



Justice Reinvestment in Idaho:

Impact at eight years

Report to the Legislature

Idaho Dept of Correction

February 2023

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.

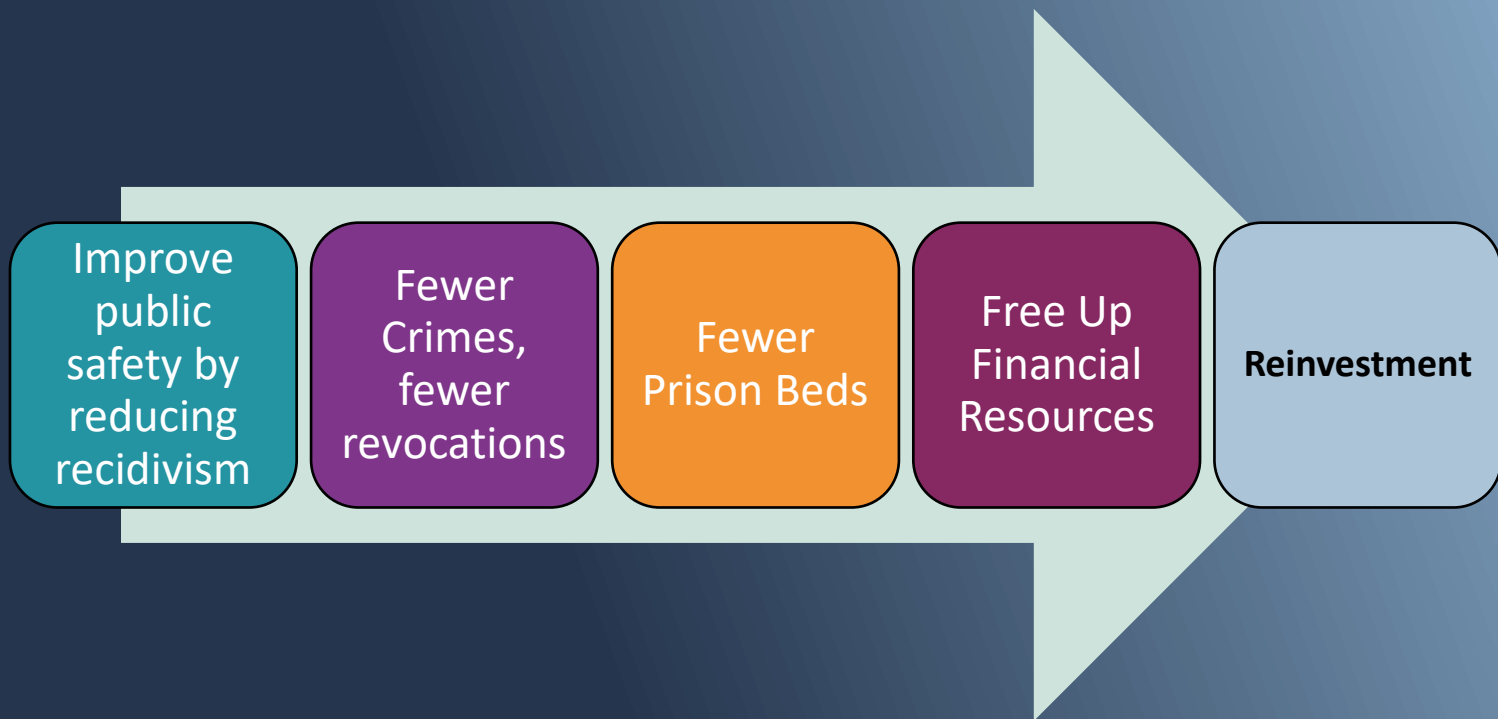
Investments

- Idaho has spent \$62.8 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population consisted of individuals who had been convicted of non-violent offenses or whose community supervision was revoked.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.

NOTE: On November 11th, 2022, IDOC switched to a new case management system. IDOC is still undergoing the implementation of this new system, therefore data for the end of 2022 is not yet available

Revolving Door

Most people with 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. 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

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.



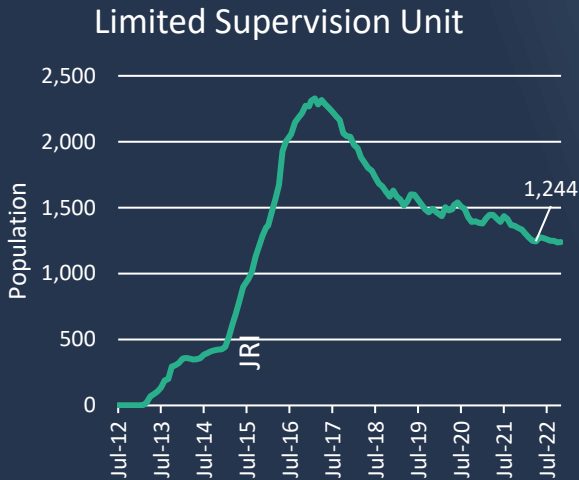
The IRM is used in conjunction with motivational interviewing techniques, substance use testing, substance use treatment, and focused supervision strategies with the intent of providing an individualized range of rewards and interventions that are unique motivators for change for each person supervised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

