



Justice Reinvestment in Idaho

Impact at Seven Years

Report to the Legislature

Idaho Department of Correction

February 2022



Executive Summary

Idaho code 20-216 requires an annual report from Idaho Department of Correction (IDOC) detailing any impact the 2014 Justice Reinvestment legislation has had on our prison population and any savings resulting from its implementation.

The JRI legislation was designed to promote the use of evidence-based strategies to improve outcomes. The objective was to provide community resources to the most at-risk probationers and parolees in the community and reserve prison space for those most likely to reoffend.

Savings

- Use of the Limited Supervision Unit caseload has saved the state about **\$15 million in cost of supervision** since 2015.
- Over 6,000 individuals have earned early release from their sentences since 2014.
- Since 2015, IDOC has collected \$2.6 million for victim restitution and closed 1,106 cases.
- The current prison population is 200 below the original forecasts, saving tax dollars for bed stays.

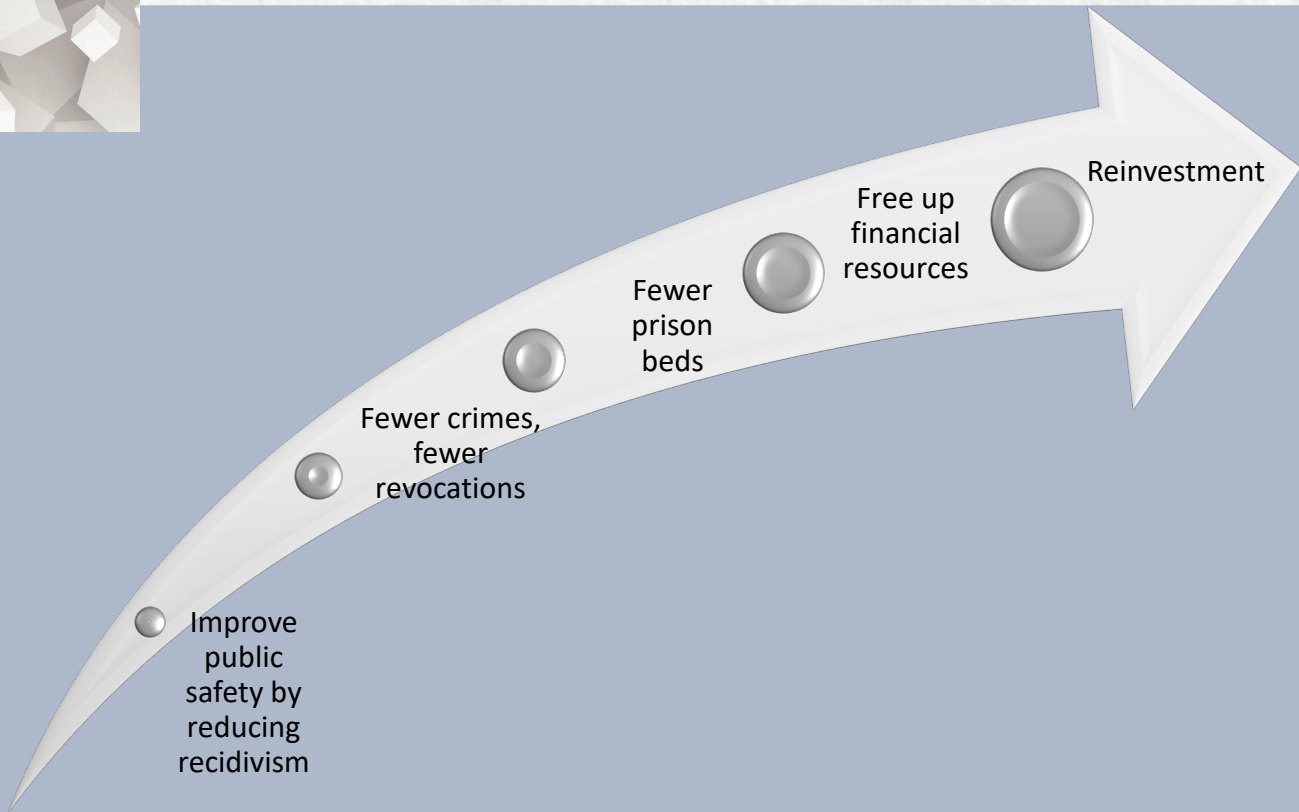
Investments

- Idaho has spent about \$60 million in JRI related activities since FY2015.

Improvements

- IDOC continues to focus on evidence-based strategies and has made many changes to supervision practices in the community, resulting in fewer moderate to high-risk probationers or parolees per PPO.
- IDOC continues to monitor performance outcomes and to make improvements where necessary.

Introduction



In July 2014, the Idaho Justice Reinvestment Initiative (JRI) was implemented to solve three main identified challenges that were contributing to Idaho's prison growth:

1. **Revolving door.** The state's supervision and diversion programs were not reducing recidivism.
2. **Inefficient use of prison space.** Much of the incarcerated population consisted of individuals who had been convicted of non-violent offenses or whose community supervision was revoked.
3. **Insufficient oversight.** Idaho lacked a system to track outcomes, measure quality, and track recidivism-reduction strategies and consequently, policymakers were unsure whether their investments were yielding intended outcomes.

This report examines progress, implementation, investments and impacts of the JRI legislation since the JRI legislation went into effect in July of 2014.



Revolving Door

Most felony convictions were initially sentenced to probation or a rider¹ term, however, one-third ended up spending time in prison by either failing the Rider program or from probation revocation.

