



HANDOUT 2

Justice Reinvestment in Arkansas

The Parole System: Advancing Recognized Best Practices



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Council of State Governments Justice Center

- National non-profit, non-partisan membership association of state government officials
- Engages members of all three branches of state government
- Justice Center provides practical, nonpartisan advice informed by the best available evidence




CSG Justice Center is involved in several criminal justice initiatives

Justice Reinvestment

a data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety.

csgjusticecenter.org



a national initiative to reduce the number of people with mental illnesses in jails

Justice Reinvestment in Nebraska

Analysis and Policy Framework

Overview

Nebraska's prisons are overcrowded—state corrections officials report that these facilities are at 159 percent of their capacity.¹ Many people sentenced to prison are double-bunked or sleeping on cots in common areas, and others are being housed in county jails.

From FY2004 to FY2013, the prison population increased 19 percent.² Corrections spending increased 20 percent during this period, from \$131 million in FY2004 to \$157 million in FY2013.³

Even though reported crime and arrests declined between 2004 and 2013, prison admissions increased and are now outpacing releases.⁴ If this growth continues unchecked, prisons will become even more crowded, swelling from 159 percent of capacity (5,220 people) as of December 31, 2014 to a projected 176 percent of capacity (5,581 people) by FY2020.⁵

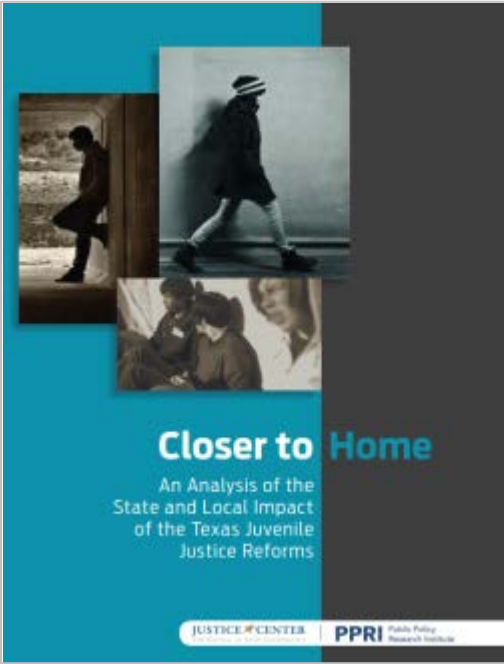
In October 2014, the Nebraska Department of Correctional Services (NDCS) released a Master Plan proposal to add 1,188 prison beds at an estimated cost of \$362 million, which would bring the prison population down to 128 percent of capacity by FY2019.⁶ But with construction neither scheduled nor funded, state leaders are seeking first to understand the root causes of Nebraska's growing prison population and then evaluate whether simply building prisons will provide the best means to the state's public safety investment.

In 2014, Governor Dave Iversen, Chief Justice Michael Heavican, Speaker Greg Adams, and other state policymakers from both parties asked the Council of State Governments (CSG) Justice Center to use a data-driven "justice reinvestment" approach to help the state slow prison population growth, reduce corrections spending, and reinvest a portion of savings in strategies that can reduce recidivism and increase public safety.

Projected 5-Year Outcomes of Justice Reinvestment Policy Framework

- Reduce prison overcrowding: 10% Decrease in Prison Population
- Avert prison construction and operations costs: \$306.4 Million
- Invest in recidivism-reduction strategies: \$32.8 Million
- Support victims of crime: Potential for \$2.8 Million in Restitution for Victims
- Reduce the number of people released from prison without supervision: 70% Faster Unsupervised Release

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Closer to Home

An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms

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PPRI Public Policy Research Institute

