Justice Reinvestment in Alabama

1st Presentation to Prison Reform Task Force
June 10, 2014

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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

<table>
<thead>
<tr>
<th>Corrections</th>
<th>Courts</th>
<th>Justice Reinvestment</th>
<th>Law Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mental Health</td>
<td>Reentry</td>
<td>Substance Abuse</td>
<td>Youth</td>
</tr>
</tbody>
</table>


Justice Reinvestment

*a data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety*
Key Characteristics about Justice Reinvestment Process

- Intensity of the approach
  - Comprehensive data analyses
- Broad scope of policy options
  - Consensus reflected in policy packages
- Focus on improving public safety
  - Hold offenders accountable
- Reinvestment and improving current spending
- Direct resources towards greatest recidivism reduction

Council of State Governments Justice Center
18 States Have Used a Justice Reinvestment Approach with Assistance from the CSG Justice Center
But on issues of sentencing reform and prison recidivism, Republicans — especially several governors in Southern states — have been the leaders, earning praise from prison reform groups on both sides of the aisle for efforts to save money by implementing rehabilitation programs and curbing skyrocketing prison costs.

Logo source: www.rightoncrime.com and www.cpac.org
Ten Southern States Have Enacted Criminal Justice Reforms Since 2007

“Ten Southern States Have Enacted Criminal Justice Reforms Since 2007”

**North Carolina**

*Commissioner Guice*
North Carolina Division of Adult Corrections and Juvenile Justice

“We want to improve our criminal justice system and protect the public, and we recognize that our system can accomplish this goal in a less costly fashion.”

**Texas**

*Senator Whitmire*

“You can always lock somebody up ... And it’s not always the toughest thing. The toughest thing you can do, and probably the most conservative thing you can do, is prevent the next crime.”

**Mississippi**

*Governor Bryant*

“We pledged to Mississippians that we would make this the ‘public safety session,’ and we have worked hard to develop a research-based plan that is tough on crime while using tax dollars wisely.”

Council of State Governments Justice Center
State Leadership Requested Assistance to Address Alabama’s Criminal Justice Challenges

Alabama is committed to increasing public safety and improving our approach to criminal justice by engaging in this data driven process. We believe that justice reinvestment technical assistance will help us achieve our goals, and we would welcome and greatly appreciate your support.

Sincerely,

Robert Bentley  
Governor of Alabama

Roy Moore  
Chief Justice, Alabama Supreme Court

Mike Hubbard  
Speaker, Alabama House of Representatives

Del Marsh  
President Pro Tempore, Alabama Senate

Cam Ward  
Chairman, Joint Prison Committee, Alabama Senate

Kim Thomas  
Commissioner, Department of Corrections

Alabama is interested in analyzing...and developing policy options around...

- Court procedures and sentencing
- Data on reported crime and arrests
- Problem-solving court policies
- Felony probation and parole supervision
- Behavioral health
- Jails and misdemeanor probation
- Prison admissions and length of stay
- Corrections and parole processes
- Community corrections
- Recidivism rates
Two Phases of Justice Reinvestment

**Phase I**

Analyze Data and Develop Policy Options

- Analyze data
  - crime/arrests, courts, corrections, and supervision trends
- Solicit input from stakeholders
- Assess quality of investments in efforts to reduce recidivism
- Develop policy options and estimate impacts

**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
Typical Timeline for Justice Reinvestment *Phase I* Process

**Phase I - Analyze Data & Develop Policy Options**

**Collect and Examine Quantitative Data**
- Reported crime and arrests
- Jail data
- Court dispositions and sentencing
- Risk/Needs
- Probation supervision
- Community corrections
- Prison admissions, population and releases
- Parole decisions and supervision

**Engage Stakeholders**
- Judges
- Prosecutors
- Defense Bar
- Parole Board
- County Officials
- Behavioral Health Providers
- Victims/Advocates
- Faith-Based Leaders
- Probation Officers
- Parole Officers
- Law Enforcement

- 6 to 9 months
- 2 to 3 months

Develop and present a comprehensive analysis of the state’s criminal justice system

Develop a framework of policy options that together would increase public safety and reduce/avert taxpayer spending
Structures Providing Support and Direction to Justice Reinvestment Project

