Justice Reinvestment Working Group

*First Meeting*

*July 7, 2015*

Council of State Governments Justice Center

Ellen Whelan-Wuest, Project Manager
Chenise Bonilla, Policy Analyst
Ed Weckerly, Data Analyst
Becky Cohen, Senior Research Associate
Michelle Rodriguez, Program Associate

State leaders and stakeholders have indicated strong interest and commitment to justice reinvestment

April meetings to discuss the potential for justice reinvestment in Rhode Island:

- Governor Raimondo
- House and Senate leaders
- Corrections
- Supreme Court
- Superior Court
- District Court
- Attorney General
- Public Defender
- Defense Bar
- Victim advocates
- Parole Board

**Executive Order**

There is hereby established The Justice Reinvestment Working Group that shall exist for the purpose of advising the Governor on ways to improve our criminal justice system with the overarching goals of protecting public safety, reducing recidivism, analyzing racial disparities, promoting stronger, healthier communities, and reducing costs.
## Working Group Composition

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
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</thead>
<tbody>
<tr>
<td>Chief Justice</td>
<td>Paul A. Suttell, Supreme Court</td>
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<tr>
<td>Hon. Justice</td>
<td>Judith Savage, Associate Justice, RI Superior Court (ret.)</td>
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<tr>
<td>Hon. Justice</td>
<td>Alice Gibney, Superior Court Presiding Justice</td>
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<tr>
<td>Hon. Justice</td>
<td>Jeanne LaFazia, District Court Chief Judge</td>
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<tr>
<td>Sen. Justice</td>
<td>Paul J. McConnell, Jr., U.S. District Court Judge</td>
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<tr>
<td>Rep.</td>
<td>Marvin Abney</td>
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<tr>
<td>Rep.</td>
<td>Robert Craven</td>
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<td>Rep.</td>
<td>Michael Évora, Executive Director, Commission for Human Rights</td>
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<td>Sen.</td>
<td>Paul Labour</td>
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<td>Rep.</td>
<td>To Be Determined</td>
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<tr>
<td>Sen.</td>
<td>Cynthia Coyne</td>
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<td>Laura Pisaturo, Chairperson, RI Parole Board</td>
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<td>Chief Brian Sullivan, RI Police Chiefs Association</td>
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<td>Olin Thompson, President, RI Assoc. Criminal Defense Lawyers</td>
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<td>James Vincent, President, NAACP - Providence Branch</td>
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<td>A. T. Wall, Director, RI Department of Corrections</td>
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<td>Mary McElroy, State Public Defender</td>
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<td>Maria Montanaro, Director, RI Department of BHDDH</td>
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<td>U.S. Attorney Peter Neronha</td>
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<td>Colonel Steven O’Donnell, Superintendent, RI State Police</td>
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<td>Colonel Hugh T. Clements, Jr., Chief, Providence Police Dept.</td>
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<td>Megan Clingham, Mental Health Advocate</td>
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<td>Sen. Chris Ottiano</td>
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<td>Anna Cano-Morales, Director, Latino Policy Institute</td>
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## Presentation Overview

### Justice Reinvestment Overview

- **Rhode Island Criminal Justice Challenges**
- **Next Steps**
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 is based in data and engagement

**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:

- BJA
- Pew Charitable Trusts
Justice reinvestment offers states a comprehensive step-by-step process

1. **Bipartisan, Inter-branch Working Group**
   - Assemble practitioners and leaders; receive and consider information, reports and policies

2. **Data Analysis**
   - Data sources should come from across the criminal justice system for comprehensive analysis

3. **Stakeholder Engagement**
   - Complement data analysis with input from stakeholder groups and interested parties

4. **Develop Policy Options & Estimate Impacts**
   - Present a policy framework to reduce corrections costs, increase public safety, and project the impacts

5. **Implement New Policies**
   - Identify assistance needed for implementation and deliver technical assistance for reinvestment strategies

