Idaho Justice Reinvestment Working Group

Second Meeting

August 29, 2013

Council of State Governments Justice Center

Marc Pelka, Program Director
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Chenise Bonilla, Program Associate

Council of State Governments Justice Center

• National non-profit, non-partisan membership association of state government officials

• Engages members of all three branches of state government

• Justice Center provides practical, nonpartisan advice informed by the best available evidence
Justice Reinvestment

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

Idaho launches Justice Reinvestment with Governor's press conference

“Our corrections system is consuming an increasing share of our budget. We have a simple choice to make: continue down this path, or use data to find a smarter way to protect the public and be better stewards of tax dollars.

... The Justice Reinvestment Initiative will enable us to take a comprehensive look at our criminal justice system and learn from innovations around the country that are reducing crime and costs.”

_Idaho Governor C.L. “Butch” Otter_
Justice Reinvestment Process – Phase I

Bipartisan, bicameral, inter-branch working group

Phase I
Analyze Data and Develop Policy Options

- Analyze data: look at crime, courts, corrections, & supervision trends
- Solicit input from stakeholders
- Assess behavioral health system & treatment capacity
- Develop policy options & estimate cost savings

Phase 2
Implement New Policies

- Identify assistance needed to implement policies effectively
- Deploy targeted reinvestment strategies to increase public safety
- Track the impact of enacted policies/programs
- Monitor recidivism rates and other key measures

Data request, collection, and analysis update

Great willingness and dedication among agency staff to respond to data requests

<table>
<thead>
<tr>
<th>Data</th>
<th>Source</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crime and Arrest Data</td>
<td>Idaho State Police</td>
<td>Located</td>
</tr>
<tr>
<td>Criminal History Data</td>
<td>Idaho State Police</td>
<td>TBD</td>
</tr>
<tr>
<td>Court Roster</td>
<td>Supreme Court</td>
<td>Received</td>
</tr>
<tr>
<td>Problem Solving Court Data</td>
<td>Supreme Court</td>
<td>Received</td>
</tr>
<tr>
<td>Jail Data</td>
<td>Statewide Data Not Available</td>
<td>Ada County Data Received</td>
</tr>
<tr>
<td>Probation Data</td>
<td>Department of Correction</td>
<td>Received</td>
</tr>
<tr>
<td>Prison Data</td>
<td>Department of Correction</td>
<td>Received</td>
</tr>
<tr>
<td>Parole Data</td>
<td>Department of Correction</td>
<td>Received</td>
</tr>
<tr>
<td>Parole Decision Data</td>
<td>Commission of Pardons &amp; Parole</td>
<td>Received</td>
</tr>
<tr>
<td>Behavioral Health Data</td>
<td>Department of Correction / Department of Health &amp; Welfare</td>
<td>Received</td>
</tr>
</tbody>
</table>

Although the research outline remains intact, challenges presented themselves

- Previously unexamined data yielding questionable results
- Data housed in multiple systems, making extraction difficult
- Shortage of research staff or IT support
- Delays in data delivery due to missing values and data cleaning
- Some information not collected electronically being hand-entered
Targeted approach for holding offenders accountable and reducing risk

Resources providing policymakers and practitioners with strategies to improve public safety outcomes
Overview

Drivers of Idaho’s High Incarceration Rate

What Works to Reduce Recidivism?

Examining the Rider Program and Other Diversion Strategies

New report shows Idaho continuing to rise in prison incarceration rankings

Prison Population Percentage Change, 2010-2012

<table>
<thead>
<tr>
<th>Rank</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Louisiana 1,144</td>
<td>Louisiana 1,179</td>
</tr>
<tr>
<td>2</td>
<td>Mississippi 921</td>
<td>Mississippi 954</td>
</tr>
<tr>
<td>3</td>
<td>Texas 866</td>
<td>Oklahoma 858</td>
</tr>
<tr>
<td>4</td>
<td>Alabama 848</td>
<td>Alabama 847</td>
</tr>
<tr>
<td>5</td>
<td>Oklahoma 838</td>
<td>Texas 820</td>
</tr>
<tr>
<td>6</td>
<td>Arizona 784</td>
<td>Arizona 773</td>
</tr>
<tr>
<td>7</td>
<td>Georgia 731</td>
<td>Georgia 723</td>
</tr>
<tr>
<td>8</td>
<td>Arkansas 718</td>
<td>Idaho 680</td>
</tr>
<tr>
<td>9</td>
<td>Florida 678</td>
<td>Missouri 674</td>
</tr>
<tr>
<td>10</td>
<td>Missouri 669</td>
<td>Florida 661</td>
</tr>
<tr>
<td>11</td>
<td>Idaho 666</td>
<td>Arkansas 651</td>
</tr>
</tbody>
</table>

28 states decreased their prison population in the last two years

Idaho’s prison incarceration rate appears out of line with its crime rate

Among states with similar crime rates, Idaho has the highest incarceration rate.

