



Justice Center

THE COUNCIL OF STATE GOVERNMENTS

Presentation to the Idaho Criminal Justice Reinvestment Oversight Committee

June 18, 2018

The Council of State Governments is a region-based organization that fosters exchange of ideas to help state officials shape public policy.



CSG Regions



**Justice
Center**



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THE COUNCIL OF STATE GOVERNMENTS

The CSG Justice Center assists state and local jurisdictions in a variety of ways on a wide range of public safety topics.



Clean Slate
CLEARINGHOUSE

THE
STEPPING UP
INITIATIVE



NRRC is a hub of information about corrections and reentry: funding opportunities, publications, webinars, conferences and trainings, reentry services directory, helpline, and the What Works in Reentry Clearinghouse.

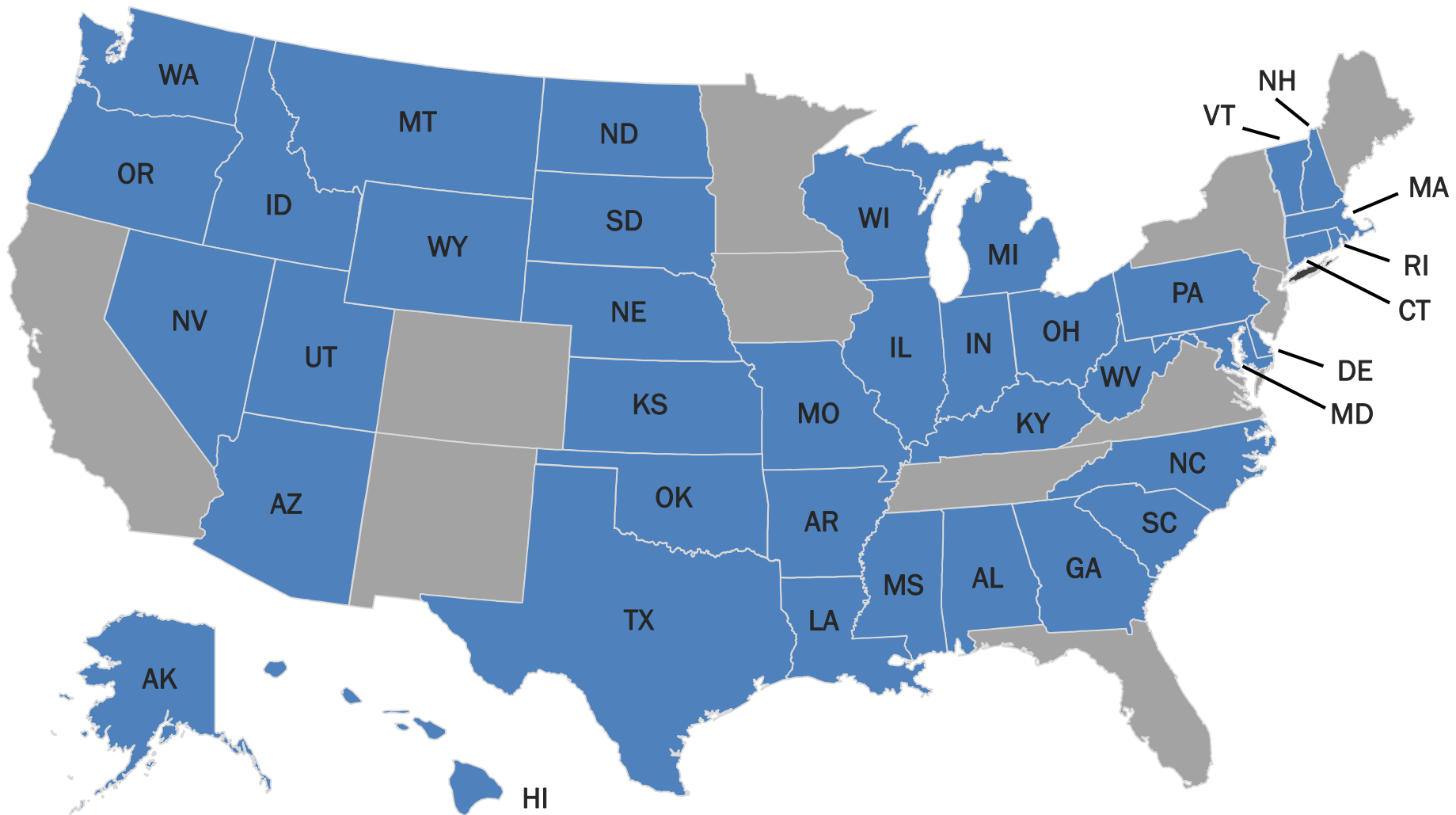
Clean Slate provides accurate information on record clearance and mitigation laws in each state, as well as contact information for legal service providers in all U.S. states and territories.

