

CRIME AND JUSTICE INSTITUTE

Justice Reinvestment Initiative Data and Systems Presentation

October 10, 2019



Crime and Justice Institute at CRJ | Boston, MA | www.crj.org/cji

Overview

- Introduction
- TN: The Case for the Justice Reinvestment Initiative
- Admissions
- Time Served
- Custody Population
- Female Population
- Community Supervision
- Key Takeaways



2

Criminal Justice Investment Task Force (CJITF) Steering Committee Objective

State leadership has instructed the CJITF to:

“use our state’s data to move towards a criminal justice system that focuses resources on evidence-based recidivism reduction and crime prevention strategies that increase public safety and improve outcomes for all Tennesseans.”

Letter signed by:

- Governor Bill Lee
- Lieutenant Governor Randy McNally
- Chief Justice Jeffrey Bivins
- Speaker-Designee Cameron Sexton

Sincerely,

Bill Lee
Governor

Jeffrey Bivins
Chief Justice of the Supreme Court

Randy McNally
Lieutenant Governor
Tennessee Senate

Cameron Sexton
Republican Caucus Chair and Speaker-Designate
Tennessee House of Representatives

Justice Reinvestment Initiative (JRI)

- JRI is a project funded by the Department of Justice that works with state leaders committed to using their criminal justice data to develop proven, innovative, and comprehensive approaches to reduce recidivism rates, promote public safety and shift resources toward more cost-effective strategies

Data Sources

- Primary data sources
 - TN Department of Correction
 - TN Board of Parole
 - TN Administrative Office of the Courts
 - Unless stated otherwise, all data presented was analyzed by CJI in consultation with above agencies
- Additional data from
 - U.S. Department of Justice, Bureau of Justice Statistics
 - U.S. Census Bureau



Note: Data presented here may not match state reports due to different methodologies for analysis

5

Iron Law of Prison Population Growth

**Admissions + Time Served
= TDOC Population**



6

Factors Influencing Admissions & Time Served



Law Enforcement Options & Crime Rates



Sentencing Practices



Release Mechanisms



Recidivism


7

Qualitative Sources

Interviews/Meetings	Documents Reviewed
<ul style="list-style-type: none"> Judges District Attorneys Public Defenders Tennessee Department of Correction Tennessee Department of Safety Tennessee Department of Mental Health and Substance Abuse Services Tennessee Board of Parole Law Enforcement Sheriffs Mental Health Practitioners Victim Advocates Reentry Groups Workforce Development Centers Drug Court Alumni 	<ul style="list-style-type: none"> Tennessee State Statutes Tennessee Department of Corrections Policies and Procedures Tennessee Board of Parole Policies and Procedures Tennessee Court Rules, Rules of Criminal Procedure

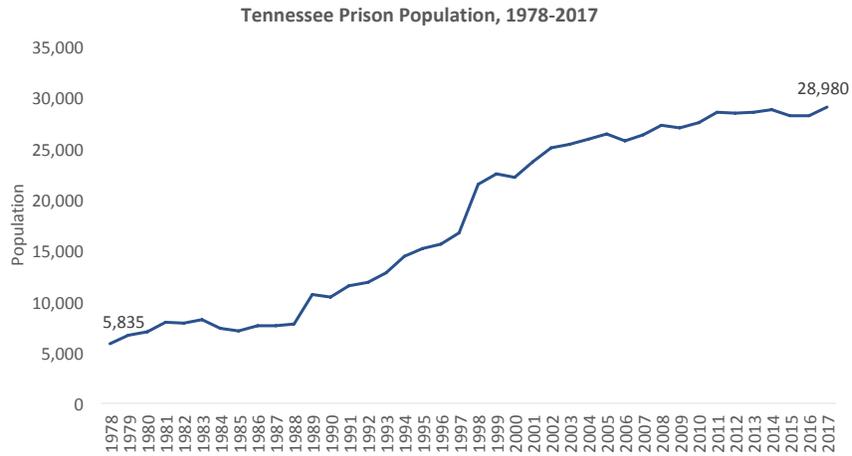

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Multiple Objectives of Incarceration

- **Incapacitation:** Reducing current criminal involvement by holding offenders in prison where they cannot commit crimes against the public
- **Deterrence:** Reducing the likelihood of future criminal involvement by increasing the punishment for the current offense
- **Rehabilitation:** Reducing the likelihood of future criminal involvement by offering effective programming and treatment during the period of incarceration
- **Retribution:** Payment or punishment, in the form of imprisonment, for violating community norms and order

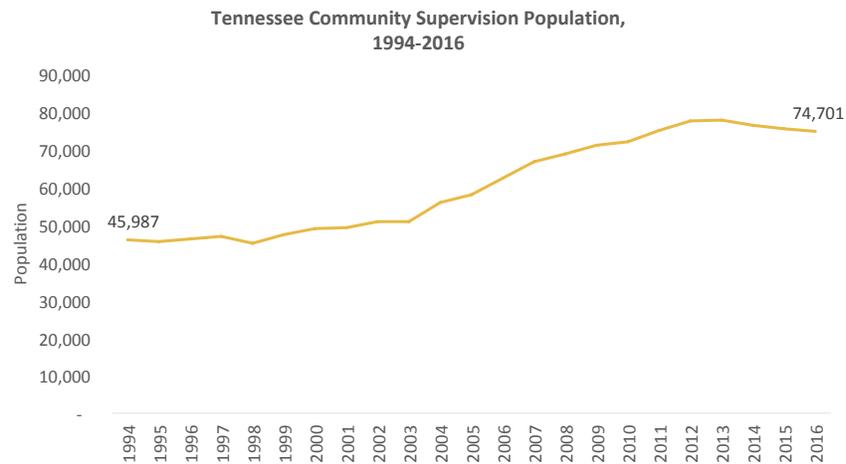
TN: The Case for the Justice Reinvestment Initiative

Prison Population Grew Nearly 400%



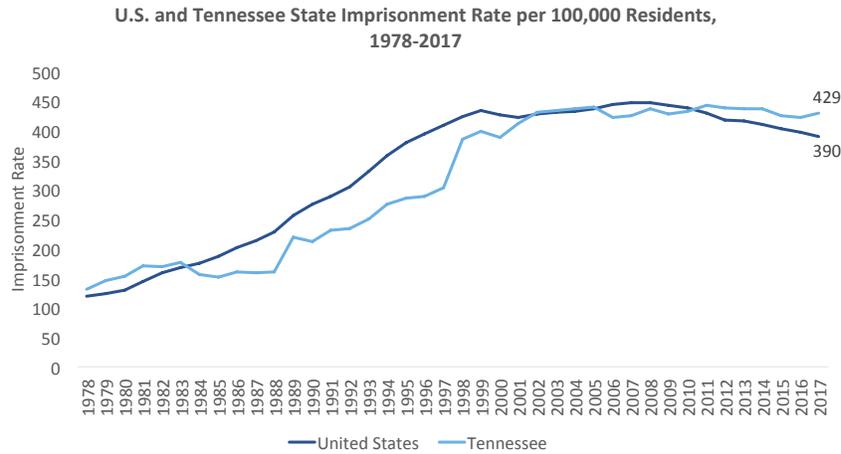
Source: U.S. Department of Justice, Bureau of Justice Statistics, National Prisoner Statistics Program

Community Supervision Population Added Nearly 30,000 Since 1994



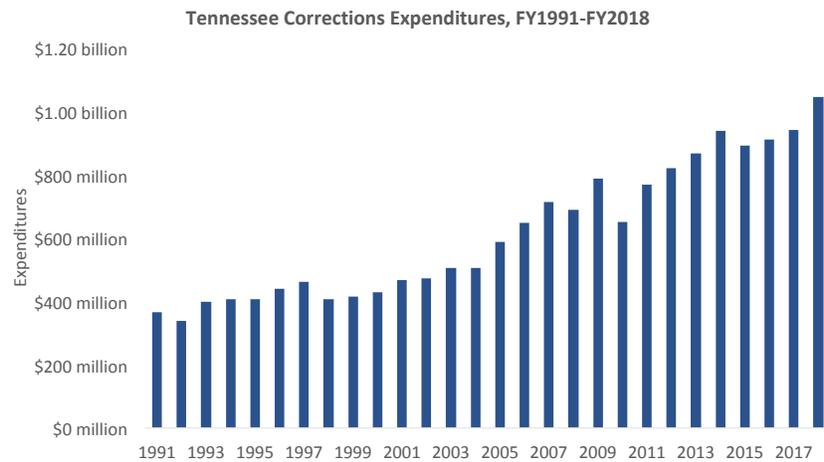
Source: U.S. Department of Justice, Bureau of Justice Statistics, Annual Probation Survey, Annual Parole Survey

Tennessee's Incarceration Rate is 10% Higher than National Average



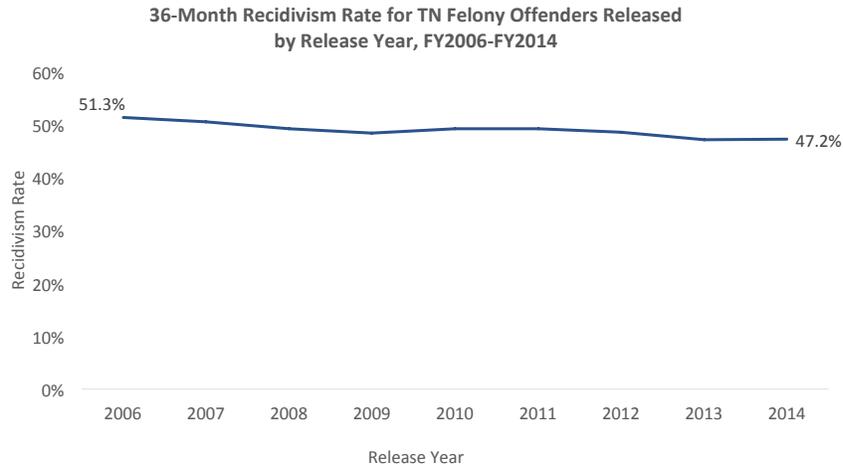
Source: U.S. Department of Justice, Bureau of Justice Statistics, National Prisoner Statistics Program

Corrections Spending Grew 185% From 1991, Surpassed \$1 Billion in FY2018



Source: National Association of State Budget Officers, State Expenditure Reports

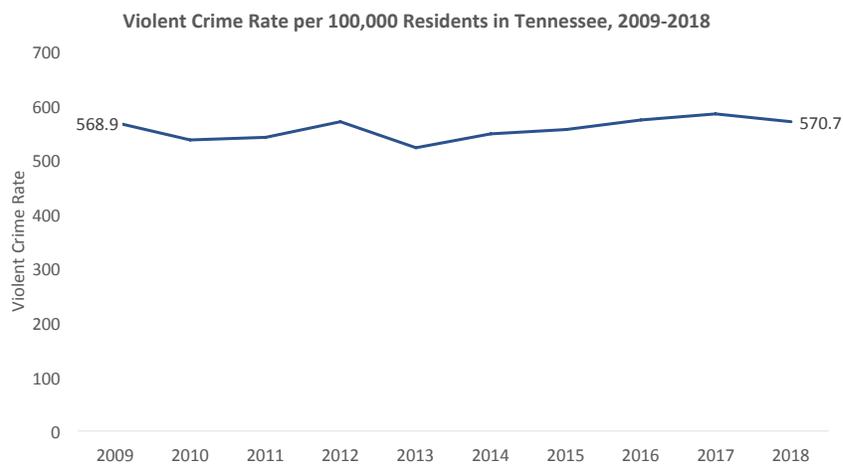
Nearly Half of Individuals Released from Custody Are Arrested Within Three Years