If Riders were not included, Idaho’s incarceration rate would be near South Dakota’s.

Idaho outperforms many states on both measures.


Two-thirds of prison beds occupied by revocations and Riders

66% of prison beds occupied by revocations and Rider program.

Source: IDOC standard monthly reports and snapshot data.
Revocations take up a much greater portion of prison beds in Idaho than in other states

Three factors contributing to significant prison bed usage by violation and revocations

Source: IDOC standard monthly reports, and IDOC snapshot, admissions and releases data.
Before Rider expansion, probation the disposition for nearly two-thirds of new court commitments

2008-2009
New Court Commitments
(Pre-Expansion of the Rider Program)
N = 8,563

Felony Sentences

Rider
22%

Probation
64%

Term
14%

Source: IDOC admissions and releases data.

Rider expansion diverted more from probation than prison

2011-2012
New Court Commitments
(Post-Expansion)
N = 8,886

Felony Sentences

Rider
26%

Probation
58%

Term
16%

Source: IDOC admissions and releases data.
Knowledge on effective supervision has increased dramatically over the last 20 years

Traditional Approach

- Supervise everyone the same way
- Assign programs that feel or seem effective
- Deliver programs the same way to every offender

Evidence-Based Practices

- Assess risk of recidivism and focus supervision on the highest-risk offenders
- Prioritize programs addressing the needs most associated with recidivism
- Deliver programs based on offender learning style, motivation, and / or circumstances
Reducing recidivism a key to lowering incarceration rates—and increasing public safety

<table>
<thead>
<tr>
<th>Paroles from Term</th>
<th>Term Toppers</th>
<th>Successful Riders</th>
<th>New Probation Commits</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,910 paroles</td>
<td>1,036 releases</td>
<td>3,151 probation placements</td>
<td>5,504 probation placements</td>
</tr>
<tr>
<td>1,553 returns</td>
<td>181 returns</td>
<td>1,275 returns</td>
<td>1,353 returns</td>
</tr>
<tr>
<td>Return Rate 53%</td>
<td>Return Rate 17%</td>
<td>Return Rate 40%</td>
<td>Failure to Prison Rate 24%</td>
</tr>
</tbody>
</table>

LSI risk assessment for all groups correlates well with recidivism

Recidivism defined as incarceration within three years
2008 and 2009 cohorts combined
Returns include new Term or Rider sentences, and parole violator stays

The average probation term in Idaho is five years and revocations tend to occur early in supervision

Average Probation Term in Idaho - 5 Years

- **Revoked to Term**: 16% of releases
  - Average LOS: 1.2 years
  - Probationers revoked to Term serve an average of 1.8 years in prison and 85% return to supervision while 14% top out

- **Revoked to Rider**: 27% of releases (expanding)
  - Average LOS: 1.3 years
  - 88% of probationers revoked to Rider successfully complete the program and return to probation

- **Successful Completion**: 56% of releases (dropping)
  - Average LOS: 3.2 years

Source: IDOC admissions and releases data.
After Trio expansion more probationers revoked to Rider

<table>
<thead>
<tr>
<th>Probation Terminations</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revoked to Rider</td>
<td>836</td>
<td>727</td>
<td>910</td>
<td>1,197</td>
<td>1,162</td>
</tr>
<tr>
<td>Revoked to Term</td>
<td>686</td>
<td>537</td>
<td>625</td>
<td>574</td>
<td>675</td>
</tr>
<tr>
<td>Successfully Discharged</td>
<td>2,343</td>
<td>2,499</td>
<td>2,581</td>
<td>2,584</td>
<td>2,360</td>
</tr>
<tr>
<td>Total</td>
<td>3,913</td>
<td>3,814</td>
<td>4,166</td>
<td>4,416</td>
<td>4,235</td>
</tr>
</tbody>
</table>

Percent of Successful Probation Terminations

- 60%
- 62%
- 62%
- 59%
- 56%

Average Revocation Length of Stay
- ~6 months
- ~1.8 years

Source: IDOC releases data.

Improving probation outcomes could save Idaho millions

<table>
<thead>
<tr>
<th>Revocations to Rider</th>
<th>2012 probation revocations to Rider 1,162</th>
<th>Average length of stay in Rider for probation revocations 6 months</th>
<th>IDOC cost per day $53</th>
<th>Potential cost of revocations to Rider $11M</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revocations to Term</td>
<td>2012 probation revocations to Term 675</td>
<td>Average length of stay in Term for probation revocations 1.8 years</td>
<td>IDOC cost per day $53</td>
<td>Potential cost of revocations to Term $23M</td>
</tr>
</tbody>
</table>

Potential cost of 2012 probation revocations $34M

Source: IDOC releases data.
If parole revocations happen, they are most likely to occur in the first year

Recidivism analysis in Idaho showed that 62% of parolees who returned to prison within three years did so within the first year.

