



From Tough Justice to Smart on Crime



Criminal Justice Lessons from the Lone Star State

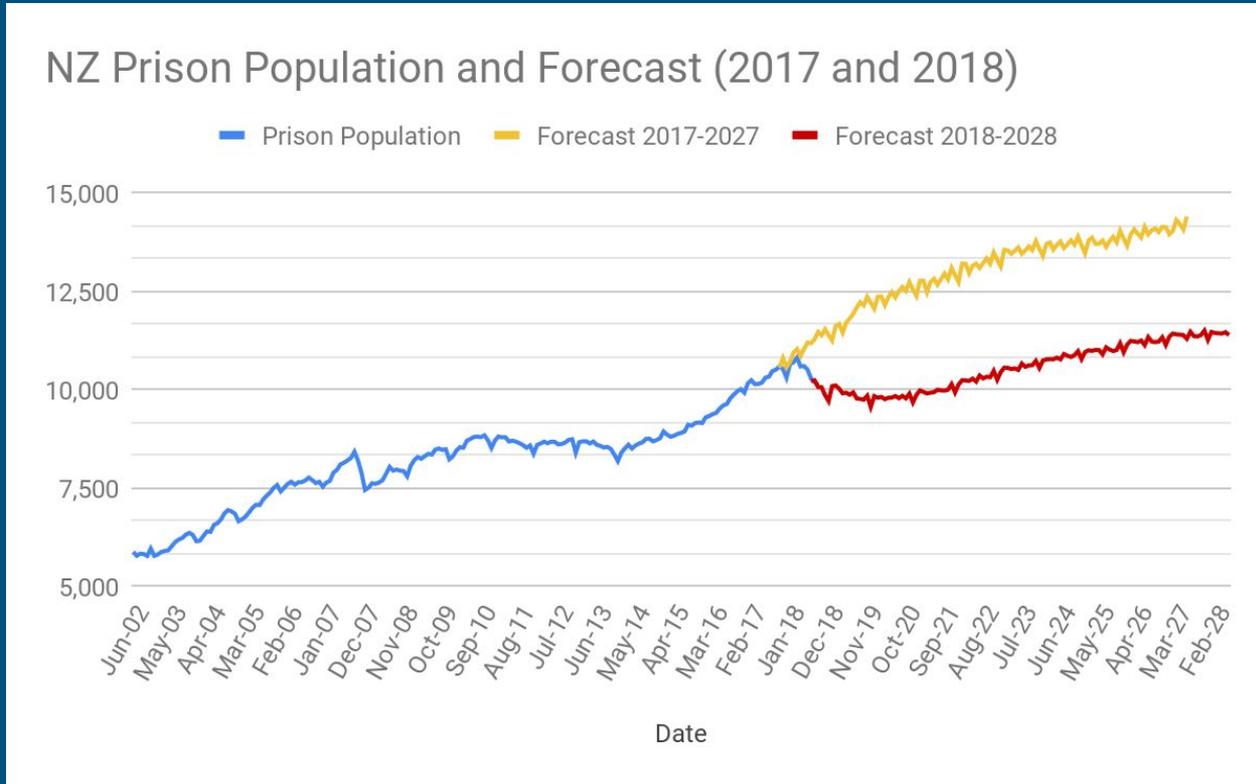


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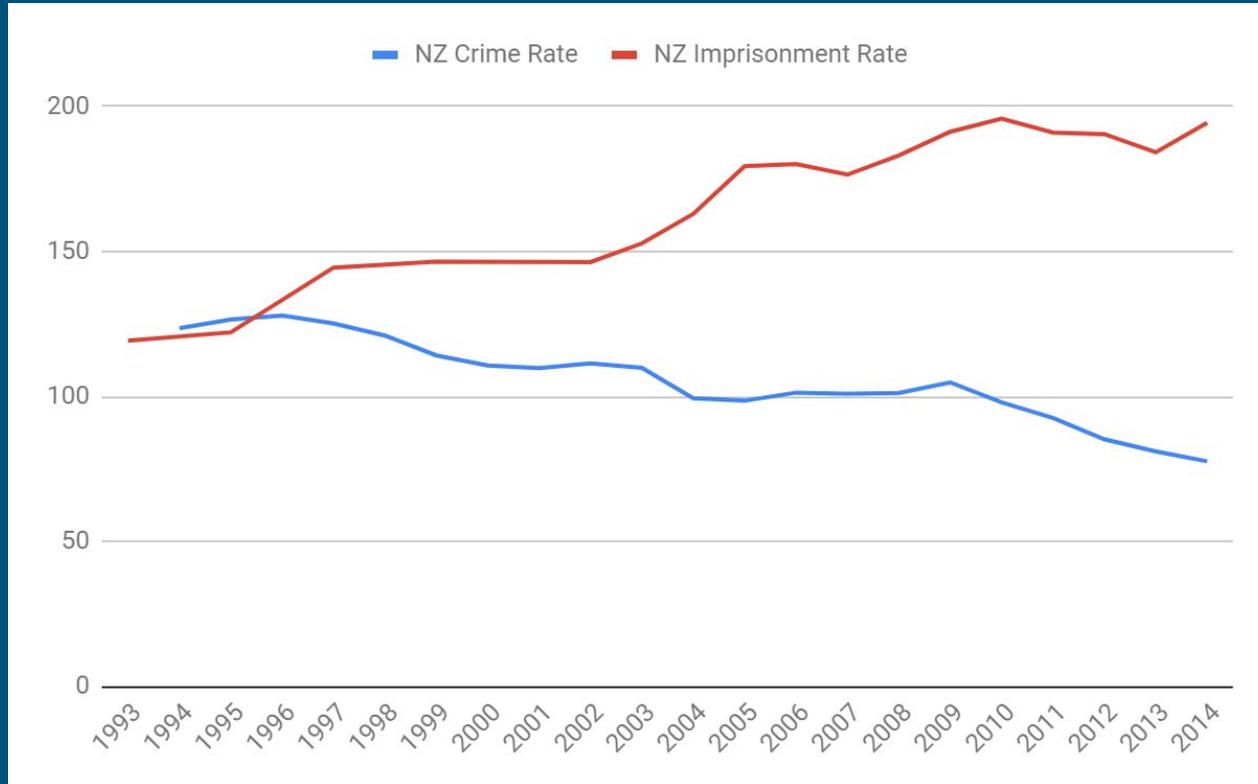
Note to readers

- This is one of two papers summarising an investigation of the lessons for New Zealand from Texas' criminal justice reforms
- This version provides a high level summary of the investigation, focussing on the key findings
- A more detailed version will be available from the Winston Churchill Memorial Trust - www.communitymatters.govt.nz, or by contacting the author - Ben Brooks: bpwbrooks@gmail.com.

Recent changes have had an effect, but the prison population is still expected to rise