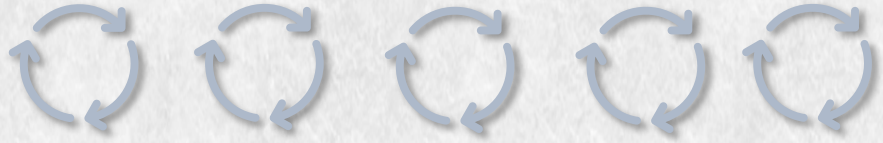
JRI Strategy: Strengthen Community Supervision Practices and Programs

1. Use evidence-based practices with *swift and certain sanctions* for probation and parole violations.
2. Prioritize supervision resources based on risk to re-offend.
3. Train PPOs in evidence-based strategies.
4. Improve management of victim restitution.
5. Increase funding for community-based treatment.

1. A Rider is someone committed to Retained Jurisdiction under the courts for up to 365 days. Upon completion, the courts will determine whether to place the person on probation or incarcerate them for their fixed term.

Behavioral Matrix and Swift and Certain Sanctions

JRI required the creation of “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 matrix provides Probation and Parole officers with a progressive range of rewards and interventions that may be applied to everyone on supervision and corresponds to their identified needs and risk for re-offense.

- Rewards may include positive verbal feedback, certificates for completion of programming, written recognition, or a request for early discharge.
- Interventions may include a verbal warning, increased substance use testing, increased reporting, discretionary jail time, or a report of violation.
- Some events, such as a new felony, possession of a firearm, or absconding will always result in a probation or parole violation.

The IRM is used in conjunction with motivational interviewing techniques, substance use testing, substance use treatment, and focused supervision strategies with the intent of providing an individualized range of rewards and interventions that are unique motivators for change for each person supervised in the community.

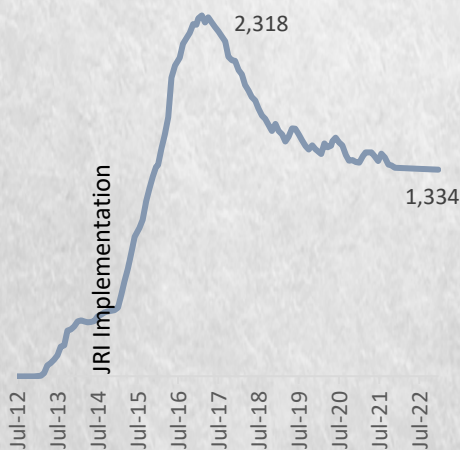
Impact: IDOC has monitored the per officer usage of interventions and rewards since the implementation of the matrix. The goal has been to apply a ratio of four rewards per intervention and to document this within IDOC’s case management system. However, comprehensive data entry from all interactions between the PPO and clients has not happened and entries have dropped off more over the course of the Covid -19 pandemic. A recent external evaluation of the use of the matrix indicated that per officer use varies between officers and between districts, with around 4 sanctions per reward. Without better documentation, however, it is difficult to know which interventions and rewards have been most successfully applied. Going forward, it is expected that IDOC’s new case management system “Atlas” will enhance case planning and make behavior matrix entries easier.

Prioritize Supervision Resources on Risk

JRI required several measures to ensure IDOC focused resources on individuals most likely to re-offend; such as:

- 1) creation of the Limited Supervision Unit;
- 2) earned 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.

Limited Supervision Unit

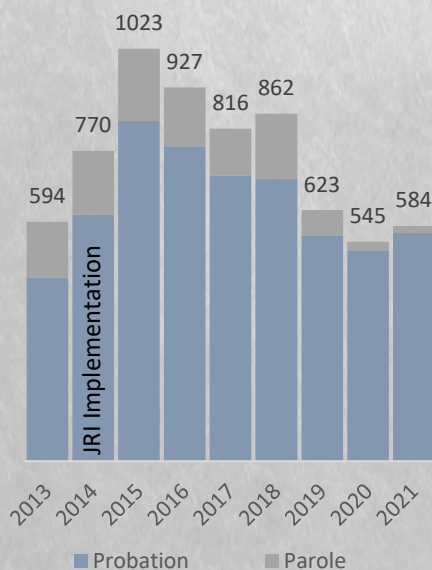


Limited Supervision Unit

The Limited Supervision Unit (LSU) is for those probationers and parolees whose risks and needs merit less supervision than higher risk individuals. In early 2017, this low-risk caseload reached a peak of over 2,300, then dropped to an average of 1,400 people per day under supervision in 2021.

Impact: In FY21, the average annual cost per probationer or parolee for supervision on a regular caseload was \$1,617 compared to \$124 for LSU. For an average of around 1,400 individuals per day, this difference equates to a savings of over **\$2 million** in 2021 and about **\$15 million** total since 2015.

Earned Early Discharge



Earned Early Discharge for Low-Risk Probationers and Parolees

IDOC emphasizes early discharge as a reward for low-risk individuals. Also, it is an additional means to keep caseloads manageable for staff. PPOs review low risk cases every six months to determine whether any are eligible.

Impact: Since the implementation of JRI, early discharges initially increased to over 1,000 in 2015 but have since dropped. In 2021, there were just 566 probation and 18 parole earned early discharges. It should be mentioned that the process for parole earned discharge has changed and petitions are only heard quarterly within commutation hearings. However, overall, earned early discharges have allowed PPOs to reward compliance with the conditions of supervision and has saved Idaho additional cost the state pays for people on supervision.



Prioritize Supervision Resources on Risk

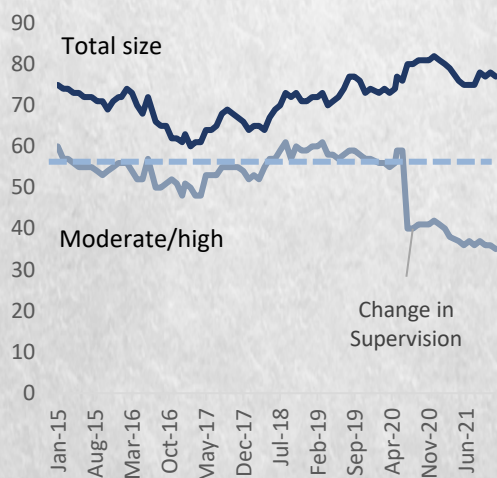
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Keep officer/client ratio for mod/high risk below 50 to 1

JRI set the benchmark to keep the community supervised population of moderate to high-risk individuals within a ratio of fewer than 50 per PPO. Much more work is involved with the supervision of moderate to high-risk cases, and fewer numbers allow for improved relationships.