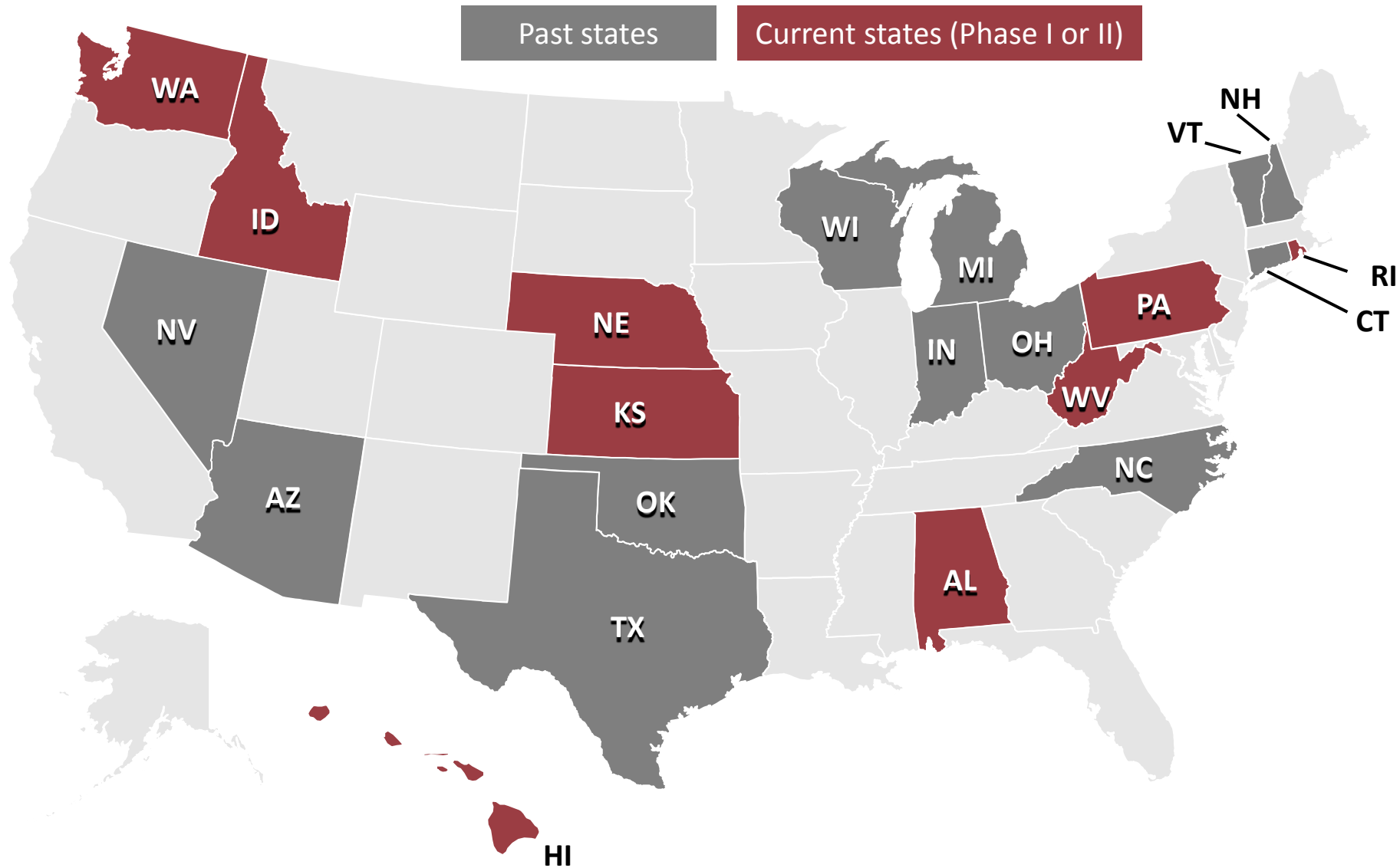


THE SCHOOL DISCIPLINE CONSENSUS REPORT:

Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System

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21 states have worked with the CSG Justice Center in the Justice Reinvestment process



Overview of presentation

Criminal justice trends

Changes to parole

Best practices in parole

Policymakers want to improve public safety investments

Criminal justice trends

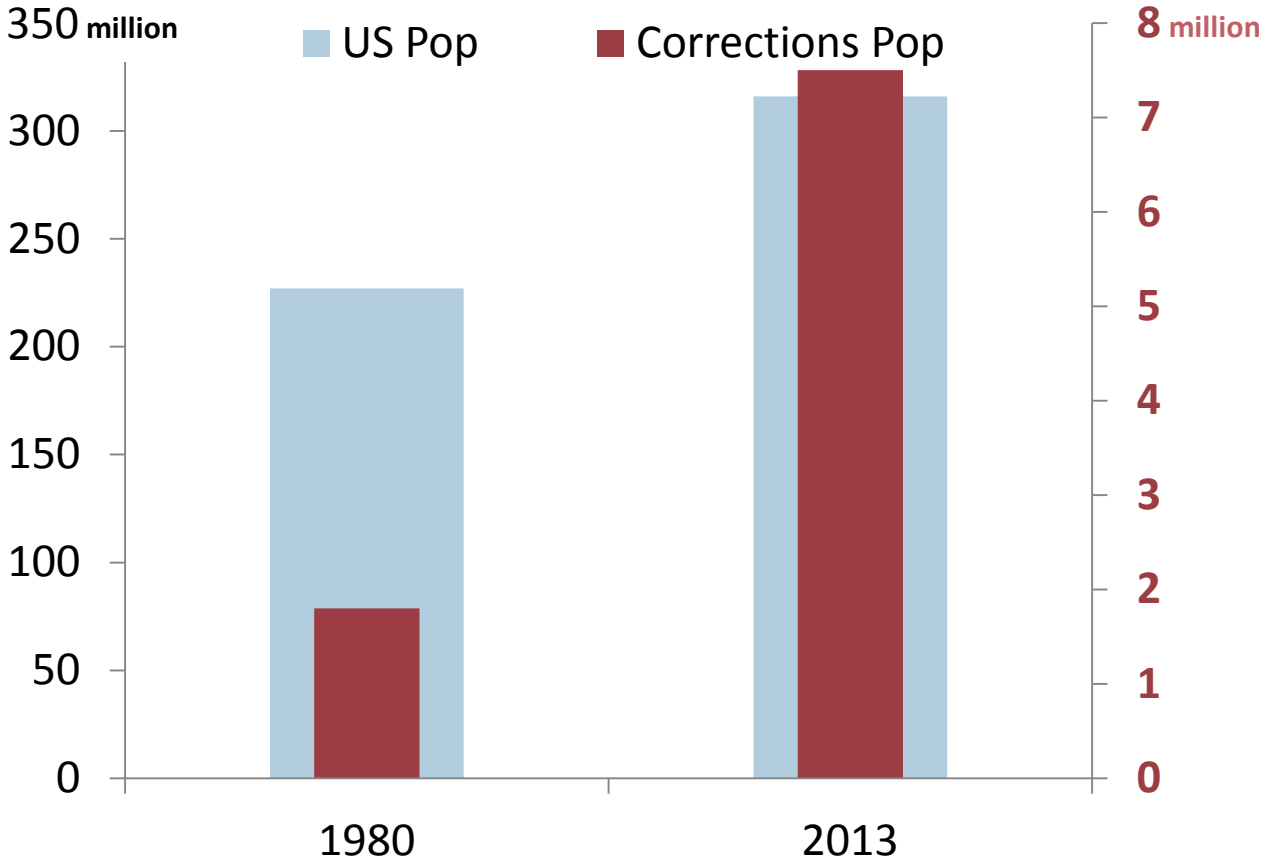
Changes to parole

Best practices in parole

- Tremendous growth in number under criminal justice jurisdiction
- Massive size of correctional populations call for targeted use of resources

Nationally, the growth in corrections has outpaced growth of the U.S. population

US Total Population and Adult Correctional Populations, 1980-2013



Total U.S. Population



Correctional Population



Correctional Population Rate per 100,000



Source: BJS: *Correctional Populations in the United States, 2013*

As correctional populations have grown, so have the budgets associated with those populations

Total per capita expenditure for each justice functions increased between 1982 and 2003, with corrections having the largest per capita increase — **423%**

