

# JUSTICE REINVESTMENT IN IDAHO

*Impact at 18 months*

**Report to the Legislature**  
Idaho Department  
of Correction  
*February 1, 2016*



## SB1357

20-250. The department of correction shall report to the legislature by February 1 of each year the amount of savings generated and on the prison population impact under the policy framework of this act for the purpose of tracking the progress toward meeting the impact estimates and goals of the act.

# Introduction

In March 2014, Idaho policymakers enacted Senate Bill (SB) 1357, otherwise known as the Justice Reinvestment Initiative (JRI), implementing a data driven approach to decrease spending on corrections, improve public safety and reinvest savings in policies to reduce crime and recidivism. SB1357 requires several reports from the Idaho Department of Correction (IDOC), some in conjunction with other state agencies, to inform the legislature regarding the implementation of the newly enacted policies. This report is the first of future annual reports covering the impact of justice reinvestment within the state of Idaho.

Leading up to the enactment of SB1357, the Council for State Governments (CSG) provided support through analyses of 570,000 individual records to document reasons behind Idaho's growing prison population. CSG indicated three key areas contributing to Idaho's prison growth:

- 1) supervision and diversion programs were not reducing recidivism;
- 2) the prison population was composed primarily of community supervised offenders who had revoked, people sentenced to a "Rider<sup>1</sup>," and offenders who were parole eligible but had not been released; and
- 3) the state lacked a system to track outcomes, measure quality and assure the reliability of recidivism-reduction strategies.

This report documents the strategies behind SB1357 three key policy areas addressing Idaho's major challenges:

- 1) enhancing supervision practices and programs;
- 2) tailoring parole sanctions and parole decision making; and
- 3) assessing and tracking recidivism-reduction strategies.

1. A Rider is an offender committed to Retained Jurisdiction under the courts for up to 365 days. Upon completion, the courts will subsequently determine whether to place the offender on probation or send them to prison.



## Idaho's Upfront Investments

To support JRI implementation, the legislature created the trailer bill Senate Bill 1433, dedicating approximately \$2.5 million to IDOC for fiscal year 2015 to support: 1) the hiring of five new Probation and Parole Officers (PPOs) and shifting of other positions including more IT staff; 2) training for officers; and 3) development of a web-based reporting program (WBOR) for the Limited Supervision Unit (LSU). Additionally, Senate Bill 1421 included \$3.0 million to expand community-based substance abuse treatment services and support other additional IT and Pre-Sentence investigator positions. Other costs associated with JRI within the first year included the LSI validation study, (as required by statute every five years) for a total of \$21,569. The online WBOR application also has a recurring annual cost of \$27,000 paid to an outside contractor. Therefore, the total investment into JRI during the implementation phase has been approximately \$6 million dollars.

Investment		Appropriated funds
SB 1433	Community supervision	\$2,360,800
	Transfer 2.5 staff to IT	\$198,300
	Parole Commission personnel	\$225,000
	<b>Subtotal</b>	<b>\$2,784,100</b>
SB 1421	Enhanced community based treatment	\$2,456,800
	5 Pre-sentence investigators	\$357,500
	4 IT Staff	\$277,900
	<b>Subtotal</b>	<b>\$3,092,300</b>
Misc.	Recurring WBOR costs	\$27,000
	LSI validation	\$21,569
	<b>Total Costs</b>	<b>\$5,924,869</b>



# 1. Enhancing Supervision Practices

The first policy area JRI addresses is to strengthen supervision practices and programs to reduce recidivism. There are five strategies that were recommended within the CSG policy framework. The strategies include:

- Respond to supervision violations with swiftness and certainty
- Increase community-based treatment and programming
- Prioritize supervision resources based on the individuals risk of recidivism
- Train PPO's in evidence-based strategies to change offender behavior
- Improve the management of victim restitution and other legal financial obligations

