Idaho Justice Reinvestment Working Group

Second Meeting

August 29, 2013

Council of State Governments Justice Center

Marc Pelka, Program Director
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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
Justice Reinvestment

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

Idaho launches Justice Reinvestment with Governor’s press conference

“Our corrections system is consuming an increasing share of our budget. We have a simple choice to make: continue down this path, or use data to find a smarter way to protect the public and be better stewards of tax dollars.

... The Justice Reinvestment Initiative will enable us to take a comprehensive look at our criminal justice system and learn from innovations around the country that are reducing crime and costs.”

*Idaho Governor C.L. “Butch” Otter*
Justice Reinvestment Process – Phase I

Bipartisan, bicameral, inter-branch working group

**Phase I**

Analyze Data and Develop Policy Options

- Analyze data: look at crime, courts, corrections, & supervision trends
- Solicit input from stakeholders
- Assess behavioral health system & treatment capacity
- Develop policy options & 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

Data request, collection, and analysis update

Great willingness and dedication among agency staff to respond to data requests

Although the research outline remains intact, challenges presented themselves

<table>
<thead>
<tr>
<th>Data</th>
<th>Source</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crime and Arrest</td>
<td>Idaho State Police</td>
<td>Location</td>
</tr>
<tr>
<td>Criminal History</td>
<td>Idaho State Police</td>
<td>YBO</td>
</tr>
<tr>
<td>Court Disposition</td>
<td>Supreme Court</td>
<td>Received</td>
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<tr>
<td>Problem Solving</td>
<td></td>
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<tr>
<td>Jail Data</td>
<td>Statewide Data Not Available</td>
<td>Ada</td>
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<tr>
<td>Probation Data</td>
<td>Department of Correction</td>
<td>Received</td>
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<tr>
<td>Prison Data</td>
<td>Department of Correction</td>
<td>Received</td>
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<tr>
<td>Parole Data</td>
<td>Department of Correction</td>
<td>Received</td>
</tr>
<tr>
<td>Parole Decision</td>
<td>Commission of Pardons &amp; Parole</td>
<td>Received</td>
</tr>
<tr>
<td>Behavioral Health</td>
<td>Department of Correction / Department of</td>
<td>Received</td>
</tr>
</tbody>
</table>

Previously unexamined data yielding questionable results

Data housed in multiple systems, making extraction difficult

Shortage of research staff or IT support

Delays in data delivery due to missing values and data cleaning

Some information not collected electronically being hand-entered
Targeted approach for holding offenders accountable and reducing risk

Resources providing policymakers and practitioners with strategies to improve public safety outcomes
Overview

Drivers of Idaho’s High Incarceration Rate

What Works to Reduce Recidivism?

Examining the Rider Program and Other Diversion Strategies

New report shows Idaho continuing to rise in prison incarceration rankings

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


28 states decreased their prison population in the last two years.
Idaho’s prison incarceration rate appears out of line with its crime rate

Among states with similar crime rates, Idaho has the highest incarceration rate.

If Riders were not included, Idaho’s incarceration rate would be near South Dakota’s.

Idaho outperforms many states on both measures.


Two-thirds of prison beds occupied by revocations and Riders

66% of prison beds occupied by revocations and Rider program

2013 DOC Snapshot Population (N≈6,600)

- Riders and Rider Failures: 25%
- Revocations and Violators: 41%
- New Commits: 34%

Source: IDOC standard monthly reports and snapshot data.

Council of State Governments Justice Center
Revocations take up a much greater portion of prison beds in Idaho than in other states

![Bar chart showing revocations and violations in Idaho compared to other states.]

Three factors contributing to significant prison bed usage by violation and revocations

- **Population on Supervision**
  - 2012: 11,000 people on felony probation, 2,900 on parole supervision

- **Revocation Rate to Prison**
  - 2008-2012: 43% of probation terminations, 57% of parole terminations

- **Length of Prison Stay on Revocation**
  - 2008-2012: Probation revocations average 1.8 years, Parole Violators serve 3 to 20 months

Source: IDOC standard monthly reports, and IDOC snapshot, admissions and releases data.
Before Rider expansion, probation the disposition for nearly two-thirds of new court commitments

2008-2009
New Court Commitments
(Pre-Expansion of the Rider Program)
N = 8,563

Felon Sentences
22%

Rider
64%

Term
14%

Probation

Source: IDOC admissions and releases data.

