



Justice Center
THE COUNCIL OF STATE GOVERNMENTS

Wyoming Joint Judiciary Interim Committee

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The Council of State Governments is a region-based organization that fosters exchange of ideas to help state officials shape public policy.



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The Council of State Governments is a national nonprofit, nonpartisan membership association of state government officials that engage members of all three branches of state government.

The CSG Justice Center provides practical, nonpartisan advice informed by the best available evidence.



The 50-State Summit on Public Safety provided more than 200 attendees from all 50 states with an opportunity to discuss public safety strategies.

Representatives largely came from four areas:



**Law
Enforcement**



**State
Legislators**



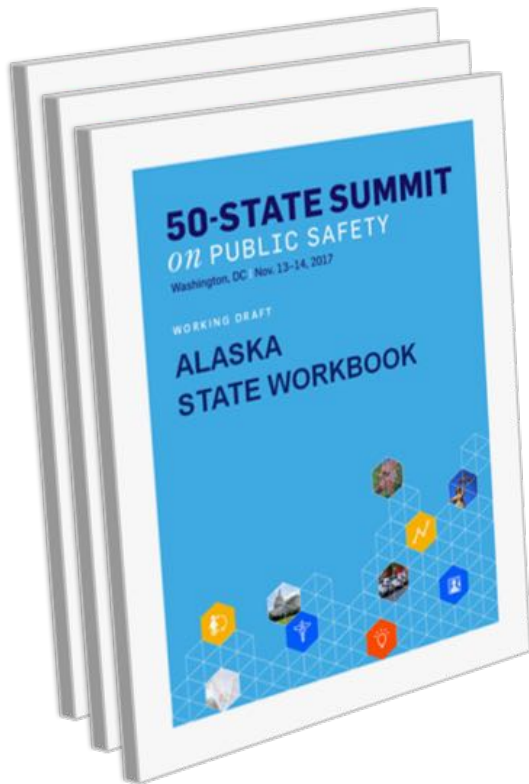
**Behavioral
Health**



**Corrections
Administrators**



The summit produced 70-page workbooks containing national and state-specific data on crime, arrests, recidivism, correctional populations, and other criminal justice system metrics.



The workbooks not only compiled a large amount of national data repackaged and presented in novel ways, but also included original research gathered from structured interviews conducted with all 50 states on such topics as

- Recidivism measures tracked and published;
- Risk assessment validation;
- Use of common identification numbers;
- Behavioral health screening;
- Supervision expenditures;
- Supervision revocation tracking; and
- Supervision officer training and evaluation.

Workbooks for Wyoming and the 49 other states are available at 50statespublicsafety.us/

Wyoming was selected to hold a state forum on public safety.



- Addresses from state leaders
- Presentations of Wyoming criminal justice and behavioral health system trends
- Panels comprising state and local officials as well as criminal justice system stakeholders
- Breakout discussions
- Development of public safety priorities
- Guidance for Wyoming's justice reinvestment approach

Overview



Justice Reinvestment

- Criminal Justice Trends
- Next Steps



JUSTICE REINVESTMENT

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

Supported by funding from the U.S. Department of Justice's Bureau of Justice Assistance (BJA) and The Pew Charitable Trusts.

Justice reinvestment includes a two-part process spanning analysis, policy development, and implementation.

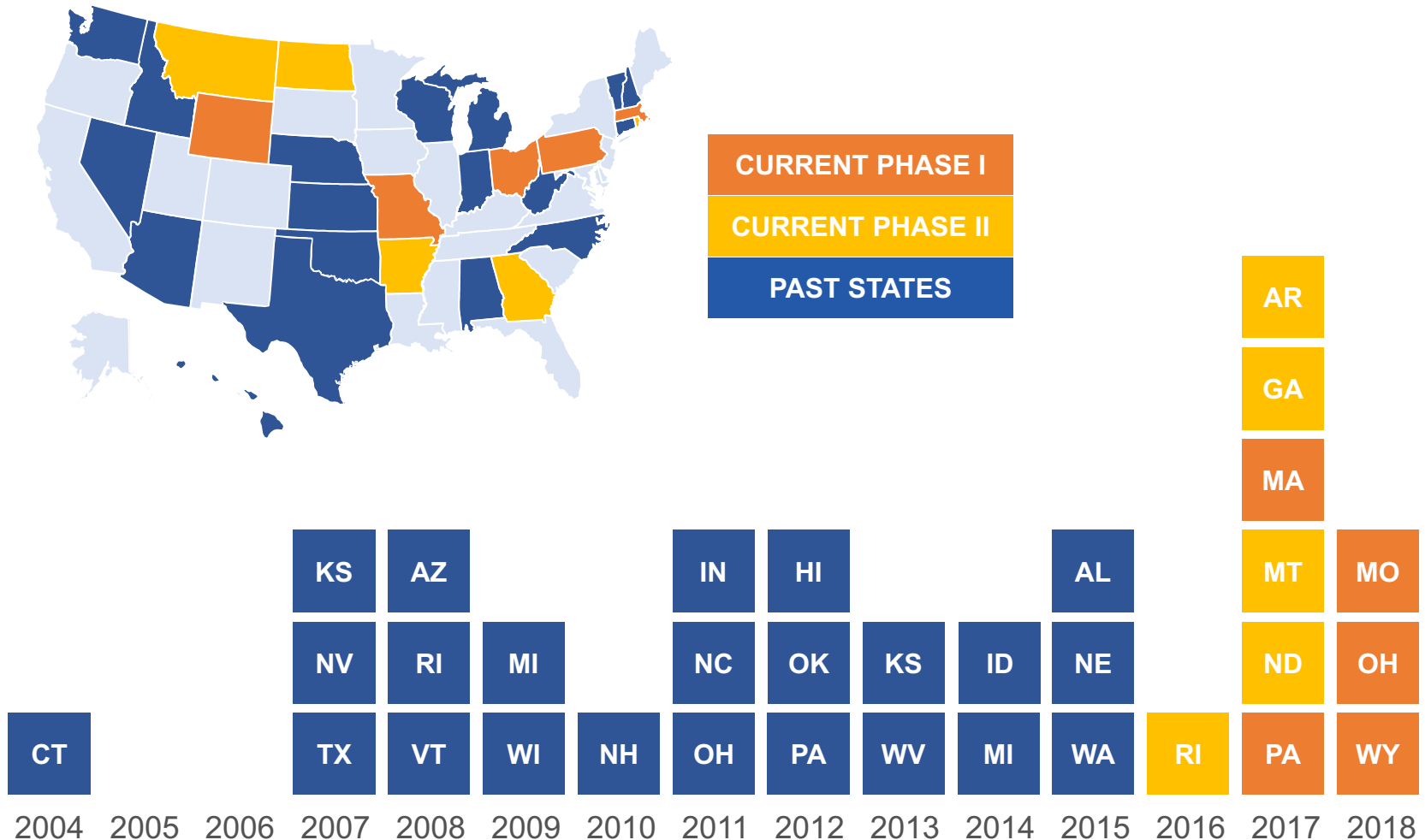
Phase I - Pre-Enactment

1	Bipartisan, Interbranch Working Group	Assemble practitioners and leaders; receive and consider information, reports, and policies
2	Data Analysis	Analyze data sources from across the criminal justice system for comprehensive perspective
3	Stakeholder Engagement	Complement data analysis with input from stakeholder groups and interested parties
4	Policy Option Developments	Present a policy framework to reduce corrections costs, increase public safety, and project the impacts

Phase II - Post-Enactment

5	Policy Implementation	Identify needs for implementation and deliver technical assistance for reinvestment strategies
6	Monitor Key Measures	Monitor the impact of enacted policies and programs, adjust implementation plan as needed

CSG has worked with 30 states, some twice, on a justice reinvestment approach to address criminal justice challenges.



State leaders are using justice reinvestment to address a wide array of criminal justice and behavioral health system challenges.

- Recent upticks in violent crime
- Community substance use disorders, including the opioid epidemic
- People with mental illnesses in the justice system
- High rates of recidivism
- High cost of corrections
- Improving services for victims
- Increase opportunities for people returning to communities from incarceration

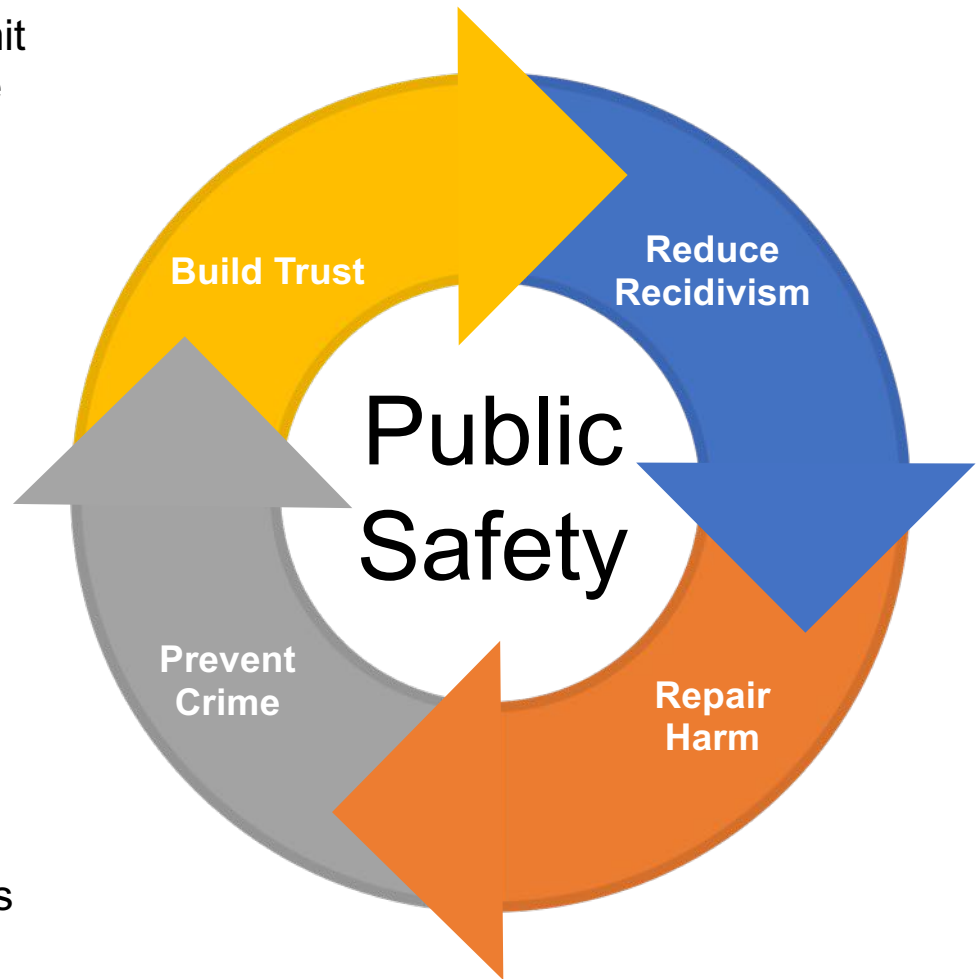
Increasing public safety is the focus of justice reinvestment.

