

Justice Reinvestment Initiative Introductory Presentation

Advisory Commission on the Administration of Justice
August 2, 2018

Presentation Overview

- Justice Reinvestment Initiative (JRI) Overview
- National Landscape
- Research and Evidenced-Based Practices
- Nevada Criminal Justice Challenges
- Next Steps

JRI Overview

Introduction

- The Crime and Justice Institute (CJI) at Community Resources for Justice works with local, state, and national criminal justice organizations to reduce recidivism, cut costs, and promote public safety throughout the country
- CJI provides nonpartisan policy analysis and technical assistance, research and program evaluation, and educational activities to jurisdictions throughout the country

The map displays the following states categorized by their JRI status:

- 2018–2019 Active States (Yellow):** NV, AR
- Prior JRI Reforms (Blue):** OR, SD, UT, KS, OK, TN, KY, WV, VA, SC, GA, AL, MS, LA, AK, HI
- Other States (White):** WA, MT, ND, MN, WI, MI, NY, PA, OH, IN, IL, IA, MO, NE, WY, ID, CO, NM, AZ, TX, ME, VT, NH, MA, RI, CT, NJ, DE, MD, DC, FL

JRI Phase I

- Process:
 - Analyze data & assess system policies and practices
 - Develop policy recommendations
 - Engage in legislative process

JRI Phase II

- Process:
 - Implement policies
 - Measure outcomes
 - Reinvest savings

National Landscape: Pre-Reform Era

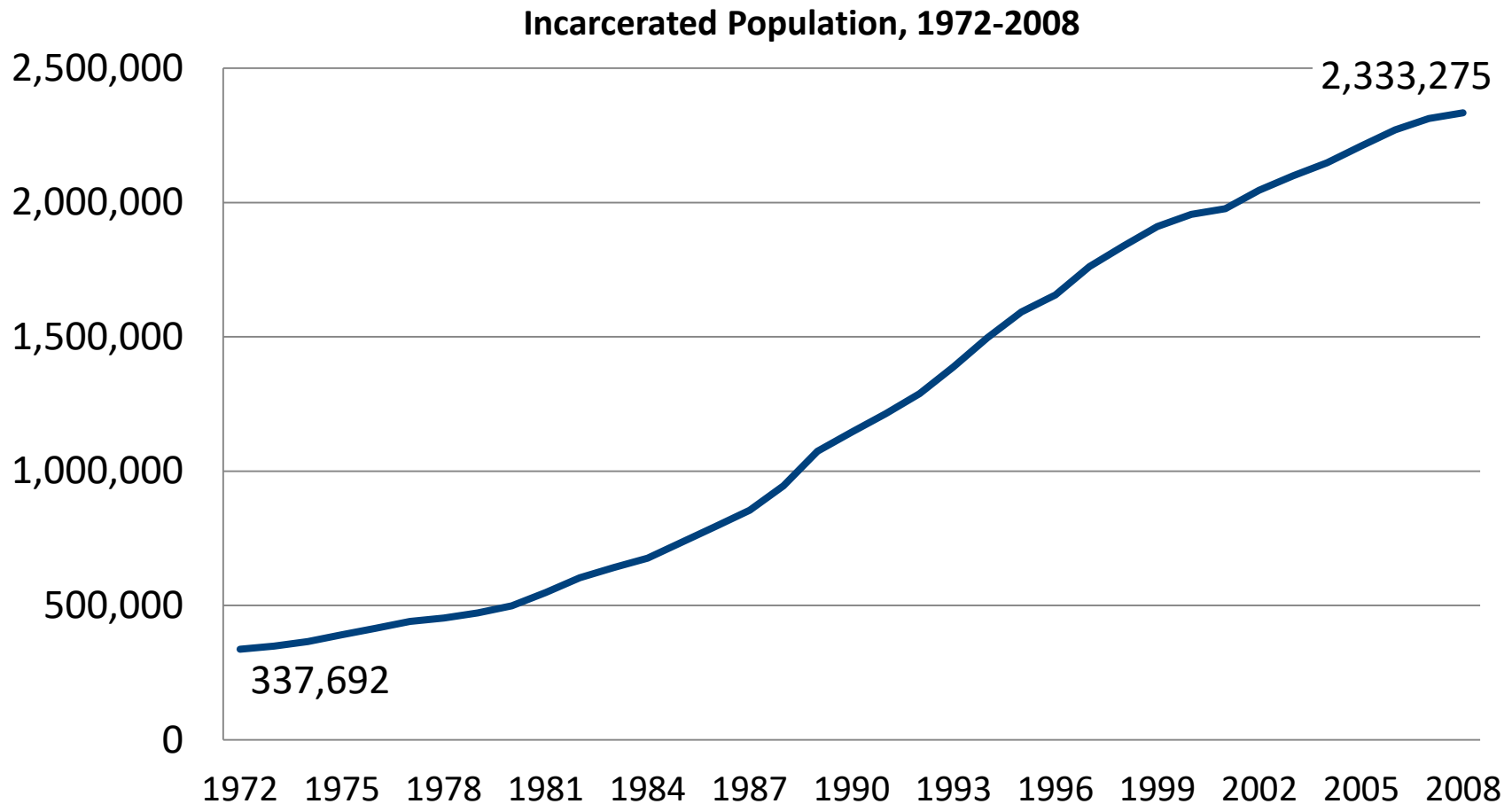
The Prevailing View: 1970s –2000s

- High rates of recidivism are inevitable
- Rehabilitation doesn't work
- Prison is the only effective deterrent of crime
 - More sentences to incarceration
 - Longer prison sentences

Martinson: Nothing Works

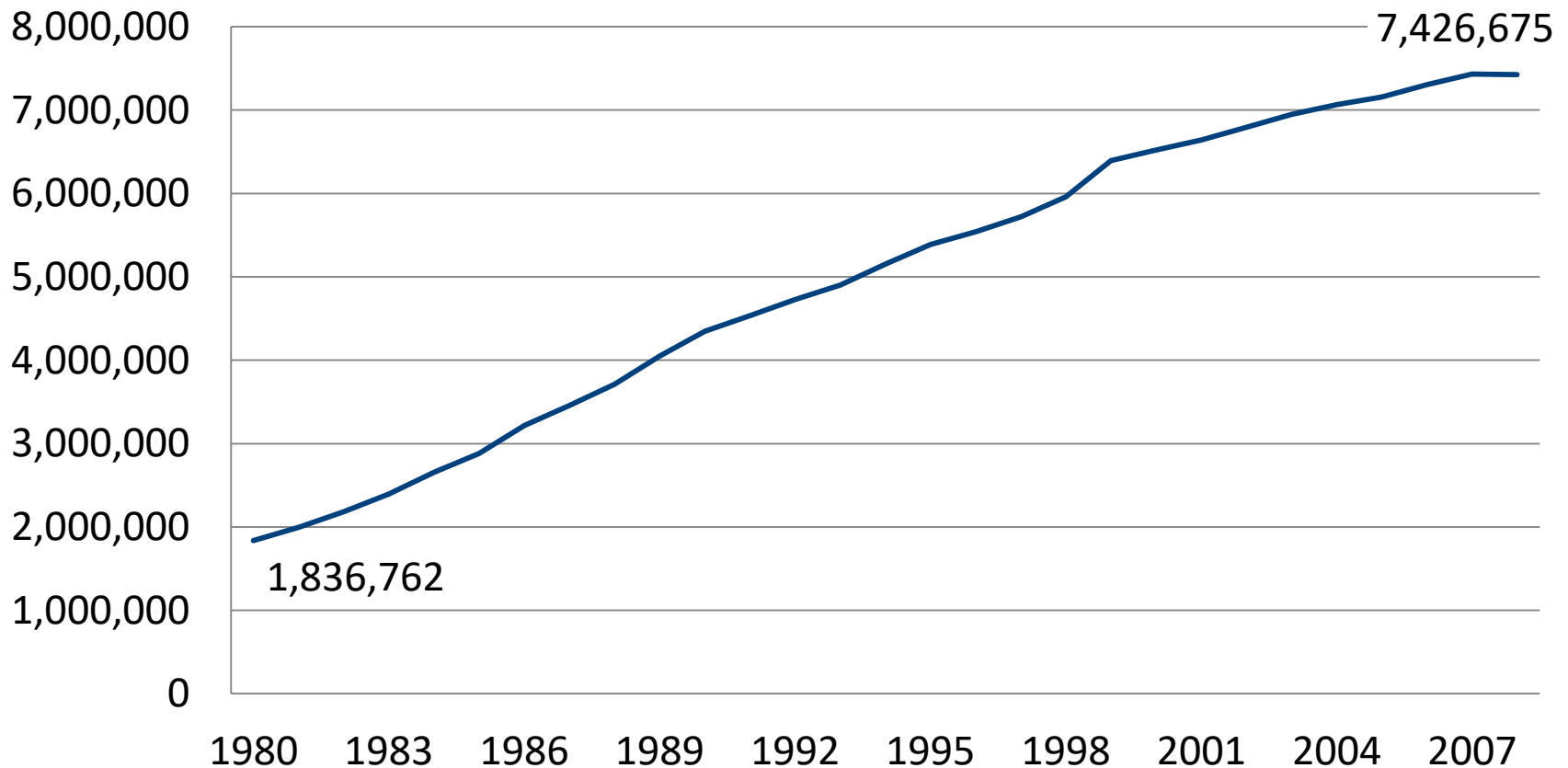
- Notable 1974 study of 231 rehabilitation programs
- Conclusion: Nothing works
 - “With few and isolated exceptions, the rehabilitation efforts that have been reported so far have had no appreciable effect on recidivism.”
- Huge impact on criminal justice policy and research

U.S. Incarcerated Population Soars



U.S. Correctional Population Peaks

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



Truth in Sentencing and Prison Growth

- The war on drugs and a spike in the crime rate also resulted in significant changes in sentencing policy known as truth in sentencing
- Measures such as mandatory minimum sentences, three-strikes laws, 85 percent requirements, and the elimination of or reduction in the use of parole in many states, led to more people going to prison and longer terms of incarceration

What Impact Has Incarceration Had on Crime and Recidivism?