Early discharge from parole is uncommon: the majority of those discharging from parole have expired their sentence (~80%).

Parole violators spend 3 to 7 months incarcerated before being either revoked or reinstated.
Further analysis needed on use of graduated and intermediate responses prior to violation

Supervision Violations by Type, FY2013

<table>
<thead>
<tr>
<th>Type</th>
<th>Parole</th>
<th>Probation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical</td>
<td>21%</td>
<td>29%</td>
</tr>
<tr>
<td>Absconder</td>
<td>27%</td>
<td>25%</td>
</tr>
<tr>
<td>Misdemeanor</td>
<td>24%</td>
<td>23%</td>
</tr>
<tr>
<td>New Felony</td>
<td>24%</td>
<td>23%</td>
</tr>
</tbody>
</table>

How are officers using intermediate levels of response to manage offender behavior?

Responses Before Violation Report

<table>
<thead>
<tr>
<th></th>
<th>Average Number of Prior Sanctions</th>
<th>Average Number of Prior Treatment Interventions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parole</td>
<td>2.0</td>
<td>1.5</td>
</tr>
<tr>
<td>Probation</td>
<td>1.9</td>
<td>1.1</td>
</tr>
</tbody>
</table>

What level of sanctions and treatment intervention are used prior to revocation?

Virtually all violation response recommendations involve incarceration

<table>
<thead>
<tr>
<th>Probation</th>
<th>Parole</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impose Sentence</td>
<td>Defer to Parole Commission</td>
</tr>
<tr>
<td>Rider</td>
<td>PV – ICC Program</td>
</tr>
<tr>
<td>Local Jail Time</td>
<td>PV – CAPP Program</td>
</tr>
<tr>
<td>Problem-Solving Court</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>5%</th>
<th>37%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10%</td>
<td>46%</td>
</tr>
<tr>
<td></td>
<td>8%</td>
<td>21%</td>
</tr>
<tr>
<td></td>
<td>5%</td>
<td>34%</td>
</tr>
</tbody>
</table>

Are probation and parole violation responses calibrated to risk of reoffending and violation severity?

Are all parolees revoked to prison when officers “Defer to Parole Commission”?

Could the use of short confinement stays be expanded – and be an option for parolees?
Effective responses to supervision violations

**Dosage**
Focus supervision officer time and program resources on the highest-risk offenders.

**Consistency**
Use a graduated range of sanctions and incentives to guide specific type of response to violations.

**Swiftness**
Enable officers to respond meaningfully to violations without delay or time-consuming processes.

**Cost-effectiveness**
Prioritize the most expensive, restrictive sanctions for offenders committing the most serious violations.

Initial observations of Idaho’s current approach

**Dosage**
Offenders are assessed for risk and assigned to caseloads accordingly. However, higher-risk offenders should receive more frequent, meaningful engagement with supervising officers to change behavior.

**Consistency**
Three tiers of sanctions available, but should be tied more directly to violation severity and risk of re-offense.

**Swiftness**
The length of time between parole violation and hearing is three months or more. Probationers may also wait considerable periods in jails prior to revocation hearings.

**Cost-effectiveness**
Sanctions involving incarceration for violations are, on average, longer than other states. Spending more on sanctioning violations reduces resources available for reducing offender risk upon release.
To reduce recidivism, focus on higher-risk offenders

Prioritize programs for higher-risk offenders

The same "Risk Principle" for supervision also applies to programs

Higher-risk offenders are more likely to have
more, and more serious, criminogenic needs

Programs targeting these needs can
significantly lower recidivism rates

Same programs receiving higher-risk offers produced significantly better outcomes

Program outcomes for lower-risk offenders

Program outcomes for higher-risk offenders

Source: Latessa, Levine, and Smith, "Follow-up Evaluation of Ohio's Community-Based Correctional Facilities, Outcome Study, February 2010"
Where and how treatment is delivered impacts the degree of recidivism reduction

### Impact of Treatment Intervention on Recidivism Rates

<table>
<thead>
<tr>
<th>Drug Treatment in Prison</th>
<th>Drug Treatment in the Community</th>
<th>Supervision with Risk Need + Responsivity</th>
</tr>
</thead>
<tbody>
<tr>
<td>-17%</td>
<td>-24%</td>
<td>-30%</td>
</tr>
</tbody>
</table>

Supervision with effective “RNR” principles yield the biggest recidivism reduction


### Idaho investing resources in community-based treatment

Source: Behavioral Health Interagency Cooperative Status Report to the Governor December 21, 2011.
Rider program has numerous entry and exit points, and failure is costly to the system.