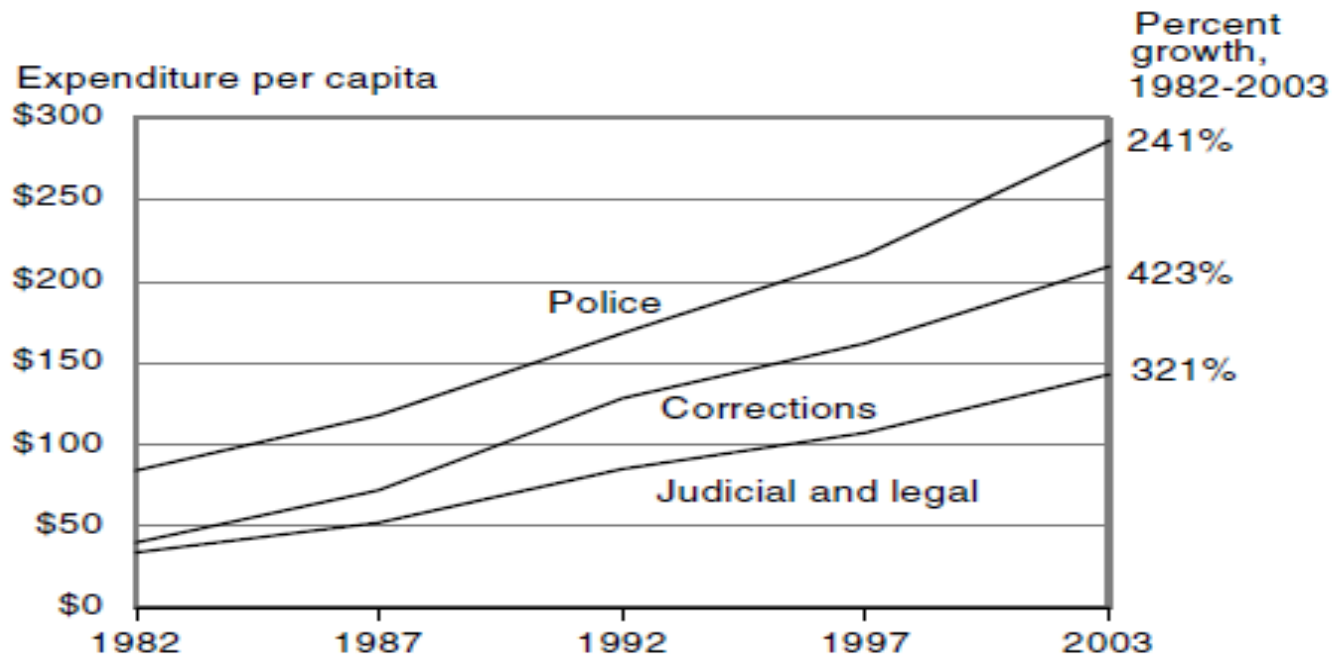


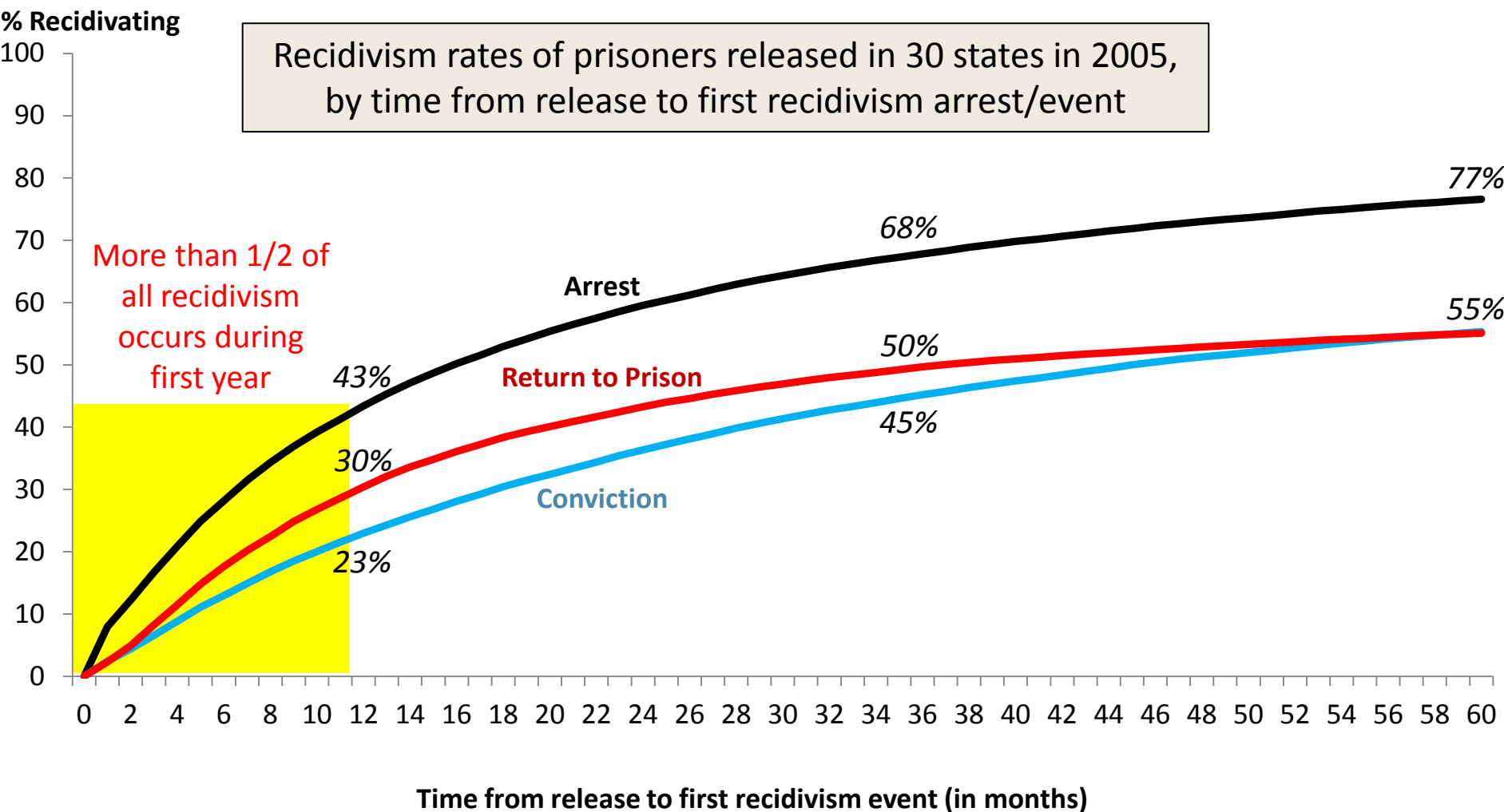
Figure 1

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THE COUNCIL OF STATE GOVERNMENTS