Source: TN Department of Correction, Recidivism Rates Dashboard

15

Despite Growing Costs and Increasing Incarceration, Crime Rate Remains Static



Source: Tennessee Bureau of Investigation

16

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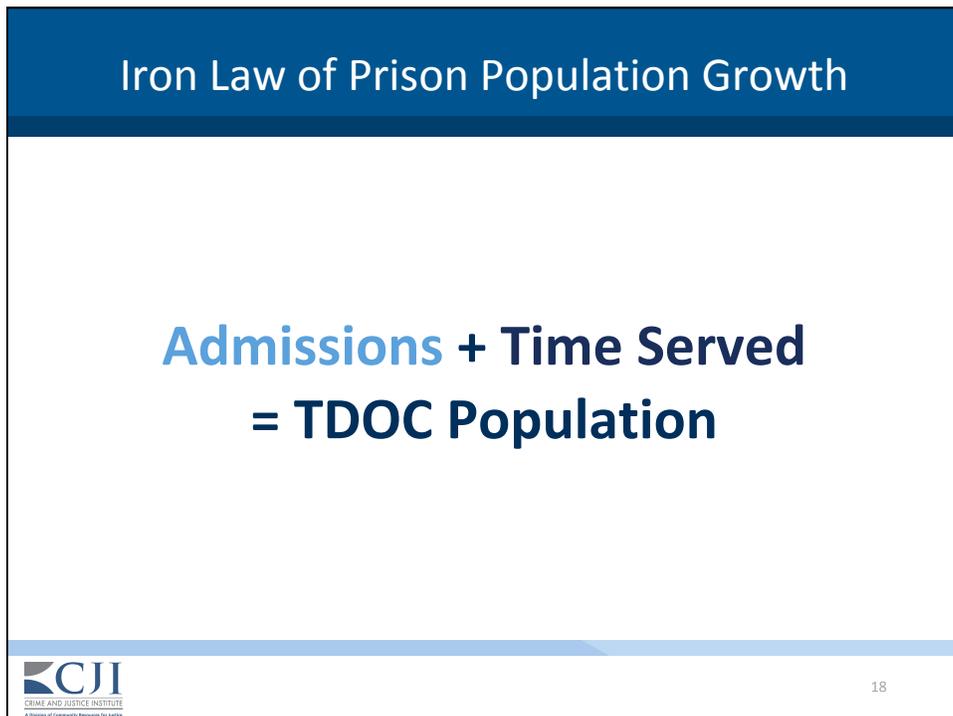
Admissions



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Iron Law of Prison Population Growth

**Admissions + Time Served
= TDOC Population**



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18

Admissions Overview

- System Maps
- Admissions over time
- Admissions by demographics
- Admissions by admission type
- Admissions by offense type
- Admissions by geography


19

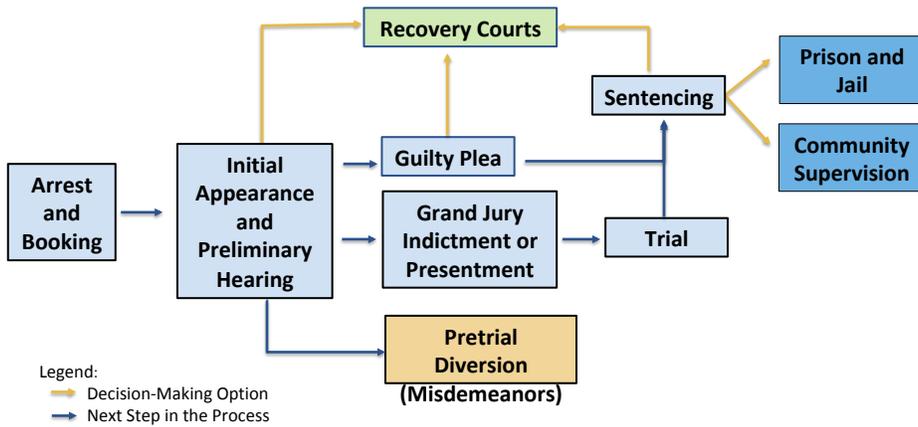
Most Law Enforcement Options Result in Arrest

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    graph TD
      CI[Criminal Incident] --> H[Hospital]
      CI --> MOT[Mobile Outreach Team]
      CI --> CC[Crisis Center]
      CI --> AB[Arrest and Booking]
      CI --> PAD[Pre-arrest Diversion Center  
(Misdemeanors, Limited Felonies)]
      CI --> CRT[Cite and Release  
(Misdemeanors Only)]
      H --> AB
      MOT --> AB
      CC --> AB
      PAD --> RT[Release or Treatment]
  
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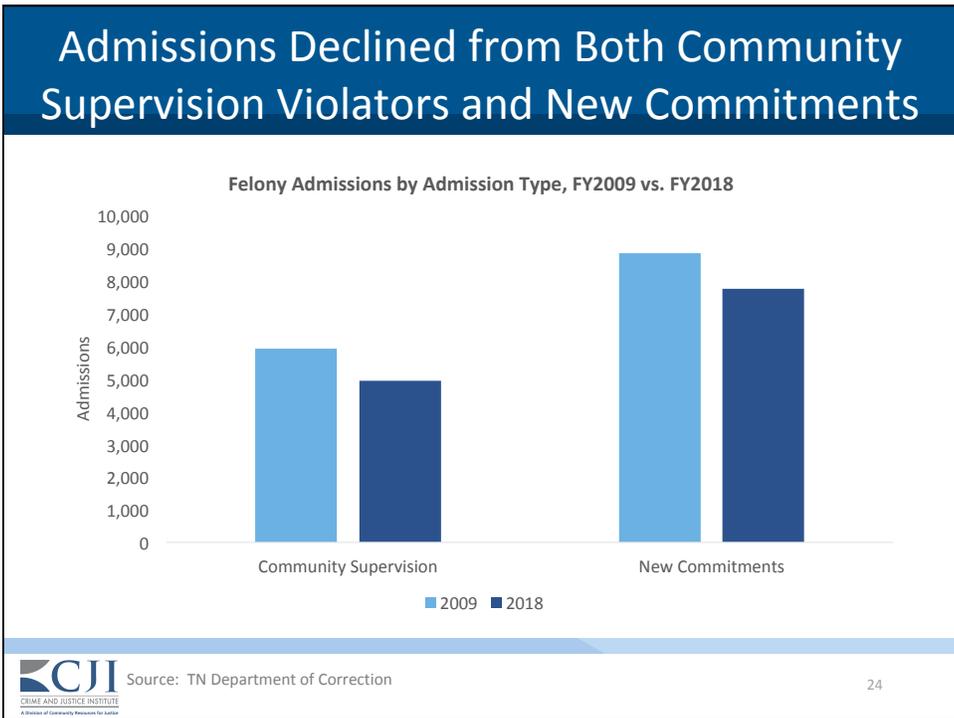
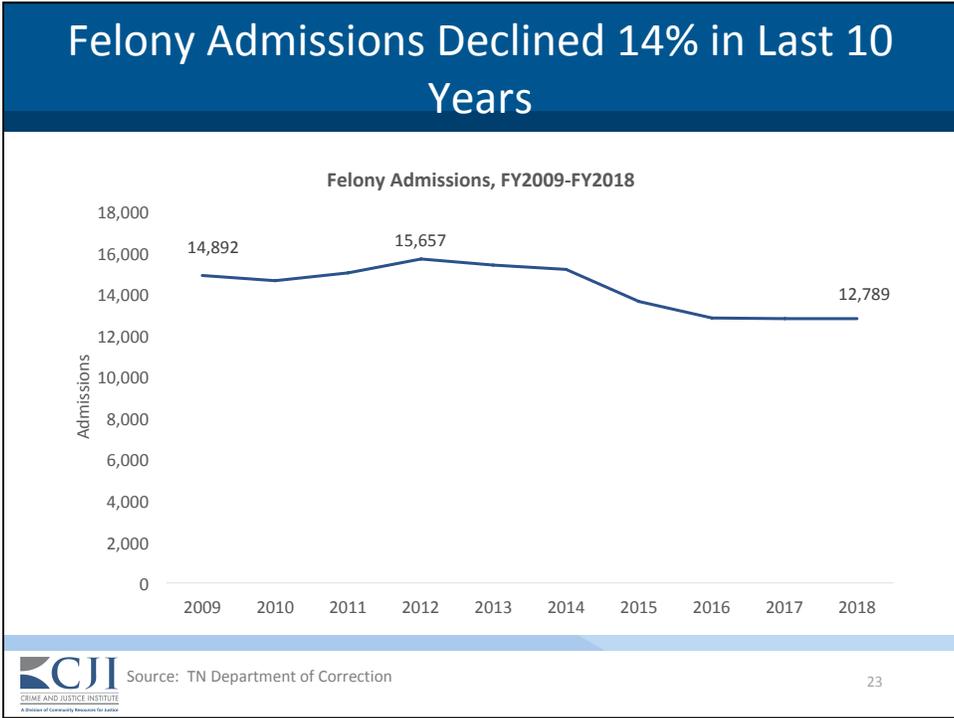

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Limited Diversion Opportunities Once Arrested

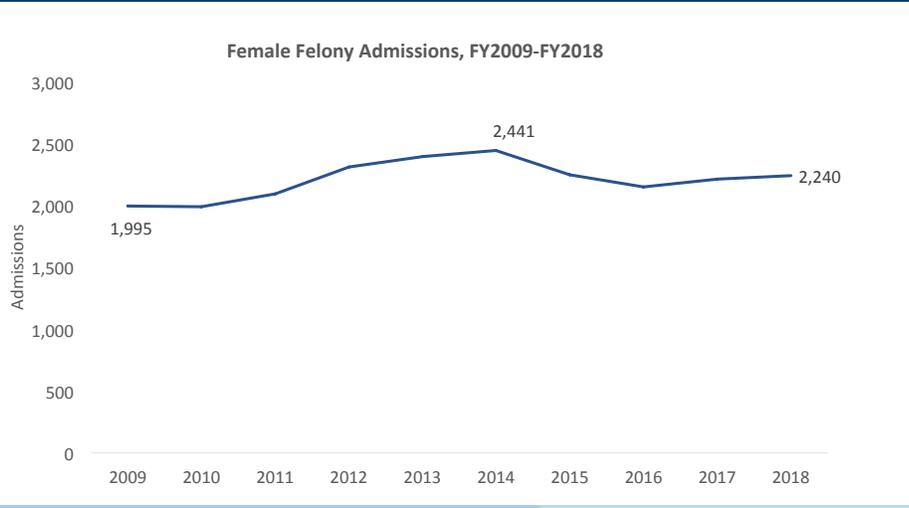


Types of Admission to Prison and Jail

- **New Commitments:** Individuals entering prison or jail as a result of a new felony conviction where they were sentenced to serve at least one year in TDOC custody
- **Community Supervision Violators:** Individuals entering prison or jail as a result of violating a condition of parole or probation, including technical violations as well as reoffending with a new misdemeanor or felony



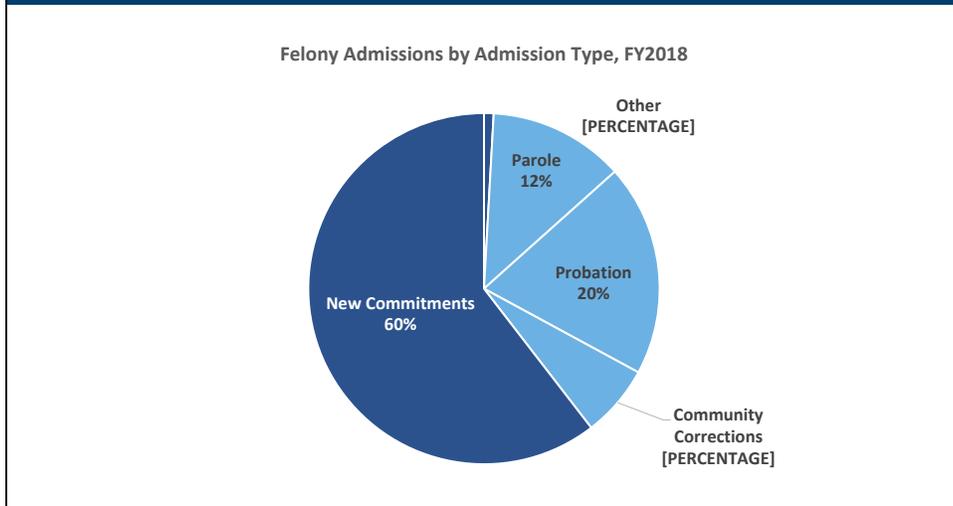
Female Admissions Climbed 12% in 10 Years