Reduce Recidivism: People who commit crimes are held accountable, receive the intervention needed to change their behavior, and do not reoffend.

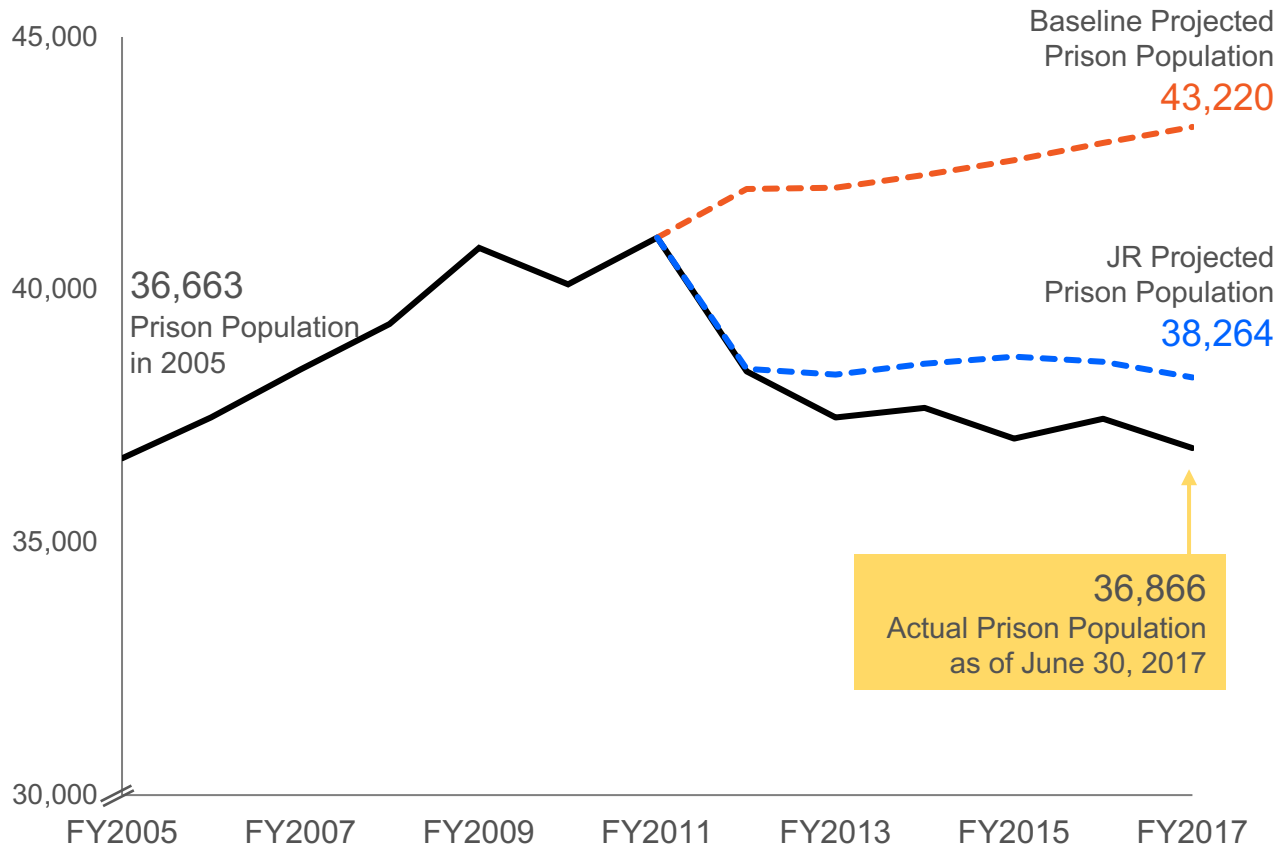
Repair Harm: Victims are safe, have access to help, understand how the criminal justice system works, see accountability, and heal.

Prevent Crime: A state utilizes policing strategies and public safety approaches to decrease crime and violence, not just *reported incidents* of crime.

Build Trust: Communities heavily impacted by crime and incarceration are supported, and any underlying conditions of distrust are directly addressed.



Justice Reinvestment: North Carolina



Projected Outcomes

\$560M
averted costs and savings
by FY2017

Realized Outcomes

6,354
fewer inmates in prison in
FY2017 compared to
baseline projection

11
prisons closed between
2011 and 2015

Required supervision
following prison

175
new probation officers in
FY2014 and FY2015

65%
Probation revocation
reduction

Sources: Actual and baseline prison population projection from the North Carolina Sentencing and Policy Advisory Commission, *Current Population Projections FY2010/11 to FY2019/20* (Raleigh: North Carolina Sentencing and Policy Advisory Commission, 2011); Justice Reinvestment Act projections by the CSG Justice Center; Recent population updates are based on North Carolina's Automated System Query: <http://webapps6.doc.state.nc.us/apps/asqExt/ASQ> and on the Justice Reinvestment Performance Metrics report from 2016

North Carolina faced huge prison growth and high rates of probation revocations to prison.

Prison Population

PROBATION SUPERVISION

- ✓ Require that people on probation be assessed for risk level, and supervise accordingly
- ✓ Allow for 90-day capped prison sanctions (dunks) for the probation and post-release supervision population in lieu of revocations; such responses must be used at least two times before a revocation is possible for technical violators, excluding absconders

SMCP

- ✓ The Statewide Misdemeanant Confinement Program diverts misdemeanants to county facilities rather than prison to serve out sentences of 91–180 days

Reinvestments

TECS

- ✓ The Treatment for Effective Community Supervision (TECS) prioritizes substance addiction treatment for people with high needs who are at high risk of reoffending

PROBATION SUPERVISION

- ✓ Increases number of probation officers by 175 and provides for officer training in evidence-based supervision practices

Public Safety

ADVANCED SUPERVISED RELEASE

- ✓ This program allows judges to impose a sentence that can be reduced in prison for people who comply with certain risk-reducing programs

DELEGATED AUTHORITY

- ✓ Allow probation officers to respond to technical violations by imposing swift and certain sanctions of 2- or 3-day jail stays (dips), without first going to court for approval

POST-RELEASE SUPERVISION

- ✓ Require people leaving prison to serve a mandatory period of post-release supervision of 9–12 months



North Dakota: Investing in Community-Based Behavioral Health Services Instead of Prisons

Prison population growth driven by nonviolent offenses from the lowest felony class

Prison population projected to increase 36 percent by FY2022 at a cost of \$115 million in new contract beds.

62 percent of new offense admissions are from the lowest felony class, mostly property and drug offenses.

Ineffective responses to supervision violations

75 percent of people on probation or parole need substance addiction treatment.

Supervision officers indicate long wait periods to access behavioral health treatment.

As a result, supervision officers recommend about 1/3 of people on their caseloads for revocation each year.

Need for community drug use treatment exceeds capacity

6th-highest rates of alcohol and drug abuse in the U.S.

43rd in behavioral health workforce availability.

Enrollment in substance addiction treatment decreased 15% (2009–13).



North Dakota: Investing in Community-Based Behavioral Health Services Instead of Prisons

\$7M

of state dollars
reinvested in providing
up-front reinvestment in
an innovative behavioral
health plan

\$500K of state
dollars to expand the
provider workforce

Improve Quality of Services



Create a service delivery partnership between private health care providers and the Department of Human Services (DHS) to ensure that people in the criminal justice system have access to a full continuum of support services. To encourage quality of care, private health care providers will have an opportunity to earn additional compensation for exceeding key outcomes set by DHS.

Expand Provider Workforce



Increase utilization of key paraprofessionals, specifically peer support specialists and case management services.



Require the development of a statewide strategic plan for increasing the number of community-based behavioral health care providers who are qualified to work effectively with criminal justice populations.



Provide sufficient funding to implement the workforce strategic plan.



"Building new jails and incarcerating people with the chronic disease of addiction and in desperate need of help is the most expensive and least effective course of action. With this legislation, we can give those dealing with substance abuse and other behavioral health issues who become entangled in the legal system an opportunity to recover successfully and return to their communities."

— GOVERNOR DOUG BURGUM



Montana: Avoiding the high cost of recidivism and reinvesting in local public safety strategies

Recidivism driving prison population growth

In 2015, 74 percent of people admitted to prison were revoked from supervision for technical violations or new crimes, the majority of which were drug or property crimes.

Officers unable to deliver adequate supervision to population

Long probation terms take officer resources away from the people who need them most—those on the first two years of supervision, when recidivism is most likely.