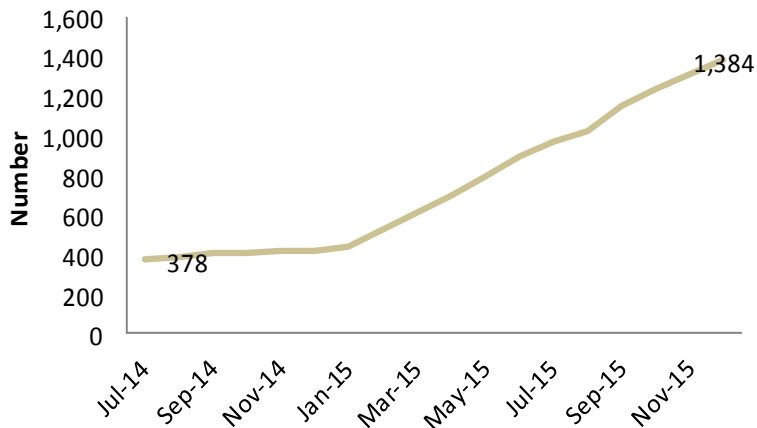
***Respond to supervision violations with swiftness and certainty.*** The Idaho Response Matrix (IRM) was created to address swiftness and certainty of supervision responses to probationer and parolee behaviors. The IRM was fully implemented in October of 2015 and allows Probation and Parole Officers (PPO's) to apply not only sanctions, but also rewards in response to supervision violations and positive behavior.

***Increase community-based treatment and programming.*** SB1421 enhanced the funding available for community-based treatment and programming. In addition, SB1357 mandates that IDOC evaluate the quality of each program (both within the community and within IDOC facilities) and the determine the program's likelihood to reduce recidivism among participants. Programs must target those of highest risk to recidivate. In January of each year, IDOC in conjunction with the Idaho Department of Health and Welfare, produces a report on the gap in funding for evidence based programming, substance abuse and mental health treatment.

***Prioritize supervision resources based on the individuals risk of recidivism.*** SB1357 mandates that the risk assessment tool used by IDOC be validated every five years. IDOC contracted with Boise State University and received information about the validity of the Level of Services Inventory- Revised (LSI-R) instrument in March, 2015. PPOs were also re-trained on how to provide the assessment. The LSI-R score for each offender in the community determines the number of supervision contacts made per month, frequency of employment verification checks, and necessity of treatment/programming. Low risk offenders with a score below 15 have no supervision standards and the officer responds to only critical events. Low risk cases are also reviewed for

# Enhancing Supervision Practices Cont.

**Chart 1. Limited Supervision Unit**



early discharge every 90 days. High risk cases, on the other hand, have two supervision contacts per month and one must be face to face. High risk also receive home contacts every 90 days.

The Limited Supervision Unit (LSU) caseload was created help regulate the number of moderate and high risk individuals on each PPO's caseload. Probationers and parolees on the LSU caseload check in through an online web portal. The LSU caseload has increased by 72.7% since July of 2014 (Chart 1).

**Chart 2. Percent of Probation and Parole by LSI Risk level<sup>1</sup>**

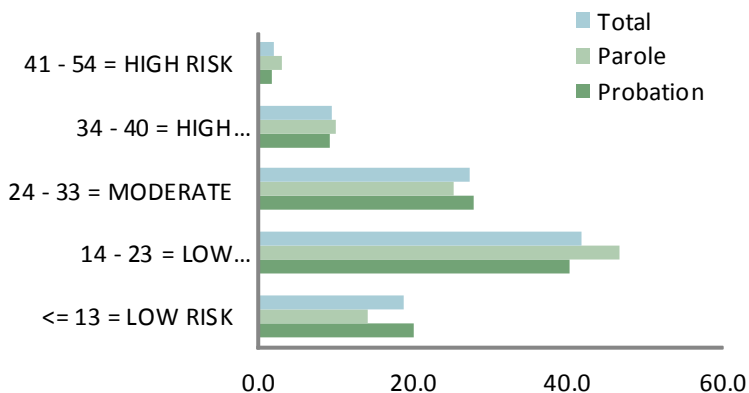
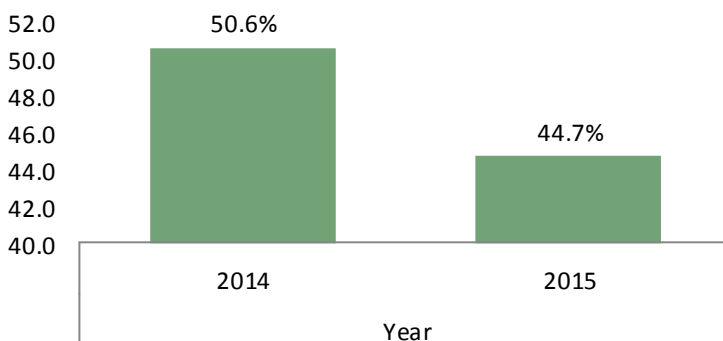


