Idaho Justice Reinvestment Working Group

Third Meeting

October 31, 2013

Council of State Governments Justice Center

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Ed Weckerly, Data Analyst
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
Funding and partners

Justice Reinvestment

*a data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety.*
A data-driven “Idaho Solution” for increased public safety and cost-effectiveness

Idaho Legislature enacts bipartisan resolution authorizing the establishment of an Interim Committee to undertake a study of the state’s criminal justice system.

Governor Otter, Chief Justice Burdick, Senate Pres. Pro Tem Hill, and legislative leaders launch justice reinvestment

“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.”

Governor C.L. “Butch” Otter

Legislative Interim Committee and Justice Reinvestment Working Group formed, both chaired by Senator Lodge and Representative Wills
Justice Reinvestment Process – Phase I and II

Bipartisan, bicameral, inter-branch working group

Phase I
Analyze Data & Develop Policy Options

- Analyze data; look at crime, courts, corrections, and supervision trends
- Solicit input from stakeholders
- Assess behavioral health system and treatment capacity
- Develop policy options and 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
Input gathered from across Idaho since last meeting

Numerous interactions with criminal justice system stakeholders in the past two months

- District Judges
- Department of Correction
- Chiefs of Police Association
- Prosecuting Attorneys Association
- Sheriffs' Association
- Coalition Against Sexual & Domestic Violence
- Association of Counties
- Parole Commission Members & Hearing Officers

Interactive presentation with all the state’s district judges

Nighttime ride-along with the Meridian Police Department

Statewide online survey of sheriffs and Bonneville County jail tour

Presentation to county commissioners at conference

Full day meeting with hearing officers and decision-makers
Summary of Today’s Presentation – The Big Picture

Idaho’s incarceration rate is higher than states with similar crime rates, and is costly and unsustainable

A revolving door of recidivism from supervision and diversion programs is costly and ineffective

Rates of recidivism could be lowered by increasing the use of best practices

Sanctions for revocations are long and costly, and not tailored for supervision violation behavior
Idaho’s crime rate is low compared to the national rate and continuing to decline.

**Total Reported Crimes**

<table>
<thead>
<tr>
<th>Year</th>
<th>Reported Crimes</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>89,410</td>
<td>Down 8%</td>
</tr>
<tr>
<td>2011</td>
<td>82,360</td>
<td></td>
</tr>
</tbody>
</table>

**Total Crime Rate**

(Reported Crimes per 1,000 population)

<table>
<thead>
<tr>
<th>Year</th>
<th>Rate</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>59.7</td>
<td>Down 13%</td>
</tr>
<tr>
<td>2011</td>
<td>52.0</td>
<td></td>
</tr>
</tbody>
</table>

**2007-2011 Change**

<table>
<thead>
<tr>
<th>Crime Category</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Crimes Against Persons</td>
<td>Down 15%</td>
</tr>
<tr>
<td>Murder/All Manslaughter*</td>
<td>Down 44%</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>Down 12%</td>
</tr>
<tr>
<td>Simple Assault</td>
<td>Down 12%</td>
</tr>
<tr>
<td>All Sex Crimes</td>
<td>Down 24%</td>
</tr>
<tr>
<td>Total Crimes Against Property</td>
<td>Down 9%</td>
</tr>
<tr>
<td>Robbery</td>
<td>Down 21%</td>
</tr>
<tr>
<td>Larceny/Theft</td>
<td>Down 1%</td>
</tr>
<tr>
<td>Burglary/Breaking and Entering</td>
<td>Down 4%</td>
</tr>
<tr>
<td>Destruction of Property</td>
<td>Down 19%</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>Down 42%</td>
</tr>
<tr>
<td>Adult DUI Arrests</td>
<td>Down 16%</td>
</tr>
</tbody>
</table>

*Small numbers – 30 to 50 per year

Corrections growth is projected to continue at great cost if left unaddressed


- **Actual Growth**: +10%
- **Projected Growth**: 2012 to 2015 +7.5%

Total IDOC Expenditures (in millions), FY2008-2015

- **2008**: 185.6
- **2009**: 178.8
- **2010**: 165.6
- **2011**: 169.2
- **2012**: 180.0
- **2013**: 191.3
- **2014**: 203.9
- **2015**: ??

* FY2013, FY2014 Budget Appropriation

Prison total includes Term, Rider and Parole Violator inmates.
Prison percentage growth in Idaho has outpaced almost all other states in recent years.