Front-end pressures driving local correction system growth

Increases in arrests, case filings, and the amount of time for a case to reach disposition all contributed to a growing jail population.

Increase in drug arrests add pressure to jail and other local systems.



Montana: Avoiding the high cost of recidivism and reinvesting in local public safety strategies

Apply swift and proportionate responses to supervision violations

Limit the period of incarceration for people sanctioned for low-level violations to up to nine months.

Prioritize supervision resources for people most likely to reoffend

Require supervision officers to request conditional discharge for people who comply with their terms of supervision.

Establish state-funded grant programs to help counties address local challenges

Reinvest savings in the development of a risk-based pretrial supervision program for counties.

Make the presentence investigation process more risk-based and expedited by increasing investigators.

Support housing reentry strategies for people who are candidates for parole but lack housing options.



“We know if we give our probation and parole officers the tools they need to do their jobs effectively, and provide expanded access to diversion programs and reentry housing, we can prevent the types of crimes and violations that are causing so many people to return to prison and jail.”

Senator Cynthia Wolken (Retired)

Overview

- Justice Reinvestment



Criminal Justice Trends

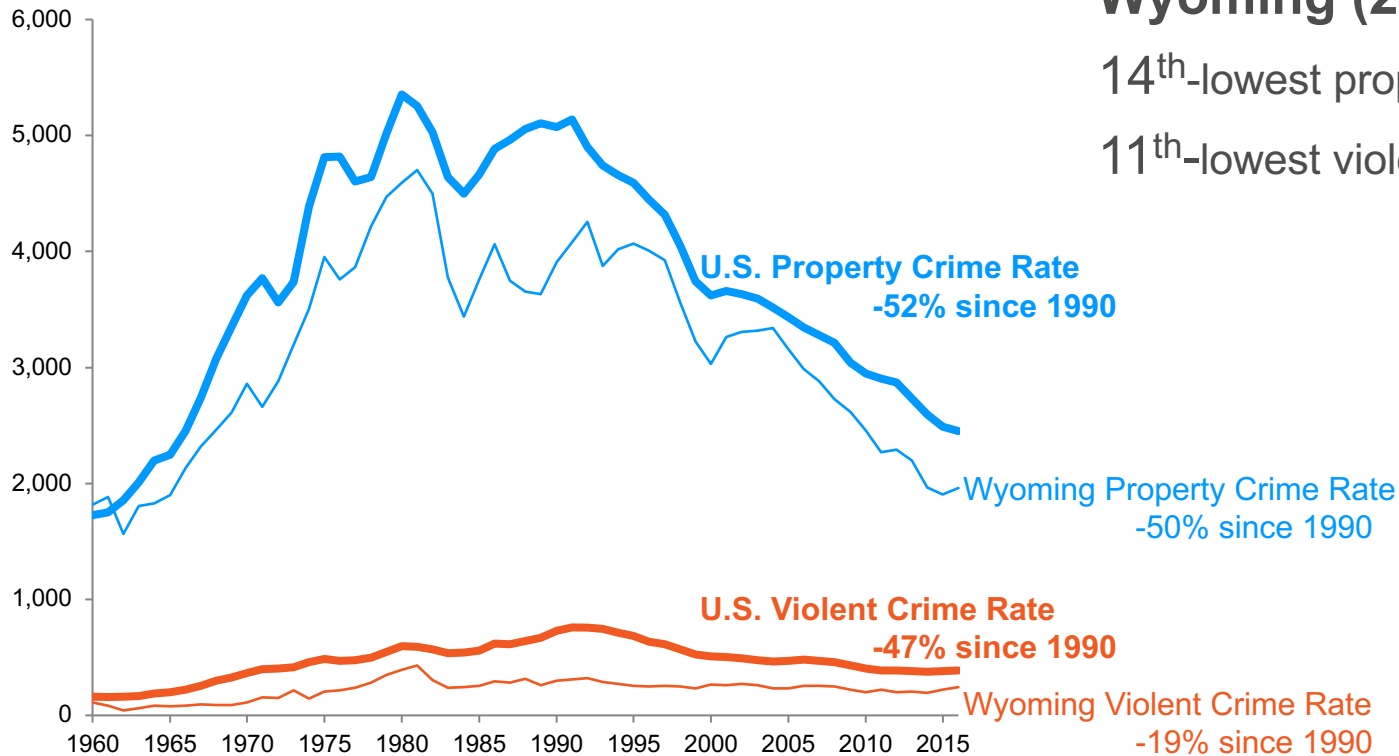


Reducing Crime and Strengthening Communities

- Breaking the Cycle of Reoffending
 - Reducing the Cost of Corrections and Reinvesting in Public Safety
- Next Steps

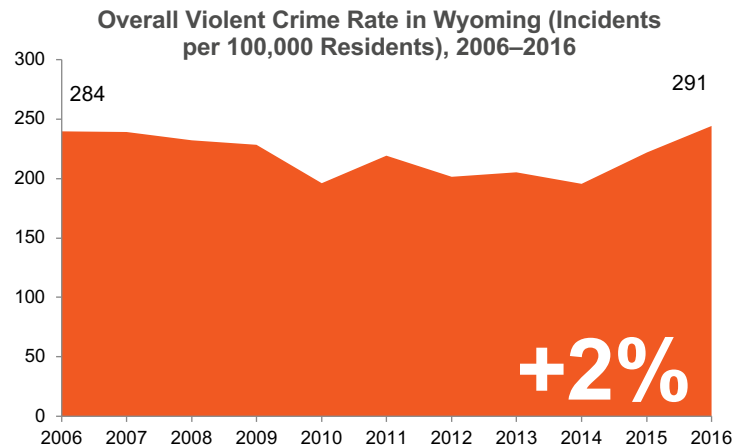
Wyoming's violent and property crime rates have remained lower than the national total for nearly all of the last 55 years.

U.S. and Wyoming Property and Violent Crime Rates
(Incidents per 100,000 Residents), 1960–2016

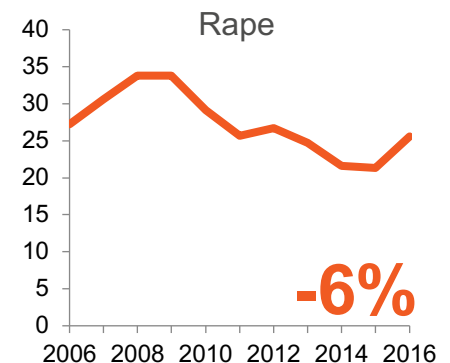


Sources: FBI, *Crime in the U.S.*, 2006–2016.

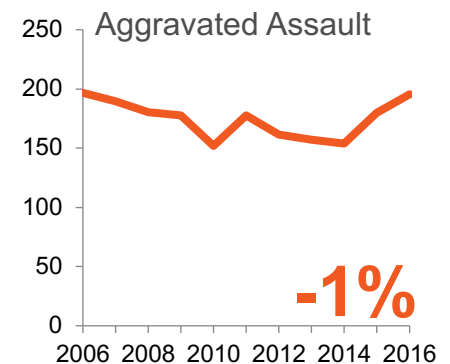
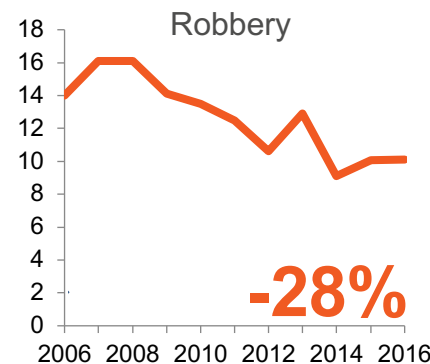
Although Wyoming's violent crime was largely the same in 2006 and 2016, there was an uptick between 2014 and 2016.



Violent Crime Rate in Wyoming (Incidents per 100,000 Residents) by Offense Category, 2006–2016



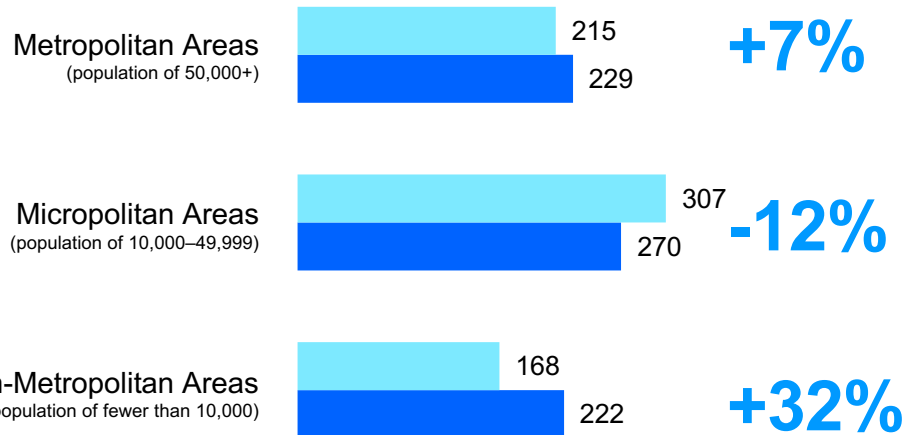
- Wyoming's homicide rate doubled between 2006 and 2016, which was the second-largest increase in the country during that period, however the volume was extremely low increasing from 9 to 20 homicides. Wyoming's homicide rate was still 36 percent below the U.S. homicide rate.
- Following a 28-percent decline in the rate of robberies between 2006 and 2016, Wyoming had the lowest robbery rate in the country in 2016, down from the second-lowest rate in 2006.