6. **Target Reinvestments & Monitor Key Measures**
   - Track and monitor the impact of enacted policies and programs, and adjust implementation plan as needed

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**States have reinvested into different public safety strategies**

<table>
<thead>
<tr>
<th>STATE</th>
<th>FINDING</th>
<th>REINVESTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td></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>
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<tr>
<td></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>
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<tr>
<td></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>
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</table>
Rhode Island was early among 21 states to work with the CSG Justice Center using a justice reinvestment approach

Rhode Island’s first justice reinvestment initiative focused on sentenced populations

- **2007-2008**: Rhode Island faces 22% increase in the ACI population by 2017, at a projected cost of $300 million; begins a justice reinvestment project
- CSG Justice Center analyzes data and works with RI stakeholders to identify drivers in growing ACI population, policy changes to avoid growth in system
- **2008**: Rhode Island passes justice reinvestment legislative package focusing on earned time credits, risk reduction programs, and the use of risk assessments in parole release decisions
Rhode Island’s ACI population trend projections before justice reinvestment, and outcomes after bill passage

Projections at the time showed the population would grow another 22% by 2017, at a cost of $300 million.

Justice reinvestment policies enacted, 2008

Actual ACI population down 19% from 2008-2014 and over 1,400 people below the projection

Since 2008, the ACI population has decreased while crime continued to fall

Rhode Island has shown that it is possible to drop both the ACI population and the total index crime simultaneously


Most index crime types have declined in volume in the past ten years in Rhode Island

At the same time, recidivism has also declined
Corrections funding has also remained relatively flat in recent years

- General Fund Corrections Expenditures (in millions) and Inflation Adjusted Expenditures, FY2004-FY2014

    - Inflation adjusted general fund corrections expenditures (in 2014 dollars)
    - Actual general fund corrections expenditures


Rhode Island can build on its success to address other challenges

- Recent Achievements
  - Reduced ACI Population
  - Decreasing Crime Rate
  - Flat Corrections Budget

What challenges continue to face Rhode Island’s criminal justice system, and how can the state apply a justice reinvestment approach to analyzing and addressing these issues?
Despite a recent decline, current projections indicate future ACI population growth

Rhode Island Criminal Justice Challenges

- Pretrial
- Sentenced Admissions
- Probation

One quarter of people in the ACI are awaiting trial, and pretrial admissions have greatly increased in recent years

With Rhode Island’s pretrial population growing, an increase in the length of stay can have wider impacts on bed space.

Managing the pretrial population efficiently and effectively is critical to both cost and public safety.

Example:

<table>
<thead>
<tr>
<th>Pretrial Admissions in FY2013:</th>
<th>Average length of stay among pretrial releases:</th>
</tr>
</thead>
<tbody>
<tr>
<td>11,139</td>
<td>22.4 days</td>
</tr>
</tbody>
</table>

\[ \text{Pretrial Beds Occupied for a Full Year:} \quad 684 \text{ beds} \]

\[ \text{Pretrial Admissions in FY2014:} \quad 12,506 \]

Imagine if the average length of stay also increased 30% to: 30 days

\[ \text{Potential Pretrial Beds Occupied for a Full Year:} \quad 1,028 \text{ beds} \]

Most unified corrections states statutorily require pretrial risk assessment

- **Alaska & Rhode Island:** No statutes or requirement for use of risk assessments of pretrial detainees.

- **Rhode Island:** Bail guidelines require that judges receive information and reports about defendants’ background and risk.

- **Delaware:** As of 2011, courts are instructed to use a risk assessment to determine release of all defendants based on risk of flight and re-arrest.

- **Connecticut:** As of 2011, risk assessments are conducted on defendants not released on personal recognizance.

- **Vermont:** As of 2012, risk assessments are used to determine release conditions and services or treatment.

- **Hawaii:** As of 2012, pretrial risk assessments are conducted within three days of admission.
Rhode Island Criminal Justice Challenges

- Pretrial
- Sentenced Admissions
- Probation

Two thirds of admissions are for lower severity crimes

Source: RIDOC Sentenced Admissions data.
Almost half of sentenced admissions are younger adults

What is the criminal history of this population of younger adult offenders? What is their risk of reoffending?