Idaho’s incarceration rate is higher than states with similar crime rates

Presentation Overview

Recidivism from supervision and diversion programs

How Idaho can lower recidivism by using best practices

Long and costly sanctions for revocations
Most felons are sentenced to probation and, increasingly, the Rider program.

New Felony Sentences by Type, FY2008 and 2012

<table>
<thead>
<tr>
<th>Year</th>
<th>Probation</th>
<th>Rider</th>
<th>Prison Term</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>2,768</td>
<td>913</td>
<td>646</td>
<td>4,327</td>
</tr>
<tr>
<td>2012</td>
<td>2,656</td>
<td>1,090</td>
<td>739</td>
<td>4,485</td>
</tr>
</tbody>
</table>

Percentages:
- 2012 Probation: 59%
- 2012 Rider: 24%
- 2012 Prison Term: 16%

Source: IDOC admissions and release data.
Probation is used most often in property and drug offenses, and Rider or prison is more common in person crimes.

### New Felony Sentences by Type and Offense Type, FY2012 (N = 4,485)

<table>
<thead>
<tr>
<th></th>
<th>Controlled Substances (35%)</th>
<th>DUI (14%)</th>
<th>Crimes Against Property (27%)</th>
<th>Crimes Against Persons (19%)</th>
<th>Other (5%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probation</td>
<td>62%</td>
<td>60%</td>
<td>62%</td>
<td>40%</td>
<td>60%</td>
</tr>
<tr>
<td>Rider</td>
<td>23%</td>
<td>29%</td>
<td>24%</td>
<td>31%</td>
<td>22%</td>
</tr>
<tr>
<td>Prison Term</td>
<td>15%</td>
<td>11%</td>
<td>14%</td>
<td>29%</td>
<td>18%</td>
</tr>
</tbody>
</table>

Source: IDOC admissions and release data.
Use of Rider and prison varies by district, crime and alternative sentencing options

### Idaho Judicial Districts

<table>
<thead>
<tr>
<th>Judicial District</th>
<th>Distribution of New Felony Sentences, FY2008-12</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Probation</td>
</tr>
<tr>
<td>1</td>
<td>62%</td>
</tr>
<tr>
<td>2</td>
<td>64%</td>
</tr>
<tr>
<td>3</td>
<td>63%</td>
</tr>
<tr>
<td>4</td>
<td>51%</td>
</tr>
<tr>
<td>5</td>
<td>53%</td>
</tr>
<tr>
<td>6</td>
<td>62%</td>
</tr>
<tr>
<td>7</td>
<td>69%</td>
</tr>
<tr>
<td>Total</td>
<td>62%</td>
</tr>
</tbody>
</table>

Source: IDOC admissions and release data.

- **District 7** is recognized for offering a range of alternative sentencing options (Wood Pilot Project, other problem solving courts).
- **District 4** also had a slightly larger proportion of Crimes Against Persons during this period.
- **District 5** had a larger proportion of Controlled Substance offenses.

Council of State Governments Justice Center
Risk assessment guides decision-making in many parts in the system

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Pretrial</th>
<th>Sentencing</th>
<th>Parole Release</th>
<th>Probation/Parole</th>
<th>Rider Trio of Options</th>
<th>Prison</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failure to appear</td>
<td>Risk of recidivism</td>
<td>Risk of recidivism</td>
<td>Supervision Intensity</td>
<td>Program needs</td>
<td>Program needs</td>
<td></td>
</tr>
<tr>
<td>Recidivism</td>
<td>Program, Treatment</td>
<td>Program, Treatment</td>
<td>Program needs</td>
<td>Program needs</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Used in Idaho? | At least 5 Counties | Yes | Yes | Yes | Yes | Yes |

| Guidance in Statute or Policy | No | Treatment - Yes | No | Admission Criteria - No | No | Yes | Yes | Yes |

<table>
<thead>
<tr>
<th>Tool(s) Used</th>
<th>IPRAI</th>
<th>LSI</th>
<th>GAIN Core</th>
<th>TCU</th>
<th>LSI from prison intake</th>
<th>LSI</th>
<th>RDU</th>
<th>Assessments</th>
<th>LSI</th>
</tr>
</thead>
</table>

Council of State Governments Justice Center
Low-risk offenders are more likely to be placed on probation

New Felony Sentences by Risk, FY2012 (N = 4,485)