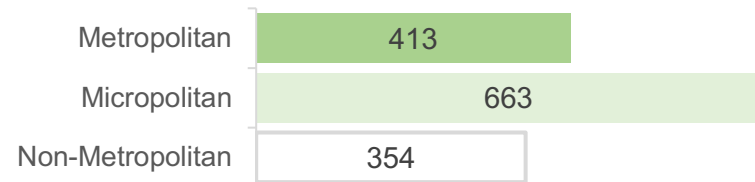
Sources: FBI, *Crime in the U.S.*, 2006–2016.

Violent crime trends varied across population areas, with a notable increase in non-metropolitan areas.

Overall Violent Crime Rate in Wyoming
(Incidents per 100,000 Residents) by
Population Area, 2006–2016

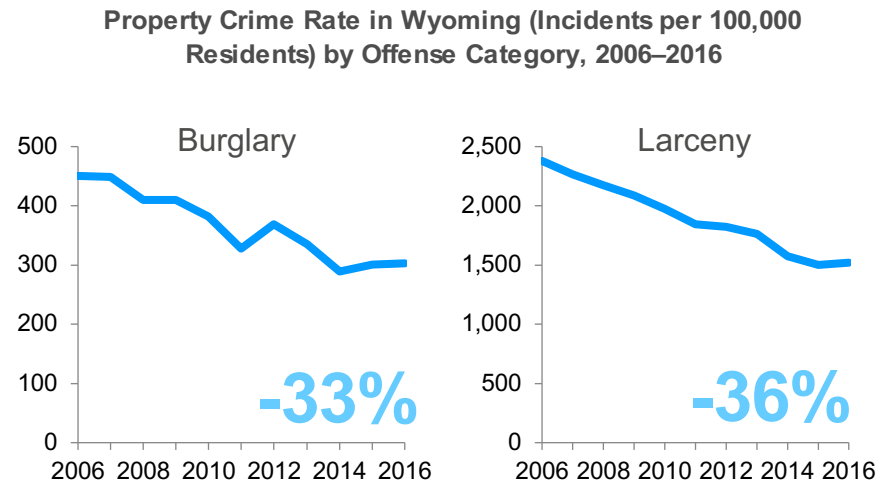
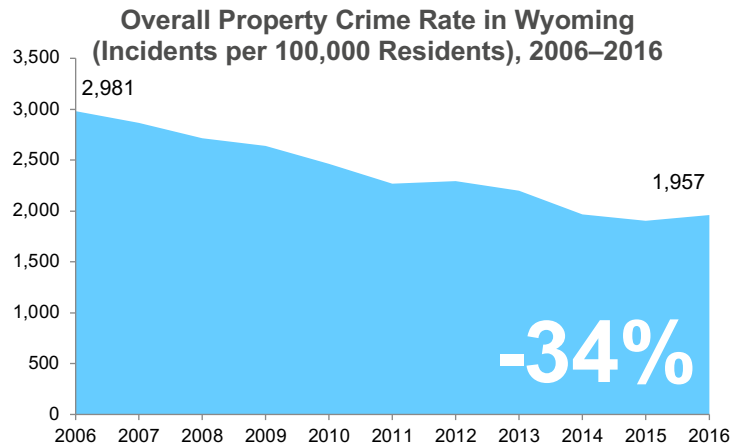


Micropolitan population areas had the largest volume of reported violent crimes in 2016

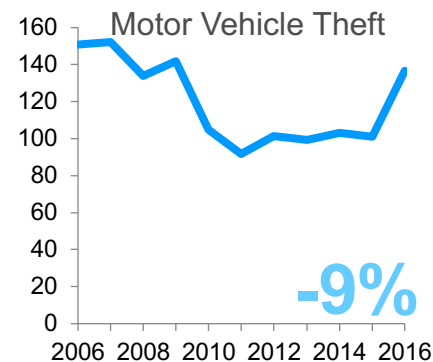


Sources: FBI, *Crime in the U.S.*, 2006–2016.

Wyoming's property crime rate dropped by a third, falling in all categories.



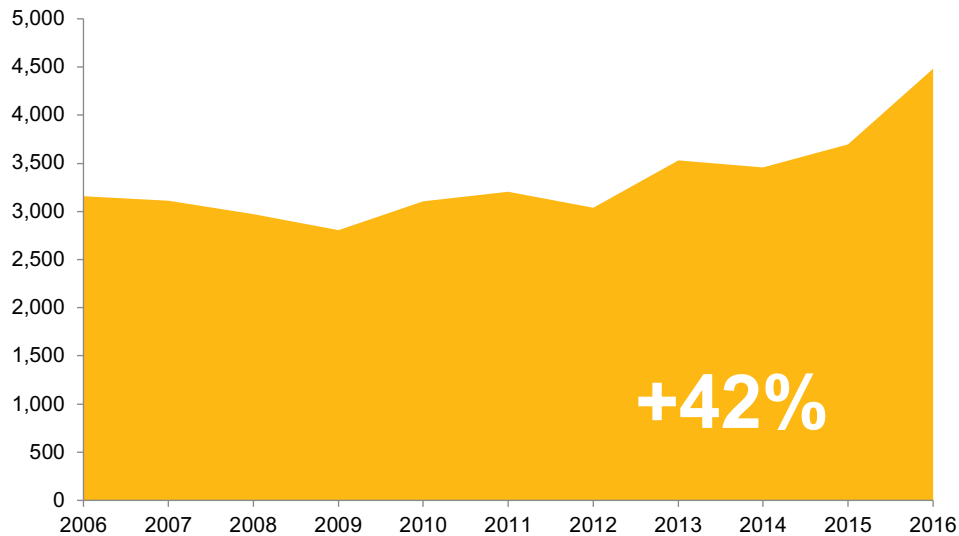
- Burglary and larceny rate trends have generally continued downward and Wyoming still enjoys the 9th lowest burglary rate and 19th lowest theft rate in the country.
- Motor vehicle thefts increase from 2014 to 2016. The rising rate was caused by an increase of about 200 incidents but Wyoming still ranks 41st among states in motor vehicle theft rate.



Sources: FBI, *Crime in the U.S.*, 2006–2016.

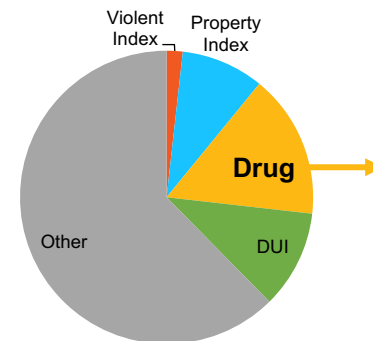
Responding to drug activity is driving a growing volume of law enforcement arrests in Wyoming.

Drug Arrests in Wyoming (Volume), 2006–2016



Wyoming's 42-percent increase in the number of drug arrests was the 8th-largest increase in the country.

Drug arrests are defined as state and/or local offenses relating to the unlawful possession, sale, use, growing, manufacturing, and making of drugs.



Drug-related offenses constituted 16% of all arrests in 2016.

Reducing Crime and Strengthening Communities Discussion

Takeaways

- Wyoming's reported violent and property crime rates are below the national average.
- Wyoming's violent crime experienced upticks between 2014 and 2016 with variation across population area.
- Drug arrests increased 42 percent, the eighth-highest increase in the U.S., between 2006 and 2016.

Discussion

- What are key questions to explore with criminal justice system stakeholders, such as law enforcement executives, related to available data?
- What data sources should CSG Justice Center staff examine to receive more detailed information about crime patterns and trends?