Bipartisan, Inter-branch Coordination

High Level Working Group

Executive Judicial Legislative

Agency Directors Policymakers Stakeholders

Other support needed for effective technical assistance:

CJ System Stakeholder Leadership
Assist in accessing data, review of preliminary data findings, advice for engaging association membership, guidance on statewide issues, and distribution of surveys and assistance with scheduling focus groups
Understand Broader System Trends — Prison Data Alone Won’t Answer Essential Questions

- Crime
- Arrests
- Jail Admissions
- Court Dispositions
- Probation or CC Placements
- Prison Admissions
- Probation or CC Population
- Probation or CC Revocations
- Parole Revocations
- Parole Population
- Parole Discharge
- Releases to Parole
- Prison Population
- Prison Discharge

Multiple points in the system to improve effectiveness, reduce pressure on prisons and jails, and increase public safety.
Example of Justice Reinvestment Data Analysis and Stakeholder Engagement in Oklahoma

- 700,000+ data records analyzed
- 100+ in-person meetings with stakeholders
- Five Working Group meetings for 2-3 hours each

- 100 Police Chiefs, Staff and Officers
- 24 Victims, Advocates, and Survivors
- 40 Probation and Parole Officers
- 15 Behavioral Health and Treatment Providers
- 17 Members of the Defense Bar
- 12+ Hours with District Attorneys
- 20 Judges

100,000+ data records analyzed; 100+ in-person meetings with stakeholders; Five Working Group meetings for 2-3 hours each.
Detailed, Case-Level Data Sought from Many Sources

<table>
<thead>
<tr>
<th>Data Type</th>
<th>Source</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>– Sentencing</td>
<td>Sentencing Commission</td>
<td>In Process</td>
</tr>
<tr>
<td>– Prison</td>
<td>Department of Corrections</td>
<td>In Process</td>
</tr>
<tr>
<td>– Probation Supervision</td>
<td>Board of Pardons and Paroles</td>
<td>In Process</td>
</tr>
<tr>
<td>– Parole Decision-Making</td>
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<tr>
<td>– Parole Supervision</td>
<td></td>
<td></td>
</tr>
<tr>
<td>– Risk Assessment</td>
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<td></td>
</tr>
<tr>
<td>– Jail</td>
<td>Counties</td>
<td>Still scoping</td>
</tr>
<tr>
<td>– Community Corrections</td>
<td></td>
<td></td>
</tr>
<tr>
<td>– Problem Solving Courts</td>
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<td></td>
</tr>
<tr>
<td>– Behavioral Health Data</td>
<td>Department of Mental Health</td>
<td>Still scoping</td>
</tr>
<tr>
<td>– Crime and Arrests</td>
<td>Criminal Justice Information Center</td>
<td>Awaiting</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Response</td>
</tr>
</tbody>
</table>

Roadblocks that sometimes arise

- Shortage of data staff
- Delays in delivery due to “data cleaning”
- Unavailable data instead collected through samples and surveys
- Agencies unaccustomed to sharing data with outside groups
Criminal Justice Trends in Alabama

Guiding Principles

Justice Reinvestment Case Studies
Crime Has Decreased Despite Growing State Population

State Population and Reported Index Crimes, 2000 – 2012

Alabama’s resident population increased 8.2% from 2000 to 2012.
- 2000 pop = 4,452,173
- 2012 pop = 4,817,528

During the same period, reported crime fell by 5%.

Source: U.S Census Bureau, Population Division; Crime in Alabama Annual Reports, Alabama Criminal Justice Information Center.
Despite Falling Crime, Alabama Continues to Have Some of the Higher Crime Rates in the Nation


Alabama’s Ranking Among States for 2012 Crime Rates:

- Total Crime: 8th Highest
- Violent Crime: 14th
- Property Crime: 7th

Violent crime rate nationally fell more than 15% from 2008 to 2012.

- Alabama’s fell less than 2%.

