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.

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
Goal of Justice Reinvestment, Funding Partners

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 I**

**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

Council of State Governments Justice Center
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.

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

Assess for Risk Level...

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

...and Focus Accordingly

Risk of Re-offending

<table>
<thead>
<tr>
<th>Low</th>
<th>Moderate</th>
<th>High</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low 10% re-arrested</td>
<td>Moderate 35% re-arrested</td>
<td>High 70% re-arrested</td>
</tr>
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</table>

Low Supervision/Program Intensity

Moderate Supervision/Program Intensity

High Supervision/Program Intensity
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></th>
<th>YES 45 counties</th>
<th>NO 22 counties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strong programming &amp; services</td>
<td>Strong programming &amp; services</td>
<td>Limited programming &amp; services</td>
</tr>
<tr>
<td>Varying use of risk assessment</td>
<td>Varying use of risk assessment</td>
<td>Varying use of risk assessment</td>
</tr>
</tbody>
</table>

North Carolina: $8M

8% Prison Population

(FY2011–2014)
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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</thead>
<tbody>
<tr>
<td><strong>Swiftness</strong></td>
<td><strong>Supervision violations are responded to meaningfully without delay</strong></td>
</tr>
<tr>
<td></td>
<td><strong>43% of probationers in jail awaiting a violation hearing are there longer than 2 weeks</strong></td>
</tr>
<tr>
<td><strong>Consistency</strong></td>
<td><strong>Graduated range of sanctions and incentives guide specific responses to violations</strong></td>
</tr>
<tr>
<td></td>
<td>– Variation across state in process for sanctioning</td>
</tr>
<tr>
<td></td>
<td>– Largely dependent on local culture and court schedule</td>
</tr>
<tr>
<td><strong>Cost-Effectiveness</strong></td>
<td><strong>Prioritize most expensive, restrictive sanctions for offenders committing the most serious violations</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Little evidence regarding use of swift and certain sanctions</strong></td>
</tr>
</tbody>
</table>

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**

- **Drug:** 31%
- **Property:** 36%
- **Person:** 27%
- **Other:** 6%

Total = 6,825

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

**Total FY2013 ADOC Admissions = 8,313**

- **New Commits:** 4,858
- **Probation Violators:** 2,387
- **Parole Violators:** 939
- **Other:** 129

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”

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**
- **FY2009**: 19 months
- **FY2014**: 30 months, **↑58%**

**Property Offense Types**
- **FY2009**: 23 months
- **FY2014**: 35 months, **↑52%**

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

<table>
<thead>
<tr>
<th>Year</th>
<th>Considerations</th>
<th>Approvals</th>
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<tbody>
<tr>
<td>2008</td>
<td>7,356</td>
<td>3,193</td>
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<tr>
<td>2009</td>
<td>7,924</td>
<td>3,280</td>
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<tr>
<td>2010</td>
<td>6,788</td>
<td>2,690</td>
</tr>
<tr>
<td>2011</td>
<td>6,871</td>
<td>2,097</td>
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<tr>
<td>2012</td>
<td>7,406</td>
<td>2,178</td>
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<tr>
<td>2013</td>
<td>7,627</td>
<td>2,312</td>
</tr>
</tbody>
</table>

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

![Bar chart showing 3-year felony reconviction rates for ADOC parole and unsupervised releases, FY2010. The chart indicates that unsupervised releases have a higher reconviction rate compared to parole. The sources for the data are the Alabama Department of Corrections prison releases data and the Alabama Sentencing Commission felony sentencing data.](image-url)
Presentation Overview

- Criminal justice system challenges
- Justice reinvestment policy framework
- Impact estimates
Alabama’s Justice Reinvestment Policy Framework

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

<table>
<thead>
<tr>
<th>Challenge</th>
<th>Strategy</th>
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</thead>
<tbody>
<tr>
<td><strong>1</strong> RECIDIVISM. Inefficient supervision practices do not prioritize limited supervision resources, resulting in recidivism.</td>
<td><strong>1</strong> Strengthen supervision &amp; treatment to reduce recidivism</td>
</tr>
<tr>
<td><strong>2</strong> 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.</td>
<td><strong>2</strong> Prioritize prison space for violent and dangerous individuals</td>
</tr>
<tr>
<td><strong>3</strong> 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.</td>
<td><strong>3</strong> Hold offenders accountable in prison and after release</td>
</tr>
</tbody>
</table>
### Alabama’s Justice Reinvestment Policy Framework

**Goal:** Address prison overcrowding and increase public safety

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.

