



## Justice Reinvestment Working Group *First Meeting*

July 7, 2015

Council of State Governments Justice Center

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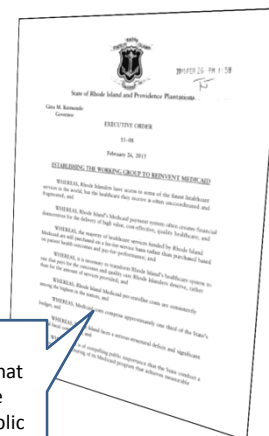
## State leaders and stakeholders have indicated strong interest and commitment to justice reinvestment

### April meetings to discuss the potential for justice reinvestment in Rhode Island:

- Governor Raimondo
- House and Senate leaders
- Corrections
- Supreme Court
- Superior Court
- District Court
- Attorney General
- Public Defender
- Defense Bar
- Victim advocates
- Parole Board

### Executive Order

There is hereby established The Justice Reinvestment Working Group that shall exist for the purpose of advising the Governor on ways to improve our criminal justice system with the overarching goals of protecting public safety, reducing recidivism, analyzing racial disparities, promoting stronger, healthier communities, and reducing costs.



## Working Group Composition

<b>Chief Justice Paul A. Suttell</b> , Supreme Court	<b>Hon. Judith Savage</b> , Associate Justice, RI Superior Court (ret.)	<b>Rep. Marvin Abney</b>	<b>Anna Cano-Morales</b> , Director, Latino Policy Institute	<b>Colonel Hugh T. Clements, Jr.</b> , Chief, Providence Police Dept.	<b>Megan Clingham</b> , Mental Health Advocate	<b>Sen. Cynthia Coyne</b>
<b>Rep. Robert Craven</b>	<b>Michael Évora</b> , Executive Director, Commission for Human Rights	<b>Hon. John Flynn</b> , Superior Court Magistrate Judge	<b>Hon. Alice Gibney</b> , Superior Court Presiding Justice	<b>Sen. Paul Jabour</b>	<b>Attorney General Peter Kilmartin</b>	
<b>Hon. Jeanne LaFazia</b> , District Court Chief Judge	<b>Hon. John J. McConnell, Jr.</b> , U.S. District Court Judge	<b>Mary McElroy</b> , State Public Defender	<b>Maria Montanaro</b> , Director, RI Department of BDDH	<b>U.S. Attorney Peter Neronha</b>	<b>Colonel Steven O'Donnell</b> , Superintendent, RI State Police	<b>Sen. Chris Ottiano</b>
<b>Laura Pisaturo</b> , Chairperson, RI Parole Board	<b>Chief Brian Sullivan</b> , RI Police Chiefs Association	<b>Olin Thompson</b> , President, RI Assoc. Criminal Defense Lawyers	<b>James Vincent</b> , President, NAACP - Providence Branch	<b>A. T. Wall</b> , Director, RI Department of Corrections	<b>Rep. To Be Determined</b>	

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3

## Presentation Overview



### Justice Reinvestment Overview

### Rhode Island Criminal Justice Challenges

### Next Steps

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4

## 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



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5

## Justice reinvestment is based in data and engagement

### Justice Reinvestment

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

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6




## Justice reinvestment offers states a comprehensive step-by-step process

<b>1</b>	<b>Bipartisan, Inter-branch Working Group</b>	<i>Assemble practitioners and leaders; receive and consider information, reports and policies</i>
<b>2</b>	<b>Data Analysis</b>	<i>Data sources should come from across the criminal justice system for comprehensive analysis</i>
<b>3</b>	<b>Stakeholder Engagement</b>	<i>Complement data analysis with input from stakeholder groups and interested parties</i>
<b>4</b>	<b>Develop Policy Options &amp; Estimate Impacts</b>	<i>Present a policy framework to reduce corrections costs, increase public safety, and project the impacts</i>
<b>5</b>	<b>Implement New Policies</b>	<i>Identify assistance needed for implementation and deliver technical assistance for reinvestment strategies</i>
<b>6</b>	<b>Target Reinvestments &amp; Monitor Key Measures</b>	<i>Track and monitor the impact of enacted policies and programs, and adjust implementation plan as needed</i>

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7

## States have reinvested into different public safety strategies

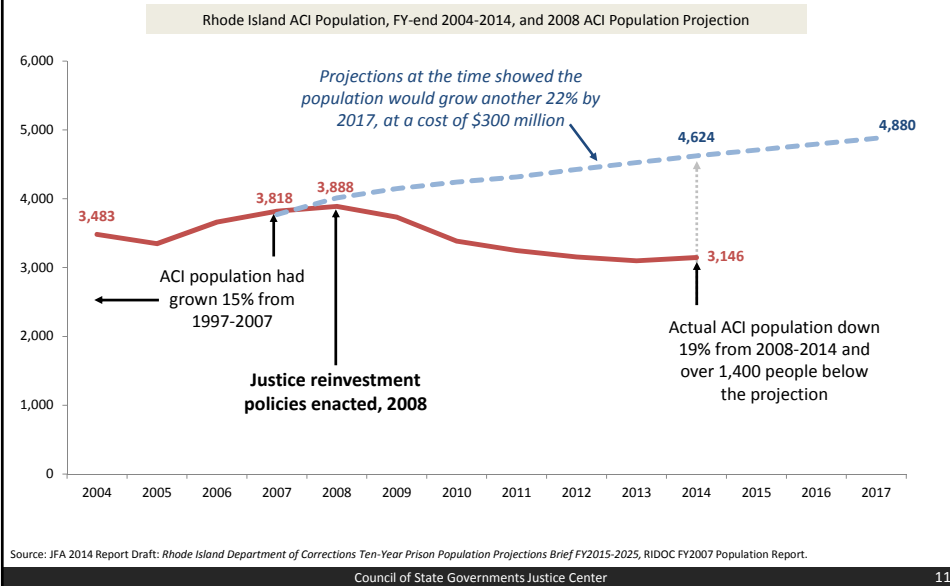
STATE	FINDING	REINVESTMENT
	Substance use needs contributing to probation and parole violations	Reinvest \$2.5 million in substance use treatment focused on higher-risk probationers and parolees with higher needs
	Victims lack confidence that restitution orders will be managed effectively	Increase, by statute, prison-based restitution collections, reinvest in 15 victim service positions, and track collections using a database
	Despite substantial community correction program investment, probation failures account for close to one third of prison admissions	Reinvest \$10 million in funding for improving probation, including performance-incentive grants

