

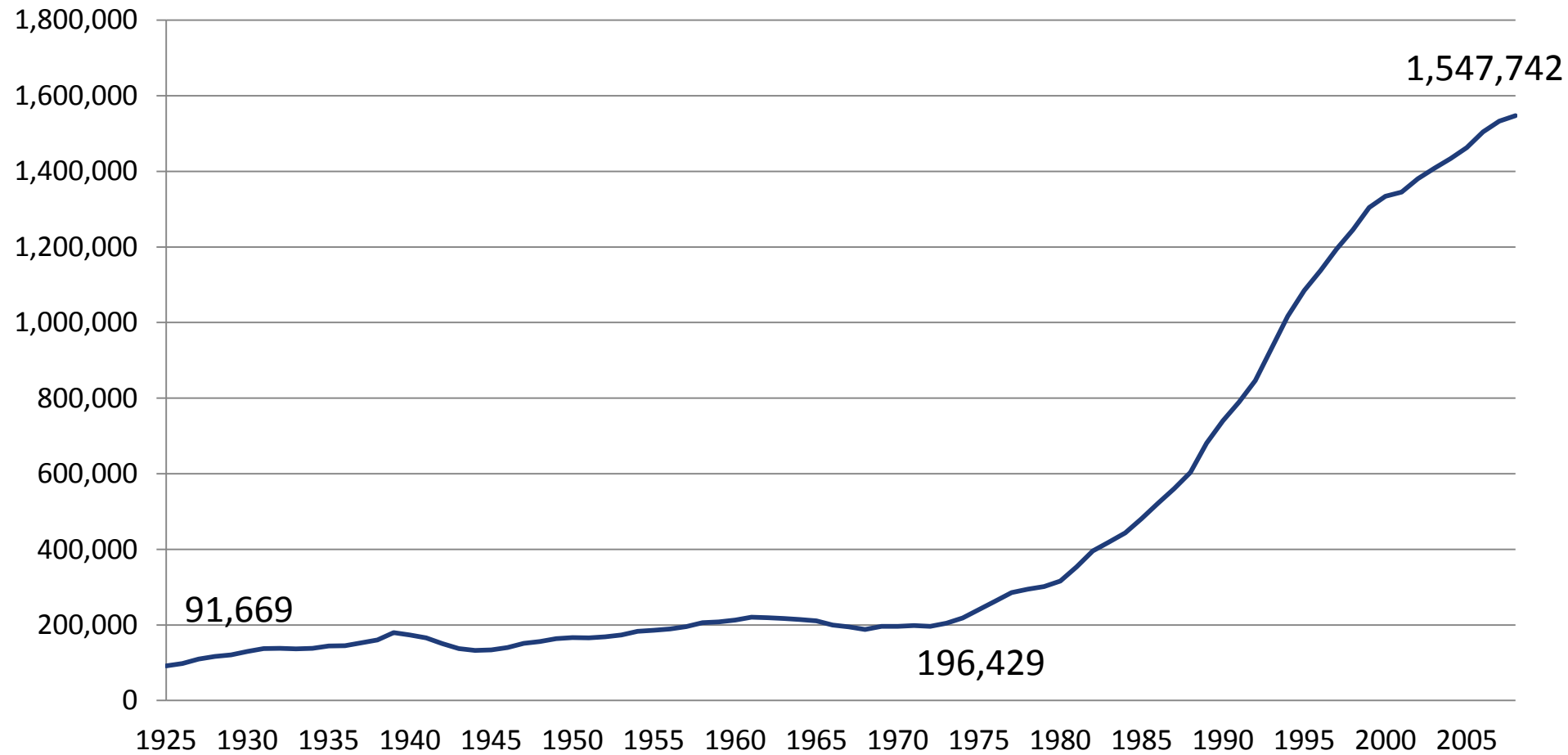
Criminal Justice Reform: A National & Local Perspective

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2008: 1 in 100 Behind Bars

State and Federal Prison Population, 1925-2008



The Prevailing View: 1970s –2000s

- High rates of recidivism are inevitable
- Rehabilitation doesn't work
- Prison = deterrence & punishment
- Probation/Parole = surveillance & punishment

Martinson: Nothing Works

- Notable 1974 study of 231 rehabilitation programs
- Conclusion: Nothing works
 - “With few and isolated exceptions, the rehabilitation efforts that have been reported so far have had no appreciable effect on recidivism.”
- Huge impact on criminal justice policy & research

Increasing Use of Prison

- Increasing use of prison as response to crime
- Prison no longer reserved for more serious/violent offenses
- Increasing use of incarceration for drug offenses

Prison Terms Get Longer

- Sentence lengths increase
- Increased use of mandatory minimums
- Reduction in use of parole (truth in sentencing)
- Increase in very long sentences
 - Three strikes laws
 - Life without Parole sentences

Increase in Juvenile Detention

- More youth pulled into system earlier and earlier
- Increase in use of incarceration for juveniles
- More juveniles sentenced as adults

Prisons and Mental Health

- Decrease in community mental health treatment resources
- Prison/jail increasingly used as response to mental health crises

Prisons as Punishment

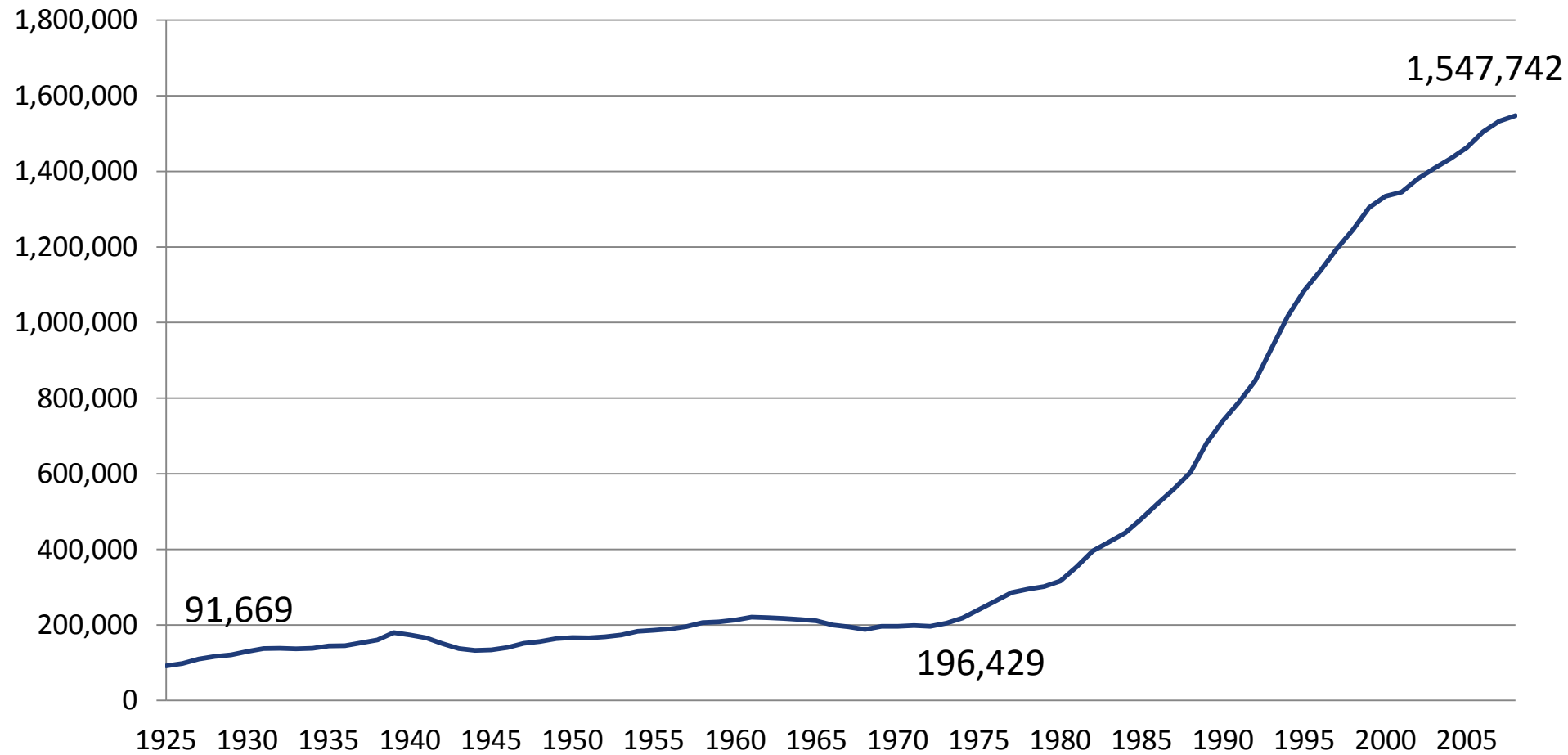
- “Prison should be scary”
- Increase in use of solitary confinement
- Cuts in treatment
- Overcrowding & harsh conditions