Statewide Volume of Arrests Has Declined by More than 50,000 Since 2008

### Statewide Arrests, 2008-2012

<table>
<thead>
<tr>
<th>Type</th>
<th>2008</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Index</td>
<td>33,201</td>
<td>29,960</td>
</tr>
<tr>
<td>Non-Index</td>
<td>198,733</td>
<td>151,639</td>
</tr>
</tbody>
</table>

### Arrests for Select Offense Types, 2008-2012

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>2008</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simple Assault</td>
<td>29,000</td>
<td>23,563</td>
</tr>
<tr>
<td>Property Index</td>
<td>25,977</td>
<td>23,530</td>
</tr>
<tr>
<td>Drug</td>
<td>18,346</td>
<td>11,860</td>
</tr>
<tr>
<td>DUI</td>
<td>16,337</td>
<td>10,960</td>
</tr>
<tr>
<td>Violent Index</td>
<td>7,224</td>
<td>6,430</td>
</tr>
</tbody>
</table>

% Change in Arrests Since 2008:
- Violent Index: down 11%
- Property Index: down 9%
- Simple Assault: down 19%
- Drug: down 40%
- DUI: down 27%

Note: Number of sworn officers up by 3% since 2008.

Source: Crime in Alabama Annual Reports, Alabama Criminal Justice Information Center.
Felony Court Activity Has Declined in Recent Years

Felony Circuit Court Activity, 2000-2012

Since Peaking in 2009:
- Filings down 13%
- Dispositions down 11%

Possible Sentencing Dispositions for Felony Convictions Are Quite Complex and Nuanced

Conviction for Felony Offense

Local Jurisdiction

- County Jail
  - County Jail
  - Up to 3 years, and can also be as a split sentence

- Community Corrections
  - Community Corrections
  - For drug and alcohol-related offenses, may include special condition of Court Referral Officer (CRO) program

State Jurisdiction

- Community Corrections
  - Probation (Pardons & Paroles)
  - Probation (Pardons & Paroles)
  - May also have special condition of Community Corrections

- Split Sentence to Prison
  - Split Sentence to Prison
  - Begin in prison with automatic release to Probation by order of court

- Straight Sentence to Prison
  - Straight Sentence to Prison
  - Begin in prison with potential for release to Parole upon approval by Board of Pardons & Paroles
Number of People Supervised on Felony Probation Has Declined Almost 10% Since 2008

Felony Probation Population,
Supervised by Board of Pardons and Parole at End of Fiscal Year

Why is the felony probation population declining?

- Fewer being sentenced to probation?
- More being revoked from probation?
- Both?

Between 2008 and 2013, the average probation and parole officer caseload increased from 178 to 192.

Source: Annual Reports and Quarterly Population Statistics, Management Reports, Alabama Board of Pardons and Paroles.
Felony Probation Revocations Declined from 2009 to 2011 but Have Since Increased

Felony Probation Revocations, 2008-2013

- 22% decline in revocations from 2009 to 2011
- 12% increase from 2011 to 2013

Reason for Revocation, 2013

- 27% Technical Only
- 73% New Offense

Further analysis will look into where these probationers are being revoked: prison versus jail.

Large share of revocations involving new criminal behavior represents opportunity for improving public safety.

Source: Annual Reports, Alabama Board of Pardons and Paroles.

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Admissions to ADOC Have Increased Almost 2% Since 2008

Admissions to ADOC’s Jurisdiction, 2008-2013

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Other</th>
<th>Parole Violators</th>
<th>Split Sentences</th>
<th>New Commitments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>11,245</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td>13,356</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>12,925</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>12,098</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>12,047</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td>12,094</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

% Chg 2008-13:
- Total: + 2%
- Other: + 164%
- Parole Violators: - 10%
- Split Sentences: + 15%
- New Commitments: - 4%

Note: Probationers revoked and sent to ADOC are included in New Commitments and Split Sentences.

Source: Annual Reports, Alabama Department of Corrections.
Due to Level of Prison Overcrowding, Many Individuals Admitted to ADOC Do Not Go to Prison

In 2013, only 74% of those admitted to ADOC’s jurisdiction were admitted to prison.

Those not admitted to ADOC custody upon sentencing could be admitted to the following:

- Community Corrections upon order of the court
- County Jail while waiting for space to open up in ADOC facilities (contract for those more than 30 days from sentencing)

Source: Annual Reports, Alabama Department of Corrections.
ADOC’s Population Resides in Many Different Places

End of Fiscal Year ADOC Jurisdictional Population

<table>
<thead>
<tr>
<th></th>
<th>2008</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>29,959</td>
<td>32,467</td>
</tr>
<tr>
<td>Community Corrections</td>
<td>2,230</td>
<td>3,269</td>
</tr>
<tr>
<td>County Jails</td>
<td>1,396</td>
<td>2,233</td>
</tr>
<tr>
<td>Work Centers &amp; Work Release</td>
<td>3,789</td>
<td>998</td>
</tr>
<tr>
<td>Total Major ADOC Facilities</td>
<td>21,514</td>
<td>21,250</td>
</tr>
</tbody>
</table>

ADOC’s “custody” population includes those in major ADOC facilities, work centers and work release, supervised re-entry, and contract facilities.