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Cont. Subs.</th>
<th>DUI</th>
<th>Property</th>
<th>Person</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk Level</td>
<td>L  M  H</td>
<td>L  M  H</td>
<td>L  M  H</td>
<td>L  M  H</td>
<td></td>
</tr>
<tr>
<td>Probation</td>
<td>360 361 151</td>
<td>190 133 28</td>
<td>334 225 120</td>
<td>183 93 32</td>
<td>57 35 11</td>
</tr>
<tr>
<td>Rider</td>
<td>57 166 112</td>
<td>61 82 31</td>
<td>50 107 119</td>
<td>78 78 92</td>
<td>9 20 16</td>
</tr>
<tr>
<td>Prison</td>
<td>71 88 47</td>
<td>18 23 15</td>
<td>42 46 52</td>
<td>75 72 68</td>
<td>6 12 16</td>
</tr>
<tr>
<td>Term</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: IDOC admissions and release data.
30 percent of initial diversions are later revoked to a prison term within three years

Source: IDOC admissions and release data.
Revocations and Riders account for 87% of prison admissions and 2/3 of the prison population

<table>
<thead>
<tr>
<th>New Felony Sentences</th>
<th>Prison Admissions</th>
<th>Prison Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>84%</td>
<td>87%</td>
<td>66%</td>
</tr>
<tr>
<td>Sentenced to Probation or Rider Initially</td>
<td>From Recidivism or New to Rider</td>
<td>From Recidivism or Rider</td>
</tr>
</tbody>
</table>

- **Probation 59%**
- **Rider 24%**

- **Revocations and Violators* 41%**
- **New or Revoked to Rider and Failed Riders to Term 46%**

- **Term 16%**
- **New to Term 13%**

- **Revocations and Violators* 41%**
- **New or Revoked to Rider and Failed Riders to Term 25%**

- **New to Term 34%**

Source: IDOC admissions and release data.
Revocations take up a much smaller portion of prison beds in other states

Source: IDOC standard monthly reports and snapshot data. CSG Justice Center data from past Justice Reinvestment states.
Overview

- Recidivism from supervision and diversion programs
- How Idaho can lower recidivism by using best practices
- Long and costly sanctions for revocations
District judges surveyed recognized the critical importance of both quality community-based supervision, as well as programs and treatment, in lowering recidivism.

- Additional intensive probation supervision programs should be available.
- More resources should go to probation officers for supervision.
- Fund and staff more Probation Officers for adequate supervision in appropriate ways.
Low-risk offenders usually succeed on probation, but high risk offenders are more often revoked from supervision

**New Probation Sentences by Risk, FY2012**

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Cont. Subs.</th>
<th>DUI</th>
<th>Property</th>
<th>Person</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk Level</td>
<td>L M H</td>
<td>L M H</td>
<td>L M H</td>
<td>L M H</td>
<td>L M H</td>
</tr>
<tr>
<td>Probation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>360 361 151</td>
<td>190 133 28</td>
<td>334 225 120</td>
<td>183 93 32</td>
<td>57 35 11</td>
</tr>
<tr>
<td></td>
<td>17% 57% 87%</td>
<td>26% 74% 86%</td>
<td>18% 66% 88%</td>
<td>20% 67% 94%</td>
<td>10% 55% 83%</td>
</tr>
</tbody>
</table>

**Probation Failure Rate**
Among probation terminations by Risk and Offense, FY2012

**Probation revocations are up 21% over the past five years**

Source: IDOC admissions and release data.
Idaho among a minority of states not capping felony probation terms

<table>
<thead>
<tr>
<th>ID</th>
<th>Average Probation Term 5 Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 2 3 4 5</td>
<td></td>
</tr>
</tbody>
</table>

Average Revocation

Average Successful Completion

-40%

<table>
<thead>
<tr>
<th>States with No Probation Term Cap</th>
</tr>
</thead>
<tbody>
<tr>
<td>ID MA CO MT PA RI OR WA TN MN WI SD VA AR IN VT WY</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>States with Maximum Probation Terms of 5 Years or Less</th>
</tr>
</thead>
<tbody>
<tr>
<td>NJ OH DE FL WV UT IL AL NE NV NH CA IA CT OK MI MO KS GA ND NM SC MD LA KY NY MS ME NC</td>
</tr>
</tbody>
</table>

Idaho identifies and differentiates its supervision population based on risk of re-offending.

Without Risk Assessment...

With Risk Assessment...