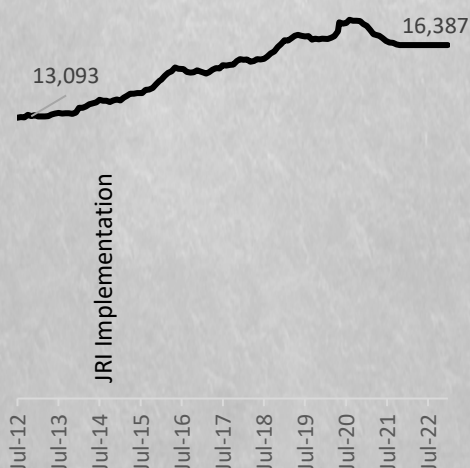
Impact: At the end of 2021 there were over 16,000 felony probationers and parolees living within Idaho and 224 PPO positions. General caseloads in FY21 averaged about 77 per officer, of which 35 were moderate to high risk. The dramatic dip in 2020 is the result of a change in supervision categories from four levels to three. There was also a change in supervision strategy to allow general caseloads supervising different types rather than specialized caseloads. This strategy has resulted in spreading out more of the moderate to high-risk individuals between PPOs and has dropped the average per caseload.

Average Caseload Size



Note: Caseload size was not tracked prior to 2015.

Population Under Community Supervision



Training for Staff

Since 2014, IDOC has provided ongoing 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. In addition, the Drug and Alcohol Rehabilitation Specialists in the districts have all been trained to provide the Advanced Practice curriculum as part of Rider Aftercare.

Impact. IDOC understands the importance of training staff and continues to emphasize, update and improve access and types of training available. In the coming year, IDOC will undergo new training for PPO staff on the University of Cincinnati Effective Practices in Community supervision (EPICS) curriculum.



Other Revolving Door Strategies

Victim Restitution

JRI prioritized the collection of victim restitution. Twenty percent of all income deposited in an incarcerated individual's account can be applied as payment to the victim, except in cases where child support is also due.

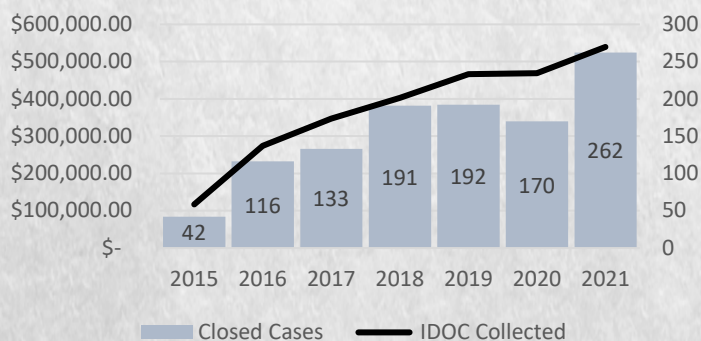
Impact: Since 2015, IDOC has collected \$2.6 million for victim restitution and closed 1,106 cases. The amount collected has increased every year. In 2021, the total was over \$500,000 with 262 closed cases.

Increased Funding for Community 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 mental health treatment for probationers and parolees. After the expansion of Medicaid in January of 2020, the legislature decreased SUD funding to \$2.8 million with the expectation IDOC clients will qualify for Medicaid and access additional services in the community.

Impact: The FY21 Annual Community Gap Analysis indicated 20.4% of moderate to high-risk individuals did not receive any substance use or mental health services and were not enrolled in Medicaid within the fiscal year.

Victim Restitution Collected by IDOC and Closed Cases



Note: This only reflects monies IDOC has collected. Idaho counties also collect victim restitution.

From a survey of moderate to high-risk individuals on community supervision, the most common reasons for not obtaining substance use or mental health services in FY21 included:

- covid disrupted their ability to get treatment,
- there was a lack of available treatment close to them, and
- affordable treatment was not available.

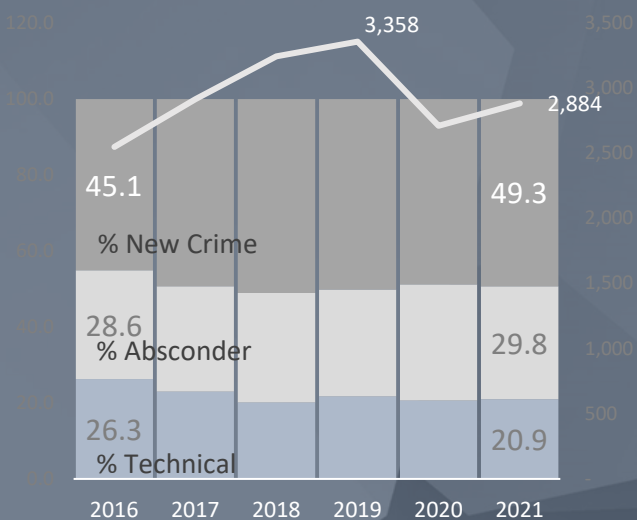
*Taken from IDOC FY21 Annual Community Gap Analysis



Tailored Sanctions

Tailored confinement responses for probation and parole violations

Number and Type of Probation Violations: 2016-2021



JRI created graduated responses for parole violations that included up to 90 days of confinement for a first violation and 180 days after the second. However, a loophole in the legislation allowed for the release of any parole violator after 90 or 180 days regardless of whether a technical violation versus a new crime had been committed. This led to a change in the rule in spring of 2015 that limited the sanctions to only those individuals with technical violations or non-violent new misdemeanor crimes.

