**

The COVID-19 Pandemic had a significant impact on the state prison population. The combination of halting reception in March, 2020, and the closure of the criminal courts shortly thereafter led to the situation where offenders were being released, but no new offenders were coming into the system. Over the last three months of the fiscal year (April - June) there was a decrease of 2,933 offenders. And although this decrease in population is good, the decrease could not be attributed to the criminal justice reform initiative.

For illustrative purposes, the final calculated savings for FY2019-2020 based on the methodology above and including the COVID-19 Pandemic impact on the population are:

| MONTH         | DOC TREND PREDICTED MO TO MO +/- | ACTUAL MO TO MO +/- | POPULATION 10/31/2017 | PROJ POST-CJR POPULATION | STATE ADJUST AVG (a) | DIFFERENCE | GRAND TOTAL OF RECURRING SAVINGS (b) | LESS REALIZED SAVINGS FROM PREV FYs | NET SAVINGS FY 20  | 70% Bona Fide Savings |
|---------------|----------------------------------|---------------------|-----------------------|--------------------------|----------------------|------------|--------------------------------------|-------------------------------------|--------------------|-----------------------|
| July-19       | -137                             | -347                | 35961                 | 31409                    | -740                 | 3812       | \$2,909,873                          | -\$2,207,625                        | \$702,248          | \$491,574             |
| August-19     | -110                             | 105                 | 35961                 | 31514                    | -740                 | 3707       | \$2,828,311                          | -\$2,181,248                        | \$647,063          | \$452,944             |
| September-19  | -83                              | 174                 | 35961                 | 31688                    | -740                 | 3533       | \$2,599,491                          | -\$2,234,002                        | \$365,489          | \$255,842             |
| October-19    | -59                              | 182                 | 35961                 | 31870                    | -740                 | 3351       | \$2,551,562                          | -\$2,096,987                        | \$454,575          | \$318,202             |
| November-19   | -55                              | -63                 | 35961                 | 31807                    | -740                 | 3414       | \$2,503,982                          | -\$2,352,700                        | \$151,282          | \$105,898             |
| December-19   | -97                              | -198                | 35961                 | 31609                    | -740                 | 3612       | \$2,744,915                          | -\$2,391,533                        | \$353,382          | \$247,368             |
| January-20    | -83                              | -196                | 35961                 | 31413                    | -740                 | 3808       | \$2,889,212                          | -\$2,634,789                        | \$254,423          | \$178,096             |
| February-20   | -80                              | 14                  | 35961                 | 31427                    | -740                 | 3794       | \$2,688,807                          | -\$2,554,925                        | \$133,882          | \$93,717              |
| March-20      | -42                              | -287                | 35961                 | 31140                    | -740                 | 4081       | \$3,100,632                          | -\$2,719,050                        | \$381,582          | \$267,107             |
| April-20      | -52                              | -1241               | 35961                 | 29899                    | -740                 | 5322       | \$3,929,998                          | -\$3,018,724                        | \$911,274          | \$637,892             |
| May-20        | -45                              | -1184               | 35961                 | 28715                    | -740                 | 6506       | \$5,008,034                          | -\$2,750,556                        | \$2,257,478        | \$1,580,235           |
| June-20       | -62                              | -508                | 35961                 | 28207                    | -740                 | 7014       | \$5,225,254                          | -\$2,861,194                        | \$2,364,060        | \$1,654,842           |
| <b>TOTALS</b> | <b>-905</b>                      | <b>-3549</b>        |                       |                          |                      |            | <b>\$38,980,071</b>                  | <b>-\$30,003,333</b>                | <b>\$8,976,738</b> | <b>\$6,283,717</b>    |

- (a) Due to the number of releases in November, 2017, and subsequent releases beds became vacant at the State level and are backed out of the savings calculation
- (b) GRAND TOTAL was adjusted downward proportionally to negate the effect of a \$1 per diem increase for FY20.

A more pragmatic approach to calculating the savings would be to “freeze” the actual decreases after March and use the predicted decreases in lieu of the actual decreases for April, May, and June to achieve a decrease of 905 offenders. The final calculated savings based on this approach are:

| MONTH         | DOC TREND PREDICTED MO TO MO +/- | ACTUAL MO TO MO +/- | POPULATION 10/31/2017 | PROJ POST-CJR POPULATION | STATE ADJUST AVG (a) | DIFFERENCE | GRAND TOTAL OF RECURRING SAVINGS (b) | LESS REALIZED SAVINGS FROM PREV FYs | NET SAVINGS FY 20  | 70% Bona Fide Savings |
|---------------|----------------------------------|---------------------|-----------------------|--------------------------|----------------------|------------|--------------------------------------|-------------------------------------|--------------------|-----------------------|
| July-19       | -137                             | -347                | 35961                 | 31409                    | -640                 | 3912       | \$2,988,582                          | -\$2,207,625                        | \$780,957          | \$546,670             |
| August-19     | -110                             | 105                 | 35961                 | 31514                    | -640                 | 3807       | \$2,907,020                          | -\$2,181,248                        | \$725,772          | \$508,040             |
| September-19  | -83                              | 174                 | 35961                 | 31688                    | -640                 | 3633       | \$2,675,661                          | -\$2,234,002                        | \$441,659          | \$309,161             |
| October-19    | -59                              | 182                 | 35961                 | 31870                    | -640                 | 3451       | \$2,630,271                          | -\$2,096,987                        | \$533,284          | \$373,299             |
| November-19   | -55                              | -63                 | 35961                 | 31807                    | -640                 | 3514       | \$2,580,152                          | -\$2,352,700                        | \$227,452          | \$159,217             |
| December-19   | -97                              | -198                | 35961                 | 31609                    | -640                 | 3712       | \$2,823,624                          | -\$2,391,533                        | \$432,091          | \$302,464             |
| January-20    | -83                              | -196                | 35961                 | 31413                    | -640                 | 3908       | \$2,967,921                          | -\$2,634,789                        | \$333,132          | \$233,192             |
| February-20   | -80                              | 14                  | 35961                 | 31427                    | -640                 | 3894       | \$2,762,438                          | -\$2,554,925                        | \$207,513          | \$145,259             |
| March-20      | -42                              | -287                | 35961                 | 31140                    | -640                 | 4181       | \$3,179,341                          | -\$2,719,050                        | \$460,291          | \$322,204             |
| April-20      | -52                              | -95                 | 35961                 | 31045                    | -640                 | 4276       | \$3,133,260                          | -\$3,018,724                        | \$114,536          | \$80,175              |
| May-20        | -45                              | -88                 | 35961                 | 30957                    | -640                 | 4364       | \$3,322,087                          | -\$2,750,556                        | \$571,531          | \$400,072             |
| June-20       | -62                              | -106                | 35961                 | 30851                    | -640                 | 4470       | \$3,287,489                          | -\$2,861,194                        | \$426,295          | \$298,406             |
| <b>TOTALS</b> | <b>-905</b>                      | <b>-905</b>         |                       |                          |                      |            | <b>\$35,257,846</b>                  | <b>-\$30,003,333</b>                | <b>\$5,254,513</b> | <b>\$3,678,159</b>    |