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8

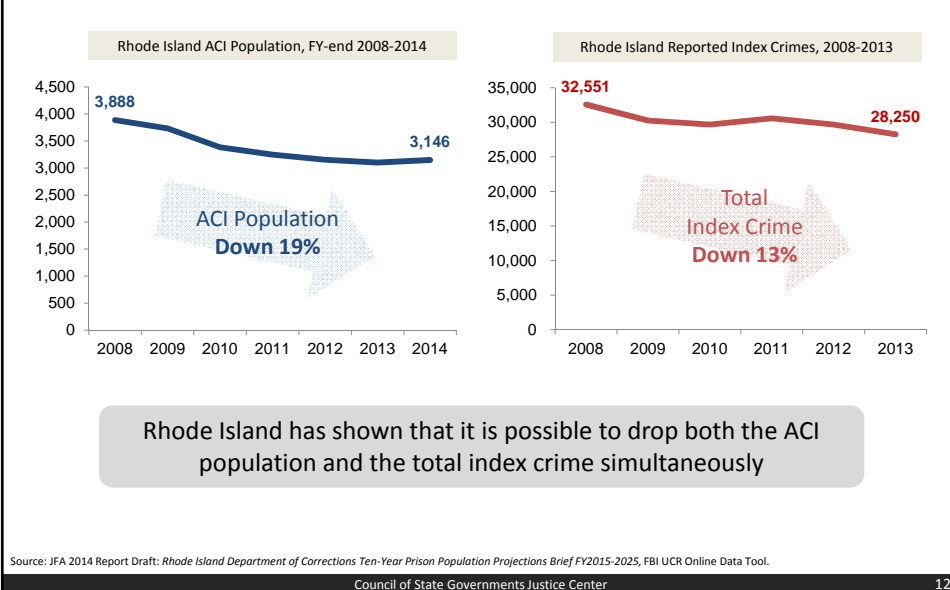


## Rhode Island's ACI population trend projections before justice reinvestment, and outcomes after bill passage



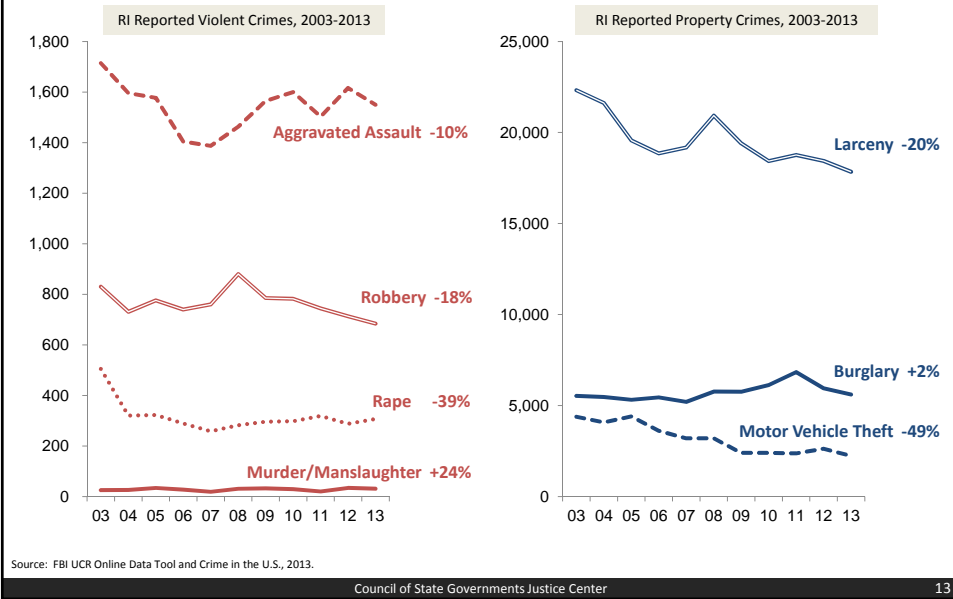
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## Since 2008, the ACI population has decreased while crime continued to fall

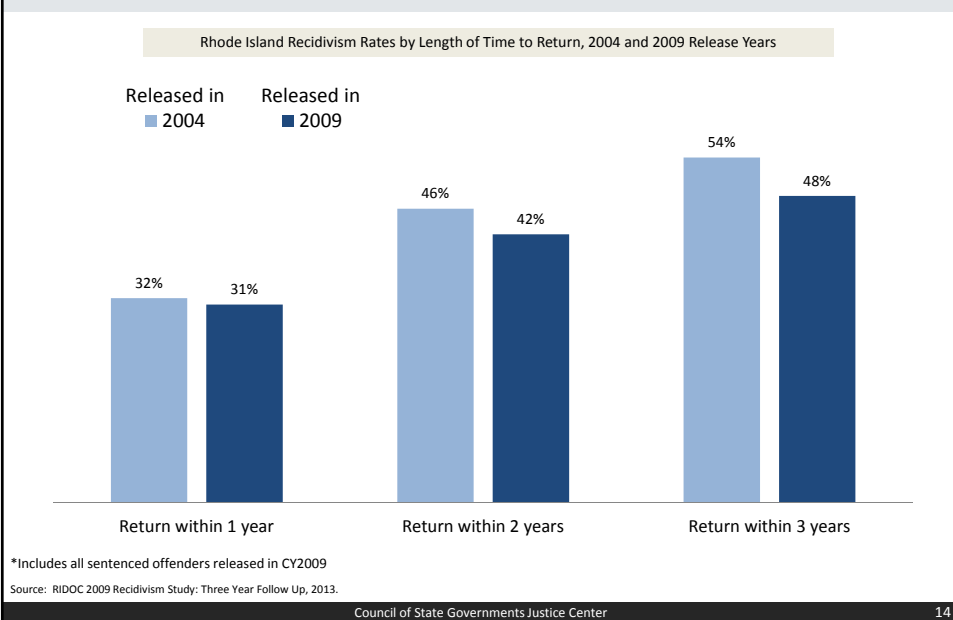


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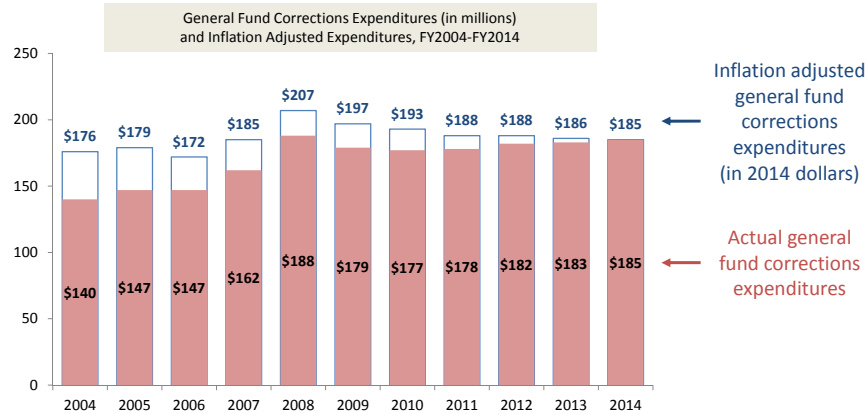
## Most index crime types have declined in volume in the past ten years in Rhode Island