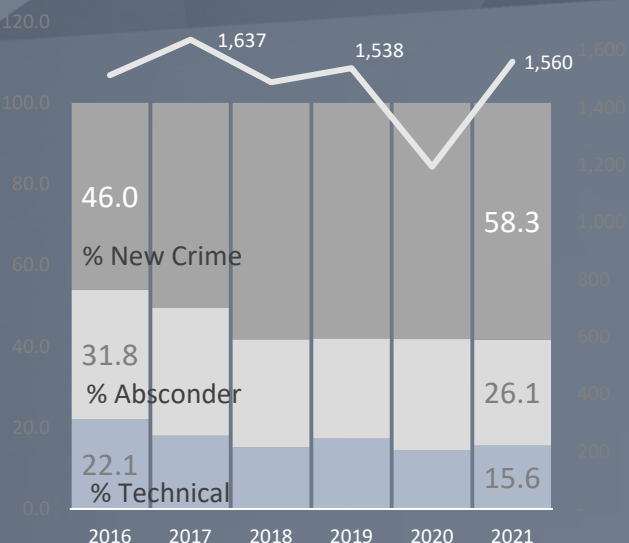
The 90- and 180-day sanctions were discontinued in spring of 2017 when the legislation was changed to enable the parole commission to choose between several different diversion options for technical or new non-violent misdemeanor crimes.

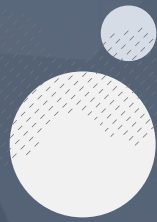
In October 2019, the process changed again with the discontinuation of the parole commission's use of various diversions. Instead, the PPO once again is tasked with ensuring various interventions are appropriately applied to each client under their supervision.

IDOC has recently expanded the variety of different interventions available to the PPO when faced with a struggling client. Various new enhancements include expanded GPS monitoring, increased urinalysis testing, and the opening of Connection and Intervention Stations in all seven districts across the state.

Impact: More probation and parole violations involve new crimes now than in the past with fewer total violations.

Number and Type of Parole Violations: 2016-2021





Recidivism in PSI

Recidivism Information Provided to Judges

JRI requires all Pre-Sentence Investigation reports to annually be updated with three -year recidivism rates by risk level for those sentenced directly to probation, rider or term.

Because of the 2020 LSI-R validation study and subsequent change in cut-off scores between women and men, the LSI-R information for the PSI is now also differentiated by gender.

Impact: This year, the breakouts by sentence type and risk indicate that lower risk individuals have poorer outcomes if they are sentenced to a rider or term than if they are placed on probation. Also, higher risk men and women have better outcomes if they are sentenced to probation rather than placed on a rider.

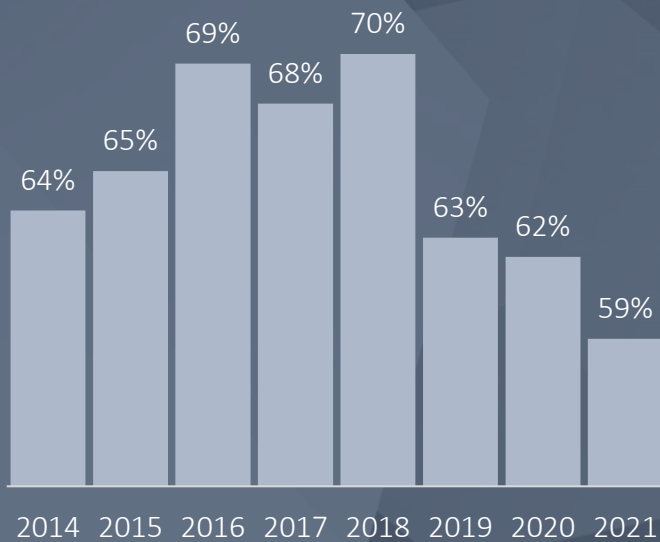
Three Year Recidivism Rates for the Pre-sentence Investigation Reports

2018	LSI-R Risk Category	Direct to Probation	Direct to Rider	Direct to Term
Men	Low (0-20)	12.9%	26.1%	29.4%
	Moderate (21-28)	34.7%	45.8%	37.3%
	High (29+)	50.1%	55.1%	51.4%
2018	LSI-R Risk Category	Direct to Probation	Direct to Rider	Direct to Term
Women	Low (0-22)	12.3%	20.0%	23.7%
	Moderate (23-30)	30.7%	36.4%	36.1%
	High (31+)	47.4%	52.9%	41.2%

Risk Assessment Informs Parole Release and Parole Readiness



Parole Grant Rate

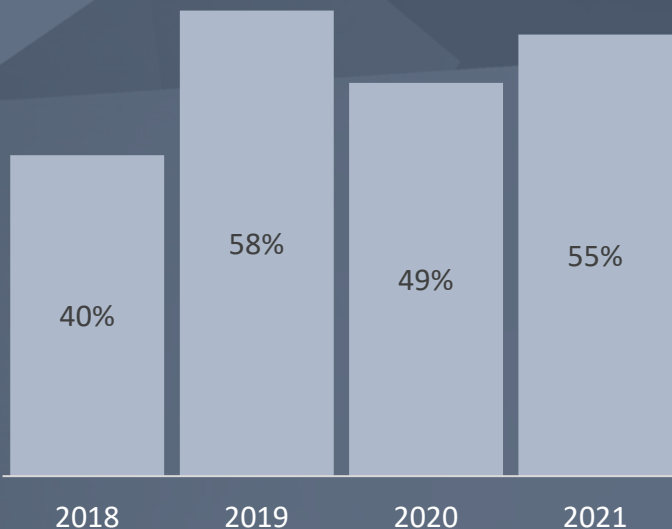


Risk Assessment Informs Parole Release

JRI 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: The parole grant rate increased to 70% in 2018 but has since declined.