Chart 2 shows the risk level of the community supervised population. Nearly two-thirds (60.9%) are currently considered low moderate to low risk. Approximately one out of ten probation and parolees are high moderate to high risk (LSI score of 34 or above).

**Chart 3. Percent of PPO caseloads with over 50 moderate to high risk offenders: 2014 -2015**



Although the average case load size per officer has stayed around 70 since the beginning of JRI implementation, less than half (44.7%) of probation/parole officers have over 50 moderate to high risk offenders on their caseload (Chart 3).

1. Indicates LSI scores for population as of Dec. 31, 2015.



## Enhancing Supervision Practices Cont.

***Train PPO's in evidence-based strategies to change offender behavior.*** SB 1357 provided for an investment in officer training on the response matrix and on evidence-based strategies to change offender behavior. As of December 31, 2015, all PPOs have been trained in evidence based strategies.

***Improve the management of victim restitution and other legal financial obligations.*** Senate Bill 1357 also included a section that requires IDOC to improve victim restitution services by garnishing 20% of funds deposited into inmate bank accounts. IDOC is allowed to take up to 20% of deposits to help fund repayment of victim restitution. At year end 2015, IDOC had collected and distributed over \$117,000 in restitution to 12 counties throughout the state, with the majority provided to Ada County. In addition, a total of 56 restitution accounts have been closed during that same time period.





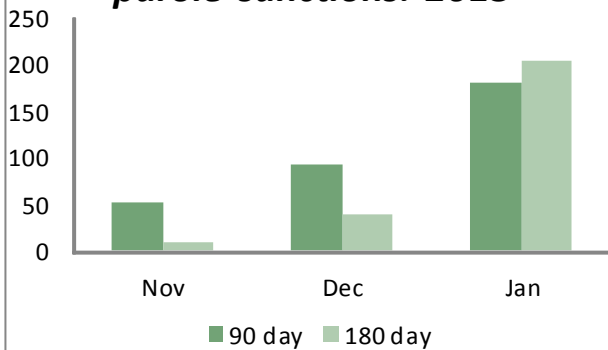
## 2. Tailoring Parole Sanctions

The second policy area under SB1357 created to address the challenges faced by IDOC is tailoring parole sanctions and parole decision making.

There are four strategies under the policy framework:

- Tailor confinement responses for probation and parole violations
- Provide judges with recidivism outcome data for various sentencing options
- Use risk-assessment to inform the parole decision-making process
- Reserve prison space for individuals convicted of violent offenses by regulating the percent of time above minimum sentence that people convicted of non-violent offenses may serve

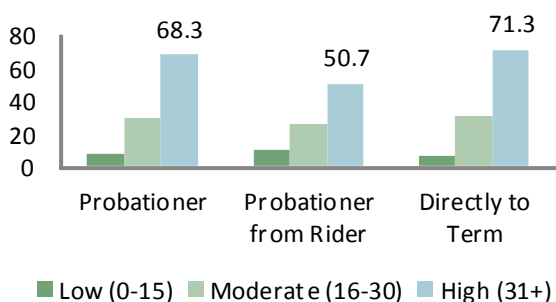
**Chart 4. 90 and 180 day parole sanctions: 2015**



**Tailor confinement responses for probation and parole violations.** Senate Bill 1357 is highly focused on reserving prison space for individuals with the most serious or violent offenses. One way Idaho is accomplishing this task is through the 90/180-day sanctions in response to technical parole violations rather than full revocation. A first time technical violation results in a sanction of up to 90 days and a second technical violation results in a sanction of up to 180 days. The 90/180 day sanction should only be applied to violations that

do not include a new felony or violent misdemeanor. Use of the 90/180 day sanctions began in September, 2015, and have gradually increased each month (Chart 4).