The Result

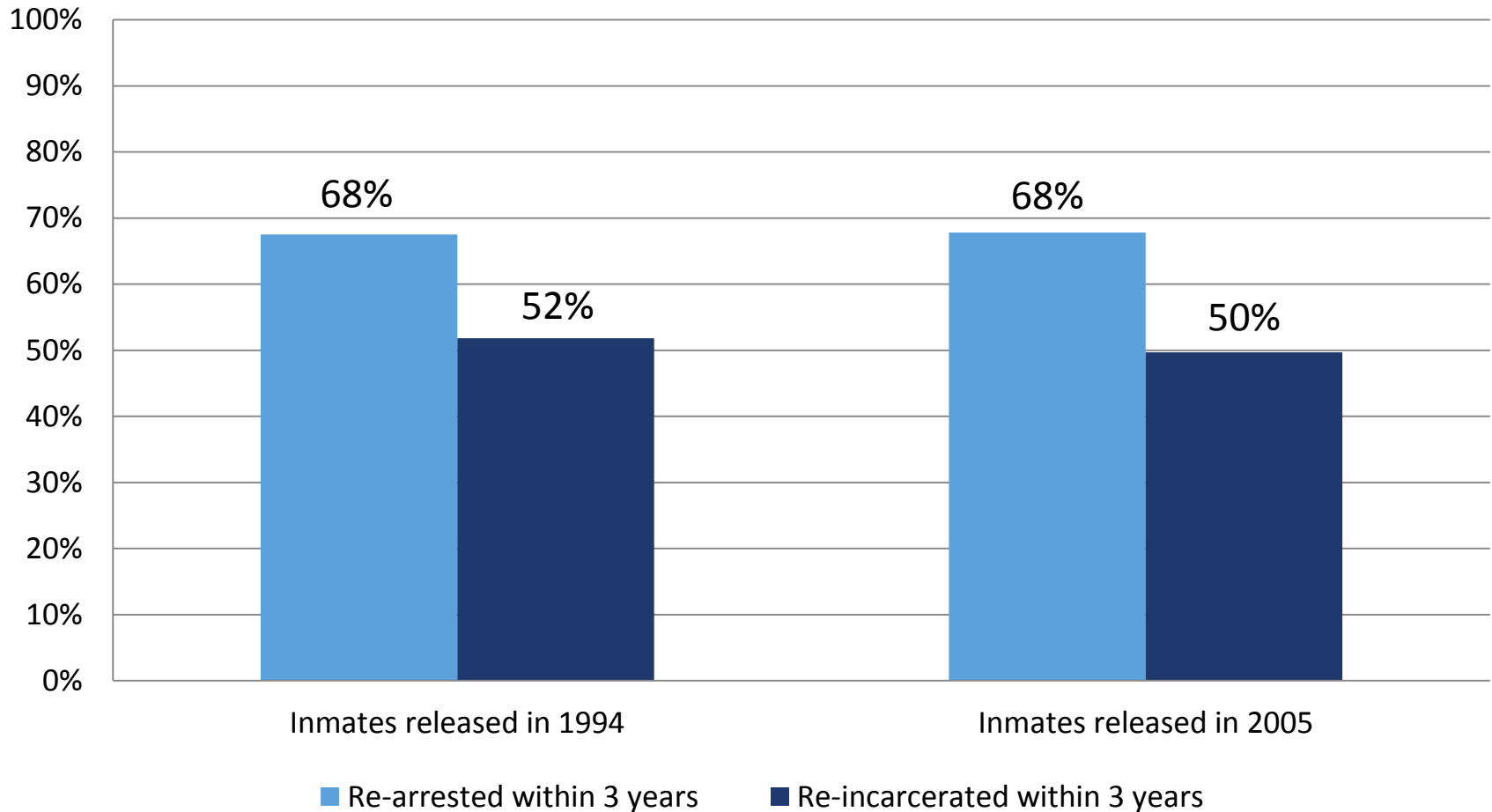
- Skyrocketing prison population nationwide
- Large percent of incarcerated population with mental health and substance use issues
- Aging prison population
- Very high recidivism rates

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Recidivism Remains High



Increase in Pretrial Detention

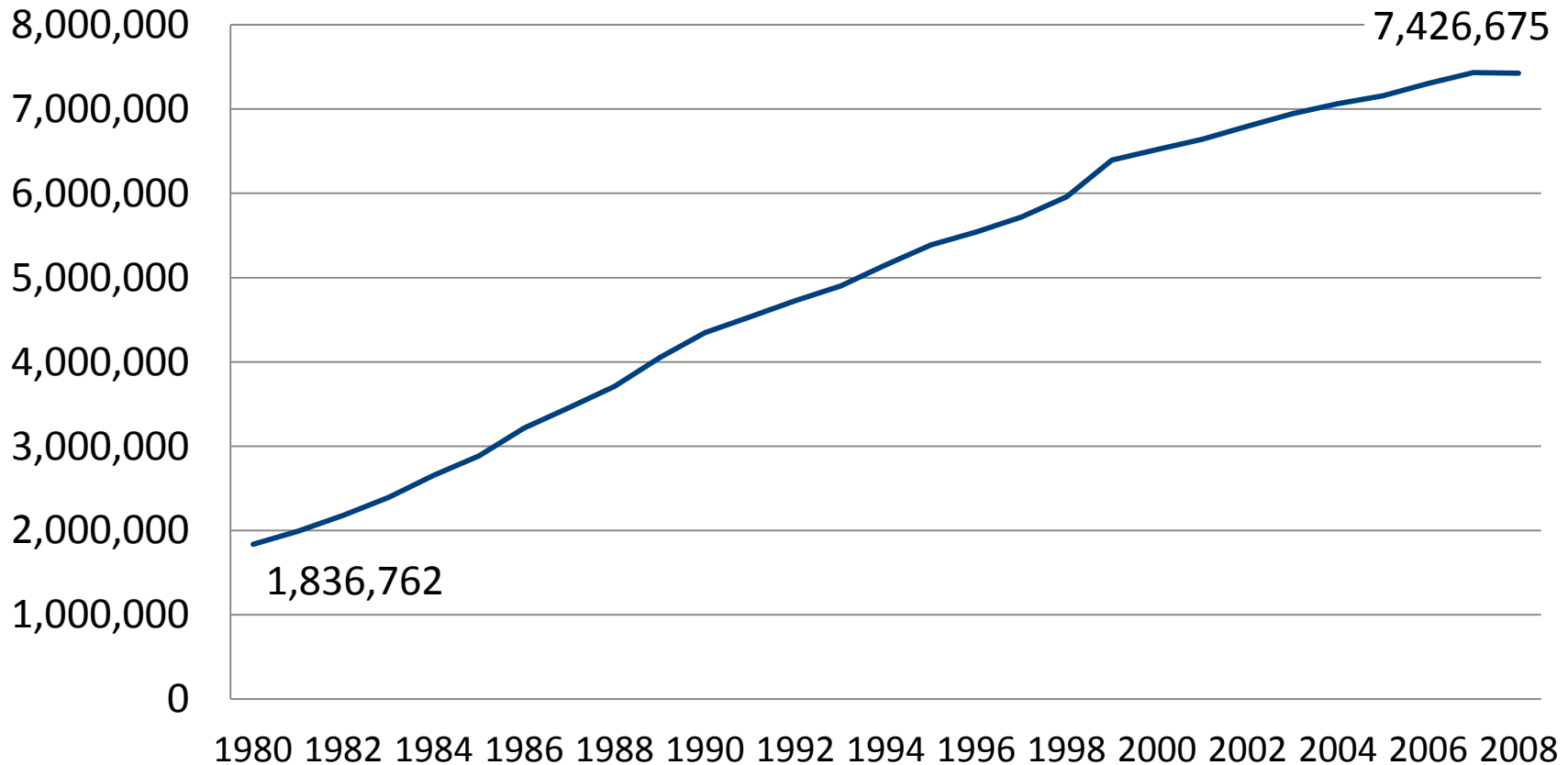
- Increasing use of pretrial detention
- Increasing length of pretrial detention

