



# Enhancing Public Safety & Right-Sizing Idaho's Criminal Justice System



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[www.rightoncrime.com](http://www.rightoncrime.com)

# Introduction to the Texas Public Policy Foundation

- **TPPF Mission: Liberty, Personal Responsibility, and Free Enterprise**
- **We apply these foundational principles to criminal justice, bringing together stakeholders and working with policymakers and allies across the spectrum.**

# The TPPF Portfolio

- Fiscal and tax restraint
- Civil justice reform (worked to enact loser pays in 2011)
- Center for Tenth Amendment Studies
- Deregulation of (over)regulated industries like insurance and utilities
- Center for Effective Justice launched in March 2005, Right on Crime in Dec. 2010

# Right on Crime Enters the Field

- Former Governor Jeb Bush, Speaker Newt Gingrich, Former Drug Czar Bill Bennett, Former AG Ed Meese, Grover Norquist, and Other Conservative Leaders Endorse Right on Crime Statement of Principles.
- Statement Supports Reining in Growth of Non-Traditional Criminal Laws, Cost-Effective Alternatives for Nonviolent Offenders, Emphasis on Restitution and Treatment, and Performance Measures.



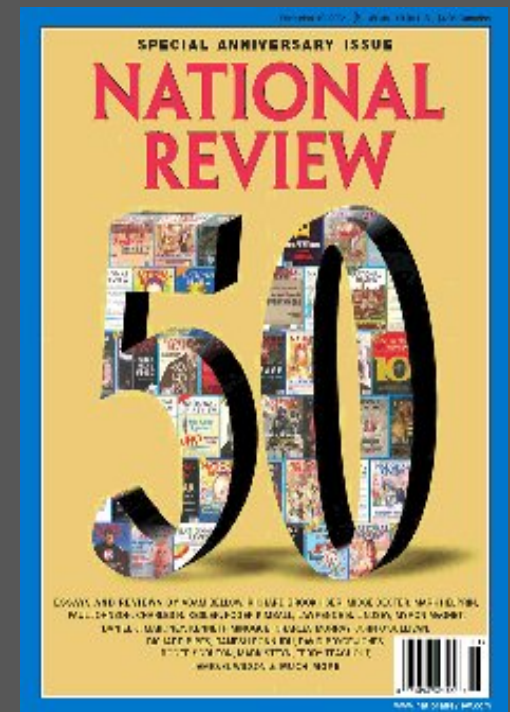
*Jeb Bush*

# Do Conservatives Support a Prison for Every Problem?





Favorably covered  
in numerous  
outlets such as:



# Getting Criminal Justice Right

- Gov. Reagan in 1971: “Our rehabilitation policies and improved parole system are attracting nationwide attention. Fewer parolees are being returned to prison than at any time in our history, and our prison population is lower than at any time since 1963.”



*Ronald Reagan*

# Leadership of Governors

- LA: Gov. Jindal: “hammer away at dubious distinction of highest incarceration rate in the world” with day reporting, jail reentry & work release.
- TX: Gov. Perry: “rehabilitate nonviolent offenders, spend less locking them up again.”
- Govs. Kasich, Daniels, Deal & Corbett launch reforms in 2011 and 2012.



*Gov. Bobby Jindal*



**Is it always necessary to increase incarceration in order to reduce crime?**



# Incarceration & Crime

State	Incarceration Rate Change 2000-2007	Crime Rate Change 2000-2007
California	0%	-16%
Florida	+16%	-11%
New York	-16%	-25%
Texas	-8%	-6%

- ▣ Violent crime in New York City down 64% from 2000 to 2007 while 42% fewer inmates.

# Texas Trend: Lower Incarceration *and* Crime Rates

Year	FBI Index Crime Rate	Incarceration Rate Per 100k
2005	4,857.1	681
2011	3,880.80	620
Percent Change	-25.1%	-9.0%

- ▣ Texas' crime rate has reached its lowest level since 1968.

*Sources: Bureau of Justice Statistics and  
Texas Law Enforcement Agency Uniform Crime Reports*

# How did Texas avoid building 17,332 prison beds?



# The 2005 and 2007 Reforms Were Primarily Budgetary

- ▣ Capacity in programs that offer less costly alternatives to incarceration was expanded and then maintained in 2009 and in the 2011 budget crisis session.
- ▣ Texas did not shorten prison sentence lengths, though parole rate has increased slightly from 27 to 31%, as Board finds that as more inmates are receiving treatment, more are safe to be released with supervision.

# Texas Probation Reform Proves the Right Incentives Work

- ▣ In 2005, additional \$55 million in funding for stronger probation supervision to probation departments that adopted progressive sanctions.
- ▣ Participating probation departments reduced their technical revocations by 16% while those that didn't increased technical revocations 8%.
- ▣ Had all departments increased their revocations by 8%, another 2,640 revocations for an average of 2.5 years at a cost to taxpayers of \$119 million, not including prison construction.
- ▣ Texas probation revocation rate declined from 16.4% in 2005 to 14.7% in 2010.

# Bolstering Texas Parole Supervision: Less Crime, Less Total Spending

- ▣ From 2007 to 2010, 1,306 fewer parolees allegedly committed an offense and 825 fewer were revoked for rule violations, saving \$30.1 million.
- ▣ Parole supervision has added instant drug testing, more substance abuse treatment, more job placement resources, enhanced use of graduated sanctions; restored parole chaplains, and increased officers' emphasis on helping parolees succeed instead of "trail'em, nail'em, and jail'em."

