

How to Use Criminal Justice Reform to Advance Systemic Needs of Victims

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August 15, 2019



Justice Center

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The Council of State Governments is a national nonprofit, nonpartisan membership association of state government officials that engage members of all three branches of state government.

The CSG Justice Center provides practical, nonpartisan advice informed by the best available evidence.



The CSG Justice Center assists state and local jurisdictions on a wide range of public safety topics.



Justice Reinvestment is a data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety. Justice Reinvestment focuses on adults in the criminal justice system.



Stepping Up is a national initiative calling on counties across the country to reduce the prevalence of people with mental illnesses and co-occurring substance addictions being held in county jails.



Clean Slate provides accurate information on record clearance and mitigation laws in each state, as well as contact information for legal service providers in all U.S. states and territories.



NRRC is a hub of information about corrections and reentry: funding opportunities, publications, webinars, conferences and trainings, and the What Works in Reentry Clearinghouse.



IO Youth helps states align their policies, practices, and resource allocation with what research shows works to reduce recidivism and improve outcomes for youth while enhancing public safety.



JUSTICE REINVESTMENT

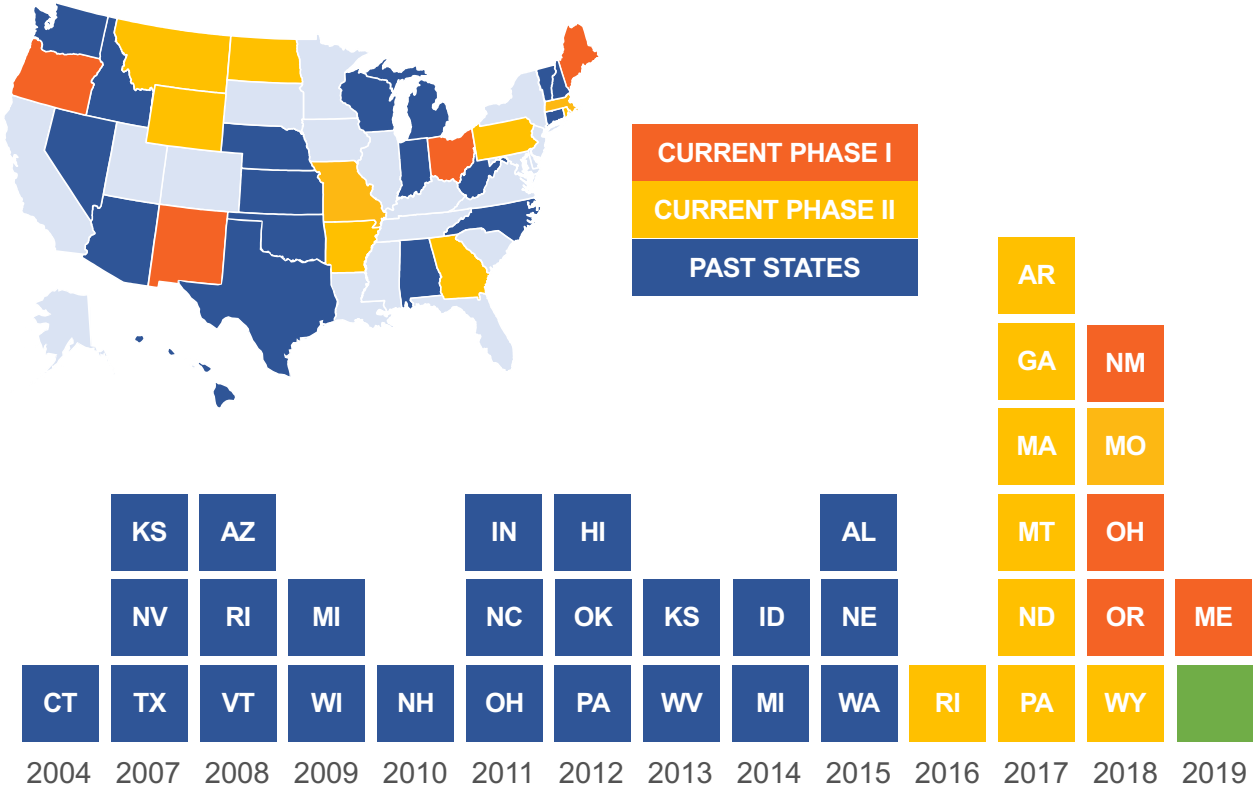
A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety.

Supported by funding from the U.S. Department of Justice's Bureau of Justice Assistance (BJA) and The Pew Charitable Trusts.

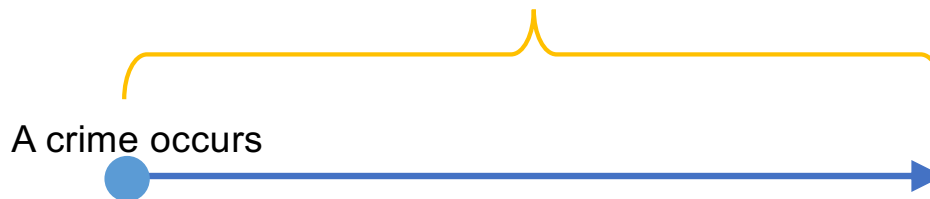
The core tenets of Justice Reinvestment are interconnected and build upon one another to improve public safety.



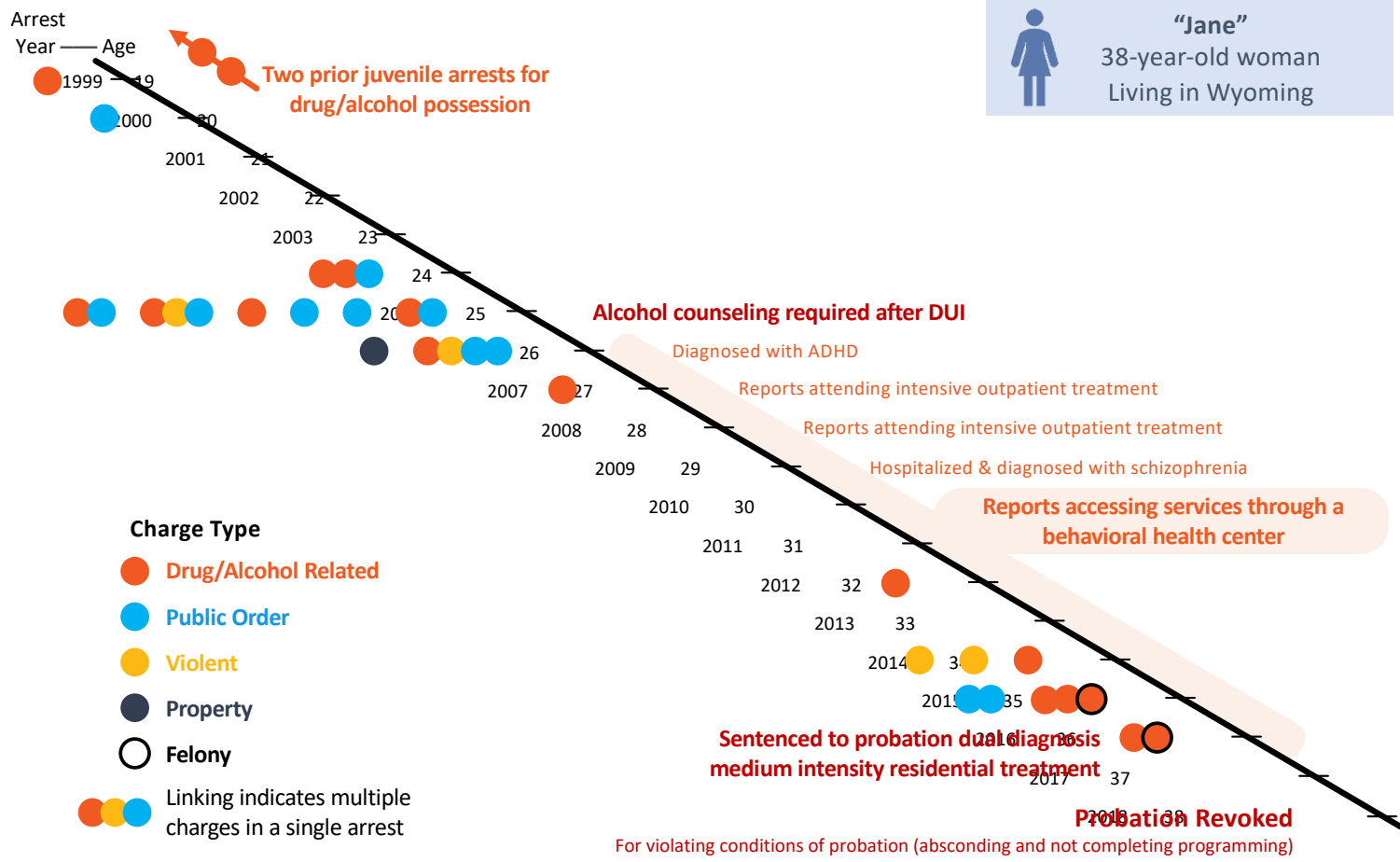
CSG has worked with 31 states, some twice, on a Justice Reinvestment approach to address criminal justice challenges.