- Growth in “custody” population from 2008 to 2013 was driven primarily by increase in contract facilities (+709).

Source: Annual Reports and Monthly Reports, Alabama Department of Corrections.
Parole Approval Rates Have Fallen by Almost a 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>
</tr>
<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>
</tr>
<tr>
<td>2012</td>
<td>7,406</td>
<td>2,178</td>
</tr>
<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.
The declining number of parole releases since 2010 (-942) is driving the decline in overall ADOC Custody releases (-1,136).

Source: Annual Reports, Alabama Department of Corrections.
For Five of Past Six Years, Admissions to ADOC Custody Have Outpaced Releases

ADOC “Custody” Admissions and Releases, 2008-2013

There have been 2,266 more admissions than releases since 2008.

Source: Annual Reports and Monthly Reports, Alabama Department of Corrections.
Alabama’s Prisons Are Operating at 190% of Designed 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.
Recent BJS Report Shows Alabama Among the Highest in Adult Incarceration Rankings

Prison Population Percentage Change, 2010-2012

Alabama’s up 2%

Rising “prison” populations

Falling “prison” populations

28 states decreased their prison population in the last two years

<table>
<thead>
<tr>
<th>Rank</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Louisiana 1,144</td>
<td>Louisiana 1,179</td>
</tr>
<tr>
<td>2</td>
<td>Mississippi 921</td>
<td>Mississippi 954</td>
</tr>
<tr>
<td>3</td>
<td>Texas 866</td>
<td>Oklahoma 858</td>
</tr>
<tr>
<td>4</td>
<td>Alabama 848</td>
<td>Alabama 847</td>
</tr>
<tr>
<td>5</td>
<td>Oklahoma 838</td>
<td>Texas 820</td>
</tr>
<tr>
<td>6</td>
<td>Arizona 784</td>
<td>Arizona 773</td>
</tr>
<tr>
<td>7</td>
<td>Georgia 731</td>
<td>Georgia 723</td>
</tr>
<tr>
<td>8</td>
<td>Arkansas 718</td>
<td>Idaho 680</td>
</tr>
<tr>
<td>9</td>
<td>Florida 678</td>
<td>Missouri 674</td>
</tr>
<tr>
<td>10</td>
<td>Missouri 669</td>
<td>Florida 661</td>
</tr>
<tr>
<td>11</td>
<td>Idaho 666</td>
<td>Arkansas 651</td>
</tr>
</tbody>
</table>

Changing Incarceration Rates Don’t Necessarily Correspond with Changing Crime Rates

Incarceration Rate 2000-2012

- FL: +13%
- NY: -28%
- TX: -18%
- CA: -26%
- AL: +18%

Violent Crime Rate 2000-2012

- FL: -40%
- NY: -27%
- TX: -25%
- CA: -32%
- AL: -13%

Overall crime and arrests down since 2008
– But crime in Alabama remains high compared to rest of nation

Declining felony probation supervision population
– Yet more revocations since 2011, primarily for new offenses

Admissions to ADOC custody outpacing releases
– Causing overall growth and greater reliance on leased beds

Parole approval rate dropped by almost one-third
– Resulting in falling numbers released from prison

State-run facilities operating at 190% of capacity
– Would cost hundreds of millions to build out of problem
Policy Development Tied to Principles of Focusing Resources and Avoiding Shifting of Burdens

The Goal: Contain corrections costs and increase public safety

Combine policy options with reinvestment based on “what works” to reduce recidivism

Avoid shifting burdens elsewhere in the system and help relieve pressures at the local level
Knowledge on Improving Criminal Justice Outcomes Has Increased Dramatically Over the Last 20 Years

Academics and practitioners have contributed to this growing body of research.
Reducing Criminal Behavior Requires Focusing on Risk, Need, and Responsivity

**Traditional Approach**
- Supervise everyone the same way
- Assign programs that feel or seem effective
- Deliver programs the same way to every offender

**Evidence-Based Practices**
- Risk: Assess risk of recidivism and focus supervision on the highest-risk offenders
- Need: Prioritize programs addressing the needs most associated with recidivism
- Responsivity: Deliver programs based on offender learning style, motivation, and/or circumstances

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Identify and Focus on Higher-Risk Offenders

Who?

