

EARNED SENTENCE CREDITS:

A Smart Public Safety Strategy to
Reduce Crime and Save Taxpayer Dollars

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EXECUTIVE SUMMARY

Earned sentencing credits incentivize people in prison to take responsibility for their rehabilitation and turn their lives around. Credits allow people who participate in recidivism-reduction activities and demonstrate good behavior to earn time off their sentences or be considered for parole sooner. This widely-used, research-based approach advances public safety both inside and outside prison walls by:

- ✓ **Reducing victimization after release**
- ✓ **Reducing disciplinary incidents in prisons**
- ✓ **Freeing up resources that can be redirected to crime prevention and victim services.**

This white paper reviews key research on earned sentencing credits and details four ways states can maximize the public safety benefits associated with credits:

- 1 **Ensuring credit-eligible rehabilitative activities are effective and accessible**
- 2 **Extending broad eligibility for credits**
- 3 **Maximizing credit earning potential and minimizing loss**
- 4 **Making earned credit systems transparent and trackable**

As the number of states working to strengthen their earned credit systems grows, communities across the country will benefit from the public safety returns.

Two nationally recognized public safety and justice reform organizations teamed up to produce this white paper to help lawmakers evaluate correctional policy solutions that increase safety and reduce costs.

Alliance for Safety and Justice (ASJ) is a nonpartisan team of policy experts and coalition-builders who work together with victims of crime, state officials, and community leaders to advance reforms that reduce justice system waste and improve public safety. ASJ's policy expertise and emphasis on elevating victims' experiences have resulted in hundreds of state law changes in the last decade.

Unify.US was formed by alumni from the Faith & Freedom Coalition and CPAC (the Conservative Political Action Coalition) to advance solutions to some of our nation's most complicated problems. In doing so, Unify.US works to bridge the gap between social conservatives and libertarian-leaning economic conservatives in Washington, DC, and in state capitols across the country.

Earned Sentence Credits Increase Public Safety

Nearly every state uses earned sentence credits to advance public safety. While structures vary from state to state, sentencing credits allow people who are incarcerated to earn a certain amount of time off from their sentences or be considered for parole sooner by demonstrating accountability for their own rehabilitation. This can include engaging in productive activities, completing recidivism reduction programming, and exhibiting positive behavior. Research shows spending time on rehabilitative activities in prison can significantly improve both short- and long-term public safety outcomes,¹ and credits can enhance individual motivation for change.² Data from recent earned credit expansion in Kansas, Maryland, Minnesota, New York, Pennsylvania, and Washington, have documented associated improvements to community safety due to reductions in recidivism. Alongside the benefits to public safety, eligibility expansions have also reduced corrections costs.³ Unfortunately, a small number of states, including Kentucky and Louisiana, have passed laws in recent years dramatically curtailing their earned credit structures. These states can expect to see increased costs and worse public safety outcomes as a result.

Earned sentencing credits have three primary public safety benefits:

- 1 Reducing recidivism after release from prison
- 2 Increasing safety in prisons
- 3 Generating savings to prevent crime and support victims

Public safety benefit 1: Reducing recidivism after release from prison

Research has consistently shown that providing opportunities for rehabilitation reduces crime and improves long-term public safety outcomes.⁴ The public safety benefits of engaging in productive activities during incarceration are also well-documented in the literature. For example, interventions such as cognitive behavioral therapy and postsecondary education have been associated with deep reductions in recidivism.⁵

Studies demonstrate that rehabilitative activities are most effective when paired with strong incentives for participation.⁶ Incentives can help prepare people for release by enhancing individual motivation to complete recidivism reduction programs and engage in positive behavioral change. Awarding credits to people who are active participants in their own rehabilitation can incentivize them to gain the treatment and tools they need to be successful when they return to their communities. For example, educational programming and vocational training can help people secure and maintain employment after returning home from prison, which in turn is associated with lower recidivism rates and increased public safety.⁷

Awarding credits to people who are active participants in their own rehabilitation can incentivize them to gain the treatment and tools they need to be successful when they return to their communities.

