Managing the High Cost of Incarceration

How States Can Achieve More Effective Public Safety Policies

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Council of State Governments Justice Center

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Council of State Governments Justice Center

National nonprofit, nonpartisan membership association of state government officials that engage members of all three branches of state government.

CSG Justice Center provides practical, nonpartisan advice informed by the best available evidence.
Provide data analysis and intensive technical assistance to states, counties, cities
What is Justice Reinvestment?

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

The Justice Reinvestment Initiative is 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

<table>
<thead>
<tr>
<th>Pre-Enactment</th>
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<tbody>
<tr>
<td><strong>1</strong> Bipartisan, inter-branch Working Group</td>
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<tr>
<td><strong>2</strong> Data Analysis</td>
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<td><strong>3</strong> Stakeholder Engagement</td>
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<td><strong>4</strong> Policy Option Developments</td>
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<td><strong>5</strong> Policy Implementation</td>
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<td><strong>6</strong> Monitor Key Measures</td>
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Presentation overview

National and Regional Corrections Cost and Public Safety Trends

State Efforts to Reduce Corrections Costs and Improve Public Safety

State Lessons Learned
Cost of incarceration is increasing

State corrections spending
(1988 – 2014)

As of 2014, 1 in 14 state general fund dollars was being spent on corrections.

Changes in crime rates don’t necessarily correspond with changes in incarceration rates

![Bar chart showing change in imprisonment rate and crime rate (2009-2014)]

- CA: -24%
- HI: -19%
- NV: -16%
- WA: -13%
- UT: -12%
- AZ: -10%
- WY: 7%

Source: Pew Charitable Trusts, *Imprisonment and Crime Rates Fell in 30 States Over 5 Years*
Western states experienced wide variety of changes in prison population

Source: BJS, Prisoners series using 2010 and 2014 data

Reduction excluding California due to effects of Realignment: -1.95%
Western states experienced wide variety of changes in prison population

Source: BJS, Prisoners series using 2010 and 2014 data
Hawaii and Wyoming are among the top ten states with the highest drug arrest rates per 100,000 people

Using UCR reported arrests data for 2014

<table>
<thead>
<tr>
<th>Rank</th>
<th>State</th>
<th>Arrest Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Maryland</td>
<td>816.8</td>
</tr>
<tr>
<td>2.</td>
<td>South Dakota</td>
<td>709.7</td>
</tr>
<tr>
<td>3.</td>
<td>Nebraska</td>
<td>691.6</td>
</tr>
<tr>
<td>4.</td>
<td>Hawaii</td>
<td>691.6</td>
</tr>
<tr>
<td>5.</td>
<td>Wyoming</td>
<td>660.4</td>
</tr>
<tr>
<td>6.</td>
<td>Delaware</td>
<td>660.3</td>
</tr>
<tr>
<td>7.</td>
<td>Mississippi</td>
<td>658.4</td>
</tr>
<tr>
<td>8.</td>
<td>Tennessee</td>
<td>647.3</td>
</tr>
<tr>
<td>9.</td>
<td>South Carolina</td>
<td>638.5</td>
</tr>
<tr>
<td>10.</td>
<td>Louisiana</td>
<td>623.4</td>
</tr>
</tbody>
</table>

One caveat with arrest data: New York City does not submit arrests to UCR. The state of Illinois does not submit arrest data to UCR, but Chicago and Rockford do (which provide an extremely high rate of arrests for drug abuse violations). Alabama has provided very limited arrest data over the past four years, which is probably due to reduced state funding available for research type work. So, the results for arrest data aren’t entirely representative of the whole country.

## States are facing different pressures with prison facilities

<table>
<thead>
<tr>
<th>Closing prisons</th>
<th>Repurposing facilities</th>
<th>Building new prisons</th>
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</thead>
<tbody>
<tr>
<td>North Carolina closed 11 small prisons within 4 years of enacting justice reinvestment legislation in 2011.</td>
<td>North Carolina is transforming 2 closed prisons centers for people confined for up to 3 months due to supervision violations.</td>
<td>Utah will replace its largest prison with a new one by 2020.</td>
</tr>
<tr>
<td>Texas has closed three facilities since 2007.</td>
<td></td>
<td>California has built new facilities and remodeled old ones at a cost of $2 billion.</td>
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<tr>
<td>Idaho was able to close a unit at the Idaho Correctional Center since enacting justice reinvestment legislation in 2014.</td>
<td></td>
<td>Alabama’s legislature is considering funding the construction of several large prisons.</td>
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- National and Regional Corrections Cost and Public Safety Trends
- State Efforts to Reduce Corrections Costs and Improve Public Safety
- Lessons Learned
The CSG Justice Center has worked with 25 of the 37 justice reinvestment states.

The following states pursued a justice reinvestment approach with technical assistance from The CSG Justice Center: AL, AR, AZ, CT, HI, ID, IN, KS, MA, MI, MT, NC, ND, NE, NH, NV, OH, OK, PA, RI, TX, VT, WA, WI, WV.
9 of 13 western regional states pursued justice reinvestment
Alaska lawmakers recently passed historic justice reinvestment legislation

Policy Framework and Projected Outcomes

- Implement evidence-based pretrial practices.
- Focus prison beds on serious and violent offenders.
- Strengthen supervision and interventions to reduce recidivism.
- Ensure oversight and accountability.
- Advance crime victim priorities.