Changes in Probation & Parole

- Increasing use of probation
- Increasing length of probation and parole terms
- More community surveillance tools (GPS, drug screens)
- Increase in revocations for non-criminal violations

By 2008: 1 in 31 Adults Under Correctional Control

Correctional Population (prison, jail, probation, and parole), 1980-2008



Mid 2000's: A Turning Point

Second Chance Act (2008)

- Purpose: to reduce recidivism and improve public safety
- Federal grants for program and system reforms aimed at improving reentry
- Since 2009, more than 800 awards have been made to grantees across 49 states

Texas (2007)

- Facing need to spend \$523 million to build yet more prisons
- A new approach
 - Increase diversion
 - Decrease revocations
 - Increase treatment availability
 - Increase parole releases
- Invested \$241 million in treatment for substance abuse, mental health, and prison alternatives

Reframing the Debate

Old Question:

“How Do We Demonstrate that We’re Tough on Crime?”

New Questions:

“How Do We Improve Public Safety by Reducing Recidivism?”

“How Do We Use Our Limited Resources Most Effectively?”

Prison & Crime

In the last decade, significant research focus on the relationship between prison and crime

- Has dramatic increase in incarceration reduced crime?
- Does prison reduce recidivism?
- Do longer sentences deter crime?

What Impact Has Incarceration Had on Crime?

- Researchers attribute 10-30% of the post-1990s crime decline on increased incarceration
- Other variables responsible for crime decline include:
 - Improved policing strategies
 - Technology & personal security habits
 - Demographic shifts
 - Changes in drug markets
- The US has reached the point of diminishing returns to incarceration

Does Incarceration Reduce Recidivism?

- In general, research finds that incarceration is **not** more effective than non-custodial sanctions at reducing recidivism
- For many individuals, incarceration can actually increase recidivism
 - Especially first time offenses, drug offenses, and technical probation violations

Do Longer Sentences Deter Crime?

- Research finds that longer prison stays do not reduce recidivism more than shorter stays
- Little to no evidence that increasing already-long prison sentences yields significant deterrent effects
 - Three strikes
 - Life without parole

What Works?

If Not Prison, Then What?

- **Crime Deterrence:** Certainty of apprehension matters more than severity of punishment
- **Diversion:** Early intervention to prevent further justice system involvement for youth, first time- and lower-risk individuals
- **Rehabilitation:** Changing behavior, reducing recidivism

“Nothing Works” Revisited

- Martinson was trying to find one single type of treatment that worked reliably for all individuals in all circumstances
- Palmer (1975) - reviewed Martinson’s (1974) article
 - 48% of the programs had, in fact, reduced recidivism
 - Nothing worked for everyone, BUT
 - Some things worked for some people in some circumstances
- Call to action for research on *what works* to reduce recidivism

Recidivism Reduction Principles

- **Risk, Need, Responsivity:** Focus on high risk individuals, target criminogenic needs, address programming barriers
- **Frontload resources** for individuals coming out of prison
- **Incorporate treatment into supervision**
- Effectively use **community-based sanctions** to respond to negative behavior
- **Reinforce positive behavior** with rewards & incentives
- Monitor **quality, fidelity, and outcomes**

The Risk Principle

- **High Risk** offenders are more likely to recidivate
 - Require the most intensive intervention (supervision and treatment)
- **Low Risk offenders** are not as likely to recidivate
 - Too much intervention can increase likelihood of recidivism
 - Intervention may not be necessary

Risk Principle: Implications

- Increasing involvement with criminal justice system associated with increased risk
- Justice system involvement can destabilize lower-risk individuals, increase risk of future crime
- To reduce recidivism, focus resources on higher risk individuals
- Lower risk individuals strong candidates for diversion

Need & Responsivity Principles

- **Need Principle:** Target individual's criminogenic needs
 - Criminal thinking patterns
 - Antisocial attitudes
 - Substance abuse
 - Education/employment
- **Responsivity Principle:**
 - Help individuals address/overcome barriers to succeeding in treatment
 - Cognitive-behavioral treatments have most impact

Frontload Resources

- Focus community resources in the first days, weeks, and months when releasing individuals are most likely to commit a new crime and need most support
- Identify those who need enhanced supervision/support and those who do not
- Deter future crime and technical violations by changing behavior early in the reentry process

Incorporate Treatment into Supervision

- Case plans should include referrals to treatment when appropriate
 - Remember RNR principles
- Cognitive behavioral treatment and community-based drug treatment can significantly reduce recidivism
- Using Core Correctional Practices during supervision meetings can support behavior change and reduce recidivism

Importance of Behavioral Health Care

- Treatment for substance abuse and mental health may help reduce crime rates
- In 2016, researchers looked at substance abuse treatment availability and crime rates over time
 - Found that an increase in treatment availability correlated to a reduction in violent and property crime
- Two studies (2017 & 2018) looked at access to treatment through Medicaid expansion
 - Both found that when Medicaid expanded, violent and property crime rates fell

Sanctions: Swift, Certain, Proportional

Swift, certain, and proportionate sanctions are more effective than delayed, random, and severe sanctions

- Communicate consequences in advance
- Link sanction to negative behavior
- Apply sanction as quickly as possible after negative behavior
- Certainty is more important than severity when it comes to deterrence

Use Community-Based Sanctions

- Research consistently shows that incarceration sanctions do not perform better than community-based sanctions to
 - Reduce the number of future violations
 - Help the individual successfully complete probation or parole
- Incarceration sanctions can destabilize individuals and increase risk of recidivism
- Where possible, use community-based sanctions

Reinforce Positive Behavior

- Positive reinforcement (rewards for pro-social behavior) is more impactful than negative reinforcement (sanctions for anti-social behavior)
- To reduce recidivism, incentivize and reward pro-social behavior
- Use incentives more often than sanctions

Monitor Quality, Fidelity & Outcomes

- Higher quality evidence-based practices have bigger impacts on recidivism
 - Validate risk / needs assessment tools
 - Train, supervise, and coach staff on evidence-based practices
 - Monitor programs for compliance and fidelity
 - Collect data, set performance benchmarks, and monitor outcomes