## At the same time, recidivism has also declined



## Corrections funding has also remained relatively flat in recent years



Source: State of Rhode Island Budget Office, Budget as Enacted Reports FY04-14, Inflation adjustment uses CPI inflation calculator: <http://data.bls.gov/cgi-bin/cpicalc.pl>

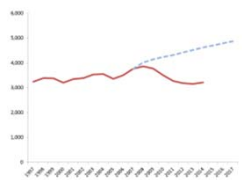
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15

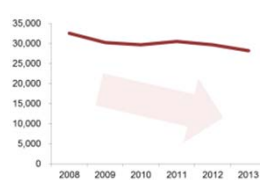
## Rhode Island can build on its success to address other challenges

### Recent Achievements

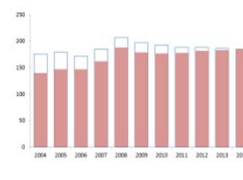
#### Reduced ACI Population



#### Decreasing Crime Rate



#### Flat Corrections Budget



What challenges continue to face Rhode Island's criminal justice system, and how can the state apply a justice reinvestment approach to analyzing and addressing these issues?

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16



## Presentation Overview

### Justice Reinvestment Overview



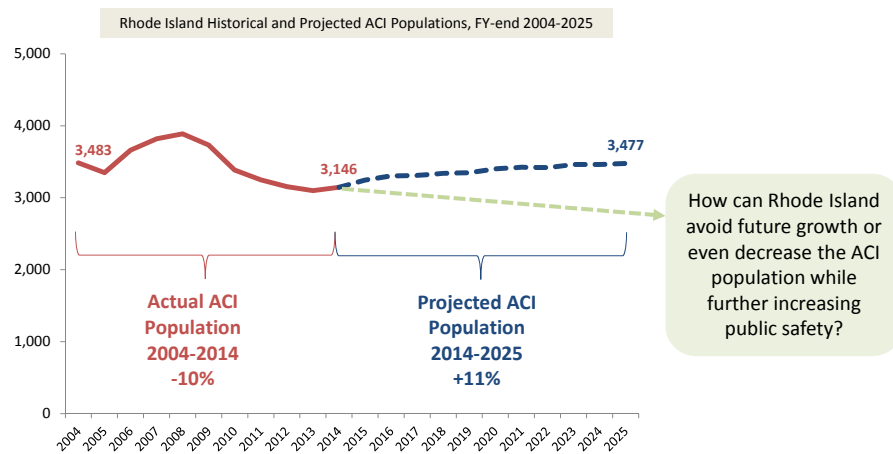
### Rhode Island Criminal Justice Challenges

### Next Steps

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17

## Despite a recent decline, current projections indicate future ACI population growth



Source: JFA 2014 Report Draft: Rhode Island Department of Corrections Ten-Year Prison Population Projections Brief FY2015-2025.

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18

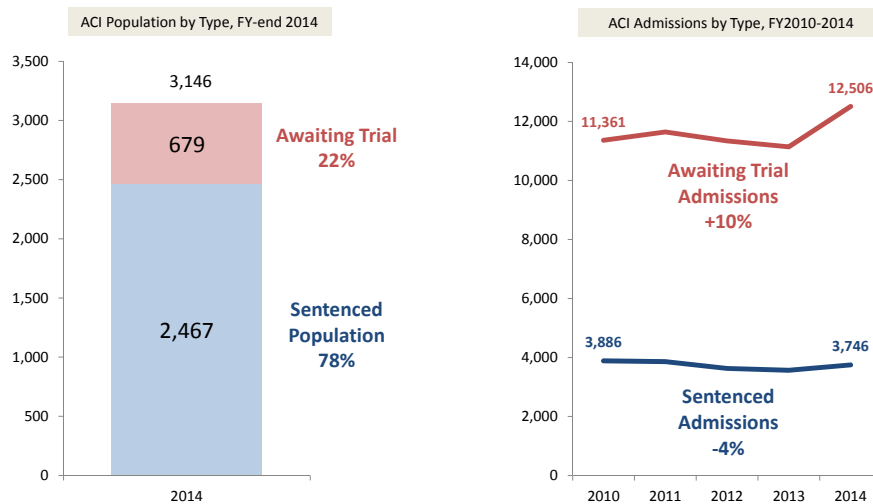
## Presentation Overview



### Rhode Island Criminal Justice Challenges

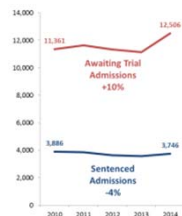
- **Pretrial**
  - Sentenced Admissions
  - Probation

## One quarter of people in the ACI are awaiting trial, and pretrial admissions have greatly increased in recent years



Source: JFA 2014 Report Draft: Rhode Island Department of Corrections Ten-Year Prison Population Projections Brief FY2015-2025.

## With Rhode Island's pretrial population growing, an increase in the length of stay can have wider impacts on bed space



Managing the pretrial population **efficiently** and **effectively** is critical to both cost and public safety

Example:

Pretrial Admissions in FY2013: <b>11,139</b>	X	Average length of stay among pretrial releases: <b>22.4 days</b>	=	Pretrial Beds Occupied for a Full Year: <b>684 beds</b>
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Pretrial Admissions in FY2014: <b>12,506</b>	X	Imagine if the average length of stay also increased 30% to: <b>30 days</b>	=	Potential Pretrial Beds Occupied for a Full Year: <b>1,028 beds</b>
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Source: JFA 2014 Report Draft: Rhode Island Department of Corrections Ten-Year Prison Population Projections Brief FY2015-2025.

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21

## Most unified corrections states statutorily require pretrial risk assessment



**Alaska & Rhode Island:**  
No statutes or requirement for use of risk assessments of pretrial detainees.

*RI bail guidelines require that judges receive information and reports about defendants' background and risk.*



**Delaware:** As of 2011, courts are instructed to use a risk assessment to determine release of all defendants based on risk of flight and re-arrest.



