



THE WAY FORWARD

Public Safety Act of 2016

Tennessee Department of Correction | Executive Summary | July 2016



Executive Summary

The Public Safety Act of 2016 aims to reduce crime and address the growing prison and jail population by focusing on key areas driving Tennessee's violent crime rate. To accomplish this, the initiative has four main components: Addressing domestic violence, implementing smart changes in sentencing, use of a single validated risk and needs assessment across the criminal justice community, and instituting swift, certain and proportionate sanctions for offenders on community supervision if no new crime has been committed. Together, these components will make Tennessee communities safer by protecting domestic violence victims, ensuring serious repeat offenders serve mandatory minimum sentences, increasing accountability for offenders on community supervision and addressing offender needs in order to change criminogenic behavior. The Tennessee Department of Correction will play a pivotal role in implementing the Public Safety Act of 2016, and as our community partners, we strive to keep you informed throughout the process.

Four Components of the Public Safety Act of 2016

- Addressing Domestic Violence
- Implementing Smart Changes in Sentencing
- Use of a Single Validated Risk & Needs Assessment
- Institute Swift, Certain and Proportionate Sanctions for Offenders on Community Supervision

Background

Governor Haslam has challenged all state agencies in Tennessee to critically appraise themselves and actively pursue collaborations that would result in unparalleled service to our citizens. This challenge resulted in the creation of a Public Safety Subcabinet in 2011 that is currently comprised of eleven departments and agencies within the Executive branch. The Subcabinet was initially tasked with developing a first term Public Safety Plan, inclusive of action steps that identified and addressed the challenges to public safety that exist in Tennessee.

Meetings were held where more than 250 stakeholders from inside and outside of the criminal justice community worked to establish goals for the plan. The stakeholders included district attorneys, legislators, judges, public defenders, state agency commissioners, mayors, victim rights advocates, treatment providers, sheriffs and chiefs of police, religious leaders, and representatives from various nonprofit organizations. Through consensus, three goals were identified for the first term plan: (1) significantly reduce drug abuse and trafficking, (2) curb violent crime, and (3) cut the rate of repeat offenders. The multiyear plan included eleven objectives and forty one action steps. More than 80% of the action steps were completed in less than four years.

More than 80% of the action steps were completed in less than four years.

The first term Public Safety Plan included the transfer of community supervision of felons from the Board of Parole to the Department of Correction, the creation of a seamless supervision model focused on offender reentry, and the appointment of the year-long Governor's Task Force on Sentencing and Recidivism in 2014. The Task Force completed a rigorous process of deliberation and made comprehensive recommendations that include legislative proposals, administrative process realignments, and improvements in criminal justice data availability to drive evidence-based decision making.

Many of the Task Force recommendations were included in the recently announced Public Safety Subcabinet's second term multi-year action plan. The goals of the new Public Safety Plan are to hold offenders accountable, provide prevention and intervention, further develop victim assistance, continue to strengthen homeland security, and increase access to reliable data and information. Several of the action steps rely upon the Department of Correction collaborating with various state and local entities. The action step areas include investments in transitional programming and treatment for felony offenders, the establishment of felony offender individualized case management plans that include a structured incentive system, and ensuring uniformity

in the use of risk and need assessments. Legislative proposals are also included in the second term Public Safety Plan.

One set of the Public Safety Plan legislative proposals was signed in to law on April 27, 2016 (Public Chapter 906). It is referred to as the Public Safety Act (PSA). Key aspects of the PSA will increase transparency and accountability, enhance prevention and intervention, and increase access to reliable data and information. This comprehensive package of sentencing and correctional reforms is expected to significantly improve public safety.

Implementing the Public Safety Act of 2016

The Department of Correction is poised to fulfill the legislative mandate of the Public Safety Act. The bill went into effect July 1, 2016 with supervision changes to begin January 2017. Operationalizing a comprehensive strategy for felon risk management has already begun. The strategy is specifically tailored to enhance public safety in Tennessee and resolve complex issues that have been revealed through the implementation of seamless supervision.