Source: TN Department of Correction

25

Community Supervision Violators Account for 39% of Prison Admissions

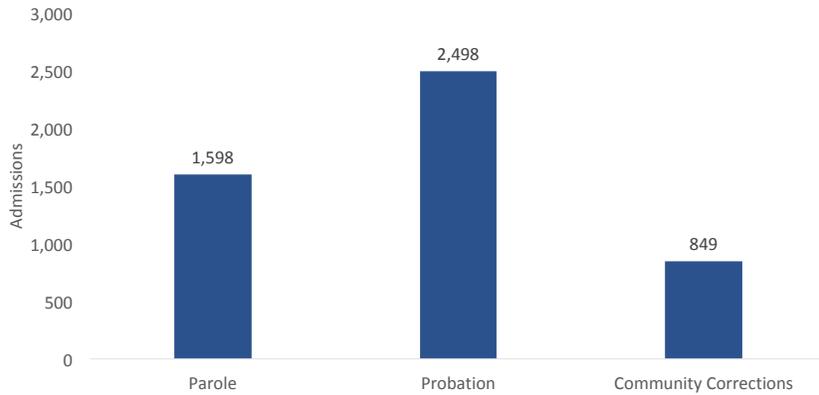


Source: TN Department of Correction

26

Nearly 5,000 Admitted from Community Supervision

Felony Admissions from Community Supervision by Supervision Type, FY2018

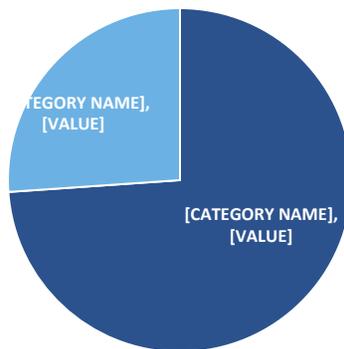


Source: TN Department of Correction

27

74% of Felony Admissions for Non-Person Offenses

Felony Admissions by Offense Type, FY2018

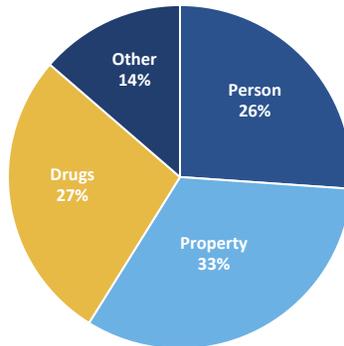


Source: TN Department of Correction

28

Property Offenses are Most Common Reason for Admission

Felony Admissions by Offense Type, FY2018

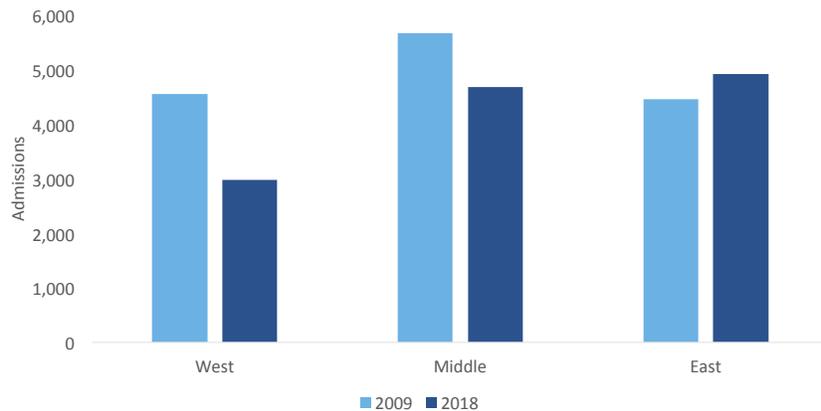


Source: TN Department of Correction

29

Eastern Region Counters Statewide Trend by Sending More to Prison

Felony Admissions by Region, FY2009 vs. FY2018

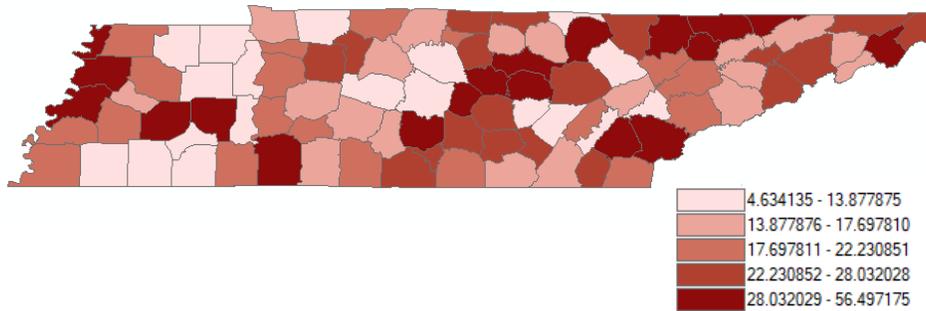


Source: TN Department of Correction

30

Felony Admission Rates Highest Outside Major Metropolitan Areas

Felony Admissions by County of Conviction Per 10,000 Residents, FY2018



Source: TN Department of Correction

31

Research on Incarceration and Recidivism

Researchers have studied whether incarceration reduces future criminal behavior more than other forms of sanctions

Findings:

- Bales & Piquero (2012): Found that “overall, imprisonment leads to higher recidivism when compared to a non-incarcerative alternative, i.e., a criminogenic effect of imprisonment”
- Spohn and Holleran (2002): Found “no evidence that imprisonment reduced or delayed recidivism, either for felony offenders generally or for drug offenders specifically”
- Drake and Aos (2012): Found that technical violators of probation serving a period of confinement (jail or prison) had significantly higher recidivism than offenders sanctioned in the community



Source: Bales & Piquero (2012); Spohn & Holleran (2002); Drake & Aos (2012).

32

Key Takeaways

- Despite overall admissions declines, the majority of admissions are for non-person offenses and many are the result of community supervision failures
 - 74% of admissions are for non-person offenses, and property offenses are the most common
 - Nearly 5,000 admitted last year from community supervision
- Admissions have increased in certain areas and for certain types of offenders
 - Admissions of female offenders grew 12%
 - Admissions from Eastern Tennessee grew 11%

Time Served

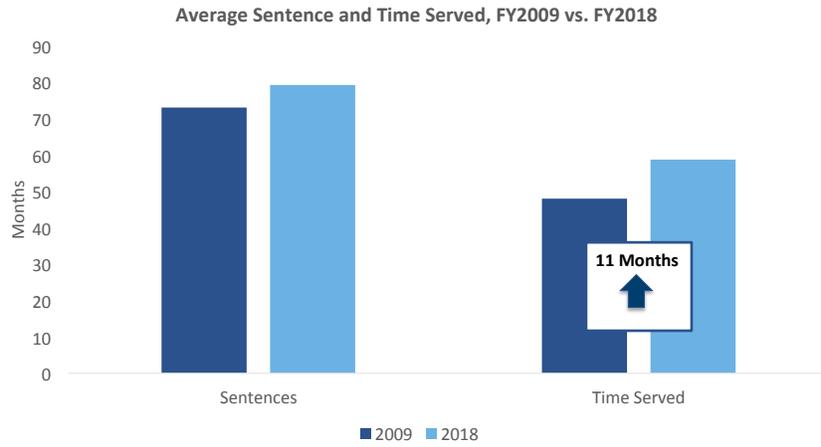
Iron Law of Prison Population Growth

$$\text{Admissions} + \text{Time Served} = \text{TDOC Population}$$

Time Served Overview

- Time served over time
- Time served by offense type
- Time served by population type
- Time served by release type
- Sentencing practices
- Credit accrual
- Release mechanisms

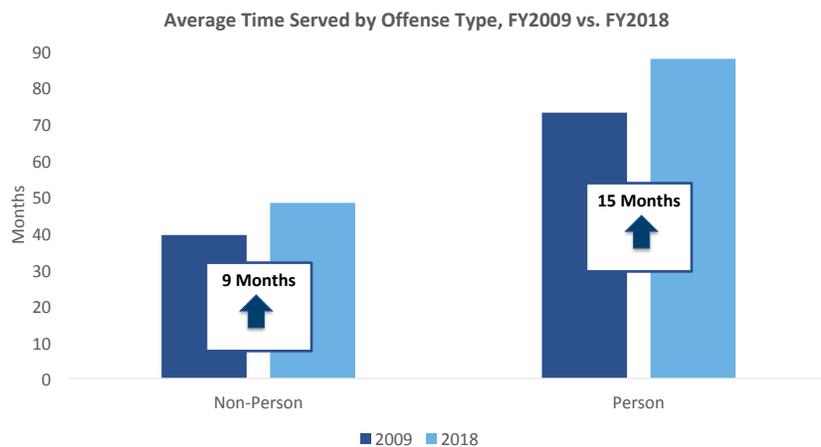
Average Time Served Grew 11 Months



Average sentence length excludes sentences to life imprisonment or death.
Source: TN Department of Correction

37

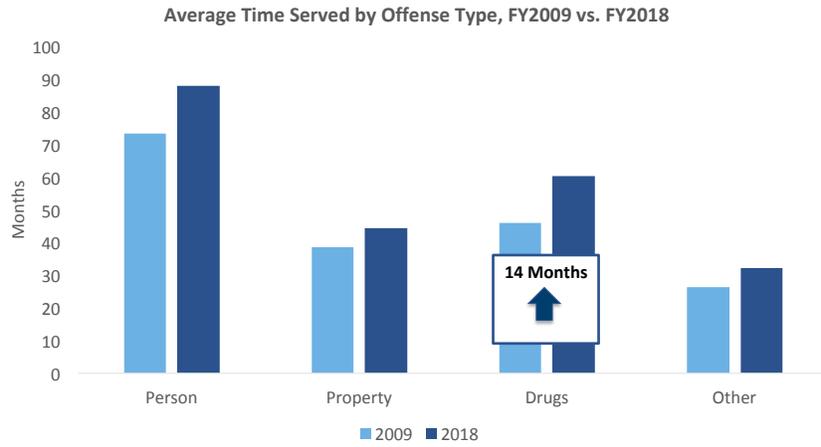
Time Served Increased for All Offense Types