Corrections Experts Endorse Earned Sentencing Credits

Gary Maynard, corrections professional and former head of corrections in Iowa, Maryland, Oklahoma, and South Carolina, and past president of the American Correctional Association

Over the course of my nearly 40 years in corrections, our approaches have evolved and we've learned about the most effective ways to reduce the likelihood that someone will reoffend. Today, we know that rehabilitative programs that set people on a path to success are critical to keeping our prisons and our communities safe. That progress continues as corrections systems find ways to expand programming every year.

What years of research on recidivism and safety have shown is that these types of programs, along with credit incentives for inmates who participate, are a win-win. Ultimately, they result in safer prisons for staff and inmates, safer communities for everyone, reduce the number of victims, and put an end to cycles of crime.

Of the four states whose correctional systems I have overseen - Oklahoma, South Carolina, Iowa, and Maryland - each offers some form of earned credit for inmates who choose to spend their time productively in programming that prepares them for life outside of prison. The same is true of the federal system and the majority of other states.

At the end of the day, almost everyone in prison will leave prison and return home to their families. The question is – are they prepared to reenter society and give back to their communities? Did they spend their time in prison just counting down the days? Or did they commit themselves to building their skills and preparing to rejoin the workforce when they're released?

The question for us in corrections is whether we are doing everything we can to prioritize safety by ensuring that people under our care take responsibility and take the steps necessary to prepare themselves for release. This means strengthening policies like earned credit that incentivize people who are incarcerated to use their time productively and then return to their communities and live crime-free lives.

Public safety benefit 2: Increasing safety in prisons

Earned sentencing credits incentivize participation in prison-based rehabilitative programming and therapeutic interventions, which makes prisons safer for the people who live and work in them. People who engage in programming are less likely to break rules and be involved in disciplinary incidents.⁸ Improving safety in prisons can also reduce costly correctional staff turnover.⁹ Savings from reduced costs can be reinvested in expanding rehabilitative program capacity, investing in correctional staff, and strengthening reentry supports that improve public safety.

Public safety benefit 3: Generating savings to prevent crime and support victims

Earned sentencing credits help use correctional resources more efficiently. Research on correctional programming shows significant returns on investment.¹⁰ Incentivizing program participation with earned credits results in both short-term and long-term savings. In the short term, allowing people who demonstrate rehabilitation to accelerate release or parole consideration frees up prison resources that can be reinvested in crime-prevention and victim

services programs. In the longer term, savings can include reduced reliance on incarceration and reduced crime as a result of reallocating resources to crime prevention.

Dozens of states have engaged in data-driven efforts to improve criminal justice policy and reinvest savings in public safety over the past two decades. Many have incorporated sentencing credit expansion into their public safety reforms.¹¹ Savings from these policy changes have been reinvested in a wide range of public safety strategies, including improving correctional programs and strengthening community-based services such as behavioral health treatment and programs to support victims of crime.¹²

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Earned sentencing credits have broad support

The public safety benefits of earned sentencing credits have garnered broad support for this strategy across the political spectrum, and among people most directly impacted by crime and violence. The growing list of both red and blue states that have successfully strengthened earned credit policies reflects the bipartisan consensus for expanding earned credits. Proponents of earned credits include both conservative and progressive organizations,¹³ faith-based advocates,¹⁴ and corrections professionals.¹⁵ Survivors of crime, too, overwhelmingly support awarding sentencing credits to incarcerated people who pursue rehabilitation. A national

survey conducted in 2022 found that nearly three in four crime victims, “prefer authorizing earned credits toward sentence reductions for people who participate in rehabilitation, treatment, education, and job training programs, and follow prison rules... to requiring completion of the full sentence lengths issued at sentencing, regardless of whether they participate in rehabilitation or not.”¹⁶ Finally, the general public understands that encouraging participation in rehabilitative activities in prisons and jails increases public safety. A 2022 national poll found that over four in five likely voters support earned credit policies, and previous polls show that this strong support has held constant over time.¹⁷

Earned Credits Are a Conservative Safety Solution

David Safavian, Chief Operating Officer, Unify.US

The most important role of the criminal justice system is to promote public safety. Earned credits incentivize people in prison to do the work to become rehabilitated and stop engaging in crime when they are released. Victims of crime deserve a public safety system that follows the research on what works to keep communities safe, and study after study finds that people who use their time in prison productively to become better people won't do more crime in the future.