What sanctions and services are most effective at improving the long term recidivism and employment outcomes for this younger adult population?

Nearly half of those sentenced to the ACI are probation and parole violators

What type of violations or new crimes are driving these violator admissions? What types of probationers are most likely to violate and why?

Are there further opportunities to reduce recidivism and find more cost-effective responses to violation behavior?
How many people sentenced for low severity crimes have mental health and substance abuse needs?

<table>
<thead>
<tr>
<th>FY2014 Sentenced Admissions</th>
<th>How many offenders have MH/SA issues?</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,746</td>
<td>What is the availability and quality of programming inside and outside of ACI?</td>
</tr>
<tr>
<td></td>
<td>How/when are they assessed for risk and needs?</td>
</tr>
<tr>
<td></td>
<td>What is the role of supervision in their treatment?</td>
</tr>
</tbody>
</table>

What data and information can be analyzed to answer these and other questions?

The parole grant rate is down in recent years, which may relate to recent policy changes

<table>
<thead>
<tr>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>39%</td>
<td>34%</td>
<td>35%</td>
<td>30%</td>
<td>29%</td>
<td>24%</td>
<td>22%</td>
</tr>
</tbody>
</table>

To what extent is the drop in the grant rate related to changes in earned-time policies enacted in 2008?
Rhode Island Criminal Justice Challenges

- Pretrial
- Sentenced Admissions
- Probation

Rhode Island has a relatively low incarceration rate

2013 Incarceration Rate
(Sentenced prisoners per 100,000 population)

Source: Bureau of Justice Statistics, Prisoners in 2013.
Rhode Island has the third highest rate of people on probation in the US, and is first among New England states

Ranked 3rd
2,737 people on probation per 100,000 residents

~20,000
Probationers at FY-end 2014

1 in 44
Rhode Island residents on probation

1 in 21
Providence residents on probation

Rhode Island felony probation terms are long and often include incarceration

Average Felony Probation Term in Years

Rhode Island
(FY2012 Placements)

US
(2006 Sentences)

3.2

4.9

53% Longer

In addition, anecdotes from Rhode Island suggest that a large portion of felonies receive split sentences which include both an ACI stay and probation supervision, whereas the figure from the national survey only includes straight probation

14 States with No Probation Term Cap*

32 States with Maximum Probation Terms of Five Years or Less*

Source: BJS, Felony Sentences in State Courts, 2006—Statistical Tables, RIDOC Probation Stock data.

* Many states exempt some crimes from the cap
Nearly half of sentenced admissions are probation violators, and over one third of those violations are technical.

Relative to other states, Rhode Island makes low investments in supervision, and has high active caseloads for probation.

*Approximately 20% of the RI active supervision population is comprised of misdemeanants which may lower the average cost per day per person compared to CT and WA if misdemeanants consume less resources and officer time.

Corrections spending accounts for nearly half of all public safety expenditures

With corrections funding so dominant among public safety dollars, and only 8% of those funds devoted to supervision, are there ways for RI to target resources to increase public safety?

Source: Rhode Island Budget Office, FY2004 and FY2014 Budget as Enacted Reports.

Washington state offers a comparison for how policy changes can transform supervision to achieve better outcomes

In 2003, Washington state policies changed to focus supervision resources on higher severity offenders with a higher risk of recommitting crime

As a result, the supervision population decreased by 77% between 2003 and 2013

By reducing the supervision population, WA was able to increase spending per offender, even as funding stayed flat.

Between 2004-2013, community corrections funding remained flat, while...

...daily supervision spending increased from $8 to $19 per offender...

...and investments in community supervision programming more than quadrupled.

Changes to violation sanctions policies dramatically reduced the average daily population of violators in Washington.