A national initiative calling on counties across the country to reduce the prevalence of people with mental illnesses being held in county jails.

A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety.



39 states have used a Justice Reinvestment approach since 2004.



This approach has resulted in significant and cost-effective public safety improvements across the country.

States use a Justice Reinvestment approach to:



Tackle local public safety and health challenges, from recent crime trends to people who have behavioral health needs.



Scale up recidivism-reduction efforts such as increasing the use of risk and needs assessments, the quality of supervision, and access to effective, research-based programs and services.



Manage costs associated with state prison and local jail population trends.

Impacts states have seen through Justice Reinvestment include:

- ✓ Investments in effective law enforcement strategies to reduce crime;
- ✓ Expanded access to substance addiction treatment and other programs proven to reduce recidivism for people on supervision;
- ✓ Improved accountability at less cost with swift and proportionate responses to violations of supervision;
- ✓ Double-digit reductions in recidivism rates due to investments in smaller supervision caseloads, training, and policy changes; and
- ✓ Prioritization of prison space for people convicted of the most serious and violent offenses, thus averting prison construction and/or reducing prison overcrowding.

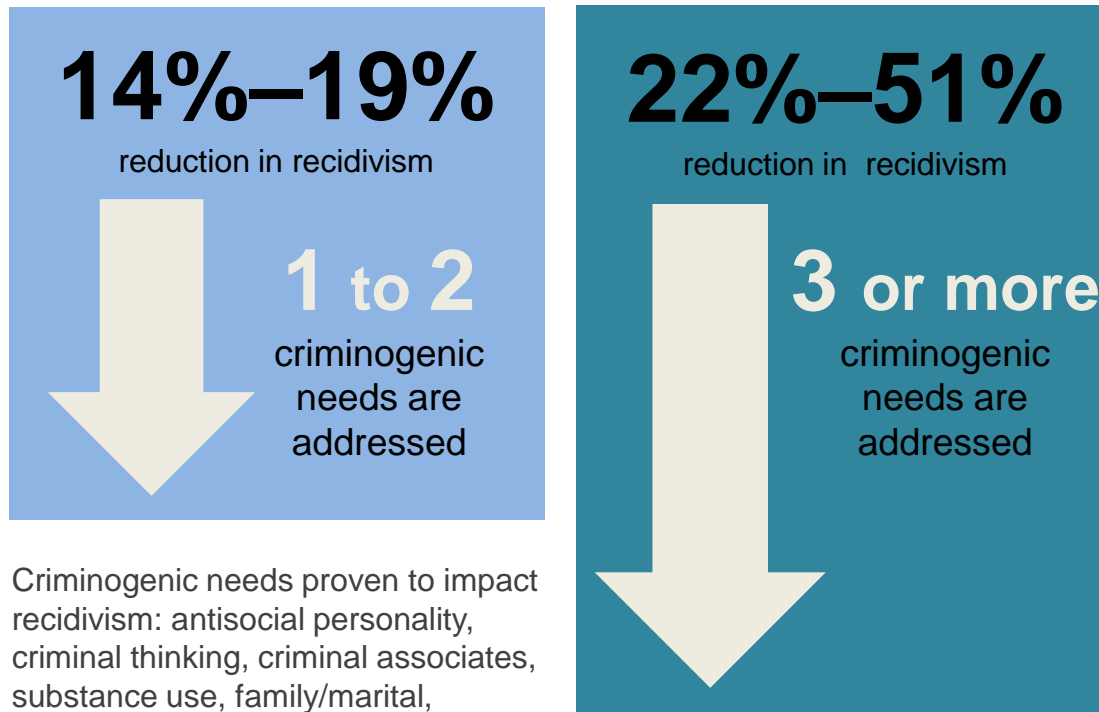
People who have substance addictions or other behavioral health needs have higher recidivism rates than those without specialized needs.