**Connecticut:** As of 2011, risk assessments are conducted on defendants not released on personal recognizance.



**Vermont:** As of 2012, risk assessments are used to determine release conditions and services or treatment.



**Hawaii:** As of 2012, pretrial risk assessments are conducted within three days of admission.

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22

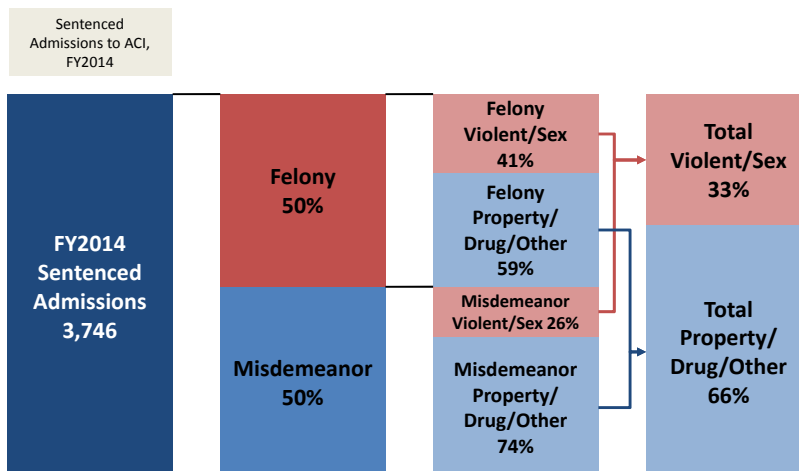
## Presentation Overview



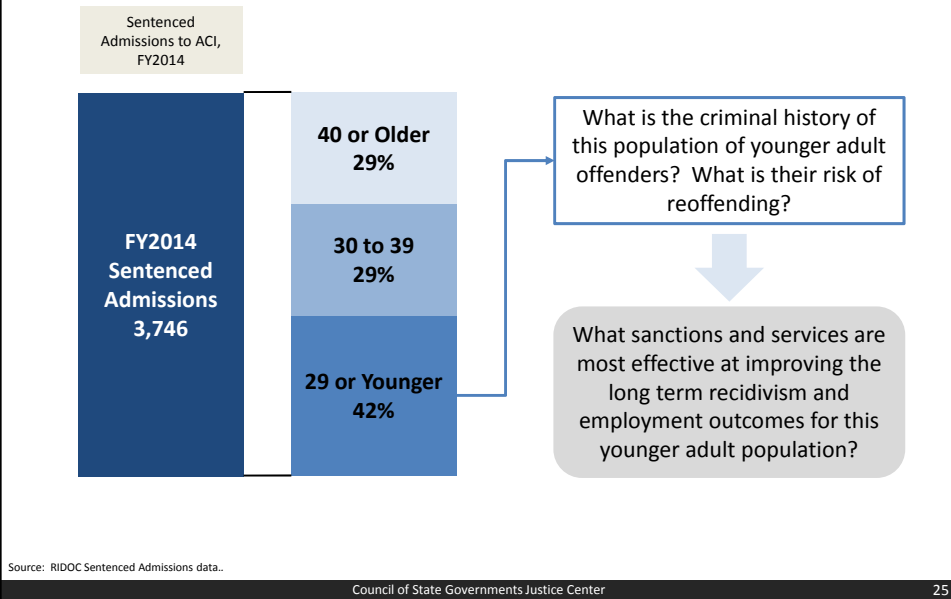
### Rhode Island Criminal Justice Challenges

- Pretrial
- **Sentenced Admissions**
- Probation

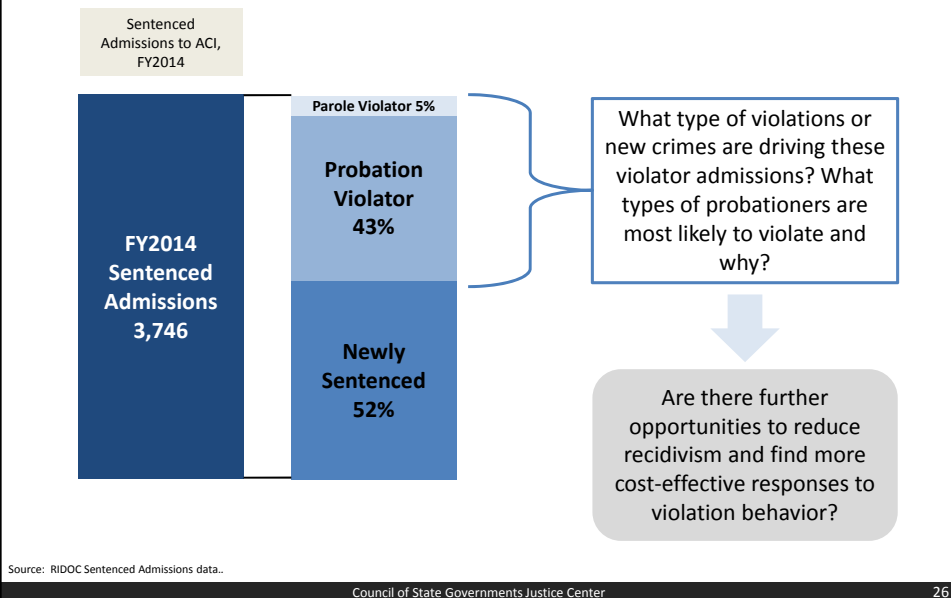
## Two thirds of admissions are for lower severity crimes



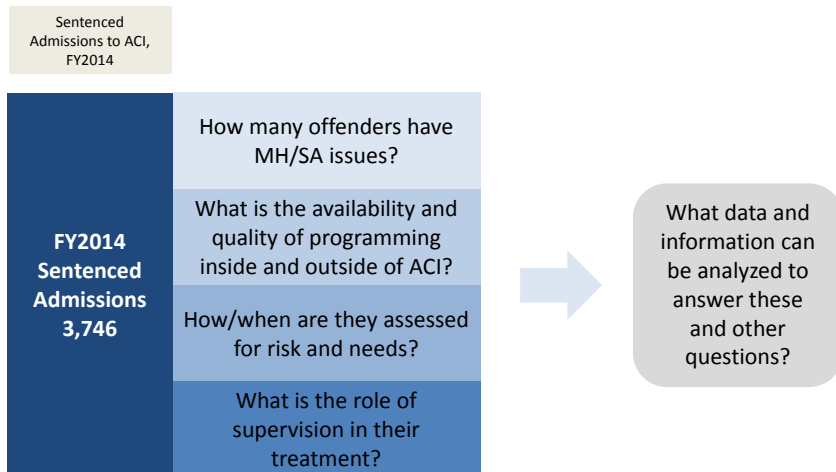
## Almost half of sentenced admissions are younger adults



