



Justice Center
THE COUNCIL OF STATE GOVERNMENTS

NORTH DAKOTA **STATE FORUM** *on* PUBLIC SAFETY



North Dakota State Forum on Public Safety

EXPANDING ALTERNATIVES TO INCARCERATION

August 21, 2018

Sara Friedman, Senior Policy Analyst
The Council of State Governments Justice Center

Overview

- 1 Opportunities to improve outcomes through use of alternatives to incarceration
- 2 National examples
- 3 Free Through Recovery



**Justice
Center**

Expanding alternatives to incarceration can provide benefits across the criminal justice system.



Improves public safety by promoting recidivism-reduction strategies to create better outcomes



Reduces overloaded court dockets



Eases jail and prison crowding

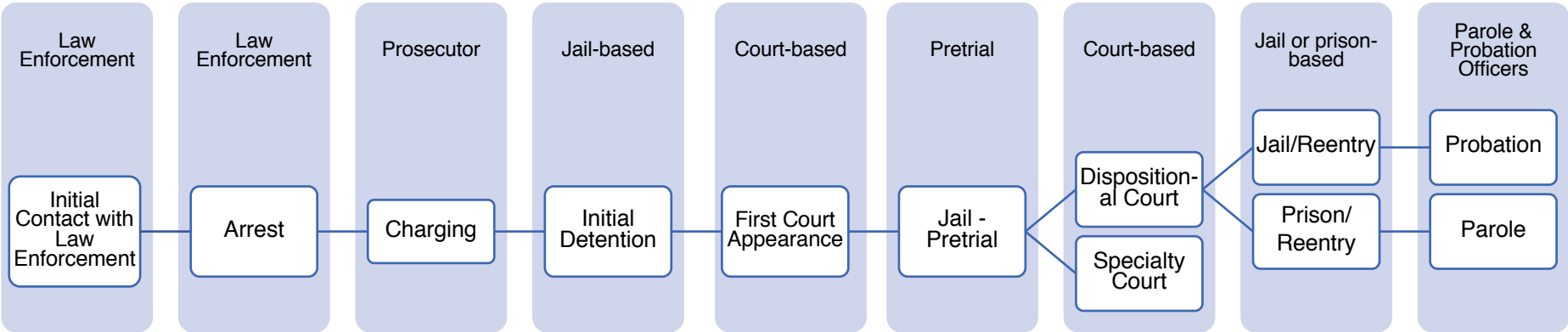


Allows people to avoid collateral consequences of a criminal conviction or harmful lifelong impacts of long prison stays



Supports people in the community and addresses criminogenic risks and needs

There are many opportunities to use non-incarcerative responses to criminal behavior.



There are many tools beyond incarceration to respond to criminal offenses or antisocial behavior.



Law enforcement: Citations in lieu of arrests; Crisis Stabilization Units (CSUs); Crisis Intervention Teams (CITs)



Prosecution: Prosecutorial diversion programs



Courts: Pretrial release; pretrial supervision; deferred processing; specialty courts (drug, mental health, veterans, etc.); sentences to probation, jail, and prison



Jail and Prison: Diversion to community-based behavioral health treatment; reentry supports



Parole and probation: Intermediate sanctions in lieu of revocation; revocation caps, behavioral health support services

Research highlights the challenge of balancing punishment and behavior change.

Pretrial detention:
More than 1 day



Failure-to-appear rates for low-risk individuals



Recidivism for low- and moderate-risk individuals

Community-Based Sanctions vs. Jail Sanctions

Both have the same:

- ✓ Time to next violation
- ✓ # of subsequent violations
- ✓ Likelihood of successful completion of supervision

Prison:
Not shown to reduce recidivism

- Increasing severity of punishment does little to deter crime
- Certainty of being caught is more powerful deterrent than punishment
- Prison may exacerbate recidivism

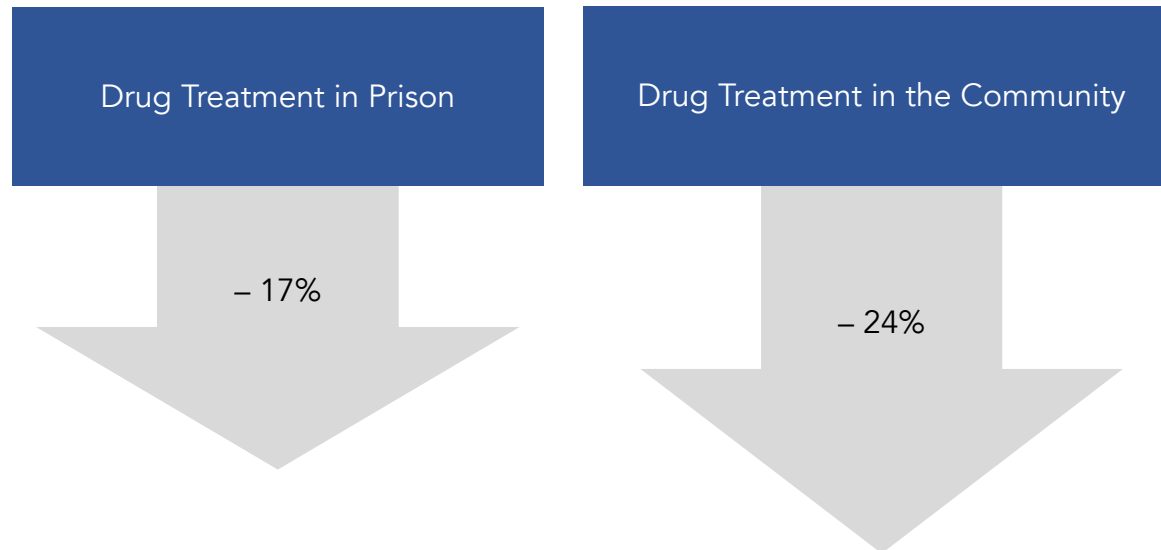
Source: Christopher T Lowenkamp, Marie VanNostrand, and Alexander Holsinger, *The Hidden Costs of Pretrial Detention*, Laura and John Arnold Foundation, 2013.

Sanction Source: E.J. Wodahl et al. (2015). Responding to probation and parole violations: Are jail sanctions more effective than community-based graduated sanctions? *Journal of Criminal Justice*, 43: 242-250.

Source: National Institute of Justice (2016) Five Things about Deterrence. <https://www.ncjrs.gov/pdffiles1/nij/247350.pdf>

Treatment programs are more effective at changing behavior when delivered in the community.