As people in the criminal justice system are identified as having behavioral health needs, they must have access to the range of treatment and services necessary to adequately address those needs. There are several key principles and practices for increasing program and treatment effectiveness to help people progress to recovery and improve public safety.

Priority	Principle	Practice
1	WHO: target the right people based on risk	<ul style="list-style-type: none">✓ Assess risk✓ Program based on risk✓ Address multiple needs
2	WHAT: rely on effective programs	<ul style="list-style-type: none">✓ Use research✓ Integrate services✓ Intensity and speed✓ Offer a continuum
3	HOW WELL: implement with quality and fidelity	<ul style="list-style-type: none">✓ Implement consistently✓ Ensure fidelity✓ Evaluate programs✓ Train staff

To be effective, programs must also address multiple needs simultaneously, including behavioral health needs and criminogenic needs.

Reduction in Recidivism for People on Supervision by Number of Criminogenic Needs Addressed*



Criminogenic needs proven to impact recidivism: antisocial personality, criminal thinking, criminal associates, substance use, family/marital, employment/school, leisure/recreation.

**Addressing non-criminogenic needs, such as self-esteem, can reduce the impact of targeting criminogenic needs.*

*Source: James Bonta and Donald A. Andrews, *The Psychology of Criminal Conduct*, 6th ed. (London, NY: Routledge, Taylor & Francis Group, 2017).*

States can improve the quality of behavioral health services in several ways.

- **Provide funding and establish standards for quality training** for law enforcement staff; court officials; and jail, prison, and supervision staff to apply research on “what works” to appropriately and effectively respond to people who have behavioral health needs.
- **Provide funding and establish behavioral health care standards for people diverted from jail** to alternatives to incarceration, people on supervision, and people in prison and jail.
- **Reduce reliance on providing community-based treatment resources within the criminal justice system** by requiring behavioral health treatment providers to apply evidence-based practices to reduce recidivism and improve recovery.
- Develop payment strategies that **incentivize treatment providers to deliver specialized services for the criminal justice population.**
- **Require quality assurance processes** and include observations of program delivery as part of regular evaluations of treatment and services.

States have implemented reforms to increase behavioral health treatment capacity and improve treatment quality.

North Dakota

North Dakota is expanding the availability of community-based behavioral health services for people in the criminal justice system through contracts with community-based treatment providers across the state to deliver specialized services. The state also appropriated money to increase the number of treatment providers serving this population. Their policy framework is projected to reduce the forecasted prison population by 1,650 people in 5 years.

Arkansas

Law enforcement can place people arrested for nonviolent offenses who are experiencing mental health crises in crisis stabilization units (CSUs) instead of jail, where necessary treatment is often lacking. CSUs are designed to address mental health crises in a clinical setting with trained staff and connect people to services in the community upon discharge. Arkansas's policies are expected to reduce projected growth in the prison population by nearly 10 percent and result in projected averted costs of over \$288 million.