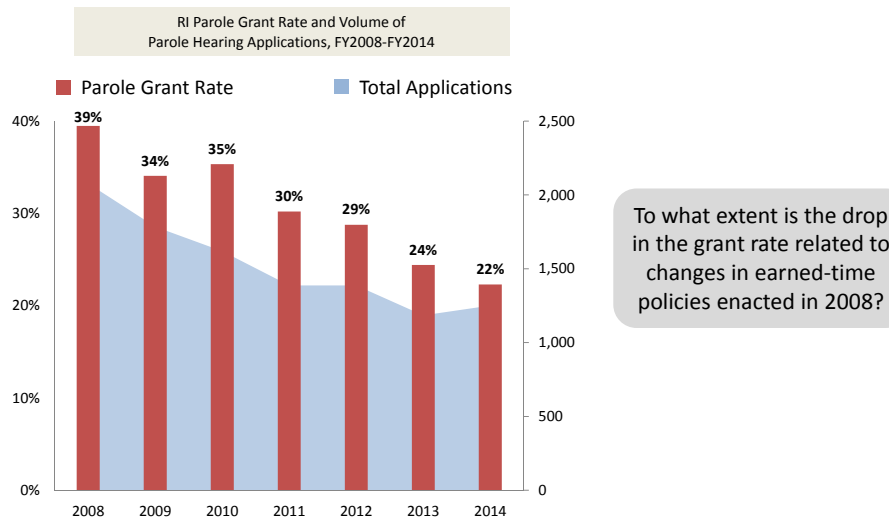
## Nearly half of those sentenced to the ACI are probation and parole violators



## How many people sentenced for low severity crimes have mental health and substance abuse needs?



## The parole grant rate is down in recent years, which may relate to recent policy changes



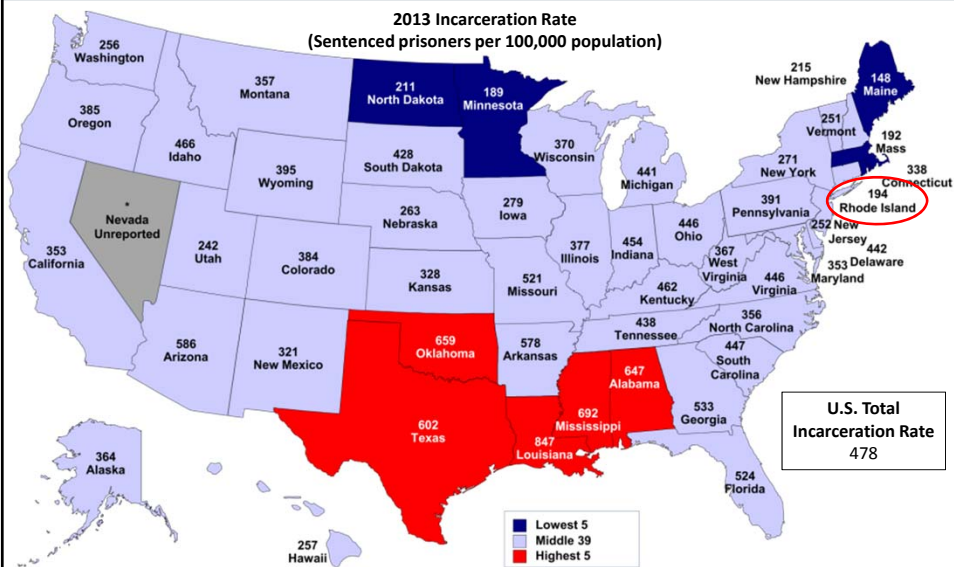
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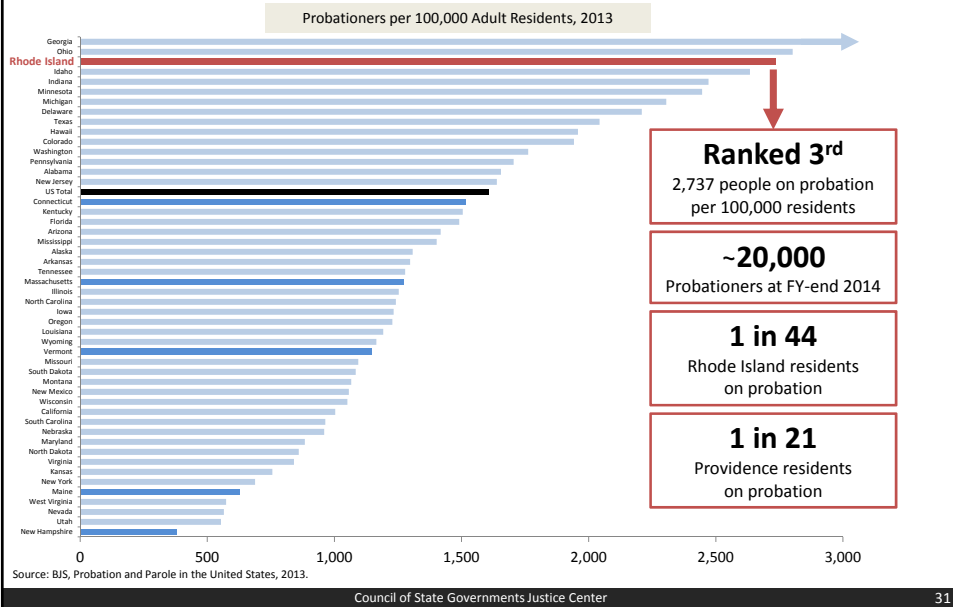
### Rhode Island Criminal Justice Challenges

