

Justice  
Reinvestment  
Impact  
in *Idaho*

Report to the Legislature



Idaho Department of Correction

February 2020

## 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 detailing any impact this legislation has had on our prison population from the legislation and any savings resulted from its implementation.

The JRI legislation is designed to promote the use of evidence-based strategies to improve outcomes through providing resources to the most at-risk probationers and parolees in the community and reserving prison space for more serious offenders, or those most likely to reoffend.

**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.”

### 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.
    - ✓ \$13 million saved through the creation of the Limited Supervision Unit (LSU).
    - ✓ \$1,607,034 collected from inmate garnishments and 674 restitution cases closed.
    - ✓ Over 4,250 offenders have been released early from probation and parole sentences, alleviating some of the strain from large caseload sizes.
    - ✓ More individuals have been released closer to parole eligibility and fewer Rider failures have freed up prison beds.
  - **Investments:**
    - ✓ \$53.2 million was invested between FY2015-FY2020 in JRI related activities, including primarily Substance Use Disorder (SUD) treatment funding and \$2.6 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 growing prison and community supervised populations, Idaho continues to have difficulty keeping community supervised offenders from entering or returning to incarceration. Since 2007, failures from supervision have made up at least two-thirds of IDOC’s annual admissions.
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## Introduction

In the spring of 2014, Idaho policymakers passed SB1357, more commonly known as the Justice Reinvestment Initiative (JRI). This legislation was created after receiving technical support from the Council for State Governments (CSG) that promoted policy change based on a data-driven approach emphasizing investments and reinvestments into strategies designed to reduce recidivism, thereby reducing correctional spending.

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 incarcerated individuals were people whose community supervision was revoked, people sentenced to a "Rider<sup>2</sup>", or 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.

After identification of the above three main challenges, CSG helped craft SB1357.

SB1357 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 initially went into effect in July of 2014.

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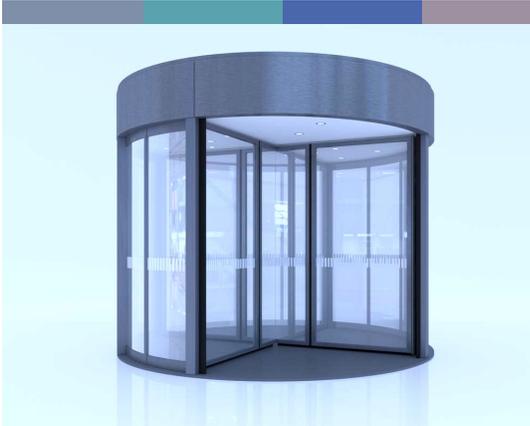
1. Council for State Governments Justice Center - <https://csgjusticecenter.org/jr/>

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.**

### 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
- Train PPOs in evidence-based strategies – motivational interviewing, LSI-R assessment of risk, etc.
- Improve management of victim restitution
- Increase 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 may be applied to an individual based on their risk level and identified needs. Examples of rewards include positive verbal feedback, certificates for completion of programming, written recognition, or a request for early discharge. Examples of sanctions include a verbal warning, increased substance use testing, increased reporting, discretionary jail time, or

a report of violation. Some events, however, such as a new felony, possession of a firearm, or absconding will always result in a violation of probation or parole. In addition, the court or Idaho Commission of Pardons and Parole (COPP) is notified whenever a probationer or parolee has a new felony, violent misdemeanor, discretionary jail time imposed, a level 3 sanction, or nine or more IRM points accumulated within six months. The IRM is used in conjunction with motivational interviewing techniques, substance use testing, substance use treatment, focused supervision strategies, etc. with the intent of providing a range of rewards and interventions that are unique motivators for change individualized for each person supervised in the community.

**Impact:** Measuring the absolute impact of IRM has been complicated by changes within the parole violation graduated sanction process since 2014 with a discontinuance of 90- and 180-day sanctions in 2017 and parole diversions in 2019. In addition, PPOs are more vigilant about documenting sanctions than rewards, making it difficult to determine whether a four to one ratio is being applied (four rewards per sanction). IDOC plans to add new responses that will provide additional accountability and intervention for people on supervision and expect that these tools (Connection and Intervention Stations, continued use of discretionary jail time, and increased electronic monitoring) will improve outcomes for people on supervision.

## 2) Prioritize Supervision Resources on Offender Risk to Reoffend

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

### Limited Supervision Unit

SB1357 included the creation of a Limited Supervision Unit (LSU) for those probationers and parolees whose risks and needs merited less supervision than higher risk individuals. In early 2017, this low risk probation and parole caseload was composed of over 2,300

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

individuals under the supervision of two probation and parole officers. By the end of 2019, that number had decreased to just over 1,400. However, with IDOC's change to focused supervision in 2017, low risk (LSI-R score below 16) were all similarly monitored. A few PPOs currently have 150 or more low risk individuals on their caseload or on a combined district caseload in addition to the low risk individuals supervised on LSU. The focused supervision strategy of switching a probationer or parolee to a new PPO's caseload if they increase or decrease in risk has also changed as IDOC understands the necessity of keeping individuals supervised in the community with a PPO they have established good rapport with. However, the LSU continues to provide an additional incentive for low risk individuals, as the cost of supervision fees are lower.

**Impact:** In FY2019, the average annual cost per probationer or parolee for supervision on a regular caseload was \$1,668 (\$4.57 per day)<sup>7</sup> compared to the average annual cost per supervisee on the LSU caseload \$201 (\$.55 per day)<sup>8</sup>. For an average of around 1,500 individuals per day, this equates to a savings of over \$2 million in 2019 and about \$13 million total since 2015.