Rider expansion diverted more from probation than prison

2011-2012
New Court Commitments
(Post-Expansion)
N = 8,886

Felon Sentences
26%

Rider
58%

Term
16%

Probation

No decrease seen in the Term-bound proportion

5% increase in proportion sentenced to Rider appears to be drawn entirely from Probation

Source: IDOC admissions and releases data.
Overview

Drivers of Idaho’s High Incarceration Rate

What Works to Reduce Recidivism?

Examining the Rider Program and Other Diversion Strategies

Knowledge on effective supervision has increased dramatically over the last 20 years

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

Assess risk of recidivism and focus supervision on the highest-risk offenders

Prioritize programs addressing the needs most associated with recidivism

Deliver programs based on offender learning style, motivation, and/or circumstances

Deliver programs the same way to every offender

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Deliver programs based on offender learning style, motivation, and/or circumstances
Reducing recidivism a key to lowering incarceration rates—and increasing public safety

**Paroles from Term**
- 2,910 paroles
- 1,553 returns
- Return Rate 53%

**Term Toppers**
- 1,036 releases
- 181 returns
- Return Rate 17%

**Successful Riders**
- 3,151 probation placements
- 1,275 returns
- Return Rate 40%

**New Probation Commits**
- 5,504 probation placements
- 1,353 returns
- Failure to Prison Rate 24%

LSI risk assessment for all groups correlates well with recidivism

Recidivism defined as incarceration within three years
- 2008 and 2009 cohorts combined
- Returns include new Term or Rider sentences, and parole violator stays

The average probation term in Idaho is five years and revocations tend to occur early in supervision

**Average Probation Term in Idaho - 5 Years**

- **Revoked to Term**
  - 16% of releases
  - Average LOS: 1.2 years
- **Revoked to Rider**
  - 27% of releases (expanding)
  - Average LOS: 1.3 years
- **Successful Completion**
  - 56% of releases (dropping)
  - Average LOS: 3.2 years

- Probationers revoked to Term serve an average of 1.8 years in prison and 85% return to supervision while 14% top out
- 88% of probationers revoked to Rider successfully complete the program and return to probation

Source: IDOC admissions and releases data.
After Trio expansion more probationers revoked to Rider

<table>
<thead>
<tr>
<th>Probation Terminations</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revoked to Rider</td>
<td>836</td>
<td>727</td>
<td>910</td>
<td>1,197</td>
<td>1,162</td>
</tr>
<tr>
<td>Revoked to Term</td>
<td>686</td>
<td>537</td>
<td>625</td>
<td>574</td>
<td>675</td>
</tr>
<tr>
<td>Successfully Discharged</td>
<td>2,343</td>
<td>2,499</td>
<td>2,581</td>
<td>2,584</td>
<td>2,360</td>
</tr>
<tr>
<td>Total</td>
<td>3,913</td>
<td>3,814</td>
<td>4,166</td>
<td>4,416</td>
<td>4,235</td>
</tr>
</tbody>
</table>

Source: IDOC releases data.

Average Revocation Length of Stay
~6 months
~1.8 years

Improving probation outcomes could save Idaho millions

<table>
<thead>
<tr>
<th>Revocations to Rider</th>
<th>2012 probation revocations to Rider 1,162</th>
<th>Average length of stay in Rider for probation revocations 6 months</th>
<th>IDOC cost per day $53</th>
<th>Potential cost of revocations to Rider $11M</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revocations to Term</td>
<td>2012 probation revocations to Term 675</td>
<td>Average length of stay in Term for probation revocations 1.8 years</td>
<td>IDOC cost per day $53</td>
<td>Potential cost of revocations to Term $23M</td>
</tr>
</tbody>
</table>

Potential cost of 2012 probation revocations $34M

Source: IDOC releases data.
If parole revocations happen, they are most likely to occur in the first year

Average Time Under Parole Supervision

Successful Discharges: 2.3 Years

Parole Violators: 8 months

Recidivism analysis in Idaho showed that 62% of parolees who returned to prison within three years did so within the first year.

Early discharge from parole is uncommon: the majority of those discharging from parole have expired their sentence (~80%).

Parole violators spend 3 to 7 months incarcerated before being either revoked or reinstated.

3.5 years: Average time served at first parole

8 months: Average supervision time completed for parole violators

13 months: Average time served by revoked parolees at next release

7 months: Average time on PV status for parolees revoked to Term

3 months: Average time on PV status for parolees reinstated to supervision

Time on Violator status has doubled in the last five years and the number of Violators reinstated is up 50%.

Up from six months stays five years ago and the volume of revocations is up 18%.