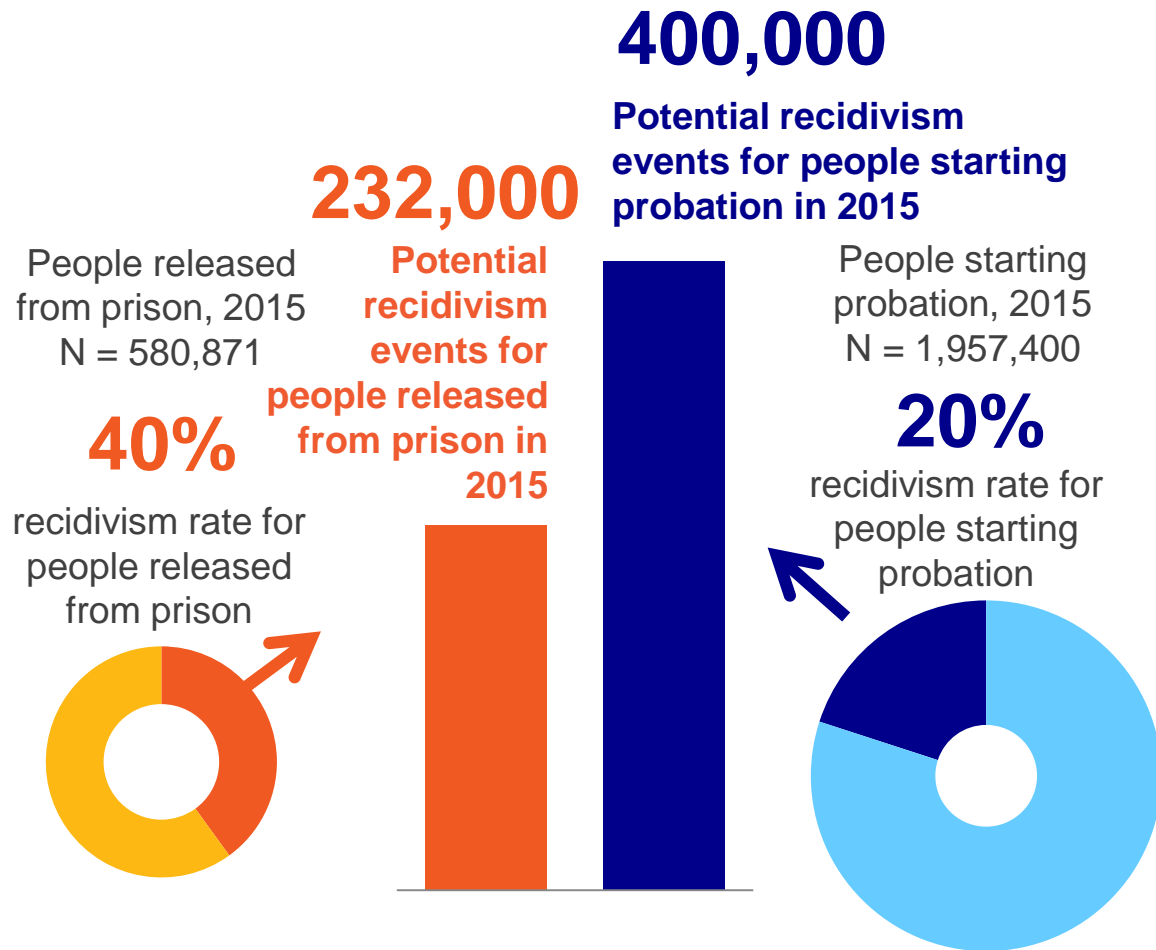
North Carolina

North Carolina's treatment program prioritizes substance addiction treatment for people on supervision who have the greatest need for treatment and are at the highest risk of reoffending. The state also instituted new quality assurance metrics to ensure the delivery of higher-quality treatment. The state saw a 50-percent drop in probation revocations between FY2011 and FY2014.



Alabama, Kansas, West Virginia, and Wisconsin have also allocated money to **expand behavioral health treatment** for people on supervision.

Efforts to reduce recidivism for the probation population can have a greater impact than focusing only on people released from prison.



