Idaho Justice Reinvestment Working Group

First Meeting

June 18, 2013

Council of State Governments Justice Center

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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.*
Reducing Recidivism Has Emerged As a National Focus

Over the past 23 years, state spending across the country on corrections has skyrocketed—from $12 billion in 1988 to more than $52 billion in 2011.

As corrections spending has increased, many states are seeing cuts to law enforcement, community-based supervision, treatment, and other criminal justice components providing recidivism reduction functions.

Despite dropping crime rates across the country, recidivism rates remain stubbornly high.

Facing growing state budget pressure and greater demand for better outcomes, states are asking, “What works to reduce recidivism?”

Pennsylvania—prison population drove significant growth in capacity and budget

2001 - 2011

Prison Population Up 40%
Prison Capacity Up 44%
Annual DOC Spending Up 77%, from $1.1 to $1.9 billion

Operational Prison Capacity

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
<th>Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>33,757</td>
<td></td>
</tr>
<tr>
<td>2003</td>
<td>38,067</td>
<td>45,280</td>
</tr>
<tr>
<td>2006</td>
<td>43,312</td>
<td>51,312</td>
</tr>
</tbody>
</table>
Seeking a Better Return on Investment for Public Safety

Education, corrections and welfare take up about 95 percent of the budget pie, so everything else we want to do comes out of that other 5 percent. If we want to be able to do more, we have two ways of doing it: either we raise taxes — which I’m not going to do because I don’t think the people of Pennsylvania can take that — or get more efficient at what we’re doing and reduce the need for the welfare side and reduce the need for the corrections side.

Governor Tom Corbett (R)
Pennsylvania

What Can States Do to Reduce Recidivism

1. Focus on the people most likely to commit more crime
2. Use programs proven to work & ensure they are high quality
3. Deploy supervision policies and practices that balance sanctions and treatment
4. Incentivize Performance
17 States Have Used a Justice Reinvestment Approach

Justice Reinvestment in Texas Has Resulted in Tremendous Averted Prison Growth

Source: TDCJ Statistical Reports, Legislative Budget Board adjusted 2007 prison projection.

$340 million in operational costs and $1.5 billion in construction costs avoided

152,303

Actual Population

170,923

Prison Projection (2007)
When I asked the Justice Reinvestment Working Group to come together to tackle the issue of prison overcrowding, I made it clear that any policies developed must directly address the criminal behavior that ends up putting more and more people behind bars.”

”[The law] is not just going to save money for the State of Ohio; it’s going to apply that money in ways that can remediate, give people a chance.”

West Virginia Governor Earl Ray Tomblin, D  
Ohio Governor John Kasich, R

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

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Example of Justice Reinvestment
Data & Stakeholder Engagement

700,000+
data records analyzed
100+
in-person meetings with stakeholders in the criminal justice system
Five 2-3 hour meetings of the Justice Reinvestment Working Group

- **100** Police Chiefs, Staff & Officers
- **24** Victims, Advocates, & Survivors
- **40** Probation & Parole Officers
- **5** Community Sentencing & Private Supervision
- **15** Behavioral Health & Treatment Providers
- **17** Members of the Defense Bar
- **12+** Hours with District Attorneys

Stakeholder Engagement Will Raise Additional Issues

- Law Enforcement
- Prosecuting Attorneys
- Victim Advocates
- Misdemeanor Probation
- Behavioral Health Treatment Providers
- Faith Based Groups
- Judges
- Defense Bar
- Local Government Officials

Justice Reinvestment in Idaho
Justice Reinvestment Process – Phase II

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

Overview

National Context and Introduction

Initial System Assessment

Next Steps and Proposed Timeline
Data Requests and Responses are Underway

<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>Pending</td>
</tr>
<tr>
<td>Court Dispositions</td>
<td>Supreme Court</td>
<td>Received</td>
</tr>
<tr>
<td>Problem Solving Court Data</td>
<td>Supreme Court</td>
<td>Pending</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>Pending</td>
</tr>
<tr>
<td>Behavioral Health Data</td>
<td>Department of Correction /</td>
<td>Pending</td>
</tr>
<tr>
<td></td>
<td>Department of Health &amp; Welfare</td>
<td></td>
</tr>
</tbody>
</table>

Idaho’s resident population grew considerably with geographic concentration

- 25% of the total population lives in Ada County
- 53% live in the four largest counties
- 79% live in 13 of Idaho’s 44 counties

Idaho’s total index crime rate was the third lowest in the country.