We understand crime and violence from the time it happens and the person who commits the offense



- Only a small subset of reported crimes (index) are tracked
- Of those crimes reported, only a subset is solved and the individual apprehended
- A lot of people commit one or just a few crimes
- A few people commit many crimes
- Most repeat offenders have a multitude of risk factors and need treatment to overcome addiction, trauma, etc.
- Violence is specific and contextual, not an orientation
- Recidivism varies based on type and underlying climate of crime
- Crime is committed disproportionately by the young and by men
- A lot of crime is not reported



During the Montana Justice Reinvestment process, we had a chance to hear from victims

Transparency

- Victims want to know what's happening so they can predict and plan

Accountability

- Victims want to know that people who commit crimes will have to complete the terms of the treatment and/or sentence that is ordered

Safety/Security

- Victims want to know her or his sense of safety is important and efforts will be made to restore her or his sense of security

Victims have unanswered questions about the criminal justice system and how and why decisions are made

I was not notified of offender's bond release.

My family feels lost and forgotten.

Plea bargains should always be at least reviewed by victims. Obviously not all victims will approve.

We were never interviewed. No one knows how bad it really was.

I was not aware of parole after ¼ sentence.

It would've been helpful to know the process and timeline.

I was never informed that I could actually give an impact statement. I wish I could've done this.

11 days to arrest him for my rape. And, I didn't know why.

Victims and advocates identified why they care about what happens to offenders beyond the criminal justice system

People who commit crimes return to the community

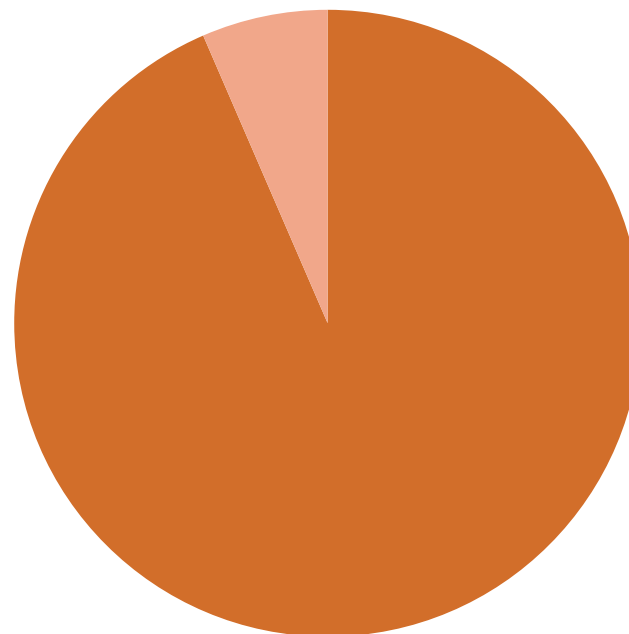
An offender's earning potential dictates whether the victim receives restitution

The victim often knows the person who committed the crime

Criminal histories of victims can create barriers for resources and recovery.

The victim and advocate are invested in ensuring there are no more victims.

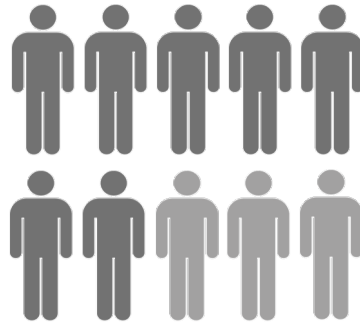
93% of survey respondents indicated they experienced anxiety, depression, stress, difficulty with sleeping, relationships, work or housing as a result of the crime



84% of these victims said they are "still recovering"

n=46

Victims in Montana support justice reinvestment principles



7 of 10
respondents want a criminal justice system that focuses on probation and rehabilitation

n=46

“Your questions regarding prisons are not yes or no answers. Some need to be incarcerated others need more treatment.”

“I feel that a lot of these questions are not mutually exclusive...While I do believe in rehabilitation and mental health care/behavioral interventions for offenders, I also believe that violent offenders must be held accountable for their actions and separated from the greater community if they pose a threat to public health.”

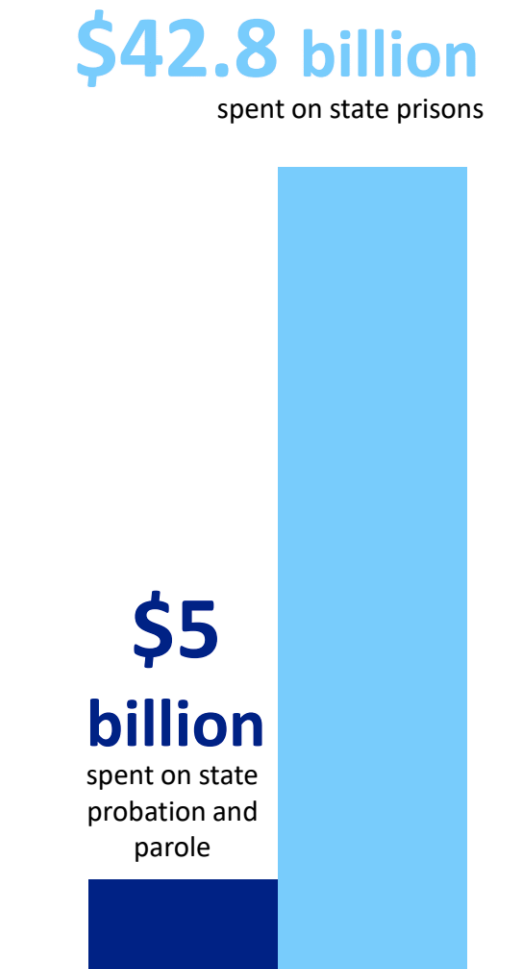
The effort to bring victim and advocate voices into the process had an impact on the Montana Justice Reinvestment working group

POLICY OPTIONS

1. Establish the use of pretrial risk assessment and supervision.
2. Revamp the presentence investigation report so that it is more structured and objective, encourages the use of evidence-based practices in sentencing, and is produced in a timely fashion.
3. Eliminate mandatory minimum jail sentences for first offense driving with a suspended license and third offense petty theft.
4. Reclassify traffic offenses, other than driving under the influence, as civil or citation-only offenses.
5. Create new or expand existing diversion programs.
6. Expand eligibility criteria for drug courts.
7. Establish guidelines that account for individual risk and needs information in making placement decisions for people sentenced to DOC commit.
8. Adopt evidence-based standards and require state-issued licenses for treatment facilities serving people in the criminal justice system.
9. Fund access to behavioral health treatment and programs for people on community supervision.
10. Focus probation resources on people who are most likely to reoffend.
11. Explore increasing access to tribal resources for Native Americans who are in the state criminal justice system.
12. Modernize the parole board and the parole decision-making process to ensure that the board's decisions are informed and consistent.
13. Limit the term of incarceration for technical violations of conditions of probation and parole.
14. Increase housing options for people returning to the community after incarceration.
15. Expand eligibility criteria for crime victim compensation benefits.
16. Improve the quality of and access to batterer's intervention programs.
17. Provide oversight to improve the quality of programs and practices.