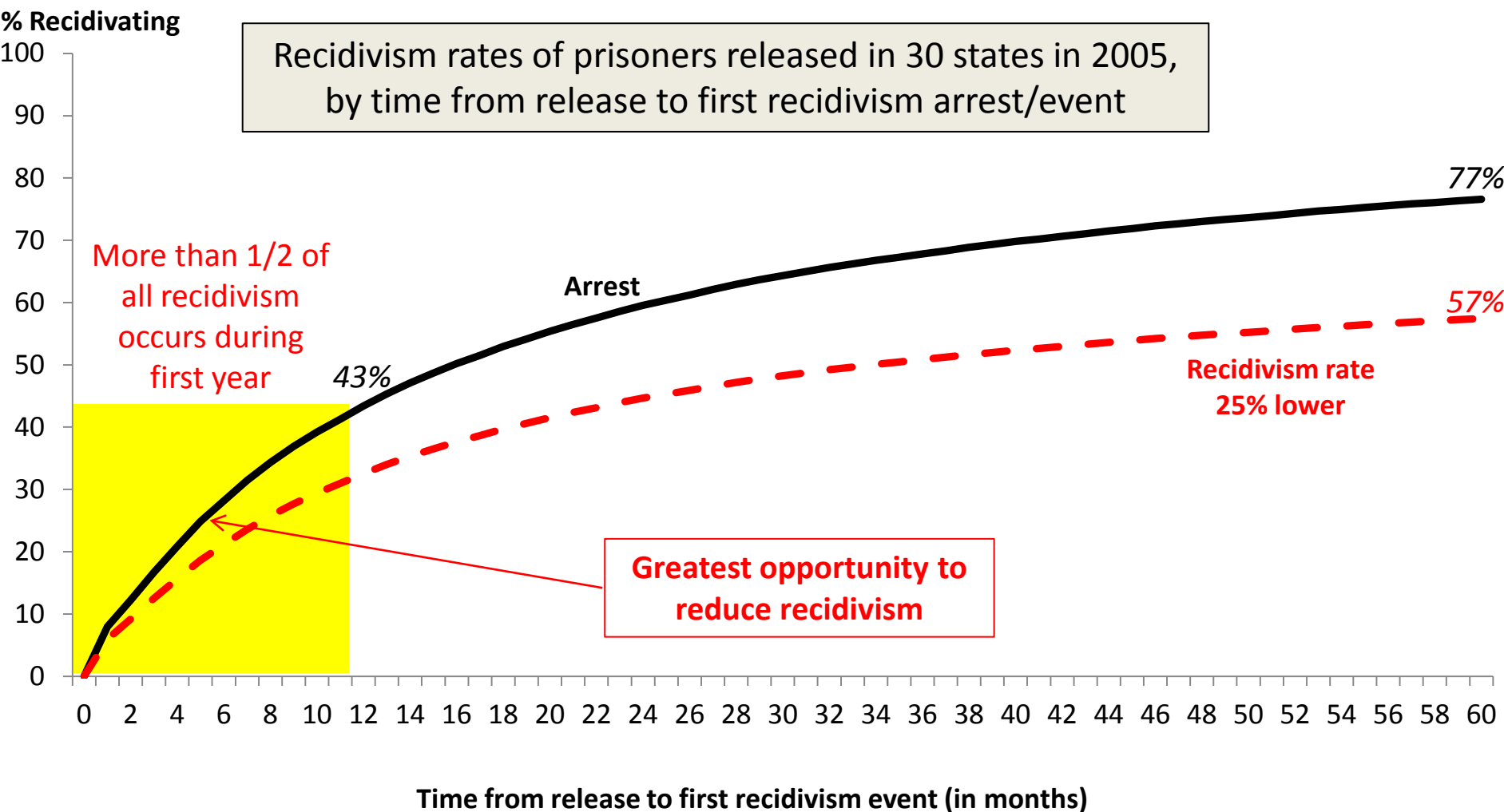


More than three quarters of prisoners released in 2005 were re-arrested within five years...most in first year post-release



Source: BJA: *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010*, Alexia D. Cooper, Ph.D., Matthew R. Durose, Howard N. Snyder, Ph.D., April 22, 2014, Among state prisoners released in 30 states in 2005.

Improving recidivism rates among those on supervision can have tremendous benefits to public safety...and the budget



Source: BJA: *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010*, Alexia D. Cooper, Ph.D., Matthew R. Durose, Howard N. Snyder, Ph.D., April 22, 2014, Among state prisoners released in 30 states in 2005.

Historical context for improving criminal justice outcomes

- ✓ Correctional populations outpace US population growth
- ✓ Supervised populations with high rates of recidivism reflect the need for improving parole decision making and creating risk reducing supervision strategies
- ✓ Historic model of containment, long sentences and enforcement based supervision have not been effective in reducing recidivism