### Early Discharge for Low Risk Offenders

Prior to the implementation of JRI, early discharge for probationers and parolees was available however the agency did not prioritize it as part of the duties of the PPO. Since the implementation of JRI, IDOC emphasizes early

## 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.

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

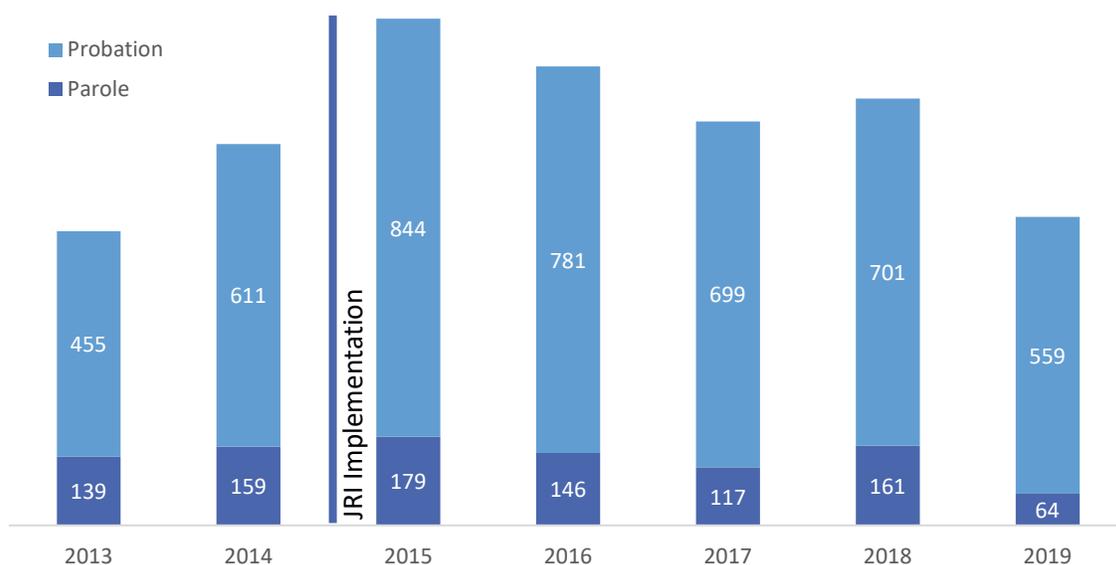
8. Based on calculations from IDOC's Fiscal department.

discharge as a reward for low risk individuals and an additional means to keep caseloads manageable for staff.

PPOs review low risk cases every six months to determine whether any are eligible for early discharge. The supervised 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. Recommendations must also be approved by the district manager prior to submission for final approval from the courts or the Parole Commission.

**Impact:** Since the implementation of JRI, early discharges initially increased to over 1,000 in 2015 but dropped to 623 in 2019, only slightly above the 594 granted in the year prior to JRI implementation, in 2013. Early discharge releases have allowed PPOs to reward compliance with the conditions of supervision and has saved Idaho additional cost of supervision fees. However, the process could still be improved. In a recent survey conducted by IDOC, probationers and parolees' most common complaints involved dissatisfaction in the amount of information available about how and when to apply for early discharge and adequate communication regarding how their application was being handled. A recent survey of PPOs also expressed frustration with the work involved to submit early discharges knowing despite their recommendations few would be granted. Another factor influencing the drop in early discharges from parole is that at the end of 2019 the parole commission switched to quarterly hearings rather than monthly, and none were granted the last two months of 2019 (Figure 1).

**FIGURE 1. NUMBER GRANTED EARLY DISCHARGE FROM PROBATION AND PAROLE: CY13-CY19**

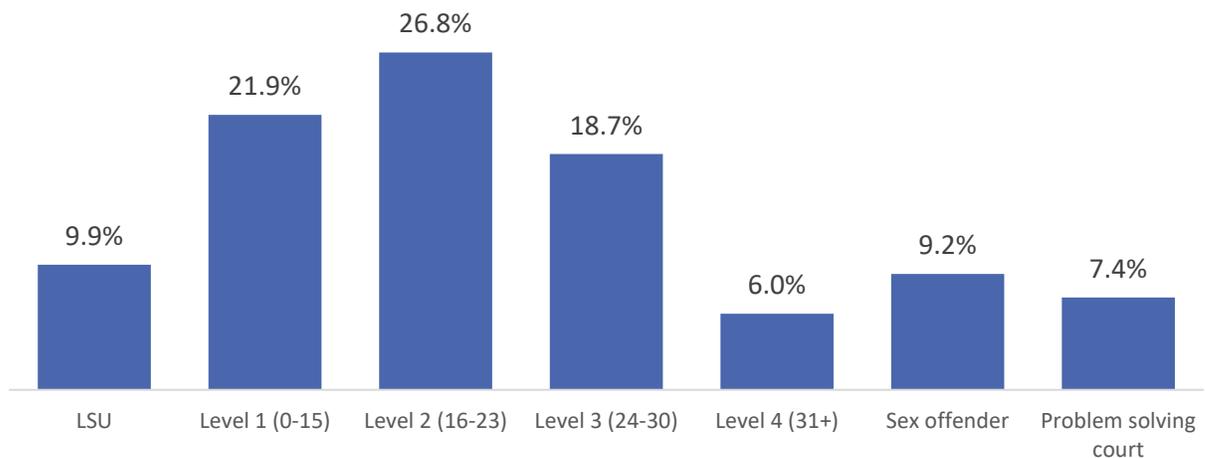


### Keep Officer/Offender Ratio for Mod/High Risk Below 50 to 1

SB 1357 sets the benchmark to keep the community supervised population of moderate to high risk individuals within a ratio of 50 probationers and parolees per PPO. Much more work is involved with moderate to high risk cases as they require a greater frequency of face-to-face contacts, 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 to help determine if risk has reduced in problem areas and if the score has changed. Idaho probation and parole switched to a practice of focused supervision in 2017 and developed benchmarks for the number of cases per PPO to be placed on low, low/moderate, moderate/high, high risk, sex offender and problem-solving court caseloads. While the intention was to have PPOs specialize in handling one type of risk/need caseload, this resulted in frequent movements between PPOs and led to staff and client frustrations. Then in 2019, the agency allowed PPOs to continue supervising individuals with whom they had gained rapport with even though this could lead to slightly higher caseload sizes.

**Impact:** Currently, there are around 16,700 probationers and parolees, of which one quarter are moderate to high risk, and 224 PPO positions. If the agency did not limit the number of moderate to high risk probationers and parolees per PPO and have larger caseloads for those managing the low risk population, the average caseload size would be 75. In January 2015, there was an average of 60 moderate to high risk per PPO supervising moderate to high risk caseloads and close to 14,000 on felony community supervision. IDOC has increased the number of PPO positions since 2015 and has around 57 moderate to high risk individuals supervised on caseloads (75 overall).

FIGURE 2. SUPERVISION LEVEL OF COMMUNITY POPULATION



NOTE: DOES NOT INCLUDE INDIVIDUALS IN PROCESS OF ASSIGNMENT TO A CASELOAD.

### 3) Training for Staff

Since the implementation of SB1357 in 2014, IDOC has spent \$2.6 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.

IDOC prison case managers and district Drug and Alcohol Rehabilitation Specialists were also trained in new treatment curriculum, including: 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 provided for CBI-SA training for contractual providers in the community.

**Impact.** IDOC understands the importance of staff training and continues to emphasize, update and provide training to staff to be successful in the ongoing implementation of SB1357.

