

## The political element of criminal justice reform

Mark Ballard

Almost at the very beginning of a recent speech, Democratic Gov. John Bel Edwards reminded his Southern University audience that they were used as a backdrop "to scare people" in an ad attacking him during the 2015 gubernatorial campaign.

Against the faces at the historically black university, Republican David Vitter's commercial - the first one out of the gate during the runoff - charged that the election of Edwards would lead directly to the release of "fifty-five hundred dangerous thugs, drug dealers, back into our neighborhoods." For political strategists such images bring fear to voters, but they're also sheer terror for politicians - particularly for Louisiana legislators facing reelection who will have to vote in a couple of weeks on changes to last year's sweeping revamp, which indeed lets convicted criminals out of jail a little earlier.

"Everybody is scared they're going to get 'Willie Horton-ed'," said Baton Rouge political strategist Roy Fletcher, who has run dozens of legislative campaigns over the past 30 years and will again next summer when all 144 seats in the Louisiana Legislature are up.

He's talking, of course, of one the key campaign points in the 1988 presidential race. Horton was an inmate released on a weekend furlough while Democratic candidate Michael Dukakis was governor of Massachusetts. Horton went to Maryland and committed a series of crimes, including rape. Republican George H.W. Bush used the incident to portray Dukakis as "soft on crime."

Local politicians need look no farther than state Sen. Danny Martiny, a Metairie Republican who was one of the main revamp sponsors. Though closely aligned with Jefferson Parish sheriffs, past and present, Martiny was portrayed in TV ads as "willing to let violent criminals go free." He was beaten soundly by Dominick Impastato, of Kenner, in last fall's race for the Jefferson Parish Council.

Explaining the data-driven benefits of a policy aimed at rehabilitating criminal behavior while saving taxpayers' money doesn't lend itself to tweets and 30-second commercials.

"It's absolutely easier to say 'he let the murderer out,'" Fletcher said. "I would poll it first and have an idea of how it plays in a particular district before I would pull the trigger, but yeah, I'd use

it."

A survey by the LSU Public Policy Research Lab released Friday found that 61 percent of Louisiana residents approve of the criminal justice changes. But the polls Fletcher is talking about dig deeper, focusing on people who consistently vote in a largely Republican state. LSU found that 46 percent of the Republicans surveyed approved of the criminal justice changes while 42 percent disapproved.

Those numbers may shed some light on the positions taken by U.S. Sen. John N. Kennedy and Attorney General Jeff Landry, both frequently named as possible opponents to Edwards' reelection. They paint the Justice Reinvestment Act as the governor's failure. "The result is innocent people are becoming victims to offenders who should be in jail instead of on the streets," they wrote in a joint March 8 commentary.

It's an opinion often quoted, inevitably with the caveat that it's wildly exaggerated, as Louisiana lawmakers debate about a dozen bills that would make changes to the criminal justice system.

All the proposals are called necessary adjustments to legislation that last year was backed by Democrats and Republicans, Catholics and Protestants, small and big businesses. About six of the bills are called by prison reformers rollbacks that would undermine key components of a revamp that is working.

"We knew we were going to have to tweak," said state Rep. Terry Landry, the Lafayette Democrat and former Louisiana State Police superintendent who was a major backer of the overhaul. "But I can sense we are chipping away at some of these laws . . . We're taking a step backwards."

Against this backdrop, legislators, judges, prosecutors, and activists have been meeting in the governor's office to find compromises and, hopefully, consolidate all the various agreed-upon ideas into a single bill that would limit legislators to casting a single vote on the fixes.

In Texas, Mississippi, Alabama, Florida and Georgia - states that passed the reforms before Louisiana did - legislators also had cold feet during the sophomore year of their criminal justice revamps, said Will Harrell, senior policy counsel for VOTE, a New Orleans-based group backing the revamp.

Those other states' efforts, like changing probation terms and forcing

probationers to pay restitution in full before being released from their sentences, were moderated by cooler heads. He expects the same experience in Louisiana.

"This is déjà vu all over again," Harrell said.