Parole authorities are under increasing pressure to assist larger aims of system

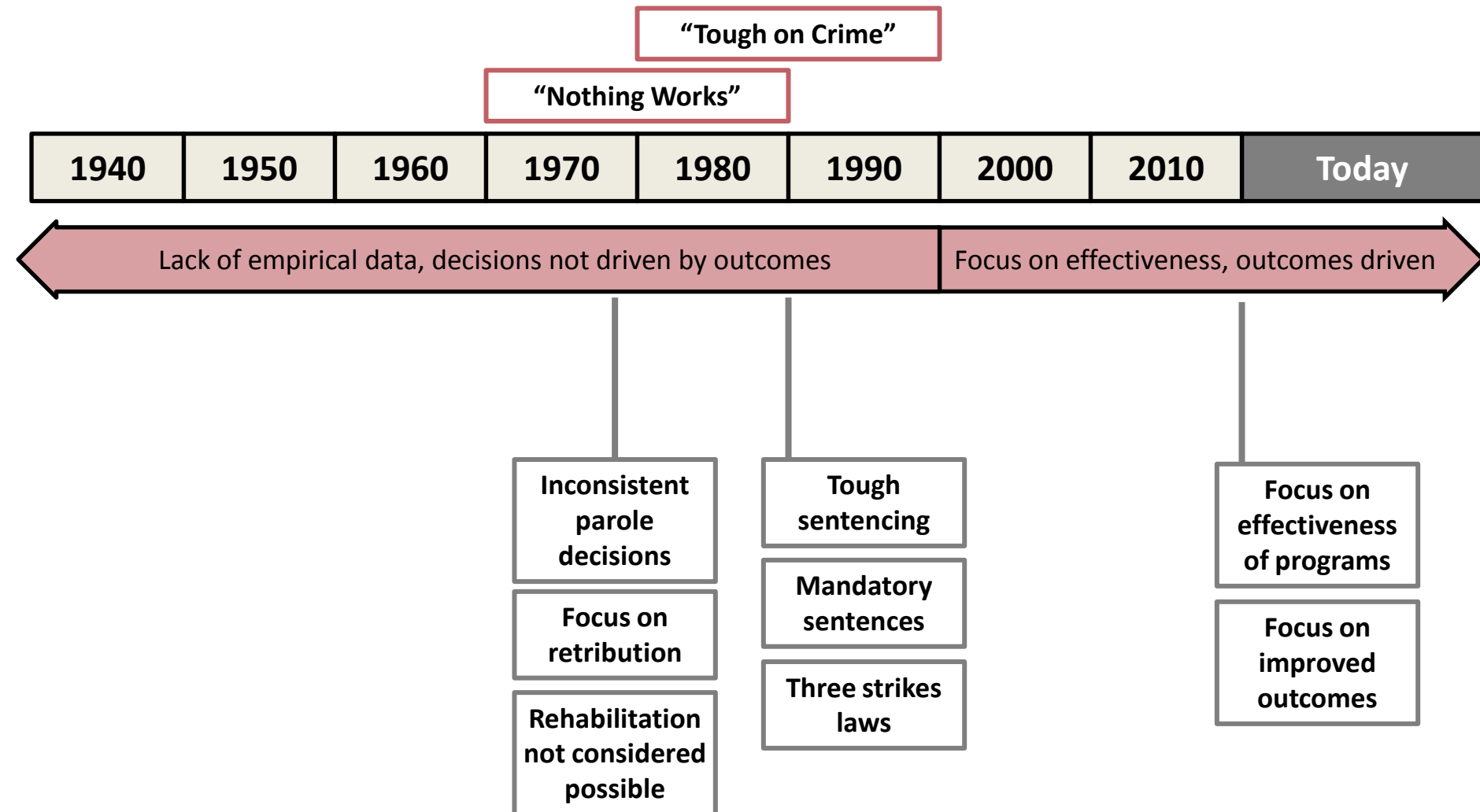
Criminal justice trends

Changes to parole

Best practices in parole

- Looking to research showing possibility of behavior change
- Understanding role in improving public safety and functioning of larger system

Parole systems are increasingly being driven by outcomes based on analysis of empirical data



Parole authorities have been transitioning to the science of data-driven decision making

Scarce medical resources should be invested in health care practices proven effective via randomized clinical trials because they were much more likely to produce positive and reliable results.

- Dr. Archie Cochrane, author of *Effectiveness and Efficiency*

Use of evidence-based, policy-driven decisional practices requires actuarial guidance

- Other industries using evidence-based tools:
 - Health care: clinical treatment protocols
 - Insurance: use of actuarial data

Knowledge on improving criminal justice outcomes has increased dramatically over the last 20 years

Academics and practitioners have contributed to this growing body of research

Risk Principle of Case Classification in Correctional Treatment

A Meta-Analysis

D. A. Andrews, Craig Deegan, Carleton Gendreau

Recent research on population effects, risk principle, revealed by the risk program, its service.

Keywords:

Two is a social human fun understood

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Assessing Correctional Rehabilitation: Policy, Practice, and Prospects

by Francis T. Cullen

A theme that has persisted throughout the history of corrections is that efforts should be made to reform the criminal justice system. At the beginning of the 1900s, the rehabilitation movement enthusiastically trumpeted and helped to direct the development of the correctional system (e.g., implementation of indeterminate sentencing, parole, probation, a separate juvenile justice system). Over the next seven decades, offender treatment emerged as the central philosophy. Then, in the early 1970s, rehabilitation's fortunes reversed. The larger society in this era prompted a general critique of the criminal justice system. Rehabilitation was blamed by conservatives for allowing the state to act leniently on offenders. In this context, the death knell of rehabilitation was sounded by Robert Martinson's (1974b) influential "what works" report, which reported that few treatment programs reduce recidivism. In this context, the death knell of rehabilitation was sounded by Robert Martinson's (1974b) influential "what works" report, which reported that few treatment programs reduce recidivism. In this context, the death knell of rehabilitation was sounded by Robert Martinson's (1974b) influential "what works" report, which reported that few treatment programs reduce recidivism.

Francis T. Cullen is Distinguished Research Professor of Criminology at the University of Texas at Dallas.

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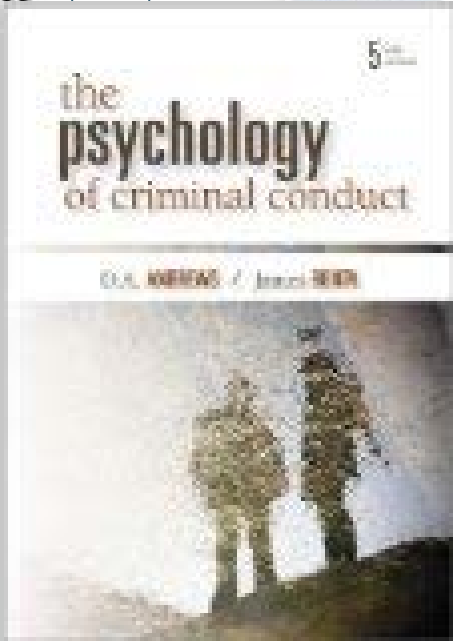
The Office of Justice Programs' CrimeSolutions.gov uses rigorous research to inform practitioners and policy makers about what works in criminal justice, juvenile justice, and crime victim services.

