

Controlling Correctional Costs Through Inmate Reentry Programs

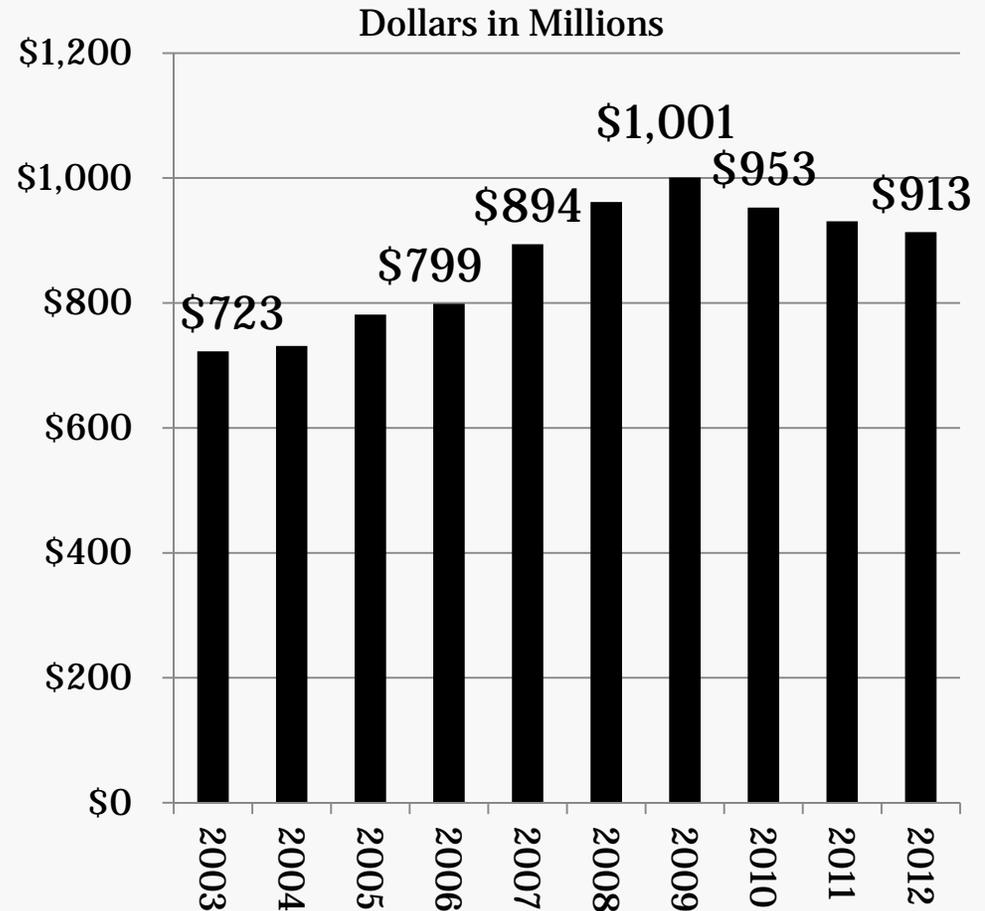


**House Appropriations Retreat
Paul Van Lenten, HAC Staff
November 16, 2010**

Department of Corrections GF Over Time

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- Following consistent growth over six years, DOC's general fund budget reached \$1.0 billion in FY 2009
- During the next three years, however, DOC's general fund budget has fallen by \$87.4 million



Reductions in Prison Capacity

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- **Since FY 2009, DOC has eliminated 2,463 prison beds**

Major correctional centers

- Botetourt (352 beds)
- Brunswick (767 beds)
- Pulaski (426 beds)
- Southampton (650 beds)

Field Units and Probation Facilities

- Dinwiddie (130 beds)
- Tazewell (138 beds)
- Day Reporting Centers
- Detention Centers

- **Budget assumes closure of another facility in FY 2012**
- **New Grayson County facility likely to remain vacant**
 - **No funding for opening soon to be completed prison (1,038 beds)**
 - ✦ **Budget only includes mothballing expenses for this prison**

