Justice Reinvestment in Hawaii

Overview

There is consensus among policymakers in Hawaii that the state needs to reduce its dependence on out-of-state prisons, where, as of 2011, approximately one-third of the state's adult prison population is housed. At the same time, state leaders are determined to reduce violent crime, which, like the state prison population, has increased significantly over the last decade.

Governor Neil Abercrombie, Chief Justice Mark Recktenwald, Senate President Shan Tsutsui, House Speaker Calvin Say and Department of Public Safety Director Jodie Maesaka-Hirata seek to employ a data-driven justice reinvestment strategy to bring out-of-state prisoners back to Hawaii, reduce spending on corrections, and reinvest savings generated in strategies that would reverse recent crime trends.

To this end, they sought assistance from the Bureau of Justice Assistance, a division of the U.S. Department of Justice, and the Pew Center on the States. The state leaders agreed to establish a bipartisan, inter-branch Justice Reinvestment Working Group comprising leading state and local officials which would receive intensive technical assistance from the Council of State Governments Justice Center, in partnership with the Pew Center on the States. The CSG Justice Center will assist the working group in analyzing data and developing a comprehensive set of policy options.

June 2011

Property crime has declined, but violent crime has increased.

- Hawaii's violent crime rate was relatively low in 2009, at 275 reported incidents per 100,000 residents, which ranks it thirty-fifth among the states. This crime rate, however, is up from what it was in 2000. Hawaii was one of only twelve states to experience an increase in violent crime rates during this period.

- Violent crime increases were driven by a significant rise in the reported rape rate, up five percent from 2000, and aggravated assaults, up 37 percent from 2000. Murder and robbery rates dropped by 38 percent and 14 percent, respectively.

- During the same period, the number of arrests for reported rape offenses relative to the number of offenses fell by 30 percent. In 2009, the Honolulu Police Department estimated the department has a backlog of somewhere between 143 and 203 sexual assault kits left unexamined.

- Between 2000 and 2009, the property crime rate dropped 26 percent in Hawaii, from 4,955 to 3,661 reported crimes per 100,000 residents. Despite this decline, Hawaii's property crime rate remains above the national average; it is the twelfth highest in the nation.
Council of State Governments Justice Center

- National nonprofit, nonpartisan membership association of state government officials
- Engages members of all three branches of state government
- The CSG 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*
Two Phases of Justice Reinvestment

Phase 1
Analyze Data and Develop Policy Options

• Analyze data
  – Look at crime/arrests, courts, corrections, and supervision trends
• Solicit input from stakeholders
• Assess behavioral health 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
Principles Underpinning Justice Reinvestment and Deliverables for Alabama’s JR Project

**Justice Reinvestment Principles**

- Lower recidivism
- Increase accountability
- Avert costs
- Increase public safety
- Address the needs of crime victims

**Deliverables for Alabama JR**

- Strengthen community supervision
- Respond to supervision violations with swift, sure sanctions
- Reduce prison overcrowding
- Structure sentencing and parole to require post-release supervision
- Expand and improve victim notification
Presentation Overview

Criminal justice system challenges

Justice reinvestment policy framework

Impact estimates
Alabama’s prisons are significantly over capacity.

What would it cost Alabama to build its way out of the current situation?

Achieving 130% operational capacity requires adding 6,000 prison beds:
- Construction costs = $420M
- Annual operating costs = $93M

Achieving 100% operational capacity requires adding 12,000 prison beds:
- Construction costs = $840M
- Annual operating costs = $186M

Source: Annual Reports and Monthly Reports, Alabama Department of Corrections; Alabama Legislative Fiscal Office estimates $102 million construction cost for 1,500 bed facility; ADOC inmate operating cost = $42.54 per day, 2012 Annual Report.
The Justice Reinvestment process has identified key challenges in Alabama’s criminal justice system.

1. **RECIDIVISM**
   Inefficient supervision practices do not prioritize limited supervision resources, resulting in recidivism.

2. **OVERCROWDED PRISONS**
   Alabama’s prisons are the most crowded in the country and limited prison space is not prioritized for individuals convicted of violent offenses.