Multiple Objectives of Incarceration

- **Incapacitation:** Reducing current criminal involvement by holding offenders in prison where they cannot commit crimes against the public
- **Deterrence:** Reducing the likelihood of future criminal involvement by increasing the punishment for the current offense
- **Rehabilitation:** Reducing the likelihood of future criminal involvement by offering effective programming and treatment during the period of incarceration
- **Retribution:** Payment or punishment, in the form of imprisonment, for violating community norms and order

What Impact Has Incarceration Had on Crime?

- Researchers attribute 10-20% of the post-1990s crime decline on increased incarceration
- Other factors had a larger impact on the crime decline:
 - Improved policing strategies
 - Technology and personal security habits
 - Demographic shifts
 - Changes in drug markets
- **The US has reached the point of diminishing returns on 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 for first time offenses, drug offenses, and technical probation violations
 - Incarceration creates instability and increases contact with anti-social individuals

Do Longer Sentences Reduce Recidivism?

- Research finds that longer prison stays do not reduce recidivism more than shorter stays
- Little to no evidence that increasing already-long periods of incarceration yields significant deterrent effects

What Works to Reduce 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 article and concluded that 48% of the programs had reduced recidivism
- Call to action for research on **what works** to reduce recidivism

Evidence-Based Practices

- **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**
- Use **swift, certain, and proportional sanctions** to address negative behavior
- **Reinforce positive behavior** with rewards & incentives
- Monitor **quality, fidelity, and outcomes**

Risk-Need-Responsivity (RNR) Model

Risk

- **WHO** to target
- Target those individuals with higher probability (higher risk) of recidivism
- Assess through actuarial risk assessment tool

Need

- **WHAT** to target
- Certain factors are tied to recidivism
- Targeting these factors results in a reduction in future offending

Responsivity

- **HOW** to target
- Target barriers to individual treatment and supervision and use behavioral/social learning theories that are most effective

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

Needs Principle

- The needs principle tells us what to pay attention to
- **Criminogenic needs**, dynamic risk factors which predict recidivism
 - “Criminogenic” means crime-producing
 - “Dynamic” means can be changed (e.g., substance abuse disorders)
 - “Static” means can’t be changed (e.g., age and criminal history)
- Targeting criminogenic needs has been shown to reduce recidivism

Needs Principle

- “Big Four” – Criminogenic risk factors
 - Antisocial attitudes
 - Antisocial peers
 - Antisocial personality
 - History of antisocial behavior (criminal history)
- Other criminogenic risk factors
 - Substance abuse
 - Employment/education
 - Low family affection/poor supervision/poor communication
 - Leisure/recreation

Example: Heart Attack Study

1. Increased LDL/HDL ratios
2. Smoking
3. Diabetes
4. Hypertension
5. Abdominal obesity
6. Psychosocial (e.g. stress or depression)
7. Failure to eat fruits and vegetables daily
8. Failure to exercise
9. Failure to drink any alcohol

1. Peers
2. Attitudes
3. Personality
4. Substance abuse
5. Family
6. Education/Employment
7. Recreation
8. Accommodations
9. Financial

Responsivity Factors

- Responsivity factors impact the likelihood of an individual being successful in a program, intervention, or service
 - Barriers that must be mitigated prior to treatment:
 - **Acute mental illness**
 - **Child care**
 - **Transportation**
- Targeting such factors will increase the offender's likelihood of success

Responsivity Spotlight: Mental Illness Does Not Cause Criminality

- Current research does not suggest that mental health issues are a criminogenic need, meaning they are not significantly associated with antisocial behavior
- While the rates of individuals in the correctional system with mental health issues is high, having a diagnosis is not predictive of criminal behavior
- We should not ignore mental health as it does impact success in programming and interventions → this makes it a **responsivity factor**

Frontload Resources

- Focus community resources in the first days, weeks, and months when released individuals are most likely to commit a new crime and need most support
- Identify those who need enhanced supervision or 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
 - 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

Use Swift, Certain, and Proportional Sanctions to Respond to Negative Behavior

- Swift, certain, and proportional sanctions are more effective than delayed, random, and severe sanctions
- Sanctions are more effective when they are:
 - Communicated clearly in advance
 - Applied swiftly to the behavior
 - Proportionate to the behavior
- Sanctions are less effective when they are:
 - Imposed inconsistently
 - Imposed after a delay
 - Out of proportion to the behavior

Reinforce Positive Behavior

- Positive reinforcement is more impactful than negative reinforcement
- To reduce recidivism:
 - Incentivize and reward pro-social behavior
 - Use rewards for positive behavior more often than sanctions for anti-social behavior

Monitor Quality, Fidelity, Outcomes

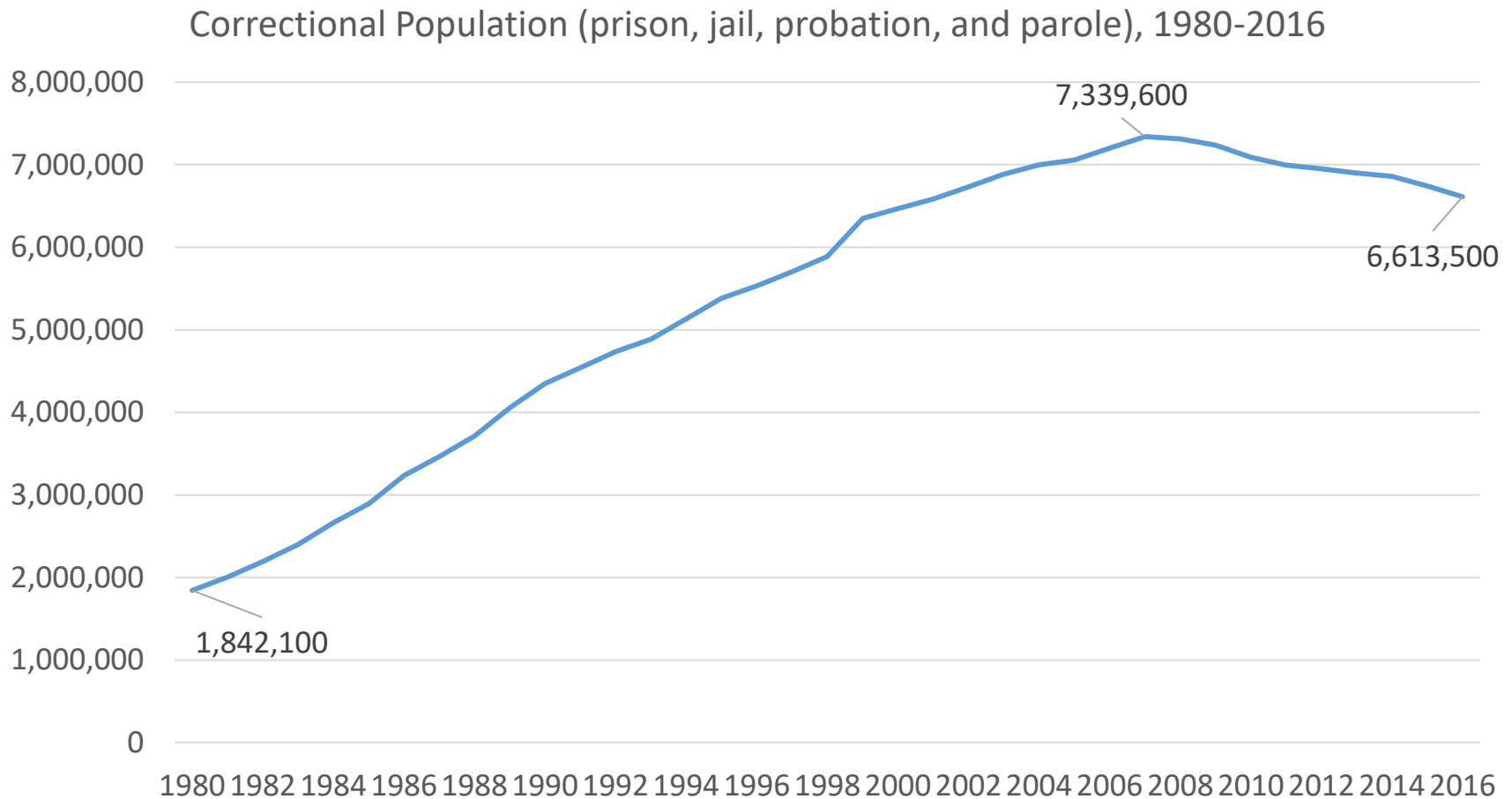
- Evidence-based practices require ongoing support
 - Validate risk and needs assessment tools
 - Train, supervise, and coach staff on evidence-based practices
 - Monitor programs and collect data for compliance and fidelity
- Programs designed to meet offenders' criminogenic needs must be delivered with fidelity to the program model

