

# JUSTICE REINVESTMENT IMPACT in Idaho

Report to the Legislature

## Executive Summary

As part of Senate Bill (SB) 1357, otherwise known as the Justice Reinvestment Initiative (JRI), the Board of Correction is required to provide an annual report to the legislature on the savings generated and impact to the prison population from the legislation.

**SB 1357:** “report to the legislature by February 1 of each year on 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 estimates and goals of the act.”

The enacted JRI legislation focuses on using evidence-based strategies to improve outcomes, focusing on providing resources to the most at-risk offenders in the community and reserving prison space for more serious offenders or those with the greatest likelihood to reoffend.

### Highlights:

#### ❖ Savings:

- \$19.4 million in costs have been avoided through use of fewer prison beds than projected by the Council for State Government (CSG) in FY2013.
- \$10 million saved through the creation of the Limited Supervision Unit (LSU).
- \$1.1 million has been collected in restitution and over 500 cases closed.
- Over 3,600 offenders have been released early from probation and parole sentences, alleviating the strain from larger caseload sizes.
- More individuals have been released close to parole eligibility and fewer Rider failures have freed up prison beds.

#### ❖ Investments:

- \$47.1 million was invested between FY2015-FY2019 in JRI related activities, including primarily Substance Use Disorder (SUD) funding and \$2.4 million for training Idaho Department of Correction (IDOC) staff.

#### ❖ Improvements made:

- Use of more evidence-based, data driven techniques/resources to improve quality of programs and track JRI related outcomes.

#### ❖ Lessons learned:

- With a growing incarcerated population, Idaho continues to have difficulty keeping community supervised offenders from entering or returning to incarceration, as 68% of term admissions and 53% of rider admissions are from violations of probation or parole.

## Introduction

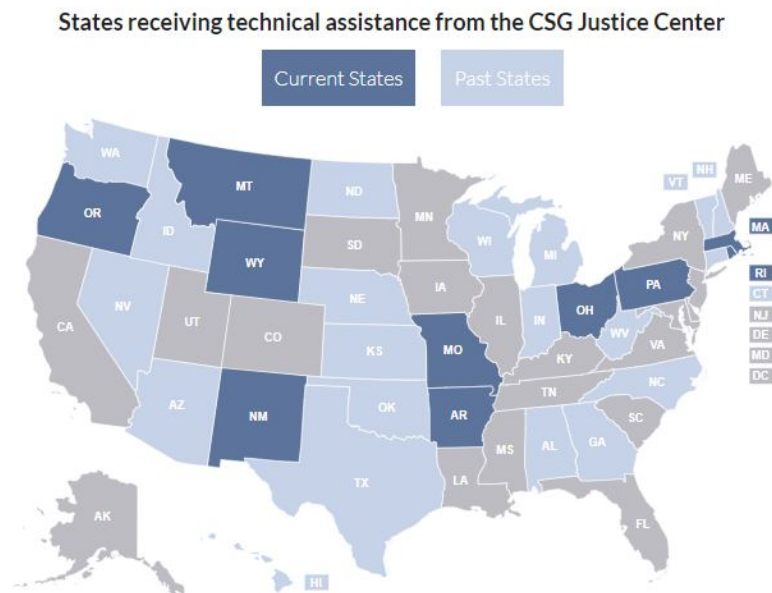
In the spring of 2014, Idaho policymakers passed SB1357, more commonly known as the Justice Reinvestment Initiative (JRI). Idaho is one of 29 states who have implemented similar legislation in recent years (Figure 1). The legislation was created after receiving technical support from the Council for State Governments (CSG). The purpose of this legislation was to enact policy changes using a data-driven approach to reduce correctional spending and reinvest any potential cost avoidance/savings into strategies designed to reduce recidivism.

CSG provided a thorough, in-depth review of the drivers of prison population growth after examining records from various criminal justice entities, (IDOC, Idaho Commission of Pardons and Parole, Supreme Court and Idaho State Police), holding focus groups, and meeting with various Idaho criminal justice stakeholders. CSG identified three main challenges contributing to Idaho's prison growth:

- ❖ **Revolving door.** The state's supervision and diversion programs were not reducing recidivism.
- ❖ **Inefficient use of prison space.** Most prisoners were people whose community supervision was revoked, people sentenced to a "Rider<sup>2</sup>", and people convicted of non-violent offenses who were eligible for parole but had not yet been released.
- ❖ **Insufficient oversight.** Idaho lacked a system to track outcomes, measure quality, and track recidivism-reduction strategies so policymakers were unsure whether their investments were yielding intended outcomes.

SB 1357 requires the Idaho Department of Correction to produce multiple reports tracking the progress, implementation, investments and impacts of the JRI legislation<sup>3/4</sup>. This report analyzes progress made since the JRI legislation first went into effect in July of 2014.

**FIGURE 1. STATES THAT HAVE ENACTED JRI LEGISLATION<sup>1</sup>**



1. Council for State Governments Justice Center - <https://csgjusticecenter.org/jr/>

2. 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.

3. Idaho Senate Bill 1357 (2014) - <http://legislature.idaho.gov/wp-content/uploads/sessioninfo/2014/legislation/S1357.pdf>

4. Idaho Senate Bill 1113 (2017) - <http://legislature.idaho.gov/wp-content/uploads/sessioninfo/2017/legislation/S1113.pdf>



## Challenge 1: A Revolving Door

***CSG concluded Idaho's supervision and diversion programs were not reducing recidivism.***

The initial analysis conducted by CSG<sup>5</sup> in 2013 resulted in the following problems identified and SB1357 strategy designed to combat it.

### Problem Identified:

- ❖ Most individuals convicted with a felony were initially sentenced to probation or a rider term, however, one-third ended up spending time in prison by either failing the Rider program or from probation revocation.
  - CSG determined this was due to Idaho's slow response to supervision violations and insufficient substance use treatment funding.

### SB1357 Strategy: Strengthen community supervision practices and programs

- ❖ Use evidence-based practices with swift and certain sanctions for probation and parole violations
- ❖ Prioritize supervision resources based on risk to re-offend
  - development of Limited Supervision Unit
  - early discharge for low risk offenders
  - smaller caseloads for managing the moderate and high-risk population
- ❖ Training for POs in evidence-based strategies – motivational interviewing, LSI-R assessment of risk, etc.
- ❖ Improve management of victim restitution
- ❖ More funding for community-based treatment

### 1) Behavioral Matrix- Swift and Certain Sanctions

SB1357 established “a matrix of swift, certain and graduated sanctions and rewards to be imposed by the board in response to corresponding violations of or compliance with the terms or conditions imposed.”

Idaho implemented the Idaho Response Matrix (IRM) in the spring of 2015. The web-based tool provides a range of rewards and sanctions that can be applied to each offender based on their risk level and identified needs. IRM offers a variety of graduated responses with the intent of promoting long term offender behavioral change. For example, rewards can range from positive verbal feedback, certificates for completion of programming, written recognition, to a request for early discharge. Sanctions can range from a verbal warning, increased substance use testing, increased reporting, discretionary jail time, to a report of

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5. Council for State Governments. (September 29, 2014). Idaho's Justice Reinvestment Approach. Retrieved at: <https://csgjusticecenter.org/jr/idaho/publications/idahos-justice-reinvestment-approach/>

violation. However, some events, such as a new felony, possession of a firearm, or absconding will always result in a violation of probation or parole. In addition, whenever an offender has a new felony or violent misdemeanor, discretionary jail time imposed, a level 3 sanction, or 9 or more violation points accumulated within six months, the information is provided to the court or Idaho Commission of Pardons and Parole (ICPP).

