

2023 Public Safety Agenda for Newly Elected Governors



INTRODUCTION

Governors play a central role in protecting the public. As the state’s chief executive, they set budgets and priorities for state agencies such as corrections and state police. Unique clemency powers give governors the ability to reduce prison populations with the stroke of a pen. And, unlike state legislation, executive orders can be implemented immediately and unilaterally. To assist newly elected governors and their staff—or returning administrations looking to improve public safety—we are offering three key bipartisan policy suggestions to focus on in 2023 that are fiscally responsible, uphold constitutional rights and make communities safer.

AGENDA ITEMS

INVEST IN LAW ENFORCEMENT AGENCIES

- ❓ **Why:** The United States spends **much more money** on the prison system than on law enforcement agencies. Criminologists have suggested switching the formula—an approach best summarized as “**more police, fewer prisons, less crime.**” The idea is that more patrol officers can stop crime before it starts, rather than putting people behind bars, where outcomes deteriorate.
- ✔ **Benefit:** According to the National Institute of Justice, the certainty of being caught is a **more powerful** deterrent than the harshness of a punishment. However, case clearance rates, particularly for violent crimes, **have plummeted** in recent years. Boosting law enforcement appropriations in the state budget is one way governors can curb this alarming trend.
- 👤 **Take note:** Hiring police officers does not necessarily mean more arrests and more incarceration. Research shows that more cops on the streets **deter crime** in and of itself, reducing the need to arrest anyone. And many evidence-based approaches to minimizing excessive force incidents require states to adopt more labor-intensive practices.
- 🌟 **Where states stand:** Last year, at least **17 governors** proposed budgets that increased funding for law enforcement agencies. That may not be enough. Amid a **surge in resignations** in 2022, law enforcement agencies **nationwide** are **struggling** to recruit and retain qualified personnel. The problem has become so acute that the International Association of Chiefs of Police has called it a **crisis**.

SMART-ON-CRIME APPOINTMENTS AND EXECUTIVE ORDERS

- ? **Why:** Governors select the leaders of corrections and state police, as well as appoint criminal justice task forces through executive orders. These leaders are responsible for creating pathways to rehabilitation for the [2 million people](#) in the nation's prisons and jails, [almost all](#) of whom will eventually be released. Governors should use these tools to establish an organizational culture of rehabilitation and reintegration.
- ✓ **Benefit:** Governors are responsible for administering parole and probation. Locking people up for supervision and technical violations—such as failing a drug test or missing a parole meeting—accounts for [45 percent](#) of annual prison admissions, costing taxpayers an estimated [\\$2.8 billion](#) annually. To help mitigate these costs, governors should appoint probation and parole officials who are interested in alternatives to incarceration for minor technical violations.
- 👋 **Take note:** Gubernatorial candidates Doug Mastriano in Pennsylvania, Tim Michels in Wisconsin and Lee Zeldin in New York have two things in common: In the midterm elections last year, [they all made](#) opposition to criminal justice reform a centerpiece of their campaigns, and all three went on to [lose their respective races](#). In general, candidates who attempted to use crime as a wedge issue with aggressive scare tactics and tough campaign rhetoric were not successful at the polls in 2022. Instead, [voters largely supported](#) candidates focused on making the criminal justice policy smarter, fairer and more cost-effective.
- 🌟 **Where states stand:** Many governors have used executive orders to appoint criminal justice task forces. The [Georgia Council on Criminal Justice Reform](#)—created by Republican Gov. Nathan Deal—recommended [sentencing revisions](#) for nonviolent offenders that [slashed \\$20 million](#) off the state corrections budget. Several administrations spearheaded job training programs in 2021, including New York Gov. Kathy Hochul's [Jails to Jobs initiative](#) and West Virginia Gov. Jim Justice's [Jobs and Hope program](#).

GET FORMERLY INCARCERATED PEOPLE HEALTH COVERAGE

- ? **Why:** Medicaid is a critical source of health care for many Americans, yet federal law prohibits the use of Medicaid funds for people in jail or prison. The [Medicaid Inmate Exclusion Policy](#) results in states terminating benefits for people who rely on Medicaid, even if they are in jail for a short time or are never convicted of a crime. This policy means many people are released with no health care coverage, just when they need it most.
- ✓ **Benefit:** Incarcerated people are more likely to otherwise be Medicaid-eligible, as individuals in this population often have [lower incomes](#) and [higher rates](#) of mental illness and health problems compared to those in the general U.S. population. Ensuring that people have health coverage after leaving prison has the potential to bring down the mortality rate of this population, which is [more than 12 times higher](#) than that of the general population. Beyond saving lives, making sure people have health care has the potential to reduce both [arrest rates](#) and [recidivism](#).
- 👋 **Take note:** With [approximately one-third](#) of prison inmates suffering from some form of mental illness, the corrections system has become America's de-facto mental health provider. As it stands, county and local jails are burdened with the [majority of health care expenses](#) for their incarcerated populations. One solution is to apply for a [Section 1115 waiver](#), which allows states to test new approaches in Medicaid that differ from federal rules. Shifting some of this financial burden onto Medicaid has the potential to help governors save [hundreds of millions](#) annually.
- 🌟 **Where states stand:** Currently, [six states](#) have standing requests to waive inmate exclusion and provide Medicaid coverage within prison to certain groups of incarcerated individuals. Governors have also worked to sign up eligible inmates for Medicaid upon release from prison. After Louisiana implemented its [pre-release enrollment program](#), the state increased insurance coverage for formerly incarcerated individuals [by 34.3 percent](#).

FOR ADDITIONAL SUPPORT

- If you would like additional information about these issues, please reach out. Logan Seacrest is a fellow for Criminal Justice and Civil Liberties at the R Street Institute. Seacrest can be reached at lseacrest@rstreet.org.