National Turning Point

U.S. Incarcerated Population Drops

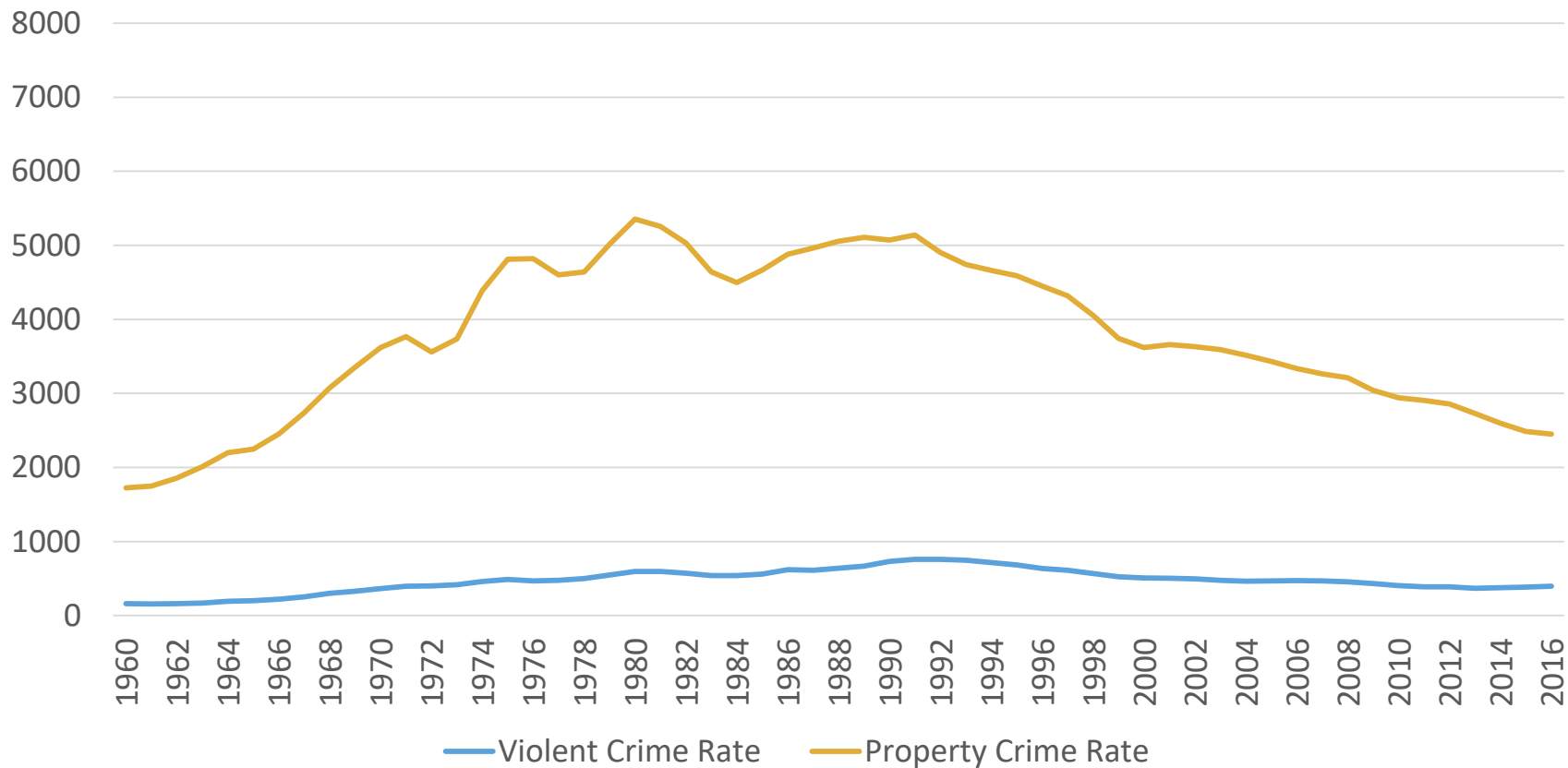


U.S. Correctional Population Declines

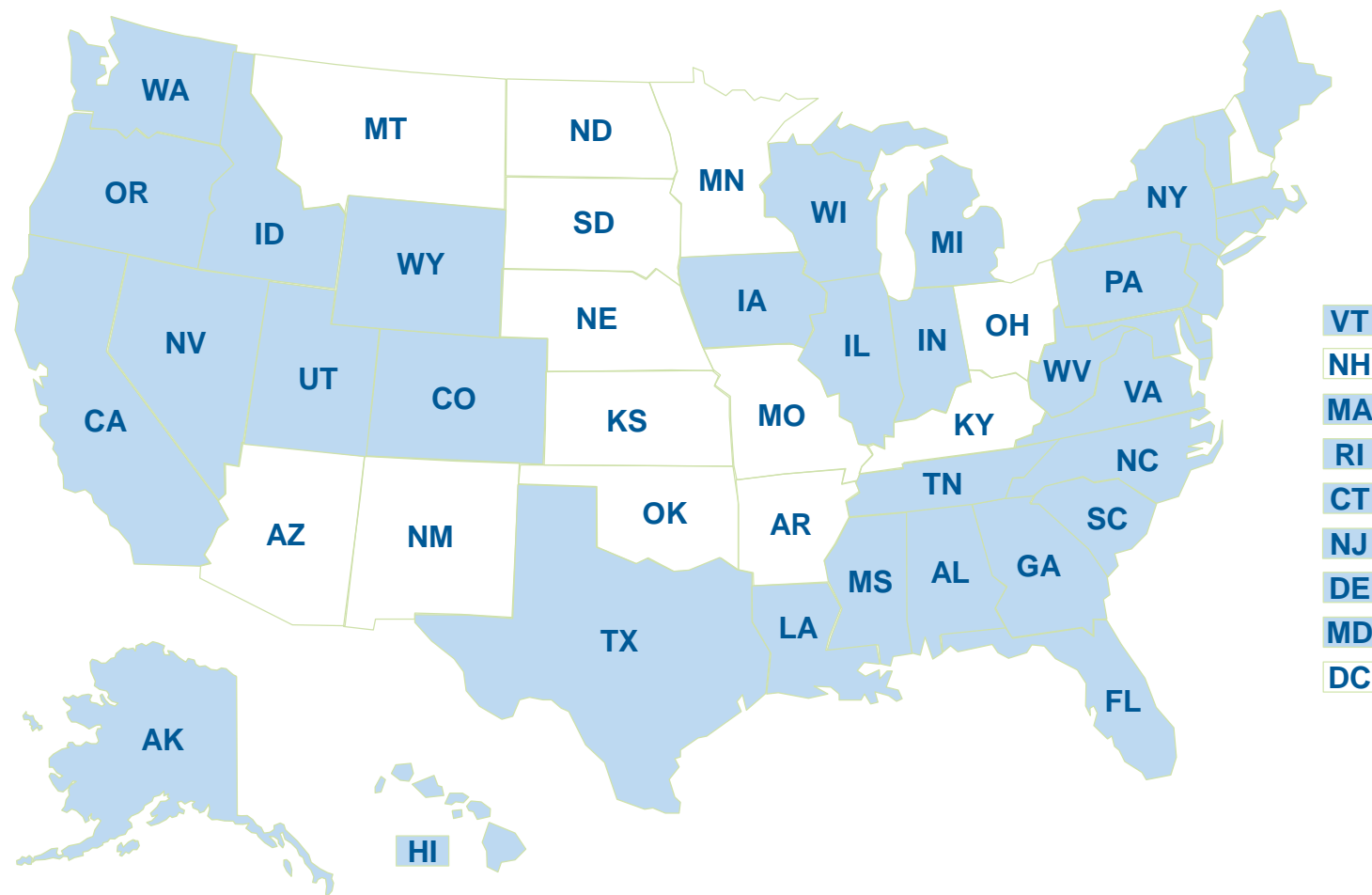


Crime Rates Do Not Increase

National Crime Rate by Type, 1960-2016



From 2008-2016, 35 States Achieved Reductions in Both Crime and Imprisonment Rates