Risk of Re-offending

- **LOW**
  - 10% re-arrested

- **MODERATE**
  - 35% re-arrested

- **HIGH**
  - 70% re-arrested
Focusing a high-enough “dosage” on high-risk supervision population would yield better outcomes.

<table>
<thead>
<tr>
<th>Supervision/Program Intensity</th>
<th>LOW 10% re-arrested</th>
<th>MODERATE 35% re-arrested</th>
<th>HIGH 70% re-arrested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>![Low group]</td>
<td>![Moderate group]</td>
<td>![High group]</td>
</tr>
<tr>
<td>Moderate</td>
<td>![Low group]</td>
<td>![Moderate group]</td>
<td>![High group]</td>
</tr>
<tr>
<td>High</td>
<td>![Low group]</td>
<td>![Moderate group]</td>
<td>![High group]</td>
</tr>
</tbody>
</table>
Continuum of responses available to supervision agencies to hold offenders accountable for behavior change

Responses to supervision compliance can reduce recidivism as much as or more than sanctions, when they are known ahead of time to the offender.

On average, two sanctions were applied before a violation report was submitted by PPOs in 2013.

On average, less than two treatment interventions were applied before a violation report was submitted.

Most restrictive responses should be prioritized based on risk and seriousness of violation.

Modify supervision level
Modify restrictiveness of conditions
Modify travel restrictions
Verbal praise

Increase reporting requirements
Short Jail Stay
Problem solving courts
Institutional program
Revocation to prison
Reported violations present opportunities for effective responses to offender behavior while on supervision

Meaningfully hold offenders accountable with swift-and certain responses

Apply community-based graduated sanctions and RNR principles

Ensure responses for absconding are more severe than for condition violations

Use responses (confinement, increased supervision) that punish and reduce future risk

Supervision Violations Reports by Type, FY2013

Parole
- 21%
- 24%
- 27%
- 28%

Probation
- 29%
- 23%
- 25%
- 23%

Technical
New Misdemeanor
Absconder
New Felony

Source: Probation and parole supervision violation reports ("Bubble Sheets"), FY2013
Research, evaluation, and practice coalesce around effectiveness of swift-and-certain responses to supervision violations.

In Honolulu, Judge Alm pioneered a probation program applying supervision, drug testing, and violation responses involving swift, certain, and brief jail sanctions.

NIJ evaluation showed significant reductions in key supervision outcome measures.

Research confirms the science behind HOPE: the **swiftness** of the timing of the response and the **certainty** that there will be a response impacts offender behavior to a greater degree than the **length** of the time behind bars.

Idaho’s Specialty Courts Are Highly Regarded on A National Level

64 Problem Solving Courts:
- 24 Felony Drug Courts
- 11 Adult Mental Health Courts
- 1 Juvenile Mental Health Court
- 9 Misdemeanor/DUI Courts
- 4 DUI Courts
- 8 Juvenile Drug Courts
- 4 Child Protection Drug Courts
- 3 Veterans Courts

Bonneville County Mental Health Court is one of five national sites chosen for peer-to-peer learning due to programmatic successes.

The goal of specialty courts is to promote effective interaction and use of resources among the courts, justice system personnel and community agencies.
States nationwide are adopting swift-and-certain responses in policy

At sentencing, judge may delegate authority to the supervising agency to impose a certain number of jail-bed days in response to violation of conditions of supervision.

Supervision agencies then create graduated-sanction policies to ensure that this response is used fairly and reasonably to maximize potential for effective responses to violations.

In North Carolina, judges may allow for a maximum of 6 days per months for a total of 18 days. The maximum number of days of jail confinement may not exceed two- or three-day periods.

Numerous other states have established similar policies:

<table>
<thead>
<tr>
<th>Arkansas</th>
<th>New Hampshire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>Oregon</td>
</tr>
<tr>
<td>Louisiana</td>
<td>South Carolina</td>
</tr>
<tr>
<td>Missouri</td>
<td>Washington</td>
</tr>
</tbody>
</table>

Source:
Discretionary Jail Time is used widely, but would benefit from clearer grounding in evidence-based practices

- DJT is used only if ordered by the court as a special condition of probation
- Judges authorize the use of DJT in a majority of cases
- It is currently not used as a sanction for parole violators
- PPOs may use DJT as an intermediate response
- No cap for DJT length or frequency appears in policy
- 88% of sheriffs indicated use of their jails beds for DJT
- Length of jail sanctions range from 1 to 30 days