Overview

- Justice Reinvestment



Criminal Justice Trends

- Reducing Crime and Strengthening Communities

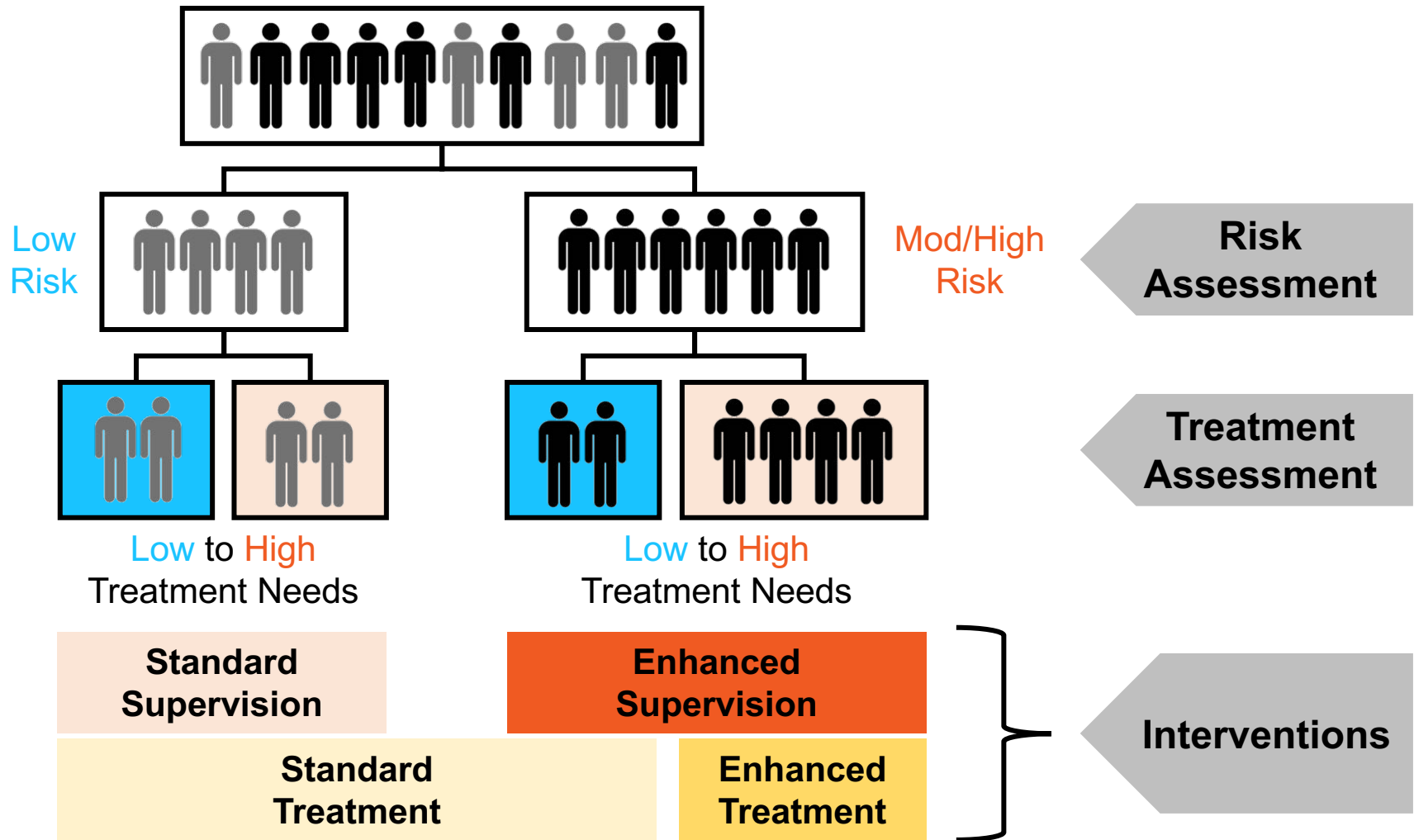


Breaking the Cycle of Reoffending

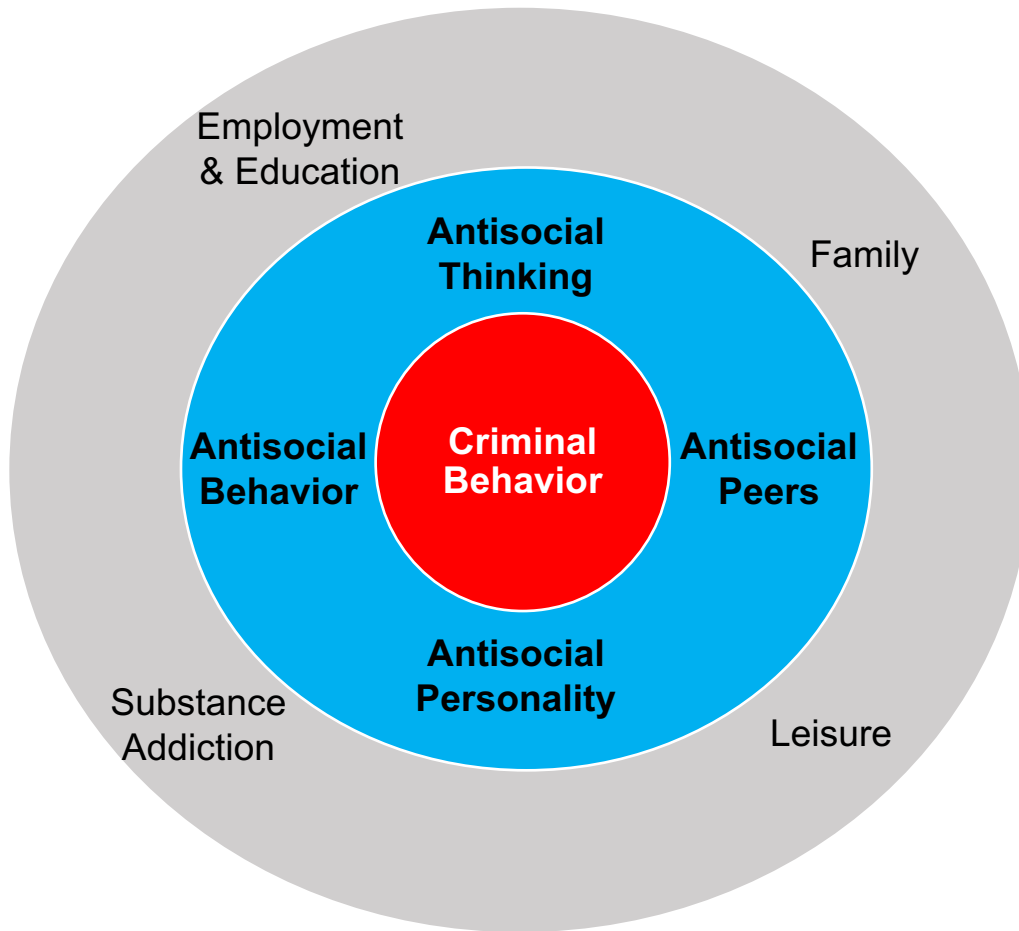
- Reducing the Cost of Corrections and Reinvesting in Public Safety

- Next Steps

Use risk and needs assessments to inform key supervision and programming decisions.



To reduce recidivism, target the central eight risk factors.



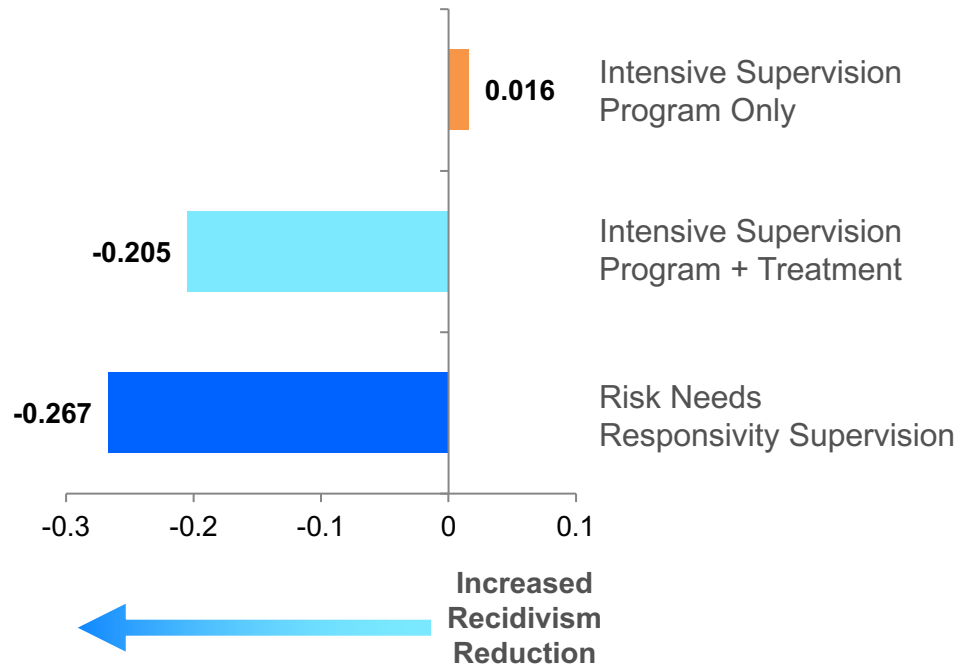
This research is part of the risk-need-responsivity (RNR) principles that inform what works to reduce recidivism.

The Big Four risk factors are the most predictive of future criminal activity.

Programs targeting these needs can significantly lower recidivism rates.

Adherence to RNR principles is especially important to the effectiveness of community corrections as a recidivism-reduction strategy.

Effect Size Of Different Supervision Programs On Recidivism Reduction
As Determined by Inventory of Evidence-Based and Research-Based
Programs for Adult Corrections as of December 2013



Characteristics of Intensive Supervision Programs Only

- Surveillance focus
- One-size-fits-all approach
- Contact frequency as a key performance measure for officers
- Use of incarceration as primary sanction
- Proportionality of sanctions not prioritized
- Little consideration of criminogenic “needs”

Characteristics of RNR Supervision

- Assessing risk/needs
- Focusing on higher-risk people on parole
- Balancing supervision and treatment
- Using incentives and rewards
- Involving people on supervision in process
- Responding to violations in swift and consistent manner
- High-quality CBI programming

Source: Washington State Institute for Public Policy. Benefit Cost Results: Adult Criminal Justice System. June 2016. <http://wsipp.wa.gov/BenefitCost?topicId=2>

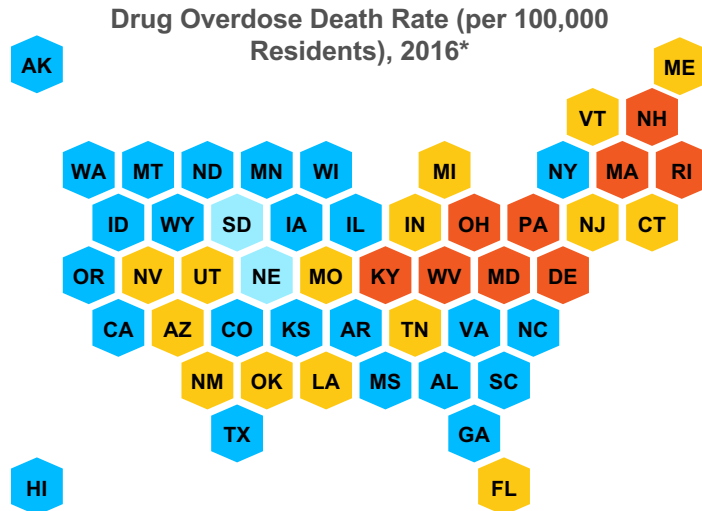
Wyoming's overdose death rate increased 66 percent between 2006 and 2016.