Researchers and the Public Agree

- “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

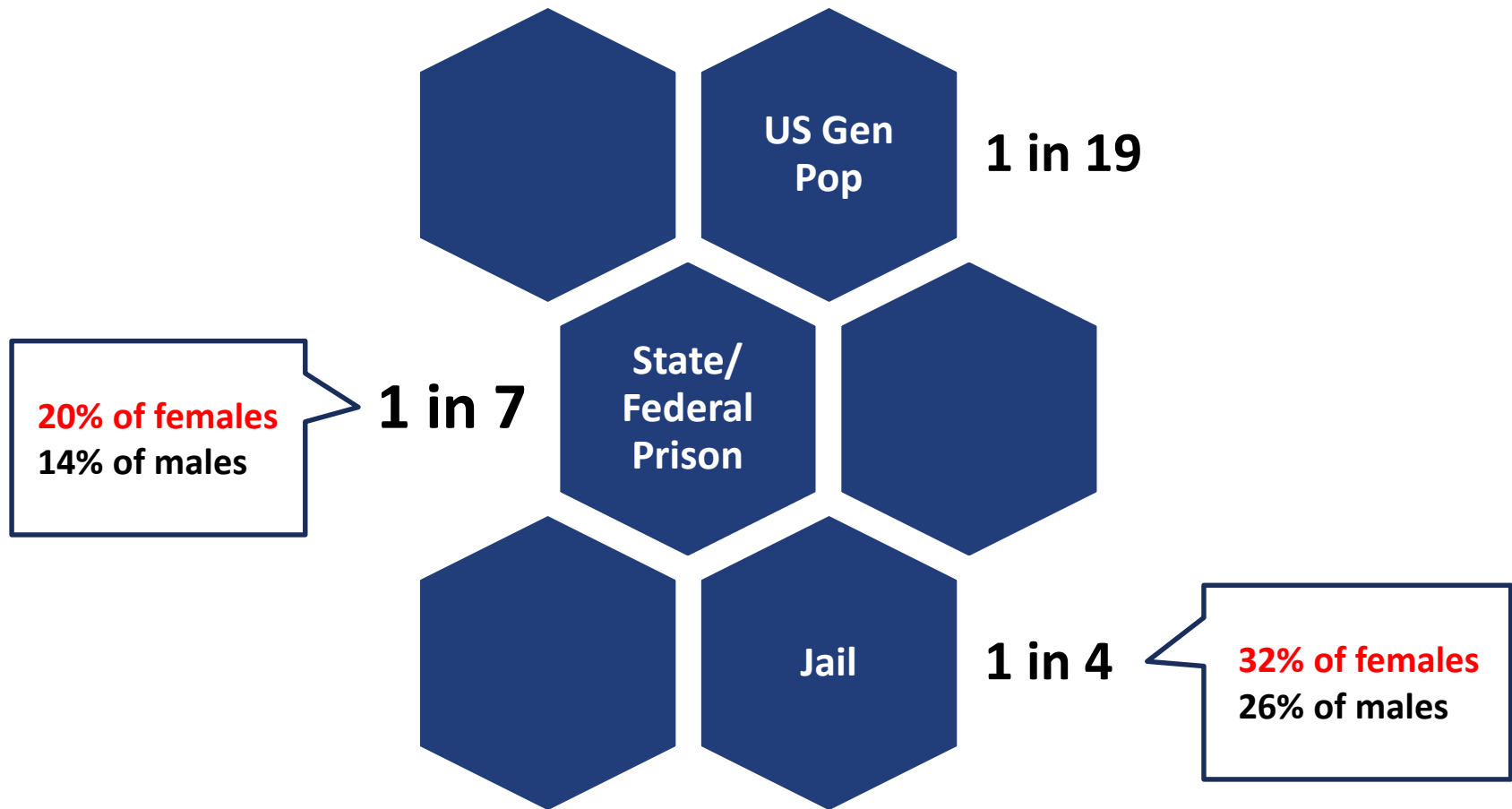
73%

TOTAL AGREE

90%

Behavioral Health Challenges in the Criminal Justice System

Serious Mental Illness is More Common Among Inmates



Over Half of Inmates Meet the Criteria for Drug Dependence or Abuse

63% in Jail*

72% of females
62% of males

Rates by Most Serious Offense:

74% Drug

72% Property

61% Violent

45% DWI/DUI

51% Other Public Order

58% in Prison

69% of females
57% of males

Rates by Most Serious Offense:

67% Drug

68% Property

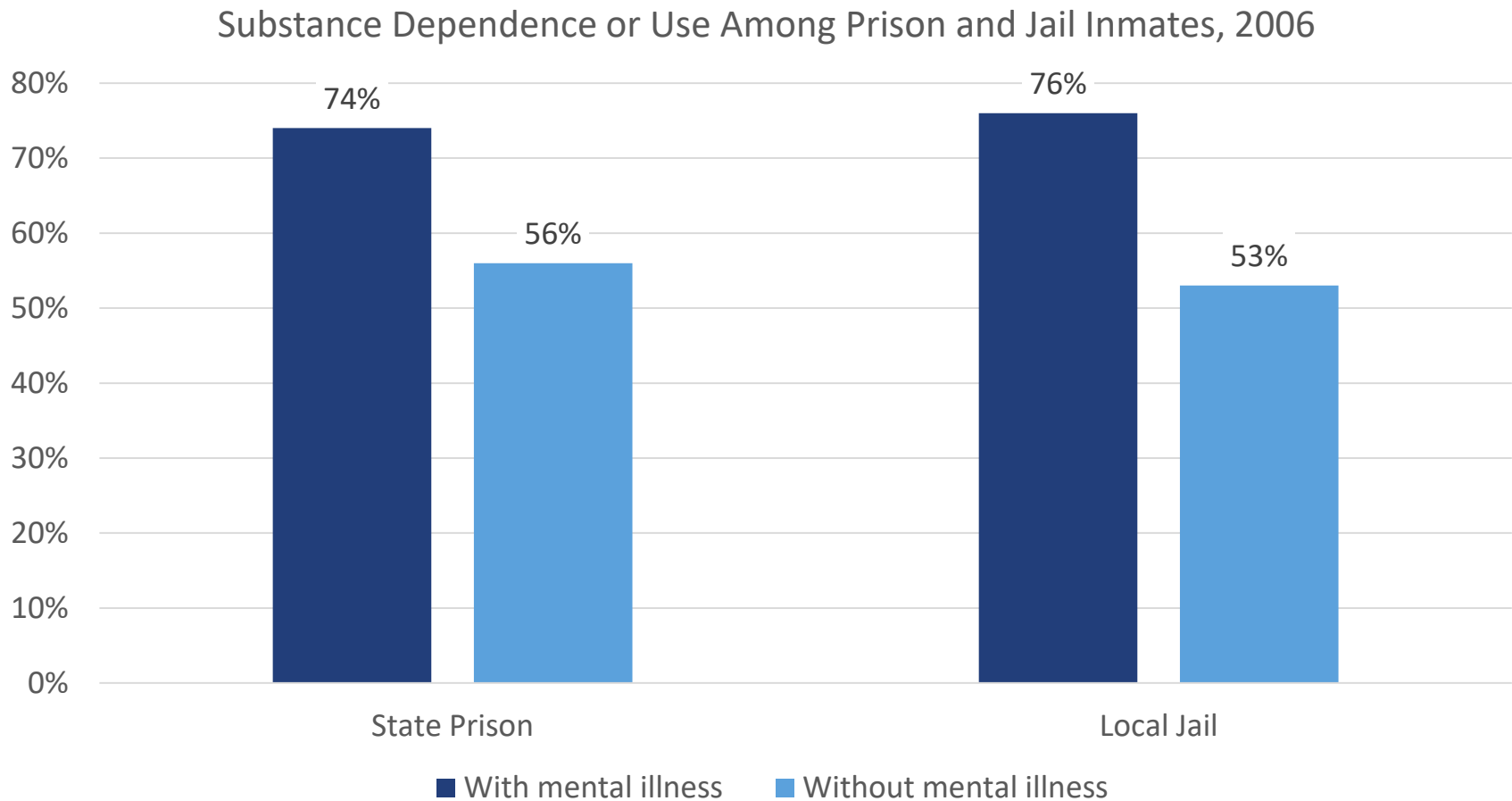
54% Violent

55% DWI/DUI

55% Other Public Order

~5% of US general population meets criteria for drug dependence or abuse

Mentally Ill Inmates Are More Likely to Have Substance Use Disorders Than Other Inmates



Individuals with Behavioral Health Needs Are at Risk

Compared to those without such disorders, individuals with mental and substance use disorders:

Stay incarcerated longer on the same charges and sentences

Are less likely to make bail

Are more likely to serve time in segregation during incarceration

Are more likely to experience victimization or exploitation

Incur disciplinary problems at higher rates

Case Studies: Innovative Criminal Justice Solutions From Other States

Lack of Mental Health Assessment

State	Problem	Policy
South Dakota	No screening for mental health issues People with mental illness are more likely to be jailed pretrial and to stay longer in jail	Required mental health screenings at jail intake Established a process for mental health assessment following positive jail mental health screens

Limited Behavioral Health Resources

State	Problem	Policy
Utah	84% of substance abuse needs and 88% of mental health needs go unmet	Expanded community treatment capacity by funding additional licensed clinicians to provide services to offenders in Treatment Resource Centers and investing in community-based programs

Minimal Alternatives to Incarceration

State	Problem	Policy
Louisiana	86% of prison admissions are nonviolent and 56% are for revocations	Expanded eligibility for probation and other alternatives to incarceration
Mississippi	75% of prison admissions for probation revocations were for technical violations	Limited the amount of incarceration time a judge or the parole board can impose for a technical violation

Lengthy Sentences for Nonviolent Offenders

State	Problem	Policy
Oklahoma	75% of admissions are for nonviolent crimes	Reduced commercial drug crime mandatory minimums, standardized the felony theft threshold, narrowed the burglary statute
Maryland	58% of all prison admissions are for nonviolent offenses	Eliminated mandatory minimum sentences for commercial drug offenses and made third and subsequent commercial drug offenders eligible for parole