**Chart 5. Recidivism Rate by LSI and Sentence Type**



**Provide judges with recidivism outcome data for various sentencing options.** SB1357 mandates that IDOC provide judges with recidivism rates based on the offender's risk of re-offending. The most recent recidivism rates provided in the pre-sentence report are shown in Chart 5. The risk to recidivate is greatest for offenders with high LSI scores. Nearly three quarters (71.3%) of offenders sentenced directly to term with LSI scores greater than 30 recidivated within three years of release from prison.

## Tailoring Parole Sanctions and Parole Decision Making cont.

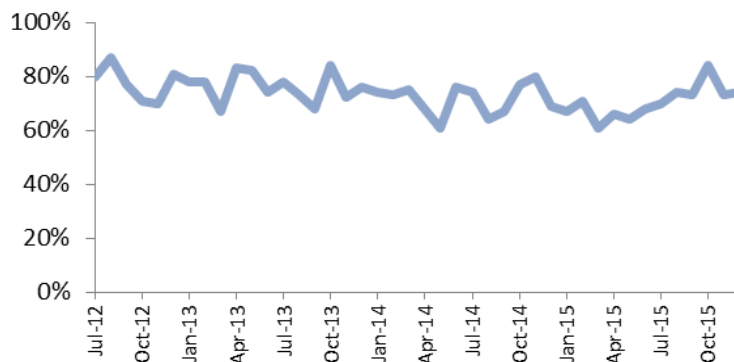
**Chart 6. Parole Grant Rate**



Source: Idaho Commission on Pardons and Parole, 2015 Summary Data. Includes granted parole from all hearings, including primary reviews, regular hearings, hearing officer reviews, SIPR hearings, revocations, medical parole hearings, pardon hearings and commutation hearings.

**Use risk-assessment to inform the parole decision-making process.** SB1357 mandates that risk assessment information is utilized to inform parole release decisions. The Idaho Commission of Pardons and Parole has developed a new method for tracking parole hearings. A new database was created that provides an overall composite score calculating the risk of re-offense with other pertinent information to guide the parole commission in their decision making. Currently, nearly three-quarters of all parole hearings result in granting parole.

**Chart 7. Property and Drug First Time Parole Releases Prior to 150% of Fixed**

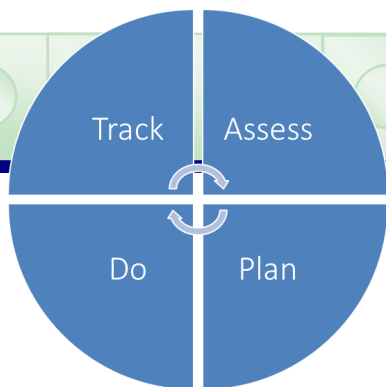


**Reserve prison space for individuals convicted of violent offenses by regulating the percent of time above minimum sentence that people convicted of non-violent offenses may serve.**

SB1357 mandates IDOC and the Commission of Pardons and Parole monitor the amount of time non-violent offenders serve beyond their minimum sentences and ensure non-violent offenders are prepared for release as close to their parole eligibility date as possible. An annual report is provided to the legislature from

IDOC and the Idaho Commission of Pardons and Parole that provides the percent of drug and property crime first time parole releases who served past 150% of the fixed portion of their sentence. The report also provides the primary reason for delays past parole eligibility for those held past 150% of their fixed time. The Chart 7 shows that on a monthly basis, the majority (between 67% and 83%) of first time parole releases for property and drug crimes are prior to 150% of the fixed portion of the sentence.