Source: TN Department of Correction

38

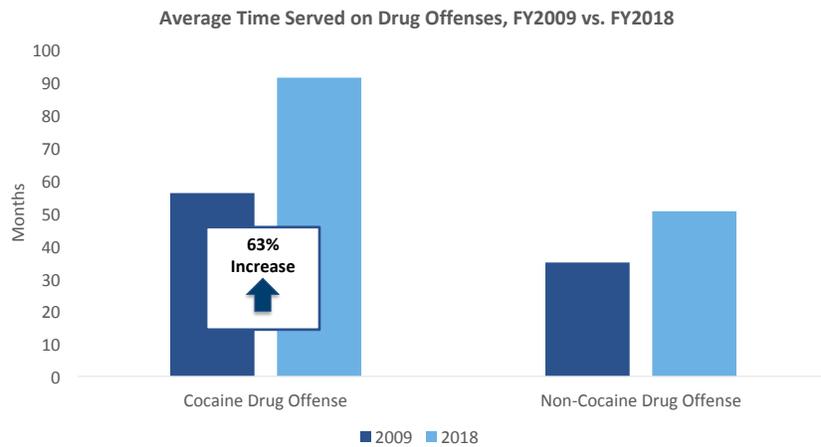
Time Served on Drug Offenses Up 32%



Source: TN Department of Correction

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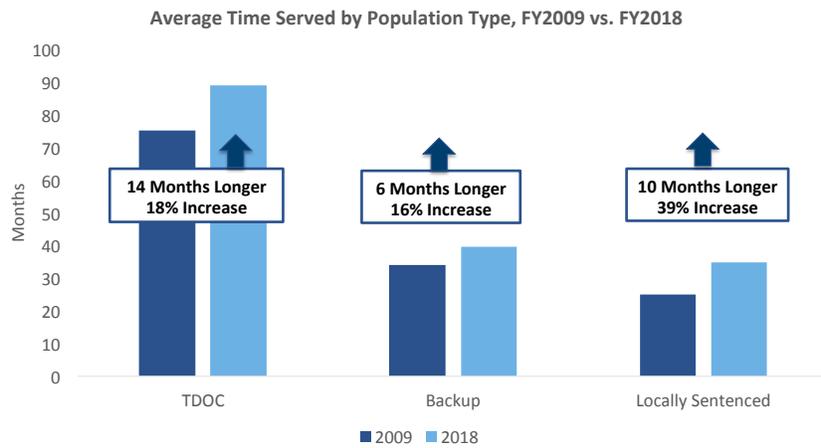
Time Served for Cocaine Offenses Grew by 63%



Source: TN Department of Correction

40

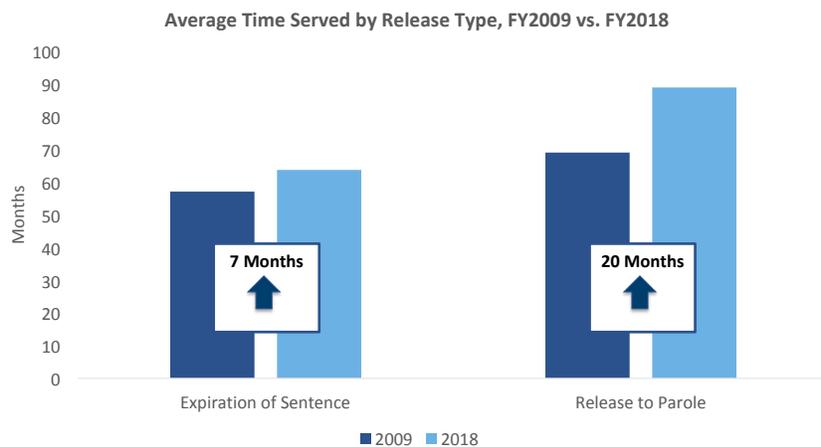
Time Served in State Prisons Up 14 Months, Locally Sentenced Population Up 10 Months



Source: TN Department of Correction

41

Time Served Prior to Release on Parole Up by 20 Months



Source: TN Department of Correction

42

Research on Length of Stay and Recidivism

Researchers have also examined whether longer periods of incarceration reduce recidivism more than shorter periods

Findings:

- The most rigorous research studies find no significant effect, positive or negative, of longer prison terms on recidivism
- The United States Sentencing Commission (2014): Found no difference in recidivism for federal drug offenders before and after sentence reduction due to the Fair Sentencing Act
- Rhodes et al. (2018): Concluded that “prison length of stay can be reduced with minimal effects on recidivism” for federal offenders



Note: All federal offenders are placed on supervision upon release. Sources: United States Sentencing Commission (2014); Rhodes, W., Gaes, G. G., Kling, R., & Cutler, C. (2018).

43

Key Takeaways

- Despite research findings that longer prison stays do not reduce recidivism more than shorter stays, individuals are serving longer terms of incarceration
- Time served has grown 11 months or 23% overall
 - This is up most notably for drug offenses with time served for cocaine-related offenses up 63%
- Parolees now serve 20 months longer before release
 - Individuals serving until expiration of sentence are now serving 7 months longer in custody
- Time served growth also evident for felony offenders sentenced to serve time in local jails



44

Understanding Time Served

The diagram illustrates the components of time served. It consists of three horizontal bars stacked vertically. Each bar is a light gray color. On top of each bar is a white rounded rectangle with a blue border. The top bar is labeled 'Sentence', the middle bar is labeled 'Credit Accrual', and the bottom bar is labeled 'Parole Release'. The bars are of equal length and are centered horizontally.


45

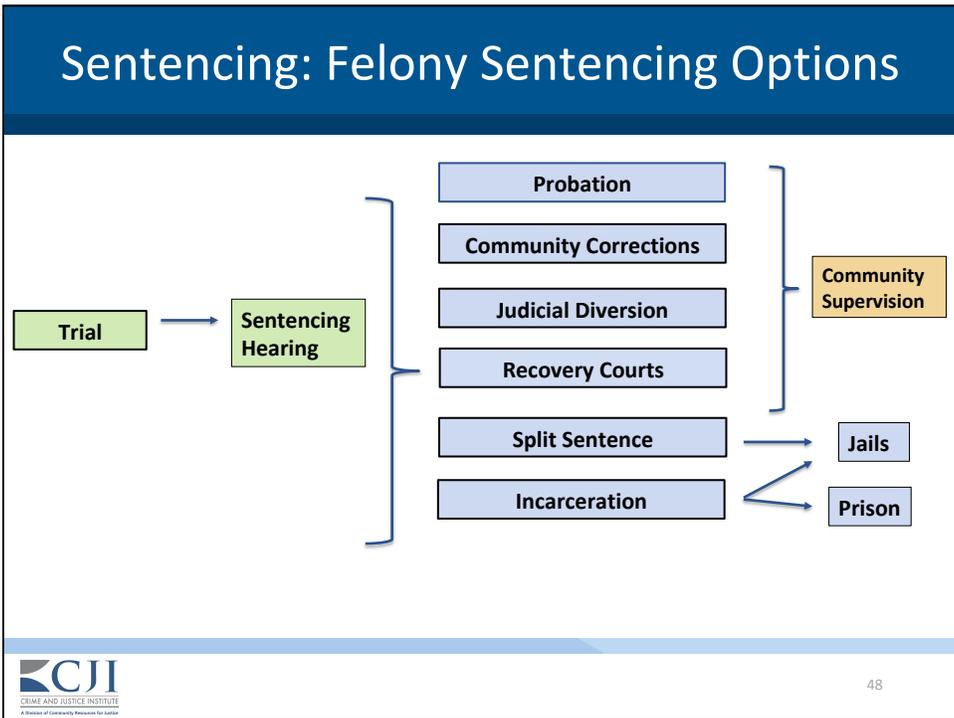
Sentencing: Felony Sentencing Class

Felony Class	Sentence Range
Capital	Life sentence, Death
Class A	15 to 60 years in prison
Class B	8 to 30 years in prison
Class C	3 to 15 years in prison or jail
Class D	2 to 12 years in prison or jail
Class E	1 to 6 years in prison or jail


46

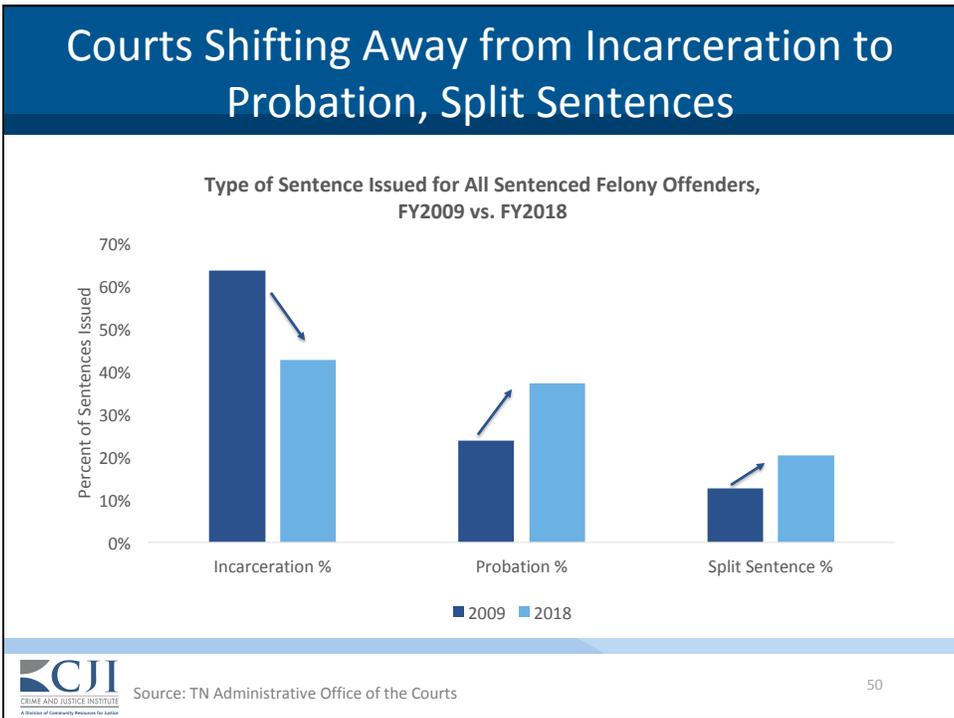
Sentencing: Felony Sentencing Grid

Criminal History	Felony Class				
	Felony A	Felony B	Felony C	Felony D	Felony E
Mitigated Offenders: No priors, no enhancements, and court finds mitigating factors	The court shall reduce the defendant's statutory Range I minimum sentence by (10%) or reduce the release eligibility date to (20%) of the sentence, or both reductions.				
Standard Range I (0-1 prior)	15 – 25 years	8 – 12 years	3 – 6 years	2 – 4 years	1 – 2 years
Multiple Range II (2-4 priors) <i>(1 prior Class A if current offense is Class A or B)</i>	25 – 40 years	12 – 20 years	6 – 10 years	4 – 8 years	2 – 4 years
Persistent Range III (5+ priors) <i>(2 or 3 prior A or B's if current offense is a Class A or B)</i>	40 – 60 years	20 – 30 years	10 – 15 years	8 – 12 years	4 – 6 years
Career Offender (6+ priors) <i>(3 or 4 prior Class A or B's if the current offense is a Class A or B)</i>	60 years	30 years	15 years	12 years	6 years

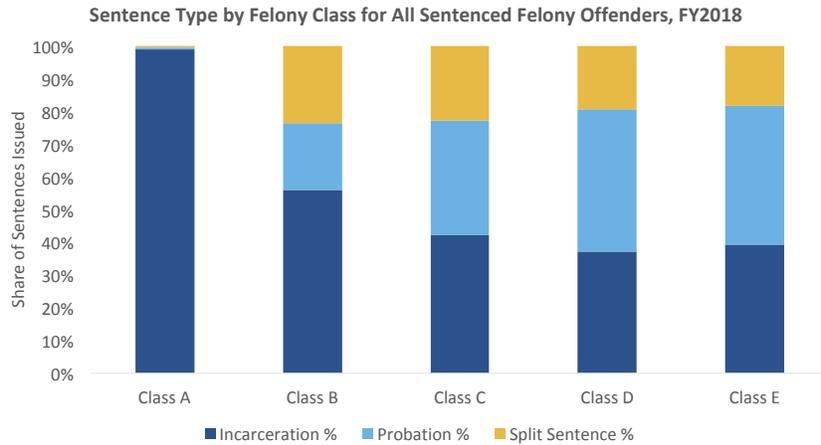


Sentencing: Alternatives to Incarceration

Alternatives	Eligibility
Probation	Eligible if the sentence imposed is ten years or less. Prohibited offenses include sex offenses, violent offenses, and Class B drug offenses.
Judicial Diversion	Eligible only for first-time offenders who have not previously participated in any diversion programs. Prohibited offenses include sex offenses, offenses involving exploitation of vulnerable persons, DUIs, vehicular assaults, or a Class A or B felony.
Community Corrections	Eligible for those convicted of a nonviolent felony who are facing an incarceration sentence. Prohibited offenses include offenses against a person, offenses where a firearm was involved, and offenses where there is a pattern of violence.
Recovery Courts	Eligible for those with a behavioral health need and convicted of a nonviolent or non-sex offense if the district attorney, defense counsel, mental health provider, and judge agree.