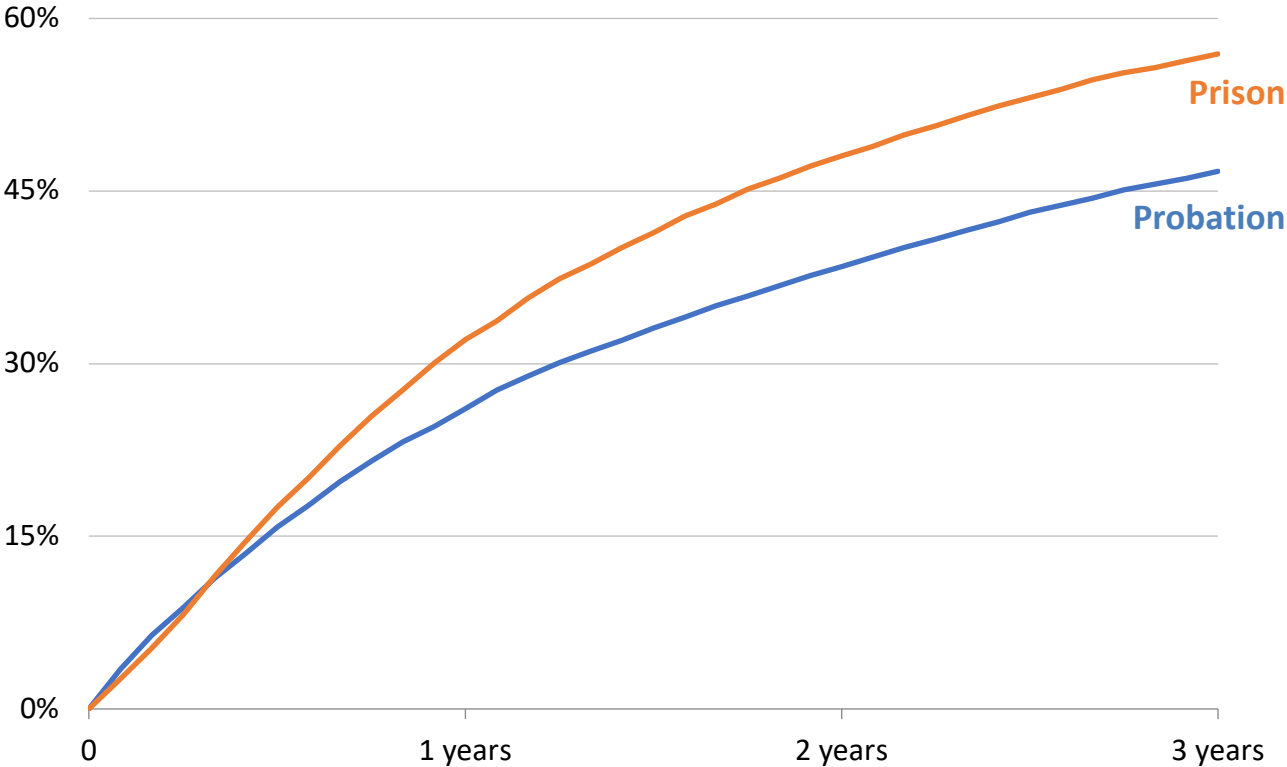
Impact on Recidivism Rates



Source: Community is Better - Lee, S., Aos, S., Drake, E., Pennucci, A., Miller, M., & Anderson, L. (2012). Return on investment: Evidence-based options to improve statewide outcomes, April 2012 (Document No. 12-04-1201). Olympia: Washington State Institute for Public Policy.

People sentenced to prison have higher recidivism rates than people sentenced to probation.

Cumulative Rearrest Rates for People Released from Prison Compared to People Beginning Felony Probation in FY2012 in Arkansas



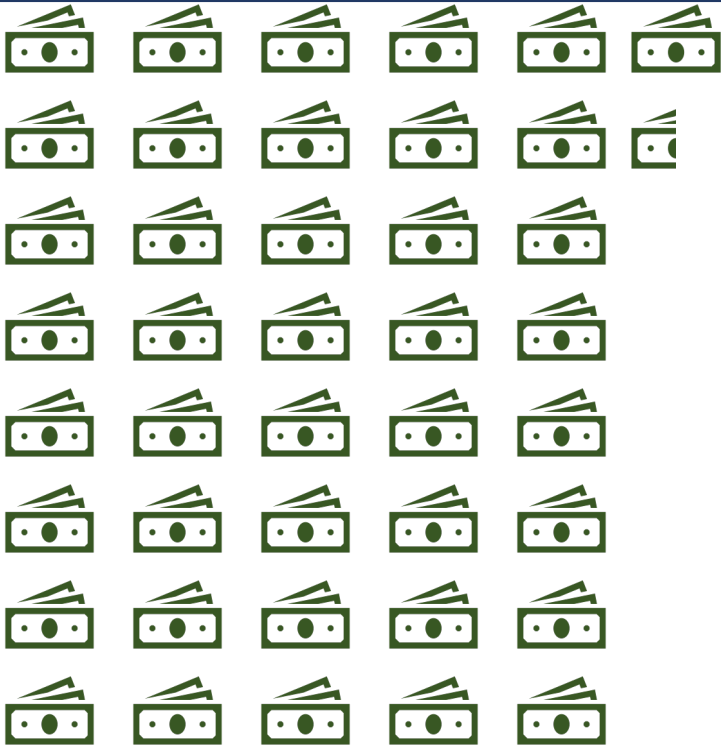
In this Arkansas study, people placed on probation were rearrested at roughly 18–21 percent lower rates than people reentering the community from prison within three years of release.

Source: ADC Release Data, ACC Intake Data, ACIC Arrest Data


In North Dakota and across the country, prison is much more expensive than community supervision.

Annual Cost of Prison Bed
\$41,460
(\$113.59/day)

Annual Cost of Community Supervision
\$1,548
(\$4.24/day)



Source: Current of FY 2017,
Conversations with DOCR staff

 = \$1,000

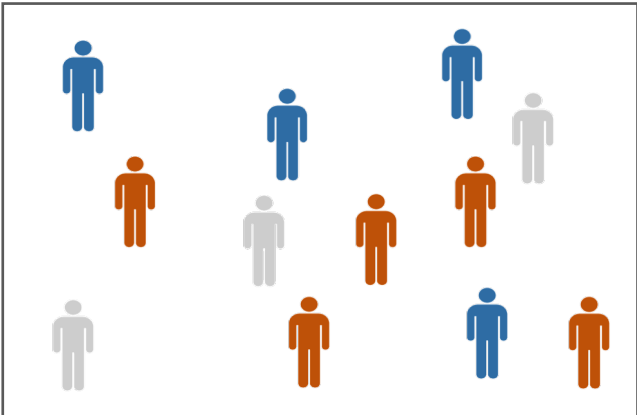
For the annual cost of a single prison bed, more than 26 people could be supervised in the community for a year in North Dakota.