The Public Safety Act of 2016 went into effect July 1, 2016 with supervision changes to begin January 2017.

The cornerstone of the Department of Correction reentry strategy since 2012 has been seamless supervision. Engaging felons at the onset of their conviction in reentry endeavors is meant to ensure that prompt, assessment driven supervision and services are being delivered. Doing so sets in motion a series of offender movements that must be appropriately timed to fully exploit the continuum of reentry stages.

This type of progressive movement of felons from facility bed inventory to managed risk opportunities in the community makes sense and cents. The average hard bed in Tennessee costs anywhere from \$49-\$73; based upon whether the bed is in a jail or prison. In comparison, felons can be supervised in the community for \$3-\$5 per day depending upon their standards of supervision and program enrollment. However, public safety, not short term monetary considerations, is the primary goal of managing offender movement from incarceration to the community.

Community supervision can be a reliable pathway to enhancing public safety. Research has demonstrated the efficacy of conditional release in facilitating successful offender reentry. In short, offenders who experience carefully conceived transitions from incarceration to the community are more likely to succeed than offenders who are not transitioned.

Also, the timing of conditional release to maximize the potential for success is critical because incarcerating offenders too long is as detrimental as not incarcerating them long enough.

The optimal utilization of the seamless supervision model requires a strategic coordination of Department of Correction service delivery that is compatible with the successful use of alternative sentences and conditional release. However, evidence suggests that some unexploited opportunities exist in the seamless supervision model. Examples of this include diminishing parole grant trends and persistently high revocation rates.

The parole population in Tennessee is shrinking despite the growing size of the incarcerated felon population. The percentage of parole hearings resulting in a parole grant decreased 7.6% between 2012 and 2015. Currently only 28% of incarcerated felons are being granted parole in accordance with their release eligibility date.

Currently only 28% of incarcerated felons are being granted parole in accordance with their release eligibility date.

Similarly, the number of revocations of felons in the community under community supervision remains high. On average, 40% of the yearly admissions to prison beds are the result of a technical violator revocation.

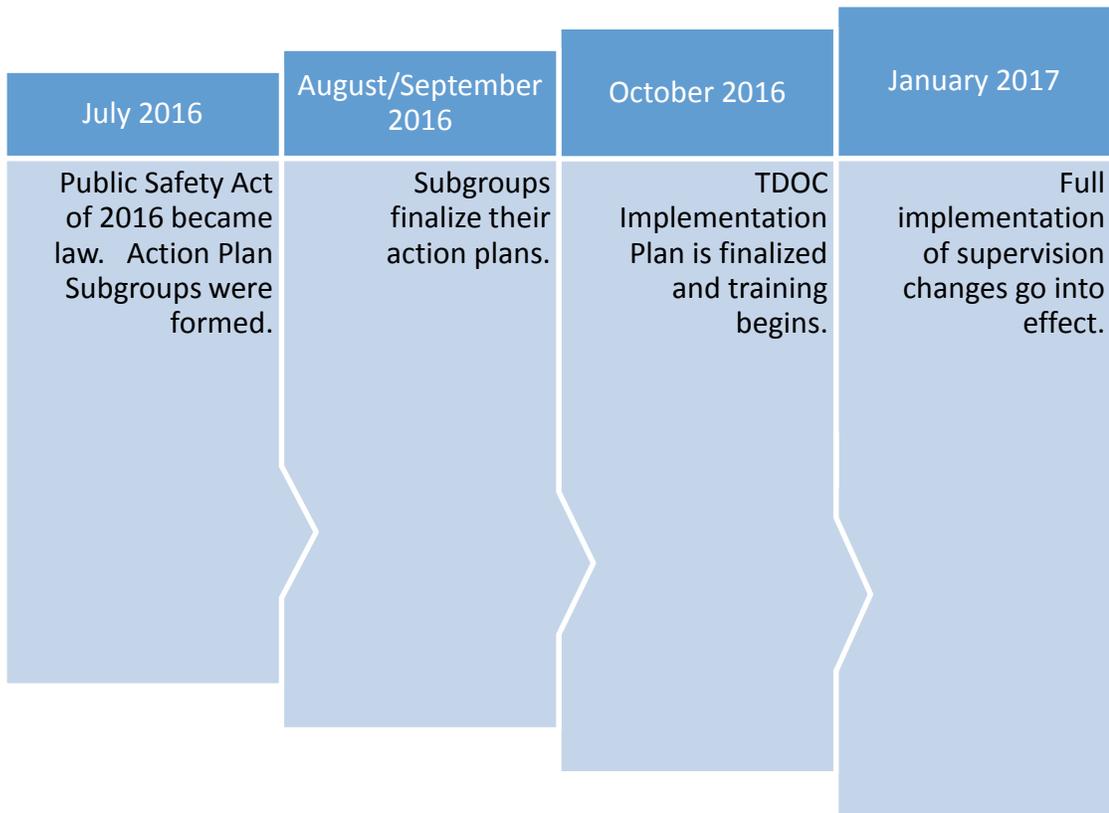
The proposed improvements in seamless supervision will not only address the trend of decreasing parole grants and high revocations rates, but also will enhance the Department of Correction's delivery of services to all stakeholders (judiciary, law enforcement, other state agencies, community, and offenders) by providing a more effective and efficient framework.