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

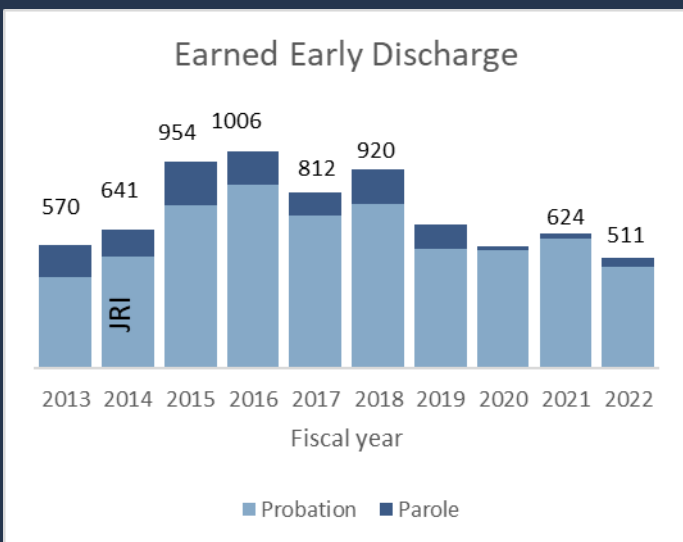
1. Creating the Limited Supervision Unit
2. Providing an opportunity for low-risk individuals to earn early discharge
3. Keeping the caseloads of probation and parole officers (PPOs) at or below 50 to 1 moderate or high-risk probationers or parolees.



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 1,259 people per day under supervision in 2022.

Impact: In FY23, the average annual cost per probationer or parolee for supervision on a regular caseload was \$1876.10 compared to \$91.25 for LSU. For an average of 1,259 individuals per day, this difference equates to a savings of \$2.2 million in 2022 and about \$17.2 million total since 2015.



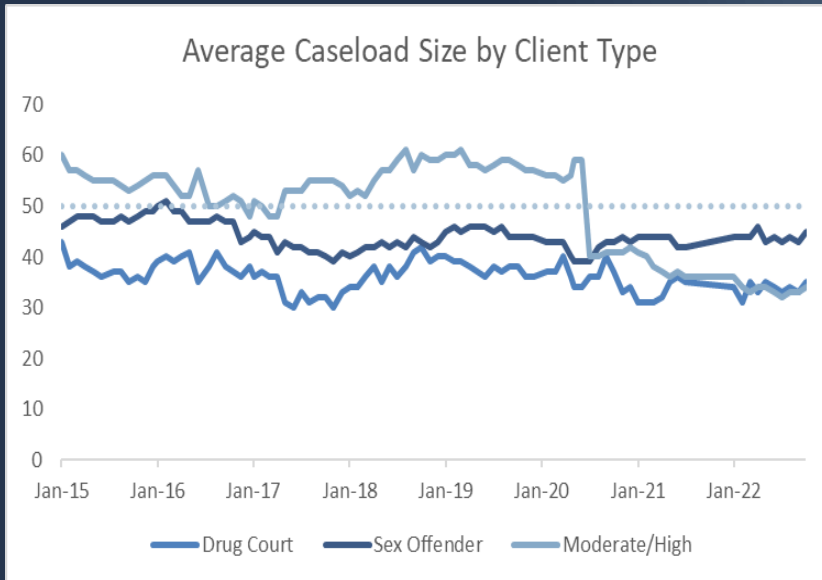
Earned Early Discharge for Low-Risk Probationers and Parolees

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 FY2022, there were 470 probation and 41 parole earned early discharges. The drop in parole discharges is because the process 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 costs the state pays for people on supervision.

Prioritize Supervision Resources Based on Risk

Continued

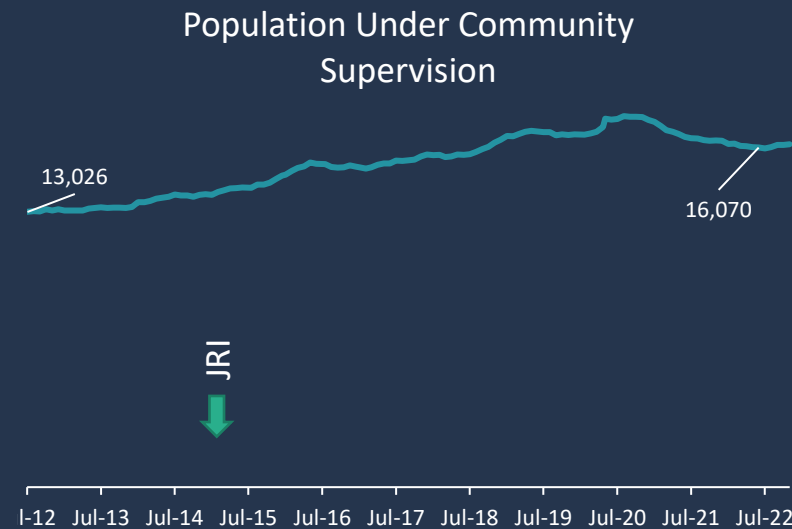


Keep officer/client ratio for mod/high risk below 50 to 1.