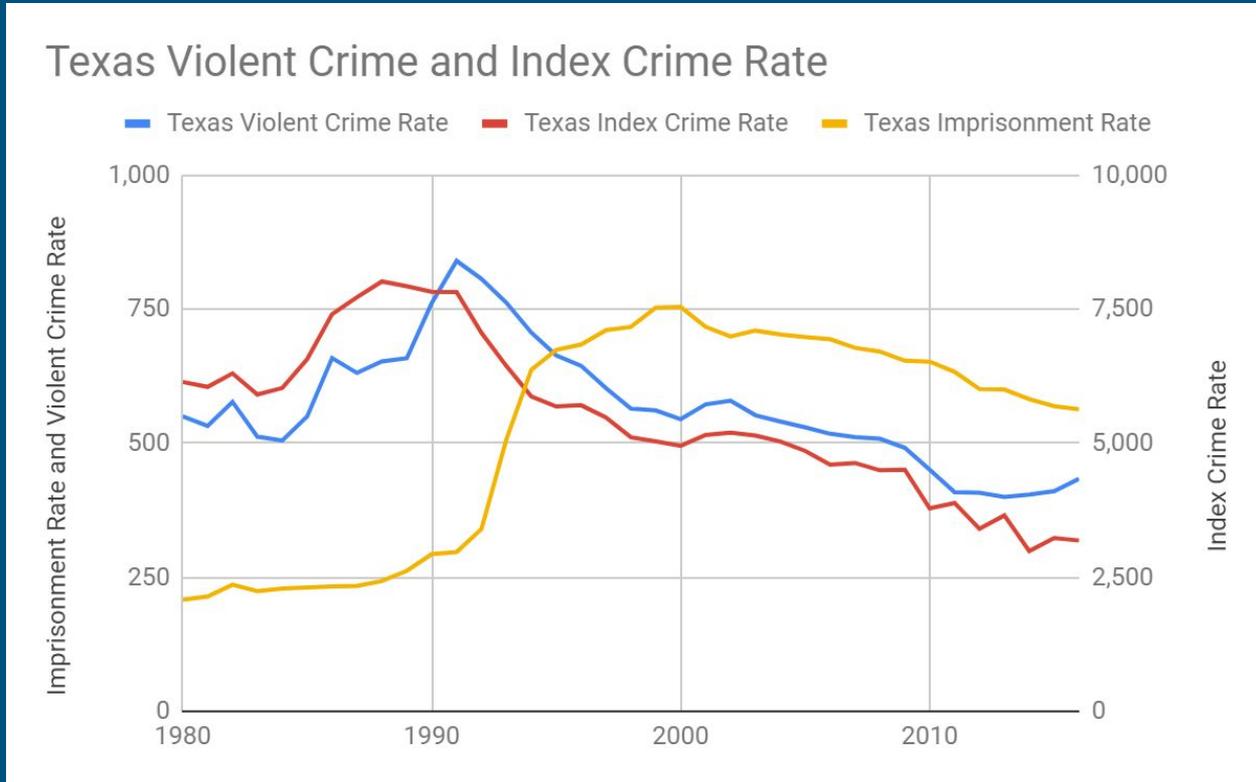
New Zealand has a lot less crime and a lot more people doing time



Other countries have lower levels of imprisonment and similar crime rates

- Australia's imprisonment rate is 30% less than ours
- England's imprisonment rate is 50% of ours
- NZ, England and Australia all have similar and declining murder rates