**Impact:** Currently, the IRM has not been thoroughly evaluated to determine the true impact it is having on offender behavioral change and incarceration rates in Idaho. However, the matrix is not a stand-alone object, but is used in conjunction with motivational interviewing techniques, substance use testing, substance use treatment, focused supervision strategies, etc. There have been many recent changes within community supervision strategies and over the next few years IDOC will continue to monitor these efforts to enable foresight into which actions result in the best outcomes.

## 2) Prioritize Supervision Resources on Offender Risk to Re-offend

SB1357 used several measures to ensure IDOC focused resources on an offender's risk to re-offend; such as: 1) creation of the Limited Supervision Unit; 2) early discharge for low risk offenders; and 3) keeping the caseloads of probation and parole officers (PPOs) at or below 50 to 1 moderate or high-risk offender. These actions are based on the Risk-Need-Responsivity principle, where the risk and needs of the individual drive treatment and services offered, case management, and supervision strategies. Much research supports the concept that too much of an intervention for low risk offenders can do more harm than good, while not enough of an intervention for high risk offenders will not promote behavioral change<sup>6</sup>. Therefore, SB1357 promotes focusing resources on moderate to high risk offenders.

## Level of Service Inventory- Revised

The Level of Service Inventory-Revised (LSI-R) assessment has been used in Idaho since 2002 to measure the risk to recidivate and needs of the offender population. Evidence based strategies advocate use of the assessment: a) within case planning to pair risk/needs with interventions in the community and in prison, b) to devise appropriate supervision strategies, and c) use within sentencing to determine appropriate community diversion versus prison placement.

There are 54 questions within the LSI-R that measure problems associated with:

- 1) Criminal history
- 2) Education/employment
- 3) Financial difficulties
- 4) Family/marital relationships
- 5) Accommodations
- 6) Leisure/recreation choices
- 7) Criminal companions
- 8) Substance use
- 9) Emotional/personal
- 10) Attitude/orientation

SB1357 mandates the use of a validated risk assessment tool to inform parole decisions, treatment needs, supervision strategies, and sentencing.

6. Andrews D, Bonta J. (1998). The psychology of criminal conduct. Cincinnati, OH: Anderson.

### Limited Supervision Unit

SB1357 included the creation of a Limited Supervision Unit (LSU) for those offenders whose risks and needs merited less supervision than a higher-risk individual. At the peak in early 2017, this unit supervised over 2,300 offenders under the supervision of two probation and parole officers. By the end of 2018, that number had decreased to just over 1,600. However, with IDOC's change to focused supervision in 2017, low risk (LSI-R score below 16) were all similarly monitored.

**Impact:** In FY2018, the average annual cost per offender for supervision on a regular caseload was \$1,843 (\$5.05 per day)<sup>7</sup> compared to the average annual cost per offender on the LSU caseload \$165 (\$.45 per day)<sup>8</sup>. Using these figures, the LSU caseload saved just under \$3 million in 2018 and \$10 million total since 2015.

### Early Discharge for Low Risk Offenders

Prior to the implementation of JRI, early discharge for probation and parole offenders was available but was not commonly used. Since the implementation of JRI, IDOC has emphasized early discharge to reward offenders and keep caseloads manageable for staff.

PPOs review low risk offenders every six months to determine whether any are eligible. The individual must have completed the minimum amount of time sentenced by the court, have no other current criminal charges, have complied with their conditions of supervision, and fulfilled any financial obligations. The recommended individual must also be approved by the district manager prior to submission for approval from the courts or ICPP.

**Impact:** From 2012 to 2014 an average of 625 early discharge requests were granted per year. Since the implementation of JRI, early discharges have increased by 45%, to an average of 907 per year. The number of early discharge releases has allowed probation and parole officers the ability to reward those offenders who have successfully complied with conditions of their supervision. Further, this has saved Idaho additional cost of supervision fees.

### Keep Officer/Offender Ratio for Mod/High Risk Below 50 to 1

SB 1357 sets the benchmark to keep moderate/high risk offenders within a ratio of 50 offenders per PPO. Idaho probation and parole switched to a practice of focused supervision in 2017 and developed benchmarks for the number of offenders per PPO to be placed on low, low/moderate, moderate/high, high-risk, sex offender and problem-solving court caseloads.

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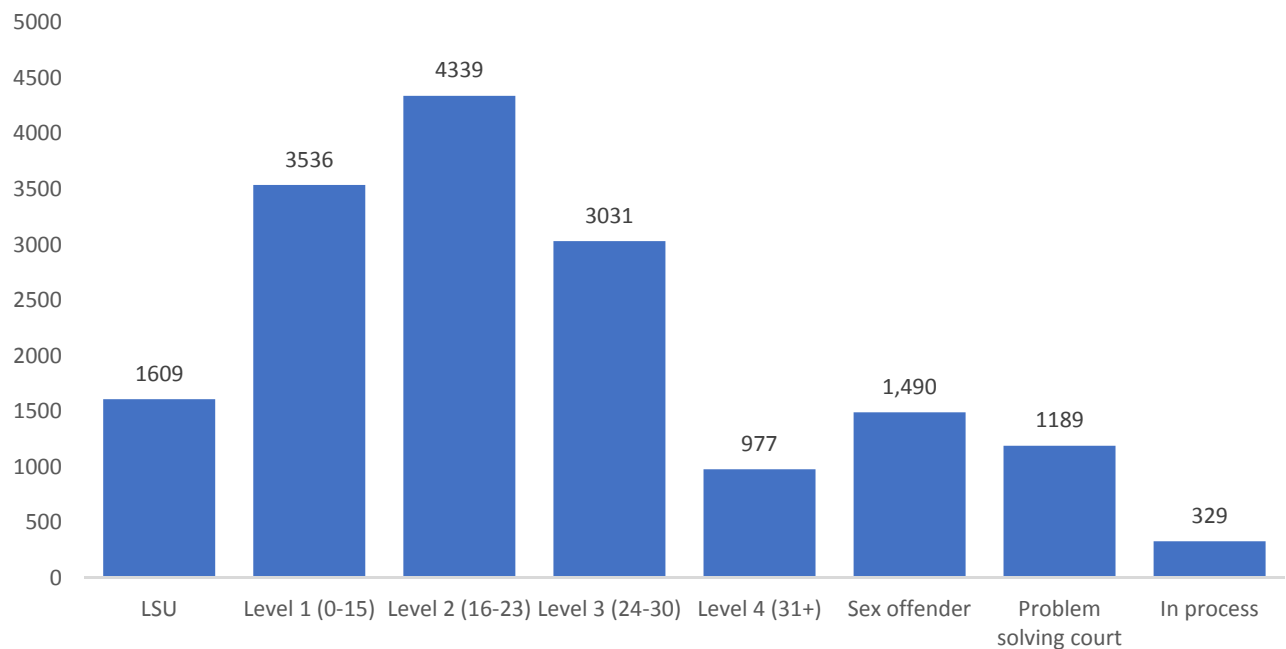
7. Based on calculations from IDOC's Budget and Payroll department.

8. Based on calculations from IDOC's Fiscal department.

Focused supervision is quality over quantity, with the intent the PPO will develop rapport and work with the offender to create goals and improve upon strengths and protective factors while living in the community. However, the case work per high risk offender is significant. Depending upon the supervision level of the offender, there are more frequent face-to face contacts, more home visit checks, employment verifications, expectations for enrollment in treatment, and substance use testing. In addition, the LSI-R risk assessment is conducted more frequently with higher risk offenders to help determine if they are successfully reducing in problem areas and lowering their risk score. It is very important, therefore, to keep the higher risk caseloads as small as possible.