Recidivism Reduction Principles

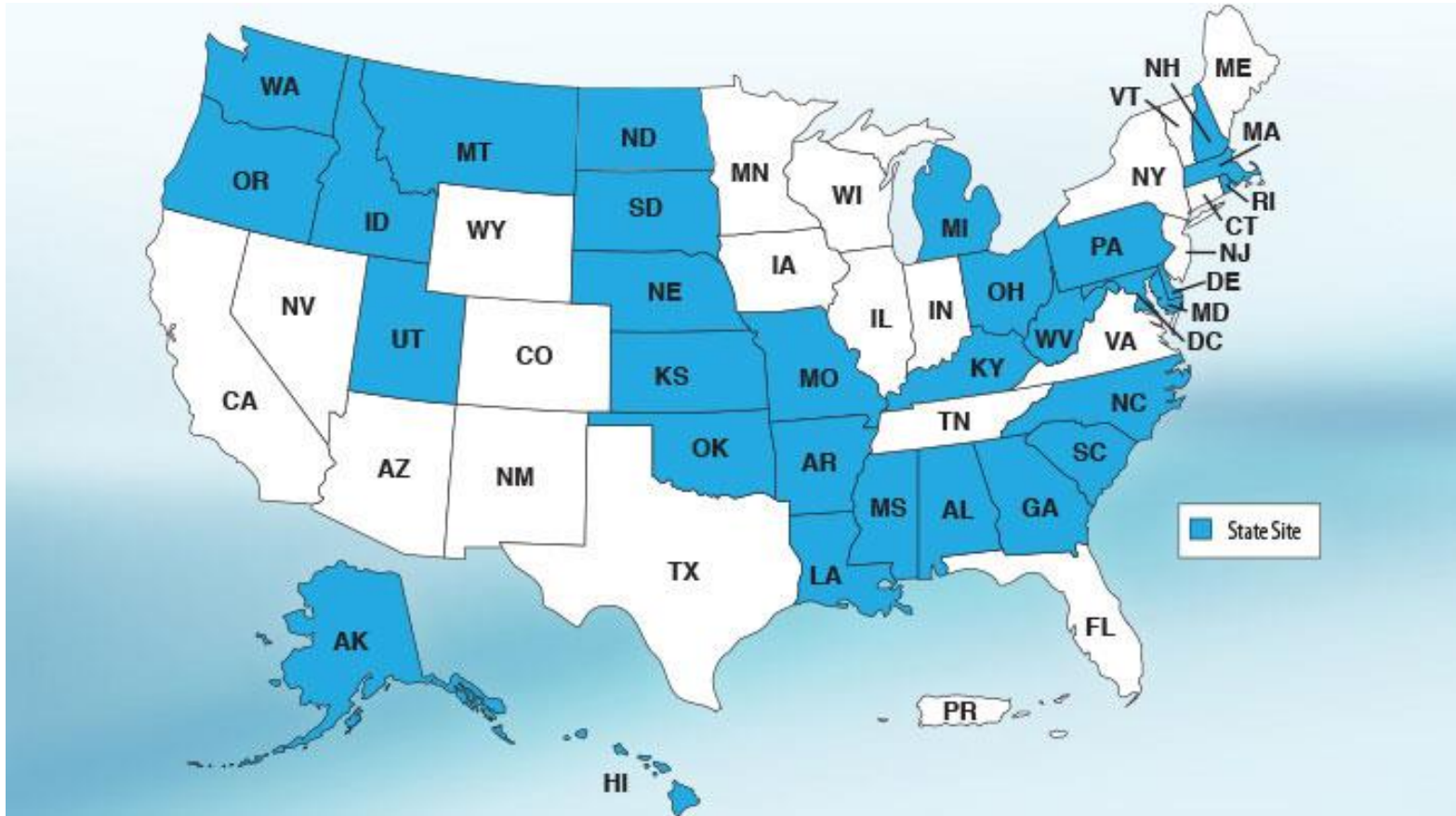
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Justice Reinvestment

Justice Reinvestment

- Since 2007, 33 states have reformed sentencing & corrections policies through JRI
- Focus on analyzing data and following the “What Works” research
- Many states have engaged in multiple rounds of reform
 - Additional adult system reforms
 - Juvenile system reforms
 - Pretrial/local reforms

Justice Reinvestment States



Major JRI Reforms

Reforms vary from state to state, but typically:

- **Prioritize prison for people who have committed serious offenses**
 - Increase diversion to prison alternatives
 - Reduce pretrial detention
 - Decrease sentence length
 - Increase parole/release opportunities
- **Increase effectiveness of community supervision & treatment**
- **Reinvest savings** in programs that increase public safety, reduce recidivism, and support crime victims

Texas (2007)

- 25% drop in recidivism
- 26% drop in crime rate
- For the first time in its history, Texas is closing facilities rather than building them
 - 4 adult prisons closed
 - 4 more slated to be closed

South Carolina (2010)

- 13% decline in recidivism rate
- 46% decline in technical revocations
- 14% drop in prison population
- Canceled plans to build new prisons and closed six facilities
- 16% decrease in crime rate

Georgia (2012)

- 35% drop in parole revocations
- 17% drop in probation revocations
- 6% drop in prison population
- 16% decline in crime rate

Other Justice Reforms

- Other states have adopted significant justice system reforms outside JRI process
- Increasing attention nationwide on:
 - Increasing law enforcement diversion efforts
 - Reducing jail populations
 - Reducing pretrial detention/use of money bail
 - Reducing use of solitary confinement
 - Decreasing barriers to reentry

Public Support for Criminal Justice Reform

“It does not matter whether a nonviolent offender is in prison for 21 or 24 or 27 months. What really matters is the system does a better job of making sure that when an offender does get out, he is less likely to commit another crime.”

STRONGLY AGREE

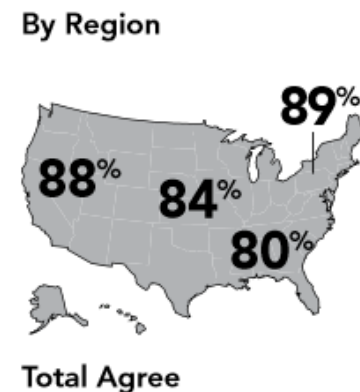
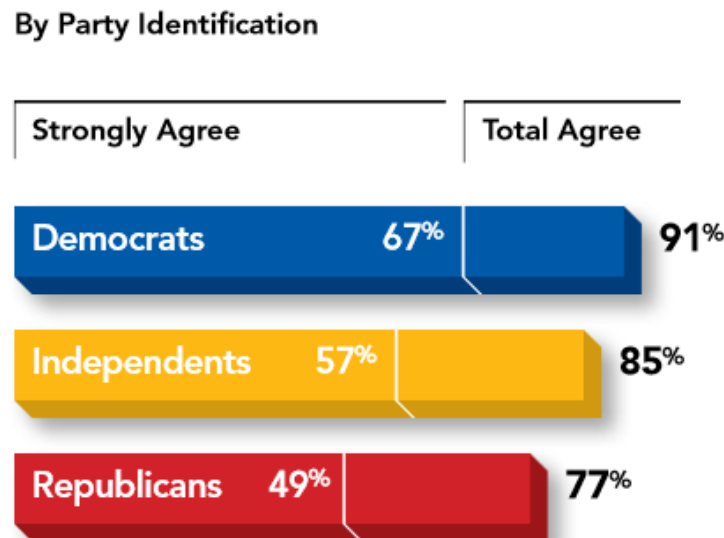
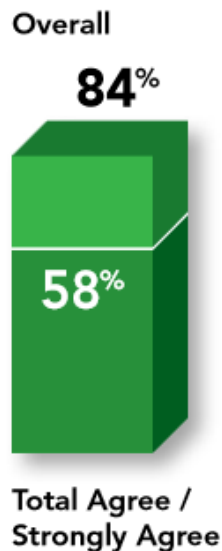


TOTAL AGREE



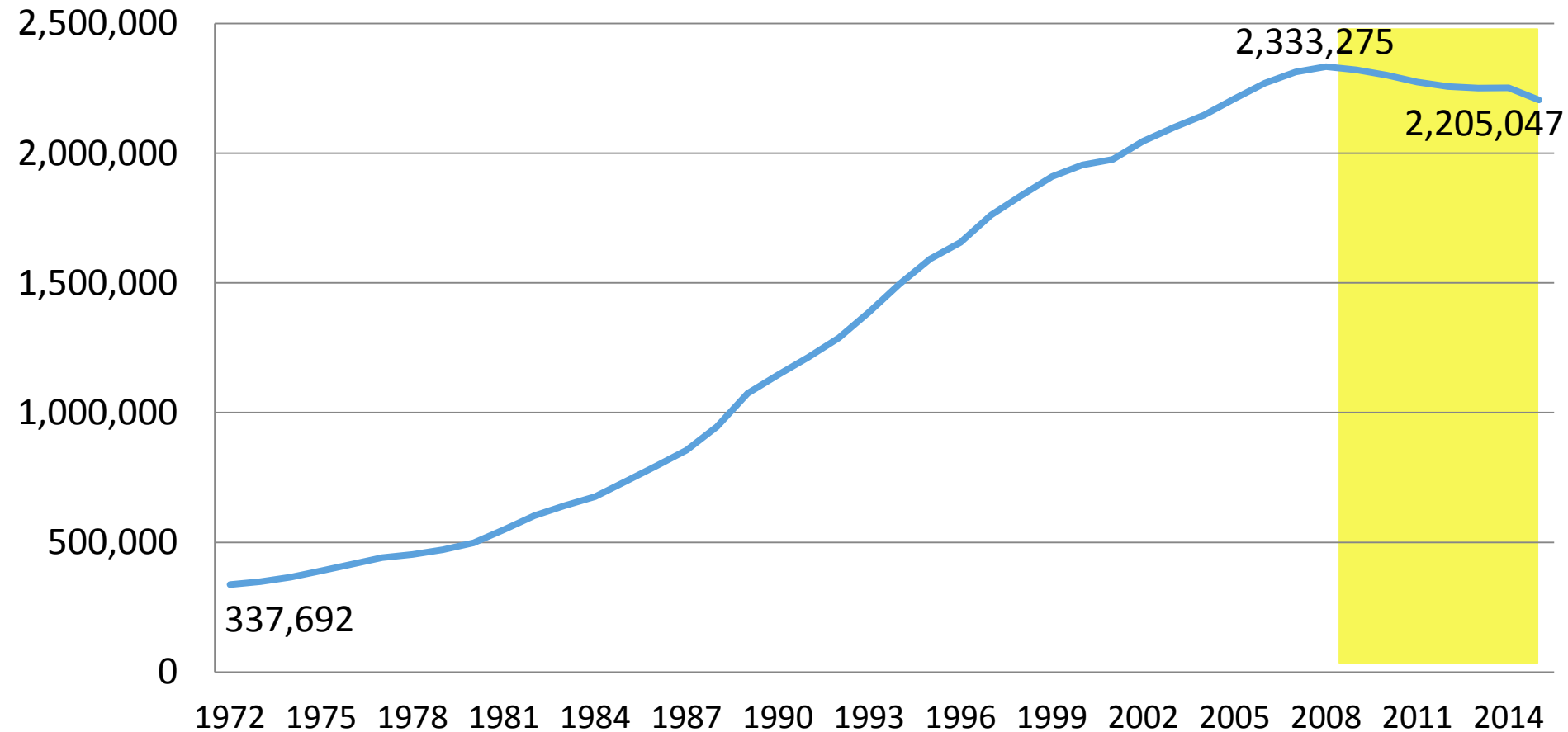
Support for Reform Strong Across Political Parties