Class E Offenses Sentenced to Incarceration At Similar Rates As Higher Felony Classes



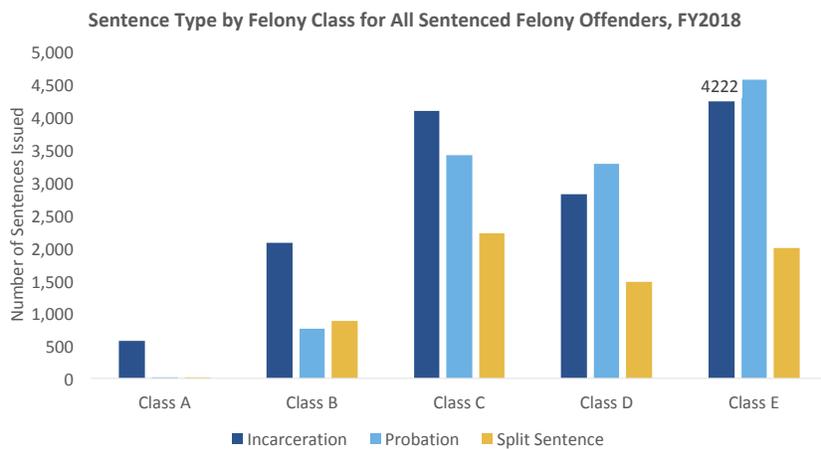
N = 577 N = 3705 N = 9702 N = 7558 N = 10,770



Source: TN Administrative Office of the Courts

51

Class E Offenses Represent Largest Group Sentenced to Prison in FY18

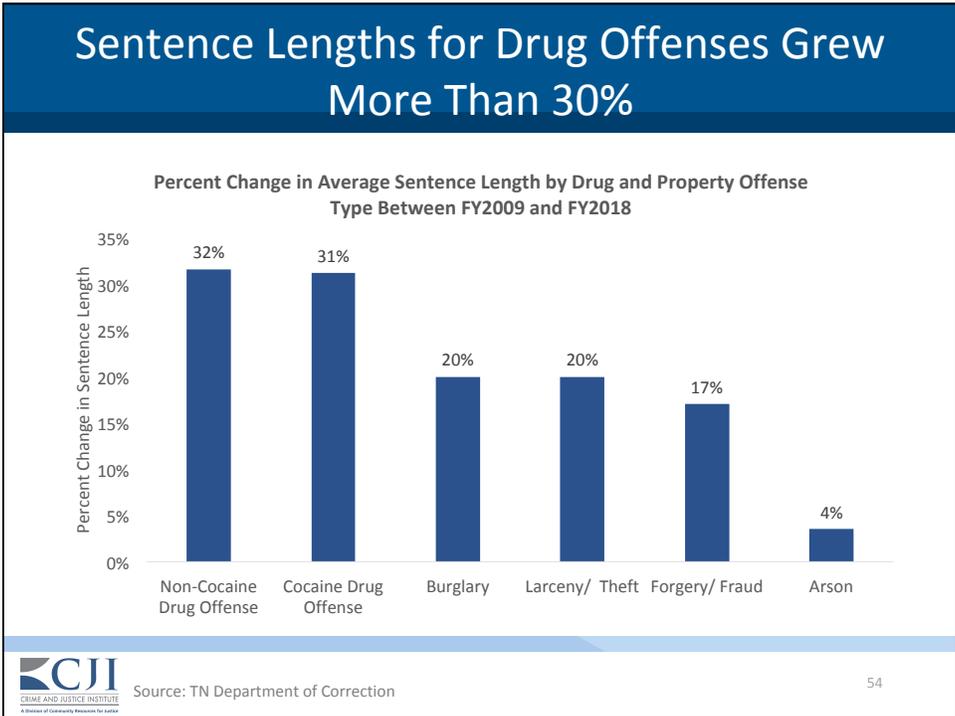
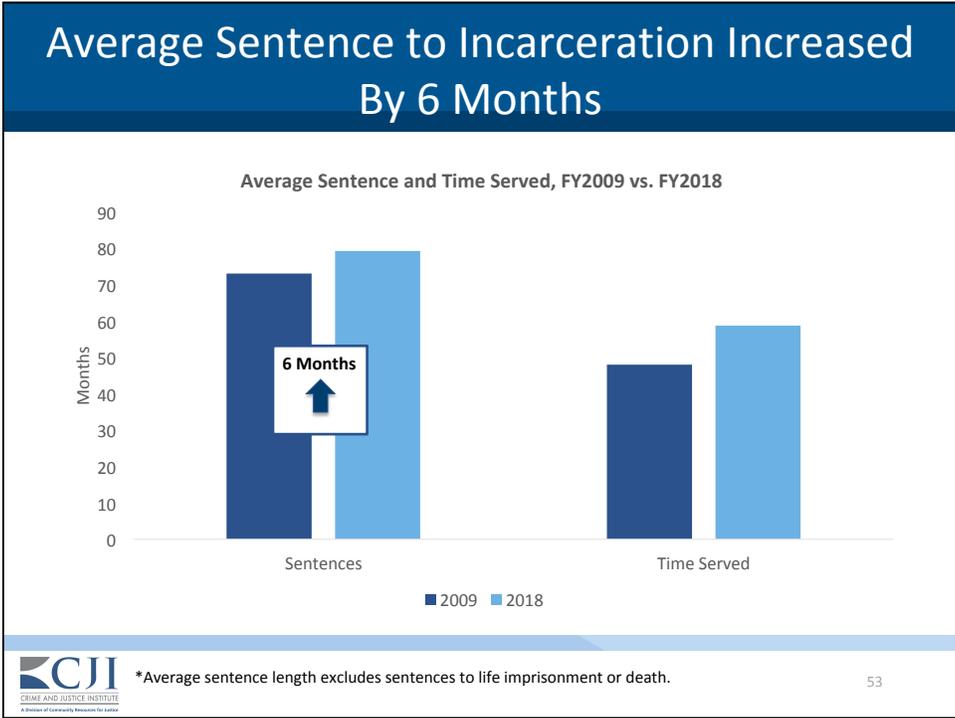


N = 577 N = 3705 N = 9702 N = 7558 N = 10,770

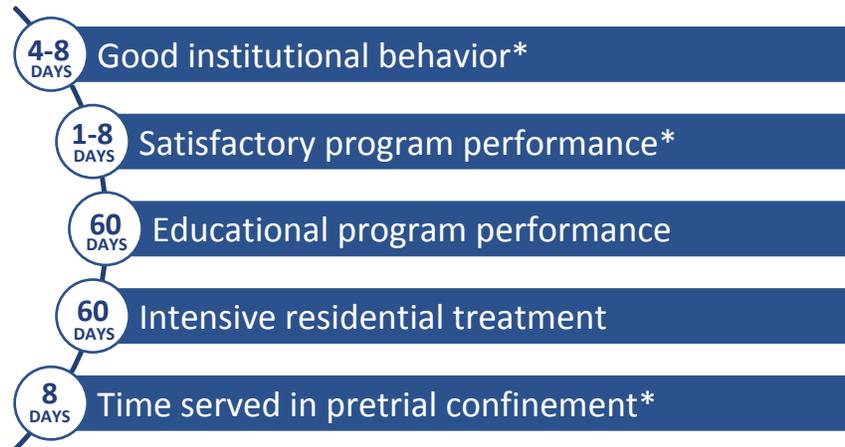


Source: TN Administrative Office of the Courts

52



Opportunities for Credit Accrual



* Earned on a monthly basis

55

Research on Incentives and Rewards

Researchers examined steps that can be taken to improve management of prisons and effectively change individuals' behavior

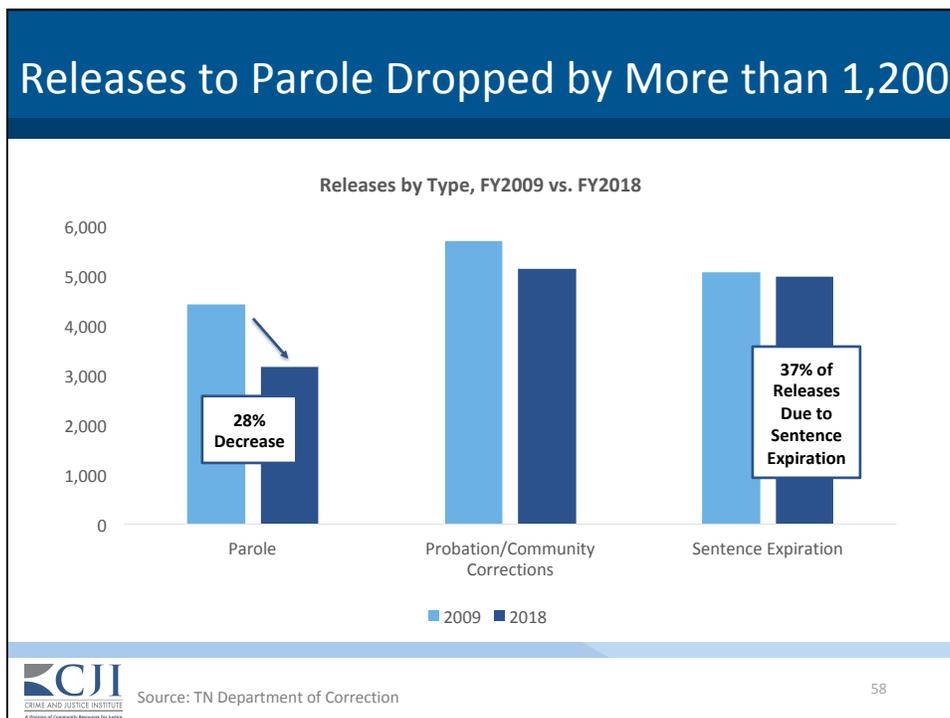
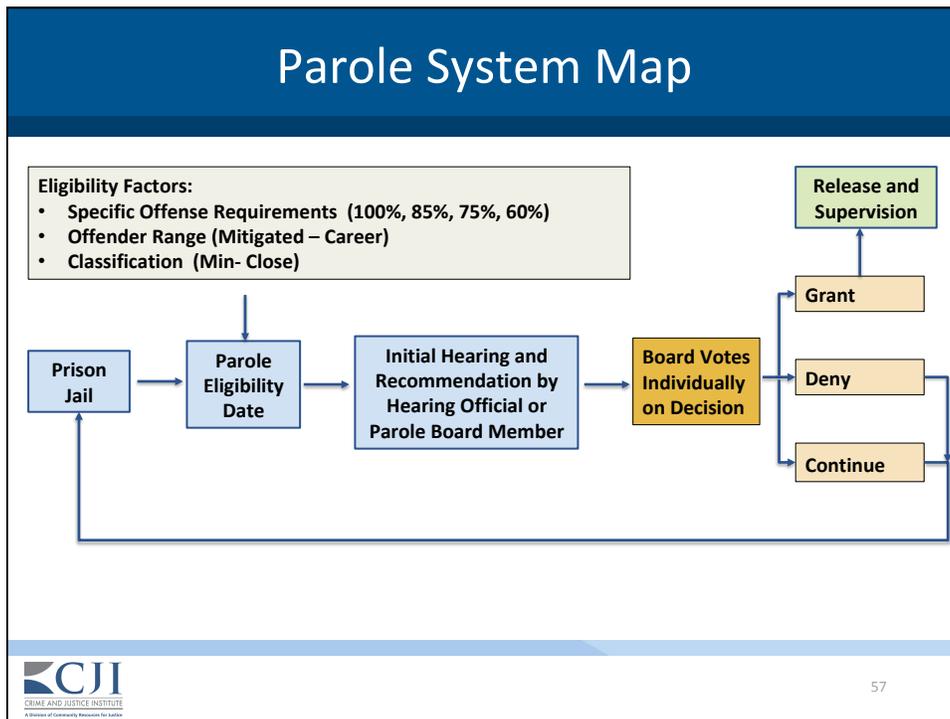
Findings:

- Gendreau et al. (2014): Found that contingency management programs “produced marked improvements on indices of institutional adjustment and educational and work-related behaviors”
- Drake et al. (2009): Examined the impact of increasing earned credits for nonviolent offenders in Washington and found that recidivism rates of those released early decreased by 3.5% compared to those who stayed in prison for 63 days longer



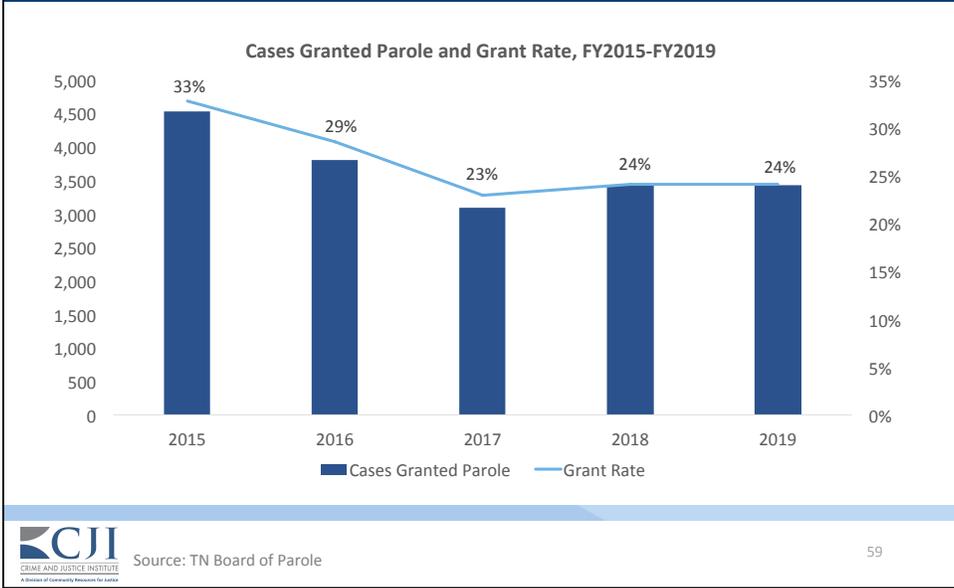
Source: Gendreau, P., Listwan, S. J., Kuhns, J. B., & Exum, M. L. (2014). Washington State Institute for Public Policy, E.K. Drake, R. Barnoski, and S. Aos (2009)

56

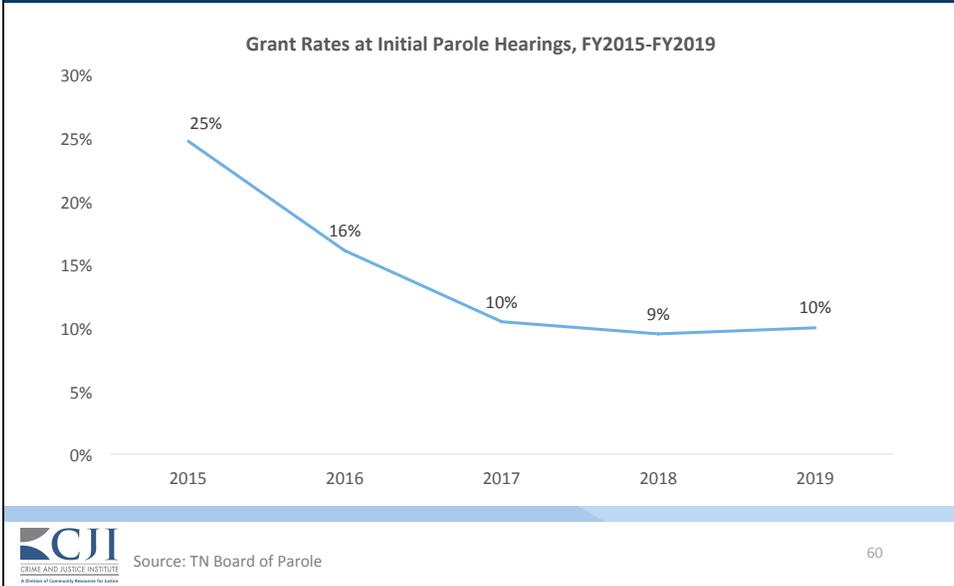


Source: TN Department of Correction

24% of Parole Hearings Granted Parole



Parole Grants at Initial Hearing Declined By 59% in Five Years



Key Takeaways

- Longer sentences and declining parole grants are driving the increases in time served
 - Average sentences increased by 6 months in 10 years and sentences for drug offenses grew by over 30%
 - Releases to parole declined by more than 1,200 in 10 years, and grant rates at initial parole hearings dropped to 10% in FY2019
- The lowest level felony class is the largest group sentenced to incarceration compared to more serious classes of offenders