The Risk Need Responsivity (RNR) principles underpin recidivism-reduction strategies and should be incorporated into alternatives to incarceration.

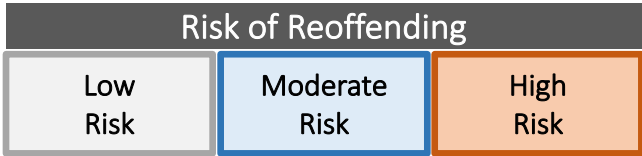
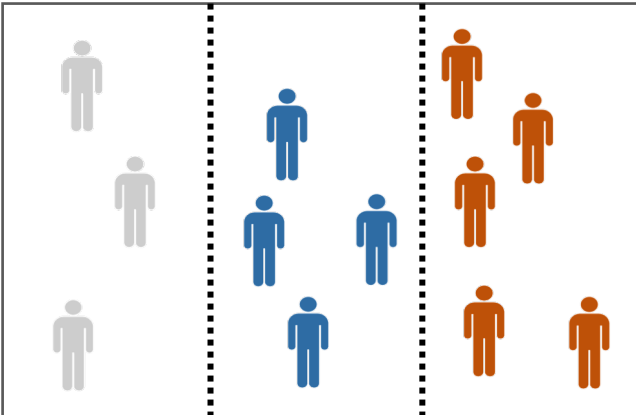


The risk principle tells us *who* to target.

Without Risk Assessment...



With Risk Assessment...



Typically 1/3rd of the population falls into each category

Low-risk individuals have a low probability of reoffending in the absence of services and should be considered for alternatives to incarceration that involve minimal intervention



Do well with minimal intervention



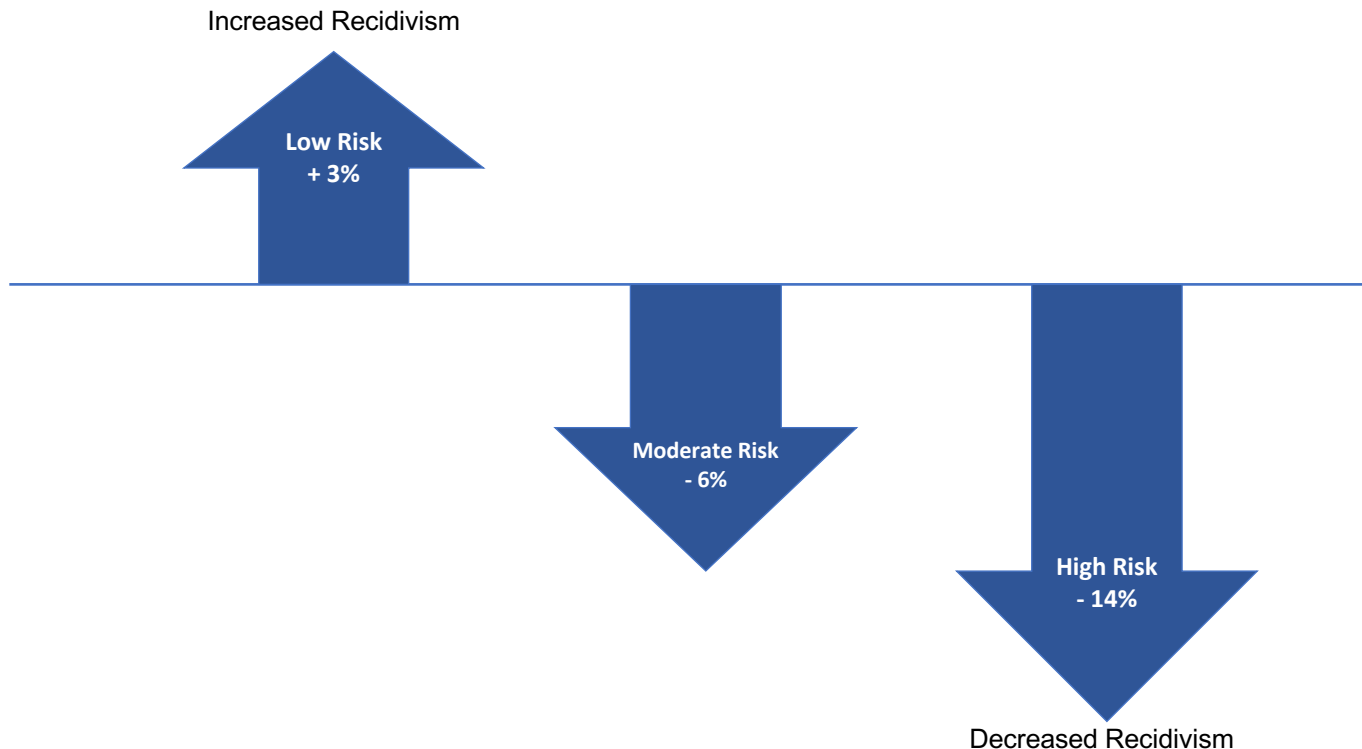
Protective factors are disrupted by intensive services and supervision



Learn more ingrained criminal behaviors when put with higher-risk individuals

Failing to adhere to the risk principle can actually *increase* recidivism for low-risk individuals.

Average Difference in Recidivism by Risk for Individuals in Ohio Halfway House



Source: Presentation by Latessa, "What Works and What Doesn't in Reducing Recidivism: Applying the Principles of Effective Intervention to Offender Reentry"

Research has demonstrated several principles related to risk.



Empirically validated risk and needs instruments can improve prediction of future criminal behavior.



As level of risk increases the amount of treatment and services should increase.



Length of programming and supervision is most effective when tied to risk.