More State Inmates in Local and Regional Jails

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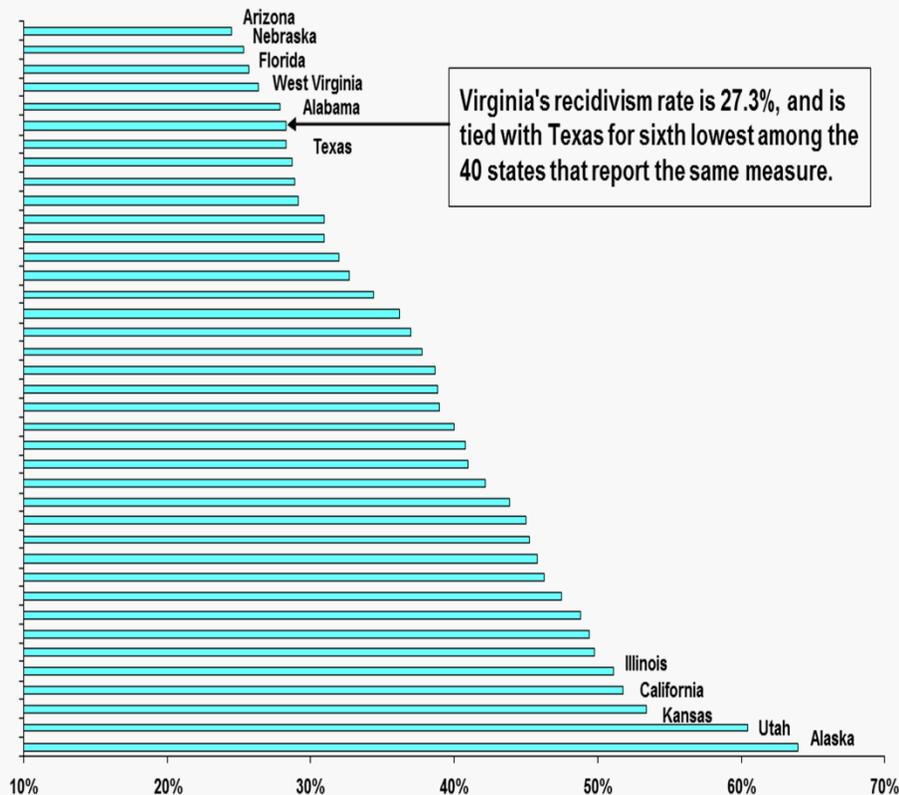
- Three factors have permitted more state prisoners to be housed in local jails:
 - Fewer local inmates in local jails
 - ✦ Since 2007, local jail populations have declined 7.8 percent
 - New jail capacity has been coming on-line
 - ✦ Since 2009, 2,140 jail beds have come on-line
 - ✦ 970 more jail beds will come on-line between December 2010 and August 2013
 - Pre-trial services programs further reduce jail populations
 - ✦ Permits risk-appropriate persons awaiting trial to be supervised in community rather than jail

Fiscal Year	Average Out-of-Compliance
2005	1,432
2006	1,587
2007	2,563
2008	1,765
2009	2,232
2010	3,678
2011 to date	3,351

Virginia Has Very Low Recidivism, But Reoffenders Still Add Pressure to Prison System

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THREE YEAR RE-IMPRISONMENT RATES



- 13,000 offenders were released from prison in 2009
- 27.3 percent of these offenders are likely to be re-incarcerated over a 3-year period for violations of probation:
 - (1) commission of a new crime
 - ✦ About 75 percent of all probation violators are re-incarcerated for commission of a new crime
 - (2) technical violations of the terms of their probation
- All probation violators, regardless of release date, make up about 49.3 percent of annual new commitments to the DOC
 - These re-incarcerated offenders' failure to successfully re-enter society places additional pressure on prison bed capacity

Re-entry Policy Actions to Control Costs

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- **Re-entry occurs whether or not offenders are prepared**
 - According to DOC, about 90 percent of offenders are eventually released back into communities
- **Two ongoing policy efforts could reduce Virginia's correctional costs by improving the success of offender re-entry**
 - **Nonviolent Offender Task Force**
 - ✦ Established by 2008 General Assembly
 - ✦ Purpose is to develop strategies that could reduce the number of nonviolent offenders sentenced to jail or prison and reduce the number of technical probation violators
 - **Virginia Prisoner and Juvenile Offender Reentry Council**
 - ✦ Established by Governor McDonnell through Executive Order 11
 - ✦ Purpose is to identify barriers that impede successful offender reentry and to recommend procedures or policies to overcome those barriers
 - Includes improved job training, education, substance abuse treatment, and housing for offenders both pre-release and post-release