Source: IDOC admissions and releases data.
Further analysis needed on use of graduated and intermediate responses prior to violation

**Supervision Violations by Type, FY2013**

<table>
<thead>
<tr>
<th>Type</th>
<th>Parole</th>
<th>Probation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical</td>
<td>21%</td>
<td>29%</td>
</tr>
<tr>
<td>Absconder</td>
<td>27%</td>
<td>25%</td>
</tr>
<tr>
<td>New Misdemeanor</td>
<td>24%</td>
<td>23%</td>
</tr>
<tr>
<td>New Felony</td>
<td>28%</td>
<td>23%</td>
</tr>
</tbody>
</table>

How are officers using intermediate levels of response to manage offender behavior?

**Responses Before Violation Report**

<table>
<thead>
<tr>
<th></th>
<th>Average Number of Prior Sanctions</th>
<th>Average Number of Prior Treatment Interventions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parole</td>
<td>2.0</td>
<td>1.5</td>
</tr>
<tr>
<td>Probation</td>
<td>1.9</td>
<td>1.1</td>
</tr>
</tbody>
</table>

What level of sanctions and treatment intervention are used prior to revocation?

Virtually all violation response recommendations involve incarceration

**Responses Before Violation Report**

<table>
<thead>
<tr>
<th></th>
<th>Imose Sentence</th>
<th>Defer to Parole Commission</th>
<th>Rider</th>
<th>PV – ICC Program</th>
<th>PV – CAPP Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probation</td>
<td>37%</td>
<td>46%</td>
<td>50%</td>
<td>21%</td>
<td>34%</td>
</tr>
<tr>
<td>Parole</td>
<td>5%</td>
<td>8%</td>
<td>8%</td>
<td>37%</td>
<td>37%</td>
</tr>
</tbody>
</table>

Are probation and parole violation responses calibrated to risk of reoffending and violation severity?

Are all parolees revoked to prison when officers “Defer to Parole Commission”?

Could the use of short confinement stays be expanded – and be an option for parolees?
Effective responses to supervision violations

**Dosage**
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.

**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.

Initial observations of Idaho’s current approach

**Dosage**
Offenders are assessed for risk and assigned to caseloads accordingly. However, higher-risk offenders should receive more frequent, meaningful engagement with supervising officers to change behavior.

**Consistency**
Three tiers of sanctions available, but should be tied more directly to violation severity and risk of re-offense.

**Swiftness**
The length of time between parole violation and hearing is three months or more. Probationers may also wait considerable periods in jails prior to revocation hearings.

**Cost-effectiveness**
Sanctions involving incarceration for violations are, on average, longer than other states. Spending more on sanctioning violations reduces resources available for reducing offender risk upon release.
Overview

Drivers of Idaho’s High Incarceration Rate

What Works to Reduce Recidivism?

Examining the Rider Program and Other Diversion Strategies

To reduce recidivism, focus on higher-risk offenders

Prioritize programs for higher-risk offenders

The same “Risk Principle” for supervision also applies to programs

Higher-risk offenders are more likely to have more, and more serious, criminogenic needs

Programs targeting these needs can significantly lower recidivism rates

Same programs receiving higher-risk offers produced significantly better outcomes

Program outcomes for lower-risk offenders

Program outcomes for higher-risk offenders

Source: Latessa, Lovins, and Smith, “Follow-up Evaluation of Ohio’s Community-Based Correctional Facilities, Outcome Study, February 2010”
Where and how treatment is delivered impacts the degree of recidivism reduction.

**Impact of Treatment Intervention on Recidivism Rates**

- Drug Treatment in Prison: -17%
- Drug Treatment in the Community: -24%
- Supervision with Risk Need + Responsivity: -30%

Supervision with effective "RNR" principles yield the biggest recidivism reduction.


Idaho investing resources in community-based treatment.

**Department of Health & Welfare**
- Pass-through Funding

**2013 Funding Levels**
- DHW: Access to Recovery, Non-Criminal Justice Population
- IDOC: §19-2524, Risk of Revocation, Rider/Parole Re-entry
- IDJC: Justice-Involved Youth
- Courts: Problem-Solving Courts

Source: Behavioral Health Interagency Cooperative Status Report to the Governor December 31, 2011.
Rider program has numerous entry and exit points, and failure is costly to the system.

Is using Rider for probation revocations “net-widening”?

Unsuccessful Probation Terminations, Pre- and Post- Rider Expansion

- Pre-Expansion 2008-09: 782 Sent to Rider, 612 Revoked to Term, 625
- Post-Expansion 2011-12: 1,180

Neither the probation population nor the number of revocations to term has risen.

All of the growth in unsuccessful probation terminations appears to be from the use of Rider as a sanction.