**Impact:** The LSU, and the switch to focused supervision, has provided benefits through reducing the caseloads of PPOs. Currently, there are around 16,500 offenders on probation or parole within the community. The supervision level in Figure 2 below indicates the numbers supervised on different caseload types. With the number of current staff positions, 214 PPOs (not including 1 additional over Interstate Compact), the ratio without using focused supervision would be 77 offenders per PPO. Placing more offenders on lower risk caseloads has allowed PPOs supervising higher risk offenders to have smaller caseloads, with an average of 51 on Level 3, 44 on Level 4 and 49 on blended Level 3/4 combined caseloads.

FIGURE 2. SUPERVISION LEVEL OF COMMUNITY POPULATION



### 3) Training for Staff

Since the implementation of SB1357 in 2014, IDOC has spent \$2.3 million to train IDOC staff in evidence-based programming and supervision techniques. IDOC has provided training to PPOs in motivational interviewing, a technique used to establish rapport with clients to engage them in exploring and resolving ambivalence towards change. PPOs and prison case managers have also been trained on conducting the LSI-R assessment.

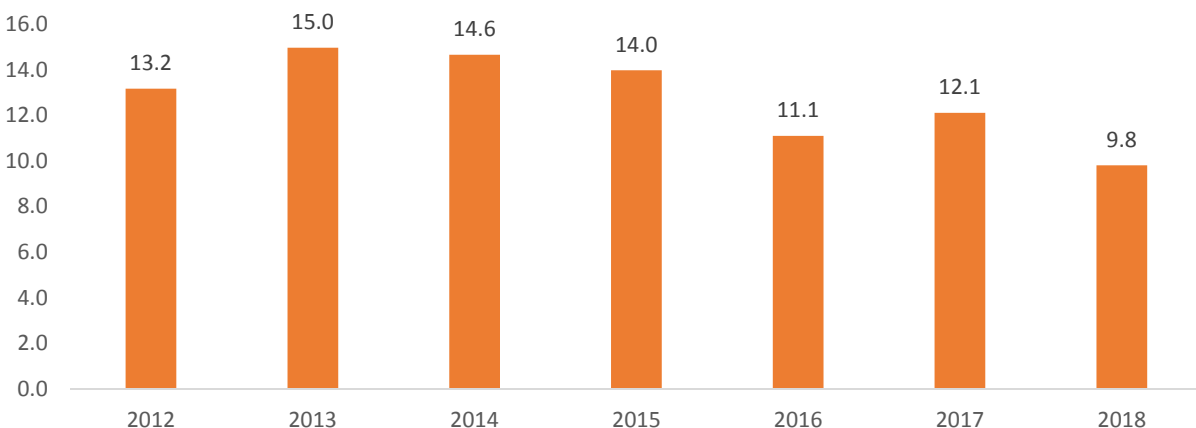
After the Justice Program Assessment (JPA) was conducted by CSG in 2015, it was determined that IDOC was not providing evidence-based programming and treatment could be streamlined to achieve better outcomes, ensuring more individuals were ready for release for parole. The same curricula were adopted at facilities, adding the benefit that if an individual moved to a different facility, they could continue in programming where they left off.

IDOC adopted five core programs: 1) Cognitive Behavioral Intervention-Substance Abuse (CBI-SA); 2) Aggression Replacement Therapy (ART); 3) Thinking for a Change (TFAC); 4) Cognitive Based Intervention for Sexual Offenders (CBI-SO); and 5) Advanced Practices. IDOC also provides Cognitive Sex Offender Treatment (CSOT) for moderate to high risk sex offenders and Choices for female sex offenders.

Throughout 2015 through 2016, IDOC prison and community staff were trained in the new curriculum and IDOC also provided training to community contractual providers. IDOC continues to provide training in the curriculum to update skills and train new staff.

**Impact.** Ongoing training and auditing of case manager abilities allows IDOC to ensure fidelity to the new core curricula. In addition, as noted in Figure 3, an added benefit to the training and new programming is fewer rider failures per year, dropping to just 9.8% in 2018.

**FIGURE 3. PERCENT RIDER FAILURES PER YEAR: 2012-2018**





#### 4) Improved Management of Victim Restitution

Part of SB1357 mandated a victim restitution collection process (Section 20-209H). IDOC “shall establish an account in the name of each inmate confined in a correctional facility. All moneys in the inmates’ possession upon admission, all moneys earned from institutional employment and all moneys received by the inmate from any other source, other than money that is contraband, shall be deposited in the inmates account...” The money is then prioritized for payment to the victim (other than if child support is also due) and 20% of all income posted can be used for this purpose.

**Impact:** Since 2015, IDOC has collected \$1,140,835 from inmate garnishments and closed 540 restitution cases. This data is based solely on monies IDOC has collected, not any additional monies individual county courts have collected; therefore, the amount Idaho has collected for victims could be larger. This is a strong first step in a much larger process. Idaho still has progress to make in this area, but thus far there has been a much greater priority placed on victims and their families with the passage of this bill.

#### 5) More Funding for Treatment

Prior to JRI, funding for Substance Use Disorder (SUD) funding was around \$6.8 million per year. This amount increased by around \$1.6 million per year since 2014, and since FY2018 \$5.5 million has also been designated for the mental health treatment of probationers and parolees.

**Impact:** Although the increases to funding for substance abuse and mental health treatment have improved access to treatment for probationers and parolees, the Annual Community Gap Analysis continues to show a gap between the number of offenders in need of treatment and number receiving treatment. Additional funding is necessary if all offenders in need of treatment received treatment<sup>9</sup>.

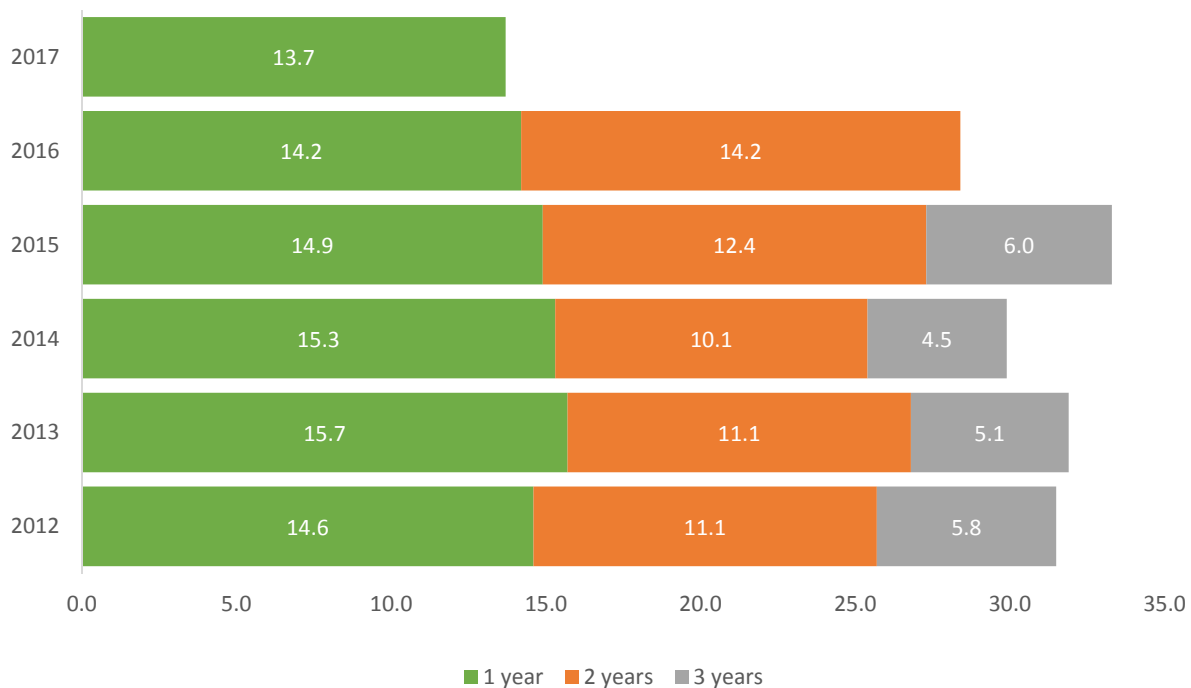
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9. IDOC (2019). Annual Community Gap Analysis. Retrieved at: [https://www.idoc.idaho.gov/content/about\\_us/research\\_statistics](https://www.idoc.idaho.gov/content/about_us/research_statistics)