### 4) Improved Management of Victim Restitution

Part of SB1357 mandated a victim restitution collection process that prioritizes payment to victims of crime. Twenty percent of all income deposited in an inmate's account can be prioritized for payment to the victim, other than if child support is also due.

**Impact:** Since 2015, IDOC has collected \$1,607,034 from inmate garnishments and closed 674 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.

SB1357: "... 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. If the court ordered an inmate to make restitution under section 19-5304, and the restitution is still owing, then twenty percent (20%) of each deposit... to the clerk of the court in which the restitution order was entered for payment to the victim."

### 5) More Funding for Treatment

Prior to JRI, Substance Use Disorder (SUD) funding was approximately \$6.8 million per year. This amount increased to over \$8 million between FY15-FY19. During FY18-FY19 \$5.5 million was also designated for the mental health treatment of probationers and parolees managed through the Idaho Department of Health and Welfare. After Idaho voted for the expansion of Medicaid (effective January 2020), the

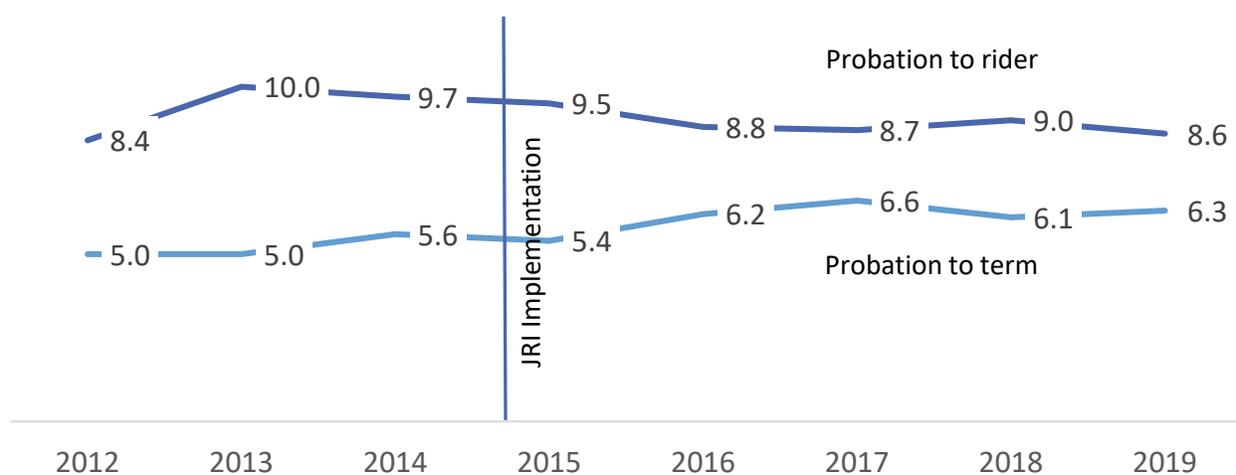
legislature decreased SUD funding for the FY20 budget to \$5.7 million with the expectation that Medicaid will increase access to treatment services.

**Impact:** Increases to SUD funding has improved access to treatment for probationers and parolees with quicker enrollment in treatment. However, the joint report between IDOC and Idaho Department of Health and Welfare, the Annual Community Gap Analysis<sup>9</sup>, continues to show a gap between the number of moderate to high risk probationers and parolees in need of but not receiving treatment. This gap will continue to be monitored to see if the expansion of Medicaid will improve access to treatment.

## 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. Just as prior to JRI, over two-thirds of the incoming prison population started out on probation or were on parole. As the chart below indicates, the probation violation rate has increased from an average of 13.4 per 1,000 probationers per month in 2012 to 14.9 per 1,000 (combined violations to rider or term). The rate of probation violations resulting in term commitments has increased from 5.0 per 1,000 probationers per month to 6.3 since 2012. Probation violations resulting in a rider have decreased from 10.0 per 1,000 probationers per month to 8.6 per 1,000 per month.

FIGURE 3. PROBATION VIOLATION RATE TO RIDER OR TERM: CY12-CY19

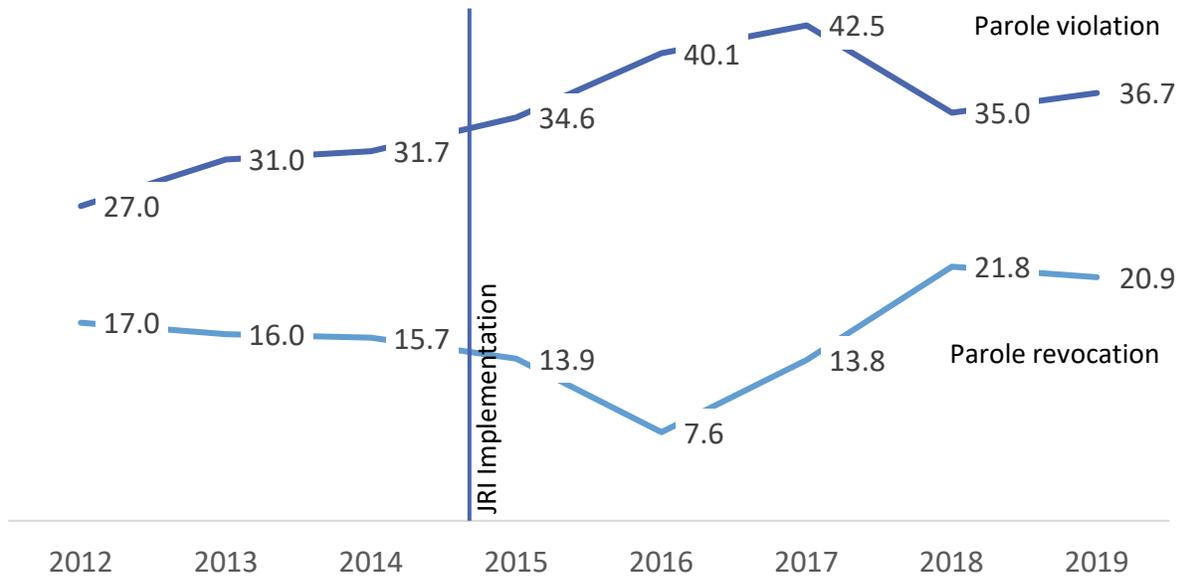


With the rollout of the 90- and 180-day sanctions for non-compliance, the number of violations increased from 27.0 to 42.5 per 1,000 parolees per month between 2012 to 2017

9. IDOC (2020). Annual Community Gap Analysis. Retrieved at: [https://www.idoc.idaho.gov/content/document/annual\\_community\\_gap\\_analysis\\_final\\_2020](https://www.idoc.idaho.gov/content/document/annual_community_gap_analysis_final_2020)

(Figure 4). After the switch to parole diversions, the violations decreased to 36.7 per 1,000 parolees per month. The parole revocation rate decreased initially during the 90- and 180-day sanction process from 17.0 in 2012 to 7.6 per 1,000 per month in 2016. The revocation rate, however, has since increased to 20.9 per 1,000 parolees per month, higher than prior to JRI implementation.