Source: Email correspondence May 13, 2016 and Alaska Justice Reinvestment Report, Dec. 2015

$109m
Projected cost savings over the next 6 years

$85m
Reinvestment into new pretrial supervision system, expanded behavioral health treatment, and violence prevention and victims’ and reentry services
Idaho policymakers are realizing reductions in the state’s prison population

**PROJECTED OUTCOMES**
- **$157M** averted costs and savings by FY2019
- Fewer than the projected FY2019 population

**REALIZED OUTCOMES**
- **41%** increase in releases to supervision (2013-2015)
- Over **1,500 probationers** and parolees placed on limited supervision since 2013

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* JR Projected Prison Population updated in February 2015

## Idaho’s justice reinvestment policy framework strengthens supervision

<table>
<thead>
<tr>
<th>PRISON POPULATION</th>
<th>REINVESTMENTS</th>
<th>PUBLIC SAFETY</th>
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<tbody>
<tr>
<td><strong>SENTENCING REFORMS</strong></td>
<td><strong>RECIDIVISM REDUCTION STRATEGIES</strong></td>
<td><strong>COMMUNITY SUPERVISION</strong></td>
</tr>
<tr>
<td>✓ Provide judges with recidivism outcome data for various sentencing options</td>
<td>✓ Establish an oversight committee to measure and assess policy impacts</td>
<td>✓ Respond to supervision violations with swiftness and certainty; tailor confinement responses for probation and parole violators</td>
</tr>
<tr>
<td><strong>PAROLE DECISIONS</strong></td>
<td>✓ Require that risk and needs assessments be routinely reviewed for quality</td>
<td>✓ Increase community-based treatment and programming</td>
</tr>
<tr>
<td>✓ Use objective risk assessment tool to inform the parole decision-making process</td>
<td>✓ Increase the capacity of state agencies to collect and analyze data in order to reduce inefficiencies and cut costs</td>
<td>✓ Prioritize supervision resources based on the individual’s risk of recidivating</td>
</tr>
<tr>
<td>✓ Reserve prison space for individuals convicted of violent offenses by regulating the percent of time above the minimum sentence that people convicted of nonviolent offenses may serve</td>
<td>✓ Evaluate the quality of programs and use results to improve outcomes</td>
<td>✓ Train PPOs in evidence-based strategies to change offender behavior</td>
</tr>
<tr>
<td>✓ Allow confinement for 90 days in lieu of revocation as the initial response to parole violations, up to 180 days for the second response, and an indeterminate period for subsequent responses at the discretion of the Parole Commission</td>
<td></td>
<td>✓ Improve the management of victim restitution and other legal financial obligations for the supervised population</td>
</tr>
</tbody>
</table>
Idaho transformed how investments in correctional programming are targeted and designed to improve recidivism reduction.

<table>
<thead>
<tr>
<th></th>
<th>PROBLEM</th>
<th>DATA</th>
<th>RESULTS</th>
</tr>
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<tbody>
<tr>
<td><strong>WHO</strong></td>
<td>22,000 people in prison, or on probation or parole supervision</td>
<td>Providing same level of treatment to all participants</td>
<td>Target treatment and increase dosage for high-risk participants</td>
</tr>
<tr>
<td><strong>WHAT</strong></td>
<td>$10M investment in programs</td>
<td>Outdated curriculum</td>
<td>Overhaul treatment programs, eliminate Therapeutic Communities</td>
</tr>
<tr>
<td><strong>HOW WELL</strong></td>
<td>Program effectiveness unknown</td>
<td>Early quality assurance efforts showed 8 in 10 programs ineffective or need improvement</td>
<td>Mandatory ongoing quality assurance efforts, staff training, and program assessment</td>
</tr>
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Council of State Governments Justice Center
Washington’s property crime problem was a major contributor to a growing prison population.

**Findings**

Washington’s property crime rate ranked highest in the nation in 2013.

Washington has consistently had a high property crime rate.

Sentencing policies resulted in a lack of supervision for property offenders

Statute limited supervision following a prison term to violent, sex, and drug offenders

84% of felony property offenders sentenced to jail or prison with no supervision following release

27% Prison

57% Jail

Washington’s JR process identified ways to enhance community supervision and law enforcement practices

Policy Options

- Require supervision for low-level repeat property offenders upon release from jail or prison
- Reinvest $8M per biennium into law enforcement practices that can reduce crime
- Reinvest $23M per biennium into supervision and community-based programming and treatment

Utah’s JR process is projected to avoid nearly all prison growth over 20 years.

**Projected Outcomes**

- **$500m** projected cost savings by FY32
- **$13m** Reinvestment into improving and expanding evidence-based re-entry programs, including mental health and drug treatment

Utah’s JR process identified ways to strengthen parole and probation supervision and prioritize prison space for serious violent offenders.

Policy Options

- Reduce penalties for drug crimes
- Develop a system of earned-time credits to promote completion of recidivism-reduction programs
- Establish a system of graduated caps for technical violations of probation and parole
- Implement the use of swift, certain, and proportionate responses for probation and parole supervision
- Establish a system of earned credits to encourage offender compliance on parole and probation
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Thank You

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