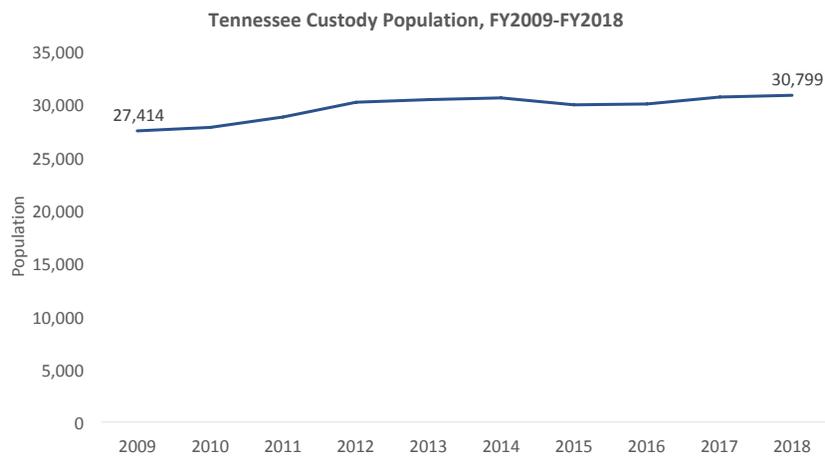
Custody Population

Iron Law of Prison Population Growth

$$\text{Admissions} + \text{Time Served} = \text{TDOC Population}$$

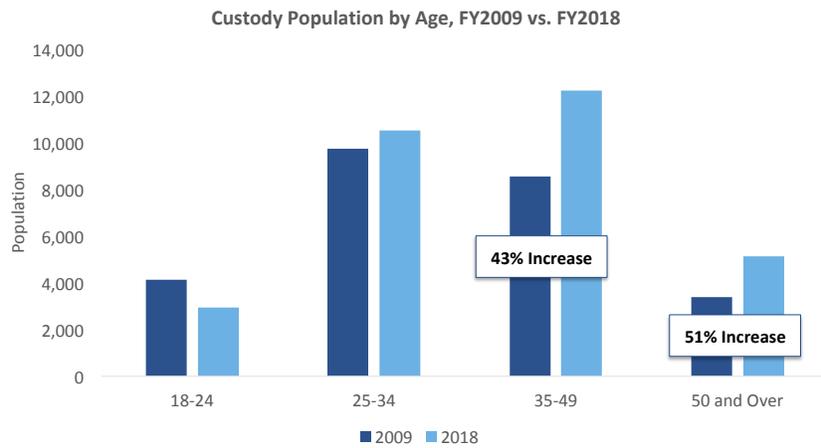


Incarcerated Population Grew 12% in 10 Years, Adding 3,385 People



Source: TN Department of Correction

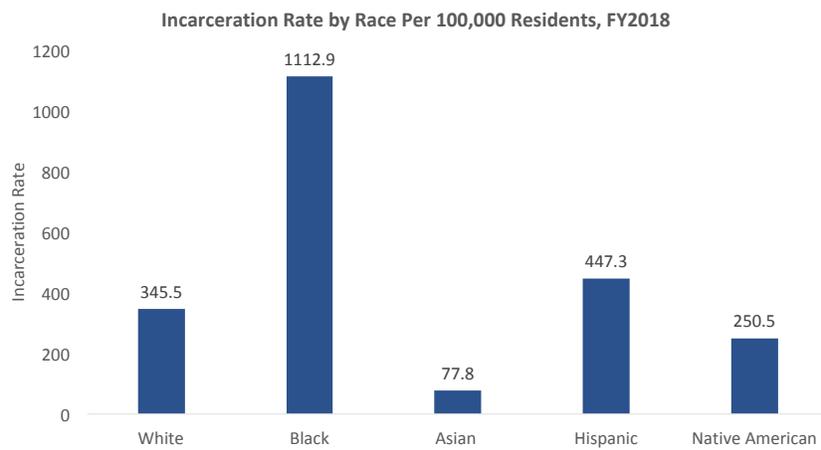
Incarcerated Population Growing Older



Source: TN Department of Correction

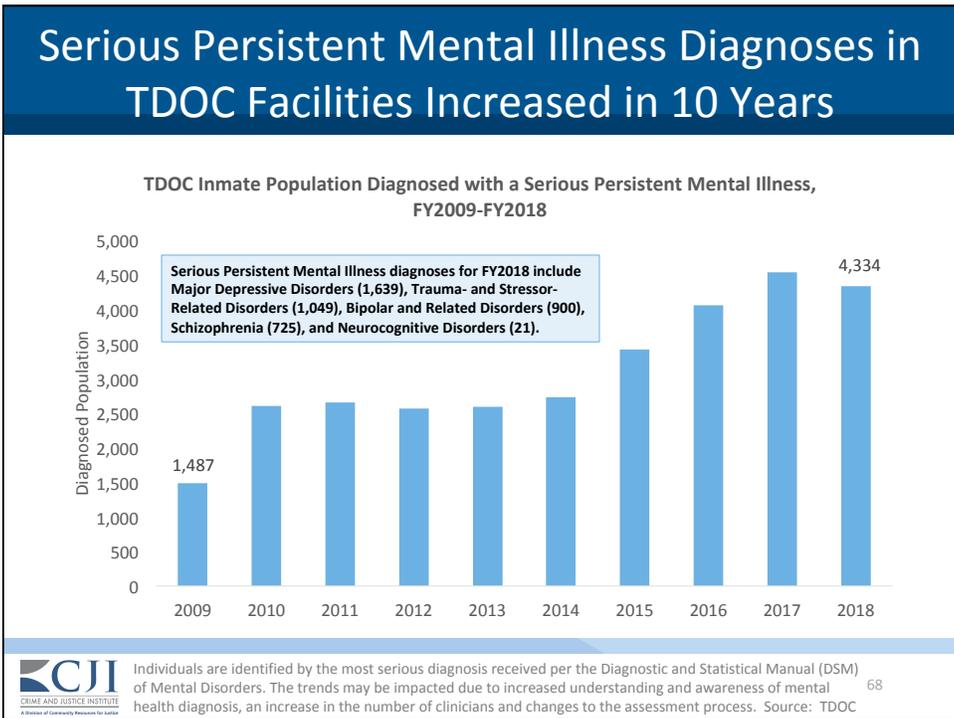
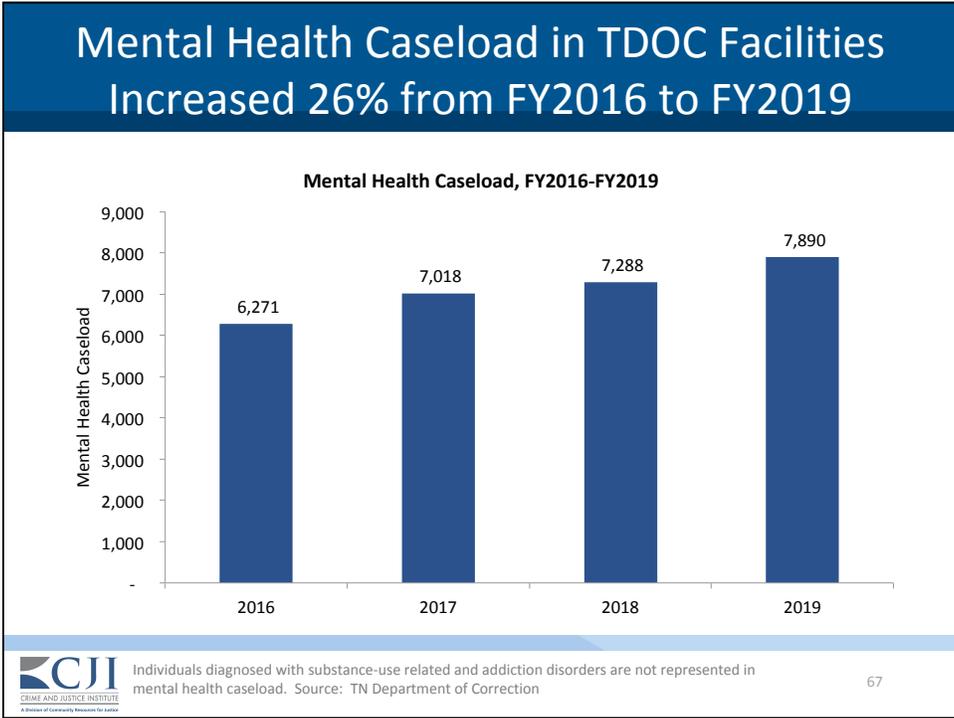
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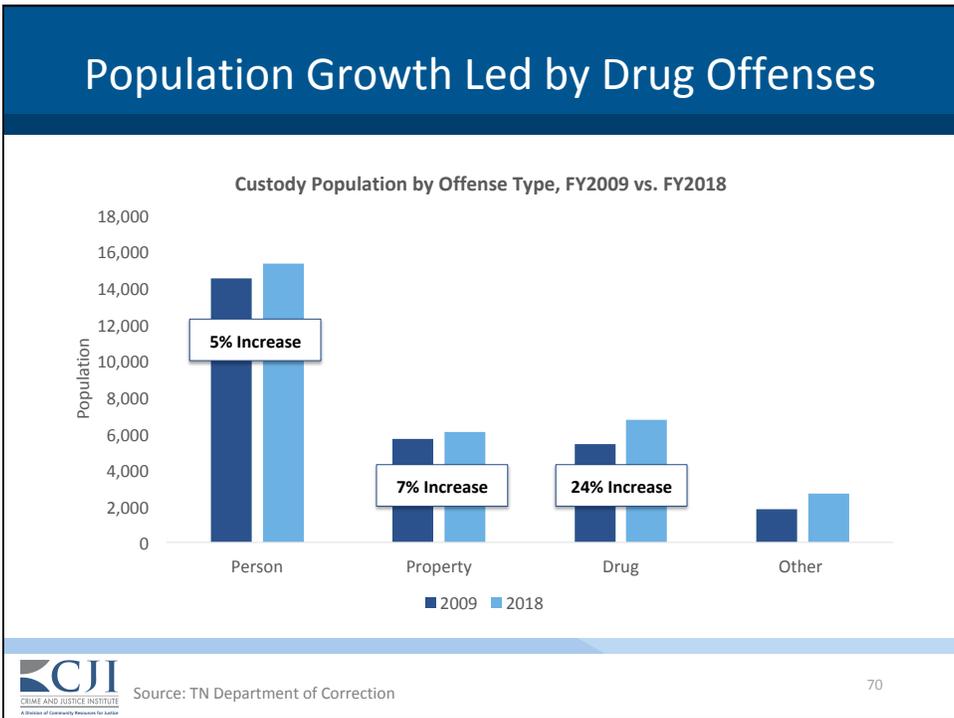
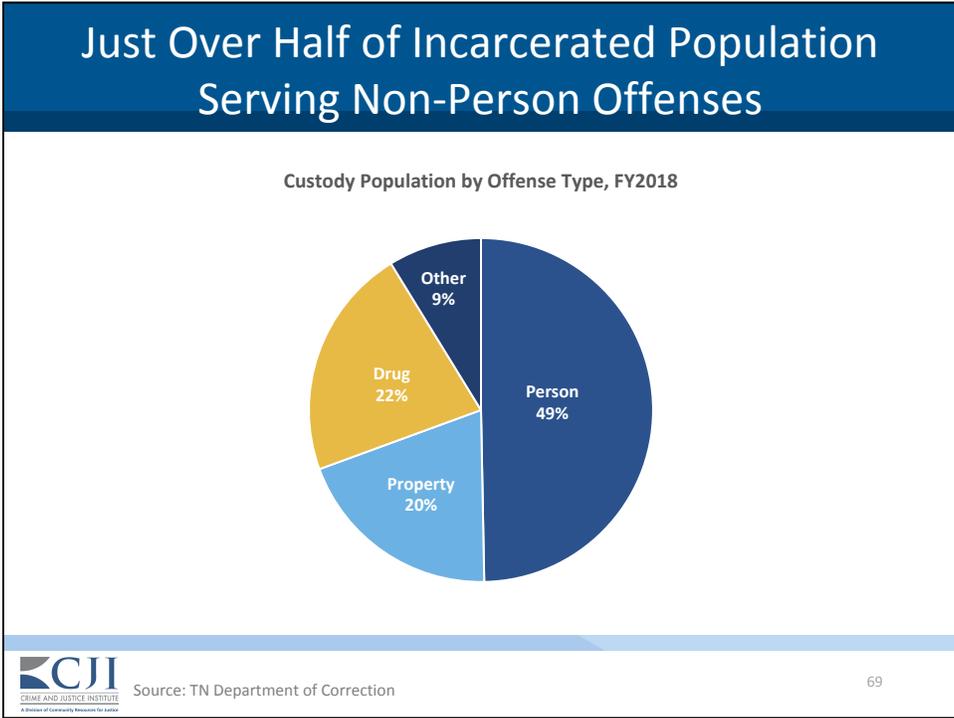
Black Incarceration Rate More than Three Times White Rate

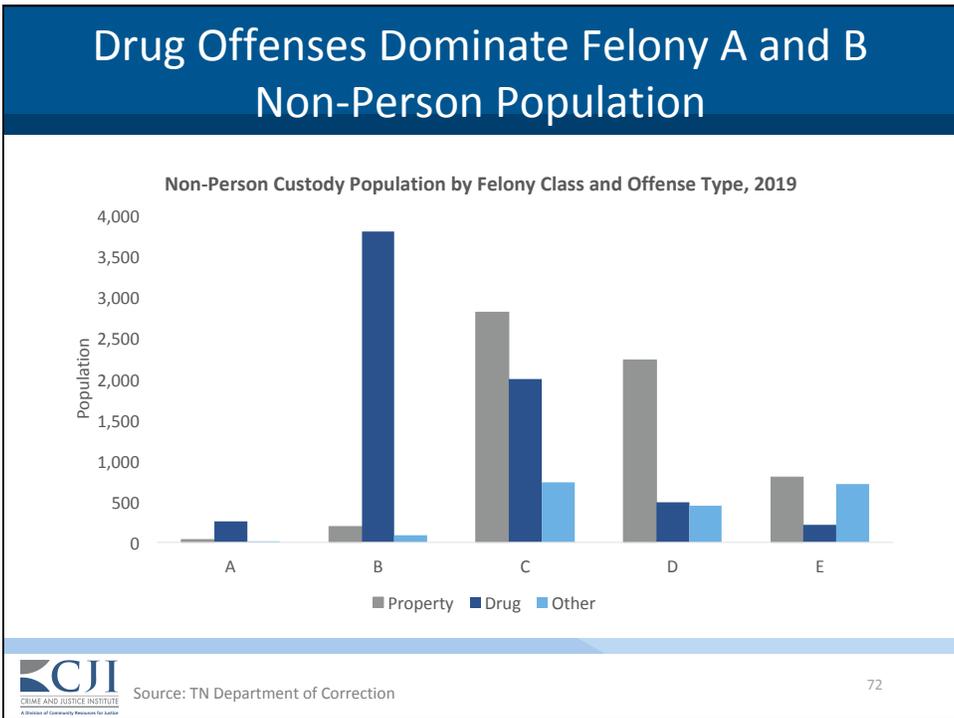
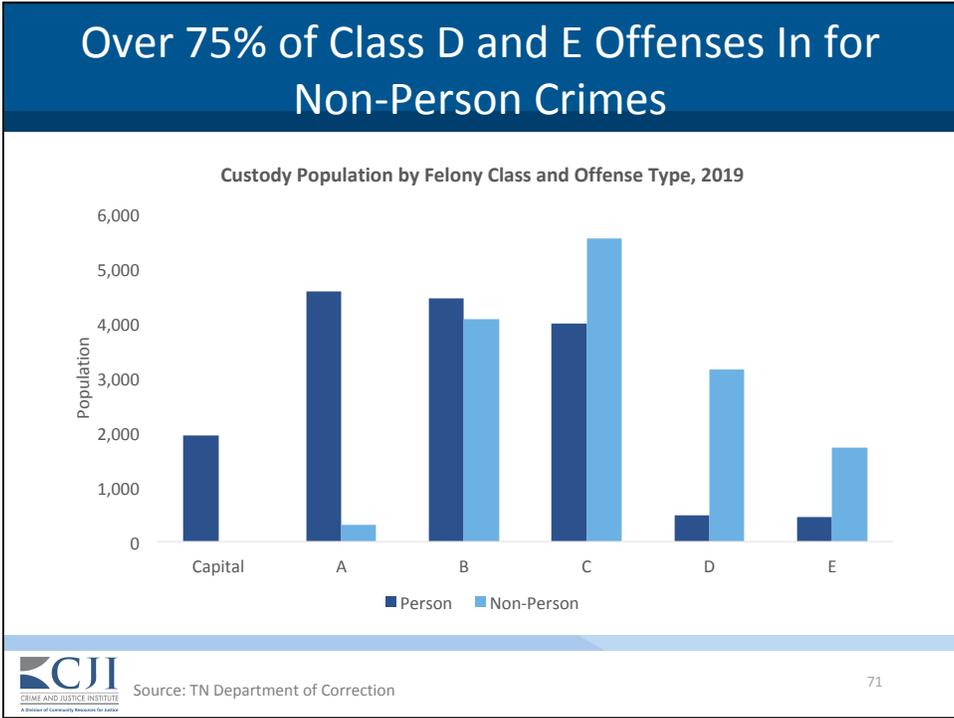