On CrimeSolutions.gov you will find:

- on the effectiveness of programs and practices as reviewed and rated by Study Reviewers
- understandable ratings based on the evidence that indicates whether a program or practice achieves its goals (see Review and Rating from Start to Finish and Practice Review and Rating from Start to Finish)
- active
- rising
- Effects
- programs and practices with research findings

reference between programs and practices on CrimeSolutions.gov?

	Programs	Practices <i>NEW</i>
	A specific set of activities carried out according to guidelines to achieve a defined purpose	A general category of programs, strategies, or procedures that share similar characteristics with regard to the issues they address and how they address them
	How effective is this program according to the most rigorous evaluation(s) available?	How effective is this general practice on average across many evaluations?
	Did the ABC Mentoring Program in Anytown, USA achieve its goals?	Does mentoring usually achieve its goals?
gs	Single evidence rating per program	Single evidence rating for each outcome affected by the practice
	Up to 3 rigorous evaluations of a specific program	Meta-analyses that assess the average effectiveness of the practice on various outcomes across a large number of studies



Internal and external factors promote change within the criminal justice system

**Rising
Correctional
Populations**

Jail/Prison
overcrowding

No evidence of
prison reducing
recidivism

**Escalating
Cost**

Growing cost of
incarceration

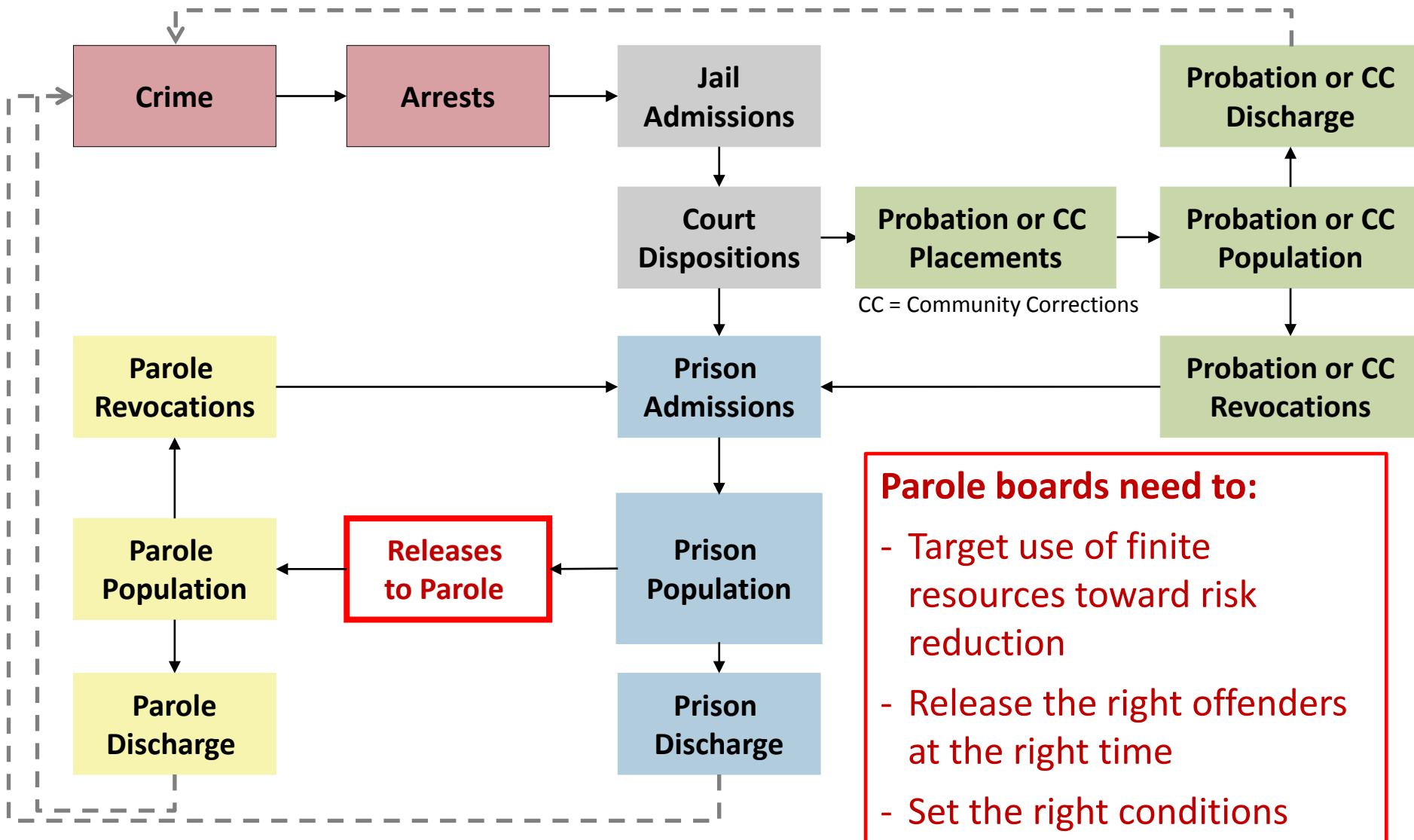
Competing
priorities –
education, health
care, social services

**Robust
Behavioral
Research**

“Nothing Works”
no longer true

Evidence-based
practices

Parole authorities occupy a critical role in the criminal justice system



Change in the criminal justice system have large implications for parole practices

Release decision framework

Develop a structured, evidence-based release decision framework

Parole supervision strategies

Promote supervision strategies aligned with risk reduction principles

Daily management of parolee behaviors

Use a structured response matrix/model

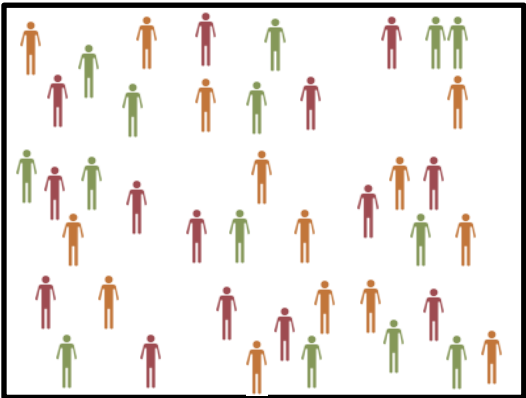
What this looks like...