Programming Completion Prior to Parole Hearing



Parole Readiness

Since JRI implementation, IDOC has emphasized parole readiness and has worked to increase the number of individuals who have completed programming by the time of the parole hearing.

Impact: In the past few years, about half of the population has completed programming prior to their parole hearing.

Note: Changes in data tracking make comparisons prior to 2018 more difficult.



Insufficient Oversight

Idaho lacked a system to track outcomes, measure quality, and track recidivism-reduction strategies and consequently, policymakers were unsure whether their investments were yielding intended outcomes.

JRI Strategy: Increase Oversight

- 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.



Insufficient oversight

Oversight Committee Established

JRI established the Criminal Justice Reinvestment Oversight Committee. The Committee monitored and guided the progression of JRI policies for five years and was scheduled to cease to exist after a final report to the legislature in 2019; however, it has been extended until 2023.

Risk and Need Assessment Validated

The LSI-R assessment has been in use in Idaho since 2002. JRI requires the tool to be validated for the population every five years. The first validation was completed in spring of 2015 and occurred again in 2020. Both studies have found the tool to be predictive of recidivism for our population. As women are less likely to recidivate but also tend to have higher scores than men, the cut-offs for low, moderate, and high were adjusted with slightly different cut-offs for women as opposed to men.

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 supervised population. COPP created 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 case management system (Atlas) that will be implemented within the coming year. Improvements to the data infrastructure will allow for more improved tracking and data analysis.

Evaluate Quality of Programs

JRI requires an evaluation of the quality of programming provided to incarcerated individuals and to provide a biennial report to the legislature. The Correctional Program Checklist (CPC) tool is used to assess the effectiveness of prison programming according to evidence-based practices. The first report was completed immediately after the Justice Program Assessment by CSG in 2015. It was then determined Idaho needed to change programming to meet the intent of the JRI legislation and offer only evidence-based programming. Since 2015, Idaho has continued to monitor the fidelity of the offered programming and to complete the CPC audits every two years.



Conclusion

The following pages describe the overall impact from Justice Reinvestment in Idaho, including:

- Idaho's Investments,
- Overall Impact to the Revolving Door,
- Overall Impact to Use of Prison Space, and
- Overall Conclusion.



Idaho's Investments

Since Fiscal Year (FY) 2015, Idaho has invested \$59 million in JRI related activities for IDOC and COPP. The total investment below also includes \$2.7 million the legislature dedicated to support implementation of JRI.

With the somewhat recent reduction of SUD funding, there are not as many annual state funded JRI related investments now as in the past. IDOC is now spending \$3 million per year as opposed to the initial investment of \$11 million on JRI activities. IDOC continues to invest about \$300,000 per year in training for staff. WBOR is the web-based reporting portal that allows low risk individuals check in every month or let their PPO know if they have had a change in employment or housing.