Nonviolent Offender Task Force

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- **Recommendations in 2009 that were implemented and could reduce correctional costs:**
 - Eliminating probation supervision for offenders who solely owe court costs or fees
 - Expanding the use of electronic monitoring
 - Developing probation violation sentencing guidelines
 - Expanding DOC's use of evidence-based practices
 - Permitting courts to establish pilots based on Hawaii's probation enforcement court
- **New recommendations released in October 2010:**
 - Focus has been on assisting sheriffs and regional jails expand the use of electronic monitoring (EM), which could reduce local jail populations
 - ✦ DOC has established a statewide EM contract and DCJS has created procedures and assistance documents for use by sheriffs and regional jails
 - Other recommendations involved that could reduce correctional populations:
 - ✦ Improving mental health crisis training for law enforcement, jails, and the courts
 - ✦ Improving the use of detention and diversion centers
 - ✦ Recreating day reporting centers for offenders in need of intensive supervision or services

Prisoner and Juvenile Offender Re-entry Council

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- **The Virginia Prisoner and Juvenile Offender Re-entry Council recently released 59 draft recommendations to improve the likelihood of successful offender re-entry and reduce recidivism**
 - Has placed a focus on addressing the specific and unique re-entry needs of incarcerated veterans, women, and juveniles
- **Recommendations affecting all populations include:**
 - Improving mental health and substance abuse treatment
 - Ensuring inmates have state-issued identification cards and the ability to pre-apply for benefits prior to release
 - Promoting use of local re-entry councils and mentors for offenders
 - Savings plans for offenders to ensure they have resources for housing, food, and medications once released,
 - Promoting industry certifications while incarcerated and reviewing barrier crimes for occupational restrictions
- **As a component of the Re-entry Council's efforts, DOC has created its own Re-entry Strategic Plan**

DOC Re-entry Strategic Plan

- **The Department of Corrections has developed an agency-specific re-entry plan consisting of seven goals and 140 recommended improvements:**
 - Enhance public safety by changing organization culture from risk control to risk and recidivism reduction through offender change
 - Implement an integrated re-entry focused case management system
 - ✦ Complete COMPAS risk and needs assessment at initial contract and update annually
 - ✦ Use CORIS to share information collected by probation officers and prisons staff
 - Employ a system of research-based practices and programs that reduce criminal thinking
 - ✦ Use cognitive-change programming for all offenders and continue into probation
 - ✦ Target resources to offenders with higher criminal risks
 - ✦ Transfer most offenders within 12 months of release to one of 10 Intensive Re-entry Programs located, ideally, within 50 miles of prisoner's home
 - ✦ Use probation officers to escort screened offenders within 90 days of release on community transition visits to secure housing, jobs, and apply for benefits

DOC Re-entry Strategic Plan (cont'd)

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- Teach offenders functional, educational, and vocational competencies based on market demand and public safety
 - ✦ Focus vocational and substance abuse programming on offenders within five years of release
- Develop methods of monitoring, evaluating, and updating DOC re-entry knowledge and processes
 - ✦ Use Virginia's colleges and universities to evaluate re-entry success and evidence-based practices
- Foster communications process that ensures stakeholders have a full understanding of re-entry initiatives
 - ✦ Develop scorecard to evaluate change within DOC, re-entry indicators, and public safety
 - ✦ Develop profile of recidivists
- Identify barriers beyond the control of DOC and collaborate with other agencies and organizations to implement the plan

Additional Funding Likely to Be Sought for Re-entry

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- **The Virginia Prisoner and Juvenile Offender Re-entry Council is likely to request about \$500,000 GF for its recommendations**
- **DOC has requested \$1.5 million GF for FY 2011 and \$4.2 million GF for FY 2012 to implement its new reentry initiatives, including the creation of 63 new positions**
 - **DOC increasing its programming capacity to provide evidence-based re-entry services to 7,000 additional offenders each year**
 - ✦ **Includes additional vocational and education programs**
 - **Development of intensive re-entry programs at 10 facilities in order to better prepare DOC prisoners for re-entry into society**
 - ✦ **Includes re-entry specialists to work in prison re-entry programs**
 - **Creation of a small management team to oversee the agency's re-entry program**