States need multiple recidivism measures to build a robust set of performance indicators, but few use more than one.

Percent of states that report tracking and publishing recidivism data for people released from prison by:

Reincarceration

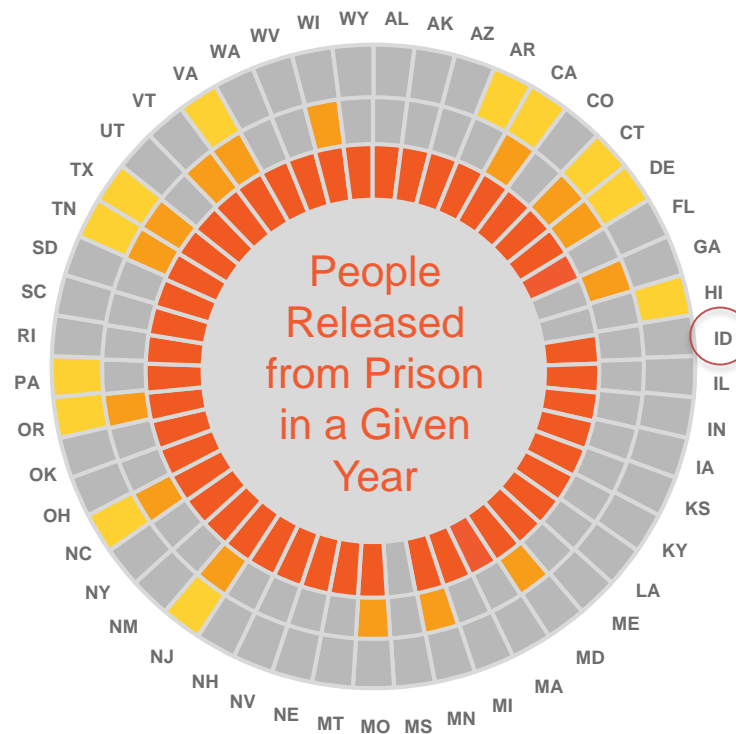
94%

Reconviction

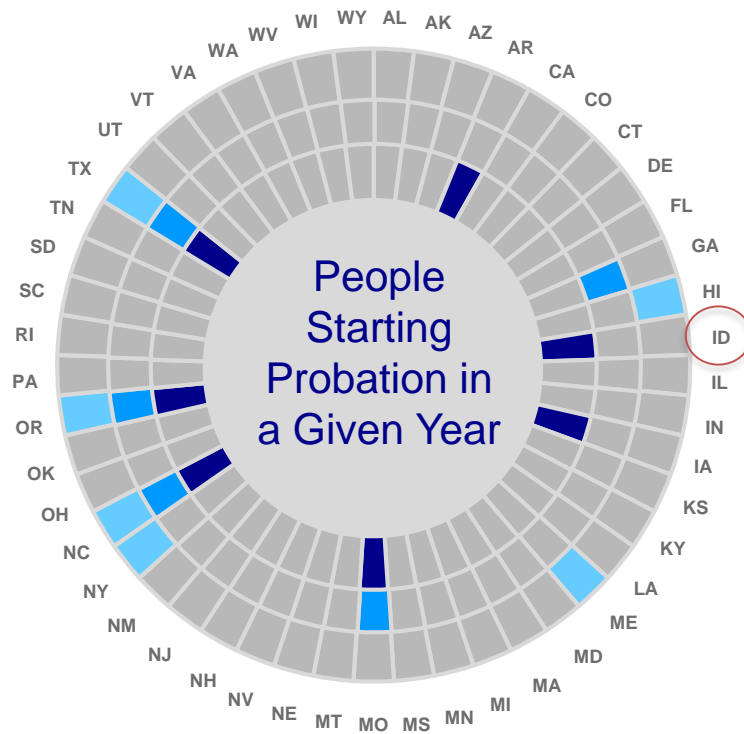
30%

Rearrest

25%



Very few states track and publish recidivism data for people starting probation.