While the concentration of arrests mimics population density, arrest rates are fairly uniform across the state.
Crime is generally down in Idaho

### Total Reported Crimes

<table>
<thead>
<tr>
<th>Year</th>
<th>2007</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crimes</td>
<td>89,410</td>
<td>82,360</td>
</tr>
</tbody>
</table>

### Total Crime Rate

<table>
<thead>
<tr>
<th>Year</th>
<th>2007</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rate</td>
<td>59.7</td>
<td>52.0</td>
</tr>
</tbody>
</table>

**2007-2011 Change**

- **Total Crimes Against Persons**: Down 15%
  - Murder/All Manslaughter*: Down 44%
  - Aggravated Assault: Down 12%
  - Simple Assault: Down 12%
  - All Sex Crimes: Down 24%
- **Total Crimes Against Property**: Down 9%
  - Robbery: Down 21%
  - Larceny/Theft: Down 1%
  - Burglary/Breaking and Entering: Down 4%
  - Destruction of Property: Down 19%
  - Motor Vehicle Theft: Down 42%
- **Adult DUI Arrests**: Down 16%

*Small numbers – 30 to 50 per year

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The volume of arrests hasn’t changed but arrests among particular crimes are up

### Total Adult Arrests

<table>
<thead>
<tr>
<th>Year</th>
<th>2007</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrests</td>
<td>61,792</td>
<td>57,061</td>
</tr>
</tbody>
</table>

### Total Adult Arrests Among Likely Prison

<table>
<thead>
<tr>
<th>Year</th>
<th>2007</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrests</td>
<td>22,186</td>
<td>22,274</td>
</tr>
</tbody>
</table>

**2007-2011 Change**

- **Total Crimes Against Property**: Down 9%
  - Adult Arrests for Property Crimes: Up 14%
  - Adult Arrests for Larceny/Theft: Up 40%
  - Adult Burglary Arrests: Up 4%
  - Adult Robbery Arrests*: Up 38%
  - Adult Arrests for Crimes Against Society: Up 7%
  - Adult Drug Arrests: Up 17%

*Small numbers – 60 to 100 per year

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More arrests among fewer reported crimes = Higher clearance rates
There has been a slight increase in felony convictions, although change is not yet evident in new DOC receptions

Crime, Arrest and Courts Summary

While resident population grew, reported crime decreased; therefore rates are down

Total arrests dropped, although particular adult arrest offenses are up

Total admissions to IDOC are stable (including prison, Rider, and felony probation)
Flowchart depicting the interconnected nature of felony sentence dispositions

Population trends reveal growth among Riders and a decrease in Term releases

Source: IDOC admission, release data and Standard Reports.
Idaho had the second highest percentage of people on probation in the U.S. (2011)

Sixty-three percent of all prison admissions are driven by supervision violations

Fifty-seven percent of term admissions are probation and parole revocations

Number of Term Prison Admissions
2008 and 2012

<table>
<thead>
<tr>
<th></th>
<th>FY 2008</th>
<th>FY 2012</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failed Riders</td>
<td>237</td>
<td>297</td>
<td>+25%</td>
</tr>
<tr>
<td>Parole Revocations</td>
<td>505</td>
<td>595</td>
<td>+18%</td>
</tr>
<tr>
<td>Probation Revocations</td>
<td>646</td>
<td>675</td>
<td>-2%</td>
</tr>
<tr>
<td>New Commitments</td>
<td>636</td>
<td>646</td>
<td>+2%</td>
</tr>
</tbody>
</table>

Source: IDOC admissions data.