Earlier this month, ten action plan teams were put in place and started working on the development of implementation steps and timelines for each strategic component. Two project managers will also be responsible for coordinating and sequencing the component implementations to completion by October 1, 2016.

Strategic Components

Seamless Supervision Process Refinement	<ul style="list-style-type: none">• A dynamic process of coordinated services, which are based upon a sequence of assessments that guide an offender's custody/supervision from conviction to sentence expiration.
Sort Offenders by Risk/Need Based Upon Validated Assessment Tool	<ul style="list-style-type: none">• Implement risk/need standard assessment instrument across the criminal justice system in Tennessee.
Impose Swift, Certain & Proportionate Sanctions	<ul style="list-style-type: none">• Ensuring offender accountability through the timely application of standardized sanctions.
All Intervention Programs to be Evidenced-Based	<ul style="list-style-type: none">• Align programming with evidence based standards. Ensure programming supports seamless supervision objectives
Identify Community Based Options Available to the Court in Lieu of Incarceration	<ul style="list-style-type: none">• Evaluate available community based options. Create a mechanism to store and update community based options inventory.
Utilize Technology to Improve Efficiencies in Supervision	<ul style="list-style-type: none">• Expand the use of technology by staying current with national trends. Continue to apply technology to improve overall supervision efficiency
Engage the Courts	<ul style="list-style-type: none">• Strengthen the working relationship with the AOC. Support court specialists who are serving as a liaison to provide information about options based upon evidence driven techniques and offender assessment scores.
Incentives for Offender Progress	<ul style="list-style-type: none">• Initiate a committee to guide offender incentives for positive reentry progress.
Emphasize On-Going Training	<ul style="list-style-type: none">• Foster the philosophy of being a lifetime learner. Devise curriculum to inform and facilitate staff performance within the framework of seamless supervision.
Tracking & Monitoring Accountability	<ul style="list-style-type: none">• Refine and improve analytics. Conduct scheduled "report-outs" to enhance compliance with monitoring measures.

Tentative Timeline for Implementation



Conclusion

The Department of Correction is preparing to embark upon a robust plan of action to operationalize the Public Safety Act of 2016. Following an aggressive timeline for complete implementation in January, 2017, action plan teams will exploit agency assets and capitalize on the existing partnerships to ensure that the Public Safety Act vision is fulfilled.