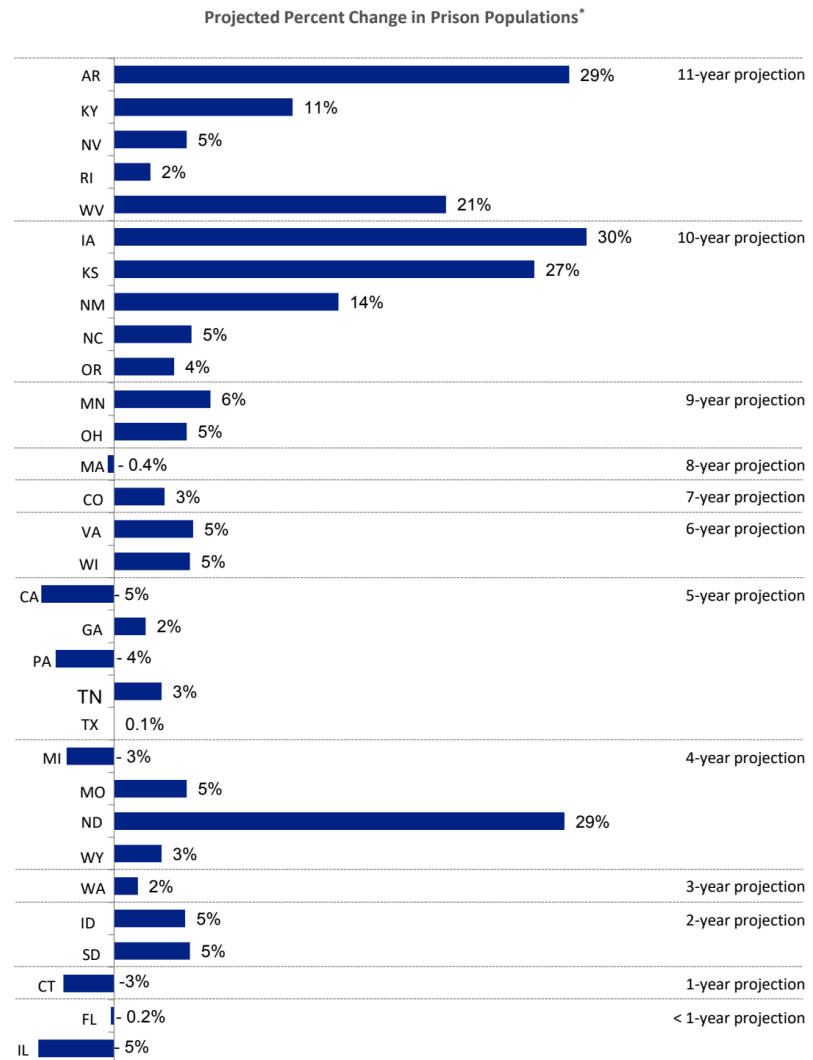
In 2015, states
spent more than
\$47 billion on
corrections

Source: CSG Justice Center, structured interviews, Aug. 2017; Vera Institute of Justice, *The Price of Prisons*; Bureau of Justice Statistics, *Correctional Populations*, 2015.



24 of 31 states
are projecting
growth in their
prisons

Source: CSG Justice Center, structured interviews, Aug. 2017.



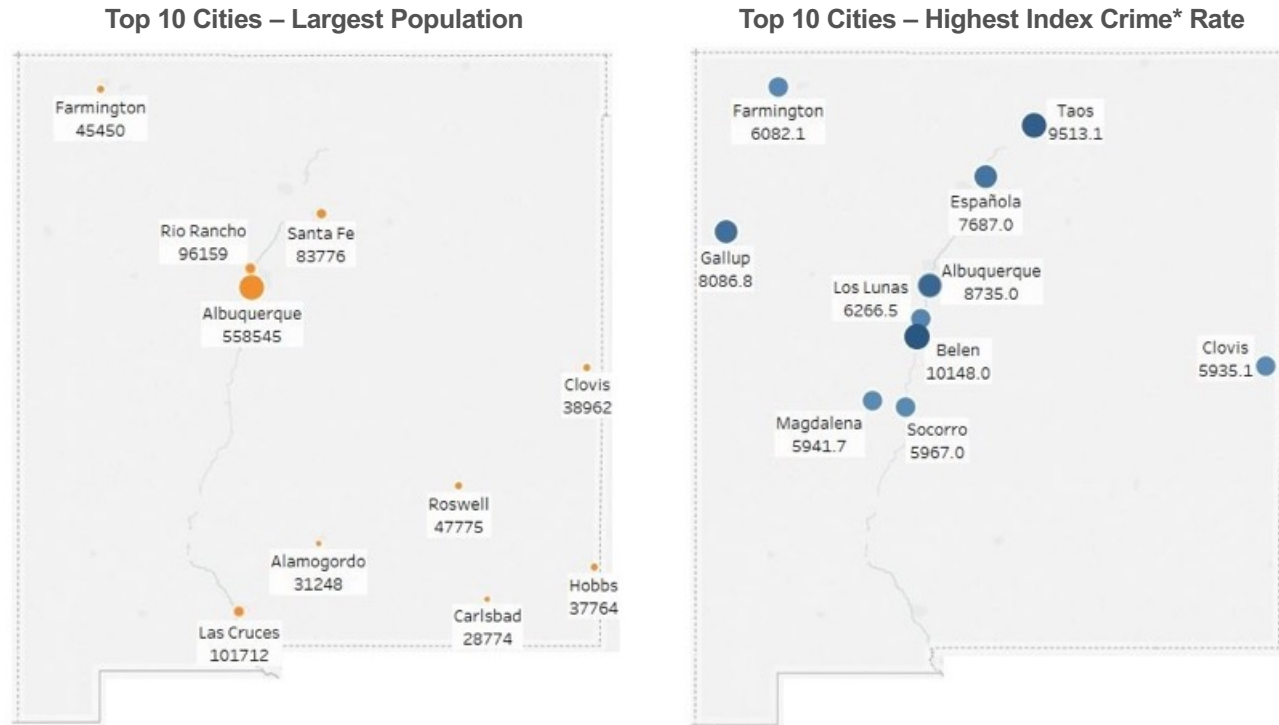
Case Studies



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Crime in New Mexico is not just a “big city problem.”



*Index crimes are murder/non-negligent manslaughter, rape, robbery, aggravated assault, burglary, larceny/theft, motor vehicle theft, and arson. Rates are calculated per 100,000 residents.