- Pretrial
- Sentenced Admissions
- Probation

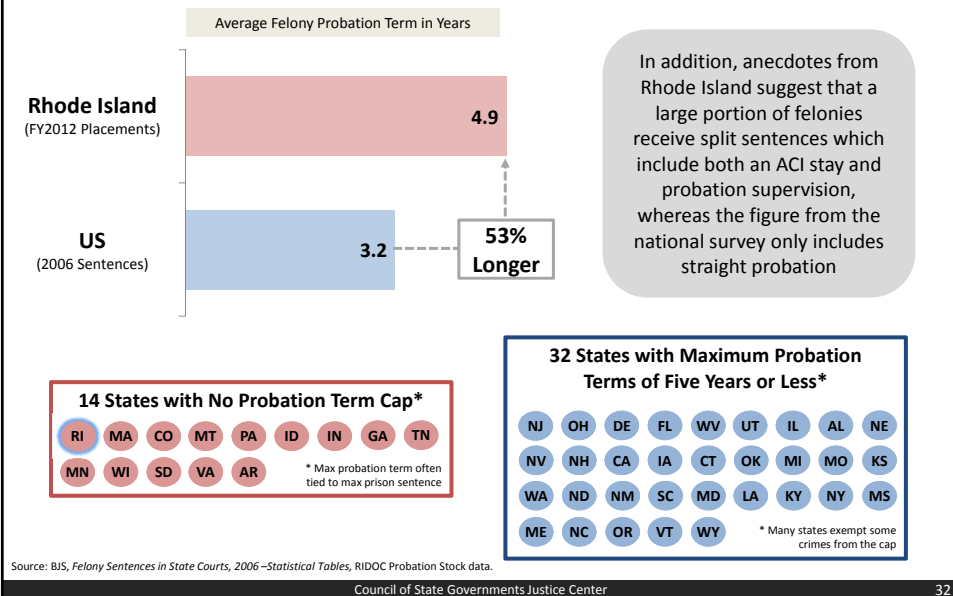
## Rhode Island has a relatively low incarceration rate