Texas has reduced imprisonment *and* the crime rate



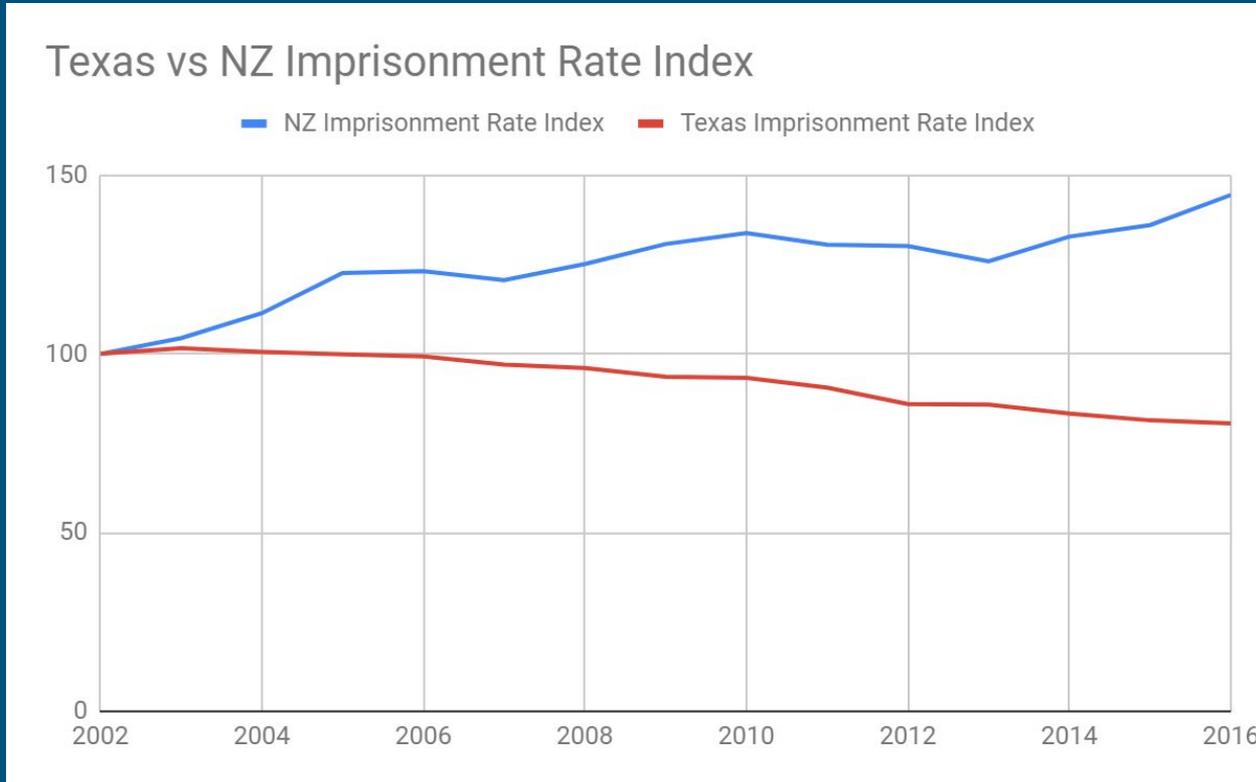
In summary...

- Other jurisdictions have reduced their imprisonment rate *and* improved public safety
- Key question - can a significant portion of NZ's 10,000 prisoners be more safely, effectively and cheaply managed in the community?

Texas is more relevant than you think

- English-speaking
- Large minority population
- Significant recent drop in imprisonment
- Rapidly growing population
- History of 'tough on crime' policies

Texas has slowly reduced it's imprisonment rate, while NZ's has increased



Three key questions

- How did Texas reach a bipartisan consensus?
- How did Texas maintain public confidence?
- What specific policies did Texas implement?

Bipartisan Consensus

- There are strong progressive and conservative arguments in favour of criminal justice reform
- Conservatives - fiscal responsibility (prisons cost too much) and public safety (high levels of imprisonment are at best ineffective and at worst increase crime)
- Progressives - equity and fairness
- Arguments designed purely to appeal to progressives *will not* appeal to conservatives (and vice versa)

How did Texas maintain public confidence?

- Proactively communicated to the public about successes (if you succeed 999/1,000 but the public only hear about the failures you've got a problem)
- Made use of lived experience (e.g. people who have overcome addiction, succeeded in programs, been victims of crime) to lobby politicians and communicate with the public
- In a crisis credible leadership is the only approach that works

What specific policies did Texas implement?

Three principles:

- to reduce the prison population it is necessary to send fewer people to prison (i.e. it is not possible to reduce the prison population simply by reducing the prison recidivism rate)
- it is easier and more cost-effective to reduce the risk of further offending in the community than in prison
- where it is necessary for someone to be in prison this should be for the shortest period necessary.
- Specific examples in paper - general approach: try anything backed by evidence and broad support

Texas isn't perfect

- Death penalty - declined but still 10-20 executions every year
- Racial inequality - made some progress but not a major priority
- Early intervention - focus has been narrowly on reducing imprisonment, less on early intervention to address problems that lead to crime

In summary

- Conservatives were convinced because it's possible to reduce imprisonment *and* improve public safety *and* save money
- Progressives were convinced because of fairness and equity
- These are *different* arguments; the arguments that are convincing for one are not convincing for the other
- Proactively communicate successes to build public confidence
- No magic bullet - if there is an event that causes a loss of public confidence the only option is leadership
- Try anything backed by evidence and with broad support