Without Risk Assessment...

With Risk Assessment...

Risk of Re-offending

LOW 10% re-arrested
MODERATE 35% re-arrested
HIGH 70% re-arrested
Target the Factors that Evidence Shows Are Most Central to Criminal Behavior

What?

Antisocial

The Big Four
(impacting these are the major drivers to reducing criminal behavior)

Higher-risk offenders are likely to have more of the Big Four.

Programs targeting these factors can significantly lower recidivism rates

* Past criminality cannot be changed.
After Getting the Who and the What, Supervision and Programming Should Be Well Targeted

<table>
<thead>
<tr>
<th>Supervision/Program Intensity</th>
<th>Risk of Re-offending</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>LOW 10% re-arrested</td>
</tr>
<tr>
<td>Moderate</td>
<td>MODERATE 35% re-arrested</td>
</tr>
<tr>
<td>High</td>
<td>HIGH 70% re-arrested</td>
</tr>
</tbody>
</table>

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Elements of Effective Supervision

- **Dosage/Intensity**: Focus supervision officer time and program resources on the highest-risk offenders.

- **Consistency**: Use a graduated range of sanctions and incentives to guide specific type of response to violations and compliance.

- **Swiftness**: Enable officers to respond meaningfully to violations without delay or time-consuming processes.

- **Cost-effectiveness**: Prioritize the most expensive, restrictive sanctions for offenders committing the most serious violations.
Risk Principle in Action: Keeping High and Low Risk Separate

HIGH RISK OFFENDERS
Intensive Services for a longer period of time
- Face to face contacts; home visits, school/work visits
- More drug testing
- Different programs/treatment groups/services for high risk offenders

LOW RISK OFFENDERS
- Have fewer problems
- Do not require intensive interventions/supervision
- If they don’t need it; don’t give it to them
Violating the Risk Principle Leads to Recidivism

**HIGH RISK OFFENDERS**

*Under* supervised & *under* treated

Example: High risk substance abuser given AA/NA treatment → increased risk of recidivating.

**WHY?**
- Does not provide enough *supervision/control* to reduce recidivism
- Does not provide enough *intensity of programming* to disrupt risk factors

**LOW RISK OFFENDERS**

*Over* supervised & *over* treated

At *best*, leads to no reductions in recidivism. At *worst*, causes harm and increases recidivism

**WHY?**
- Disrupts the very things that make the offender low risk
- Low risk offenders learn from high risk offenders
Intensity of Services Can Have Positive or Negative Impacts on Recidivism, Depending on Risk

Intervention Effects on Recidivism among HIGH RISK Offenders
- Minimum Intervention
- Intensive Intervention

Intervention Effects on Recidivism among LOW RISK Offenders
- Minimum Intervention
- Intensive Intervention

Intensive interventions led to **BETTER** recidivism outcomes for HIGH risk offenders, but....

.... intensive interventions led to **WORSE** recidivism outcomes for LOW risk offenders.
Ensure Programs Are High Quality and Properly Implemented

**How Well?**

Program Effectiveness

- **Matched with correct client population**
  - Based on proven, effective principles
- **Implemented as designed**
  - Performance tracked and measured against expectations
- **Staff trained in assessments and service delivery**

**What works with offender programming?**

**Who:**
Programs that target high-risk individuals are more likely to have a significant impact on recidivism.

**What:**
Certain programs are more effective than others - effectiveness can relate to the type of program and where it is delivered (in a prison vs. in the community).

**How Well:**
Assessing how well a program is executed can reveal whether or not a program has the capability to deliver evidence-based interventions.