**FIGURE 4. PAROLE VIOLATION RATE: CY12-CY2019**



## 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.*

### Problems 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 to be more specific and diversify options for targeting noncompliance as well as more serious violations.
- Provide recidivism information provided to judges within the Pre-Sentence Investigation report based on risk of reoffending and sentencing option.
- Provide risk assessment information within parole guidelines for parole release decision making 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 independent of whether a technical violation or a new crime had been committed. This led to a change in the rule in spring of 2015 that ensured the sanctions would only apply to individuals with technical violations or non-violent new misdemeanor crimes. In

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.

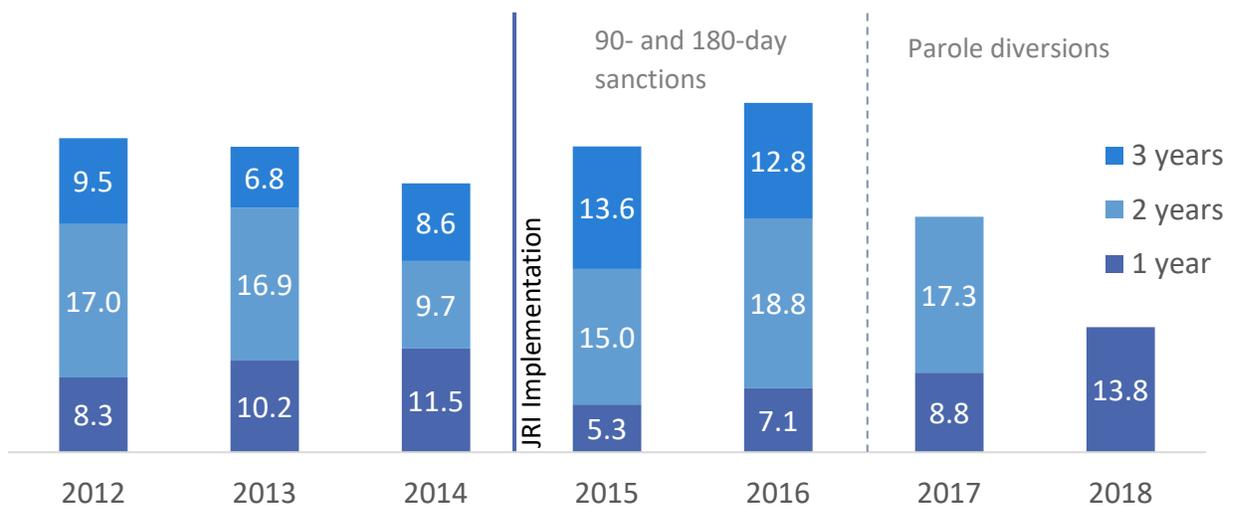
addition, the 90 or 180-day sanctions were at the discretion of the PPO rather than combined with oversight from the parole commission, resulting in a greater number of individuals serving time in county jails. To better manage diversion options for violations involving technical only or non-violent misdemeanors, further changes to the legislation in spring of 2017 tasked the parole commission with determining the best option for each parolee thereby removing the discretion from the PPO.

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

In October 2019, the parole violation process was again modified, and parole diversions were removed as alternative sanctions. However, IDOC is expecting to be able to offer some additional violation options such as day reporting and increased opportunities for electronic monitoring beginning July 2020.

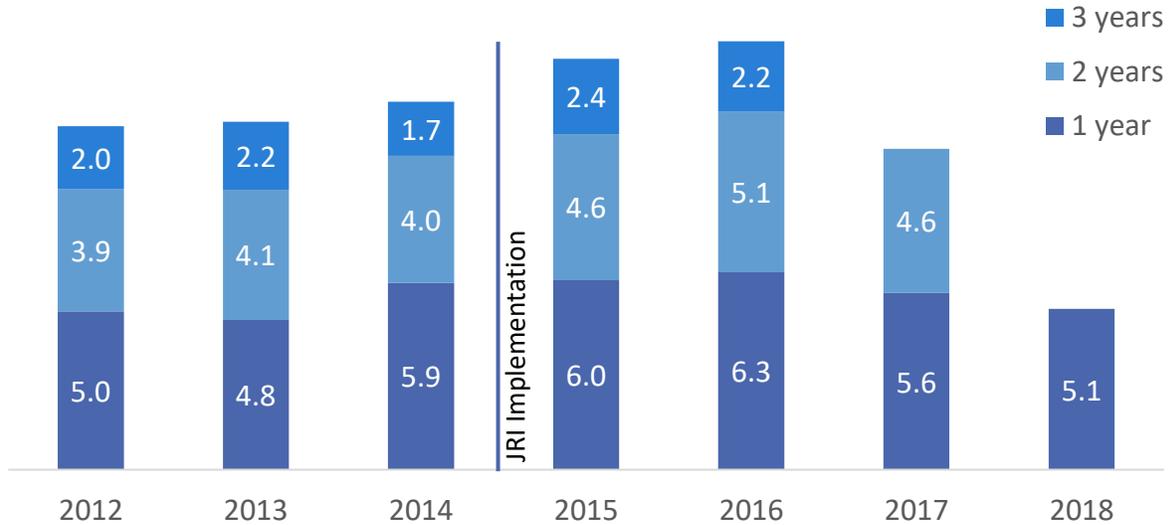
**Impact:** While there were 90- and 180-day sanctions available, as shown in Figures 5 below, increased revocations occurred within the second and third year of parole rather than the first. Further, there were more total revocations for the 2016 cohort than prior to the 90- and 180-day sanctions. As indicated, the one-year revocation rates for 2017 and 2018 (years with prison diversion options available) have increased numbers revoking parole, with 13.8% in 2018.