fewer than 10
drug overdose deaths

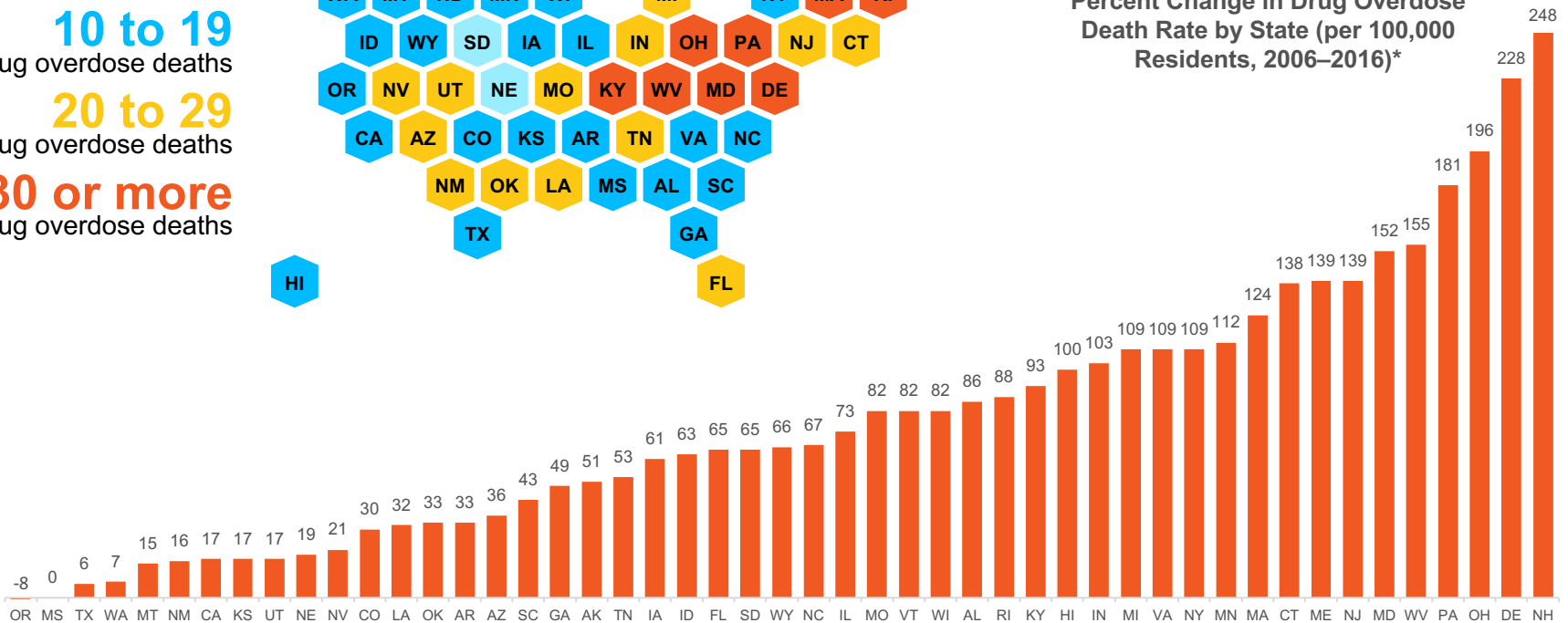
10 to 19
drug overdose deaths

20 to 29
drug overdose deaths

30 or more
drug overdose deaths



Percent Change in Drug Overdose Death Rate by State (per 100,000 Residents, 2006–2016)*

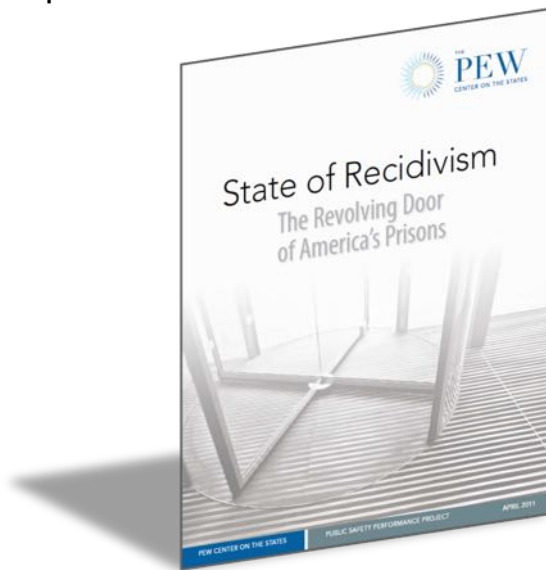


*Age-adjusted death rates.

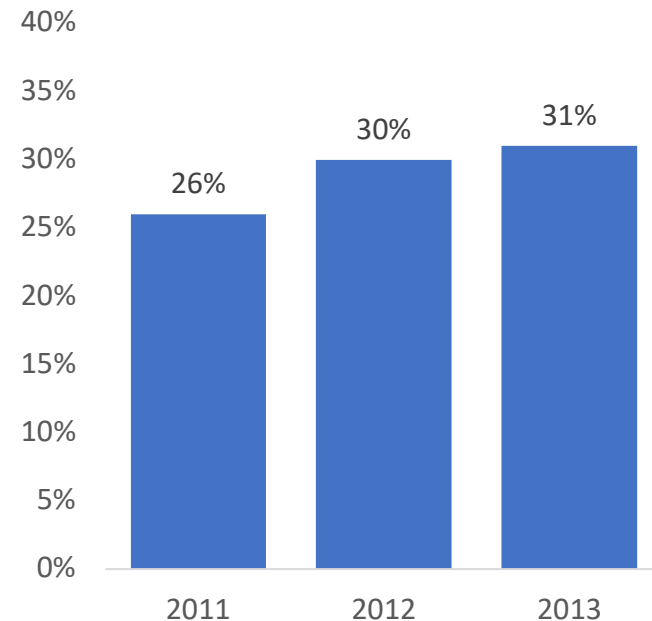
Source: CDC, *Increases in Drug and Opioid-Involved Overdose Deaths, United States*.

Wyoming's rate of return to prison, which is among the lowest in the country, increased in groups of people released from prison more recently.

In a earlier national comparison of reincarceration rates, Wyoming had the second-lowest rate in the country (25 percent) among 2004 releases from prison.



Wyoming Three-Year Reincarceration Rates by Prison Release Year, FY2011–2013*



* Defined as the percentage of people released from Wyoming Department of Corrections who return to prison for any reason within three years of release. Wyoming measures probation recidivism, but only following successful completion of probation, not from the date at which people start probation. Therefore, probation recidivism figures are not presented here. See source for more details on methodology and other recidivism analyses not shown above.

Source: <https://docs.google.com/a/woyo.gov/viewer?a=v&pid=sites&srcid=d3lvLmdvdnxb2N8Z3g6NTY3Nzc5NTYzODViMWNmNQ>
http://www.pewtrusts.org/~media/legacy/uploadedfiles/pes_assets/2011/pewstateofrecidivismpdf.pdf

Every state now tracks and publishes at least one measure of recidivism for people exiting prison, but few states track across multiple measures or for probation populations.

States Tracking and Publishing Recidivism

Percent of states that report tracking and publishing recidivism data for people **released from prison** by:

Rearrest

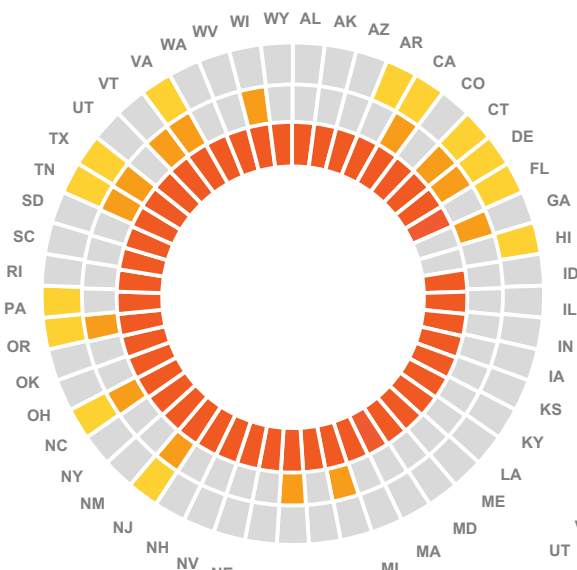
25%

Reconviction

30%

Reincarceration

96%



Percent of states that report tracking and publishing recidivism data for people starting **probation** by:

Rearrest

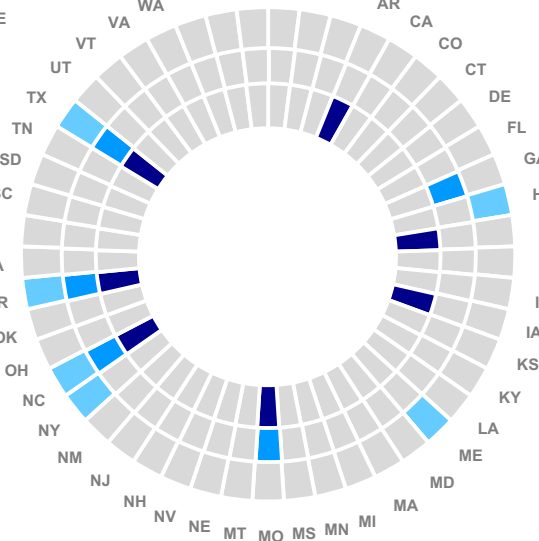
12%

Reconviction

10%

Incarceration

14%



Sources: CSG Justice Center, structured interviews, Aug. 2017.

Breaking the Cycle of Reoffending Discussion

Takeaways

- Effective use of the risk, need, responsivity principles are associated with lower recidivism.
- Wyoming's rate of return to prison, which is among the lowest in the country, increased between 2011 and 2013.
- Expanding recidivism analysis, including real-time measures, can create more current and nuanced understanding of different kinds of recidivism to inform policy and budget decisions.

Discussion

- What are key questions to explore with criminal justice system stakeholders, such as probation and parole officers and community program and treatment providers, related to recidivism?
- What data sources in Wyoming should CSG Justice Center staff examine to receive more detailed information about recidivism trends?