Percent of states that report tracking and publishing recidivism data for people starting probation by:

Incarceration

14%

Reconviction

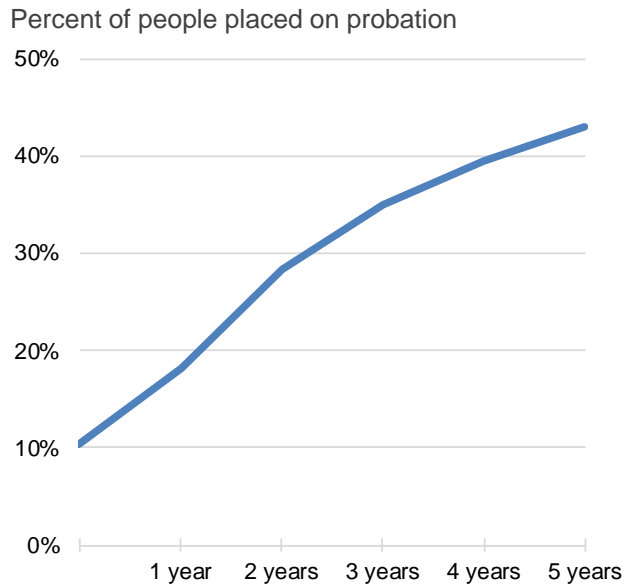
10%

Rearrest

12%



Reducing caseloads and probation term lengths allows officers to spend more time on the highest-risk probationers and parolees.



Federal data on time from probation placement to first arrest

Upon the first felony conviction in **Georgia**, direct probation sentences include a **behavioral incentive date** not to exceed three years. A petition to terminate probation is filed if the person meets the conditions by the incentive date. Officers are also required to file a petition for **early termination** after a person has spent three years on probation if he or she has paid restitution, not had his or her probation revoked, and has not been arrested for anything other than a nonserious traffic offense.

Oregon's policy of **earned discharge** allows for the termination of a person's felony probation sentence for compliance with supervision conditions, payment of restitution, and participation in recidivism-reduction programs. The DOC writes the rules for earned discharge, and the maximum reduction earned cannot exceed 50 percent of the supervision term, and people must serve at least six months on probation.

Kansas allows low-risk people on felony probation and post-release supervision to be **discharged from supervision after 12 months**, upon completion of restitution payments and compliance with supervision conditions.

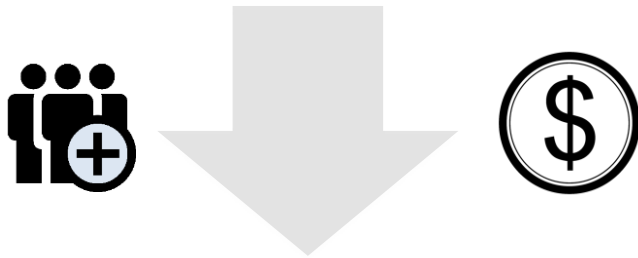
Resources should be focused on intervening when people are at the greatest risk of reoffending, during the first two years of supervision. Officers should prioritize **engagement and rapport-building** at the start of supervision; have more **frequent contact** at the start, particularly with those at higher risk of reoffending; reduce frequency of contact **over time** with ongoing compliance; and prioritize **treatment resources** for people at the start of supervision based on risk and need.

Source: Markam, J., Durose, M.R., Rantala, R.R., & Tiedt, A.D. (2016). *Recidivism of offenders placed on federal community supervision in 2005: Patterns from 2005 to 2010*; [Task Force on Public Safety: Oregon Criminal Justice Commission](#).



Recent legislation strengthened Alabama's and Missouri's community supervision systems to reduce recidivism.

Probation and parole officers in **Alabama** had exceptionally high caseloads, which made it difficult to provide adequate supervision. Supervision intensity was not focused on people at the highest risk of reoffending, and officers had little time to proactively manage people on their caseloads to prevent violation behavior.