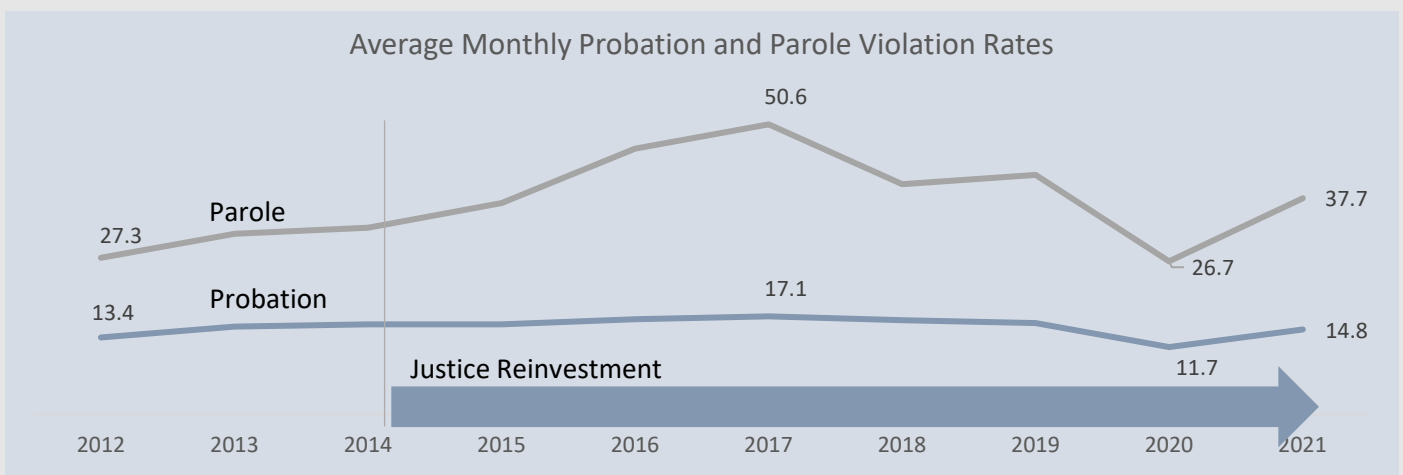
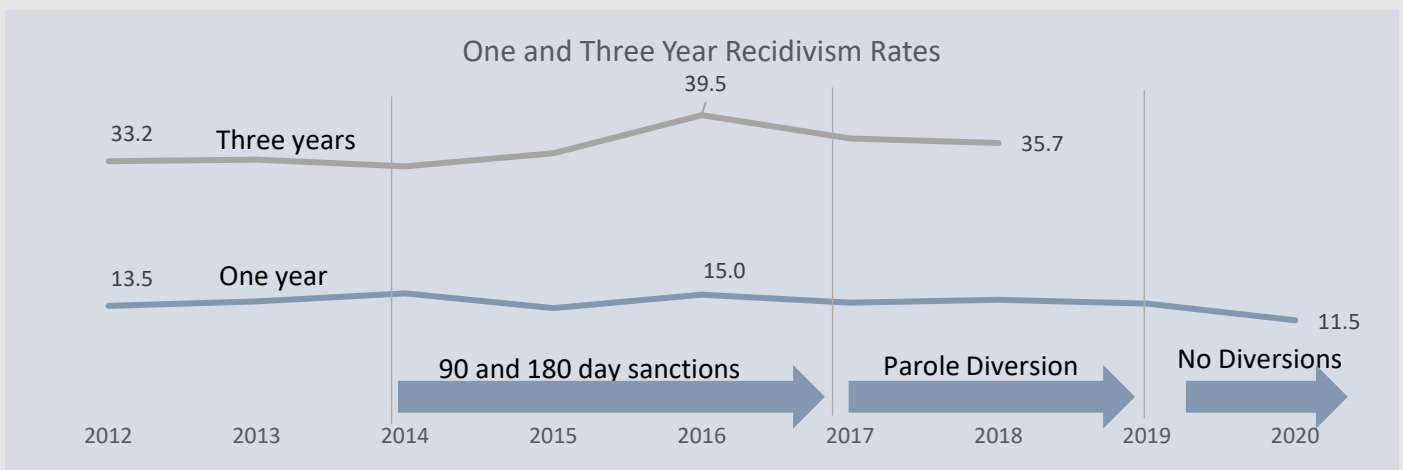
YEAR	SUD	TRAINING	TRAILER BILLS	WBOR	LSI VALIDATION	TOTAL
FY 2015	\$8,400,300.00	\$500,000.00	\$2,784,100.00	\$27,000.00	\$21,500.00	\$11,732,900.00
FY 2016	\$8,275,800.00	\$763,700.00		\$27,000.00		\$9,066,500.00
FY 2017	\$8,304,000.00	\$500,000.00		\$27,000.00		\$8,831,000.00
FY 2018	\$8,343,000.00	\$295,000.00		\$27,000.00		\$8,665,000.00
FY 2019	\$8,523,500.00	\$295,000.00		\$27,000.00		\$8,845,500.00
FY 2020	\$5,772,200.00	\$295,000.00		\$27,000.00		\$6,094,200.00
FY 2021	\$2,891,000.00	\$295,000.00		\$27,000.00		\$3,213,000.00
FY 2022	\$2,892,300.00	\$295,000.00		\$27,000.00		\$3,214,300.00
TOTAL	\$53,402,100.00	\$ 3,238,700.00	\$2,784,100.00	\$216,000.00	\$21,500.00	\$59,662,400.00



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 have a higher three-year recidivism rate in comparison to years prior to justice reinvestment.

As the charts below indicate, after implementation of JRI, by CY2017 the parole violation rates increased to a rate of 50.6 per 1,000 per month. This increase coincides with the use of 90- and 180-day sanctions where parole violators spent 90 days in jail for a first technical violation and 180 days in prison for a second. The sanctions were replaced by parole diversions in summer of 2017, and the violation rate started to decrease. In 2020 with the Covid-19 pandemic, the violation rate hit the lowest point for both probationers and parolees. The rate, however, is gradually increasing again.