Overview

- Justice Reinvestment



Criminal Justice Trends

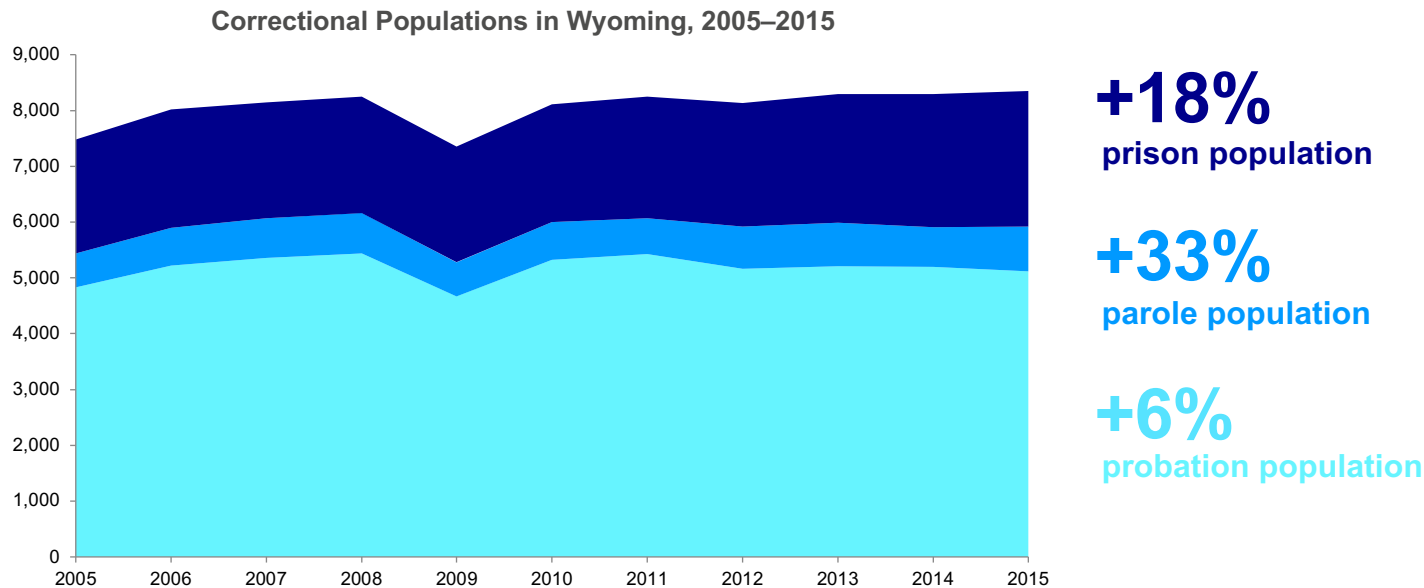
- Reducing Crime and Strengthening Communities
- Breaking the Cycle of Reoffending



Reducing the Cost of Corrections and Reinvesting in Public Safety

- Next Steps

Wyoming's prison, parole, and probation populations have increased in recent years.

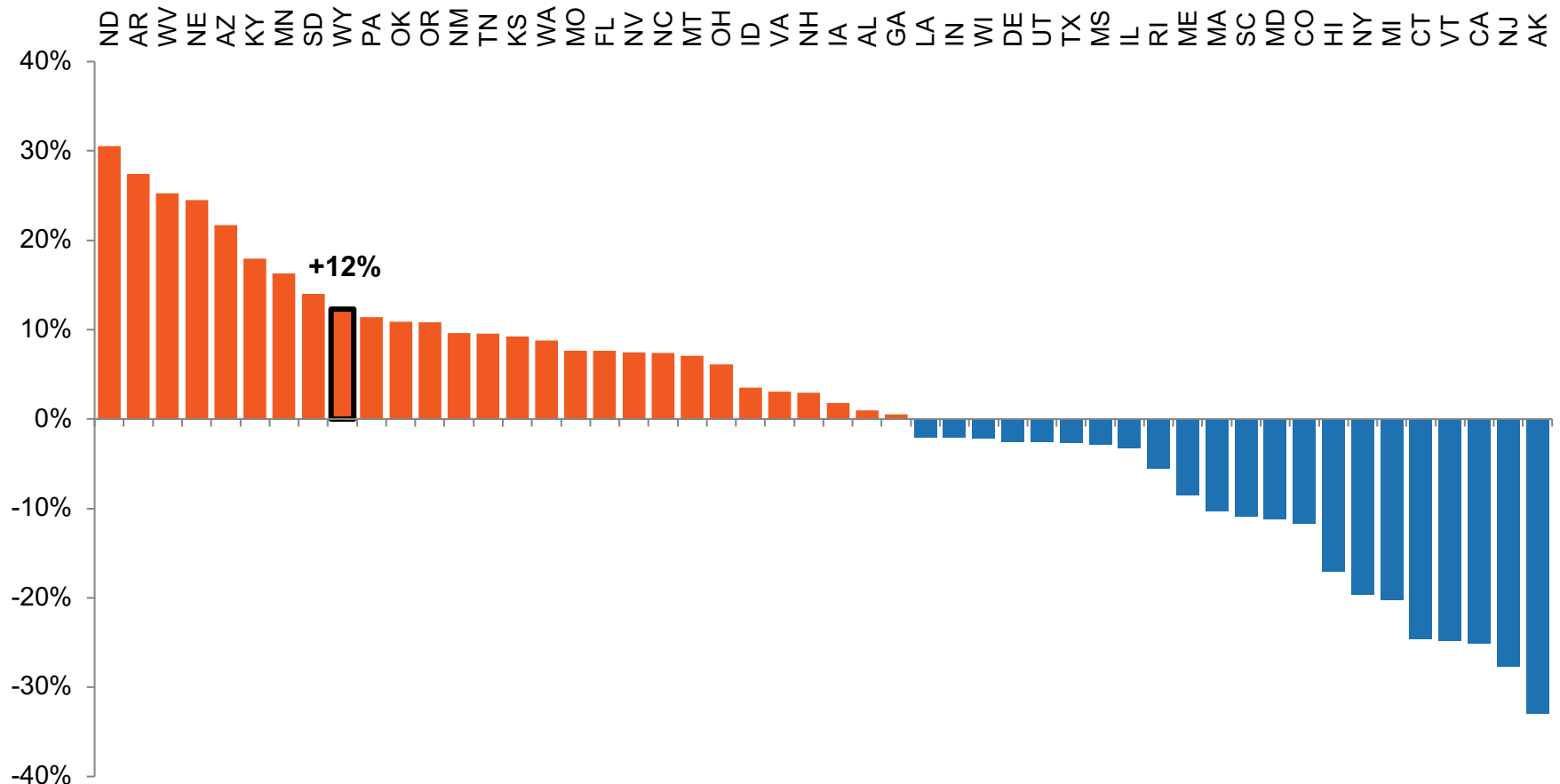


- The prison population in Wyoming increased 18 percent between 2005 and 2015, the sixth-largest increase in the country during this period. In 2015, Wyoming had the 21st-highest incarceration rate in the U.S.
- Wyoming's 33-percent increase in the parole population was the 16th-largest increase in the country between 2005 and 2015.

Source: BJS, Correctional Statistical Analysis Tool (CSAT).

Wyoming's prison population has grown 12 percent in the last 10 years, the ninth-largest percentage change among states.

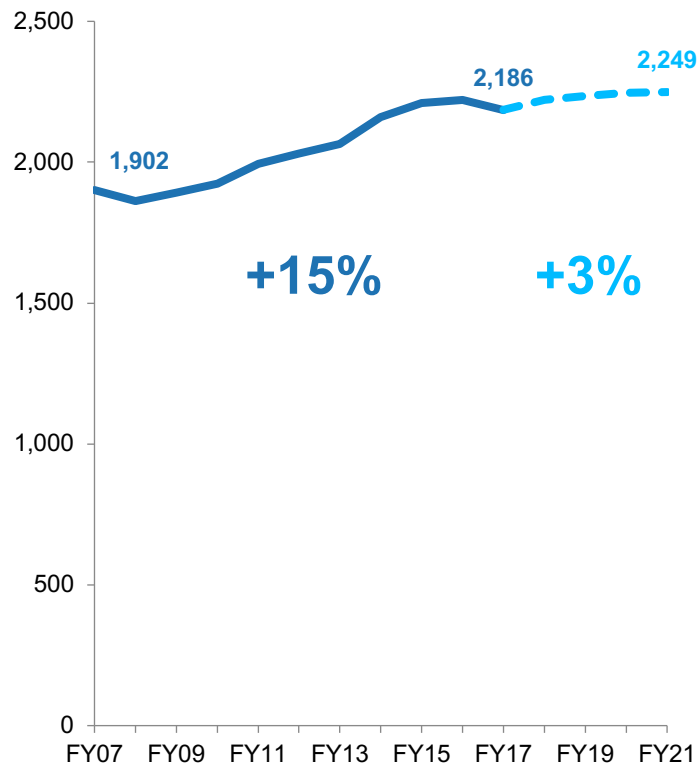
Prison Population Percentage Change, 2006-2016



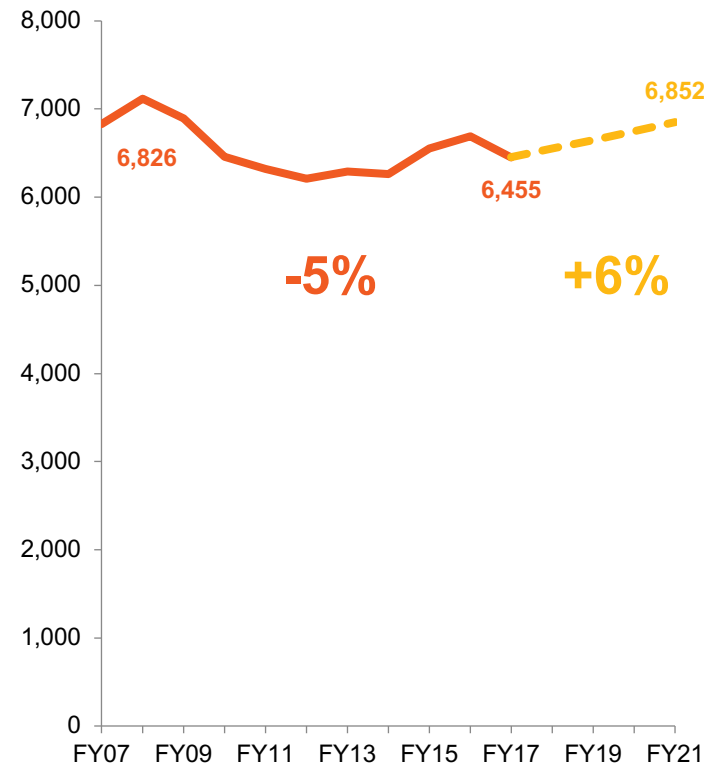
Sources: BJS Corrections Statistical Analysis Tool, <http://www.bjs.gov/index.cfm?ty=nps>

Wyoming's prisons are nearly at capacity, and both the prison population and supervision population are projected to grow.