Sheriffs reported variation in the use of DJT and requested greater consistency in policy
Overview

Recidivism from supervision and diversion programs

How Idaho can lower recidivism by using best practices

Long and costly sanctions for revocations
Revocations to term are long and costly – because underlying sentence is imposed

### Probation Revocations to Term

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

### Parole Revocations

<table>
<thead>
<tr>
<th>2012 parole revocations</th>
<th>595</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average length of stay on Parole Violator and Term status</td>
<td>1.6 years</td>
</tr>
<tr>
<td>IDOC cost per day</td>
<td>$53</td>
</tr>
<tr>
<td>Potential cost of revocations to Term</td>
<td>$18M</td>
</tr>
</tbody>
</table>

Potential cost of 2012 supervision revocations $41M

Source: IDOC admissions and release data.
States are using tailored revocation terms to respond to supervision violations

Observations about the State Examples

- Applies to both probation and parole populations: Kansas, Hawaii, Oklahoma, Texas, and West Virginia
- Graduated responses for subsequent violations: Kansas, Pennsylvania, Washington, and West Virginia
- Affects lengths of stay in secure community correction programs: Georgia, Missouri, Oklahoma, and Pennsylvania
Idaho’s sentencing statutes contain few stratifications within offense types

<table>
<thead>
<tr>
<th></th>
<th>Idaho Statute</th>
<th>Idaho 2012 Average Sentence</th>
<th>National Average Max</th>
<th>Idaho Statute Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burglary</td>
<td>1 year fixed 10 year unified</td>
<td>2.6 to 7.9</td>
<td>4.75 years</td>
<td>Burglary with explosives 10-25. Entering a store with intent to shoplift constitutes burglary, regardless of value.</td>
</tr>
<tr>
<td>Grand Theft</td>
<td>1 year fixed 14 year unified</td>
<td>2.5 to 9.8</td>
<td>3.2 years</td>
<td>Felony threshold $1000. Value does not matter if extortion, weapons, checks/credit cards, pickpocketing, etc. Theft also encompasses embezzlement and receiving stolen goods.</td>
</tr>
</tbody>
</table>

In Texas, felony theft is split into levels based on dollar amount or circumstance:

<table>
<thead>
<tr>
<th>Dollar Amount</th>
<th>Felony Type</th>
<th>Sentencing Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,500-$20K</td>
<td>State Jail felony</td>
<td>180 days to 2 years</td>
</tr>
<tr>
<td>$20K-$100K</td>
<td>3rd Degree felony</td>
<td>2 to 10 years</td>
</tr>
<tr>
<td>$100K-$200K</td>
<td>2nd Degree felony</td>
<td>2 to 20 years</td>
</tr>
<tr>
<td>&gt;$200K</td>
<td>1st Degree felony</td>
<td>5 to 99 years</td>
</tr>
</tbody>
</table>

Without built in stratifications proportionality, predictability and certainty of sentencing within offense types is hard to maintain.
Widely ranging lengths of incarceration are tied to original offense

<table>
<thead>
<tr>
<th></th>
<th>Idaho Statute</th>
<th>Idaho 2012 Average Sentence</th>
<th>National Average Max</th>
<th>Idaho Statute Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forgery</td>
<td>1 year fixed 14 year unified</td>
<td>2.0 to 8.6</td>
<td>3.75 years</td>
<td>No minimum dollar value specified, no misdemeanors.</td>
</tr>
</tbody>
</table>

Lengthy discretionary parole release periods fall between fixed and unified sentences

The average unified sentence to Term was 2.6 times longer than the fixed period, creating a long discretionary period for parole consideration.

### Average Fixed and Unified Sentence Lengths Among New by Offense Type, FY2012

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Fixed Length</th>
<th>Unified Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cont. Subs.</td>
<td>2.6</td>
<td>7.6</td>
</tr>
<tr>
<td>DUI</td>
<td>2.9</td>
<td>8.6</td>
</tr>
<tr>
<td>Property</td>
<td>2.9</td>
<td>8.9</td>
</tr>
<tr>
<td>Person</td>
<td>5.7</td>
<td>12.8</td>
</tr>
<tr>
<td>Other</td>
<td>2.4</td>
<td>5.3</td>
</tr>
</tbody>
</table>

Source: IDOC admissions and release data.
The average parole release occurs well beyond the fixed sentence length

For the average first time parolee in 2012, release occurred after 207% of the fixed sentence had been served.

The average parole release point has dropped 9% over the past 5 years.