FIGURE 5. PERCENT OF PAROLEES REVOKING PAROLE WITHIN 1,2 AND 3 YEARS: CY12-CY18



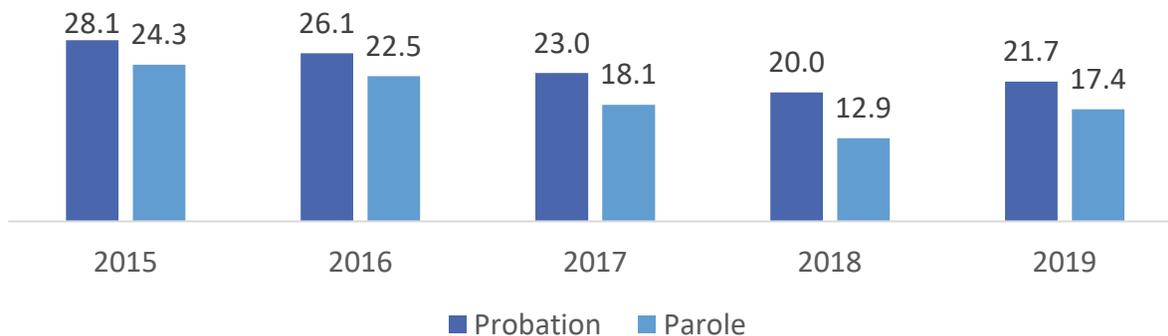
The percentage of revoked probations resulting in term sentences imposed within 3 years has also increased since JRI implementation, from 10.9% in 2012 to 13.6% in 2016.

**FIGURE 6. PERCENT OF PROBATIONERS REVOKING PROBATION TO TERM WITHIN 1,2 AND 3 YEARS: CY12- CY18**



The number of probation and parole violations involving only technical violations rather than violations with a new crime or absconding supervision initially decreased for probationers and parolees between 2016 through 2018 followed by an uptick in 2019 (Figure 7). As parole diversions for such individuals have been removed, the Connection and Intervention Stations will be beneficial as an available graduated sanction starting July 2020. These Stations will be located within several Idaho communities and staffed by individuals who can provide specific services to probationers and parolees for their specific needs. Similar programs have shown promising results in the reduction of recidivism rates. The interventions and assistance provided at the community sites should result in a direct impact on IDOC capacity efficiency, thereby reducing the financial burden of moving inmates to out-of-state and/or private facilities.

**FIGURE 7. PORTION OF PROBATION AND PAROLE VIOLATIONS INVOLVING ONLY A TECHNICAL VIOLATION: CY15- CY19**



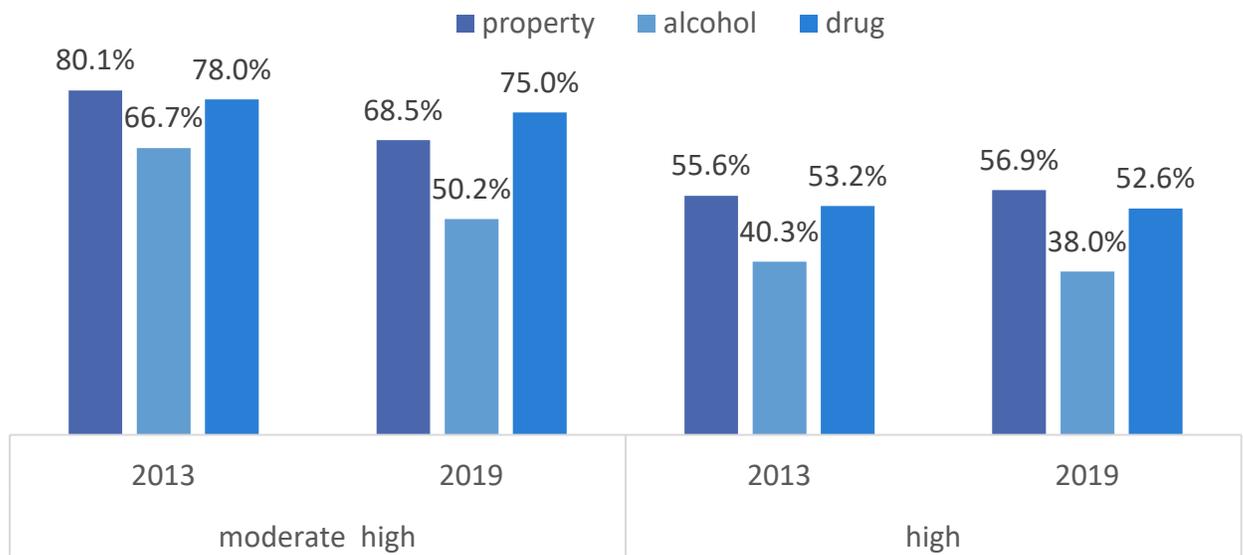
## 2) Recidivism Information Provided to Judges

As per SB1357, all Pre-Sentence Investigation reports are updated with new three -year recidivism rates for individuals sentenced directly to probation, rider or term, 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 recidivate at more than double the rate (15.8% vs 5.9%).

Figure 8 indicates trends in sentencing for non-violent crimes since the inclusion of recidivism information by risk has been included in the PSI. Individuals who have been convicted of non-violent offenses and are moderate risk (24-30 LSI-R) 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 2019). Individuals who are considered high risk (31+) at sentencing are similarly likely to be sentenced to probation, less likely to be sentenced to a rider, and more likely to be sentenced to term since 2013. It is uncertain if this is a direct result of PSI information provided to judges at sentencing.

**FIGURE 8. PERCENT SENTENCED TO PROBATION VERSUS RIDER OR TERM FOR NON-VIOLENT PROPERTY, ALCOHOL AND DRUG CRIMES, MODERATE HIGH (24-30 LSI-R) AND HIGH RISK (31+ LSI-R): CY13 COMPARED TO CY19**



- ✓ Moderate high risk (24-30 LSI-R) property and drug convictions were more likely to result in rider sentences (property 14.7% vs 23.7%; drug 15.2% vs 17.7% in 2019); moderate high risk alcohol crimes (driving under the influence or aggravated driving under the influence) were more likely to result in a term sentence (7.2% vs 16.3%) and similarly likely to result in a rider sentence.