“Some of the money that we are spending on locking up low-risk, nonviolent inmates should be shifted to strengthening community corrections programs like probation and parole.”



By 2015: 1 in 112 Behind Bars

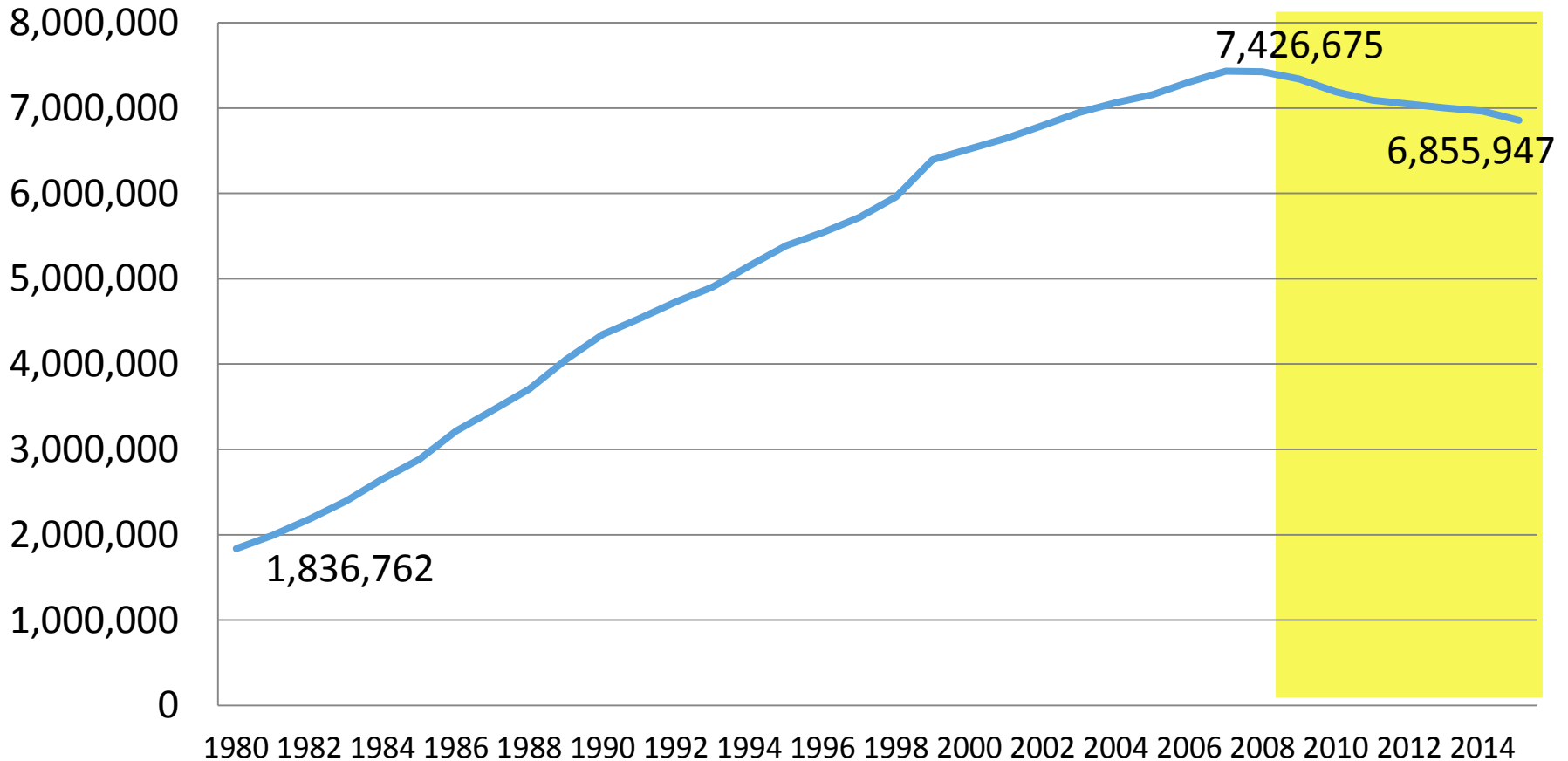
Incarcerated Population, 1972-2015



Source: Department of Justice, Bureau of Justice Statistics

By 2015: 1 in 36 Under Correctional Control

Correctional Population (prison, jail, probation, and parole), 1980-2015



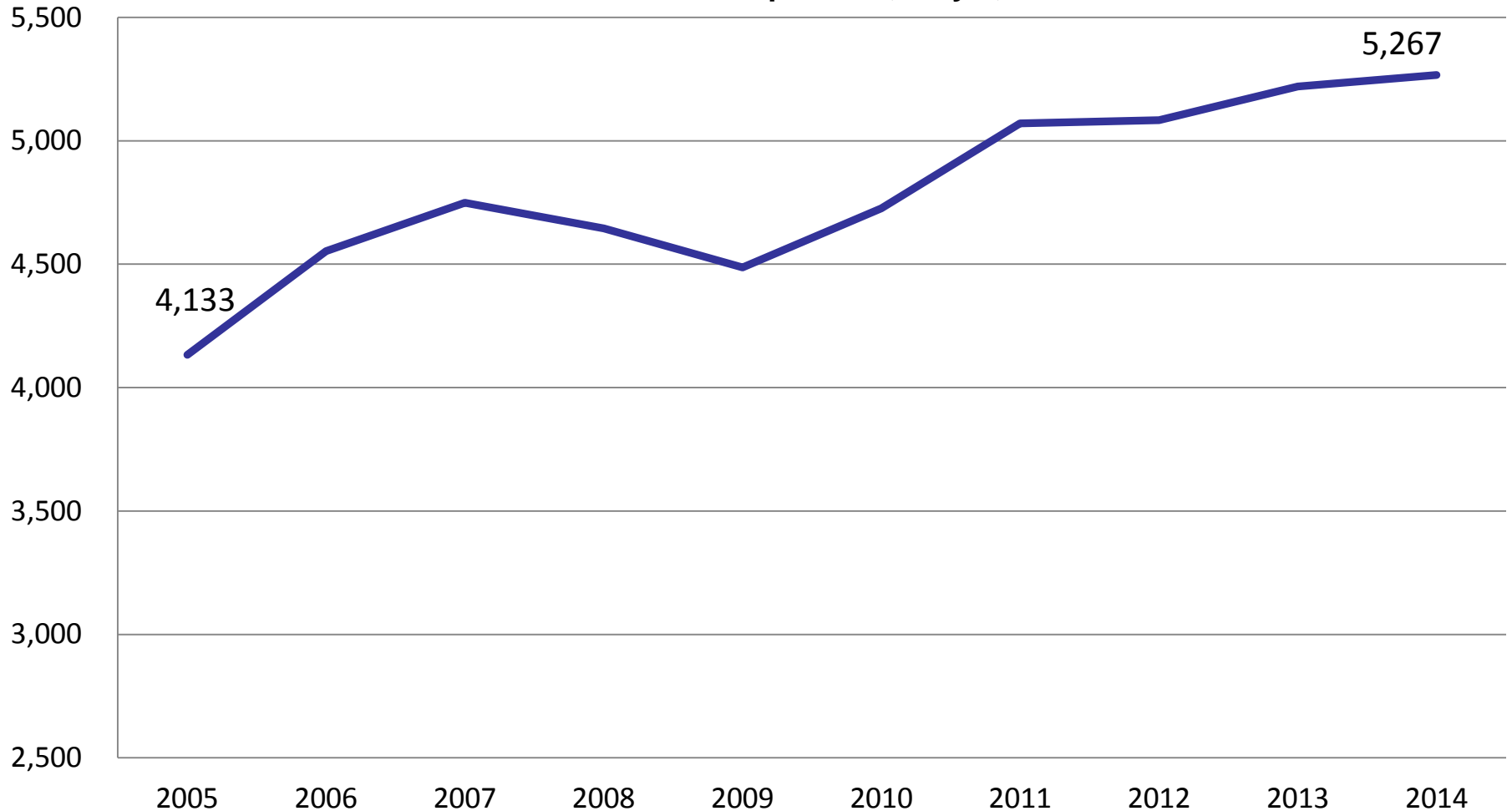