### 3. Tracking Recidivism Reduction

To ensure accountability and realize the potential impacts of the justice reinvestment initiative, the following policy framework sections were included in SB1357:

- Establish an oversight committee to measure and assess policy impacts
- Require that risk and needs assessments be routinely reviewed for quality
- Increase the capacity of state agencies to collect and analyze data in order to reduce inefficiencies and cut costs
- Evaluate the quality of programs and use results to improve outcomes

***Establish an oversight committee to measure and assess policy impacts.*** An Oversight Committee was established to monitor the implementation and outcomes of SB1357. The Oversight Committee consists of five members from the senate and five members from the house of representatives. The committee plans to meet on a bi-annual basis until 2019. In addition, a Steering Committee composed of leaders at IDOC, Idaho Supreme Court, Idaho Commission on Pardons and Parole, and Office of the Governor meet quarterly to review implementation and progress of SB1357 initiatives.

***Require that risk and needs assessments be routinely reviewed for quality.*** SB1357 requires the risk assessment tool determining the recidivism risk of the IDOC population to be re-validated every five years. The validation ensures that the instrument is an appropriate tool to predict recidivism among the offender population. In the spring of 2015 IDOC partnered with Boise State University to determine the predictive validity of the LSI-R, the main risk assessment tool used by IDOC. Ultimately, the findings indicated that the cut off scores currently used by IDOC are appropriate. The established risk categories are adequately differentiating offenders by their risk level in terms of likelihood of re-offending (Taylor, 2015).

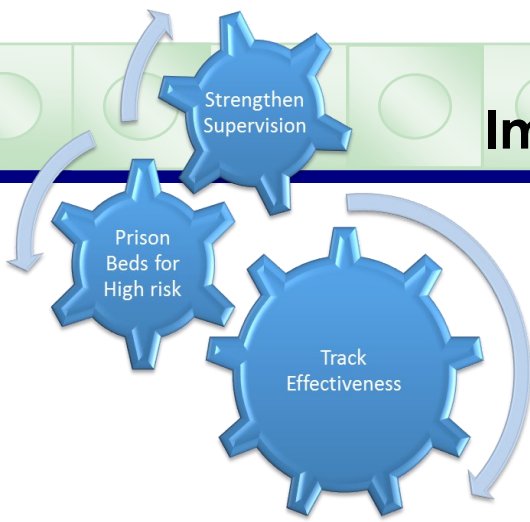
***Increase the capacity of state agencies to collect and analyze data in order to reduce inefficiencies and cut costs.*** SB1357 and subsequent trailer bills appropriated funds that have allowed for the development of a web-based portal for the LSU caseload to be monitored electronically. The IDOC case management system has also needed much development to capture information about rewards and sanctions used by PPOs. The overall application development has taken place in conjunction with training on the new applications.

# Assessing and Tracking Recidivism Reduction cont.

***Evaluate the quality of programs and use results to improve outcomes.*** SB 1357 requires IDOC to evaluate the quality of programs to improve effectiveness, and report bi-annually on justice reinvestment progress. The report on the ability to reduce recidivism by IDOC programs resulted in an assessment conducted by CSG, the Justice Program Assessment (JPA). The results of the assessment and other audits of programming were reported to the legislature in the November 2015 “Program Evaluation Report.” The outcome of the JPA and correctional program audits resulted in transitioning to completely new curriculum that will be standardized within all IDOC facilities and will continue seamlessly into the community once an offender is released. The quality and outcome of offenders transitioning to the new programs will be monitored and tracked to help improve programming on a continual basis.