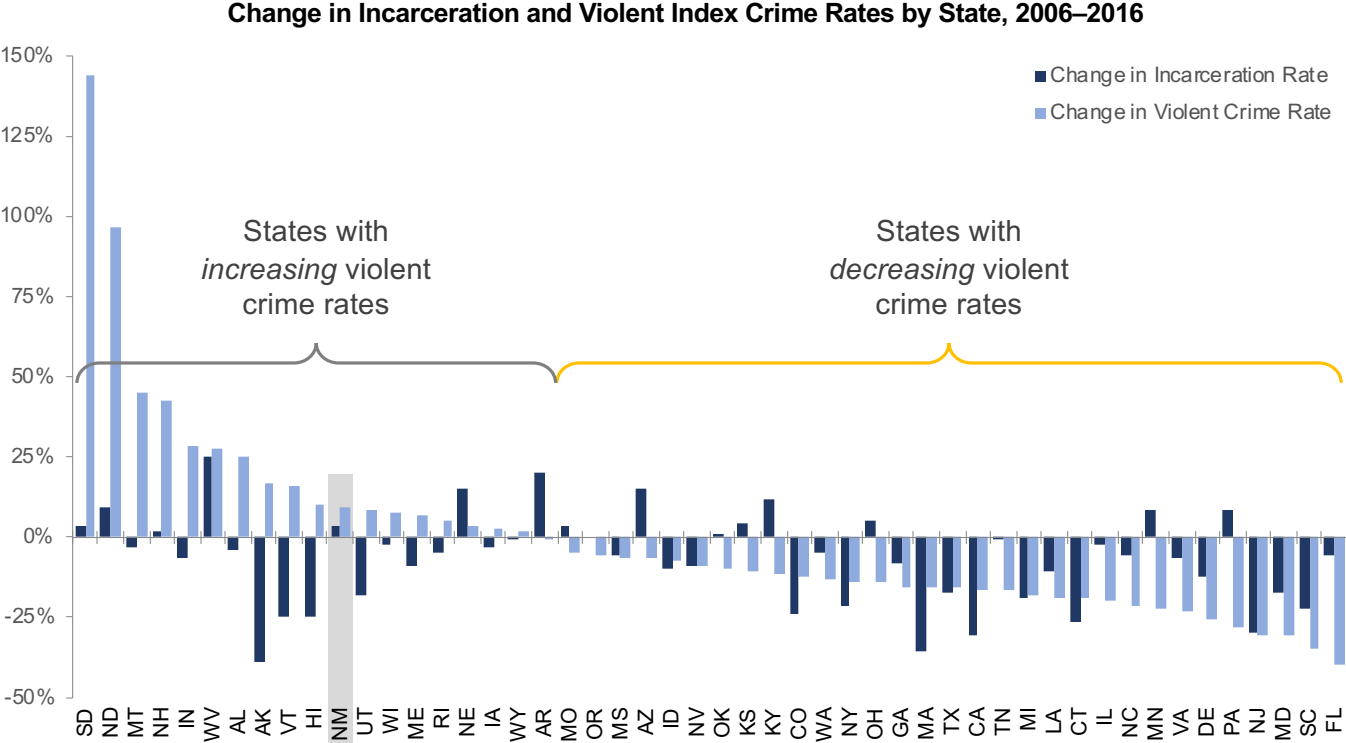
• Source: FBI, "Crime in the United States, 2017;" US Census Bureau "Annual Estimates of the Resident Population" (December 2017).

Deterrence through strategic law enforcement is the most cost-effective approach to preventing violent crime.



• Source: Aos, S. and Drake, E. "Prison, Police, and Programs: Evidence-Based Options that Reduce Crime and Save Money." Olympia: Washington State Institute for Public Policy, 2013.

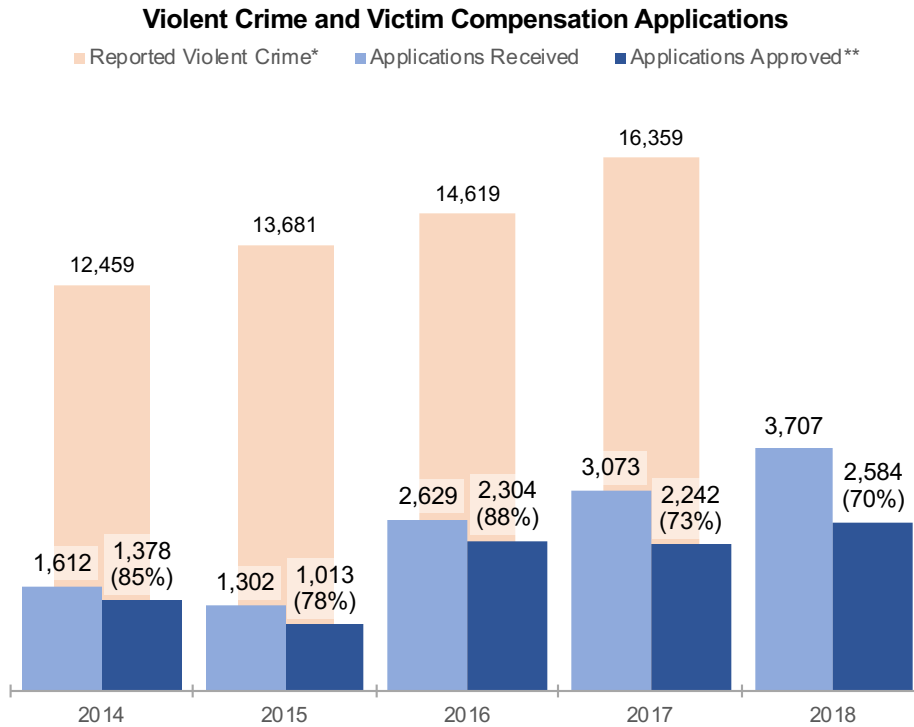
Incapacitation can decrease crime, but changes in violent crime rates across the country show little correlation with increases or decreases in incarceration rates.



Violent index crimes are murder/non-negligent manslaughter, rape, robbery, and aggravated assault. Rates are per 100,000 residents.

• Sources: FBI, "Crime in the United States, 2006" and "Crime in the United States, 2016"; Bureau of Justice Statistics, "Prisoners in 2006" and "Prisoners in 2016." BJS prison population numbers for 2017 were not available as of November 2018.

As violent crime has increased in the state, applications to the New Mexico Crime Victim Reparation Commission have also increased.



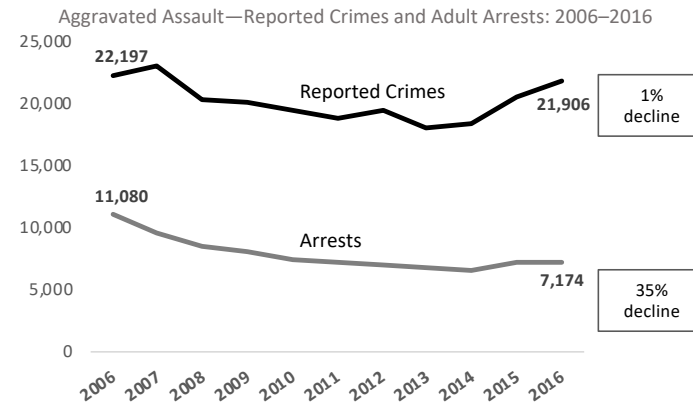
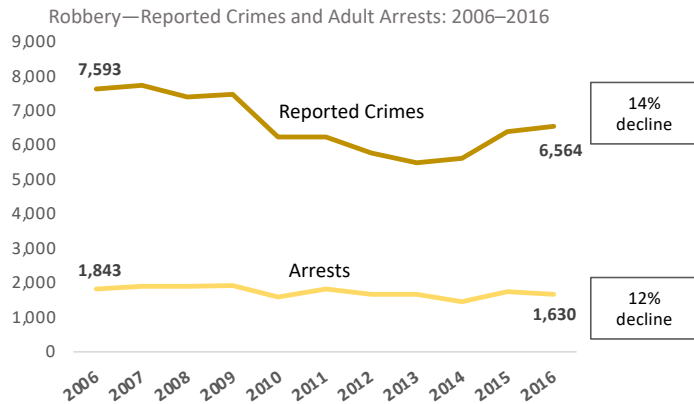
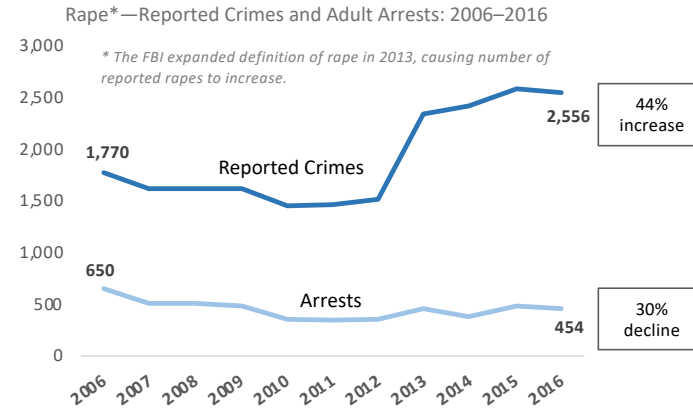
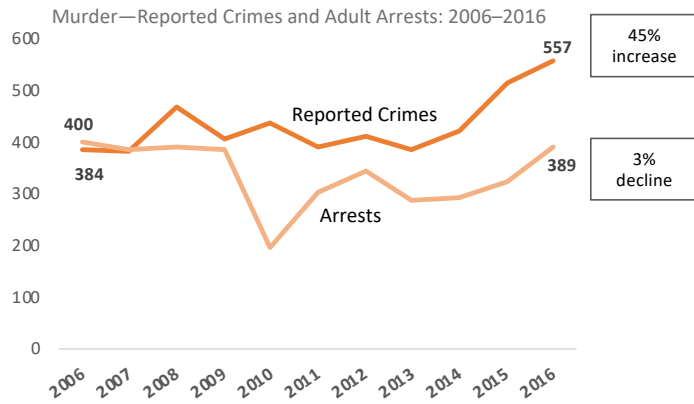
The total number of victims of violent crime in New Mexico is unknown, but based on the number of reported violent crimes, we can infer that a large number of victims do not apply for compensation.