## Overall Impact to Revolving Door

Although significant progress has been made in several key areas to address the risk and needs of the community and prison population through more access to treatment and evidence-based supervision strategies, Idaho continues to struggle with recidivism. From 2012 to 2017, Idaho's total recidivism rate (incarceration or reincarceration among probationers, parolees, and those discharged from term) has dropped from prior years to just 13.7% in one year (Figure 4). However, the two and three-year recidivism rates have increased.

**FIGURE 4. TOTAL RECIDIVISM WITHIN 1, 2 AND 3 YEARS**



## Challenge 2: Use of Prison Space

***CSG concluded most of Idaho's prison population was composed of individuals who had revoked from community supervision, failed a Rider, or had non-violent crime convictions and were parole eligible but had not been released.***

The initial analysis conducted by CSG in 2013 resulted in the following problems identified and SB1357 strategy designed to combat it.

### Problem Identified:

- ❖ More than 40% of prison beds were filled with people whose probation or parole had been violated or revoked.
- ❖ Low risk individuals who completed a Rider followed by probation returned to prison within three years at almost twice the rate of low risk individuals sentenced directly to probation.
- ❖ Time served at first parole release for nonviolent offenses was close to double the national average and twice the average minimum term required of the sentence<sup>10</sup>.
- ❖ Most stayed well beyond the fixed term<sup>10</sup>.
- ❖ Large delays in completing required in-prison programming.

### SB1357 Strategy: Tailor Sanctions and Parole Decision Making

- ❖ Tailor confinement responses for probation and parole violations.
- ❖ Recidivism information provided to judges within the PSI based on risk of reoffending and sentencing option.
- ❖ Risk assessment used to inform parole decision making and parole guidelines in place to help reserve prison bed space for more violent offenders.
- ❖ More focus on parole preparation and parole readiness

### 1) Tailored Confinement Responses for Probation and Parole Violations

SB 1357 created graduated responses for parole violations for up to 90 days of confinement for a first violation and 180 days after the second. After implementation, it was noted the legislation allowed for the release of any parole violator after 90 or 180 days, regardless of whether a new crime had been committed rather than merely a technical violation. This led to a change in the rule in spring of 2015. In addition, the 90 or 180-day sanctions were at the discretion of the PPO rather than combined with oversight from the parole commission, leading to large numbers of individuals serving time in county jails. To better manage diversion options for violations involving technical only or non-violent misdemeanors, further changes to the legislation in spring of 2017 tasked the parole commission with determining the best option for each offender.

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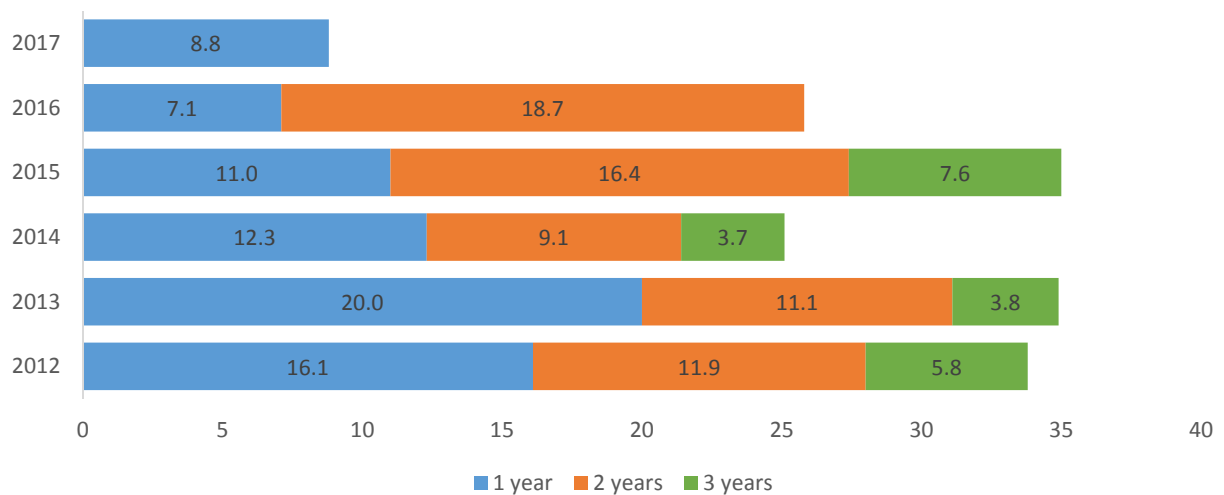
10. After further analysis between CSG and IDOC it was determined more offenders were being released closer to their fixed term than initially assessed. This resulted in a different estimate in savings generated from the act than CSG had initially calculated.

Parole diversion options currently include: confinement in a county jail, a prison stay with further treatment, Correctional Reentry Center placement, electronic monitoring in the community, or placement within a problem-solving court in the community.

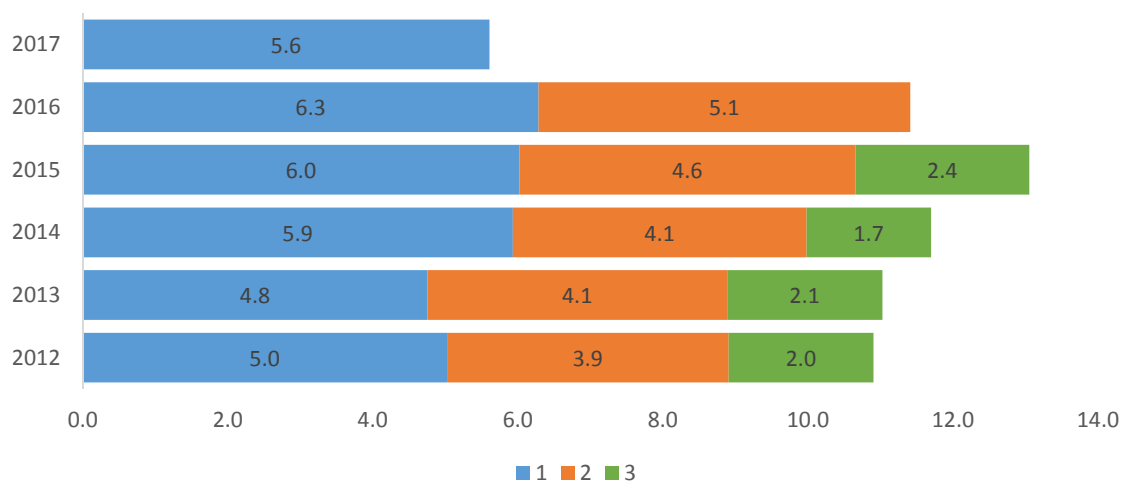
There are also different diversion options available for probationers and the court determines whether someone should be placed within a problem-solving court, placed on a Rider, use of electronic monitoring, or have their sentence imposed.