Measuring Results is Critical for Any Re-entry Funding Proposal

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- Virginia's recidivism rate for released offenders is much better than many other states and Virginia provides better supervision than many other states
- Prior to funding any re-entry proposal, baseline measures should be completed to evaluate current operations and performance measures developed to gauge progress
 - Measures should not simply include percentages, actual numbers should be provided
- Funding proposals should be primarily measured in terms of their impact on Virginia's recidivism rate
 - Every re-incarcerated probation violator costs on average \$24,665 for each year held in DOC facilities
 - If Virginia's current 27.3 percent recidivism rate were reduced by just one percent, the need for 130 beds would be eliminated – saving about \$3.2 million
- Measures could include:
 - Re-arrest rates
 - Reductions in commission of new crimes
 - Reductions in technical violations of probation
- In addition, consideration should be given to a proposal's purpose
 - Does the creation of day reporting centers for nonviolent offenders make sense when they were often used in the past for intensive supervision of violent offenders?

Other States Develop Re-entry Programs

- **Many states have become proactive about offender reentry because of increasing prison populations or the need to construct additional prison facilities**
 - Includes Arizona, Connecticut, Kansas, Michigan, New Hampshire, North Carolina, Nevada, Ohio, and Texas
- **In Arizona, probation and parole violators equal 26 and 17 percent of prison admissions**
- **In Connecticut, nearly 25 percent of prison beds were used for probation violators in 2003**
 - The legislature required development of comprehensive re-entry plans to address high recidivism rates and provided treatment and supervision for probation violators who would otherwise have been incarcerated. By 2005, re-incarcerated technical violators were reduced by 20 percent
- **In Kansas, probation and parole revocations equaled 65 percent of prison admissions in 2006**
 - 90 percent were for technical violations of probation or parole
 - The legislature adopted legislation to provide a performance grants to community corrections programs that reduced revocations by 20 percent and provided a 60-day program credit for offenders completing educational, vocational, or treatment programs prior to release

Other States Develop Re-entry Programs

- **In North Carolina, probation revocations equaled 53 percent of prison admissions in 2009**
 - About 62 percent of these offenders needed substance abuse services, but only 33 percent received such services
- **In Nevada, 46 percent of those on probation were re-incarcerated for commission of new crimes or technical violations in 2006**
 - The legislature adopted legislation providing differentiated good time credits for the completion of educational, vocational, and substance abuse programs
- **In Ohio, between 2003 and 2008, the number of probationers re-incarcerated for new criminal offenses increased 30 percent and technical violations increased 13 percent**
 - Ohio adopted a re-entry plan similar in many aspects to Virginia's in 2002; however, a lack of quality supervision and evidenced-based practices hampered the state's ability to impact probation violations
- **In Texas, between 1997 and 2006, probation revocations increased 18 percent**
 - Due to overcrowding pressures, legislature adopted facilities and outpatient care for substance abusers, intermediate facilities for technical violators, halfway house beds, and in-prison substance abuse treatment programs
 - Eliminated 3,000 - 6,000 bed shortage by 2012

Final Thoughts

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- **Housing state inmates in local and regional jails is a short-term solution that could be affected by the resumption of growth in the local-responsible or state-responsible populations**
 - Closing additional prison facilities may be difficult
- **While Virginia has a very good recidivism rate, efforts to improve offender re-entry could produce significant savings in correctional costs**
 - If the number of re-incarcerated probation violators over a 3-year period could be reduced by just one percent, 130 beds – the size of a field unit – could be eliminated
- **New crimes are unpredictable, so to bend the cost curve on Virginia's correctional costs, more effective strategies will have to be developed to reduce probation violations, especially technical violations which are 24.6 percent of re-incarcerations**
 - HAC staff have previously recommended graduated sanctions for technical probation violators, who are likely the “low hanging fruit” in offender re-entry
- **The General Assembly is likely to hear more about the recommendations offered by the Nonviolent Offender Task Force, the Virginia Prisoner and Juvenile Offender Re-entry Council, and Department of Corrections during the Session**
 - How performance measures for these proposed strategies and any funding will be critical