The average percentage of fixed sentence length served is not differentiated by risk.

<table>
<thead>
<tr>
<th>Risk Level</th>
<th>Low</th>
<th>Mod</th>
<th>High</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Parole Release Point</td>
<td>215%</td>
<td>233%</td>
<td>178%</td>
</tr>
</tbody>
</table>

Source: IDOC admissions and release data.
Delays in release following a parole approval may cost $5 million in 2013 alone

Jan-Jun 2013 Commission of Pardons and Paroles Log of Releases and Delays

- 673 total parole releases
- 475 with releases past Tentative Parole Date
- 389 with attributable days of delay

Delay in Program Entry or Completion affected 64% of those with attributable delays

Average attributable delay as determined by Parole Commission: 74 days

136 bed-years or $2.6M just in Jan-Jun 2013 parole release delays

Source: Parole Commission release delay data.
Spending focused on responding to recidivism not community-based intervention

Department of Correction Expenditures
$180 Million, FY2012

Two-thirds of the prison population is revocation and Rider-related
2/3 of $148M = $98M

Idaho spends $98 million responding to recidivism and treatment needs in prison and $36 million to intervene on recidivism in the community

$32M for community supervision + $4M in SUD expenditures for treatment (FY2013) = $36M

Source: Fiscal Year 2014 Idaho Legislative Budget Book.
Summary of Today’s Presentation – The Big Picture

Idaho’s incarceration rate is higher than states with similar crime rates, and is costly and unsustainable

A revolving door of recidivism from supervision and diversion programs is costly and ineffective

Rates of recidivism could be lowered by increasing the use of best practices

Sanctions for revocations are long and costly, and not tailored for supervision violation behavior
A revolving door of recidivism from supervision and diversion programs is costly and ineffective.

This group is driving increased spending and recidivism.

Violation response is increasingly relying on Rider and prison-based programming.

Probation revocations up 21%, and parole revocations up 18% over the past five years.

Graph showing the increase in revocations and violations over the years.
Rates of recidivism could be lowered by increasing the adoption of best practices

Focus on Higher Risk Population

<table>
<thead>
<tr>
<th>LOW</th>
<th>MEDIUM</th>
<th>HIGH</th>
</tr>
</thead>
</table>

Ensure higher-risk offenders receive enough officer time and programs to reduce their risk

Use a graduated range of sanctions and incentives to guide response to compliance and non-compliance, prioritizing the most intensive sanctions for the highest-risk population.
Sanctions for revocations are long and costly, and not tailored for supervision violation behavior.

**Lengthy Prison Stays After Revocations**
- **Probation**: 1.8 years
- **Parole**: 1.6 years

**Potential Annual Cost of Supervision Revocations to Term: $41 million**
- **Probation Revs**: $18M
- **Parole Revs**: $23M

**Revocations and Violators**
- **Idaho**: 41%
- **Kansas**: 33%
- **West Virginia**: 27%
- **New Hampshire**: 23%
- **North Carolina**: 21%
## Four principles of effective reinvestment

<table>
<thead>
<tr>
<th>STATE</th>
<th>APPROACH</th>
<th>POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Virginia</td>
<td>Up-front investment</td>
<td>Reinvested in first two years in substance use treatment for supervision population</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Maximize impact of existing investments</td>
<td>Reallocated existing behavioral health reinvestment based on evidence-based practices</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Require reinvestment in statute over time</td>
<td>Created four-year reinvestment schedule to support law enforcement, victim services, and risk assessment</td>
</tr>
<tr>
<td>Ohio</td>
<td>Create incentive for additional reinvestment based on performance</td>
<td>Counties that reduced probation revocations eligible for incentive funding</td>
</tr>
</tbody>
</table>
Proposed Timeline

May
- Press Conference and Project Launch
- Working Group Meeting #1
- Interim Committee Meeting #1

Jun
- Working Group Meeting #2

Jul
- Guest Speakers
- Interim Committee Meeting #2
- Working Group Meeting #3

Aug
- Working Group Meeting #4
- Interim Committee Meeting #3

Sep
- Policy Rollout Press Conference and Bill Introduction

Oct
- Initial Data Analysis
- Detailed Data Analysis
- Final Data Analysis
- Impact Analysis

Nov
- Stakeholder Engagement
- Policy Option Development
- Bill Drafting
- Provide Info to Policymakers and Media and Keep Stakeholders Involved

Dec
- 2014 Session
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.