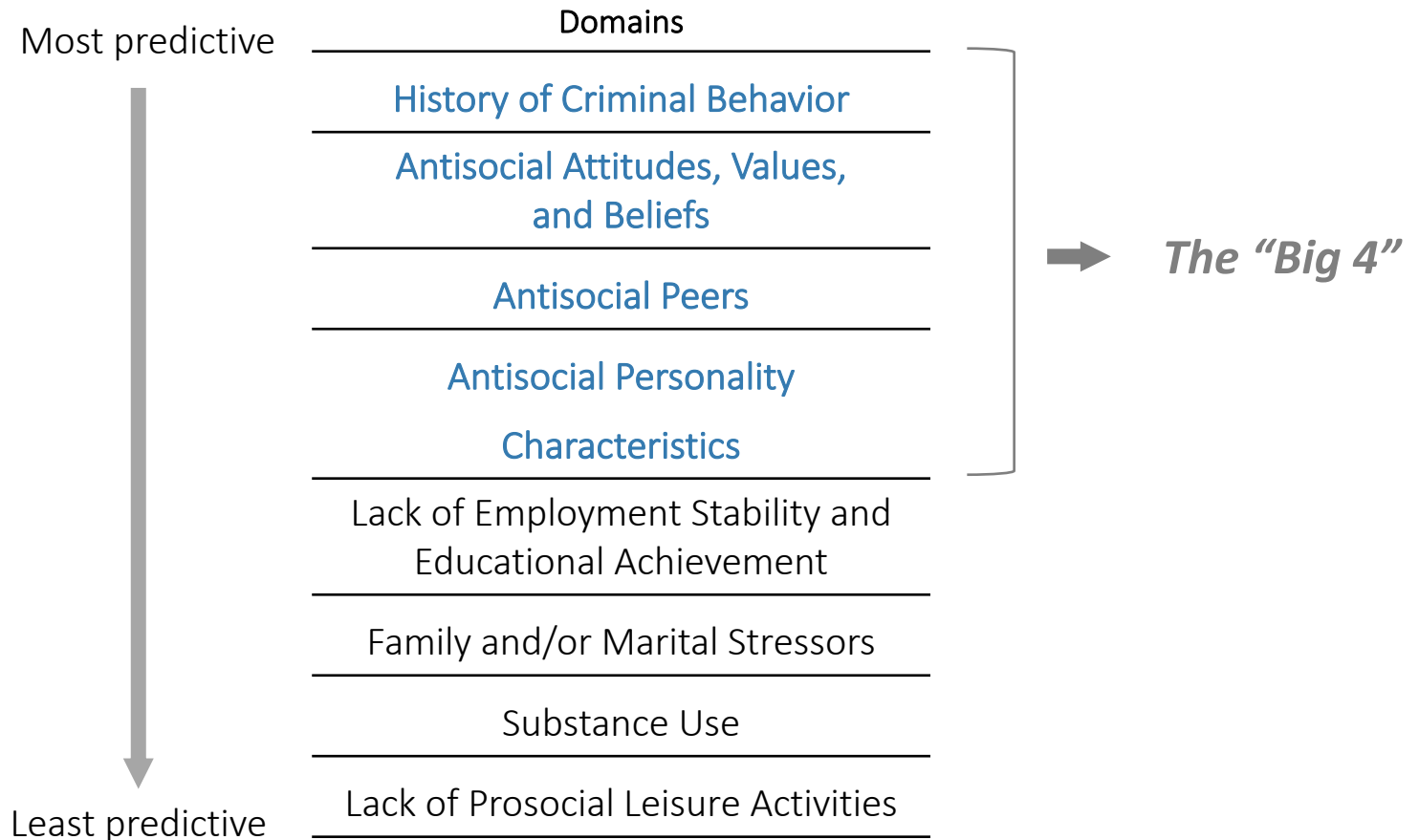


Intensive services should be offered to moderate- and high-risk people.



Low-risk people should receive minimal services.

The need principle tells us *what* to target with interventions.



Adapted from: Andrews, D.A., Bonta, J., and Wormith, S.J. (2006).

Targeting criminogenic need areas can be accomplished at multiple decision-making points.

Condition Setting

Tailor special conditions to need areas identified as “high risk” or as a “significant problem.”

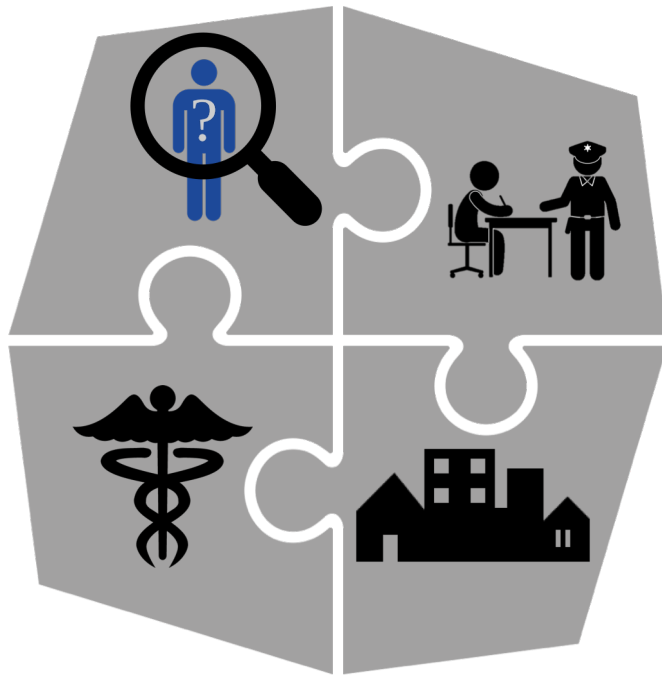
Case Planning

Focus case planning goals on identified criminogenic need areas to proactively address needs prior to violation behavior.

Programming/Referrals

Ensure programming is addressing the “Big 4” criminogenic needs.

The responsivity principle tells us *how* to work with an individual.



Every individual has a unique set of experiences, strengths, and limitations. Barriers to someone’s meaningful participation in services must be removed.

General Responsivity:

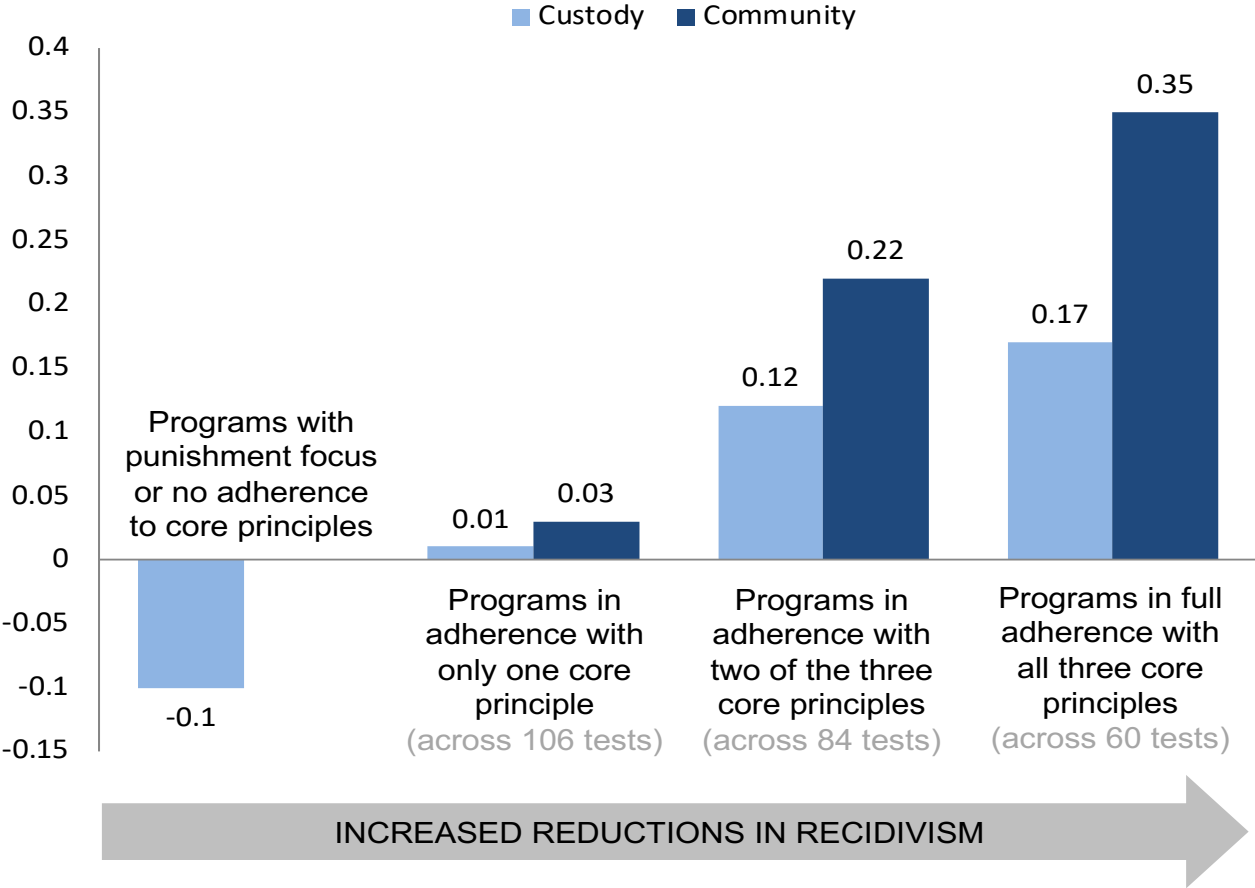
- Cognitive Behavioral Strategies

Specific Responsivity:

- Culture
- Literacy
- Motivation
- Mental Health
- Transportation
- Language

Strong adherence to core RNR principles increases the effectiveness of recidivism reduction.

MEAN EFFECT SIZE BY RNR ADHERENCE AND CORRECTIONAL SETTING



Effects are even greater for programs delivered in the community rather than in prison

Source: D.A. Andrews and J.Bonta. *The Psychology of Criminal Conduct, 5th Ed.* (New York, New York: Routledge, 2010).

The use of risk and needs assessment is the basic building block of RNR.

What is criminogenic risk and needs assessment (RNA)?



An actuarial instrument used to predict the likelihood of future criminal behavior (often defined in terms of reoffending). The use of RNA underpins evidence-based practices to reduce recidivism.

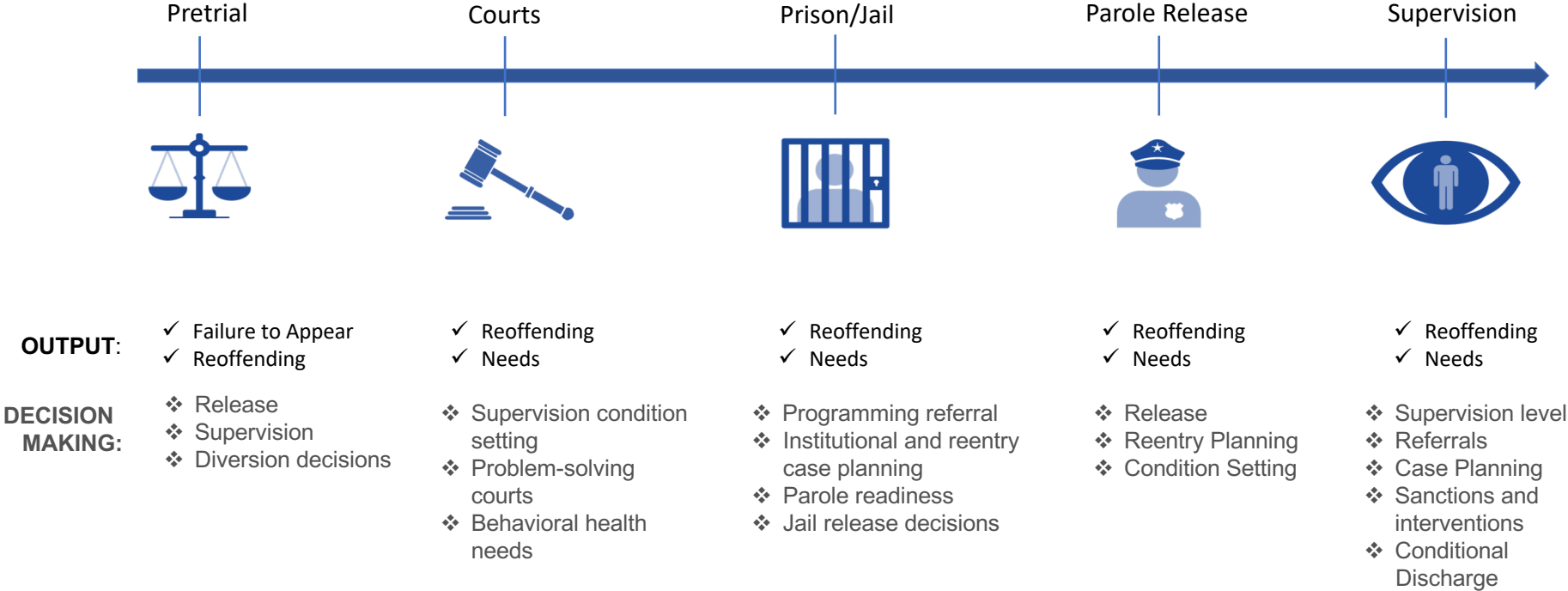
What does risk and need assessment *not* tell us?