**Impact:** Although more diversion alternatives are available rather than strictly revocation, as shown in Figures 5 and 6 below, the main outcome has been more revocations occur within the second and third year rather than the first. It is not apparent that the diversion efforts have resulted in an overall reduction in the rate of individuals eventually revoking probation or parole.

**FIGURE 5. PERCENT OF PAROLEES REVOKING PAROLE WITHIN 1,2 AND 3 YEARS**



**FIGURE 6. PERCENT OF PROBATIONERS REVOKING PROBATION WITHIN 1,2 AND 3 YEARS**



In addition, the number of probation and parole violations that are technical violations has decreased (an average of 15.6% per month in 2018 compared to 22.2% in 2016). Although this is positive in respect that PPOs are ensuring actions occurring are legitimate concerns, there are fewer individuals eligible for probation or parole diversion opportunities. However, the number of parole violator diversions within prison has a direct impact on bed space within both IDOC facilities and county jails and the average length of time an individual remains a parole violator has increased from 5 to 7 months between 2017 and 2018.

Idaho could greatly benefit from additional probation and parole violator diversion opportunities that allow offenders to stay in the community, or to otherwise help reduce the number of beds that diversions occupy, thereby allowing IDOC to use prison space in a more efficient manner.

## 2) Recidivism Information Provided to Judges

As per SB1357, information is updated annually for judges within all Pre-Sentence Investigation reports regarding the portion of individuals sentenced directly to probation, rider or term who recidivate within three years, by risk level.

**Impact:** The most recent information provided to judges within the PSI indicates that low risk individuals sentenced directly to a rider versus probation at sentencing continue to recidivate at nearly double the rate (7.9% low risk probation versus 13.2% low risk rider).

Figure 7 on page 13 indicates changes in sentencing by risk that have occurred based on the risk to recidivate. It is not known, however, if this is a direct result of information provided to judges at sentencing.

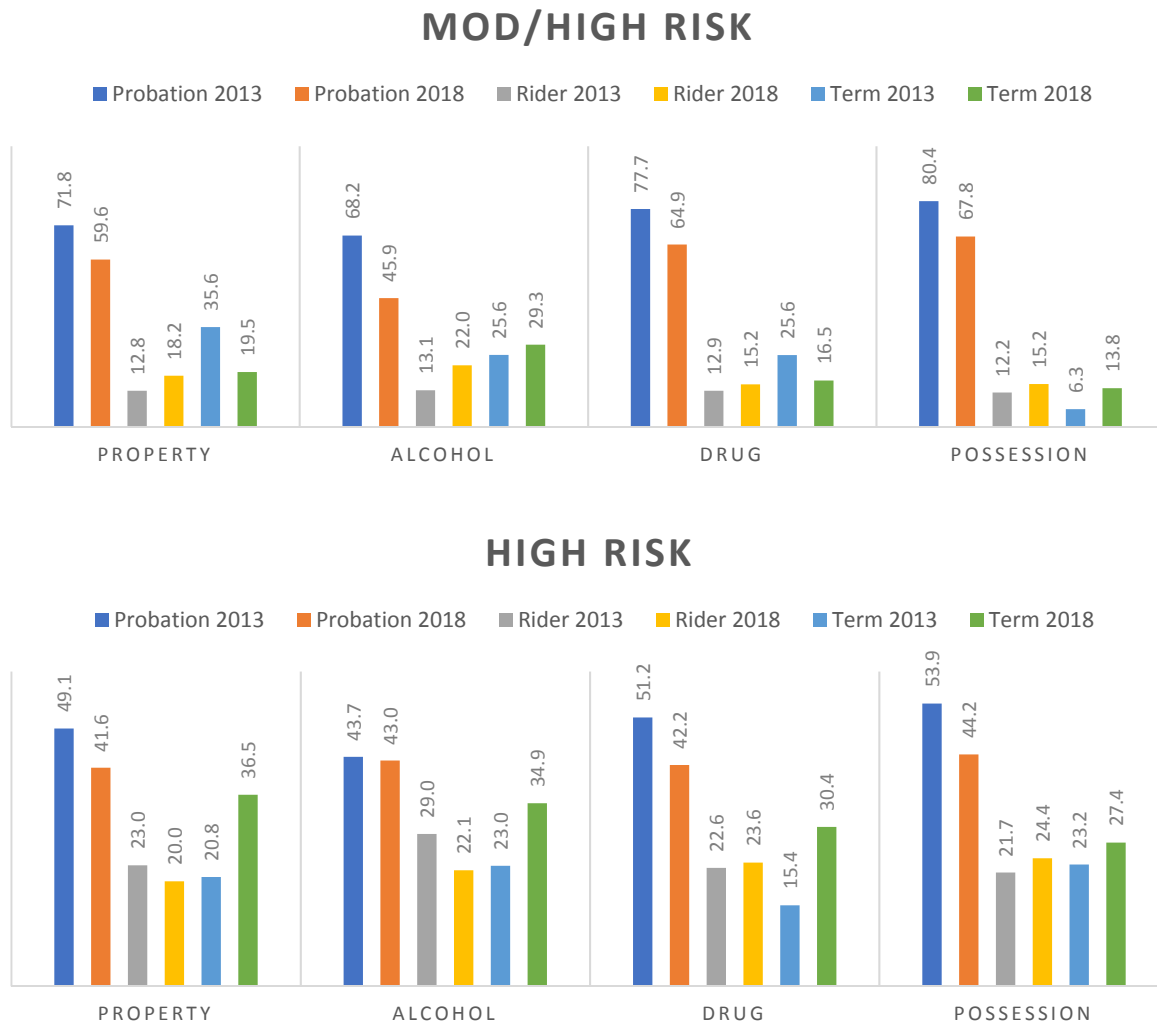
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Individuals who have been convicted of non-violent offenses and are moderate or high risk at sentencing are less likely to be sentenced to probation and more likely to be incarcerated as either a rider or term (2013 compared to 2018), with some differences by risk and crime type.

- ❖ Mod/high risk property, alcohol, drug and possession convictions are more likely to result in rider sentences; mod/high risk property and drug are less likely to result in term sentences, but alcohol and possession crimes result more often in term sentences.
- ❖ High risk property and alcohol convictions are less likely to result in rider sentences, but more likely to result in term sentences; high risk drug and possession sentences are less likely to result in rider sentences but more likely to result in term.

**FIGURE 7. MOD/HIGH- AND HIGH-RISK PERCENT SENTENCED TO PROBATION VERSUS RIDER OR TERM: 2013 COMPARED TO 2018**



### 3) Risk Assessment Informs Parole Release

SB1357 emphasizes the use of parole guidelines to help standardize the reasoning behind releases and ensure the most violent stay in prison while lower risk individuals are released. The guidelines were created and implemented through 2015.

**Impact:** In the fall of 2018, the Urban Institute<sup>11</sup> released a report: “Assessing the Impact of Idaho’s Parole Reforms.” Overall, they concluded the guidelines have had a positive impact on parole decisions being made. Although the rate of grant versus deny decisions has not changed, there is greater transparency and decisions made are more consistent.