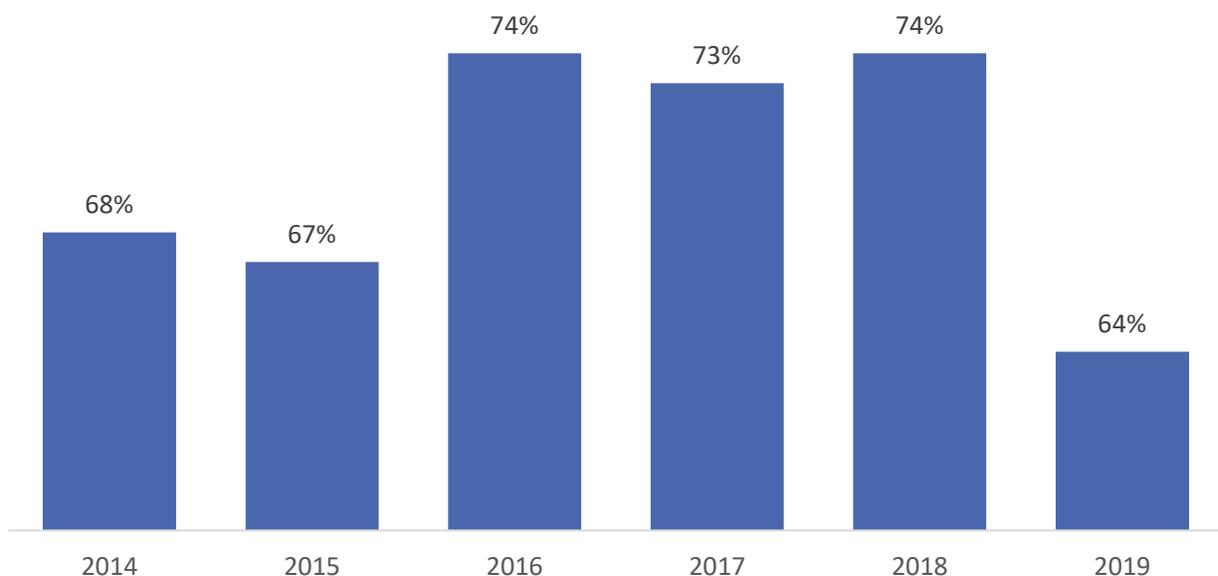
- ✓ Although slightly over half of the high risk (31+) population with non-violent crimes were sentenced to probation in 2019, high risk (31+) individuals with alcohol crimes were more likely to be sentenced to incarceration as a rider (38.0%) or term commitment (24.0%) rather than probation.
- ✓ High risk (31+) sentences imposed as term have increased for non-violent crimes: property (9.7% vs 14.1%), alcohol (18.0% vs 24.0%) and drug convictions (12.5% vs 15.9%).

### 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 in 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. While they did not find a change in the rate of grant versus deny decisions, they did find greater transparency and consistency. In 2019, however, as indicated in Figure 9, the grant rate for regular parole hearings in 2019 has decreased from previous years. The guidelines, however, continue to be implemented and will be validated within CY20. The conformance to the guidelines was 67% in 2018 and 58% in 2019.

FIGURE 9. GRANT RATE FOR REGULAR HEARINGS

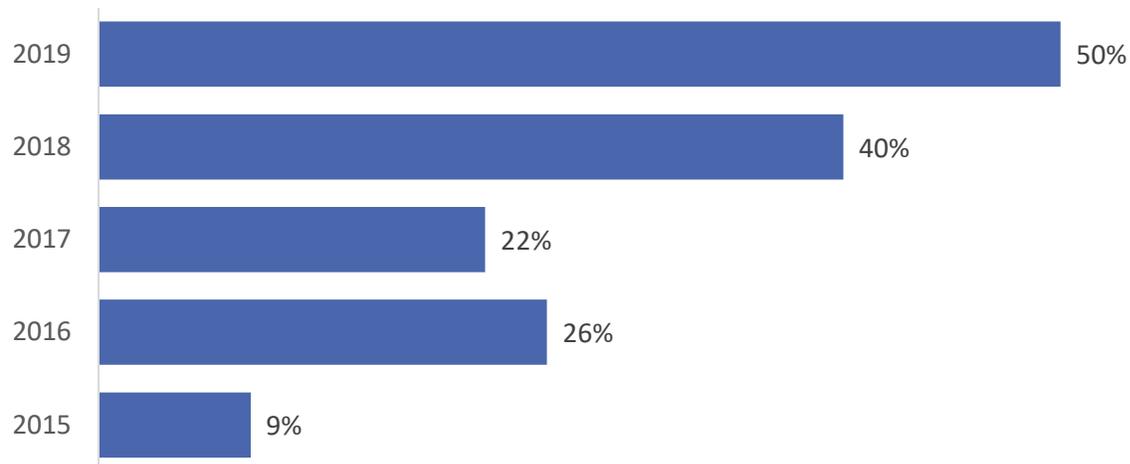


11. Pelletier, E., Courtney, L., Elderbroom, B (2018). Assessing the Impact of Idaho’s Parole Reforms. Urban Institute. Retrieved at: <https://www.urban.org/research/publication/assessing-impact-idahos-parole-reforms>

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

Since JRI implementation, IDOC has emphasized parole readiness and has increased the percent of incarcerated individuals who have completed all programming by their parole hearing, up from just 9% in 2015 to 50% in 2019 (Figure 10).

FIGURE 10. PROGRAM COMPLETION AT THE TIME OF COMMISSION HEARING



### Overall Impact to Use of Prison Space

#### 1. Composition of prison population

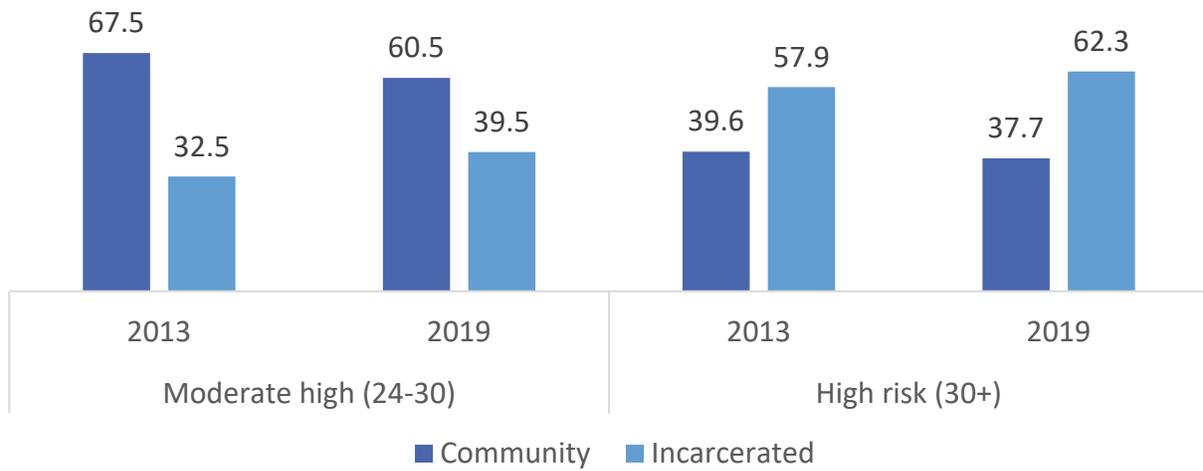
As CSG found, Idaho's prisons continue to house a high rate of individuals who were unsuccessful on community supervision.