Is using Rider for probation revocations “net-widening”? - Neither the probation population nor the number of revocations to term has risen. All of the growth in unsuccessful probation terminations appears to be from the use of Rider as a sanction.
A quarter of Riders are assessed as lower-risk

Risk Distribution Among Rider Admissions, 2012

Rider Admissions by Offense Type

- 48% Controlled Substances and DUI
- 12% Burglary
- 10% Grand Theft
- 10% Assault

Source: IDOC snapshot, admissions and releases data.

Summary points

- Two-thirds of people in prison are supervision failures or Riders
- A high supervision revocation rate to prison is followed by long stays
- Rider admission criteria is not fine-tuned for diversion and treatment goals
Addressing supervision challenges presents opportunities to increase public safety

<table>
<thead>
<tr>
<th>Factor</th>
<th>Challenge</th>
<th>Evidence Based Practice</th>
<th>Public Safety Benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Supervision Population</td>
<td>Difficult to concentrate officer time on high-risk offenders</td>
<td>Dosage</td>
<td>Reduce risk among individuals most likely to reoffend</td>
</tr>
<tr>
<td>High Revocation Rate to Prison</td>
<td>Inconsistent use of graduated sanctions</td>
<td>Consistency</td>
<td>Change offender behavior</td>
</tr>
<tr>
<td>Long Prison Stays on Revocation</td>
<td>Costly delays for violators and long reconfine ment on revocation</td>
<td>Swiftness &amp; Cost-effectiveness</td>
<td>Prioritize restrictive sanctions for high risk and severity</td>
</tr>
</tbody>
</table>

North Carolina is employing swift and certain sanctions to reduce recidivism and hold offenders accountable

<table>
<thead>
<tr>
<th>PROBLEM</th>
<th>DATA</th>
<th>POLICY CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violation hearings are time-consuming and often result in placement back on probation</td>
<td>53% of prison admissions were probation revocations</td>
<td>2-3 day Administrative Jail Sanctions</td>
</tr>
<tr>
<td>Few meaningful sanctions for minor violations</td>
<td>75% of revocations were for condition violations</td>
<td>90-day revocation for 1st and 2nd condition violations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Full revocation for absconding and new crimes</td>
</tr>
</tbody>
</table>
Kansas dropped technical violations in half and reinvested savings in programs to reduce recidivism.

Generate savings through more effective policy

Reinvest in strategies to increase public safety

Rider

To maximize risk-reduction and cost-effectiveness potential of treatment funding

Prioritize Rider for higher-risk prison-bound offenders with programming/treatment needs

Continue building SUD resources to reduce recidivism with supervision and ensure quality

SUD Felony Supervision

State funding is significantly greater for Rider than SUD felony probation and parole

$19.1 Million

2,247 participants

$4.9 Million

3,663 participants

Rough approximation of 2012 expenditure on Rider

Average length of stay for Rider releases

160 days

IDOC cost per day

$53

Average cost per Rider

$4,480

2012 Rider Admissions

2,247

Potential Rider Expenditure

$19.1 M

Idaho can further reduce recidivism with better targeting.
Questions and further analyses for next presentations

2013 DOC Snapshot Population

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Riders and Rider Fail</td>
<td>25%</td>
</tr>
<tr>
<td>Violators and Revocations</td>
<td>41%</td>
</tr>
<tr>
<td>New Commitments</td>
<td>34%</td>
</tr>
</tbody>
</table>

Issues to analyze for next working group meeting

- Presentencing investigation assessments
- Role of problem-solving courts
- Corrections and parole system processes
- New commitments to prison
- Input from law enforcement executives, the judiciary, and other system stakeholders

How do PSI assessments help inform judicial decision-making?
What are opportunities to streamline parole hearing and release processes?
What factors contributed to the drop in 2011-2012 prison releases?

Proposed Timeline

May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | 2014 Session

- Initial Data Analysis
- Detailed Data Analysis
- Final Data Analysis
- Impact Analysis
- Stakeholder Engagement
- Policy Option Development
- Bill Drafting
- Provide Info to Policymakers and Media and Keep Stakeholders Involved
National expert in criminal justice evidence-based practices presenting in October

**Date:** Wednesday, October 30th  
**Time:** 9:30-11:30am  
**Location:** State Capitol (Room EW42)

**Ed Latessa,** PhD, of the University of Cincinnati’s Criminal Justice Department, will be presenting key principles to reducing recidivism.

All Justice Reinvestment Interim Committee and Working Group members and staff are welcome.

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Thank You

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This material was prepared for the State of Idaho. The presentation was developed by members of the Council of State Governments Justice Center staff. Because presentations are not subject to the same rigorous review process as other printed materials, the statements made reflect the views of the authors, and should not be considered the official position of the Justice Center, the members of the Council of State Governments, or the funding agency supporting the work.