### 4) More focus on parole preparation and parole readiness

The Urban Institute report also indicated IDOC is doing a better job of preparing individuals for release to parole. This has resulted in a higher portion of individuals convicted of non-violent property or drug offenders released closer to parole eligibility. IDOC has improved the previous delays halting people from completing programming after switching to new core programming in 2016.

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11. Pelletier, E., Courtney, L., Elderbroom, B (2018). Assessing the Impact of Idaho’s Parole Reforms. Urban Institute. Retrieved at: <https://www.urban.org/research/publication/assessing-impact-idahos-parole-reforms>

## Overall Impact to Use of Prison Space

### 1. Composition of prison population

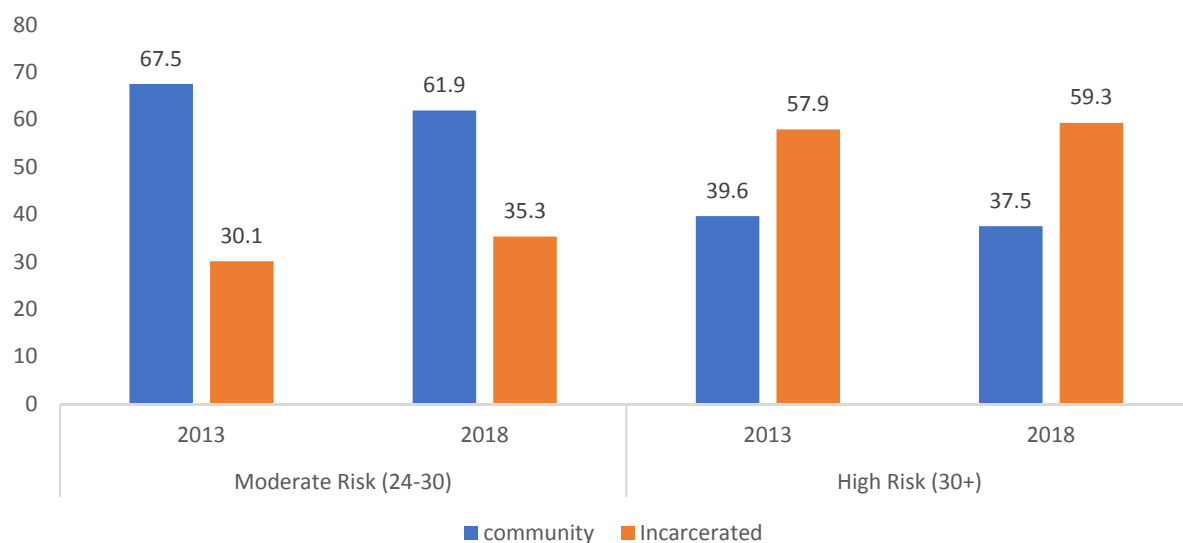
As CSG found, Idaho's prisons continue to house a high rate of individuals who were unsuccessful on community supervision.

- ❖ More than half, (51.5%) of the current term population was sentenced to either a Rider (27.5%) or Probation (24.0%) at sentencing and subsequently had their sentence imposed after committing further violations within the community.
- ❖ Most (76.6%) of the monthly term admissions are from offenders who have either failed a Rider (8.7%), revoked probation (29.4%), or violated parole (38.5%).

One effect of the focus on risk within the community and at sentencing has meant that individuals with higher risk scores are more likely to be incarcerated rather than live in the community. For example, Figure 8 provides the portion of total moderate and high-risk individuals on community supervision versus incarcerated at year end 2013 compared to year end 2018.

- ❖ The portion of moderate risk (LSI score between 24 – 30) living in the community from 2013 and 2018 has decreased from 67.5% to 61.9%.
- ❖ Individuals considered high risk, with a score of 30 or above are increasingly incarcerated (57.9% compared to 59.3%).

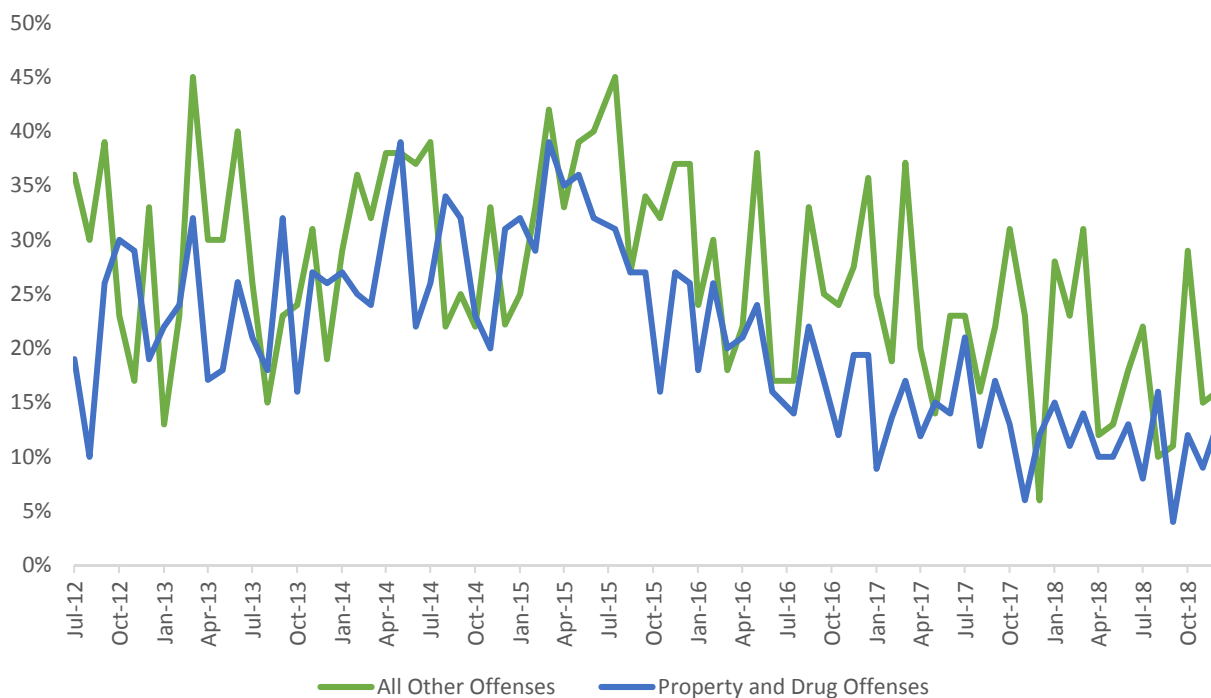
**FIGURE 8. PORTION COMMUNITY VS INCARCERATED IS MODERATE AND HIGH RISK: 2013 AND 2018**



## 2. Increased percent released close to parole eligibility

IDOC tracks the portion of offenders released past 150% of the fixed portion of their sentence for all individuals released for the first time on to parole. As shown in Figure 9, the portion for both property/drug and other offenses has decreased. In 2018, a monthly average of 11% of property/drug offenders and 19% of other crimes were released past the 150% mark. Although, these numbers reflect only first-time parole releases and many offenders who are incarcerated are not first timers, this has an impact on bed space for IDOC institutions.

FIGURE 9. PORTION OF MONTHLY RELEASES FOR FIRST TIME PAROLE PAST 150% OF FIXED



## Challenge 3: Insufficient Oversight

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***CSG noted Idaho lacked the ability to track outcomes, measure quality, and assure effectiveness of recidivism reduction strategies.***

The initial analysis conducted by CSG in 2013 resulted in the following problems identified and SB1357 strategy designed to combat it.