Risk level is not an indicator of:



- Dangerousness
- Severity of offense
- Guarantee of reoffending or non-offending
- Offense-specific reoffending

RNA and RNR can be operationalized at similar points in the system where there are opportunities for alternatives to incarceration.



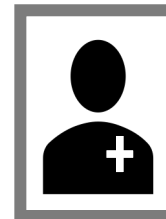
RNA should be used in addition to structured professional discretion to yield the best outcomes for people who get placed in alternatives to incarceration.

“*Studies show that seasoned professionals who rely exclusively on their experience and professional judgment predict recidivism at rates no better than chance.*”

Grove et al. found:



64 Studies found actuarial assessment to be superior at predicting recidivism rates



Only 8 Studies found clinical judgment to be superior at predicting recidivism rates

Source: National Institute of Corrections, 2011; Grove et al. 2000. *Clinical Versus Mechanical Prediction: A Meta-Analysis. Psychological Assessment. V12 (1), 19-30.*



**Justice
Center**

Overview

- 1 Opportunities to improve outcomes through use of alternatives to incarceration
- 2 National examples
- 3 Free Through Recovery



Arkansas: Investing in law enforcement training and Crisis Stabilization Units (CSUs)



\$6.4M

in state dollars reinvested to open 4 CSUs across the state and to train officers to deal with people who have mental illnesses



290

law enforcement officers and 6 mental health staff trained in 40-hour Crisis Intervention Training (CIT)



1,190

people to be served annually in the 4 CSUs

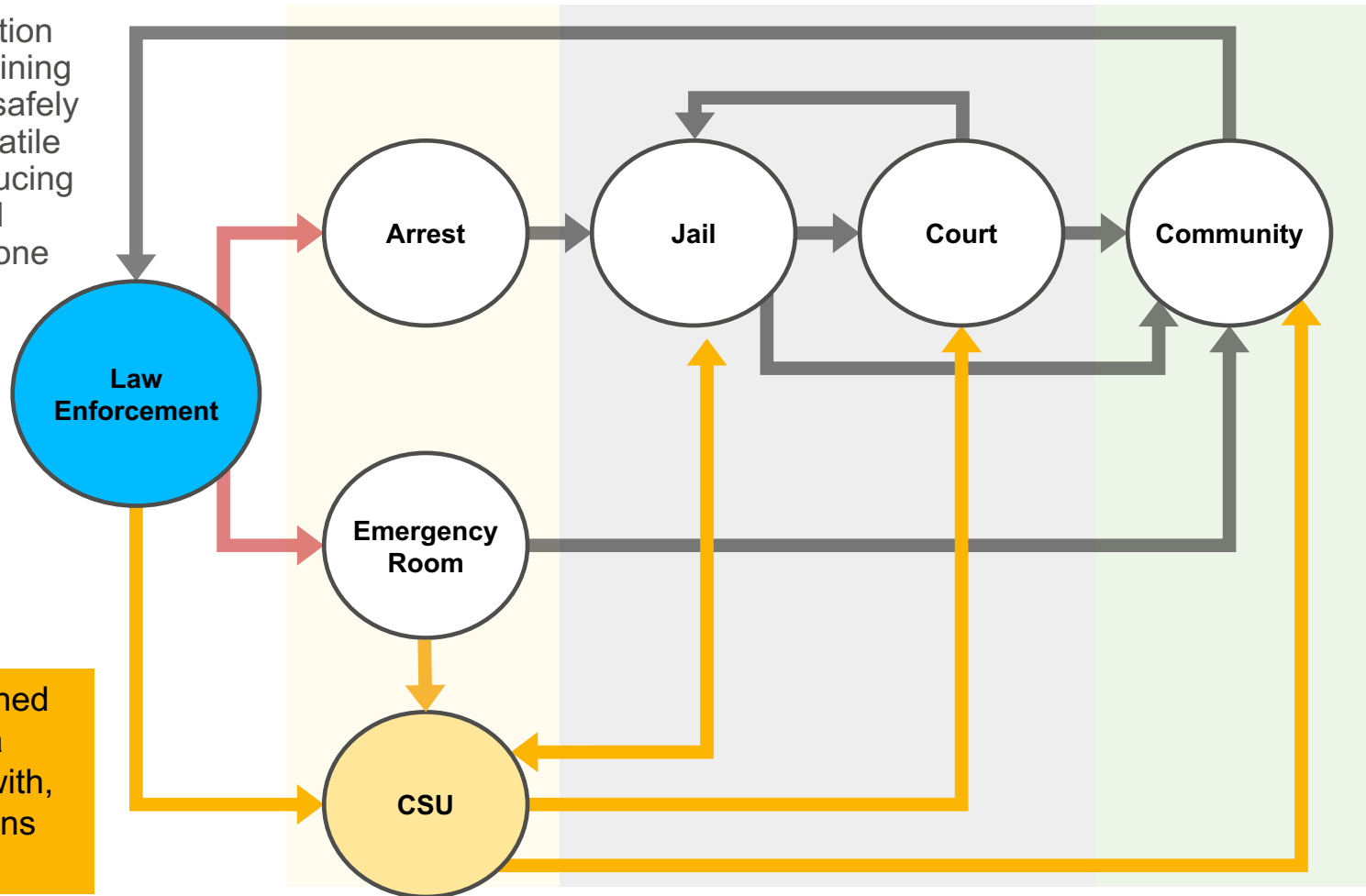


"We are cutting the ribbon on a new approach to law enforcement and the treatment of those in mental-health crisis. This is the grand opening of a second chance and a new life for the many people who will benefit from the care they will receive."

—Governor Asa Hutchinson

Crisis Stabilization Units (CSUs) offer a range of short-term services and increase diversion options in tandem with CIT.