Justice Reform in Alaska

Justice Reinvestment in Alaska

- 2015: Alaska Criminal Justice Commission tasked by Governor & Legislative leadership with developing recommendations to safely control prison growth
- Membership includes:
 - Judges
 - Department of Law
 - Public Defender
 - Law Enforcement (Police & DPS)
 - DOC
 - Victim Representative
 - Mental Health Trust

Prison Population Up 27% in Last Decade

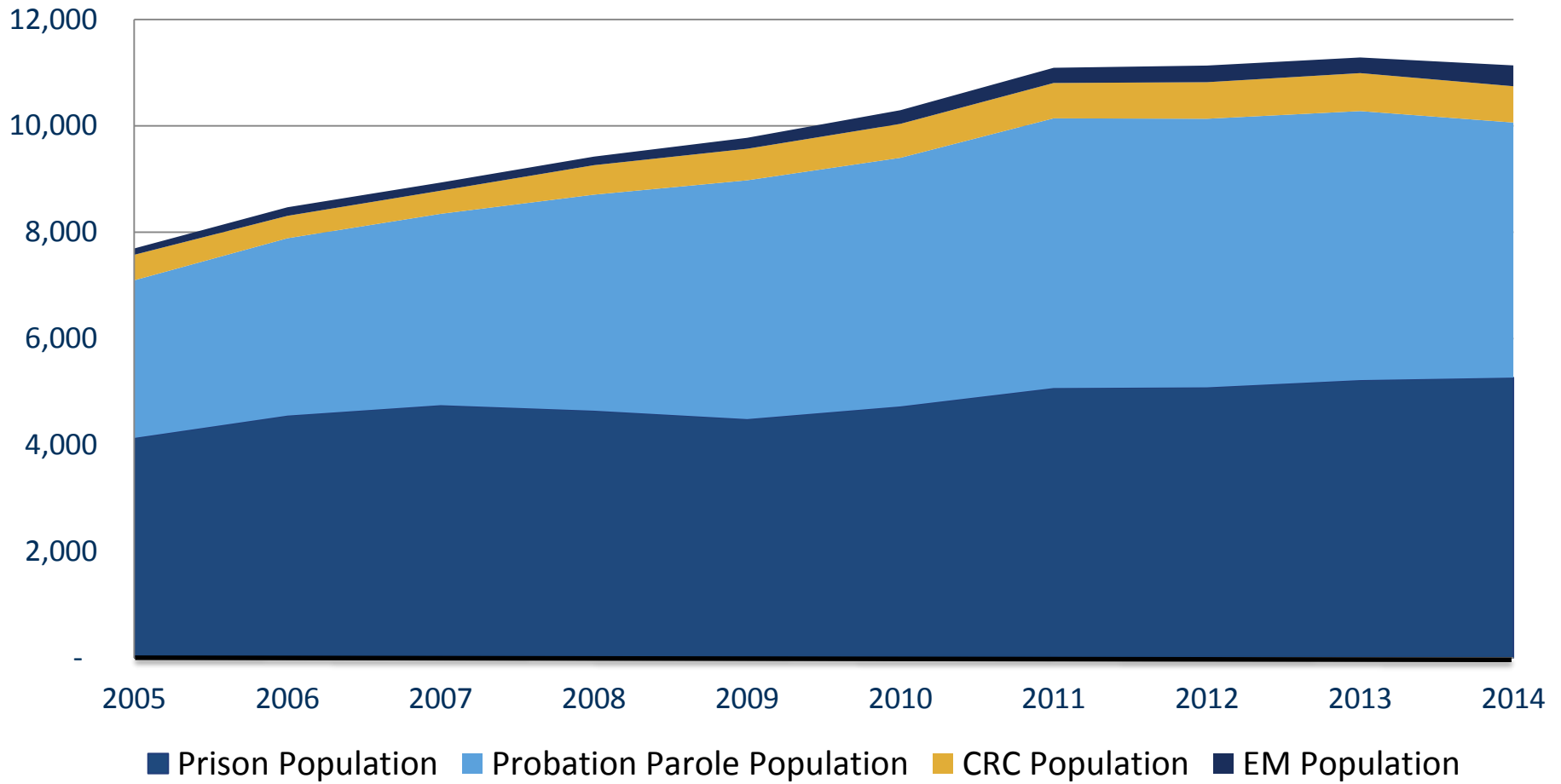
Alaska Prison Population, July 1, 2005-2014