- ✓ Three quarters (75.9%) of admissions to term in 2019 either violated probation (32.0%), violated parole (34.6%), or failed a rider (9.3%).

One effect of the focus on risk at sentencing and within the community has meant that individuals with higher risk scores are more likely to be incarcerated rather than live in the community. For example, Figure 11 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 (24 – 30 LSI-R) living in the community from 2013 and 2019 has decreased from 67.5% to 60.5%.
- ✓ Individuals considered high risk, with a score of 30 or above are increasingly incarcerated (57.9% in 2013 compared to 62.3%).

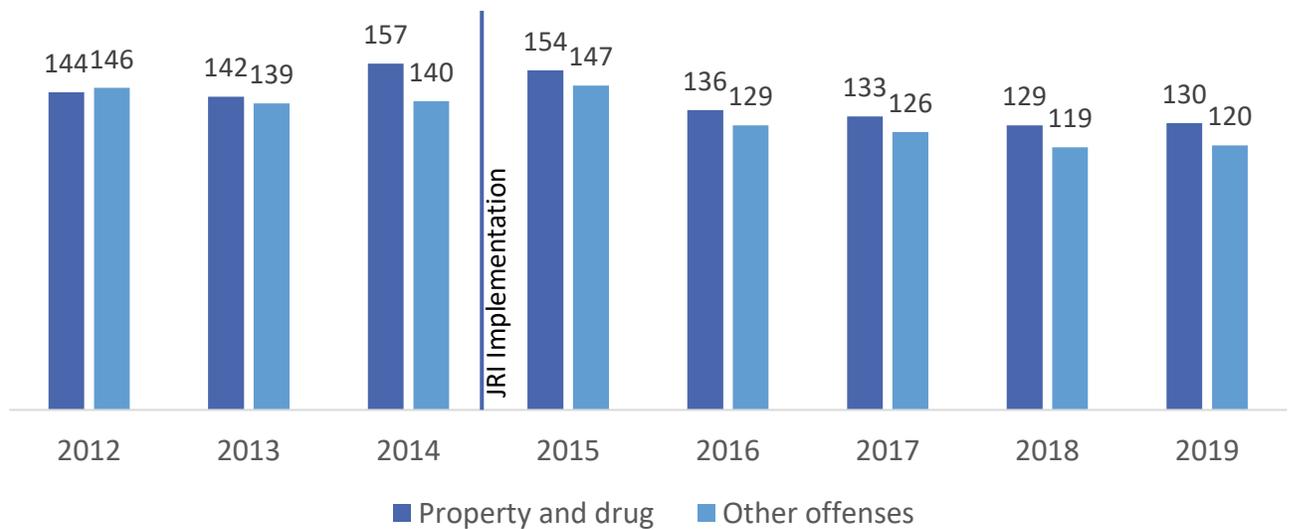
**FIGURE 11. PERCENT SUPERVISED IN COMMUNITY VS INCARCERATED, MODERATE HIGH AND HIGH RISK: 2013 AND 2019**



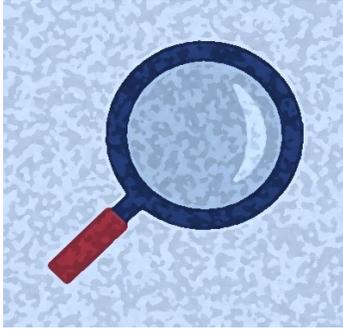
## 2. Increased percent released close to parole eligibility

IDOC tracks the percent of fixed time served for incarcerated individuals released to their first time on parole. As shown in Figure 12, the average percent of the sentenced served for both property/drug and other offenses has decreased since 2012 from 144% and 146% respectively in 2012 to 130% and 120%. Although, these numbers reflect only first-time parole releases, this has an impact on bed space for IDOC institutions.

**FIGURE 12. AVERAGE PERCENT OF FIXED TIME SERVED FOR FIRST TIME PAROLE: CY12-CY19**



## Challenge 3: Insufficient Oversight



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

### Problems Identified:

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

### SB 1357 Strategy:

- Established oversight committee to assess policy impacts
- Required risk and need assessments to routinely be reviewed for quality
- Increased capacity of state agencies to collect and analyze data to reduce inefficiencies and cut costs
- 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 monitored and guided the progression of JRI policies for five years. The committee was scheduled to cease to exist after a final report to the legislature in 2019 however it has been extended until 2023.

### 2) Risk and need assessment validated

The LSI-R assessment has been in use in Idaho since 2002. Part of SB1357 requires the tool to be validated for the population every five years. The first validation was completed in spring of 2015 and will occur again in 2020.

**Impact:** The regular validation of this tool provides IDOC and COPP improved understanding of which probationers and parolees require higher levels of supervision and how risk factors correlate with recidivism for different sub-populations. The 2020 validation will indicate whether the cut-off scores for low (0-15), low moderate (16-23), moderate high (24-30) and high (31+) continue to be appropriate.

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

Through investments into IT capabilities within both IDOC and COPP, both agencies track JRI related information and make more informed decisions about the current offender population. COPP was able to create an internal data management system in 2015, allowing for more successful tracking of information from parole hearings, violation hearings, etc. The data collected from COPP's system, as well as from IDOC's offender management system, are available to both agencies within a shared data warehouse.

IDOC has purchased a new offender management system (CORIS) that will be implemented within the next several years. Improvements to the data infrastructure will further allow for improved tracking and data analysis. Continued enhancements will help IDOC and COPP determine how to improve strategies aimed at improving outcomes for the community supervised population, as well as safely monitor incarcerated individuals and better 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 individuals and provide a report concerning the audits to the legislature every two years. The first report was completed immediately after the Justice Program Assessment by CSG in 2015. It was determined Idaho needed to change programming to meet the intent of SB1357 and offer only evidence-based programming.

**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 for several years and the most recent report<sup>12</sup> in 2019 showed all programs assessed with the CPC tool were either “effective” or “highly effective.” All but one program assessed with the CPC-GA tool had either a “very high adherence” or a “high adherence” to evidence-based practices.