2. **Prioritize prison space for violent and dangerous 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.

3. **Hold offenders accountable in prison and after release**
   - **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.
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

Status Quo
26,029
195% of Capacity

JR Package
21,516
162% of Capacity

Design Capacity = 13,318
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.

Additional capacity needed to build way to 162% capacity = 2,750 additional prison beds.

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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<tbody>
<tr>
<td>Operational Costs Averted</td>
<td>$45m</td>
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<td>$45m</td>
<td>$45m</td>
<td>$45m</td>
<td>$45m</td>
<td>$270m</td>
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<tr>
<td>New Construction Costs Averted</td>
<td>$137.5m</td>
<td>$137.5m</td>
<td>$137.5m</td>
<td>$137.5m</td>
<td>$137.5m</td>
<td>$137.5m</td>
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<tr>
<td>Total Averted Costs</td>
<td>$68m</td>
<td>$68m</td>
<td>$68m</td>
<td>$68m</td>
<td>$68m</td>
<td>$68m</td>
<td>$407.5m</td>
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</thead>
<tbody>
<tr>
<td>Probation officer workforce expansion</td>
<td>$10m</td>
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<td>$10m</td>
<td>$10m</td>
<td>$10m</td>
<td>$60m</td>
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<tr>
<td>Community-based programs and treatment to reduce recidivism</td>
<td>$8m</td>
<td>$8m</td>
<td>$8m</td>
<td>$8m</td>
<td>$8m</td>
<td>$8m</td>
<td>$48m</td>
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<tr>
<td>Increased CCP population</td>
<td>$6m</td>
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<td>$6m</td>
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<td>$6m</td>
<td>$36m</td>
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<td>Victim notification system</td>
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<td>$100k</td>
<td>$100k</td>
<td>$100k</td>
<td>$100k</td>
<td>$100k</td>
<td>$1m</td>
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<td>Oversight &amp; quality assurance</td>
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<td>$1m</td>
<td>$1m</td>
<td>$1m</td>
<td>$1m</td>
<td>$1m</td>
<td>$6.5m</td>
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<tr>
<td>Total Reinvestment</td>
<td>$26m</td>
<td>$25.1m</td>
<td>$25.1m</td>
<td>$25.1m</td>
<td>$25.1m</td>
<td>$25.1m</td>
<td>$151.5m</td>
</tr>
<tr>
<td>Net Savings</td>
<td>$42m</td>
<td>$42.9m</td>
<td>$42.9m</td>
<td>$42.9m</td>
<td>$42.9m</td>
<td>$42.9m</td>
<td>$256.5m</td>
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</table>
## Preview of Alabama Justice Reinvestment policy framework

### System Challenges

<table>
<thead>
<tr>
<th></th>
<th>Recidivism</th>
<th>Overcrowded Prisons</th>
<th>Unsupervised Releases</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Strengthen supervision &amp; treatment to reduce recidivism</td>
<td>Prioritize prison space for violent and dangerous individuals</td>
<td>Hold offenders accountable in prison and after release</td>
</tr>
</tbody>
</table>

### Goal: Address prison overcrowding and increase public safety

1. **Strengthen supervision & treatment to reduce recidivism**
   - Reduce active supervision caseloads
   - 100 Per officer
   - $26 Million FY2016

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

### 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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This project was supported by Grant No. 2013-ZB-BX-K002 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice’s Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.