3. **UNSUPERVISED RELEASES**
   Parole approval rates have declined resulting in longer lengths of stay in prison and an increasingly large number of people leaving prison each year without supervision.

**Goal:**
Address prison overcrowding and increase public safety
**RECIDIVISM.** Inefficient supervision practices do not prioritize limited supervision resources, resulting in recidivism.

Supervision officers do not supervise individuals based on their risk of re-offense.

Assess risk of re-offense and **focus** supervision on the highest-risk offenders

Risk of Re-offending

- **Low** 10% re-arrested
- **Moderate** 35% re-arrested
- **High** 70% re-arrested

Assess for Risk Level...

Probation and parole officers carry average caseloads close to 200 cases per officer.

...and Focus Accordingly

Low
Supervision/ Program Intensity

Moderate
Supervision/ Program Intensity

High
Supervision/ Program Intensity

Low 10% re-arrested

Moderate 35% re-arrested

High 70% re-arrested

Council of State Governments Justice Center
The availability and consistency of community corrections programs (CCP) and community resources vary.

With no statewide standard, the quality of community corrections programs are not consistent.

State-funded resources focused on substance use, mental health, and cognitive behavioral treatment:

- **Alabama**: $0
- **North Carolina**: $8M

<table>
<thead>
<tr>
<th>County Type</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>Strong programming &amp; services</td>
<td>45</td>
<td>22</td>
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<tr>
<td>Varying use of risk assessment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limited programming &amp; services</td>
<td></td>
<td></td>
</tr>
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</table>
Alabama’s approach to supervision violations is not swift, consistent, or cost-effective.

<table>
<thead>
<tr>
<th>Goal</th>
<th>Current Practice</th>
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<tbody>
<tr>
<td><strong>Swiftness</strong></td>
<td></td>
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<tr>
<td>Supervision violations are responded to meaningfully without delay</td>
<td>43% of probationers in jail awaiting a violation hearing are there longer than 2 weeks</td>
</tr>
<tr>
<td><strong>Consistency</strong></td>
<td></td>
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</tbody>
</table>
| Graduated range of sanctions and incentives guide specific responses to violations | – Variation across state in process for sanctioning  
 – Largely dependent on local culture and court schedule |
| **Cost-Effectiveness** |  |
| Prioritize most expensive, restrictive sanctions for offenders committing the most serious violations | Little evidence regarding use of swift and certain sanctions |

There are few intermediate sanctions prior to revocation, and probation violators spend long periods in jail awaiting hearings, which requires the use of numerous jail beds.
OVERCROWDED PRISONS. Alabama’s prisons are the most crowded in the country, and limited prison space is not prioritized for individuals convicted of violent offenses.

Many individuals convicted of low-level property and drug offenses go to prison.

People revoked to prison for violating conditions of supervision comprise a significant portion of ADOC custody admissions.

Estimated FY2014 Sentences to Prison by Offense Type

Total FY2013 ADOC Admissions = 8,313

Many of these individuals are failing on supervision in the community where the lack of resources makes success less likely.

40 percent of all admissions to ADOC custody are violators of either probation or parole, with many for technical violations.
Alabama is among a minority of states in its treatment of theft and burglary.

Alabama is one of 16 states with a felony theft threshold of $500 or less.

Most states have some nonviolent forms of burglary — Alabama does not.

Types of Burglary that are considered “nonviolent”

- Building that is not a dwelling
- Simple, non-habitation
- Simple of a building or inhabited dwelling
- Building that is not a dwelling

Alabama is the only one of these states that doesn’t have a nonviolent form of burglary or breaking & entering of a home or building.
UNSUPERVISED RELEASES. Parole approval rates have declined, resulting in longer lengths of stay in prison and an increasingly large number of people leaving prison each year without supervision.

Since 2009, drug and property offense types are staying longer in prison.