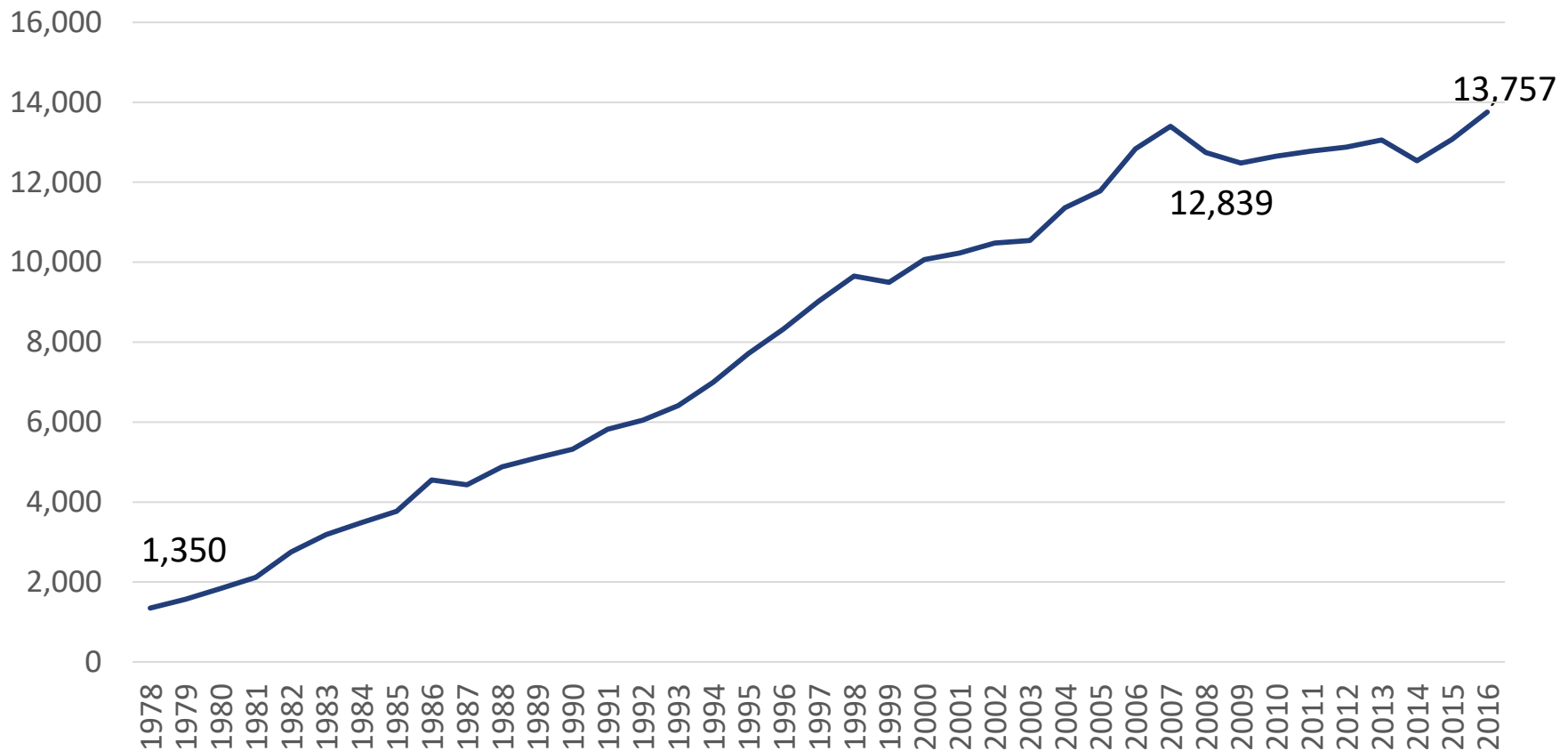
Draining Community Supervision Resources

State	Problem	Policy
Louisiana	Officers supervised more than 70,000 people in 2015, an increase of more than 10,000 in just 10 years	Reduced maximum probation terms for nonviolent crimes from 5 to 3 years
Utah	Data showed that low risk offenders were spending more time on supervision than high risk offenders	Allowed probationers and parolees to earn time off of their supervision sentences for complying with supervision conditions