JRI set the benchmark to keep the community supervised population of moderate to high-risk individuals at or below 50 per PPO. Much more work is involved with the supervision of moderate to high-risk cases, and lower numbers allow for improved relationships.

Impact: In July 2020, the number of moderate to high-risk individuals per caseload dropped significantly. This was likely due to more officers with moderate to high caseloads and better distribution of moderate/high-risk individuals across caseloads. At the end of 2022, there were over 16,000 felony probationers and parolees living within Idaho and 225 PPO positions. When looking at officer caseloads by their type of clients, the average ratio of PPOs to moderate to high-risk individuals on a caseload continues to be less than 50, hitting the target set by JRI. The average ratio of drug court and sex offenders to PPOs was also less than 50.

Note: the way moderate/high individuals are classified changed July 2020



Training for Staff

Since 2014, IDOC has provided ongoing training to PPOs in motivational interviewing and conducting the Level of Service Inventory-Revised assessment. In 2022, IDOC also implemented new curriculum for PPOs using the University of Cincinnati curriculum “Effective Practices in Community Supervision (EPICS).” IDOC has now provided training in EPICS to (insert number of PPOs). In addition, the Drug and Alcohol Rehabilitation Specialists in the districts have all been trained to provide the University of Cincinnati “Advanced Practice” program 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.



Other Revolving Door Strategies

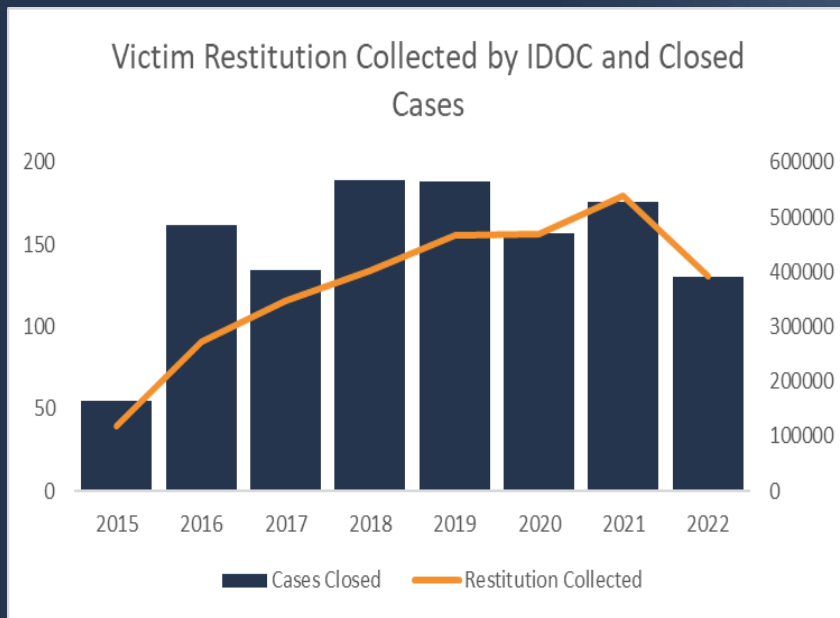
Increase victim restitution collection.

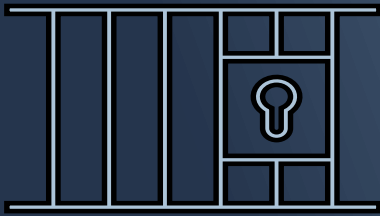
JRI prioritized the collection of victim restitution. Twenty percent of all income deposited in an incarcerated individual's account can be applied as payment to the victim, except in cases where child support is also due.

Impact. Since 2015 IDOC has collected close to \$3 million dollars for victim restitution and closed over 1200 cases. Until 2022 this amount had increased every year. In 2022, 130 cases were closed and \$393,261 in total restitution was collected.