Source: Alaska Department of Corrections

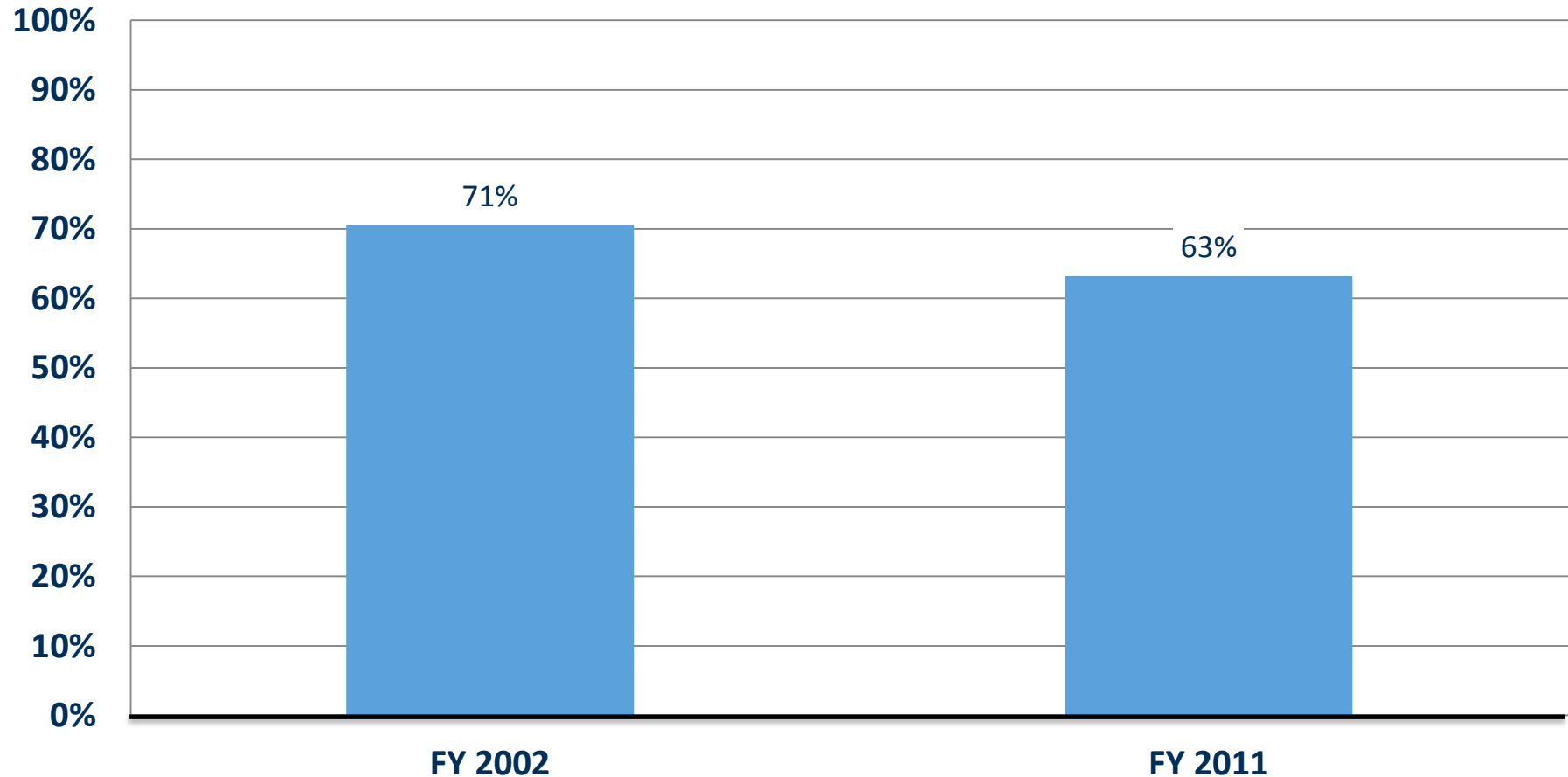
Population under DOC Control up 45%

Populations under Alaska DOC Control, July 1, 2005-2014



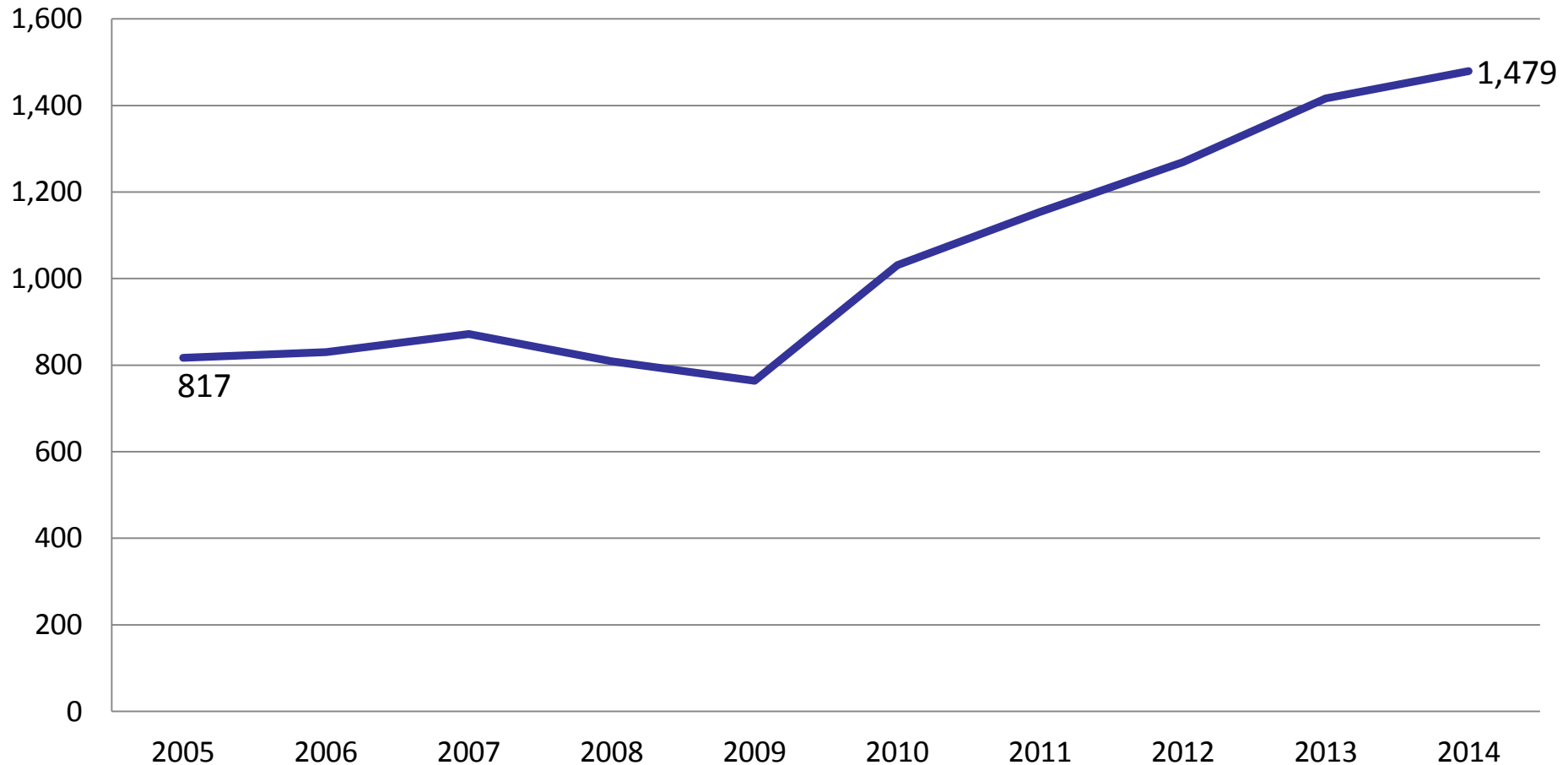
Almost Two-Thirds Return to Prison

Percentage of Offenders Released Who Return to Prison Within 3 Years,
FY 2002 and 2011