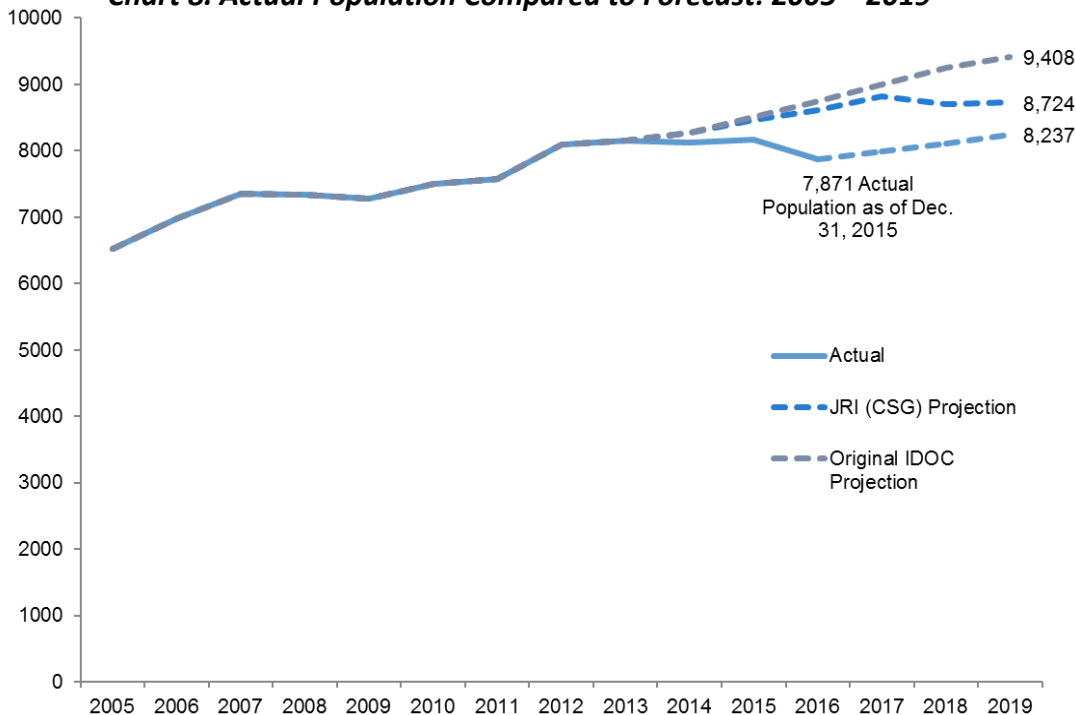
# Impact of Justice Reinvestment



In 2013, without changes to practices the prison population was expected to increase approximately 16% over five years, from 8,076 offenders to 9,408 offenders. CSG projected over the same period, the impact of JRI legislation could avoid between 685 to 783 beds, in addition to not building a new prison. CSG anticipated a cost savings of anywhere from \$134 million to \$157 million in deferred costs between FY 2014 and FY 2019.

As indicated in Chart 8, the current reduction in inmate population is dramatic. For FY2016, IDOC was expecting to need space to house approximately 8,751 inmates. The CSG prediction if JRI was implemented was a reduction to around 8,612 beds for the same time period. Instead, IDOC is currently housing around 7,871 inmates, representing a decrease of 3% from July 2014 to December 2015. IDOC is housing 880 fewer inmates as a result of JRI. It is estimated that approximately \$14 million has been avoided in costs because of reduced bed needs. However, it must be kept in mind that “savings” cannot be accrued when IDOC did not request a budget to house 8,612 inmates in FY16. The costs have merely been avoided. In addition, the cost projections described below do not include the money saved from not building a new prison.