Increased Funding for Community Treatment

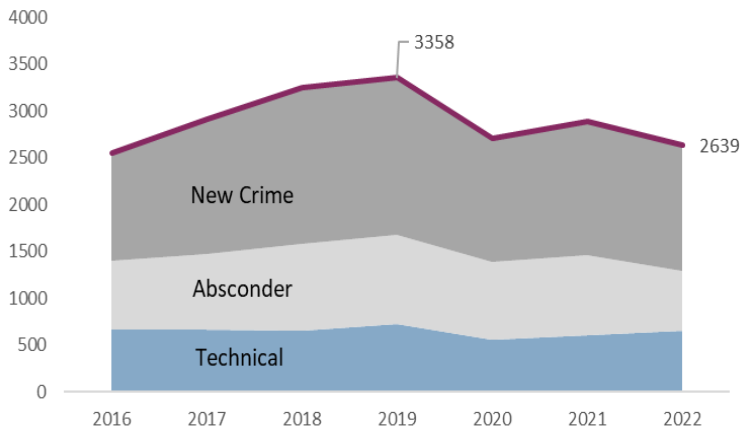
Prior to JRI, Substance Use Disorder (SUD) funding was approximately \$6.8 million per year. This amount increased to over \$8 million between FY15-FY19. During FY18-FY19, \$5.5 million was also designated for mental health treatment for probationers and parolees. After the expansion of Medicaid in January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





Tailored Sanctions

Number and Type of Probation Violations: 2016-2022



Tailored Confinement Responses for Probation and Parole Violations

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 or a new crime had been committed. This led to a change in the administrative rule in spring of 2015 that limited the sanctions to only those individuals with technical violations or non-violent new misdemeanor crimes.

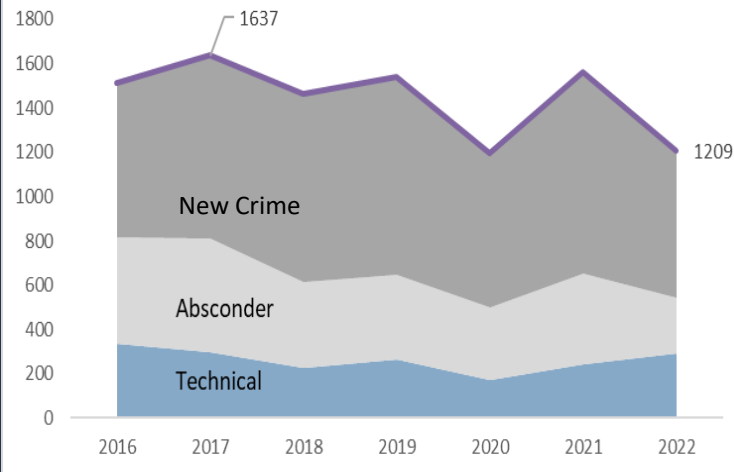
The 90- and 180-day sanctions were discontinued in spring of 2017 when the legislation was changed to enable the parole commission to choose between several different diversion options for technical or new non-violent misdemeanor crimes.

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

Impact. Total violations continued to decrease in 2022. Commission of a new crime remains the most common type of probation and parole violation. There was also a decrease in the number of probationers and parolees who absconded, however technical violations saw slight increases.

Number and Type of Parole Violations: 2016-2022



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 2019 cohort indicates low-risk individuals have the lowest rates of recidivism when compared to moderate and high-risk individuals. In addition, almost all individuals sentenced to a Rider or Term have higher rates of recidivism than those sentenced to probation (except high-risk men).