### Problem Identified:

- 1) IDOC and ICPP lacked adequate data systems and staff to review interagency processes, such as determining delays in releases following approvals.
- 2) Network of substance use treatment providers was not evaluated based on certification standards for effective interventions with individuals in the criminal justice system.
- 3) Risk assessment tools had not undergone a rigorous current evaluation to test for validity and reliability.

### SB 1357 Strategy:

- 1) Established oversight committee to assess policy impacts
- 2) Required risk and need assessments to routinely be reviewed for quality
- 3) Increased capacity of state agencies to collect and analyze data to reduce inefficiencies and cut costs
- 4) Evaluate quality of programs to improve effectiveness.

### 1) Oversight Committee established

In 2014, Section 67-456, Idaho Code, established the Criminal Justice Reinvestment Oversight Committee. The Committee has monitored and guided the progression of JRI policies for the past five years. However, the committee is currently scheduled to cease to exist after a final report to the legislature in 2019.

### 2) Risk and need assessment validated

The LSI-R assessment has been in use in Idaho since 2002. Part of the SB1357 requires the tool to be validated for the population every five years. The first validation occurred in spring of 2014 and will occur again in 2019.

**Impact:** The regular validation of this tool provides IDOC and ICPP with a better idea of which offenders require higher levels of supervision and how offender risks relate to

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recidivism for individual populations. The 2019 validation will indicate whether cut-off scores (i.e. low score is less than 15 on the assessment) continue to be appropriate.

### 3) Increased capacity to collect and analyze data

Through investments into IT capabilities within both IDOC and ICPP, both agencies are better able to track JRI related information and make more informed decisions about the current offender population. ICPP was able to create an internal data management system in 2015, which allows for more successful tracking of information from parole hearings, violation hearings, etc. The data collected from the ICPP's system, as well as from IDOC's offender management system, are available to both agencies within a shared data warehouse. The creation of ICPP's internal system, the shared data warehouse, and the creation of a business analyst and research analyst position within ICPP have increased capabilities within both agencies to track offender outcomes and audit the quality of shared information.

A new offender management system has been partially funded through the coming fiscal year that will continue to provide benefits to both agencies. Improvements in the data infrastructure has not only allowed for better tracking and data analysis, but also allows parole hearing officers and parole board members to be better informed and thereby make better decisions regarding the outcomes of offenders and public safety. Continued enhancements will help IDOC and ICPP to determine how to improve the monitoring of offenders more successfully in the community, as well as safely monitor incarcerated offenders and prepare them for release from prison.

### 4) Evaluate quality of programs

Part of SB1357 is a mandate to evaluate the quality of programming provided to incarcerated offenders on a regular basis, and to provide reports concerning the audits to the legislature every two years. The first report was immediately after the Justice Program Assessment completed by CSG in 2015. It was determined Idaho needed to change programming to meet with evidence-based programming, as defined in SB1357.

**Impact.** SB1357 dictates that a validated audit tool be used to assess prison programming. The Correctional Program Checklist (CPC) and Correctional Program Checklist Group Audit (CPC-GA) tools have been used in for several years and the most recent report in 2017 showed all programs assessed with the CPC tool were either "effective" or "highly effective;" and all programs assessed with the CPC-GA tool were had either a "very high adherence to evidence based practices" or a "high adherence to evidence based practices."

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## Idaho's Investments

Since Fiscal Year (FY) 2015, Idaho has invested \$47.1 million in JRI related activities for IDOC and ICPP (Table 1). This amount includes the entire SUD budget even though Idaho was spending \$6.8 million prior to JRI, and the budget increased by roughly \$1.6 million to over \$8 million per year after JRI. The total investment below also includes monies the legislature dedicated to support implementation of SB 1357 through trailer bills SB 1433<sup>12</sup> and SB 1421<sup>13</sup>. The total does not include monies that may have been spent by other agencies, although it is possible JRI has incurred costs at other state agencies.

**TABLE 1. JRI INVESTMENTS**

Year/Funding Type	LSI					Total
	SUD	Training	Trailer Bills	WBOR	Validation	
<b>FY 2015</b>	\$8,400,300	\$500,000	\$2,784,100	\$27,000	\$21,500	\$11,732,900
<b>FY 2016</b>	\$8,275,800	\$763,700		\$27,000		\$9,066,500
<b>FY 2017</b>	\$8,304,000	\$500,000		\$27,000		\$8,831,000
<b>FY 2018</b>	\$8,343,000	\$295,000		\$27,000		\$8,665,000
<b>FY 2019</b>	\$8,523,500	\$295,000		\$27,000		\$8,845,500
<b>Total</b>	<b>\$41,846,600</b>	<b>\$2,353,700</b>	<b>\$2,784,100</b>	<b>\$135,000</b>	<b>\$21,500</b>	<b>\$47,140,900</b>

### FY2015

- ❖ Shifted 2.5 positions to Management Services (Information Technology—IT)
- ❖ Five new Probation and Parole Officer positions
- ❖ 19 Probation and Parole Officer positions moved from the Parolee Supervision Fund to the General Fund
- ❖ IT upgrades for the Idaho Commission of Pardons and Parole
- ❖ Development of a web-based offender reporting (WBOR) system for the Limited Supervision Unit (LSU)
- ❖ \$8.4 million community-based Substance Use Disorder (SUD) services
- ❖ \$280,000 for five new Pre-Sentence Investigator (PSI) positions
- ❖ \$21,500 to validate the departments risk assessment tool, the Level of Service Inventory-Revised (LSI-R).

### FY2016 – FY2019

Subsequent fiscal years did not have any monies specifically earmarked for JRI. There was however, some additional monies for SUD Services, departmental training and WBOR. In addition, IDOC received a \$1.5 million Bureau of Justice Assistance grant to fund re-entry specialists in the community.

12. Idaho Senate Bill 1433 (2014) - <http://legislature.idaho.gov/wp-content/uploads/sessioninfo/2014/legislation/S1433.pdf>

13. Idaho Senate Bill 1421 (2014) - <http://legislature.idaho.gov/wp-content/uploads/sessioninfo/2014/legislation/S1421.pdf>