Idaho’s Rider sentencing options expanded in 2010

Courts retain jurisdiction over the Rider offender for up to one year

Rider Trio of Options

Correctional Alternative Placement Program (CAPP)
- 90 to 120 days
- For low to moderate risk offenders with substance use and cognitive issues
- Housed in the privately run CAPP facility

Traditional
- 120 to 180 days
- For offenders with higher-level cognitive and behavioral issues
- Includes a focus on obtaining a GED

Therapeutic Community
- 270 to 365 days
- For offenders with more intensive programming and treatment needs
As Rider program options expanded, so did the number of people sentenced to this alternative

Length of stay among Rider releases also rose slightly in 2012 (10% increase), as those sentenced to the longer option finished their programming.

A deeper examination of Rider offenders is needed

Rider Failures - Sent to Term
While there is no clear trend in rider outcomes, the 14% failure rate in 2012 was the highest in the period.

Rider Successes - Sent to Probation
Trend suggests at least a third of all probationers violate and come to prison.
Do successful Riders have better outcomes on probation?

Source: IDOC admission data and Standard Reports.
Source: IDOC release data.
Idaho had the 11th highest incarceration rate in the U.S. in 2011

Idaho’s prison growth from 2010 to 2011 was among the largest in the U.S.
Projections show continuing growth over next three years with expenditures expected to match.

Fewer inmates released from term sentences in 2012, those that were paroled had served slightly longer.
Rider, revocations and parole are impacting the prison population

The Rider program expansion led to an increase in admissions and length of stay for participants

Sixty-three percent of prison admissions are probation and parole violations

Paroles are down and length of stay has increased

Overview

National Context and Introduction

Initial System Assessment

Next Steps and Proposed Timeline
Why is Idaho’s prison population growing?

Increasing pressure on the front end of the system?
- General population?
- Crime?
- Arrests?
- Court commitments?

Change in the nature of prison stays?
- Sentencing options?
- Sentence lengths?
- Release types and time served?

Fewer successful outcomes during treatment and supervision?
- Probation revocations?
- Parole revocations?
- Rider outcomes?

Proposed preliminary areas of analysis (1)

**Sentencing**
- Explore the PSI process – explore costs, time, and use of narrative and risk assessment.
- How does information on defendants/offenders help courts make sentencing decisions?
- How do statutes and criminal code affect sentencing options available to judges?

**Crime and Arrests**
- Does uptick in certain arrests bear out in various local jurisdictions?
- How does mental health and / substance use needs and disorders interact with law enforcement response?
- What state policies and resources would help law enforcement response to crime?
Proposed preliminary areas of analysis (2)

Probation and Parole Supervision
• Do statutory and administrative policies include evidence-based practices?
• How are probation lengths determined and how does length of terms affect probation officer resources?
• Assess the use of principles of RNR in supervision.
• Explore the role of misdemeanor probation trends, policies, and practices.

Program Delivery – On Supervision or in Prison
• How is available programming, e.g. SUD, incorporated into supervision policies and practices?
• How are principles of risk and need used to drive program prioritization?
• What quality-assurance assessments and outcome evaluations are used to determine recidivism impact?
• What is the role of problem-solving courts in the continuum of program delivery to people on supervision?

Proposed preliminary areas of analysis (3)

Jail
• How are pretrial, probation violator, and sentenced offender populations affecting county jail populations?
• How do jail disposition trends compare to emerging state prison trends?

Prison
• What is affecting inmate length of stay?
• Examine prison population by offense type, risk level and other criteria.
• How is growing number of parole revocations affecting prison intake, processing, and program delivery?
Proposed preliminary areas of analysis (4)

**Corrections and Parole Processes**
- How do inmate intake assessment, program assignment, and parole consideration process line up?
- What are contributing factors to the apparent decrease in parole releases?
- What is the role of community work centers and how is the limited capacity prioritized for suitable offenders?

**Recidivism**
- What is the recidivism rate for people released from prison (parole, topers, Riders) and for those sentenced to other parts of the system?
- What are the trends over time?

Proposed Timeline
Technical Assistance in between WG Meetings

Data Collection & Analysis
Identify additional sources and submit data requests.
Delve deeper into designated areas of analysis to fill out the criminal justice system picture.

Stakeholder Engagement
Hold focus group meetings, submit surveys, and engage in discussions with criminal justice system stakeholders.
Channel input and recommendations into process, complementing data analyses.

Working Group
Identify opportunities for engaging stakeholder groups.
Designate working group member interest areas

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.