*Violent crime offenses are: murder/non-negligent manslaughter, rape, robbery, and aggravated assault. (Eligible crimes in New Mexico are: aggravated assault; aggravated battery; criminal sexual contact of a minor; criminal sexual penetration; murder; voluntary manslaughter; involuntary manslaughter; abandonment or abuse of a child; homicide by vehicle or great bodily injury by vehicle; aggravated stalking; kidnapping; arson resulting in bodily injury; aggravated arson; aggravated indecent exposure; dangerous use of explosives; negligent use of a deadly weapon; and human trafficking)

**Applications approved includes applications with pending expenses.

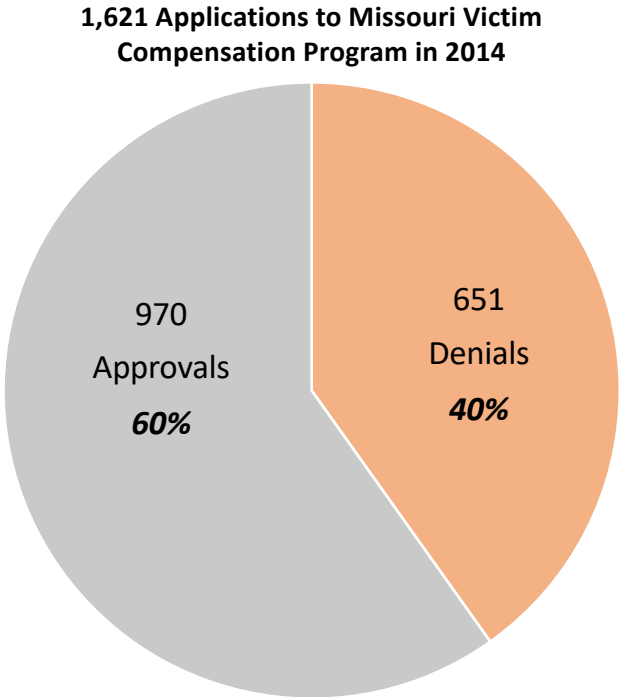
Source: FBI, "Crime in the United States" reports by year; New Mexico Crime Victims Reparation Commission "NMCVRC Annual Report" by year; CSG Justice Center correspondence with CVRC. Crime numbers are based on calendar year and compensation application numbers are based on state fiscal year (July 1 – June 30).

With the exception of robberies, fewer violent crimes in Missouri are resulting in arrests



• Source: Crime in Missouri, 2006-16, Missouri State Highway Patrol.

Updating the compensation statute and regulations can decrease the likelihood that the program must deny an application



Top 10 denial reasons

Failure to Supply Info	420
No Minimum Loss	46
Contributory Conduct	27
Reimbursed by Collateral Source	24
Failure to Cooperate with Law Enforcement	21
Failure to File Claim on Time	17
Two or More Felonies	16
Crime Not Reported w/in 48 Hours	15
Crime Not Compensable with Law	14
Duplicate Claim	11

The top reason an application is denied is administrative (65%)

• Source: Email communication from Missouri Department of Public Safety, October 17, 2017.

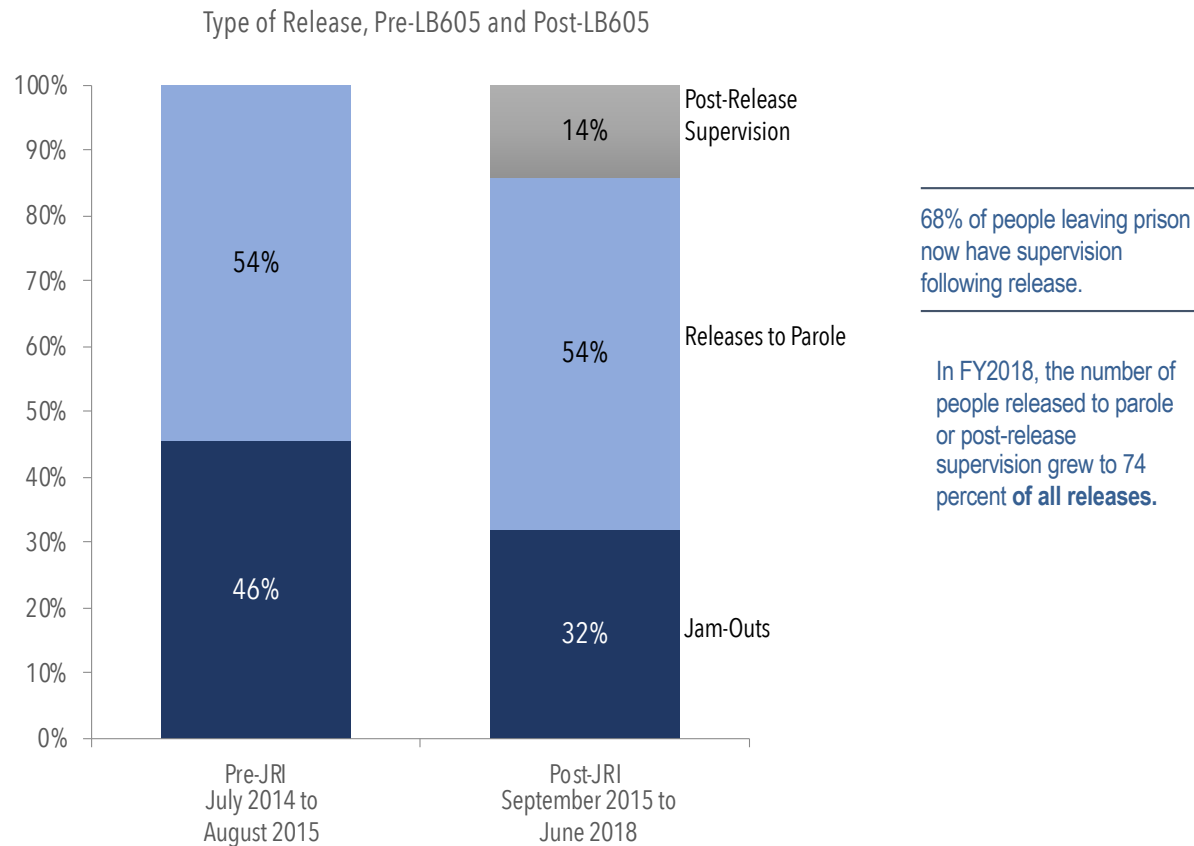
JR policies in Missouri have significantly increased access to compensation for victims of crime.



“Only a few months after a legislative overhaul of the program took effect, it is noticeably easier for victims to request [victims’ compensation].”