- Use of a validated risk and needs assessment
- Published guidelines to promote transparency, encourage focus on risk
- Support of rehabilitative efforts and reentry planning

- Balanced case management
- Increased support during period an offender is most likely to reoffend
- Collaboration with treatment providers, community supports

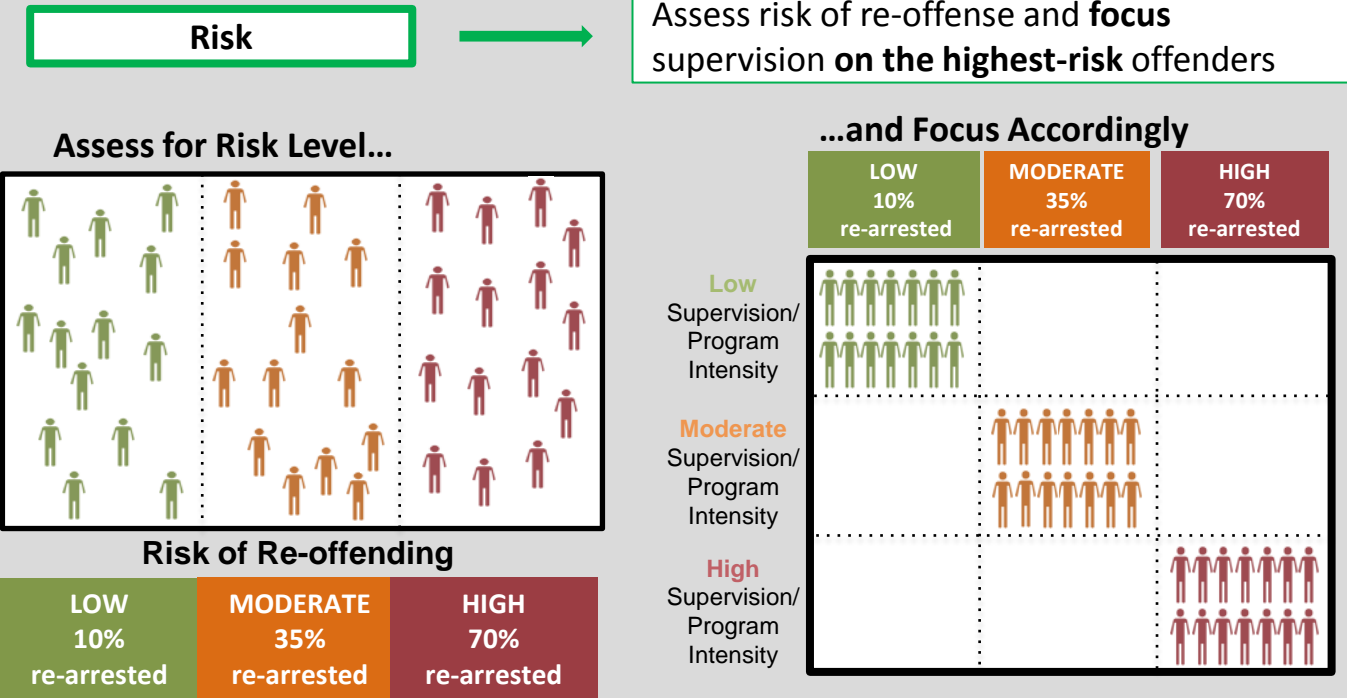
- Application of risk-need-responsivity
- Swift, certain, proportional responses
- Use of the 4:1 principle
- Revocation reserved for limited, severe violations

Assessing risk to reoffend and focusing supervision resources accordingly reduces recidivism



“One size fits all” approach is ineffective at changing behavior and reducing reoffense patterns

Resources should be guided more by risk of reoffense, as measured through a validated assessment tool



Leveraging the special position of a parole authority

Criminal justice trends

Changes to parole

Best practices in parole

- Using risk to target resources
- Transparency and collaboration

Four principles guide an evidence-based system's approach to recidivism reduction

1

Professional judgment of decision makers is enhanced when informed by evidence-based knowledge.

Law Enforcement

Judges

Corrections

Parole / Probation

Treatment Providers

Four principles guide an evidence-based system's approach to recidivism reduction

“Value chain” concept – each system contact has potential for cumulative positive, motivating impact on offender behavior

Practice of motivational interviewing

Consistency and fair-handedness in responding to individuals; guided by actuarial tools

2

Every interaction offers opportunity to contribute to harm reduction

Four principles guide an evidence-based system's approach to recidivism reduction

3

Systems achieve better outcomes when they operate collaboratively:

System policy guided by research on effective risk reduction strategies

Coordinated processes promote consistency in goals and strategies

Case-level information is shared to create a progressive continuum of interventions, treatments, supports, and responses

Four principles guide an evidence-based system's approach to recidivism reduction