The American Conservative Union Foundation's report, *Expanding the Use of Earned Credits in Prison Increases Public Safety*, finds that earned credits are a common-sense public safety tool.¹⁸ Legislators on both sides of the aisle are growing and strengthening their credit systems around the country. The vast majority of states use earned credit, and states that have recently expanded their credit systems include Arizona, Louisiana, Tennessee, Utah, and Virginia. Earned credits were also a hallmark of the federal First Step Act, a sentencing bill that passed with bipartisan support in 2018 under the Trump Administration.

Earned credits also promote fiscal responsibility. Allowing people in prison who are taking responsibility for their own rehabilitation to advance their release dates ensures that prison administrators do not waste resources holding people who have demonstrated their readiness for release. Credits also improve safety in prisons, which reduces expensive staff turnover as well as the costs associated with disciplinary incidents.



Four Strategies to Maximize the Public Safety Benefits of Earned Sentencing Credits

The vast majority of states already use earned sentencing credits, and many have enacted recent policy changes to strengthen the public safety benefits of their credit systems. We reviewed each state's credit policies and identified four primary strategies states can use to maximize public safety benefits:

- 1 Ensure that credit-eligible rehabilitative activities are effective and accessible
- 2 Extend broad eligibility for credits
- 3 Maximize credit earning potential and minimize loss
- 4 Make earned credit systems transparent and trackable

Strategy 1: Ensure Credit Activities are Effective and Accessible

Strategic policy design and intentional implementation are both key to achieving the best earned credit public safety outcomes. Earned credits can be used to incentivize a wide range of recidivism reduction activities and productive behavior, and policymakers and correctional leaders can match specific credit streams to the highest priority rehabilitative needs. Policymakers and corrections professionals can ensure that:

→ *Earned credits are associated with behaviors and activities that are predictors of long-term success and public safety.* A robust body of research has documented recidivism reduction benefits associated with a wide range of activities, including therapy, substance abuse treatment, education, and vocational training and work. Positive behavior and avoiding infractions are also associated with safety in prison and long-term success.

Flexible, multi-channel credit schemes can accommodate a variety of types of engagement and bring the strongest public safety returns by incentivizing people to participate in multiple types of recidivism reduction activities.¹⁹ Allowing correctional leaders and administrators to determine which programs and specific activities meet credit requirements ensures that credit structures can be responsive to the evolving rehabilitation needs of people in prison. For

example, information from intake assessments can be a valuable indicator of programming priorities for people in any given correctional facility. Rehabilitative activities can then be paired with corresponding credit-earning streams.

→ *Earned credits support addressing rehabilitative needs and are incorporated into individualized case planning.* Some people in prison have specific rehabilitative needs that must be addressed to prevent recidivism and improve public safety. Tying credit structures directly to activities and goals in individual case plans and treatment needs strengthens the incentive to successfully engage and complete necessary programs and treatment. This can include awarding credits for successful engagement in, or completion of, assigned programming, or running assigned programming concurrently with other credit-eligible activities. Goal-oriented credit structures also encourage people in prison to continue taking responsibility for their own rehabilitation and reentry preparation after they have met basic requirements by pursuing additional credentials, programming, and other positive activities.

→ *Activities and programs associated with credit earning have enough capacity to meet rehabilitative needs.* Providing sufficient public funding, infrastructure, and staffing for rehabilitative programming in correctional

facilities ensures that everyone who is legally eligible to participate and earn credits can do so without being impeded by long waitlist times or avoidable program delivery interruptions. Allowing credit earning for a variety of productive activities – including work, volunteering, character-building opportunities, community engagement, or peer support or discussion groups – can broaden access. Offering credit-eligible activities via tablet or other virtual medium, where appropriate, can be an efficient way to scale capacity. Finally, ensuring that people with longer sentences have access to relevant recidivism-reduction programming and activities associated with incentives is a particularly pressing need.²⁰

- ***Credit earning is available and accessible to incarcerated people regardless of health or disability status.*** Policymakers can work with departments of corrections to ensure that people who are legally eligible to receive credit have the practical support they need to do so, or are able to engage in eligible activities through alternative routes. Some people who are incarcerated may require additional accommodations to successfully engage in credit-eligible rehabilitative activities. For example, someone with a learning disability might require tutoring to complete a certificate program, or someone receiving unexpected inpatient medical care may need a remote or correspondence option to avoid disruption in completing a program or engaging in therapy. Notably, participation in treatment can be classified as credit-earning activity.²¹
- ***Credit earning is available and accessible to incarcerated people in different correctional settings and facility types.*** Reasonable efforts can be taken to ensure that people who are legally eligible to receive credit are able to do so from different types of facilities and different housing settings within facilities. Ensuring the availability of credit-eligible

activities via virtual mediums such as tablets can provide flexibility and broaden access in situations where logistical barriers are higher.