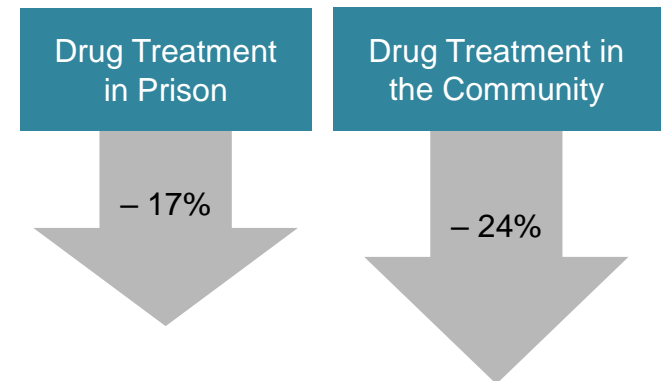


Alabama reinvested \$28 million to hire, train, and maintain over 100 new probation and parole officer positions and reduce caseload sizes. Hiring additional probation and parole officers reduced caseloads from an average of close to 200 down to 110 active cases per officer, allowing more time to focus on people at a high risk to reoffend. High-risk cases are capped at 20 per officer to enable them to spend more time on each case.

Alabama also reinvested money in building its network of Day Reporting Centers by establishing smaller centers in probation offices in rural areas where a high need for treatment services had been identified, allowing for easier access to services and programming.

Missouri will be restructuring their Community Supervision Centers from serving primarily as housing for people on probation or parole to serving as a resource for responding to people who violate their supervision conditions and persistently fail to demonstrate positive behavior change. These centers will be used as a final graduated response to technical violations and provide programming and treatment services.

Nationwide Impact on Recidivism Rates



Source: Lee, S., Aos, S., Drake, E., Pennucci, A., Miller, M., & Anderson, L. (2012). *Return on investment: Evidence-based options to improve statewide outcomes*, April 2012 (Document No. 12-04-1201). Olympia: Washington State Institute for Public Policy.

Several states have strengthened community-based violation response options to divert people from prison.

Arkansas expanded its Supervision Sanction Program (SSP) to cover people supervised on probation in addition to people on parole. The SSP offers a residential alternative to prison for people who have violated the terms of their supervision.

North Carolina's Confinement in Response to Violation centers provide treatment and programming for 90-day periods to people who have committed technical violations of their supervision. Between FY2011 and FY2016, probation revocations decreased 64 percent.

Pennsylvania redesigned its state-run Community Corrections Facilities and contractor-operated Community Corrections Centers to serve as a network of residential facilities for people supervised on parole. As a result of this restructuring, Pennsylvania reduced the number of technical parole violators returning to prison by 15 percent from 2012–2014.



Good time and earned time policies give people the opportunity to earn reductions in their sentence or period of incarceration and reduce the prison population.

North Dakota applied the state's existing good time policy to time served in jail as well as prison, to encourage rehabilitation and discourage rule-breaking while allowing the state to avert the cost of housing people for their entire sentence.



Utah implemented an earned-time program to allow people to reduce their period of incarceration through participation in programs recommended in their case action plan.



Michigan's **County Jail Reimbursement Program** is a tool to limit the state's prison population while allowing people to remain in their local communities while serving their sentence. The state provides funding to counties for housing people who otherwise would have been sent to prison.

Source: [Utah's 2015 Criminal Justice Reforms](#).

States increasingly rely on problem-solving courts to serve specialized populations.

Georgia expanded the use of and investment in accountability courts to divert people who have substance addictions and/or mental illnesses from jail or prison. There are 149 accountability courts operating in every judicial circuit.



Mississippi created veterans' courts to address this population's specific treatment needs, along with statewide standards and a certification and review process for drug courts to ensure their adherence to best practices.



South Dakota implemented reforms that required formal structures for drug and DUI courts, including the creation of eligibility criteria and performance measures, and expanded access to these options.

Several states have changed felony thresholds for property and drug crimes.

