JUSTICE CENTER
THE COUNCIL OF STATE GOVERNMENTS

Justice Reinvestment in Alabama

Fourth Presentation to Prison Reform Task Force
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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

BJA
Bureau of Justice Assistance
U.S. Department of Justice

THE PEW CHARITABLE TRUSTS

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	Deliverables for Alabama JR
Lower recidivism	Strengthen community supervision
Increase accountability	Respond to supervision violations with swift, sure sanctions
Avert costs	Reduce prison overcrowding
Increase public safety	Structure sentencing and parole to require post-release supervision
Address the needs of crime victims	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

FIRST CHALLENGE

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

Risk

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

Assess for Risk Level…

Risk of Re-offending

LOW 10% re-arrested	MODERATE 35% re-arrested	HIGH 70% re-arrested

…and Focus Accordingly

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.

Strong programming & services

Varying use of risk assessment

Limited programming & services

CCP availability as a sentencing option in Alabama's 67 counties

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

Alabama:

$0

North Carolina:

$8M

8% Prison Population

(FY2011–2014)

Alabama's approach to supervision violations is not swift, consistent, or cost-effective.

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.

	Goal	Current Practice
Swiftness	Supervision violations are responded to meaningfully without delay	43% of probationers in jail awaiting a violation hearing are there longer than 2 weeks
Consistency	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

SECOND CHALLENGE

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

Estimated FY2014 Sentences to Prison by Offense Type

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

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

Total FY2013 ADOC Admissions = 8,313

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

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.

THIRD CHALLENGE

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.

Source: Alabama Department of Corrections prison releases data.

Currently around half of all individuals who are under the parole board's jurisdiction are released to the community with no supervision.

2,852

FY2013 releases from prison with no supervision

More than 90 percent were not previously paroled

18 percent were imprisoned for violent person and/or sex-related crimes

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

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.

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Alabama's Justice Reinvestment Policy Framework

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

Challenge		Strategy	
1	**RECIDIVISM.** Inefficient supervision practices do not prioritize limited supervision resources, resulting in recidivism.	1	**Strengthen supervision & treatment to reduce 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.	2	**Prioritize prison space for violent and dangerous individuals**
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.	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.

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

1 Strengthen supervision & treatment to reduce recidivism

Strategy 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

2 Prioritize prison space for violent and dangerous individuals

Strategy 3 **Hold offenders accountable in prison and after release**

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.

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.

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.

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Justice Reinvestment Policy Framework Significantly Reduces Alabama's Prison Overcrowding

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

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

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

		FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	Total
Averted Costs	Operational Costs Averted	$45m	$45m	$45m	$45m	$45m	$45m	$270m
	New Construction Costs Averted	$137.5m						$137.5m
	Total Averted Costs	**$68m**	**$68m**	**$68m**	**$68m**	**$68m**	**$68m**	**$407.5m**
Reinvestments	Probation officer workforce expansion	$10m	$10m	$10m	$10m	$10m	$10m	$60m
	Community-based programs and treatment to reduce recidivism	$8m	$8m	$8m	$8m	$8m	$8m	$48m
	Increased CCP population	$6m	$6m	$6m	$6m	$6m	$6m	$36m
	Victim notification system	$500k	$100k	$100k	$100k	$100k	$100k	$1m
	Oversight & quality assurance	$1.5m	$1m	$1m	$1m	$1m	$1m	$6.5m
	Total Reinvestment	**$26m**	**$25.1m**	**$25.1m**	**$25.1m**	**$25.1m**	**$25.1m**	**$151.5m**
	Net Savings	**$42m**	**$42.9m**	**$42.9m**	**$42.9m**	**$42.9m**	**$42.9m**	**$256.5m**

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**

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

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

Reduce active supervision caseloads

100
Per officer

Reduce prison overcrowding

-4,513
By 2021

Supervise & connect to treatment post-prison

3,000
Previously unsupervised prison releases

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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