Overall Impact to Use of Prison Space

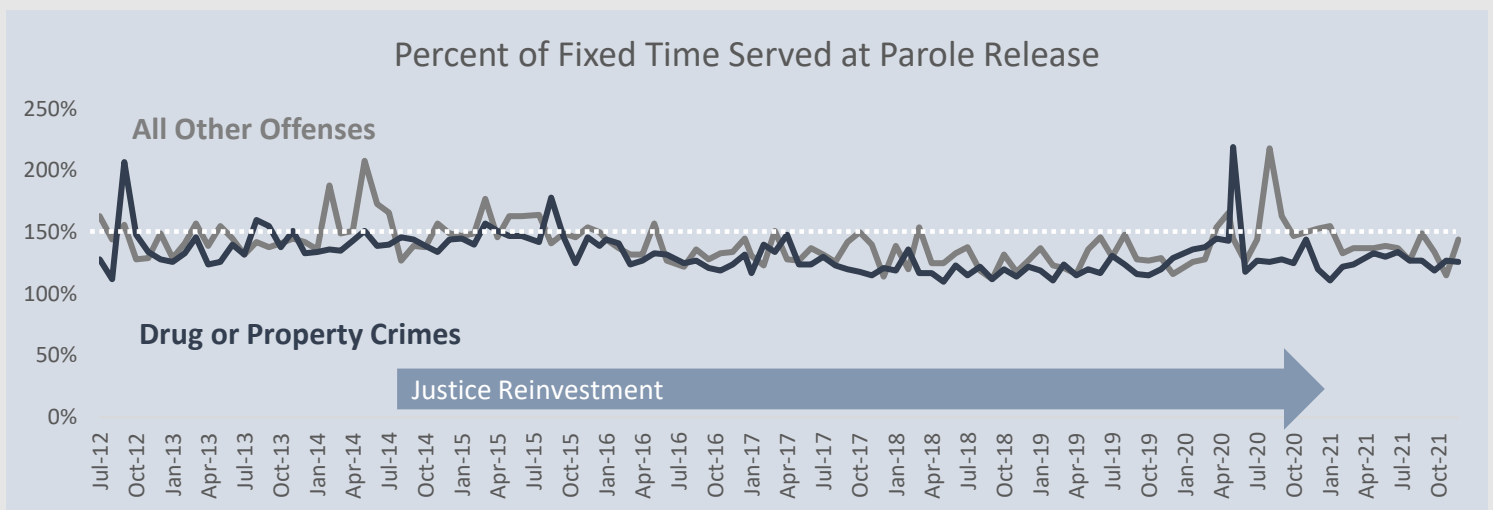
Composition of prison population

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

- **80.3%** of admissions to term in 2021 either violated probation (28.6%), violated parole (45.9%), or failed a rider (5.9%).
 - **The moderate risk population is more likely to be incarcerated now than in 2013.**
 - The supervised population that is moderate (24 – 30 LSI-R) living in the community between 2013 and 2021 has decreased from 67.5% to 62.8%.
- Note: The range of 24-30 is used for comparison because this was the cutoff used in 2013.*
- **The high-risk population is less likely to be incarcerated now than in 2013.**
 - The supervised population that is high risk and incarcerated, (31+ LSI-R) has dropped from 2013 to 2021 from 57.9% to 42.2%. This indicates that use of PPO interventions for this population seem to be working.

Percent released close to parole eligibility

The goal from JRI has been to release most incarcerated individuals prior to 150% of their fixed time. The below indicates that IDOC has successfully done this for most months. There have been a few recent months, however, while releasing people during the Covid-19 pandemic, that a few outliers increased the overall average.

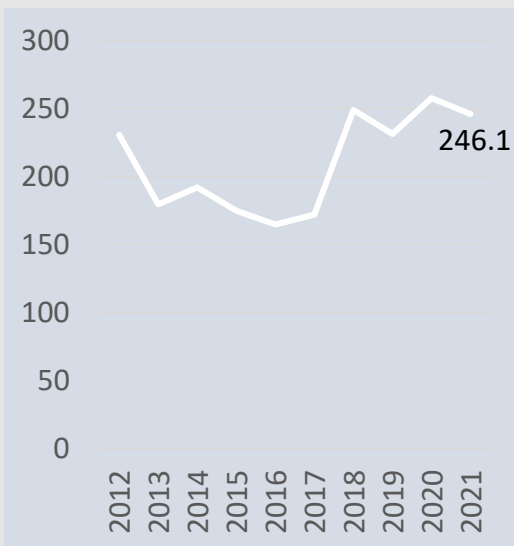




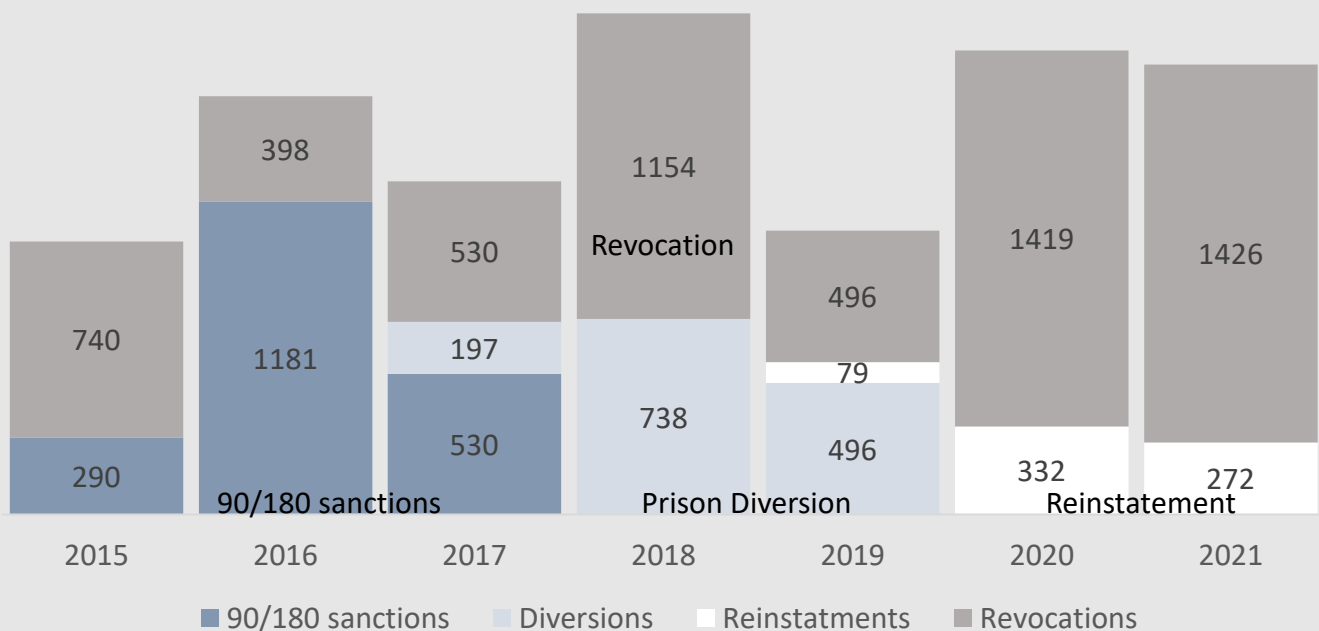
Overall Impact to Use of Prison Space

The chart below depicts the changes in the parole violations process since 2015. Many violator hearings currently result in revocation, whereas previously many of these would have been diverted from revocation. However, in practice, this has not had much of an impact to prison space since the majority of sanctioned or diverted parole violators were in prison until completion of programming. The length of stay for the term population has also not been impacted much by this. It does, however, appear that the violators are taking longer to process now than in the past. The average number of days a person spends as a parole violator has increased to 246.