## Rhode Island has the third highest rate of people on probation in the US, and is first among New England states

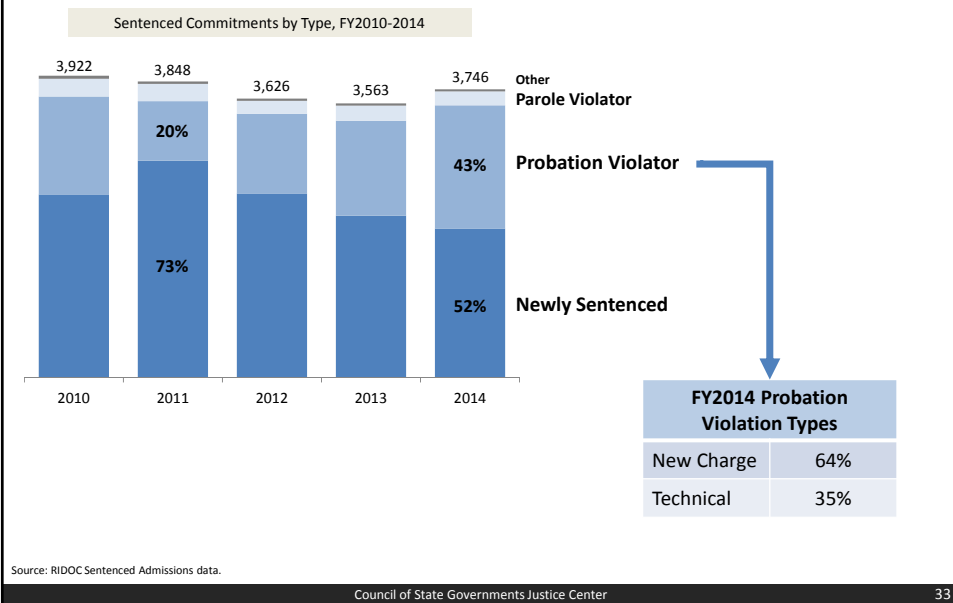


## Rhode Island felony probation terms are long and often include incarceration

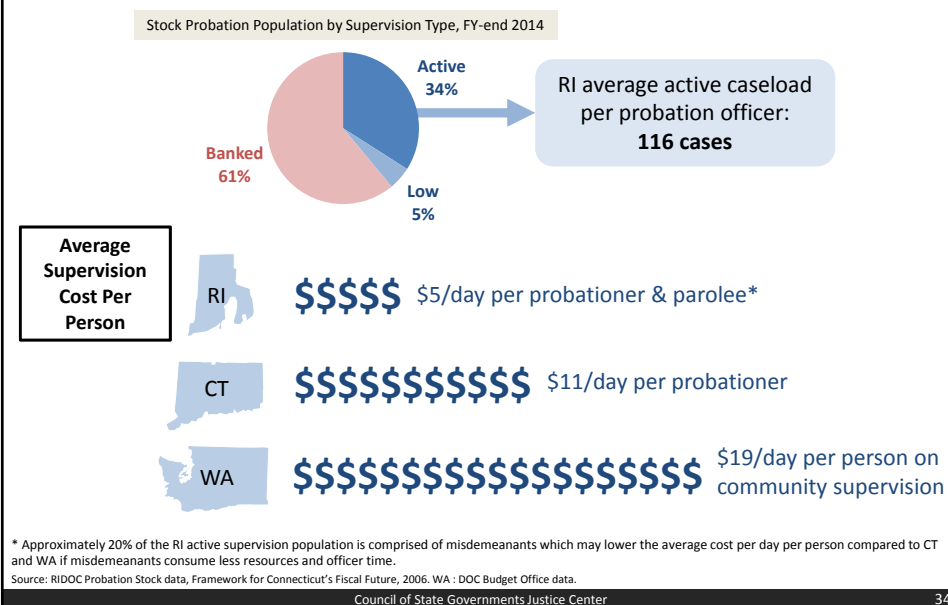




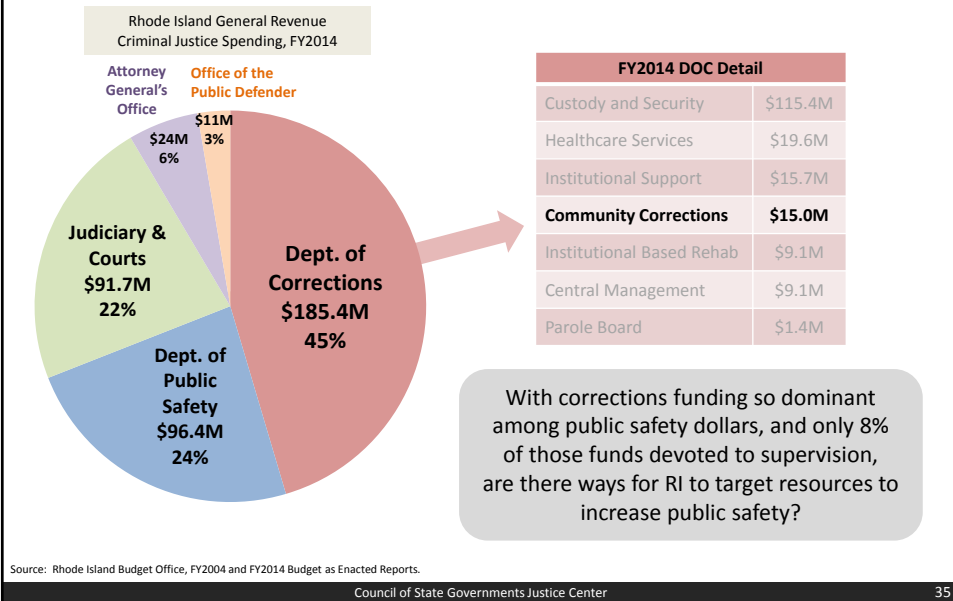
## Nearly half of sentenced admissions are probation violators, and over one third of those violations are technical



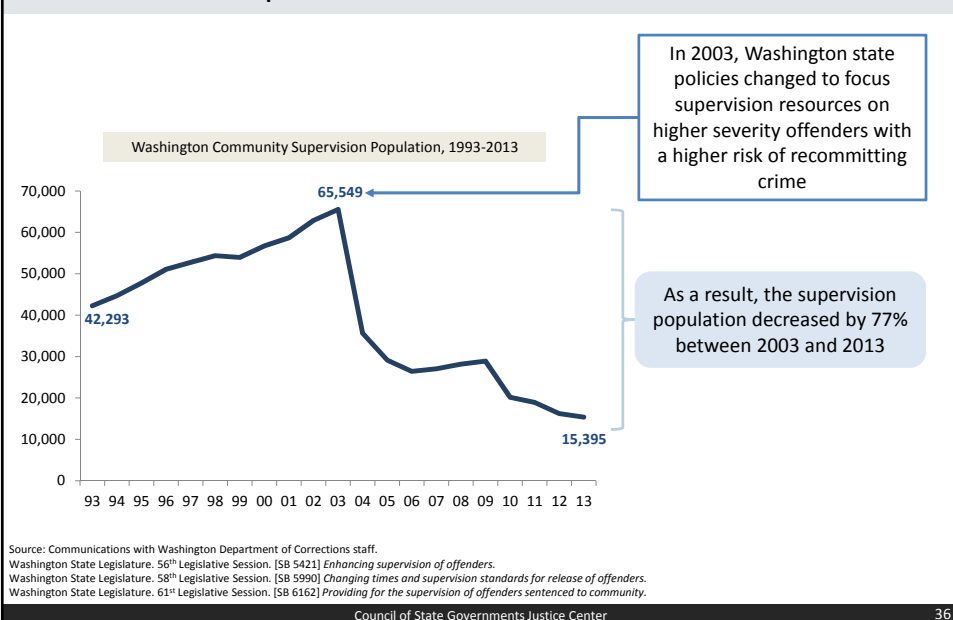
## Relative to other states, Rhode Island makes low investments in supervision, and has high active caseloads for probation



## Corrections spending accounts for nearly half of all public safety expenditures



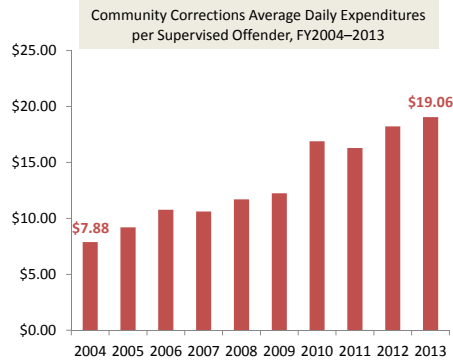
## Washington state offers a comparison for how policy changes can transform supervision to achieve better outcomes



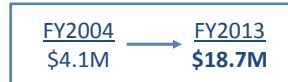
## By reducing the supervision population, WA was able to increase spending per offender, even as funding stayed flat

Between 2004-2013, community corrections funding remained flat, while...

...daily supervision spending increased from \$8 to \$19 per offender...



...and investments in community supervision programming more than quadrupled



### Funded Programs and Treatment:

- Chemical dependency
- Offender change
- Job training
- Sex offender treatment

Source: WA DOC Budget Office data  
Data received from the WA Department of Corrections Budget Office

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37

## Changes to violation sanctions policies dramatically reduced the average daily population of violators in Washington



Source: Washington Department of Corrections.

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38

## Summary of three initial focus areas

- 1 How does Rhode Island's growing pretrial population move through the system to achieve efficiency and effectiveness for the system and public safety?
- 2 Early analysis indicates a high volume of offenders who are convicted of lower severity crimes -- how can and does Rhode Island respond to these individuals?
- 3 Are there ways to strengthen Rhode Island's uniquely large probation system to achieve better outcomes?

## Additional questions and areas for further analysis

Can people **move through the system** efficiently and effectively, from arraignment to sentencing, probation, incarceration, and parole?

Do programs aimed at **reducing recidivism** effectively achieve this goal, and how do they target populations for supervision or treatment?

How do individuals on supervision access **behavioral health treatment programs**, and how effective are they at reducing recidivism?

How will greater integration of **validated risk assessments** into the parole process impact the parole grant rate, as well as public safety?

What are the **demographic profiles** of the criminal justice-involved population at different points in the system?

## After justice reinvestment, some states have seen disparities decline

### In Brief: Examining the Changing Racial Composition of Three States' Prison Populations

**Prison Population, Minimums, and Maximums**

The brief focuses on three states (CT, NC and GA) where bipartisan groups of state leaders enacted major criminal justice reforms and subsequently saw the number of people incarcerated markedly decline in their states. In each of these cases, closer inspection of the data shows that these states experienced considerable reductions in the overall number of people being admitted to prison, and that the decline in admissions has been steepest for blacks and Hispanics.

### "Examining the Changing Racial Composition of Three States' Prison Populations"

This brief focuses on three states (CT, NC and GA) where bipartisan groups of state leaders enacted major criminal justice reforms and subsequently saw the number of people incarcerated markedly decline in their states. **In each of these cases, closer inspection of the data shows that these states experienced considerable reductions in the overall number of people being admitted to prison, and that the decline in admissions has been steepest for blacks and Hispanics.**

In all three states, the justice reinvestment effort was not focused specifically on addressing racial disparities in the prison population- rather, the projects were all aimed at reducing recidivism and system costs to achieve better outcomes.