The average number of days per violation decreased 65% from 23 in 2010 to 8 in 2013.
### Summary of three initial focus areas

1. How does Rhode Island’s growing pretrial population move through the system to achieve efficiency and effectiveness for the system and public safety?

2. Early analysis indicates a high volume of offenders who are convicted of lower severity crimes -- how can and does Rhode Island respond to these individuals?

3. Are there ways to strengthen Rhode Island’s uniquely large probation system to achieve better outcomes?

### Additional questions and areas for further analysis

- Can people **move through the system** efficiently and effectively, from arraignment to sentencing, probation, incarceration, and parole?

- Do programs aimed at **reducing recidivism** effectively achieve this goal, and how do they target populations for supervision or treatment?

- How do individuals on supervision access **behavioral health treatment programs**, and how effective are they at reducing recidivism?

- How will greater integration of **validated risk assessments** into the parole process impact the parole grant rate, as well as public safety?

- What are the **demographic profiles** of the criminal justice-involved population at different points in the system?
After justice reinvestment, some states have seen disparities decline

“Examining the Changing Racial Composition of Three States’ Prison Populations”

This brief focuses on three states (CT, NC and GA) where bipartisan groups of state leaders enacted major criminal justice reforms and subsequently saw the number of people incarcerated markedly decline in their states. In each of these cases, closer inspection of the data shows that these states experienced considerable reductions in the overall number of people being admitted to prison, and that the decline in admissions has been steepest for blacks and Hispanics.

In all three states, the justice reinvestment effort was not focused specifically on addressing racial disparities in the prison population—rather, the projects were all aimed at reducing recidivism and system costs to achieve better outcomes.


Presentation Overview

- Justice Reinvestment Overview
- Rhode Island Criminal Justice Challenges
- Next Steps
Possible justice reinvestment timeline

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

Policymaker and Stakeholder Engagement
- Stakeholder Engagement and Policymaker Briefings
- Policy Option Development
- Ongoing Engagement

Although this presentation is based largely on published reports, future presentations will be based on independent analyses

<table>
<thead>
<tr>
<th>Data</th>
<th>Source</th>
<th>Status</th>
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<tbody>
<tr>
<td>Crime and Arrest Data</td>
<td>Rhode Island State Police</td>
<td>Reports Retrieved</td>
</tr>
<tr>
<td>Criminal History Data</td>
<td>Office of the Attorney General</td>
<td>Pending</td>
</tr>
<tr>
<td>Court Disposition and Sentencing Data</td>
<td>Rhode Island Judiciary/Office of the Attorney General</td>
<td>Pending</td>
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<tr>
<td>Problem Solving Court Data</td>
<td>Rhode Island Judiciary</td>
<td>Pending</td>
</tr>
<tr>
<td>Probation Supervision Data</td>
<td>RIDOC</td>
<td>Received</td>
</tr>
<tr>
<td>ACI Population Data</td>
<td>RIDOC</td>
<td>Received</td>
</tr>
<tr>
<td>Parole Supervision Data</td>
<td>RIDOC</td>
<td>Received</td>
</tr>
<tr>
<td>Parole Decision Data</td>
<td>Parole Board/RIDOC</td>
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</tr>
<tr>
<td>Behavioral Health Data</td>
<td>RIDOC</td>
<td>Received</td>
</tr>
</tbody>
</table>
Stakeholder engagement will raise additional issues

Justice reinvestment offers RI the opportunity to analyze and address challenges related to behavioral health

**ANALYSIS**
- How do mental health and substance abuse needs contribute to recidivism in Rhode Island?
- What are the unique treatment needs of criminal justice-involved populations? Where and how are these needs unmet by current resources?

**PRESENTATION**
- Focus presentation on "what works" to improve public health and public safety through tailored and coordinated multi-system approaches to supporting justice involved people with behavioral health needs.

**RECOMMENDATIONS**
- Provide recommendations on how Rhode Island can improve the quality of and access to behavioral health care for justice involved populations.
Thank You

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This material was prepared for the State of Rhode Island. 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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