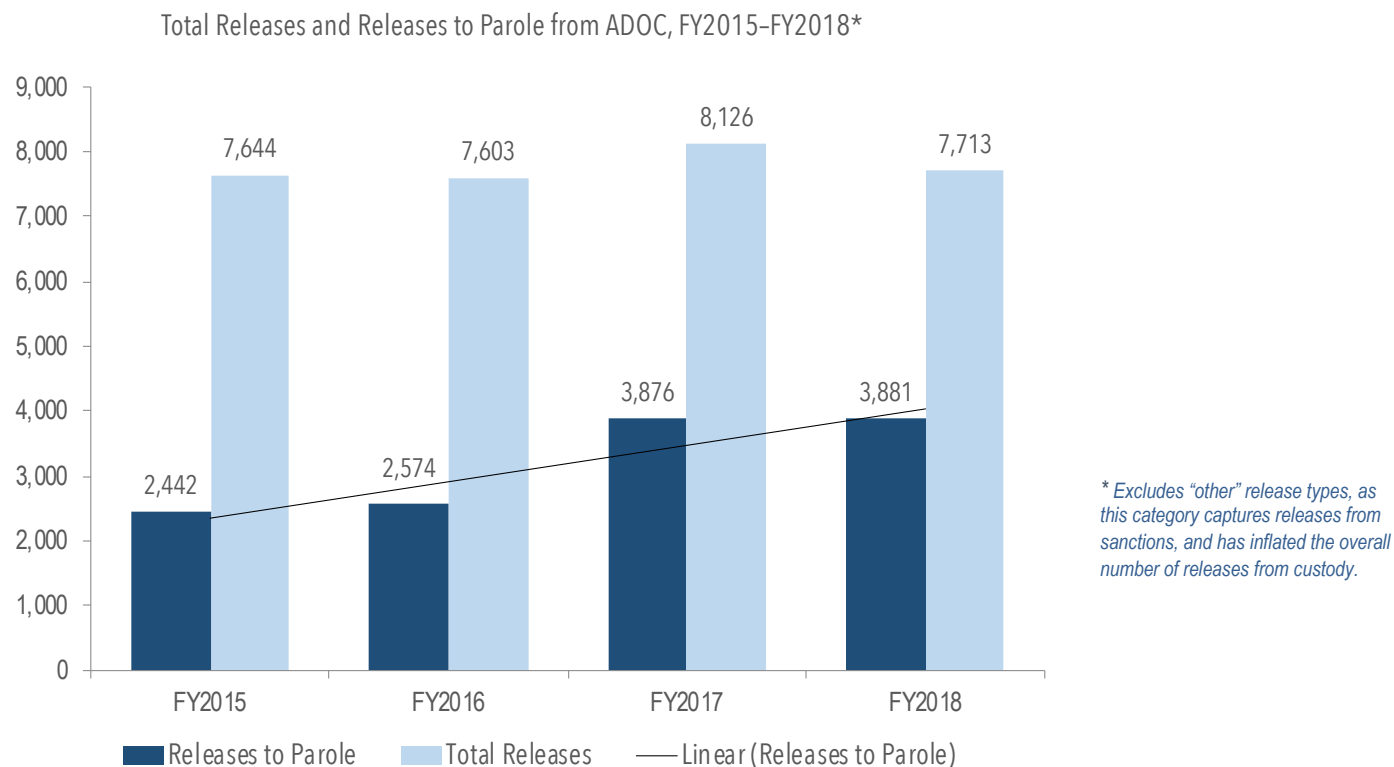
“...Dropping the police report requirement has led to more domestic violence victims applying for help who might not have been eligible before.”

More people have been released to supervision since JRI in Nebraska.



Source: Data provided by NDCS in monthly "NDCS Data Tracking Updated Through CY2018.xlsx" spreadsheet

An increase in the parole grant rate resulted in 59 percent more people receiving supervision after incarceration in Alabama.



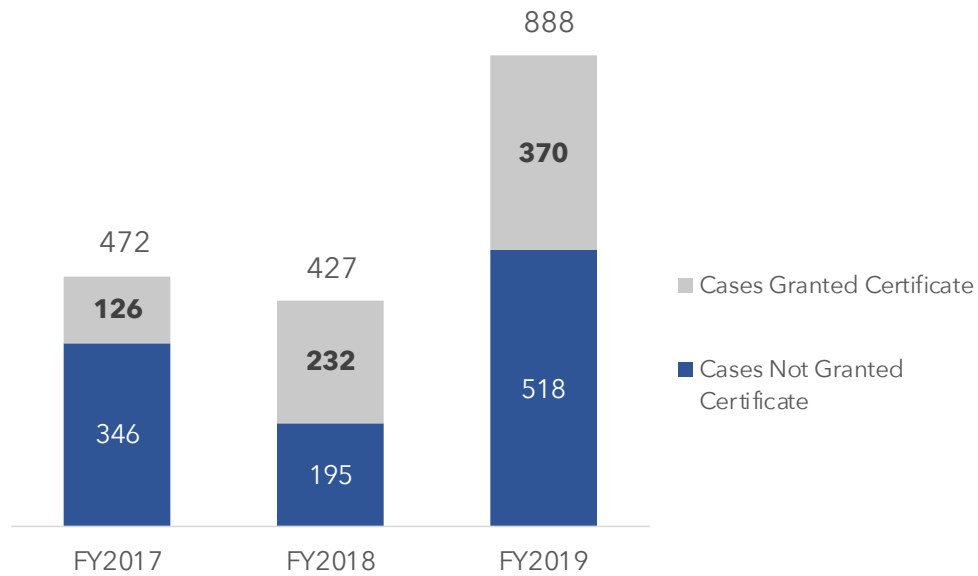
Source: Alabama Board of Pardons and Paroles data.

Since FY2017, approximately 1,790 probation cases have been screened for early termination in Rhode Island.

Probation Cases Screened for Early Termination,
FY2017-FY2019*

The Risk Assessment Unit (RAU) is responsible for early termination screenings to verify whether a person on probation is eligible. As of March 2019, the number of cases screened and deemed eligible in FY2019 has exceeded the prior two fiscal years.

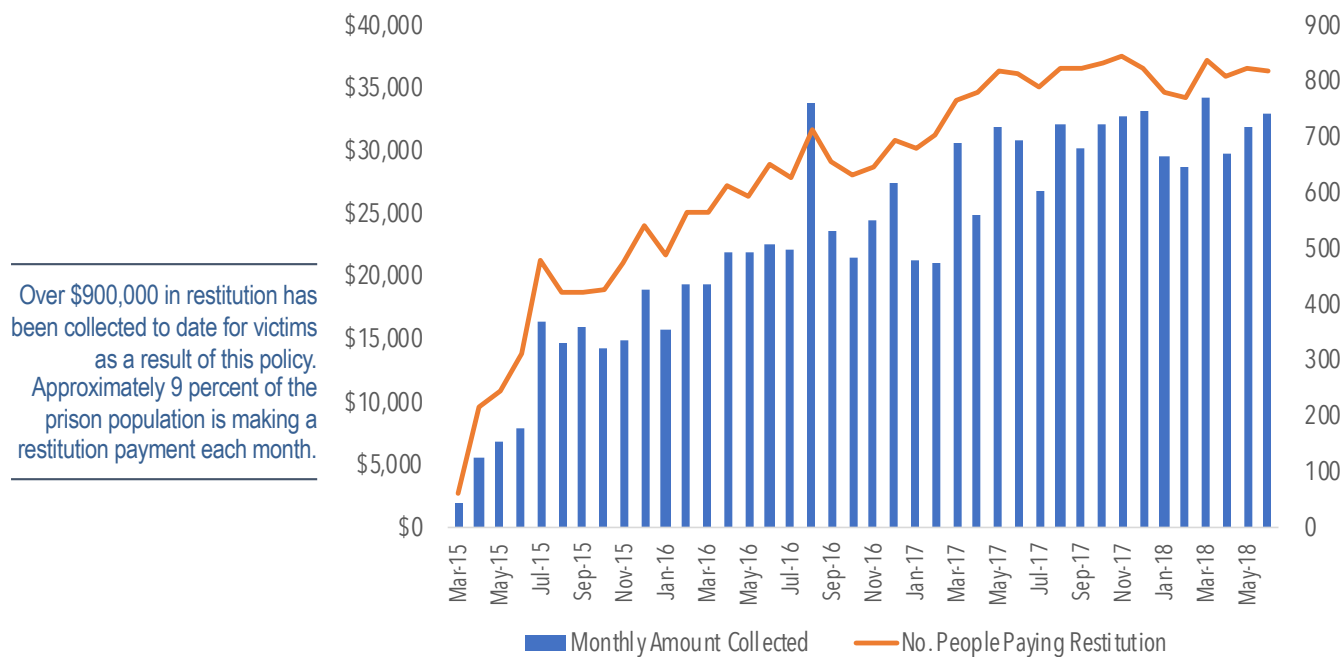
* FY2019 data available through March 2019