4

Monitor practices and outcomes to sustain and strengthen practices

Analysis of data will allow system to become data driven

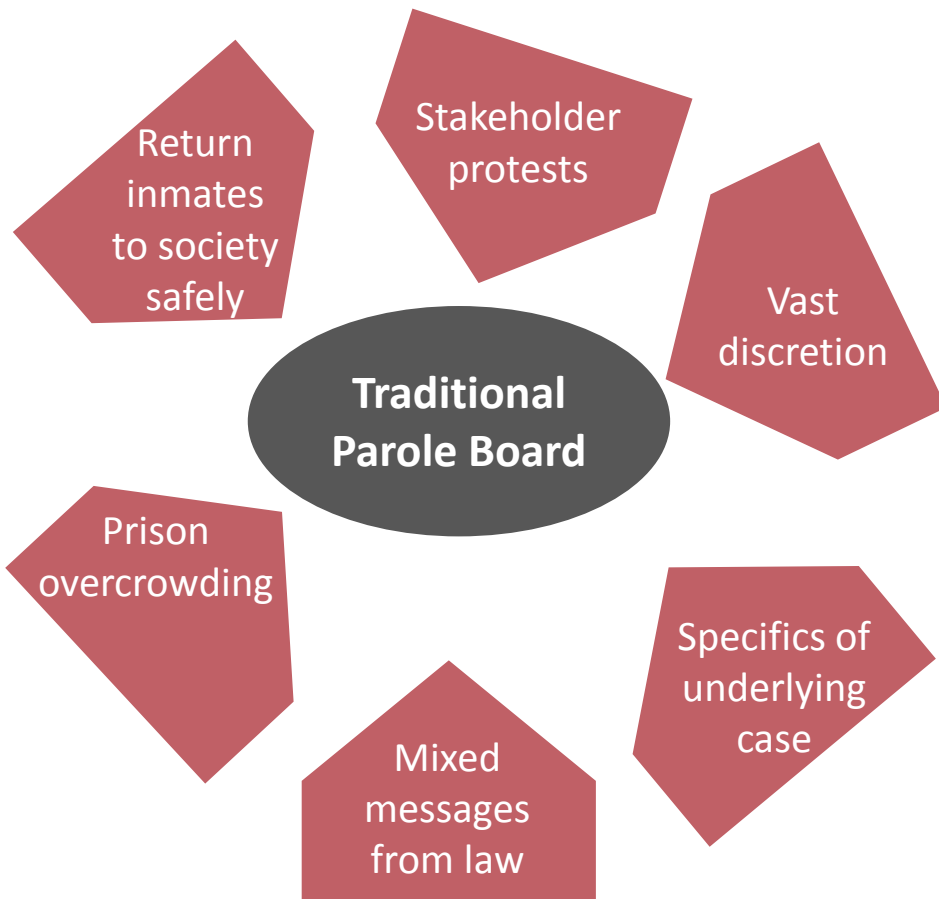
Continue support for evidence-based practices by using data to tell the "story" of successful outcomes

Criminal justice system will continually learn and improve when professionals make decisions based on the collection, analysis, and use of data and information

10 best practices in parole

1. Use validated tools to assess risks and criminogenic needs of offenders
2. Develop evidence-based, policy-driven decision-making practices
3. Establish partnerships to encourage a seamless transition process
4. Leverage resources for medium and high risk offenders
5. Consider release of low risk offenders at the earliest stage possible
6. Use the parole process to enhance offender motivation to change
7. Create policy to ensure conditions and requirements of supervision align with criminogenic risk and needs
8. Develop policy-driven, graduated responses to parole violations
9. Develop and strengthen case-level decision making
10. Develop and strengthen agency-level policymaking, strategic management, and performance measurement

Parole authorities typically operate among an array of pressures that are often irreconcilable



21st Century Parole Board



When making decisions about when someone should be released, the Board should have a transparent structure around which decisions are made:

- ☐ Risk to re-offend?
 - ✓ Completion of required programming in prison?
 - ✓ Institutional misconduct?
- ☐ How should potential risk be managed through supervision, including programming interventions?

Model paroling authorities use data and transparency to improve public safety outcomes

- Evidence-based principles applied in all facets of case management
- Use structured, informed, evidence-based guidelines in concert with case-specific professional judgment
- Ensure transparent, fair, objective system understandable to all stakeholders
- Use data to create a performance-based system to strengthen policy and practice
- Recognize role within larger system, engage others as a partner



Thank You

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Recognized best practices for parole

1. Validated tools to assess risks and criminogenic needs of offenders

- Structured assessment tools can predict risk of re-offense more effectively than professional judgment alone. (*Harris, 2006*)
- The best predictive outcomes are derived from the administration of empirically based actuarial tools combined with clinical (professional) judgment. (*Harris, Andrews, Bonta, and Wormith, 2006; Grove et al., 2000*)

2. Evidence-based, policy-driven decision-making practices reflect the full range of a paroling authority's concerns

- Parole board members come together and reach agreement on the goals and methods to achieve their desired outcomes as a group. The decision making approach aligns best with the goals of effective transition and reentry of offenders. (*Comprehensive Framework for Paroling Authorities in an Era of Evidence-Based Practice, NIC, Nancy M. Campbell, 2008*)

Recognized best practices for parole

3. Partnerships to encourage a seamless transition process and the availability of evidence-based programs

- Parole and corrections as partners with same goals
- Sensitive to protection of victims, support for treatment providers, and responsive to individual and community risk

4. Leverage resources for medium- and high-risk offenders

- Use evidence based parole guidelines to promote risk reduction and reentry planning for parole
- Apply risk principle using a validated risk and needs assessment that target higher-risk cases to maximize recidivism reduction

Recognized best practices for parole

5. Consider release of low-risk offenders at the earliest stage possible

- Preserve use of resources to higher-risk offenders
- Low-risk cases pose minimal statistical likelihood of reoffending; their risk is increased when engaged with higher-risk individuals

6. Use the parole process to enhance offender's motivation to change

- The parole hearing or interview is of enormous importance to inmates

Recognized best practices for parole

7. Create policy to ensure conditions and requirements of supervision align with criminogenic risk and needs

- Selective use of conditions targeting criminogenic needs
- Unnecessary conditions distract from both parolees and parole officers focus on behaviors related to risk of future offending

8. Graduated responses to parole violations assure even-handed treatment of violators and utilize resources wisely

- Evidence-based principles are effective in changing behavior
- Response model insures consistency based on risk-related factors

Recognized best practices for parole

9. Develop and strengthen case-level decision making in these areas:

- Parole interviews and case evaluation prior to parole hearing
- Parole-hearing case evaluation for release decisions
- Parole-supervision case management, responding to behaviors
- Revocation hearings by parole-hearing decision makers
- Decisions related to early discharge

Recognized best practices for parole

10. Develop and strengthen agency level policy making, strategic management, and performance measurement

- Operational and decisional principles
- Strategic planning, complementary with corrections
- Implement guidelines with capacity to collect decision-making data, analyze to assess performance
- Professional development of workforce—decision makers, parole officers, and other key staff