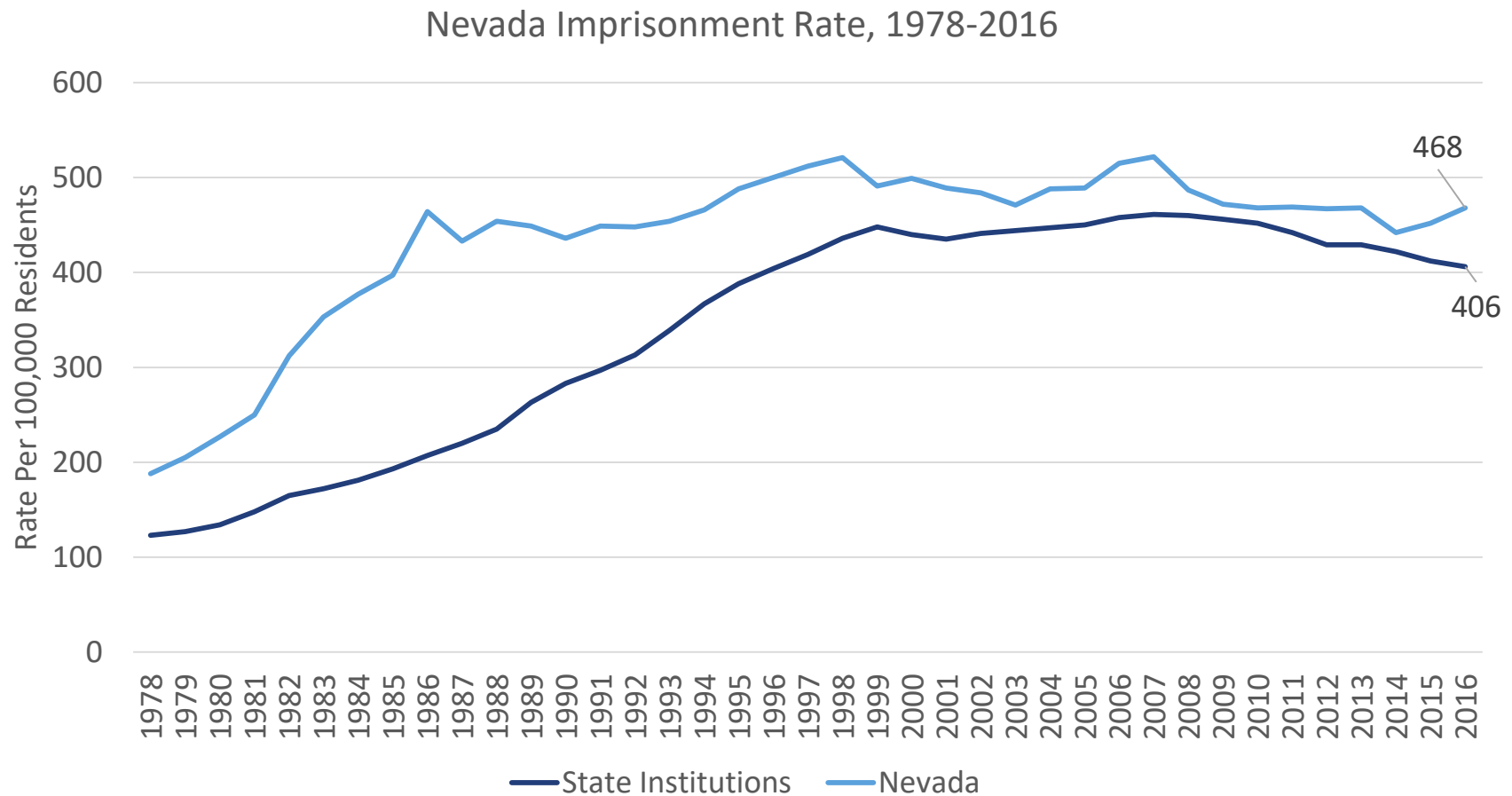
Nevada Criminal Justice Challenges

After Decades of Growth, Nevada Prison Population Continues to Climb

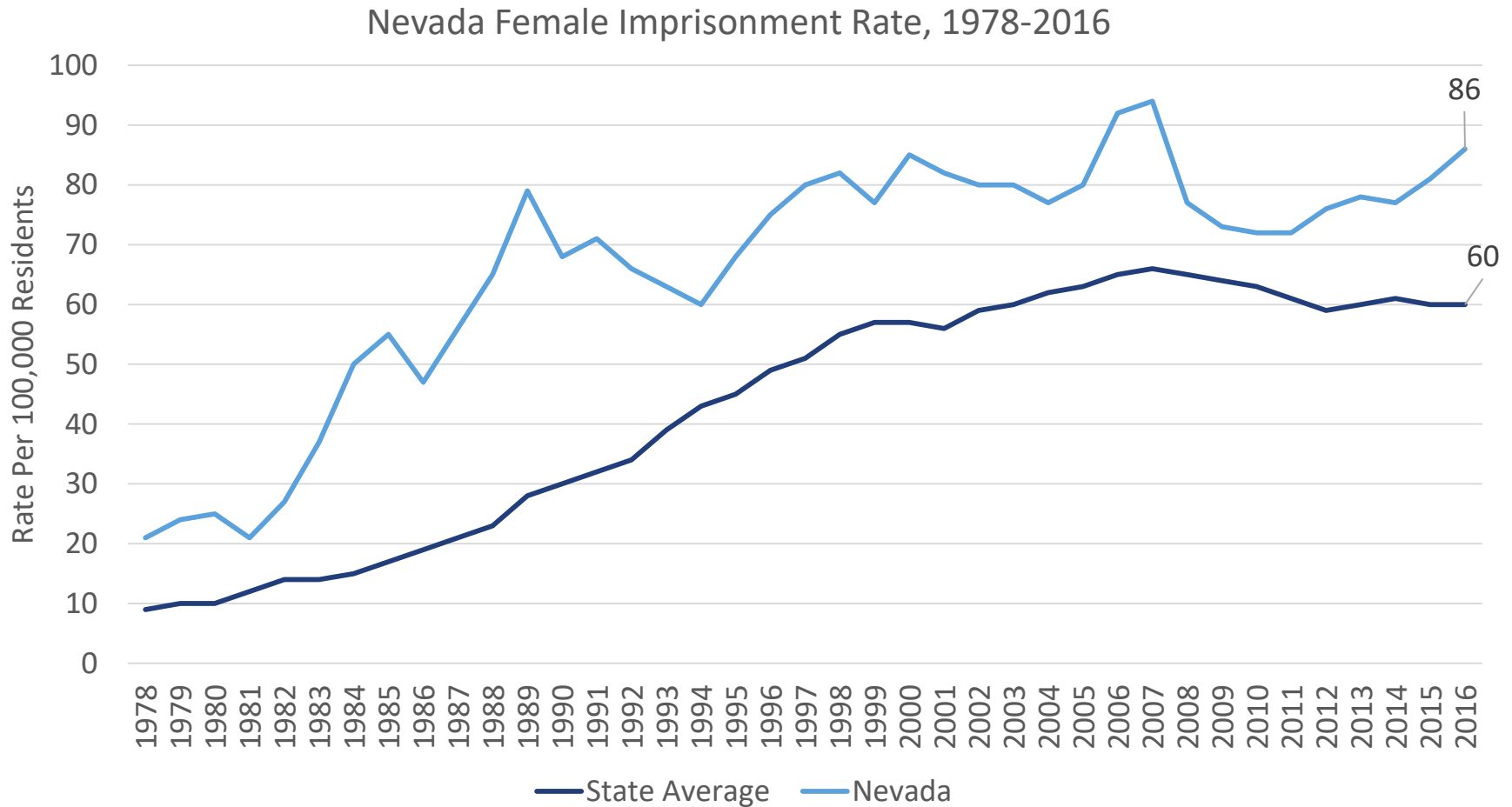
Nevada Prison Population, 1978-2016



Nevada's Imprisonment Rate is 15% Higher Than the National Average and Growing

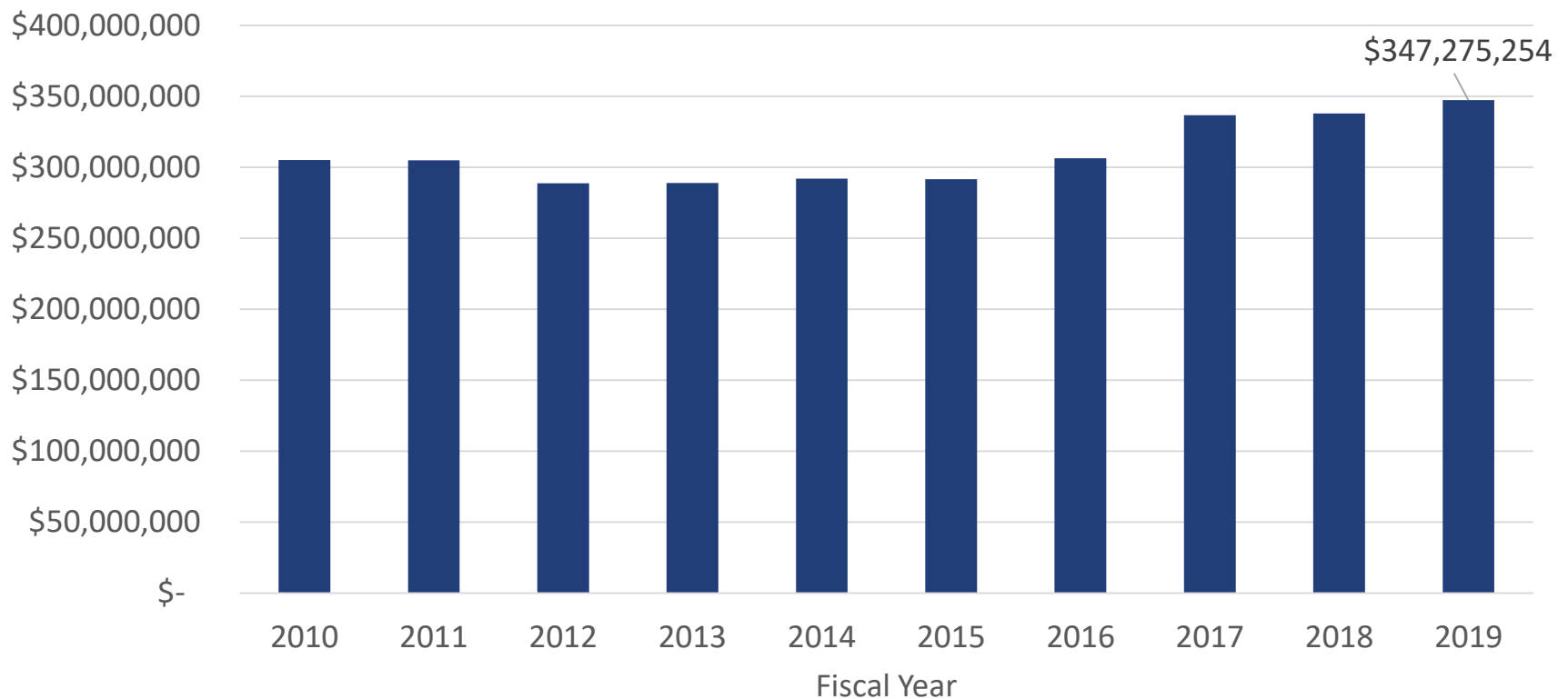


Nevada's Female Imprisonment Rate is 43% Higher Than the National Average and Growing