Source: Rhode Island Department of Corrections monthly tracking spreadsheet, "RIDOC Data Tracking_v5.1.xlsx" through March 2019

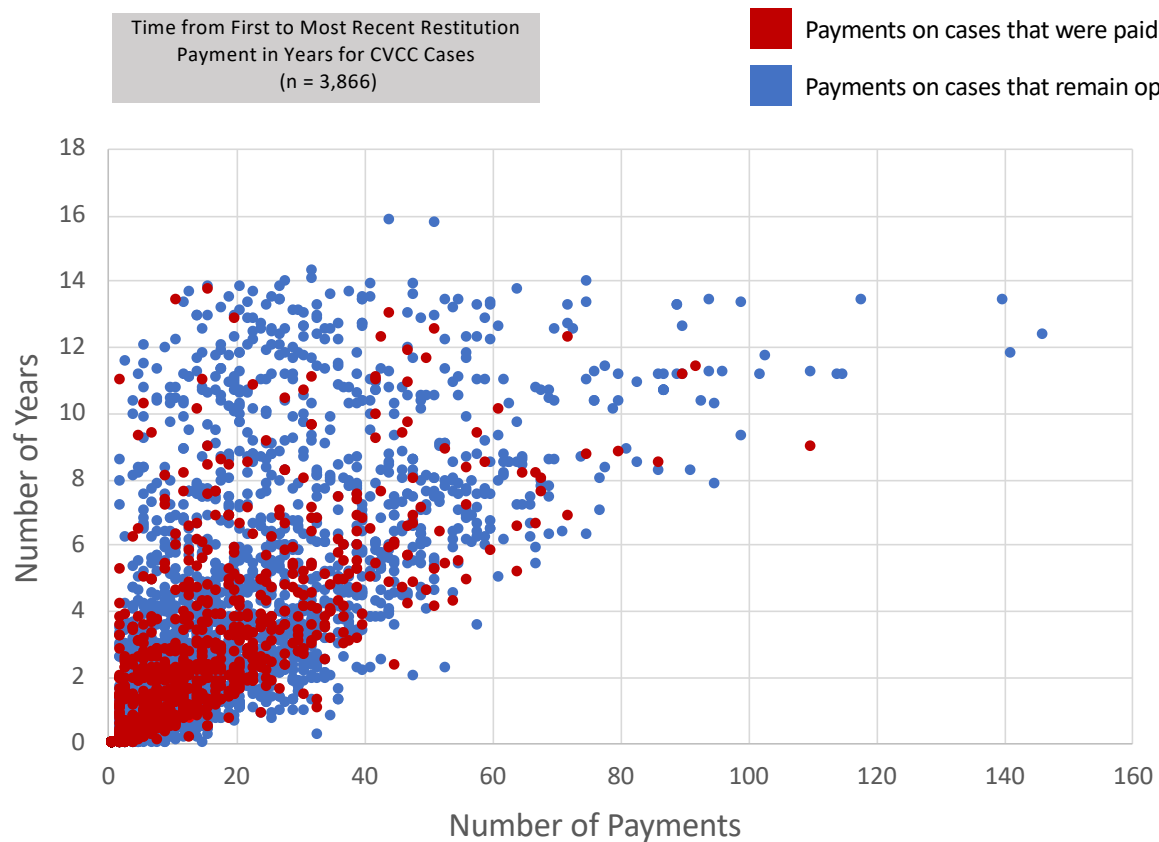
Restitution collected from people in Idaho prisons grew to \$31,000 per month in 2018, with more than 800 people making payments.

Restitution Collections from People in Prison Deductions, March '15 - June '18



Source: IDOC monthly tracking spreadsheet, "CSG - 9.2018 JRI Tracking Spreadsheet_FINAL.xlsx"

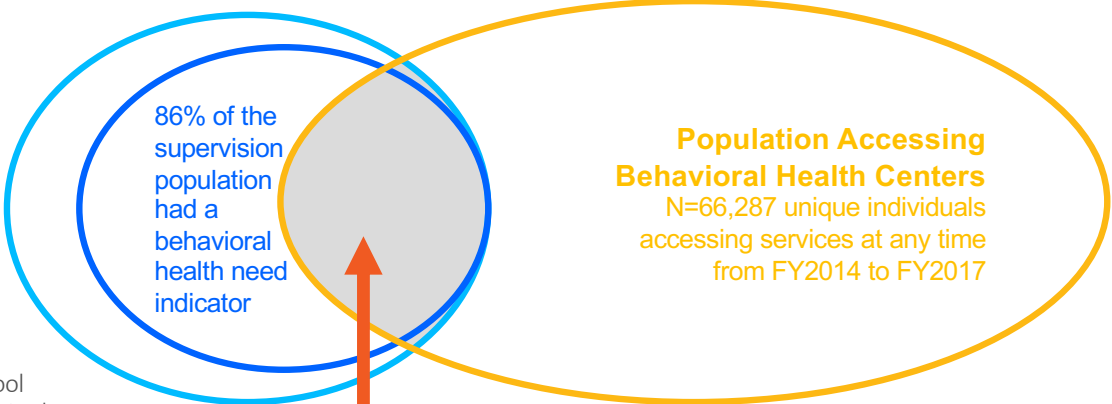
In Hawaii, people who paid restitution in full made an average of 14 payments over 2.3 years after their case was opened



Paid-in-full cases:
Received an average of 14 payments over 2.3 years. 71% of these cases close within three years of making the first payment

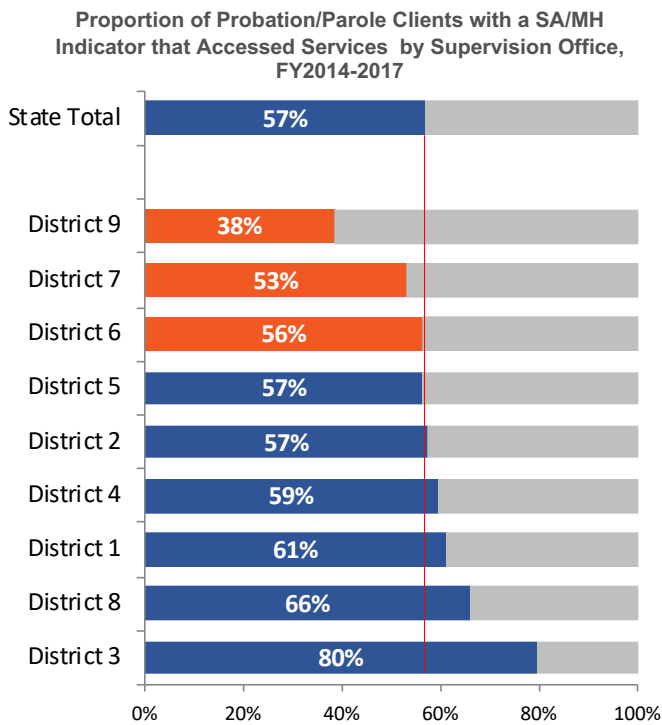
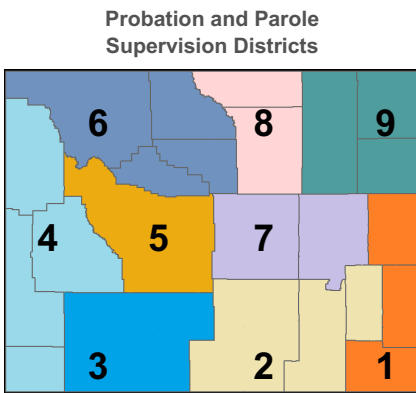
The Wyoming DOC and the Department of Health collaborated to analyze the overlap between the supervision population and people accessing treatment.