**Drug Offense Types**

<table>
<thead>
<tr>
<th>Year</th>
<th>Months</th>
<th>2013</th>
<th>2014</th>
<th>Change</th>
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<td>FY2009</td>
<td>10</td>
<td>19</td>
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<tr>
<td>FY2014</td>
<td>20</td>
<td>30</td>
<td></td>
<td>58%</td>
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**Property Offense Types**

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<tr>
<th>Year</th>
<th>Months</th>
<th>2013</th>
<th>2014</th>
<th>Change</th>
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<tr>
<td>FY2009</td>
<td>10</td>
<td>23</td>
<td></td>
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<tr>
<td>FY2014</td>
<td>20</td>
<td>35</td>
<td></td>
<td>52%</td>
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Currently around half of all individuals who are under the parole board’s jurisdiction are released to the community with no supervision.

- More than 90 percent were not previously paroled
- 18 percent were imprisoned for violent person and/or sex-related crimes

2,852 FY2013 releases from prison with no supervision

Other states have chosen to require mandatory supervision upon release from prison:

- Increased accountability
- Reduced recidivism
- Better victim safety planning and restitution collection
- Information sharing with law enforcement
- Successful reentry

Source: Alabama Department of Corrections prison releases data.
Parole approval rates have fallen by almost one-third in the past six years.

Parole Considerations and Approvals, 2008–2013

Parole Approval Rates
- 2008 = 43%
- 2009 = 41%
- 2010 = 40%
- 2011 = 31%
- 2012 = 29%
- 2013 = 30%

Source: Annual Reports, Alabama Board of Pardons and Paroles.
Denying parole beyond eligibility contributes to overcrowding and cost, and also compromises public safety.

1,014 property and drug inmates still incarcerated more than 1 year after becoming eligible for parole

64 percent denied or passed over in favor of letting them “max out” to no supervision = 650 inmates (and prison beds)

At one year past eligibility, the bed demand for these 650 inmates at $42/day represents $10 million, and each additional month it takes before they are released represents another $819,000.

... and these individuals will have no supervision once released.

Source: Alabama Department of Corrections prison population data; Annual Report Fiscal Year 2013, Alabama Department of Corrections, ADOC inmate operating cost = $41.94 per day.
Releasing people from prison without supervision and treatment results in more crime and cost down the road.

3-Year Felony Reconviction Rates for ADOC Parole and Unsupervised Releases, FY2010

Source: Alabama Department of Corrections prison releases data; and Alabama Sentencing Commission felony sentencing data.
Presentation Overview

Criminal justice system challenges

Justice reinvestment policy framework

Impact estimates
Goal: Reduce recidivism, increase public safety, and lower costs

**Challenge**

1. **RECIDIVISM.** Inefficient supervision practices do not prioritize limited supervision resources, resulting in recidivism.

2. **OVERCROWDED PRISONS.** Alabama’s prisons are the most crowded in the country and limited prison space is not prioritized for individuals convicted of violent offenses.

3. **UNSUPERVISED RELEASES.** Parole approval rates have declined, resulting in longer lengths of stay in prison and an increasingly large number of people leaving prison each year without supervision.

**Strategy**

1. Strengthen supervision & treatment to reduce recidivism

2. Prioritize prison space for violent and dangerous individuals

3. Hold offenders accountable in prison and after release
Alabama’s Justice Reinvestment Policy Framework

Goal: Address prison overcrowding and increase public safety

Strategy 1

Strengthen supervision & treatment to reduce recidivism

A. Hire additional probation and parole officers and support staff.

B. Improve the use of objective risk assessments to target resources on individuals most likely to reoffend and reduce caseloads by limiting supervision of low-risk individuals.

C. Develop policies establishing progressive sanctions in response to lower-level technical violations among probationers and parolees and articulate a framework for use of swift and short jail stays as part of the range of sanctions.

D. Fund treatment programs proven to work to reduce recidivism among probationers and parolees, such as cognitive behavioral and substance use programs.

E. Establish interim taskforce to address reentry barriers for those with mental health disorders.

F. Increase access to community corrections statewide and improve quality and utilization of evidence-based practices through performance-based funding.