**Chart 8. Actual Population Compared to Forecast: 2005—2019**

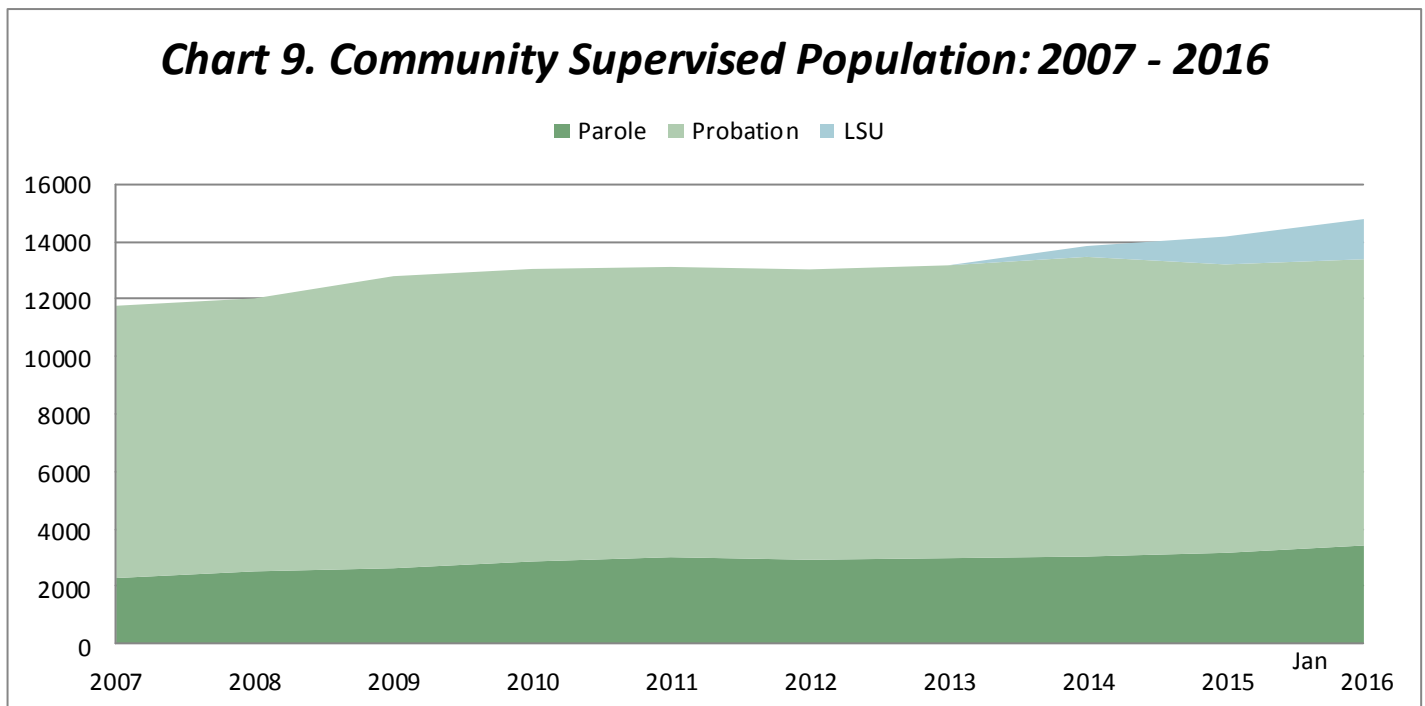


Cost avoidance of \$14,937,959 from JRI projection and \$16,119,864 from IDOC projection based on reduced bed needs of \$59.91 per day over 1.5 years.

If trend continues, will reach 8,249 by 2019, for a reduced bed need savings of \$67,635,095 JRI \$102,513,199 IDOC

## Impact of Justice Reinvestment cont.

On top of the savings generated from not housing offenders in prison, the addition of the LSU caseload in the community has helped to avoid costs for community supervision. Chart 9 below indicates that without the LSU caseload, there would be 14,779 offenders that would need to be managed by PPOs around the state, which would increase the average caseload size from 69 to 80 per PPO.



The costs involved for having an offender monitored on the LSU caseload is significantly less than if monitored by a PPO. The regular PPO budget per offender managed is about \$4.34 per day, compared to an average of about \$.41 per day over the past year and a half for the LSU caseload. The costs include salary for full time positions and other miscellaneous expenses. The estimated costs avoided from having an average of 750 offenders managed on the LSU caseload rather than on a regular PPO caseload is approximately \$1,605,301 over the past year and a half.

	Average (2014- 2015)	Costs
<b>Ave total on probation/ parole</b>	14,099	\$ 33,348,365
<b>Ave. without LSU</b>	13,349	- \$ 31,574,390
<b>Amount not spent</b>	750	= \$1,773,975
<b>Budget for LSU for 1.5 years</b>		-\$168,674
<b>Costs Avoided</b>		\$1,605,301