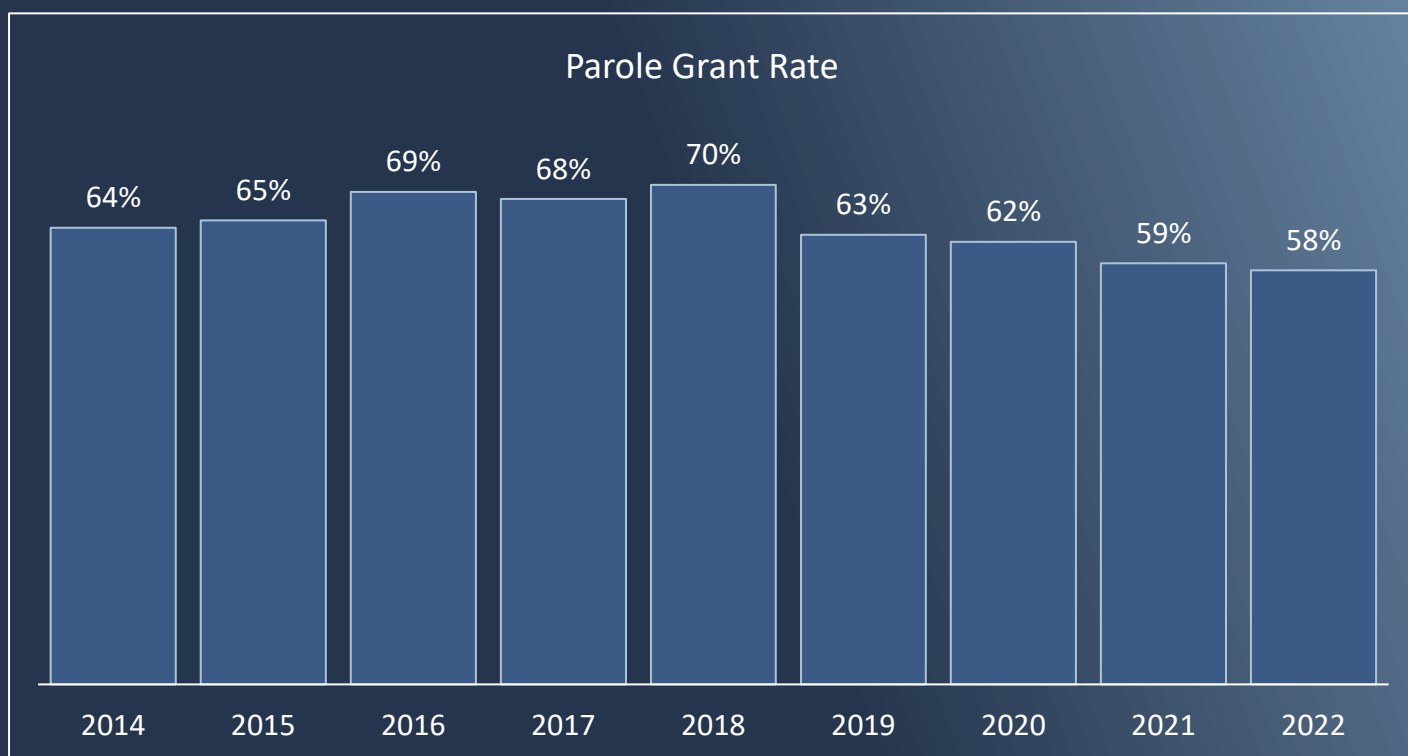
2019	LSI-R Risk Category	Direct to Probation	Direct to Rider	Direct to Term
Men	Low (0-20)	12.6%	25.4%	21.6%
	Moderate (21-28)	29.0%	47.3%	42.4%
	High (29+)	50.5%	57.9%	44.8%

2019	LSI-R Risk Category	Direct to Probation	Direct to Rider	Direct to Term
Women	Low (0-22)	10.1%	13.6%	20.0%
	Moderate (23-30)	29.1%	46.0%	17.6%
	High (31+)	48.0%	61.1%	53.5%

Risk Assessment Informs Parole Release and Parole Readiness

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 initially increased from 64% in 2014, when JRI was implemented to 70% in 2018. After reaching a high of 70%, the grant rate has declined to 58% this year.



Insufficient Oversight



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

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 transitioned to a new case management system (Atlas) in November 2022 that will benefit both IDOC and COPP. 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