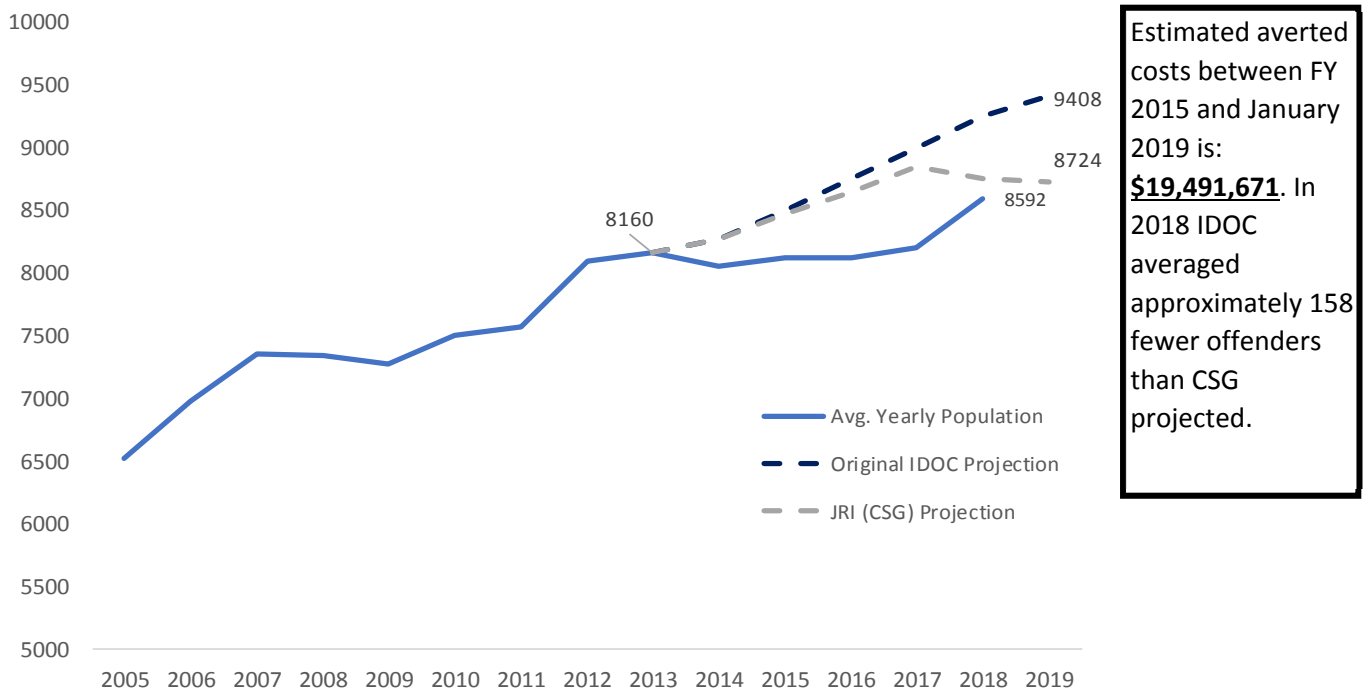
# Conclusion

## Cost Avoidance – Prison Population

Without changes to IDOC current practices, the incarcerated population was expected to reach over 9,400 offenders in 2019 (according to initial IDOC projections). CSG estimated that up to \$150 million could be averted by reducing the state's prison population and the potential construction of additional facilities.

IDOC's average yearly population was used to calculate an estimated cost-avoidance (Figure 10). The calculation is made based on methodology developed by the Results First<sup>14</sup> model (Washington State Institute of Public Policy) which focuses only on operating expenses directly associated with inmates (this excludes items such as: employee development, maintenance, administrative costs, etc.

**FIGURE 10. FORECASTED PRISON POPULATION TO ACTUAL: 2005-2019**



Using the formula described above, the cost per day for an offender under IDOC supervision is approximately \$30.40 (FY2018)<sup>16</sup>. Using these figures, IDOC has averted approximately \$19.4 million<sup>16</sup> in prison costs since JRI was implemented 4.5 years ago (Figure 10). This number has been decreasing from year to year from a high of just under \$7 million in averted costs in 2017 to barely under \$2 million in averted costs in 2018.

14. Idaho Results First (2012) - Definitions, Methodology, Results

15. Based on calculations from IDOC's Budget and Payroll department.

16. Figures based on different calculations as 2017, using only costs related to offenders and based on average population counts.

The cost-avoidance calculations are based on GSG's 2013 projection of bed needs compared with IDOC's average annual population. Although, IDOC has not yet reached 9,400 offenders or CSG's original projection of 8,724 there are still capacity issues throughout the state of Idaho. At year-end 2018, IDOC housed 8,642 offenders in its facilities, county jails, and contract beds, with around 700 offenders in facilities in Texas.

## Areas of Improvement

Although there are substantial concerns with Idaho's current prison population, there have been many areas of improvement under the JRI legislation.

- 1) The emphasis on evidence-based practices has shifted agency strategies in a direction of determining how to safely reduce risk among the community and incarcerated population while also tracking and monitoring progress. The ongoing evaluation of efforts allows for continual dialogue regarding how to improve.
  - 2) The Limited Supervision Unit, use of focused supervision, and increased use of early discharge requests, have shown to be valuable means of reducing caseload sizes and enabling more focus/resources on the high-risk population. Caseloads for those PPOs monitoring moderate/high- and high-risk individuals have stayed below 50. More staff will help ensure efforts accomplished with these individuals results in behavioral change and reduction in risk.
  - 3) The greater emphasis on collecting restitution for victims and their families has resulted in close to \$1.1 million dollars collected since 2015. Additionally, a total of 540 restitution cases have been closed. Each year the total amount has increased, with over \$400,000 collected in 2018. Hopefully, this trend will continue.
  - 4) With improvements made in programming and case management within facilities, fewer offenders are serving past 150% of their fixed term in facilities. Only a monthly average of 11% of drug and property offenders were held past 150% of their fixed term in 2018.
  - 5) The increase of \$1.6 million per year in SUD funding (to over \$8 million total per year) and \$5.5 million in mental health funding per year is a good start to address the gap in coverage for many in community.
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## Areas of Concern

Despite the emphasis on evidence-based programming both within the community and in prison, focused supervision in the community, more funding for substance use and mental health treatment in the community and focusing on the risk and needs of each offender, Idaho has not touched the dial on recidivism. A similar portion of individuals continues to be incarcerated or re-incarcerated as before. Figure 3 (pg. 9) shown in this report indicates the three-year total recidivism rate for individuals placed on probation, parole, or discharged from term in 2015 was slightly higher than the rate for the previous three years, at 33.3%. Additionally, the Urban Institute<sup>17</sup> found that the recidivism had not changed pre/post JRI, and that more misdemeanors were now involved in violations than previously.

The recidivism rate indicates a need for development of more resources that will help reduce offender risk through addressing the needs of each offender. It also needs to be determined whether the best strategy for moderate and high-risk offenders is confinement in prison, more resources for them in the community, or both. For example, an individual with a high-risk score who has committed a drug or property crime and is incarcerated on a rider or term is much more likely to have never completed high school, have problems maintaining employment, have problems remaining drug free or maintaining sobriety, and have a lengthier criminal history than those on community supervision.

More money is spent to fund the Rider program per person than is spent per person on community-based programming. Between calendar year 2014 and 2018, an average of 2,288 offenders entered the Rider program each year, for an average of six to eight months. The average cost to incarcerate an offender at an IDOC facility between 2014 and 2018 was approximately \$64<sup>18</sup> per day. Therefore, the average Rider cohort during this time cost approximately \$26.7 million. Conversely, IDOC spent approximately \$8.4 million<sup>19</sup> per year (FY 2015-FY 2019) in SUD funding, and served about 4,800<sup>20</sup> offenders annually.

The next step, therefore, should be to determine whether higher risk offenders benefit more from community treatment or treatment while incarcerated. Are job skills, education, and sobriety more safely maintained in prison, or under what conditions can they be obtained while staying in the community? It is possible that if more resources are devoted to helping the high risk maintain housing, gain better employment or job skills, and stay drug-free while living in the community, the state could save money by not incarcerating them. However, the best methods of doing so still need to be determined. IDOC will continue to monitor all efforts to help Idaho's criminal justice community tackle these issues and identify means of lowering each offender's risk to re-offend.

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17. Pelletier, E., Courtney, L., Elderbroom, B (2018). Assessing the Impact of Idaho's Parole Reforms. Urban Institute. Retrieved at: <https://www.urban.org/research/publication/assessing-impact-idahos-parole-reforms>

18. Based on calculations from IDOC's Budget and Payroll department.

19. Based on calculations from IDOC's Fiscal department

20. IDOC SUD Funding Utilization Report