Strategy 2: Extend Broad Eligibility for Credits

Because credits only incentivize rehabilitative progress for people who are allowed to earn them, broad eligibility criteria for credit earning can support widespread participation in recidivism reduction activities and programs. While earned credit eligibility structures vary across states, the following principles can help maximize the benefits of earned credits:

- ***Credit earning is available to people with different offense types and sentence lengths.*** Experts recommend broad credit eligibility for people with non-life sentences.²² Many states define broad statutory eligibility for sentencing credits, including Kentucky, Maryland, Nebraska, New Jersey, Virginia, West Virginia, and Wyoming. The earned credit policies in these states reflect research findings that rehabilitative activities inside correctional facilities improve public safety outcomes for people serving a variety of sentences. Other states, however, use categorical exclusions based on offense or sentence type. These blanket disqualifications are counter to correctional best practices, and states should minimize or remove them to reap the strongest public safety benefit. Offering incentives for people serving longer sentences to engage in programming is a particularly pressing need.²³
- ***Credit earning is available to people with prior records who are ready to turn their lives around.*** Some states also impose rigid restrictions on credit eligibility based on previous justice system involvement. Offense history-based restrictions on earned credit reduce the likelihood that people in prison will break cycles of crime and reincarceration by

gaining the skills and tools necessary for post-release success. This is counterproductive to both short- and long-term public safety goals. Recent prior offenses and repeat involvement in the criminal justice system often indicate unaddressed issues and a higher need for rehabilitative intervention, and credits are designed to promote addressing underlying needs. Credit bans based on decades-old records are also counterproductive, particularly for older people.²⁴ People who have served long prison terms are often in need of extra reentry preparation, and credits can provide powerful incentives to prepare for release.²⁵

Strategy 3: Maximize Credit Earning Potential and Minimize Loss

Maximizing sentencing credit earning potential within a state's sentencing structure ensures that credits carry the most rehabilitative incentive power and also results in savings that can be reinvested in public safety priorities such as violence prevention and victim services. Three primary strategies to maximize the public safety benefits associated with earning potential are to make sure that:

→ *The credit-earning rate constitutes a meaningful incentive.* States vary widely in the amount of credit a person who is incarcerated can earn. Additionally, in states with indeterminate sentencing, some allow earning off the minimum sentence while others only allow earning off the maximum.²⁶ Evaluating earned time structures for opportunities to raise the cap, tie credits

as closely as possible to tangible sentence adjustments, and adjust earning rates can all increase public safety.

- *Differentiated credit streams incentivize engaging in multiple, ongoing rehabilitative activities and demonstrating positive behavior.* Types of credit can include monthly credits for participation in positive activities or demonstrating good behavior, as well as event-based credits for milestones such as completing a certificate, program, or degree. Research shows that engaging in multiple types of rehabilitative activities while in prison can lead to the largest reductions in recidivism.²⁷ Offering multiple types of credits strengthens the incentive for incarcerated people to engage in varied and ongoing rehabilitative activities and to reach specific goals, such as a credential or degree.
- *Credit loss opportunities are minimized or eliminated.* In many states, once a credit is earned, it is applied to adjust the underlying sentence and cannot be revoked. In some states, however, earned credits can be lost as part of disciplinary actions. While credit earning is associated with reduced disciplinary incidents in correctional facilities, the reverse is not true: research shows that revoking earned credits is not an effective behavior management strategy.²⁸ In credit structures that allow earned time to be revoked, at a minimum, the criteria for losing time — and also for gaining it back, if allowable — should be transparent.

Spotlight: Ohio's 2022 Earned Credit Changes Contribute to Public Safety



In 2022, Ohio legislators passed SB 288, an omnibus bill addressing a wide range of public safety and criminal justice issues. This bill included key changes to Ohio's two types of earned credit to significantly increase the associated public safety benefits, which are well documented in research conducted by the University of Cincinnati.²⁹ First, the bill increased the cap on participation credits from 8% to 15% of someone's sentence.