Parole Violator Average Length of Stay



Total Violations by Disposition

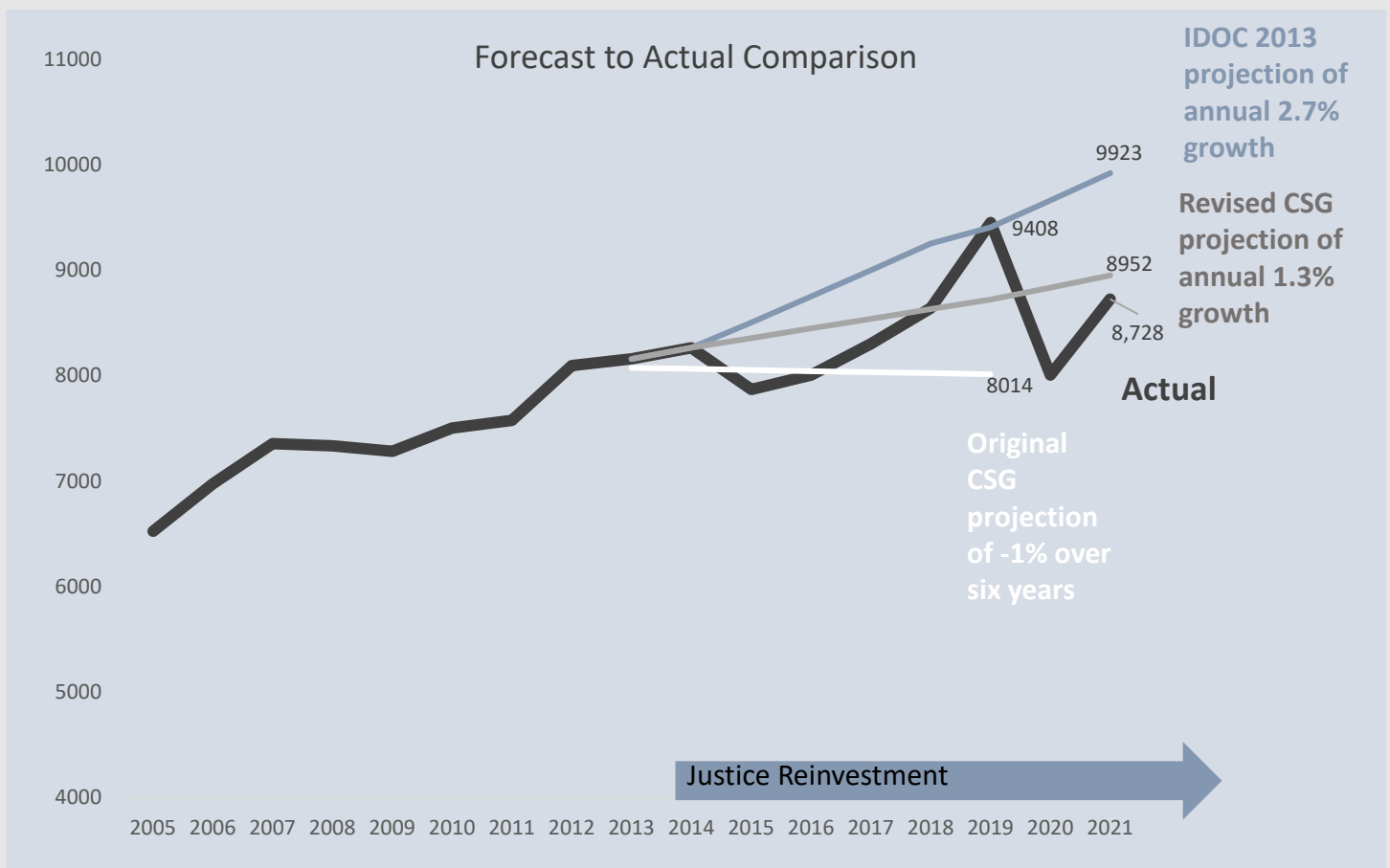




Overall Impact to Use of Prison Space

The chart below provides the projections used to calculate savings from JRI. The original CSG estimate prior to enactment of the JRI legislation was JRI would result in a decrease in the incarcerated population of 1% over six years. However, it was determined later that some of the assumptions within the forecast were calculated from mislabeled release information that led to conclusions IDOC was not releasing people until twice the length of their fixed term.

After recalculating the projection based on correct data, CSG estimated a 1.3% annual growth rate. The actual prison population initially decreased, then increased at an annual rate of around 4%. Outcomes from the Covid-19 pandemic have since decreased the population, hitting a low of around 8,000 at the end of 2020. Since that time, the incarcerated population has increased by 9% within one year.



Note: The dollar value estimate of savings resulting from the JRI legislation is not estimated in this report as there have been too many unforeseen changes outside the scope of the JRI legislation.



Overall Conclusion

Areas of Concern

- Despite the IDOC's investment and emphasis on evidence-based practices, the recidivism rate remains above the 2012 rate (pre-JRI). The recidivism rate indicates a need for development of more resources that will help reduce risk through addressing the needs of each person under IDOC supervision.
- An additional area of concern is that the change in process for earned early discharge from parole is resulting in many more continuing under IDOC supervision than would otherwise need to be.
- The changes within the parole violation process from 90- and 180-day sanctions, to prison diversions, and now to no diversions or sanctions applied that involve the parole commission cannot be estimated without a better understanding of how the Covid-19 pandemic has also affected the population.

Areas of Improvement

- There have been many improvements in IDOC supervision strategies since 2014.
- The emphasis on evidence-based practices has shifted agency strategies in a direction of determining how to safely reduce risk amongst the community and incarcerated populations while also tracking and monitoring progress. The ongoing evaluation of efforts allows for continual dialogue regarding on-going improvement.
- The Limited Supervision Unit and current supervision strategies have resulted in fewer moderate to high-risk cases per officer, allowing for more focus on the needs of the high-risk population.
- The greater emphasis on collecting restitution for victims and their families has resulted in \$2.6 million for victim restitution and closed 1,106 cases.
- With improvements made in programming and case management within facilities, fewer individuals are serving past 150% of their fixed term in facilities.

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