Source: IDOC snapshot, admissions and releases data.
A quarter of Riders are assessed as lower-risk

Risk Distribution Among Rider Admissions, 2012

Rider Admissions by Offense Type

48% Controlled Substances and DUI
12% Burglary
10% Grand Theft
10% Assault

70% to 80% of Rider admissions assessed with high treatment needs

Source: IDOC snapshot, admissions and releases data.

Summary points

Two-thirds of people in prison are supervision failures or Riders

A high supervision revocation rate to prison is followed by long stays

Rider admission criteria is not fine-tuned for diversion and treatment goals
Addressing supervision challenges presents opportunities to increase public safety

<table>
<thead>
<tr>
<th>Factor</th>
<th>Challenge</th>
<th>Evidence Based Practice</th>
<th>Public Safety Benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Supervision Population</td>
<td>Difficult to concentrate officer time on high-risk offenders</td>
<td>Dosage</td>
<td>Reduce risk among individuals most likely to reoffend</td>
</tr>
<tr>
<td>High Revocation Rate to Prison</td>
<td>Inconsistent use of graduated sanctions</td>
<td>Consistency</td>
<td>Change offender behavior</td>
</tr>
<tr>
<td>Long Prison Stays on Revocation</td>
<td>Costly delays for violators and long reconfine on revocation</td>
<td>Swiftness &amp; Cost-effectiveness</td>
<td>Prioritize restrictive sanctions for high risk and severity</td>
</tr>
</tbody>
</table>

North Carolina is employing swift and certain sanctions to reduce recidivism and hold offenders accountable

<table>
<thead>
<tr>
<th>PROBLEM</th>
<th>DATA</th>
<th>POLICY CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violation hearings are time-consuming and often result in placement back on probation</td>
<td>53% of prison admissions were probation revocations</td>
<td>2-3 day Administrative Jail Sanctions</td>
</tr>
<tr>
<td>Few meaningful sanctions for minor violations</td>
<td>75% of revocations were for condition violations</td>
<td>90-day revocation for 1st and 2nd condition violations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Full revocation for absconding and new crimes</td>
</tr>
</tbody>
</table>
Kansas dropped technical violations in half and reinvested savings in programs to reduce recidivism

Generate savings through more effective policy

Reinvest in strategies to increase public safety

Technical Violations - 55%
New Offenses - 29%

Prison Programming
Community Programming
Community Corrections

$2.3M increase in funding for prison-based programs
$3.6M increase in funding for community-based programs
$3.6M increase in funding for performance-based outcomes

Kansas can further reduce recidivism with better targeting

To maximize risk-reduction and cost-effectiveness potential of treatment funding

Prioritize Rider for higher-risk prison-bound offenders with programming / treatment needs
Continue building SUD resources to reduce recidivism with supervision and ensure quality

Rider
$19.1 Million
2,247 participants

State funding is significantly greater for Rider than SUD felony probation and parole

SUD Felony Supervision
$4.9 Million
3,663 participants

Average length of stay for Rider releases
160 days

IDOC cost per day
$53

Average cost per Rider
$4,480

2012 Rider Admissions
2,247

Potential Rider Expenditure
$19.1 M
Questions and further analyses for next presentations

Issues to analyze for next working group meeting

- Presentencing investigation assessments
- Role of problem-solving courts
- Corrections and parole system processes
- New commitments to prison
- Input from law enforcement executives, the judiciary, and other system stakeholders

How do PSI assessments help inform judicial decision-making?
What are opportunities to streamline parole hearing and release processes?
What factors contributed to the drop in 2011-2012 prison releases?

Proposed Timeline

May
June
July
August
September
October
November
December
2014 Session

Data Analysis

Stakeholder Engagement
Policy Option Development
Bill Drafting
Provide Info to Policymakers and Media and Keep Stakeholders Involved
National expert in criminal justice evidence-based practices presenting in October

**Date:** Wednesday, October 30th  
**Time:** 9:30-11:30am  
**Location:** State Capitol (Room EW42)

Ed Latessa, PhD, of the University of Cincinnati’s Criminal Justice Department, will be presenting **key principles to reducing recidivism.**

All Justice Reinvestment Interim Committee and Working Group members and staff are welcome.

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Thank You

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This material was prepared for the State of Idaho. The presentation was developed by members of the Council of State Governments Justice Center staff. Because presentations are not subject to the same rigorous review process as other printed materials, the statements made reflect the views of the authors, and should not be considered the official position of the Justice Center, the members of the Council of State Governments, or the funding agency supporting the work.
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