**BONA FIDE OBLIGATION: 70% OF CALCULATED SAVINGS**

LRS 15:827.3(A) & (B) goes on to state:

“A. ... For Fiscal Year 2017-2018, seventy percent of the savings shall be deemed a bona fide obligation of the state and shall be allocated by the department according to Subsection B of this Section. For Fiscal Year 2018-2019 and each fiscal year thereafter, fifty percent of the annual savings shall be deemed a bona fide obligation of the state and shall be allocated by the department according to Subsection B of this Section and twenty percent of the annual savings shall be deemed a bona fide obligation of the state and shall be allocated by the department for juvenile justice initiatives and programs.

B. The amount deemed to be a bona fide obligation pursuant to the provisions of Subsection A of this Section, except for the portion required to be allocated by the department for juvenile justice initiatives and programs, shall be allocated as follows:

- (1) Thirty percent shall be allocated 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.
- (2) Twenty percent shall be allocated to the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice to award competitive grants for victim 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.
- (3) The remainder shall be allocated to the Department of Public Safety and Corrections for targeted investments in reentry services, community supervision, educational and vocational programming, transitional work programs, and contracts with parish jails and other local facilities that house state inmates to incentivize expansion of recidivism reduction programming and treatment services.”

Per LRS 15:827.3(A) & (B), 70% of the calculated savings of \$5.254 million for FY 2019-2020 to be deemed a bona fide obligation is \$3.678 million. This bona fide obligation is to be applied in Fiscal Year 2020-2021 and allocated based on the following table:

| <b>FY 20 SAVINGS / INVESTMENT DISTRIBUTION FOR FY21</b> |             |  |             |            |              |             |
|---|-------------|--|-------------|------------|--------------|-------------|
| TOTAL SAVINGS   | 30% State   | 70% BONA FIDE OBLIGATION = \$3,678,159 |             |            |              |             |
|   |             | 20% OJJ                                | TOTAL       | 30% Grants | 20% LCLE Vic | 50% DOC Inv |
| \$5,254,513   | \$1,576,354 | \$1,050,903                            | \$2,627,257 | \$788,177  | \$525,451    | \$1,313,628 |

**CUMULATIVE SAVINGS**

The following table contains a report of all cumulative savings to date per fiscal year:

| <b>CUMALITIVE &amp; RECURRING SAVINGS / INVESTMENTS</b> |                     |                     |                    |                       |                    |                    |                     |
|---|---------------------|---------------------|--------------------|-----------------------|--------------------|--------------------|---------------------|
| FISXAL YEAR   | TOTAL SAVINGS       | 30% State           | 20% OJJ            | JUSTICE RE-INVESTMENT |                    |                    |                     |
|   |                     |                     |                    | TOTAL                 | 30% Grants         | 20% LCLE Vic       | 50% DOC Inv         |
| FISCAL YEAR 18  | \$12,203,000        | \$3,660,900         | \$0                | \$8,542,100           | \$2,562,630        | \$1,708,420        | \$4,271,050         |
| FISCAL YEAR 19  | \$17,800,333        | \$5,340,100         | \$3,560,067        | \$8,900,167           | \$2,670,050        | \$1,780,033        | \$4,450,083         |
| FISCAL YEAR 20  | \$5,254,513         | \$1,576,354         | \$1,050,903        | \$2,627,257           | \$788,177          | \$525,451          | \$1,313,628         |
| <b>TOTAL RECURRING</b>                                  | <b>\$35,257,846</b> | <b>\$10,577,354</b> | <b>\$4,610,969</b> | <b>\$20,069,523</b>   | <b>\$6,020,857</b> | <b>\$4,013,905</b> | <b>\$10,034,762</b> |

## **BONA FIDE OBLIGATION AND THE BUDGET FOR LOCAL HOUSING OF STATE OFFENDERS (LHSAO)**

The calculated savings and subsequent bona fide obligation are based on the local level per diem paid to Sheriff's and operators for housing State offenders. The source of funding for these payments is Schedule 20-451 of the Appropriations Bill, Local Housing of State Adult Offenders (LHSAO). With the savings calculated based on the population decrease at the local level, the source needed to satisfy the bona fide obligation portion of the calculated savings is Schedule 20-451.