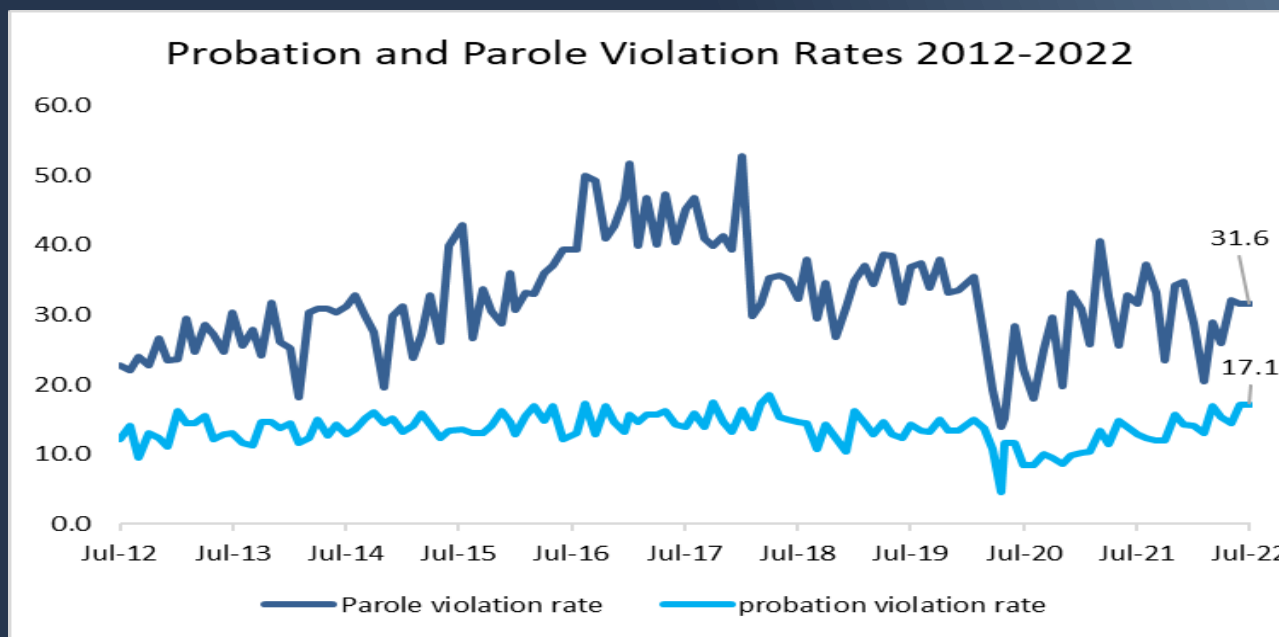
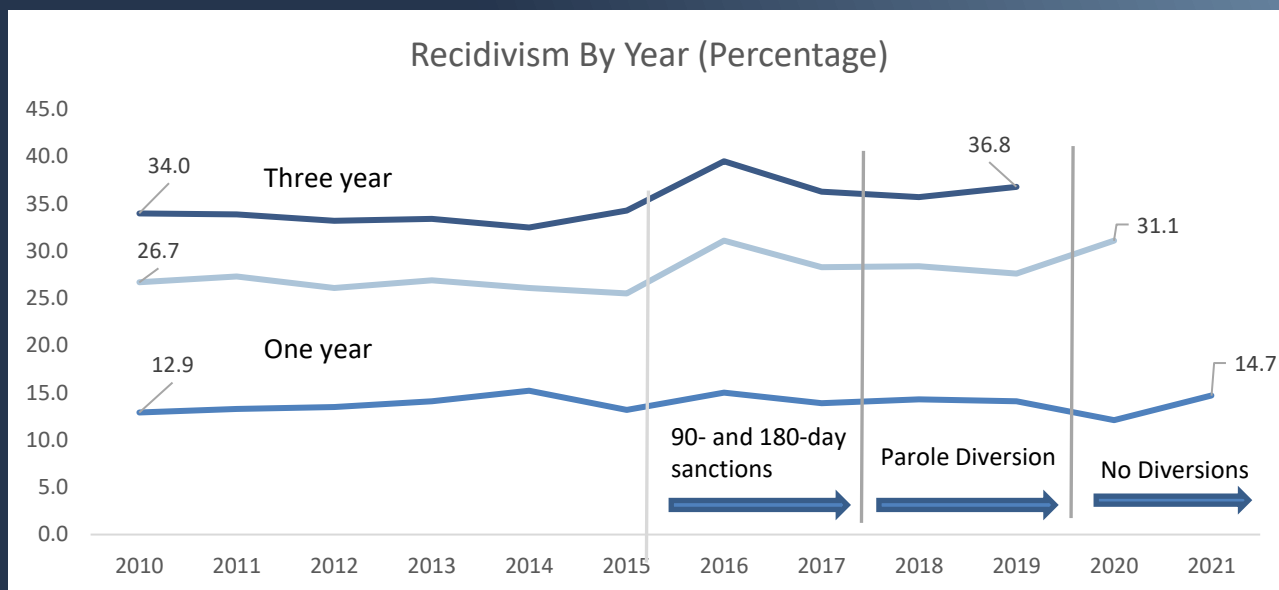
Since Fiscal Year 2015, Idaho has invested \$62.8 million in JRI related activities for IDOC and COPP. The total investment below also includes \$2.7 million the legislature dedicated to support implementation of JRI.

SUD funding remained the same for FY2023 as it did in FY2022 but is lower than in previous years. IDOC is currently spending roughly a third of the money it initially invested during the implementation of JRI. This includes a \$200,000 reduction in funding for JRI training. WBOR, a web-based reporting portal for low-risk probationers and parolees to check in with their PPO, continues to be funded at an annual sum of \$27,000.

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
FY 2023	\$2,892,300.00	\$295,000.00		\$27,000.00		\$3,214,300.00
TOTAL	\$56,294,400.00	\$3,533,700.00	\$2,784,100.00	\$243,000.00	\$21,500.00	\$62,876,700.00