Alabama created a new offense category for the least serious nonviolent felony offenses and increased felony thresholds for certain property offenses.

Georgia changed its felony threshold for burglary, theft, and forgery from \$500 to \$1,500.

Nebraska updated property offense penalty thresholds to account for inflation.

Utah downgraded all first- and second-time drug possession convictions from felonies to misdemeanors and reduced over 200 misdemeanors to citations that are no longer subject to arrest or jail. Utah's **prison population dropped 9 percent** from 2015–2017 after this and other policy changes, while the overall crime rate declined.



When thresholds are not adjusted to keep pace with inflation, more crimes are categorized as felonies with each subsequent year.



At least 39 states have raised felony theft thresholds since 2000. Research shows that **states can safely increase felony thresholds for theft offenses** without increasing property crime or larceny rates. In addition, states that increased their thresholds reported approximately the same average decrease in crime as the states that did not.

Source: [The Effects of Changing Felony Theft Thresholds](#); [Data Trends: Utah Criminal Justice Reform](#).



Pretrial detention increases the likelihood of recidivism for certain defendants.

Detaining low- and moderate-risk defendants, even just for a few days, is strongly correlated with higher rates of new criminal activity both during the pretrial period and years after case disposition.

One study showed that low-risk defendants had a **40 percent higher chance of committing a new crime before trial** when held for two to three days compared to those held for one day or less. They also had a **51 percent higher chance of committing a new crime in the next 2 years** when held for 8–14 days compared to those held for one day or less.



Source: LJAF, [The Hidden Costs of Pretrial Detention](#).

Women's experiences leading up to their commission of crimes may suggest different intervention needs than those that are appropriate for men.

Women involved in the justice system are nearly **4 times** as likely to have been a victim of physical or sexual abuse in childhood, **20 percent** more likely to have mental illnesses, and **2 times** more likely to have co-occurring mental illnesses and substance addictions. Women in the justice system are more likely to experience unemployment and poverty, and **66 percent of women** are the primary caretakers of minor children.

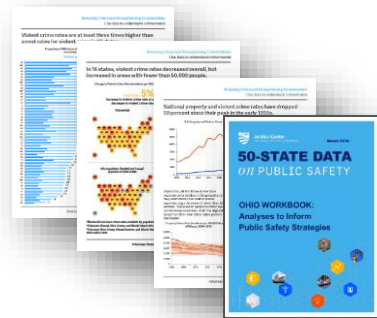


Missouri will be conducting training on gender-responsive interventions for behavioral health providers working with women in the criminal justice system. The state will also be developing gender-responsive supervision approaches to ensure that females are provided with a continuum of gender-responsive and trauma-informed strategies reflecting best practices for females on probation or parole, or in prison.

Source: [Fact Sheet on Justice Involved Women in 2016](#).



Resources



The CSG Justice Center produced 50 state-specific workbooks that show historical trends and data comparisons related to crime, arrests, recidivism, and correctional populations, and provide policymakers with key questions to help identify opportunities to increase public safety. [50-State Data on Public Safety: Idaho's Workbook](#)

[The Stepping Up Initiative](#) to reduce the prevalence of people with mental illnesses being held in county jails.

[Data Trends: Utah Criminal Justice Reform](#), The Pew Charitable Trusts

[The Effects of Changing Felony Theft Thresholds](#), The Pew Charitable Trusts

[Open Roads and Overflowing Jails: Addressing High Rates of Rural Pretrial Incarceration](#), Texas Public Policy Foundation/Right on Crime

[Pretrial Justice Planning Guide for Courts](#), National Center for State Courts and the Pretrial Justice Institute

[Estimating the Costs of Implementing Pretrial Assessment and Monitoring Services](#), National Center for State Courts and the Pretrial Justice Institute



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Thank You

Marc Pelka
mpelka@csg.org

Elizabeth Lyon
elyon@csg.org

Alison Martin
amartin@csg.org

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