Second, the bill standardized the monthly participation earning credit rate. This provision shifts from a complicated two-tiered system in which many people engaged in qualifying activities were earning at a rate of one day per month – one of the lowest rates in the country – to a more streamlined system in which nearly all eligible people earn at a five-day per month rate in line with the cap increase. Third, the bill broadened the range of eligible programmatic accomplishments that earn a completion credit, allowing people to receive the credit for each individual completion rather than limiting it to just one. These changes mark a significant step forward for public safety in the Buckeye State.

Strategy 4: Make Earned Credit Systems Transparent and Trackable

Strong data collection practices and transparency in credit systems ensure that policymakers, correctional administrators, survivors of crime, and the general public have access to information on earned credit systems. This includes ensuring that:

→ *Crime victims have transparent information about earned credit structures, including how they promote public safety and how they may impact the length of time people sentenced to prison serve.* For survivors of crime whose case results in the person who harmed them serving time in prison,³⁰ having access to clear and transparent information about their case, including any relevant sentencing processes and outcomes, can support their wellbeing and healing. Sharing information about sentencing credits also gives survivors information about how the state is taking responsibility for ensuring the person who

harmed them will return to the community less likely to commit future harm. Survivors who wish to be informed should have access at the sentencing stage to an explanation of the ways in which sentencing credits can promote rehabilitation, and how credits could potentially impact the release date of anyone involved in their case who is sentenced to incarceration.

→ *Correctional leaders have data systems that can efficiently track credit earning for multiple types of credits.* While offering a variety of types of earned credit reflects correctional best practices, keeping track of multiple credit streams across an incarcerated population can be logistically complex. Building and maintaining a data system that can automate sentencing credit earning and keep real-time track of adjusted sentence expiration or parole eligibility dates can avoid undue administrative burden and delays in issuing credits that have been earned.

→ ***Earned credit data support evaluation and communication about credit implementation and outcomes.*** Strong data practices also allow departments of corrections, policymakers, and other stakeholders to ensure earned credit systems are working as intended. Earned credit data can shed light on implementation fidelity and equity, and

also outcomes associated with credit earning. Finally, consistent data collection enables correctional leaders to support evaluation activities and communicate about earned credit systems and public safety results to policymakers and the public.

Conclusion

A growing number of states around the country are strengthening their earned credit systems by using the strategies outlined in this report and seeing public safety benefits both behind and beyond correctional facility walls. By extending broad eligibility, maximizing earning opportunities, and providing sufficient programming resources and credit tracking capacity, states can have safer correctional facilities, lower crime rates, and stronger communities. Close collaboration between lawmakers and correctional leaders can ensure that policy structures facilitate smooth implementation and that resource levels match rehabilitative programming needs among people in prisons and jails. As changes are enacted, collecting and analyzing data on earned credit use can result in helpful feedback for policymakers and communities.

A growing number of states around the country are strengthening their earned credit systems by using the strategies outlined in this report and seeing public safety benefits both behind and beyond correctional facility walls.

About this report:

This report was researched and written by Leah Sakala, Senior State Policy Manager at the Alliance for Safety and Justice, and benefited from feedback and contributions from Alliance for Safety and Justice staff including John Cutler, Shaena Fazal, Andrea Gentile, Holly Kirby, and Cyrus O'Brien, and from Unify.US staff Patrick Purtill, Executive Vice President, and David Safavian, Chief Operating Officer.

About the Alliance for Safety and Justice:

The Alliance for Safety and Justice was founded in 2016, with a vision to replace the overuse of incarceration with more effective public safety solutions. Focused on large states, we partner with state leaders and advocates to achieve safety and justice reforms that break cycles of crime, reduce costly incarceration and make communities safer. We center our advocacy around the leadership and experiences of crime survivors and people with old records in pursuit of safety, fairness and healing. Alliance for Safety and Justice is a program of Just Safe.

About Unify.US

Unify.US is a public policy organization dedicated to formulating, promoting, and delivering solutions based on the principles of individual freedom, limited government, free enterprise, and traditional American values. Our work to strengthen our economy, our families, and our communities is rooted in the belief that free people, free markets, prosperity, and peace are the first principles upon which American greatness relies.

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