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Responsivity Dictates Skillful Program Delivery

**Responsivity Factors**

**INTERNAL RESPONSIVITY FACTORS**
- Motivation
- Mental health: anxiety, psychopathy
- Maturity
- Transportation
- Cognitive deficiencies
- Language barriers
- Demographics

**EXTERNAL RESPONSIVITY FACTORS**
- Program characteristics
- Facilitator characteristics
- Program setting

**Examples of Responsivity Barriers:**
- Visual learning style in an “audio” program
- Illiterate offender in group with reading/writing requirements
- Single mother with no child care during program time
Where and How Treatment Is Delivered Impacts the Degree of Recidivism Reduction

Research shows that programs delivered in the community have greater impacts on recidivism

Drug Treatment in Prison
-17%

Drug Treatment in the Community
-24%

Supervision with Risk Need + Responsivity
-30%

Community + Effective “RNR” = Largest Recidivism Reduction

Hawaii HOPE Reduces Re-Arrest, Drug Use, Jail Use

Hawaii HOPE
Intensive, random drug testing with swift, certain, and brief jail sanctions.

- Key principles of HOPE - swift and certain probation violation response practices - are being replicated with success in other jurisdictions.

Key Factors Associated with Successful Models of Swift and Certain Sanctioning

- Clear rules and violation responses so probationer is aware of expectations and consequences
- Strict monitoring
- Prompt sanction within days of detection
- Proportionate sanctions, tied to severity and risk
- Ability to bring violators into custody
- Compulsory treatment when appropriate
Challenges to Implementation of Supervision Practices Utilizing Swift & Sure Principles

Lack of Training
- Critical for judges, prosecutors, and supervision managers and agents to be well-informed about the principles and research behind swift/certain sanctioning

Judicial and Court Staff
- For models relying on court hearings for violation responses

Legal Structure for Administrative Responses
- Necessary for clarifying limited nature of sanctioning authorities available to agents, spelling out judicial oversight, and preservation of due process rights

Collaboration with Key Stakeholders
- Law enforcement resources to assist with arrest and detention

Drug testing
Different Approaches to Swift and Sure Policies Have Yielded Positive Results in Other States

**Georgia POM**
Enabling probation officers to employ administrative sanctions & probationers to waive violation hearings reduced jail time three-fold, reduced time spent in court, and increased swiftness of responses to violations.

**North Carolina: Justice Reinvestment Act of 2011**

- Sweeping changes to sentencing, supervision and sanctioning practices— including risk/need assessments in targeting treatment & supervision
- Probation agents able to order “quick dip” stays in jail up to 3 days upon detecting a violation

➢ **Since 2011:** probation revocations to prison are down by 40%, and the prison population has decreased by 9% (4,000 people).

Justice Reinvestment Pursues Four Objectives

Increase public safety
- Incapacitate offenders who caused the most harm
- Strengthen supervision to lower recidivism

Contain corrections costs
- Reduce prison overcrowding
- Avert prison population growth

Apply latest science in “what works”
- Focus programs on those who pose the greatest risk
- Target primary criminogenic risk factors

Reinvest in strategies that can cut crime
- Ensure existing investments are working
- Be cost-effective and reduce recidivism
Criminal Justice Trends in Alabama

Guiding Principles

Justice Reinvestment Case Studies
Justice Reinvestment in Texas
Reduced Prison Population, Crime, and Recidivism

Reinvested $241 million to expand treatment and diversion programs

- 36 percent reduction in parole revocations
- Crime rate is at a 40 year low

$3 billion in cost savings

<table>
<thead>
<tr>
<th>Year</th>
<th>Actual Population</th>
<th>Prison Projection (2007)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY2007</td>
<td>152,303</td>
<td>170,923</td>
</tr>
<tr>
<td>FY2008</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FY2009</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FY2010</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FY2011</td>
<td></td>
<td></td>
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<tr>
<td>FY2012</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Justice Reinvestment in North Carolina Improves Probation and Drops Prison Population

(JRA passed in June 2011)

36,659
37,192
38,264
41,030
43,220

560 million estimated averted costs and savings by FY2017
10 prisons closed since 2011
175 new probation officers hired in 2013

Since JR Enactment:

- State re-prioritized over $8 million into treatment
- 9% drop in prison population
- 43% drop in probation revocations

3 Year Return to Prison Rate

36% of 2006 release cohort
29% of 2010 release cohort

36,659 (December 31, 2013)
43,220

Criminal Justice Index Crime Down 18.1% (2007 to 2012)
Reduce Volume and Length of Stay of Revocations from Supervision to Jail and Prison

Data

Supervision violation hearings are time-consuming, frequently delayed, and often result in reinstatement on supervision.