Strategy 2

Prioritize prison space for violent and dangerous individuals

Strategy 3

Hold offenders accountable in prison and after release
Alabama’s Justice Reinvestment Policy Framework

Goal: Address prison overcrowding and increase public safety

1. Strengthen supervision & treatment to reduce recidivism

2. Prioritize prison space for violent and dangerous individuals
   - A. Create a new class of the least serious, nonviolent felony offenses (“Class D”) and increase front-end diversions away from prison for certain property and drug offenses.
   - B. Structure the use of prison sanctions for technical violations of probation and parole supervision.

3. Hold offenders accountable in prison and after release
Alabama’s Justice Reinvestment Policy Framework

Goal: Address prison overcrowding and increase public safety

1. Strengthen supervision & treatment to reduce recidivism

   A. Require individuals sentenced to prison on a Class C offense to serve a split sentence to ensure supervision upon release.

   B. Mandate a period of supervision on parole to be served prior to the end of any straight prison sentence.

2. Prioritize prison space for violent and dangerous individuals

   C. Require the parole board to develop guidelines to structure decision-making around risk to reoffend and program compliance.

   D. Create administrative hearing officers to function as field members of the Board to conduct interviews of incarcerated individuals. The officers would have the authority of casting one “vote” on nonviolent cases.

3. Hold offenders accountable in prison and after release

   E. Expand victim notification to inform victims of all releases from prison.

   F. Establish interim taskforce to address issues related to felony restitution collection and victim notification, including exploring ways of prioritizing and enhancing collection of restitution obligations, while also prioritizing the need to develop policies and practices that balance accountability alongside a defendant’s ability to pay.
Presentation Overview

Criminal justice system challenges

Justice reinvestment policy framework

Impact estimates
Justice Reinvestment Policy Framework Significantly Reduces Alabama’s Prison Overcrowding

Design Capacity = 13,318

Status Quo
- 25,874 in FY2008
- 26,029 in FY2015 (195% of Capacity)

JR Package
- 21,516 in FY2015 (162% of Capacity)

Council of State Governments Justice Center
Achieving 162 percent of capacity without reducing the population would cost Alabama more than $137 million in construction alone.

Using a blended low and medium security construction rate of $50K per bed, building enough facilities would cost $137,500,000.

Source: Alabama Legislative Fiscal Office estimates $40-70K construction cost per prison bed depending on security level, and a contracted inmate operating cost of $45 per day.
# Summary of averted costs and reinvestments

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<td><strong>Averted Costs</strong></td>
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<td><strong>Reinvestments</strong></td>
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<td>Probation officer workforce expansion</td>
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<td>$10m</td>
<td>$60m</td>
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<td>Community-based programs and treatment to reduce recidivism</td>
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<td>$8m</td>
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<td>Increased CCP population</td>
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<td><strong>Net Savings</strong></td>
<td>$42m</td>
<td>$42.9m</td>
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<td>$256.5m</td>
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Preview of Alabama Justice Reinvestment policy framework

System Challenges

1. Recidivism
2. Overcrowded Prisons
3. Unsupervised Releases

Goal: Address prison overcrowding and increase public safety

1. Strengthen supervision & treatment to reduce recidivism
   - Reduce active supervision caseloads
   - 100 Per officer

2. Prioritize prison space for violent and dangerous individuals
   - Reduce prison overcrowding
   - -4,513 By 2021

3. Hold offenders accountable in prison and after release
   - Supervise & connect to treatment post-prison
   - 3,000 Previously unsupervised prison releases

Reduce costs averted by reducing crowding through policy instead of capacity

- Reinvest in supervision, and effective treatment
  - $26 Million FY2016

- Costs averted by reducing crowding through policy instead of capacity
  - $408 Million By 2021
Justice Reinvestment Project Next Steps

- **Fifth and Final Prison Reform Task Force Meeting**
  - Thursday, February 26, from 1 p.m.–4 p.m.
  - Formal vote on policy recommendations

- **Final Report release**
  - First week of March
  - Summary of findings and policy recommendations

- **2015 Legislative Session**
Thank You

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