Supervision Population
N=5,061 unique individuals who started supervision from FY2014 to FY2017



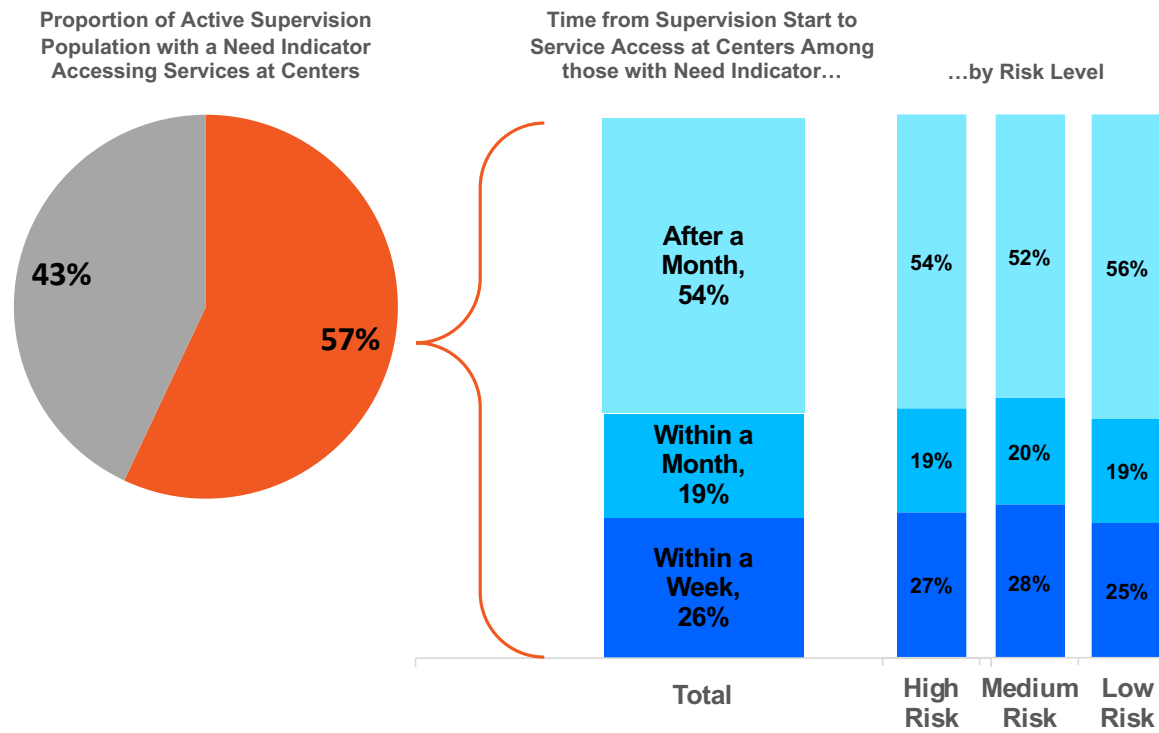
The match revealed that 52% of the supervision pool were accessing treatment in the centers in this time frame, including only 57% of those with an indicator of need.

Supervision offices in Districts 9 and 7 appear to need the most help in connecting clients to treatment services.



Districts 9 and 7 had the lowest proportion of clients with an indicator of need accessing services at the centers and are also two of the three largest offices in terms of client volume and revocations to prison.

54 percent of people needing substance addiction treatment who access it in a center receive it more than a month after the start of their supervision term.



Key Takeaways from the Health and Corrections Analysis

57%

Between FY2014–17, just over half of people on probation and parole supervision **with an indicator** of need **accessed mental health and/or substance addiction treatment** in at least one of the community mental health and substance use centers.



Rates of **people on supervision** with an **indicator of need** for treatment that accessed services **vary across the state**, with a rate as **high as 66 and 80 percent** in some districts and as **low as 38 percent** in others.



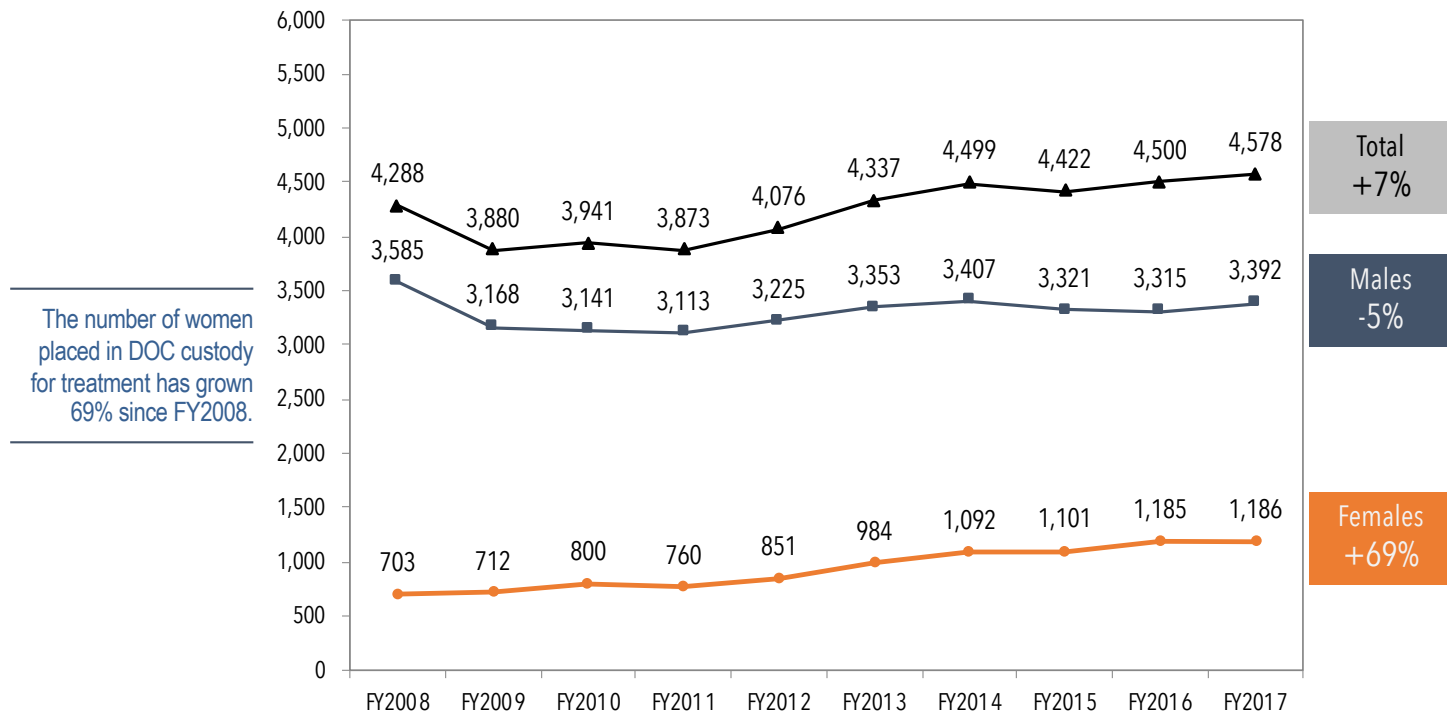
Over half of **people who accessed treatment** in a center received it **more than a month after the start** of their supervision term.



Targeting high-risk individuals with treatment services is associated with longer stays on supervision without a revocation and likely **positive net savings** relative to the cost of days in prison.

Gender disparity in historical admissions trends suggests that lack of treatment capacity is driving placements of women to DOC.

MO Admissions to Prison for 120-Day and Long-Term Drug Treatment Programs, FY2008-FY2017



Source: Missouri Department of Corrections, Profile of the Institutional and Supervised Offender Population, June 2017 (revised 7/26/2018).

Trauma is strongly associated with mental illnesses and substance use disorders as well as incarceration

SUBSTANCE USE



At least **two-thirds** of men and women entering substance abuse treatment report childhood abuse and neglect

MENTAL HEALTH



90 percent of men and women in psychiatric hospitals have been exposed to trauma

WOMEN



50%–98% of women who are incarcerated experienced childhood trauma

MEN



At least **52%** of men who are incarcerated experienced childhood physical abuse

Source: CSG, [Understanding and Addressing Trauma: Developing Trauma Informed Systems of Care](#); BJA, (2017), [Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates, 2011-12](#); <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3386595/> and

<http://cjincludedwomen.org/wp-content/uploads/2016/06/Fact-Sheet.pdf>

Key Takeaways



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