Wyoming Historical and
Projected Prison Population,
FY2007–FY2021



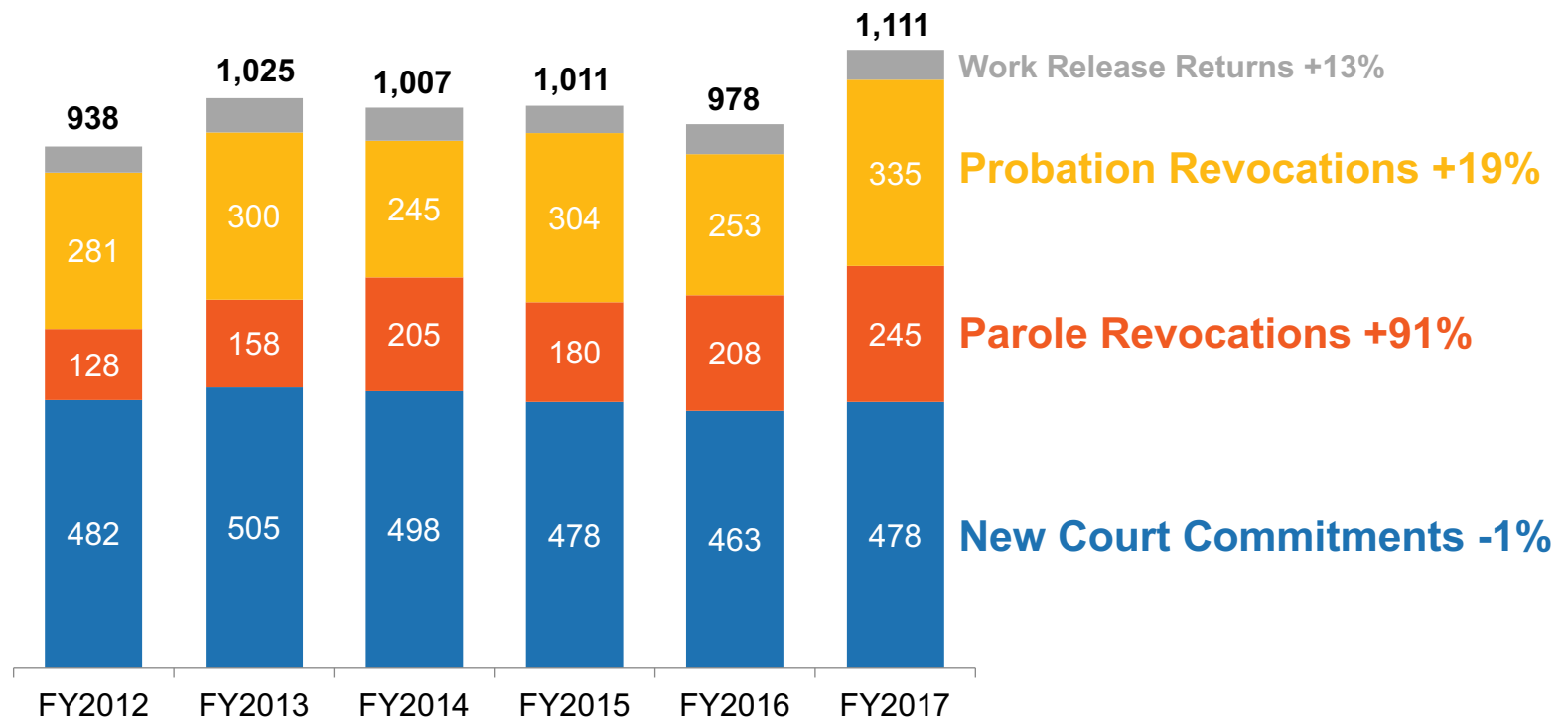
Wyoming Historical and
Projected Supervision
Population, FY2007–FY2021



Sources: Wyoming Prison and Supervision Projections, July 2017.

In FY2017, more than half of prison admissions were due to supervision revocations.

WYDOC Prison Admissions by Type, FY2012–2017



Sources: Sources: Information provided to CSG Justice Center from WYDOC.

Reducing the Cost of Corrections and Reinvesting in Public Safety

Discussion

Takeaways

- Wyoming had the ninth-largest growth in its prison population among states.
- Supervision revocations comprise 52 percent of prison admissions.
- Wyoming's prison and supervision populations are forecasted to grow.

Discussion

- What are key questions to explore with criminal justice system stakeholders, such as probation and parole officers and corrections administrators, related to supervision and corrections trends?
- What data sources should CSG Justice Center staff examine to learn more about factors driving supervision and correction populations and cost?

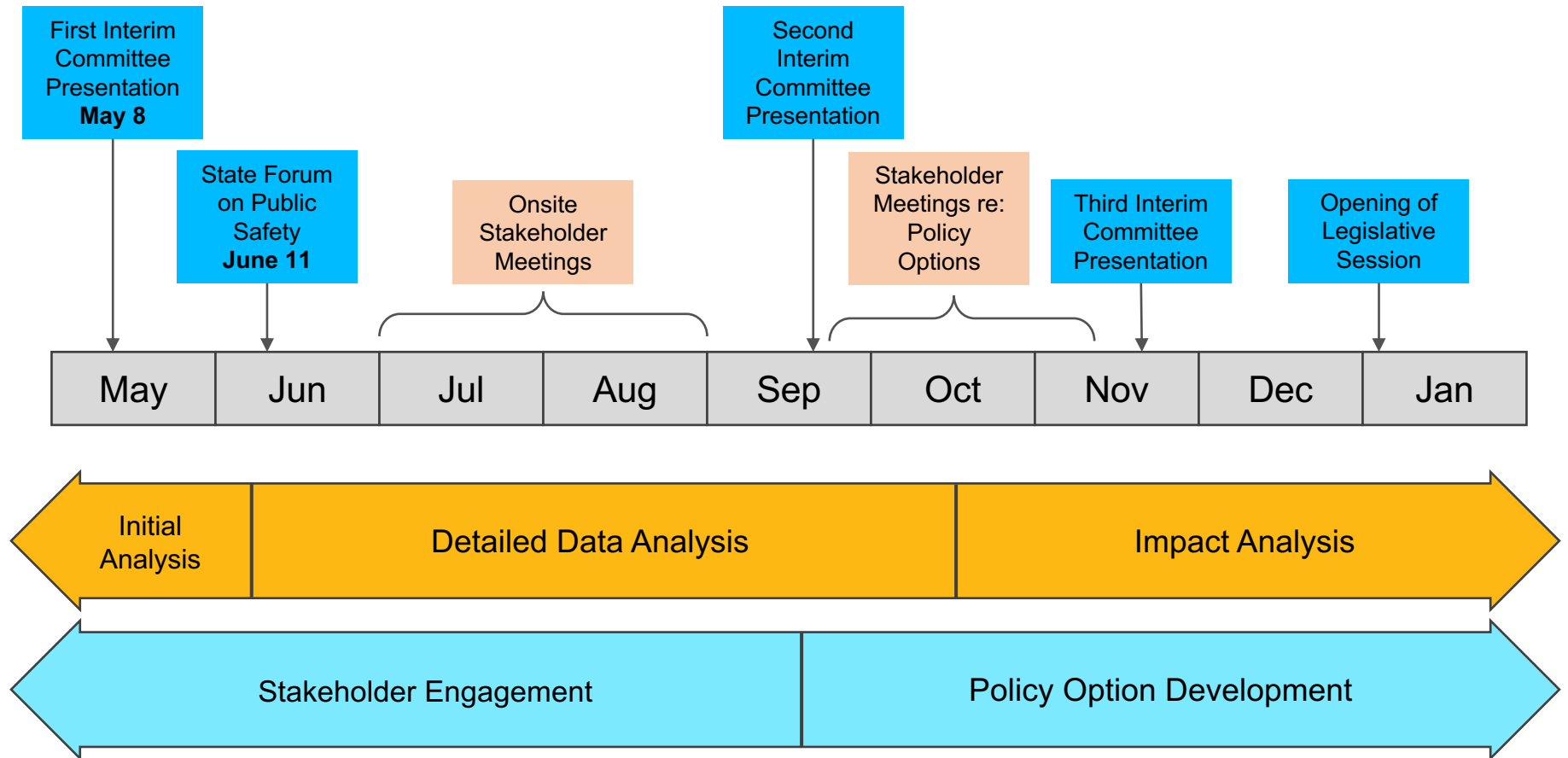
Overview

- Justice Reinvestment
- Criminal Justice Trends



Next Steps

Wyoming Justice Reinvestment Timeline



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