Overall Impact to Revolving Door

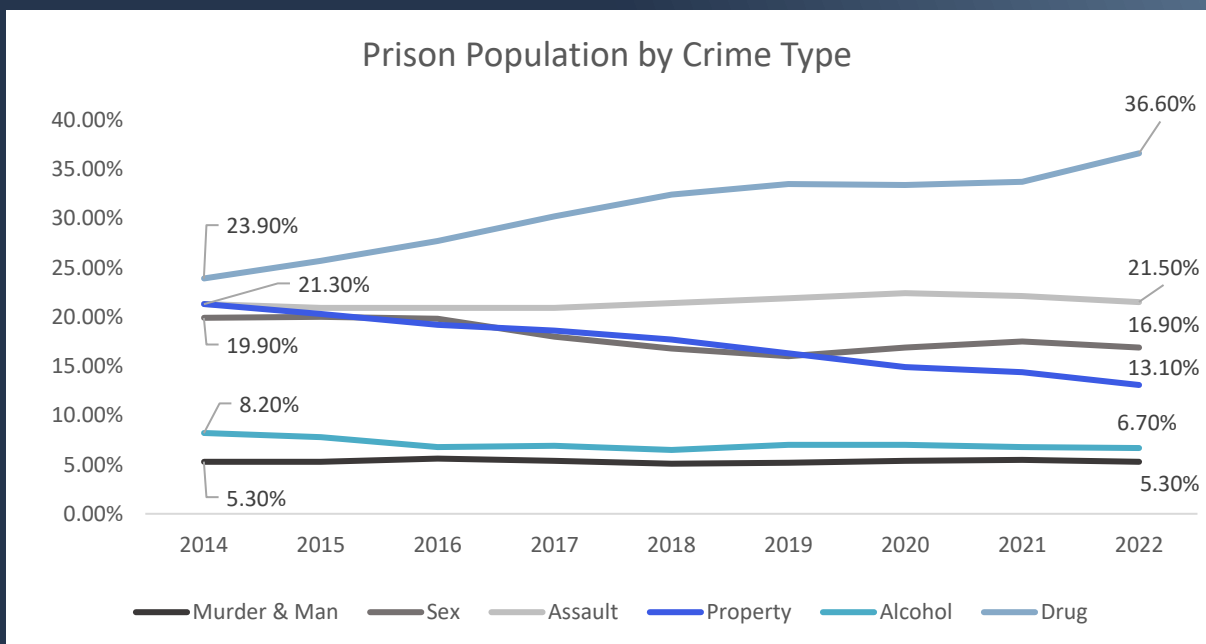
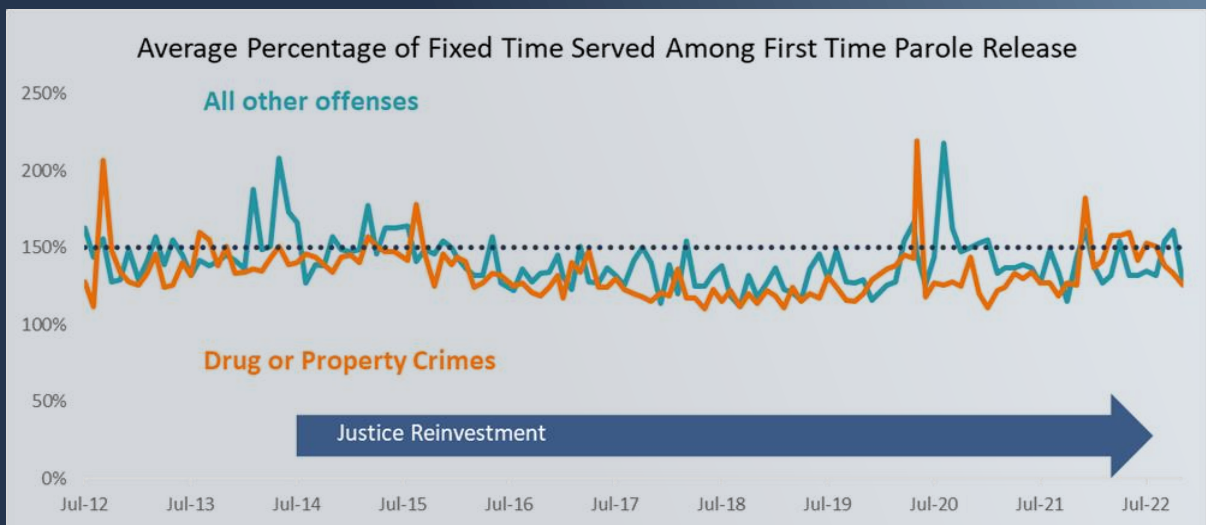
Despite continued investment in JRI, Idaho continues to have a higher rate of recidivism than before JRI was implemented. As the charts below indicate, the most recent three-year rate is 35.7%, compared to 34.0% in 2010. By 2017, the parole violation rate increased to a rate of 50.6 per 1,000 per month. 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 with even higher numbers in 2022 than in 2021 for probationers and parolees.