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12. IDOC (2019). Program Effectiveness Report. Retrieved at: [https://www.idoc.idaho.gov/content/document/2019\\_program\\_effectiveness\\_report](https://www.idoc.idaho.gov/content/document/2019_program_effectiveness_report)

## Idaho's Investments



Since Fiscal Year (FY) 2015, Idaho has invested \$53.2 million in JRI related activities for IDOC and COPP (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>13</sup> and SB 1421<sup>14</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	SUD	TRAINING	TRAILER BILLS	WBOR	LSI VALIDATION	TOTAL
<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>FY 2020</b>	\$5,772,200	\$295,000		\$27,000		\$6,094,200
<b>TOTAL</b>	<b>\$47,618,800</b>	<b>\$2,648,700</b>	<b>\$2,784,100</b>	<b>\$162,000</b>	<b>\$21,500</b>	<b>\$53,235,100</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).

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

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

## FY2016 – FY2020

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.

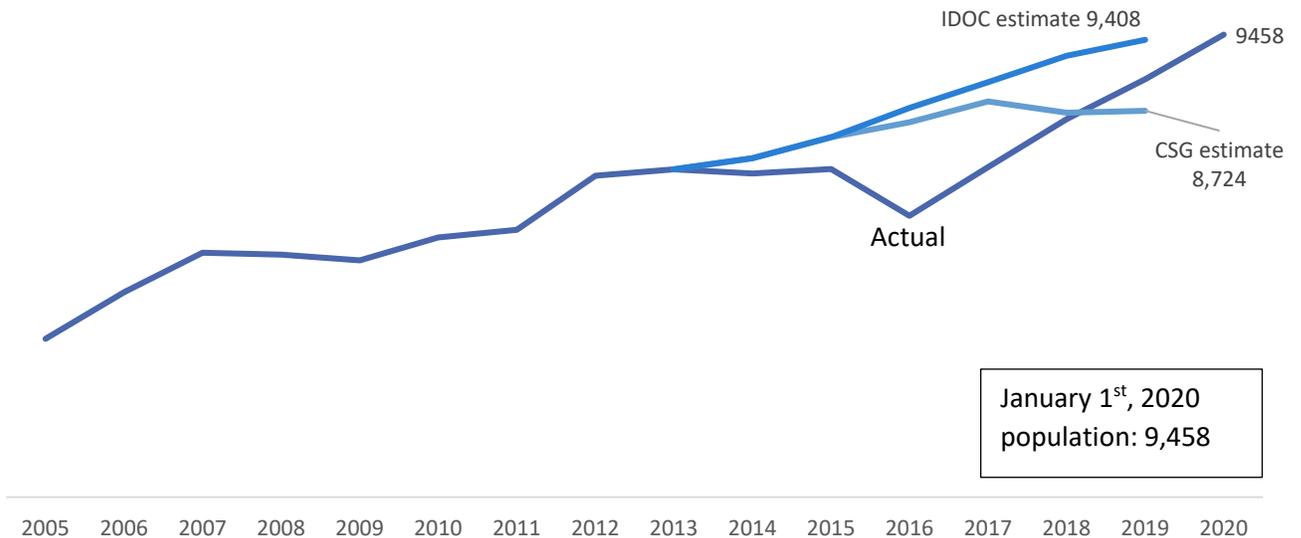
# Conclusion

## 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 of spending could be averted by reducing the state’s prison population and lessening the potential construction of additional facilities.

IDOC’s average yearly population was used to calculate an estimated cost-avoidance (Figure 13). The calculation is based on methodology developed by the Results First<sup>15</sup> model (Washington State Institute of Public Policy) which focuses only on marginal operating expenses directly associated with inmates (this excludes items such as: employee development, maintenance, administrative costs, etc).

FIGURE 13. FORECASTED PRISON POPULATION TO ACTUAL: FY2005-FY2020



Using the formula described above, the cost per day for an incarcerated individual under IDOC supervision is approximately \$30.44 (FY2019). Using these figures, IDOC has averted approximately \$19.4 million<sup>16</sup> in prison costs since JRI was implemented 5.5 years ago

15. Idaho Results First (2012) - Definitions, Methodology, Results  
 16. Based on calculations from IDOC’s Budget and Payroll department.

compared with CSG's forecast (Figure 13). This number has been decreasing from year to year from a high of just under \$7 million in averted costs in 2017 to a loss of \$3.3 million in 2019 when the population surpassed the CSG estimate. Compared with the initial IDOC forecast, Idaho has averted \$36.7 million.

Early on with JRI implementation the IDOC incarcerated population dropped to a low of 7,678 in May of 2016. This was primarily driven by a change in programming, switching away from providing the Therapeutic Community treatment model, which increased the numbers of individuals eligible for release. Since this time, the average annual population growth has been around 5.0%, increasing to 9.7% in January 2020. If the current growth continues, the population could easily reach 10,000 by January 2021. IDOC's in-state operational capacity is 7,686.

### 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.

- 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 on-going improvement.
  - The Limited Supervision Unit, use of focused supervision, and use of early discharge have shown to be valuable means of reducing caseload sizes and enabling more resources to be focused on the high-risk population.
  - The greater emphasis on collecting restitution for victims and their families has resulted in close to \$1.6 million dollars since 2015. Additionally, a total of 674 restitution cases have been closed.
  - With improvements made in programming and case management within facilities, fewer individuals are serving past 150% of their fixed term in facilities. Only a monthly average of 12% of drug and property offenders were held past 150% of their fixed term in 2018.
  - 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. It is yet to be determined how Medicaid expansion will affect those needing treatment in the 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 reincarcerated as before. Figure 14 indicates the three-year total recidivism rate for individuals placed on probation, parole, or discharged from term in 2016 was much higher than previous years, at 37.0%.

**FIGURE 14. ONE- AND THREE-YEAR RECIDIVISM RATES**



The recidivism rate indicates a need for development of more resources that will help reduce risk through addressing the needs of each individual. It is hoped that the new Connection and Intervention Stations opening in FY21 will help address this gap and allow individuals to remain safely in the community rather than be incarcerated. Approximately 2,337 individuals were sentenced to serve a rider in 2019 and incarcerated for an average of seven months. The cost per day for a rider bed at North Idaho Correctional Institution in Cottonwood was \$68.38 in FY19, costing at least \$14,360 per person. On the other hand, an average of \$1,581 was spent on services through SUD funding in FY19 for individuals not recidivating<sup>17</sup>.

17. IDOC (2020). Annual Community Gap Analysis. Retrieved at: [https://www.idoc.idaho.gov/content/document/annual\\_community\\_gap\\_analysis\\_final\\_2020](https://www.idoc.idaho.gov/content/document/annual_community_gap_analysis_final_2020)