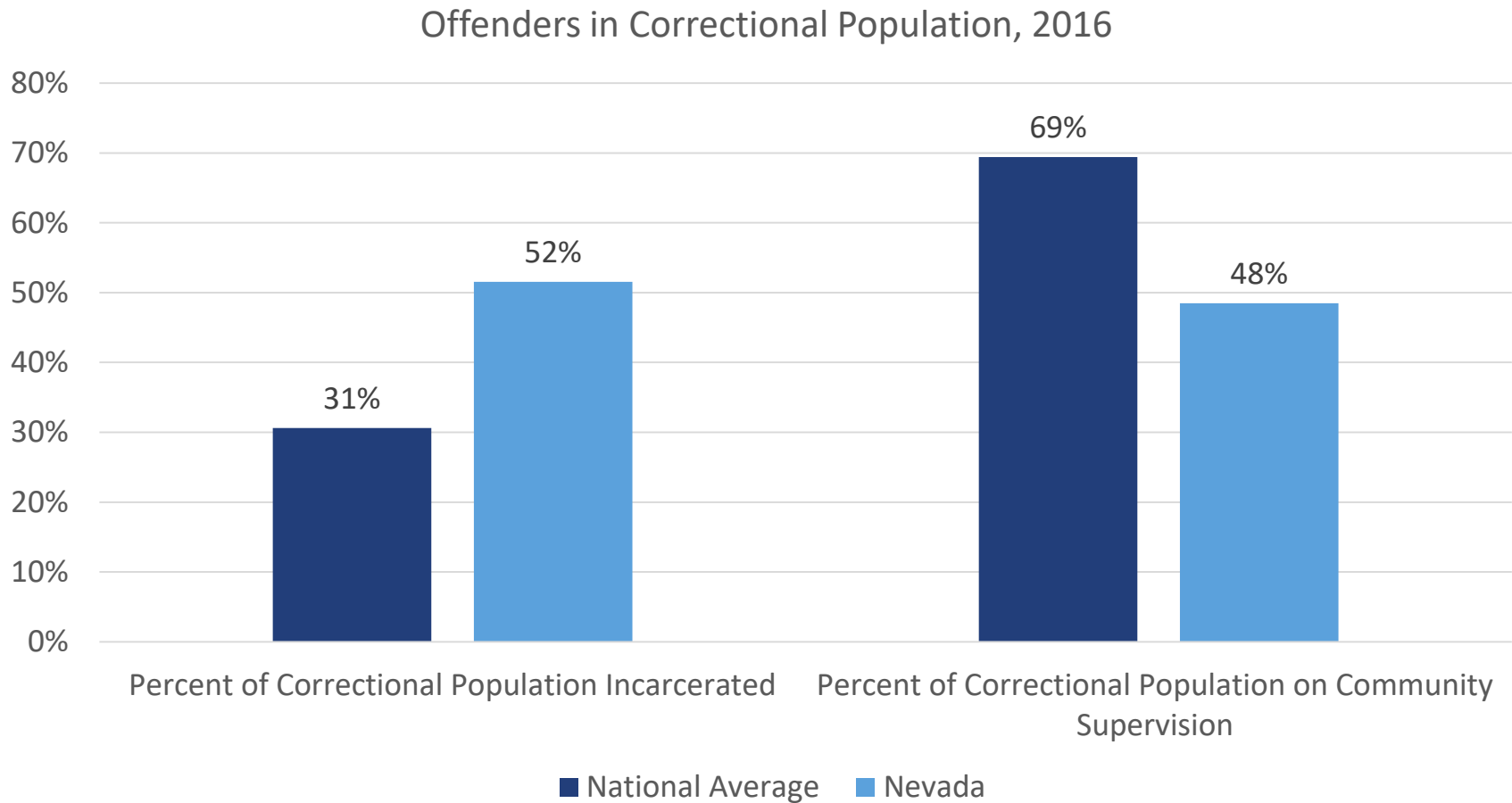


Nevada's State Prison Budget Has Grown 20% Since 2012

Nevada's Legislatively Approved Budget for Department of Corrections,
FY 2010 - FY 2019

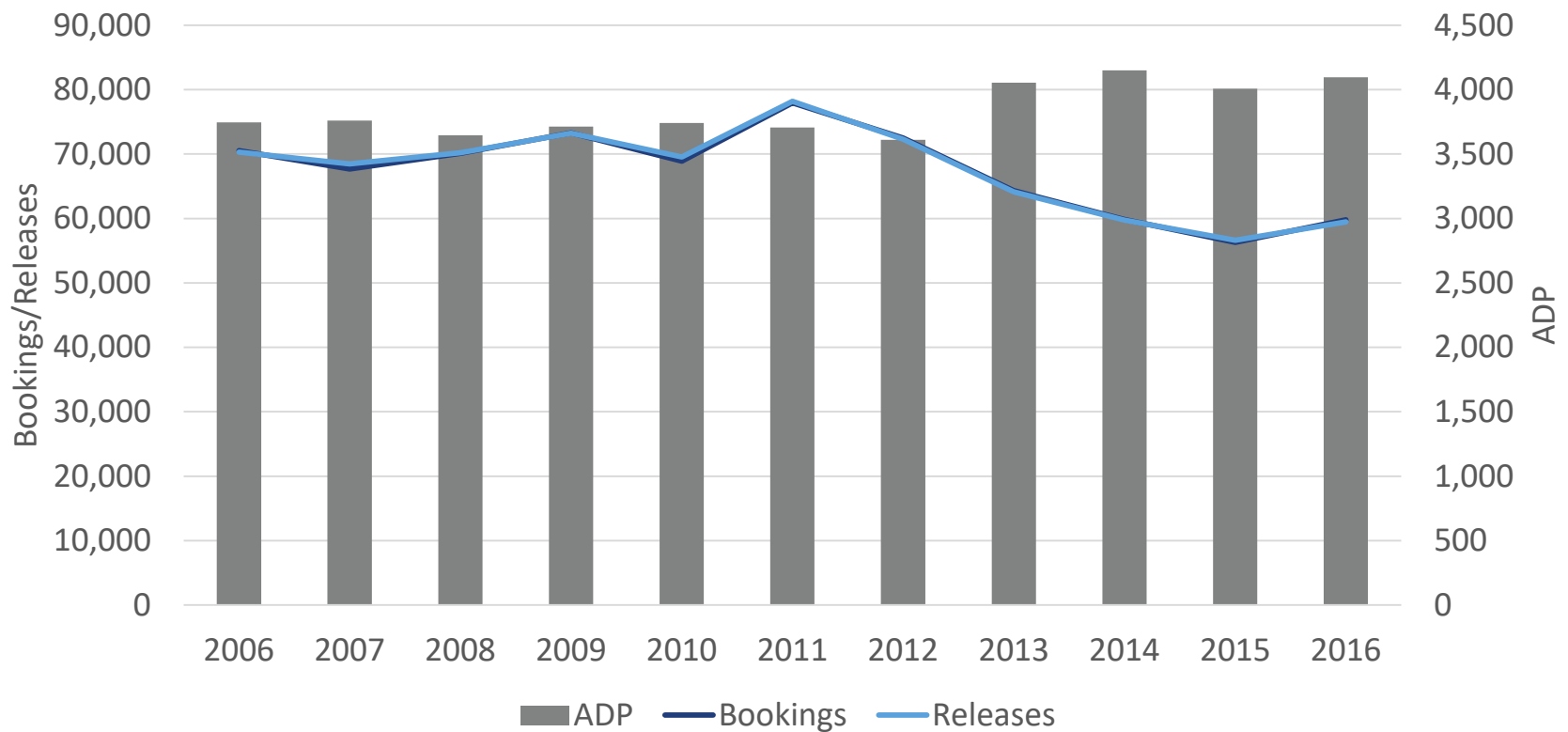


Compared to Other States, Nevada Uses Incarceration More Than Community Supervision



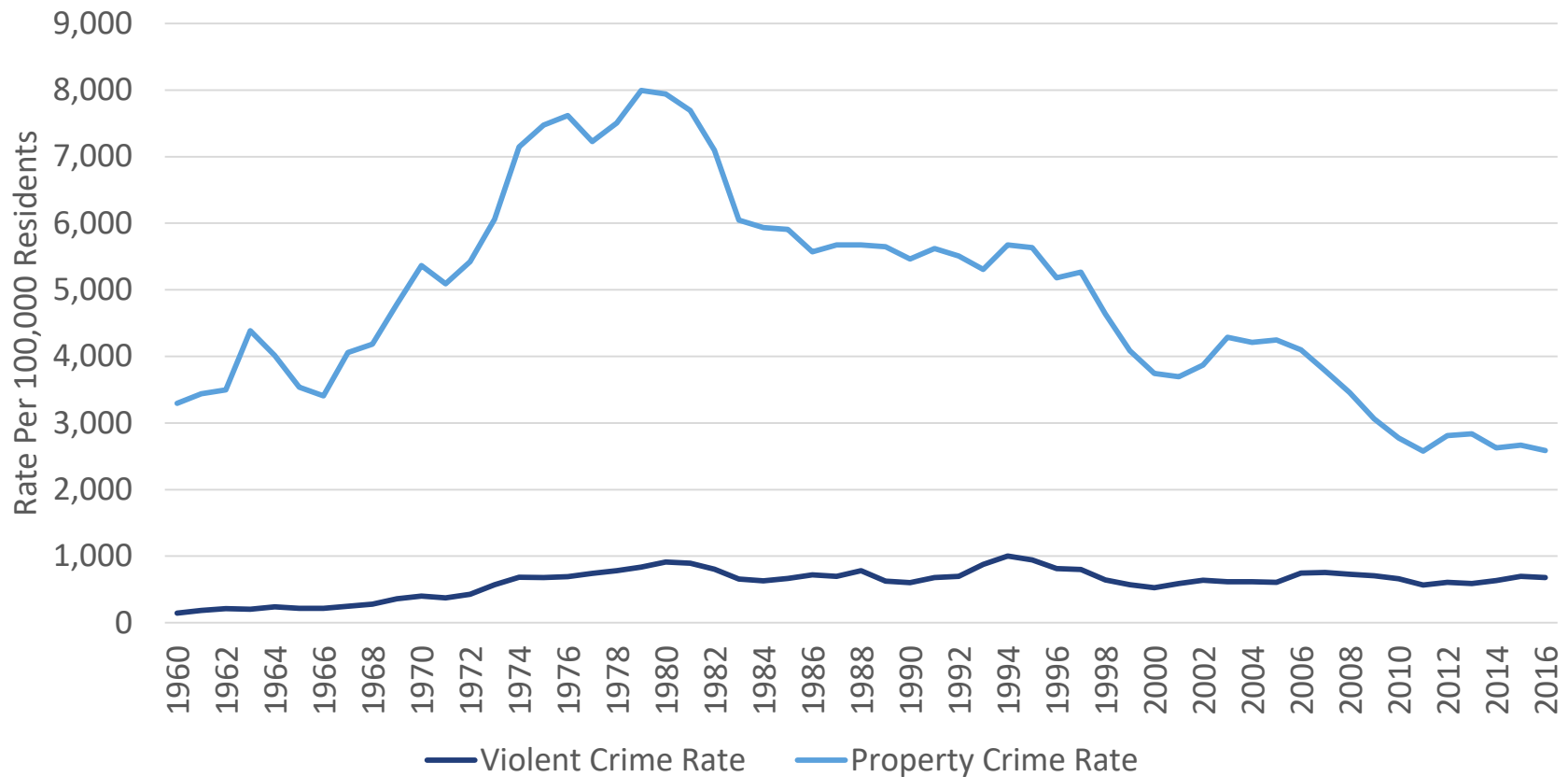
Clark County Jail Population Grew Steadily Despite Drop in Bookings