Overall Impact to Use of Prison Space

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

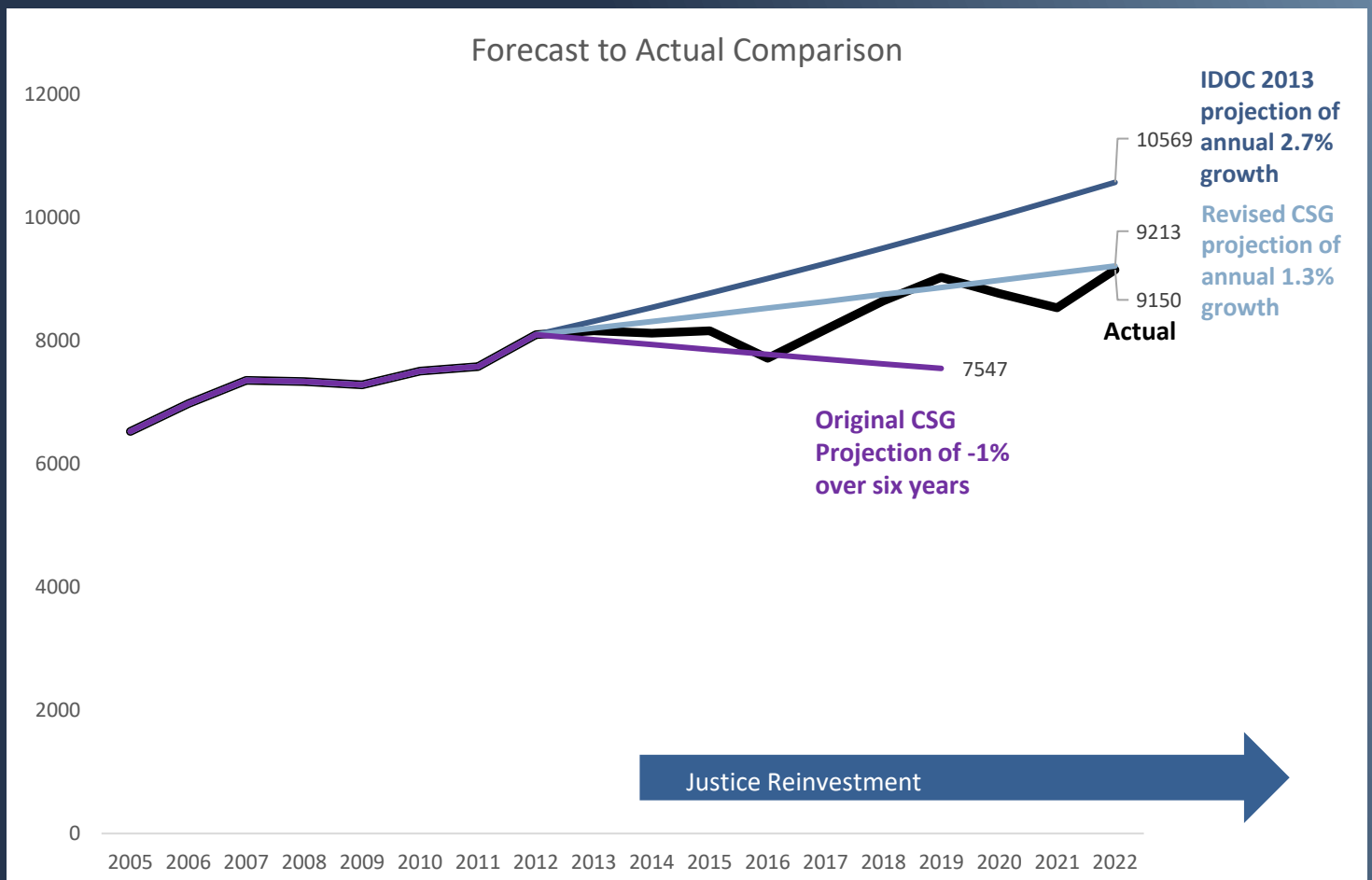
- 79.2% of admissions to term in 2022 either violated probation (27.4%), violated parole (45.3%), or failed a rider (6.5%).
- IDOCs population of drug offenders has increased steadily . This increase in drug offenders could account for the increase in recidivism due to the fact that drug offenders are among the most likely individuals in our population to recidivate
- On a positive note, the average percent of fixed time served among first time parolees is below 150% for the second year in a row.
- In 2022, individuals sentenced for drug or property crimes had an average fixed time served of 145% and individuals sentenced to any other offense had an average fixed time served of 139%. These are both below the 150% goal set by JRI.





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. The population has since increased hitting 8728 at the end of 2021 and increasing to 9150 in November of 2022.



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.
- The parole and probation violation rates are increasing after a drop during the Covid-19 pandemic.
- Individuals who are sentenced to riders continue to be at a high risk for recidivism, in some cases even higher than those who are sentenced to term.
- Parole grant rates continue to decrease from 2021, and when compared to 2014 are a full 6% lower.

Areas of Improvement

- Increased emphasis on reducing the ratio of moderate/high-risk individuals to PPOs has been successful. PPOs on average continue to have fewer than 50 moderate/high-risk individuals on their caseload, and sex offender and drug court ratios continue to be under 50 as well.
- The greater emphasis on collecting restitution for victims and their families has resulted in \$3 million collected for victim restitution and the closing of 1,236 cases.
- With improvements made in programming and case management within facilities, the average individual at IDOC continues to serve less than 150% of their fixed term in facilities.

For questions regarding this report, please contact Matthew Almanza at malmanza@idoc.idaho.gov