# CSG Releases 2014 Idaho Analysis

JUSTICE  CENTER  
THE COUNCIL OF STATE GOVERNMENTS



## Justice Reinvestment in Idaho:

Analyses & Policy Framework  
Overview

January 2014



**Gov. Otter Embraces the Report, Calling the  
Recommendations a “No-Brainer”  
Report is at [www.csgjusticecenter.org/jr/id](http://www.csgjusticecenter.org/jr/id)**

another 16 percent over the next five years, from 8,076 people in FY2014 to 9,408 people by FY2019. Increasing the capacity of the prison system to absorb the growth and Representative Richard Wills (R-District 25). The groups reviewed analyses that the CSG Justice Center conducted, and discussed policy options to increase

- Proposals herein which I will highlight would avert all prison growth and have been demonstrated to reduce recidivism.



# Idaho's Corrections Challenges

- ▣ Idaho has nation's 8<sup>th</sup> highest incarceration rate. 30% of those initially diverted end up in prison within 3 years.
- ▣ Prison population projected to grow 1,332 by 2019, adding \$288 million on top of 53% rise in costs over last decade.
- ▣ Nonviolent offenders serve terms twice the national average.
- ▣ Lower crime rate than national average, but 74% of inmates return in five years

# Nonviolent Offenses Drive Idaho's Prison Growth

- ▣ Drug offenses account for one-third of new prison commitments.
- ▣ Since 2008, there has been a 23 percent increase in commitments for drug offenses.
- ▣ Only 31 percent of prison commitments are for crimes against the person.

# Key Areas for Improvement

- ▣ Some 30 percent of those sentenced to probation or a rider (institutional treatment program) fail and are sent to prison.
- ▣ More than 40 percent of prison commitments are probation and parole violators.
- ▣ 66 percent of those imprisoned for supervision violations had need for substance abuse treatment.
- ▣ 67 percent of those paroled delayed by average of 74 days, mostly due to treatment program backlog.

# Policy Options for Idaho



# Institute Swift & Certain Sanctions for Probation Violations

- ▣ Revise sanctions grid to expand authority of probation officers to impose sanctions without going back to court, including a weekend in jail.
- ▣ This is based on Hawaii HOPE Court model which reduced re-offending by 55 percent.
- ▣ Enhance rapid drug testing capability to facilitate instant referrals to treatment and increase funding for treatment.

# Prioritize Supervision Resources

- Assess each offender to match risk/needs level with level of supervision.
- Idaho's probation terms average 5 years, 40 percent longer than national average, but most new offenses occur in first couple of years.
- Transfer lower-risk offenders who are consistently compliant to limited supervision unit.
- Allows for closer supervision for high-risk & early in term.

# Train Probation and Parole Officers in Evidence-Based Practices

- Interviews with officers found training inadequate, mostly focused on using firearms and arrest techniques.
- Quality of interaction just as important as teacher quality in classroom.
- Train in evidence-based practices such as motivational interviewing.



# Making the Sentence Fit the Crime

- ▣ Due to long indefinite term of 5 years added on to fixed term of 2 years, drug offenders serve 4.1 years on average vs. 2.2 nationally.
- ▣ Require parole of nonviolent offenders within 100 to 150 percent of fixed term, reallocating some of savings to more effective post-release supervision.
- ▣ Equip judges with recidivism data on various sentencing options through presentencing report.



# Improve Parole Efficiency

- ▣ Eliminate delays in release of approved offenders by enhancing capacity in treatment programs that are conditions of parole. Currently, more than half of those approved for parole are delayed.
- ▣ Require that use of standardized risk assessment instrument be key criterion in parole decisionmaking process.



# Making Victims Whole

- ▣ Nationally, probationers pay \$391 million in restitution (at least 34 times more per offender than inmates) and do 135 million service hours.
- ▣ Collect restitution from individuals in prison by deducting 20 percent from deposits made into their trust accounts.
- ▣ Prioritize minimum level of probationer and parolee monthly restitution payments over fees and fines owed to government.

# Doing Time & Punching the Clock

- Employed offenders on supervision are twice as likely to succeed.
- Immunize employers from being sued simply for hiring ex-offenders – Texas passed in 2013 and now an ALEC model bill.
- Grant occupational licenses when offense is unrelated to the job. 2009 Texas law allows many ex-offenders to obtain a provisional license for most trades – becomes permanent after six months of compliance.

# Strengthen Measurement and Accountability

- ▣ Adult corrections program evaluation tool lacks overall score and does not include direct observation.
- ▣ Limited use of outcome-oriented performance measures, particularly for outsourced programs.
- ▣ Parole lacks sufficient data and any dedicated IT capacity.
- ▣ Justice reinvestment committee must be extended past 2014.



# Priorities for Future Study

- ▣ Reexamine drug sentencing laws
- ▣ Victim-offender mediation
- ▣ Electronic monitoring
- ▣ Incentive funding option for counties
- ▣ Earned time for nonviolent offenders
- ▣ Review criminal laws to identify unnecessary and duplicative statutes
- ▣ Juvenile justice reform: retired Judge Jack Verin developing proposals

# Key Resources

Texas Public Policy Foundation  
[www.texaspolicy.com](http://www.texaspolicy.com)

Heritage Foundation  
[www.overcriminalized.com](http://www.overcriminalized.com)

Right on Crime  
[www.rightoncrime.com](http://www.rightoncrime.com)

Pew Center on the States  
[www.pewcenteronthestates.org](http://www.pewcenteronthestates.org)

Council of State Governments Justice Center  
[www.csgjusticecenter.org](http://www.csgjusticecenter.org)

Justice Fellowship  
[www.justicefellowship.org](http://www.justicefellowship.org)