Bookings, Releases, and Average Daily Population (ADP)
at Clark County Detention Center, 2006-2016

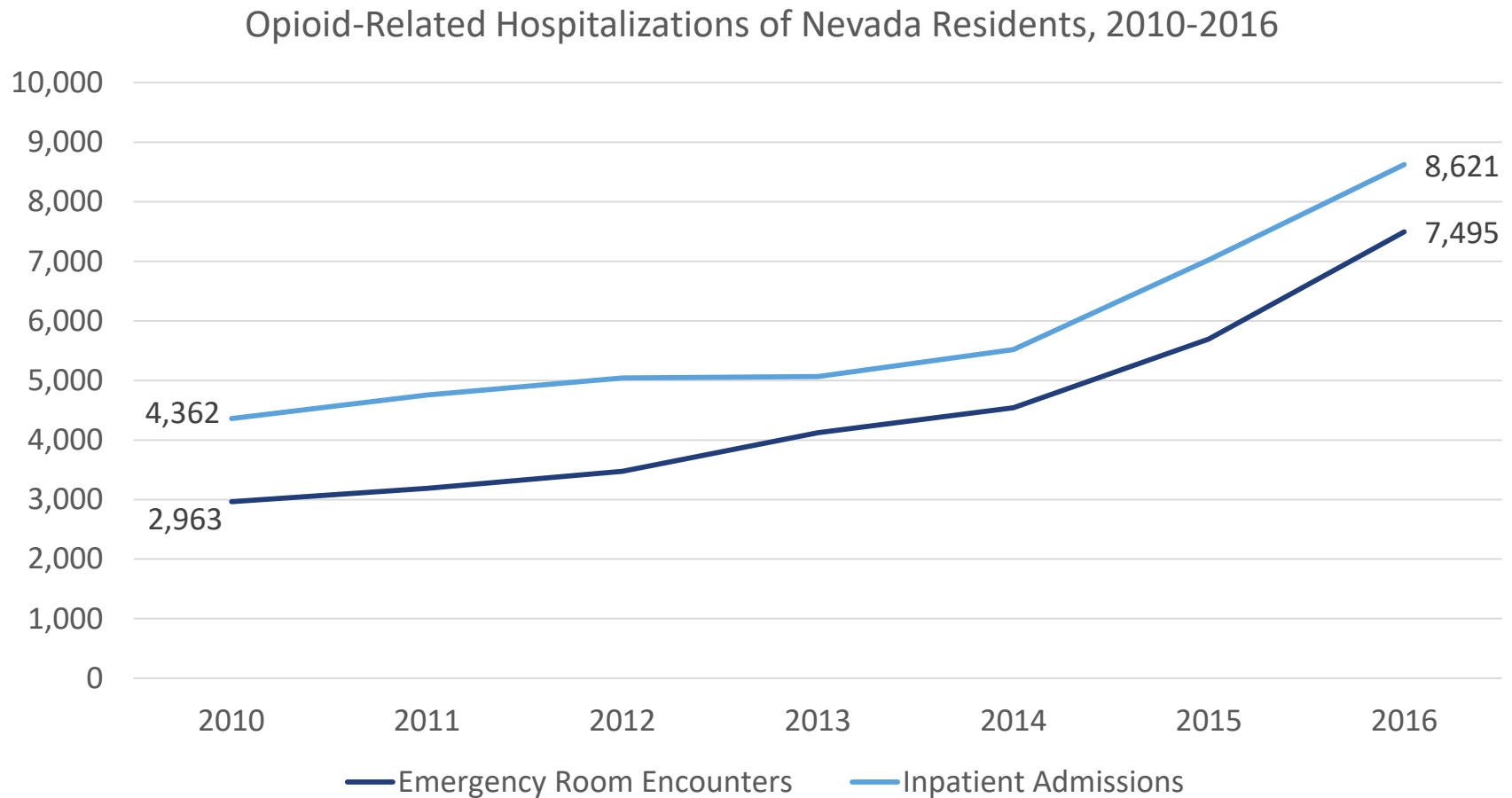


Nevada Crime Rates Have Declined Since Mid-1990s

Nevada Crime Rate by Type, 1960-2016

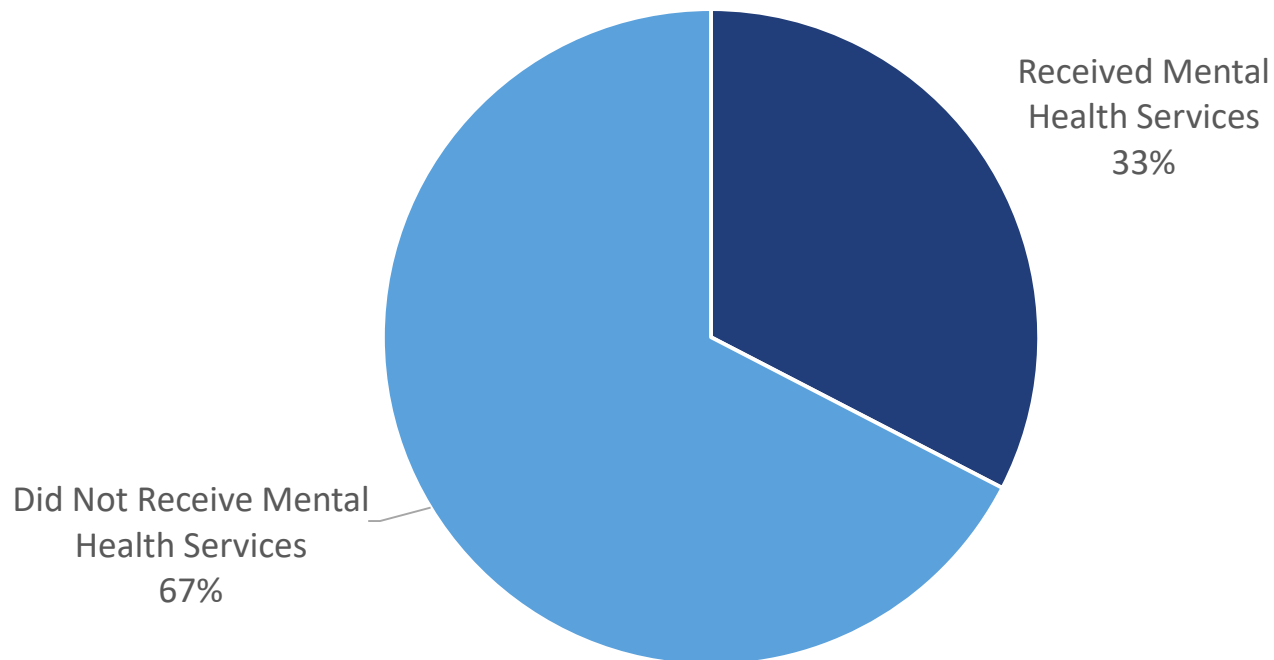


Opioid-Related Hospitalizations Nearly Doubled from 2010 to 2016



Nevada Adults With a Mental Illness Access Services Well Below National Rates

Past Year Mental Health Service Use Among Nevada Adults with Any
Mental Illness (AMI), Annual Average, 2011–2015



Next Steps

Data Analysis

- CJI staff will analyze data from:
 - Nevada Department of Corrections
 - Administrative Office of the Courts
 - Department of Public Safety's Division of Parole and Probation
 - Board of Parole Commissioners
 - Washoe and Clark County District Courts (pending)
 - Clark County Detention Center (pending)
- Analysis will include:
 - Trends in admissions, length of stay, releases, standing population, supervision, and more

System Assessment Interviews

- Department of Corrections
- Department of Public Safety's Division of Parole and Probation
- Board of Parole Commissioners
- Court Administrators
- Law Enforcement
- County Jails
- District Court Judges
- Justices of the Peace
- Municipal Court Judges
- Prosecutors
- Defense Attorneys
- Behavioral Health Coordinators
- Victims' and Survivors' Representatives
- Pretrial Services Program Managers

ACAJ Roadmap

- **Criminal Justice Trends**

- Examine what's driving growth in the state's prison population; how the prison and supervision populations have changed over last decade

- **System Overview**

- Examine how the criminal justice system is operating; how the state uses best practices in sentencing and corrections
- Examine successful policies that have been implemented in other states; what the research shows works to reduce crime and incarceration
- Examine local policies and practices that drive the use of jail beds and the implications of the opioid crisis

- **Policy Development**

- Evaluate potential policies; reach out to relevant stakeholders

- **Final Findings and Recommendations**

- Finalize recommendations for legislative consideration in the 2019 legislative session

ACAJ Calendar

- Meeting 1: Introductory Presentation
- Meeting 2: Admissions, Specialty Courts, and Alternatives to Incarceration
- Meeting 3: Sentencing Trends, Length of Stay, and Release Mechanisms
- Meeting 4: Community Supervision Practices and Reentry
- Meeting 5: Policy Development
- Meeting 6: Policy Development
- Meeting 7: Final Recommendations

Questions/Contact

- Contact information:

Maura McNamara

Phone: 617-529-3654

Email: mmcnamara@crj.org

Colby Dawley

Phone: 603-616-6945

Email: cdawley@crj.org

Alison Silveira

Phone: 617-733-1437

Email: asilveira@crj.org

Disclaimer

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