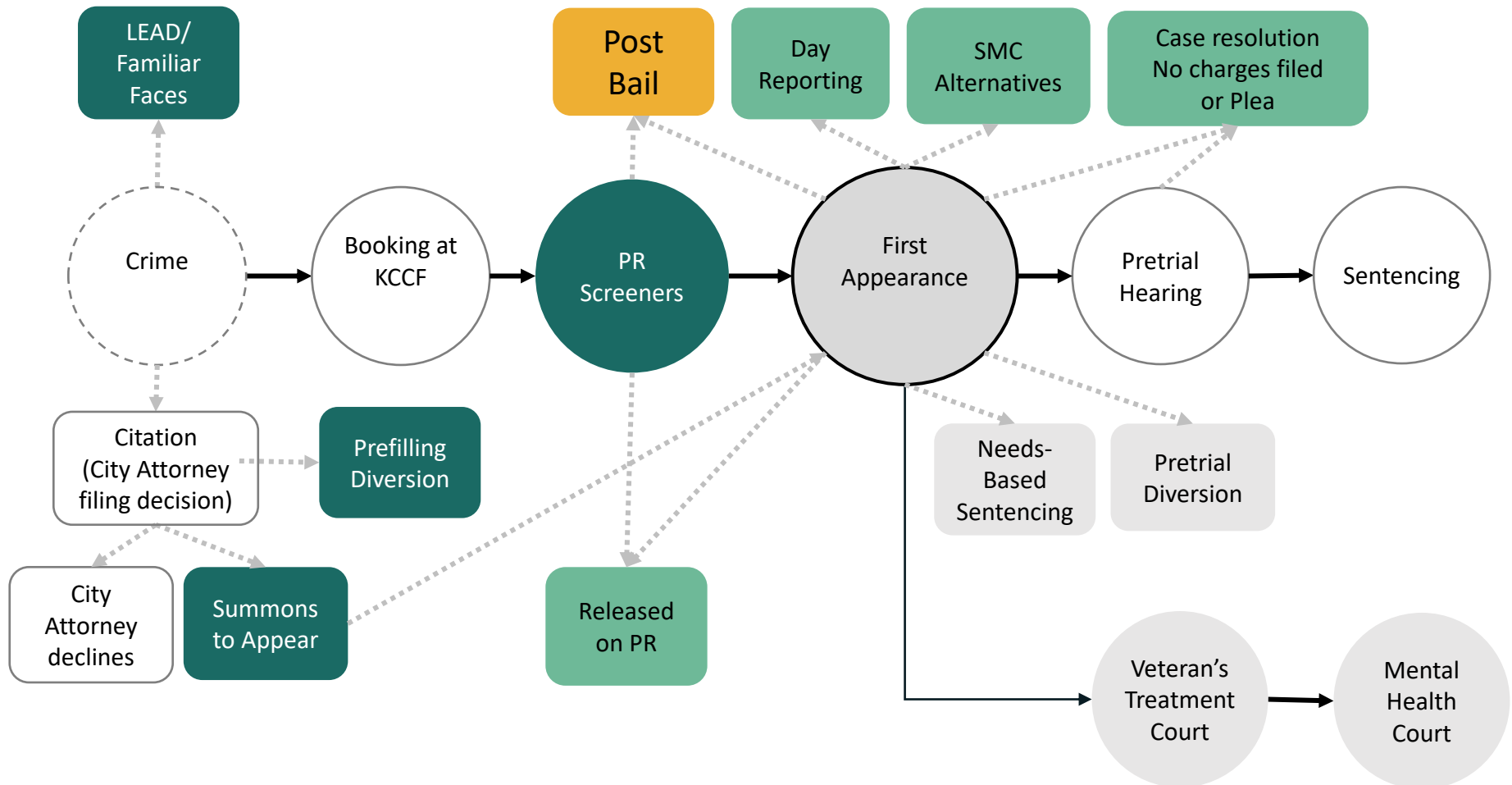
Crisis Intervention Team (CIT) training helps officers safely deescalate volatile situations, reducing risk of physical injury to everyone involved.



When CIT-trained officers have a CSU to work with, available options increase.



Seattle, WA: Numerous tools to avoid incarceration and provide treatment to people with behavioral health needs





Iowa: Gender-responsive residential center and community supervision strategy to support recidivism reduction for women

Fresh Start Women's Center in Des Moines



Residential facility

- Houses women with their children to provide a safe environment
- Accepts women at many stages of criminal justice involvement, including in pretrial status, work release, on probation or parole, and women with Operating While Intoxicated (OWI) offenses
- Provides gender-responsive, trauma-informed substance addiction treatment, cognitive behavioral therapy, and case management



Community supervision reporting center

- PPOs trained in gender-responsive and trauma-informed supervision strategies
- Provides intensive reentry supports for high-risk women with co-occurring mental illnesses and substance addictions



**Justice
Center**

Overview

- 1 Opportunities to improve outcomes through use of alternatives to incarceration
- 2 National examples
- 3 Free Through Recovery



North Dakota: Investing in community-based behavioral health services instead of prisons

\$7M

in state dollars invested in an innovative behavioral health plan to improve health care outcomes and reduce recidivism by delivering high-quality community behavioral health services linked with effective community supervision.

Care Coordination and Recovery Support Services



Using a certified paraprofessional workforce and an integrated, multidisciplinary approach, community-based agencies provide a range of services including comprehensive case planning, linking participants to services, peer recovery supports, and facilitating communication among treatment teams.

A System-Wide Approach



The Departments of Correction and Rehabilitation and Human Services are partnering with local organizations to deliver coordinated and comprehensive services to people in the program.