<http://csgjusticecenter.org/jr/publications/examining-the-changing-racial-composition-of-three-states-prison-populations/>

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41

## Presentation Overview

Justice Reinvestment Overview

Rhode Island Criminal Justice Challenges

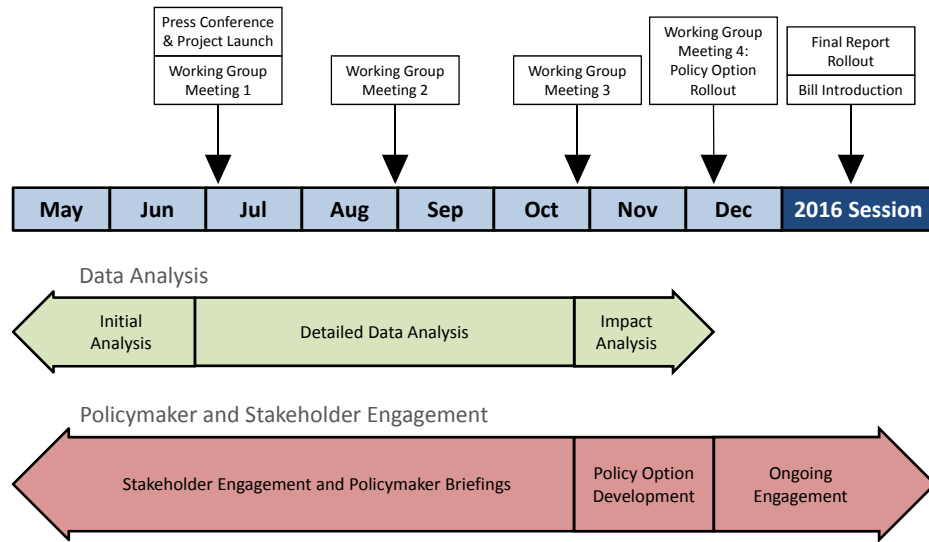


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42

## Possible justice reinvestment timeline



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43

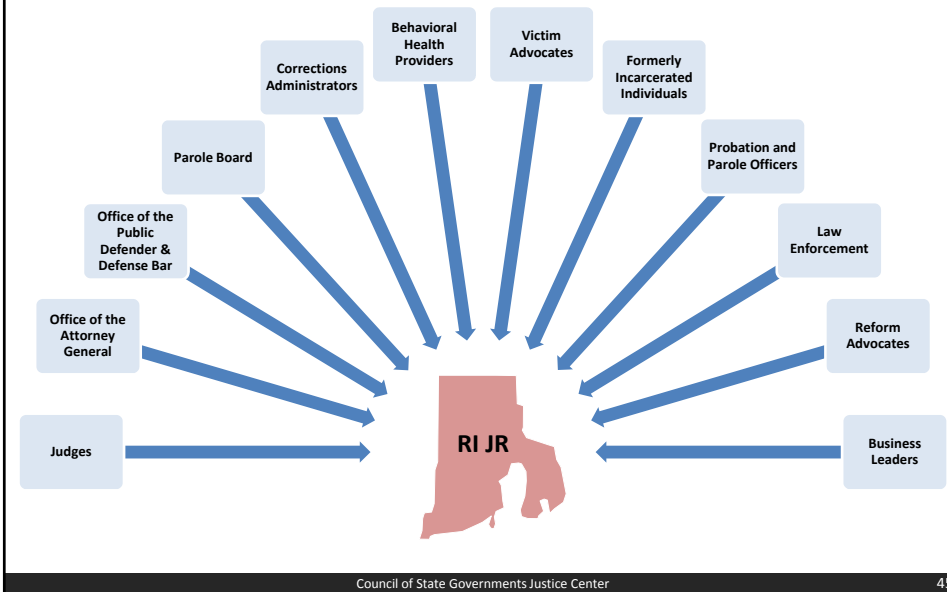
Although this presentation is based largely on published reports, future presentations will be based on independent analyses

Data	Source	Status
Crime and Arrest Data	Rhode Island State Police	Reports Retrieved
Criminal History Data	Office of the Attorney General	Pending
Court Disposition and Sentencing Data	Rhode Island Judiciary/ Office of the Attorney General	Pending
Problem Solving Court Data	Rhode Island Judiciary	Pending
Probation Supervision Data	RIDOC	Received
ACI Population Data	RIDOC	Received
Parole Supervision Data	RIDOC	Received
Parole Decision Data	Parole Board/RIDOC	Pending
Behavioral Health Data	RIDOC	Received

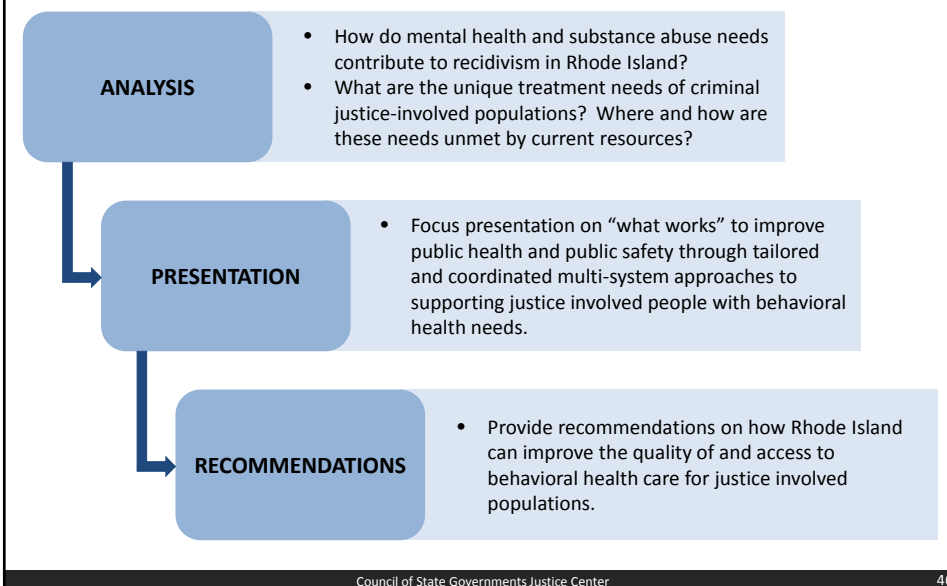
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44

## Stakeholder engagement will raise additional issues



## Justice reinvestment offers RI the opportunity to analyze and address challenges related to behavioral health



## Thank You



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