53% of prison admissions are probation revocations.

75% of revocations are for condition violations (drug use, absconding).

Policy Change

Administrative Jail Sanctions & Tailored Prison Sanctions

- 2-3 day sanction capped at 6 days
- 90 day sanction capped at 3 revocations

Designed to:
- Reduce violation hearings
- Reduce time in court
- Reduce jail time spent awaiting hearings

Council of State Governments Justice Center
State and Counties Partnership Manages Misdemeanants Who Previously Underwent Costly Prison Stays

**DATA**

Misdemeanor offenders were difficult to deal with efficiently in prisons designed for more serious felons with longer sentences.

1/4 of prison admissions were **misdemeanor offenders**

3 months average length of stay

**POLICY CHANGE**

Statewide Misdemeanor Confinement Program

Policy allows misdemeanor offenders in county jails with:

- Sheriff approval
- Bed space capacity
- Reimbursement from new state fund, supported by fees

Original Proposal:
Shift them to county jails
Improve Correction and Parole Processes by Reserving Prison Space for Those Who Have Caused the Greatest Harm

**DATA**  
Idaho average time served was nearly double the national average for property and drug offenses.

**POLICY CHANGE**  
- **Corrections**: Create guidelines for preparing inmates for parole before they reach completion of the fixed term.
- **Parole**: Create guidelines for prioritizing prison space for the most violent and greatest-risk offenders. Include risk assessment as part of parole decision-making criteria. Retain discretion in individual cases.

Idaho’s average time served in prison was **207%** of the fixed term.
### States Are Reinvesting a Portion of Savings into Public Safety Strategies

<table>
<thead>
<tr>
<th>STATE</th>
<th>FINDING</th>
<th>REINVESTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Virginia</td>
<td>Substance use needs contributing to probation and parole violations</td>
<td>Reinvest $2.5 million in substance use treatment focused on higher-risk probationers and parolees with higher needs</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Victims lack confidence that restitution orders will be managed effectively</td>
<td>Increase, by statute, prison-based restitution collections, reinvest in 15 victim service positions, and track collections using a database</td>
</tr>
<tr>
<td>Ohio</td>
<td>Despite substantial community correction program investment, probation failures account for close to one third of prison admissions</td>
<td>Reinvest $10 million in funding for improving probation, including performance-incentive grants</td>
</tr>
</tbody>
</table>
Next Steps
## Emerging Questions and Possible Areas of Analysis

<table>
<thead>
<tr>
<th>How does sentencing affect distribution of offenders across the system?</th>
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</thead>
<tbody>
<tr>
<td>- How are pretrial, probation violator, and sentenced offender populations affecting county jail populations?</td>
</tr>
<tr>
<td>- What factors impact placement of offenders on various sentencing options?</td>
</tr>
<tr>
<td>- Do certain sentencing patterns drive prison pressures?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is prison prioritized for those who pose the greatest danger to the community?</th>
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<tbody>
<tr>
<td>- What is affecting inmate length of stay?</td>
</tr>
<tr>
<td>- Are prison and parole processes operationalized to prevent system delays?</td>
</tr>
<tr>
<td>- Are programs unnecessarily oriented behind prison wall instead of being delivered in the community where they can have greater impact?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Does community supervision focus on people who pose the greatest risk of re-offense?</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Are admission criteria in place to ensure that programs focus on higher-risk offenders?</td>
</tr>
<tr>
<td>- How are probation lengths determined and how do they affect probation officer resources?</td>
</tr>
<tr>
<td>- What quality-assurance assessments and outcome evaluations are used to determine recidivism impact?</td>
</tr>
</tbody>
</table>
Proposed Project Timeline

- **May**: Press Conference & Project Launch, Task Force Meeting 1
- **Jun**: Task Force Meeting 2
- **Jul**: Task Force Meeting 3
- **Aug**: Task Force Meeting 4: Policy option rollout
- **Sep**: Press conference to unveil report, Bill introduction
- **Oct** - **Dec**: 2015 Session

**Data Analysis**
- Initial Analysis
- Detailed Data Analysis
- Impact Analysis

**Policymaker and Stakeholder Engagement**
- Stakeholder Engagement and Policymaker Briefings
- Policy Option Development
- Ongoing Engagement
Thank You

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