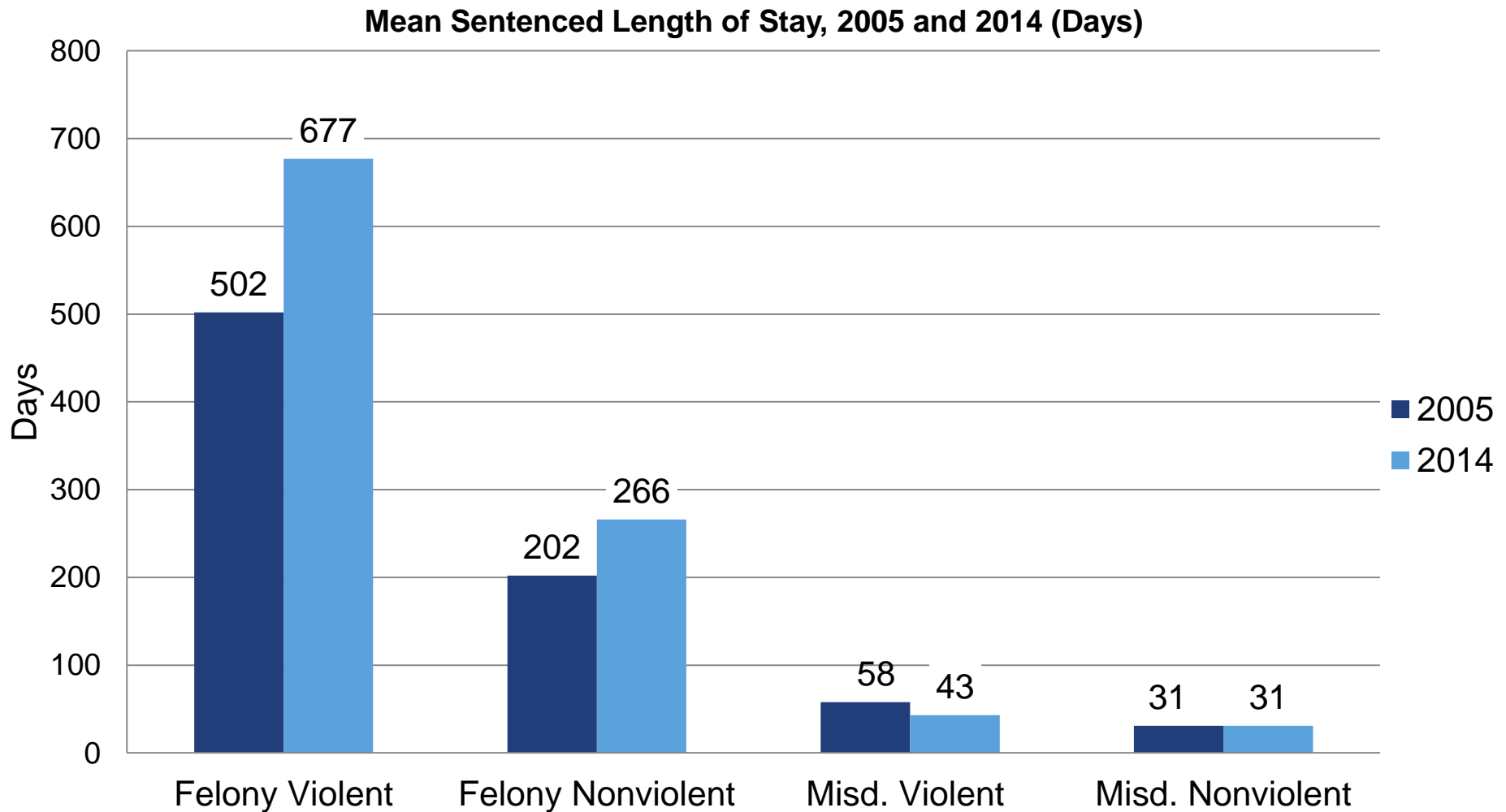


Number of Pretrial Defendants Up 81% in Last Decade

Pretrial Detainees on July 1, 2005-2014

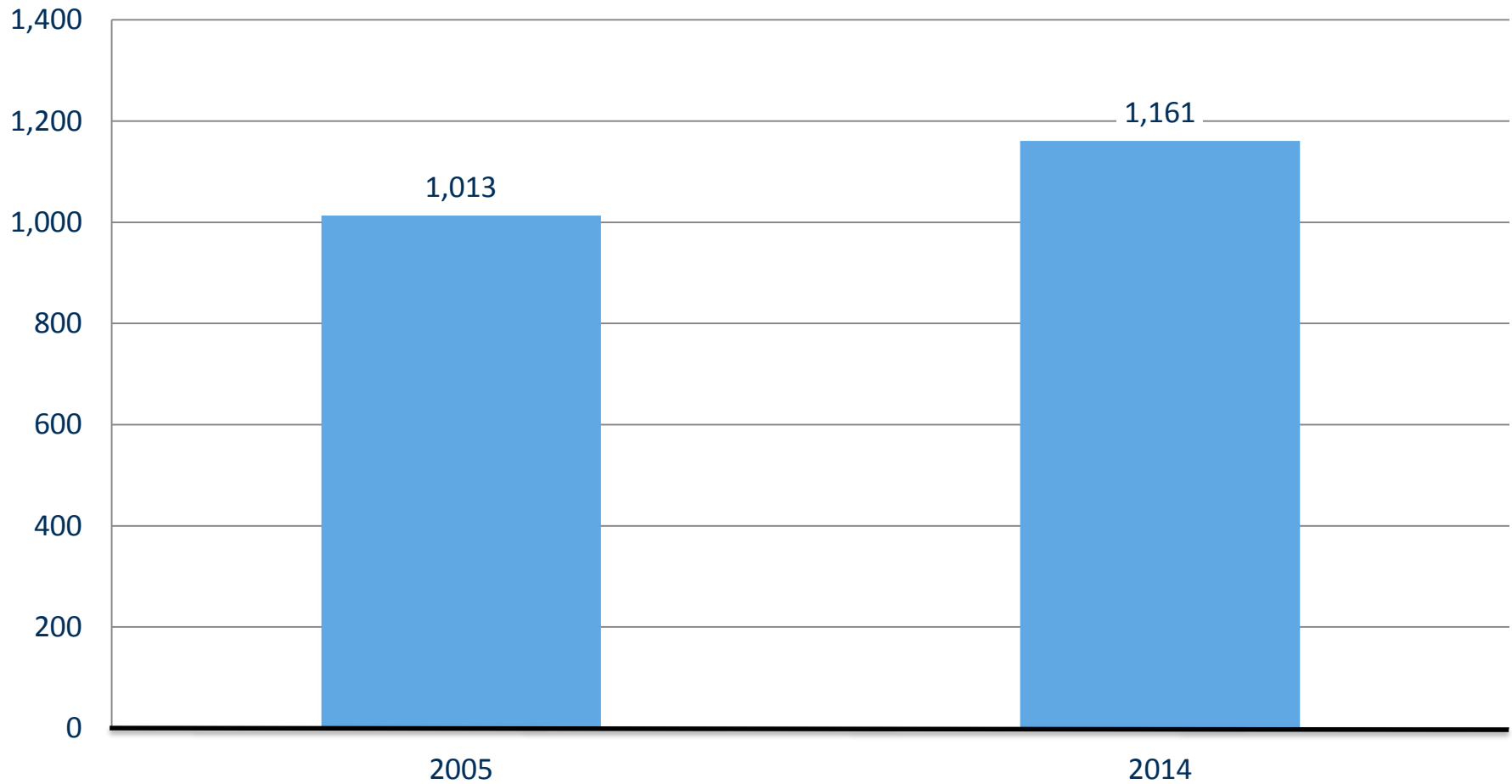


Post-Conviction Length of Stay Up for Felonies



Supervision Violators in Prison Up 15%

Number of Supervision Violators in Prison, July 1, 2005 and 2014



Alaska's Justice Reform Goals

- Implement evidence-based **pretrial** practices
- **Focus prison beds** on serious and violent offenders
- Strengthen **probation and parole** supervision
- Improve **reentry** programming
- Ensure **oversight** and accountability
- **Reinvest** in programs proven to reduce recidivism and protect public safety programming

Evidence-Based Pretrial Practices

- Risk-based release decision-making
 - DOC has adopted a data-based pretrial tool, the AK-2S
 - Court is using tool to inform decisions regarding bail and release conditions
- Pretrial supervision
 - DOC now providing pretrial supervision to higher risk individuals

Focus Prison on Violent Offenders

- Reduced sentence length:
 - Reduced maximum sentence for non-violent misdemeanors
 - Reduced presumptive sentencing range for non-sex felonies
- Reduced use of prison for drug offenses:
 - Reduced drug possession from Felony to Class A Misd
 - Reduced presumptive sentence length for commercial drug activity (small amounts)
- Expanded eligibility for parole
- Capped maximum sentences for non-criminal supervision violations

Strengthen Probation & Parole

- Implemented graduated sanctions & incentives
- Focus resources on higher-risk individuals by:
 - Allowing individuals to earn their way off community supervision with good behavior
 - Limiting maximum length of probation supervision

Improve Re-Entry Programming

- Requires all prisoners serving more than 30 days to have a case plan
- Requires all prisoners serving more than 90 days to have a re-entry plan
- Requires DOC to partner with community non-profits to assist in re-entry process
- DOC must assist prisoners with obtaining state identification

Reinvest Savings

- The reforms are estimated to save a total of \$380 million over the next 6 years
 - \$211 million in direct net savings
 - \$169 in savings from averted growth

Reinvestment

Pretrial Services/Supervision	\$54.2 Million
Victims' Services & Violence Prevention	\$11 Million
DOC Treatment Services	\$11 Million
Re-Entry Support Services	\$15.5 Million
Additional Implementation Costs Includes: Additional staff, training, database upgrades to support implementation	\$7.1 Million
Total Reinvestment	\$98.8 Million

Oversight & Accountability

- Requires state agencies to collect and report performance data
- Requires Alaska Criminal Justice Commission to:
 - Review and analyze the implementation of the legislation
 - Make recommendations for future reforms

Justice Reform in Alaska

- Alaska has taken important steps forward to reform state's criminal justice system
- In doing so, Alaska is following successful models from other states and the best available research on what works to reduce recidivism

Justice Reform in Alaska

- Reform is a process, not a product
- Play the long game: change doesn't happen overnight

Questions/Contact

- Contact information:

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Disclaimer

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