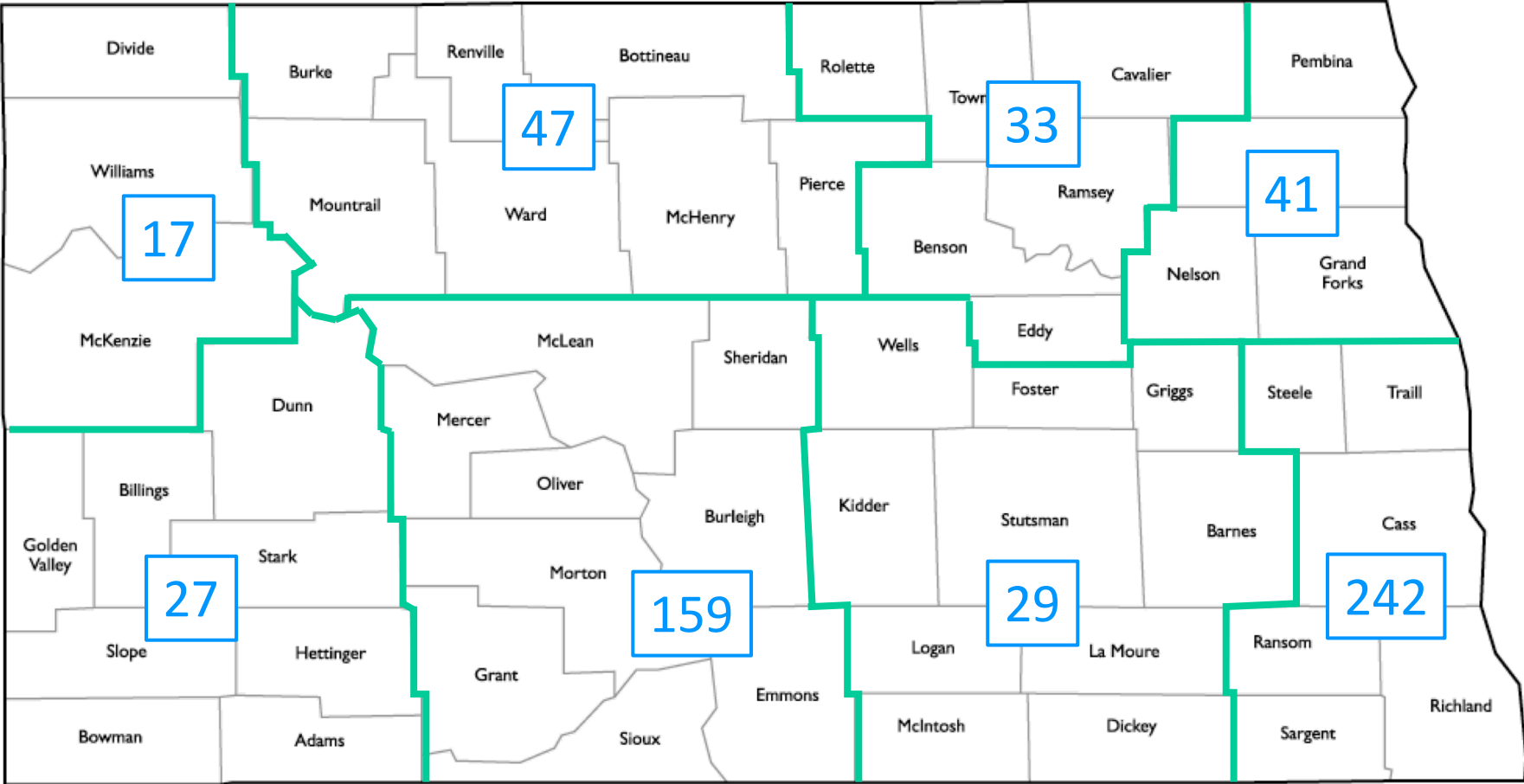


“Building new jails and incarcerating people with the chronic disease of addiction and in desperate need of help is the most expensive and least effective course of action. With this legislation, we can give those dealing with substance abuse and other behavioral health issues who become entangled in the legal system an opportunity to recover successfully and return to their communities.”

—Governor Doug Burgum

Free Through Recovery (FTR) began providing services in February, 2018 and currently has 448 participants statewide.

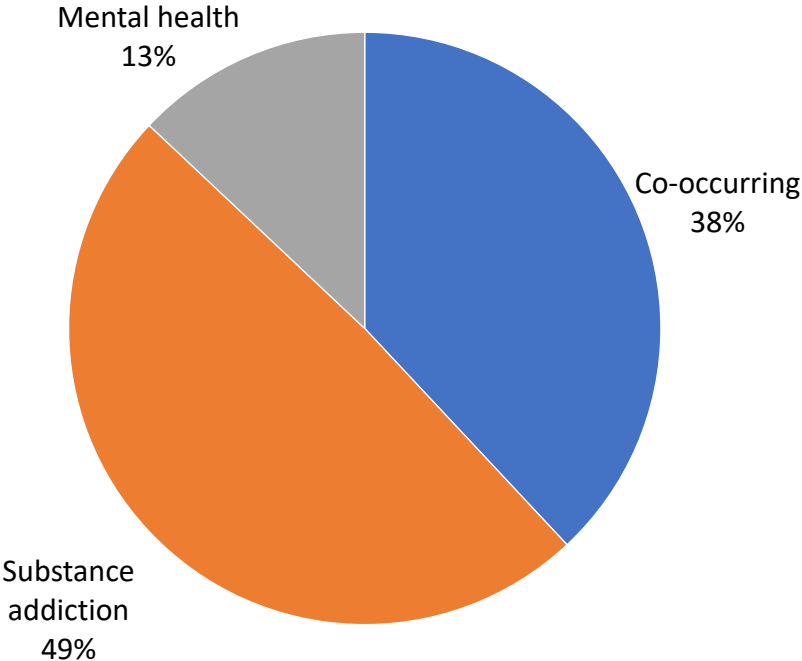
FTR Referrals by Region



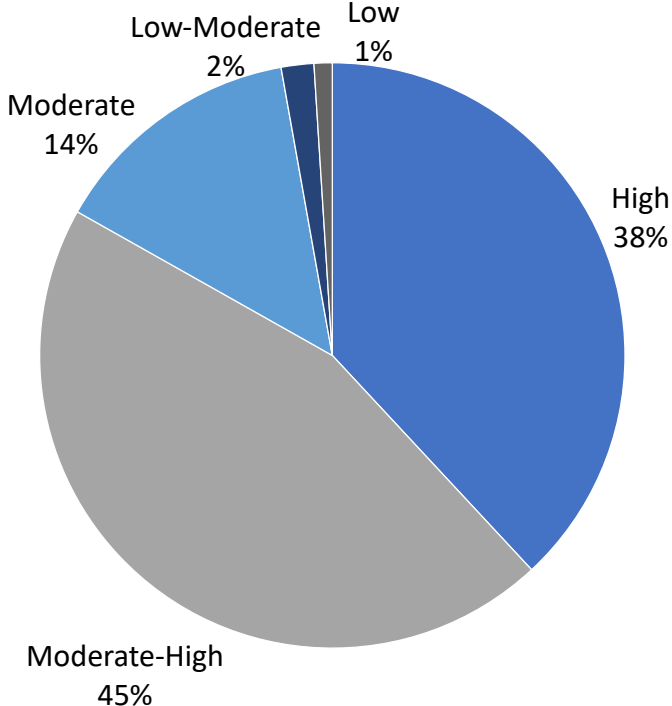
Source: FTR Clinical Administrator, Data through August 15, 2018

FTR helps people with behavioral health needs who are at a high risk of recidivating stay safely in the community.

Admissions by Behavioral Health Need



Risk Levels of Referrals



Source: FTR Clinical Administrator, Data through August 15, 2018

North Dakota State Forum on Public Safety

Thank You

Sara Friedman, Senior Policy Analyst
sfriedman@csg.org

To receive monthly updates about all states engaged with justice reinvestment initiatives as well as other CSG Justice Center programs, sign up at:
csgjusticecenter.org/subscribe

The presentation was developed by members of The Council of State Governments Justice Center staff. Because presentations are not subject to the same rigorous review process as other printed materials, the statements made reflect the views of the authors, and should not be considered the official position of the Justice Center, the members of The Council of State Governments, or the funding agency supporting the work.