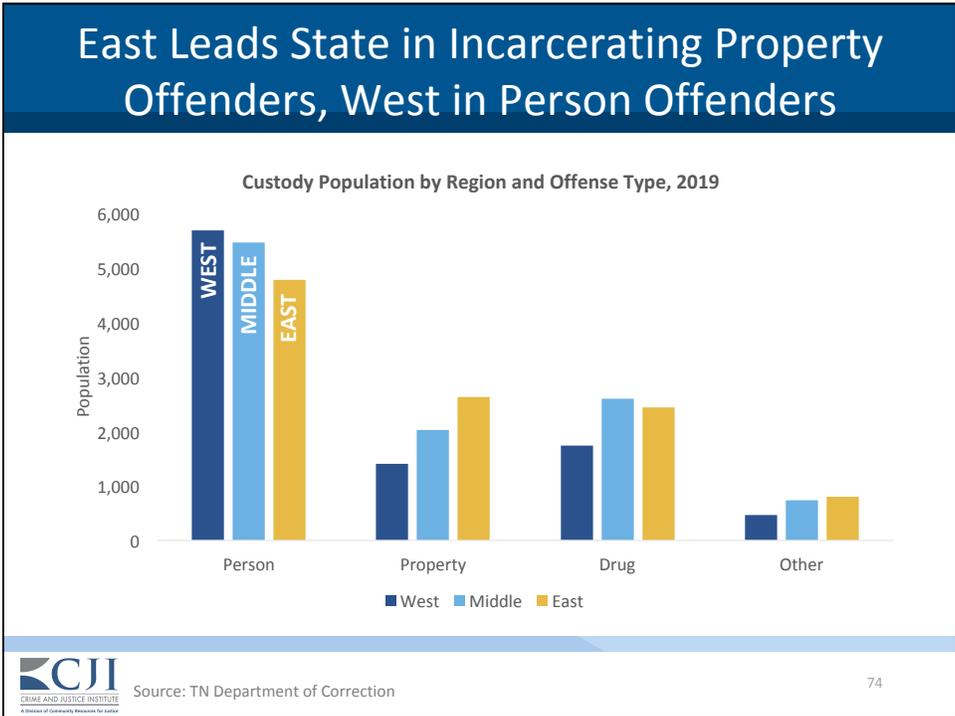
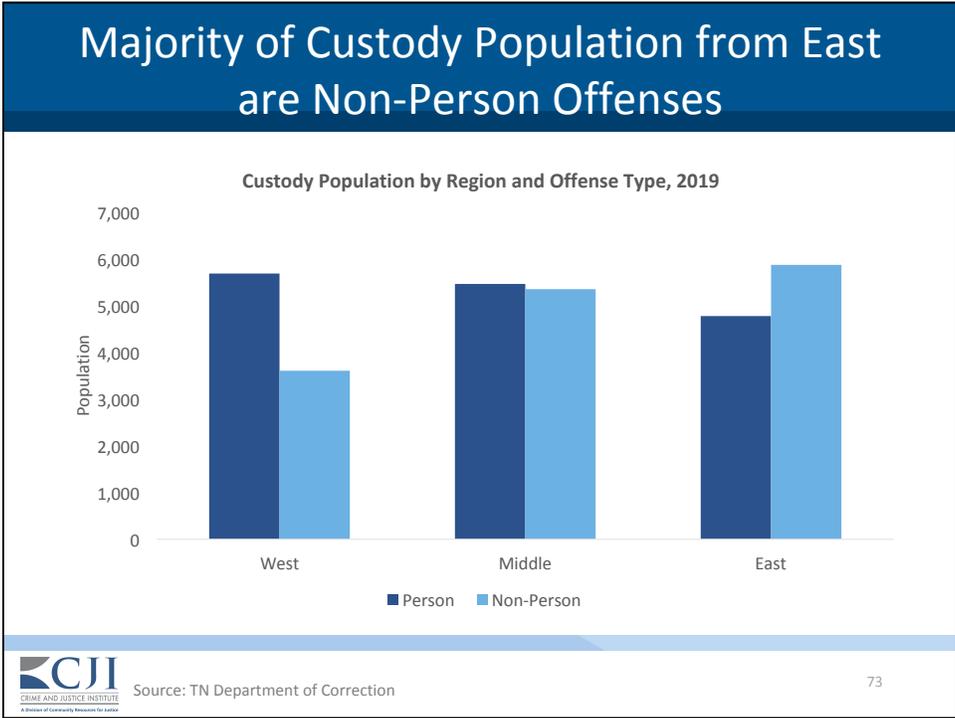
Source: TN Department of Correction

66









County Incarceration Rates Vary Widely

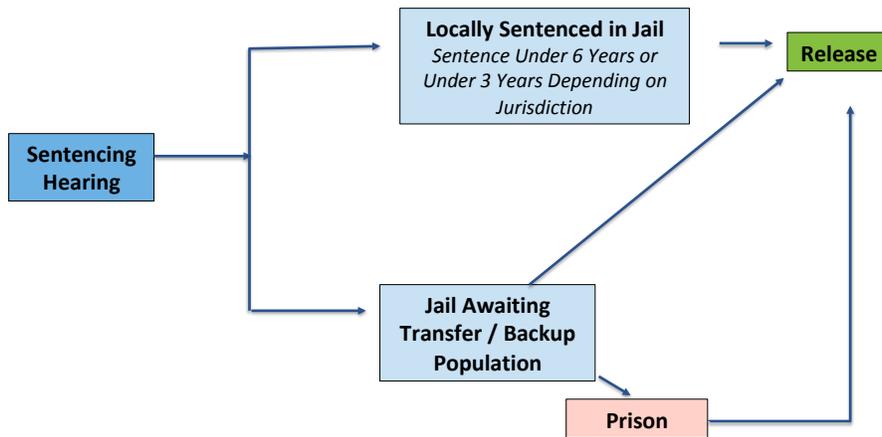
Felony Incarceration Rate per 10,000 Residents by County of Conviction, FY2018



Source: TN Department of Correction

75

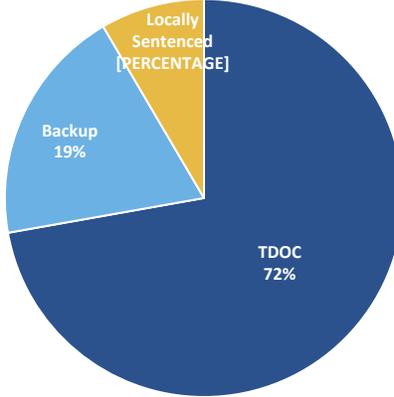
Facility Type Map



76

1 in 4 Felony Offenders are Held in Jails

Custody Population by Facility, FY2018

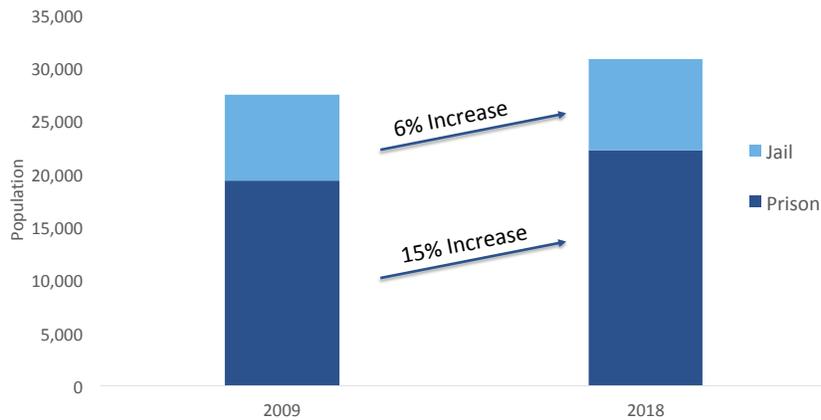


Source: TN Department of Correction

77

Felony Inmate Population Has Grown in Both State Prisons and Local Jails

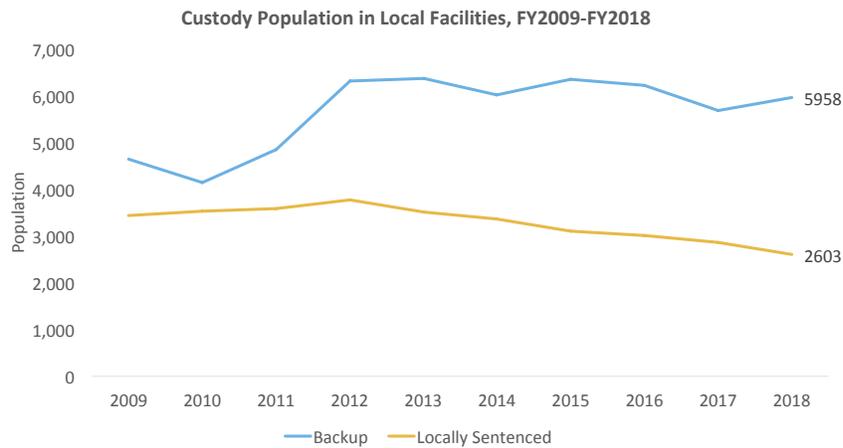
Custody Population by Facility Held, FY2009-FY2018



Source: TN Department of Correction

78

Back-up Jail Population Rises While Locally Sentenced Population Declines

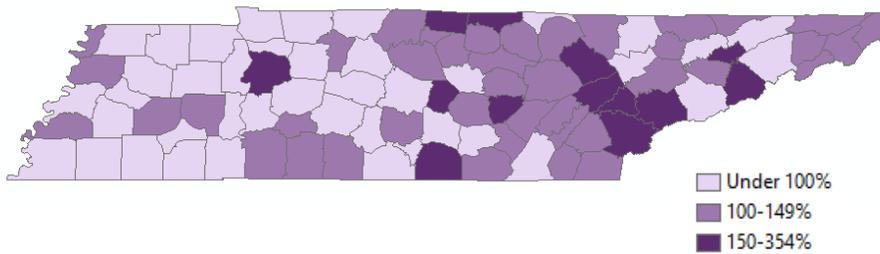


Source: N Department of Correction

79

Jail Capacity Issues More Prevalent in Middle and East Tennessee

Jail Population as Percent of County Jail Capacity, FY2018



Source: TN Department of Correction

Note: Available beds and population counts for counties with multiple facilities have been combined for analysis.

80

Research on Facility Type and Recidivism

Researchers have evaluated how the place of incarceration relates to recidivism in the context of programming opportunities

Findings:

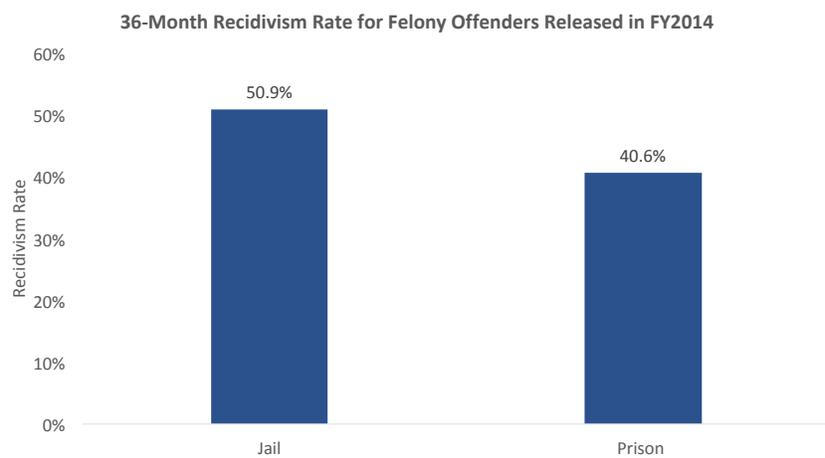
- Christensen (2008) noted, “Given the reality of shorter, uncertain incarceration periods, the opportunity for immersion within comprehensive programmatic initiatives within jails is relatively short”
- Duwe (2017) concluded that “what is truly important for recidivism outcomes is providing prisoners with access to effective programming”



Source: Christensen (2008); Duwe (2017)

81

Recidivism Rates Higher for Those Released from Jail



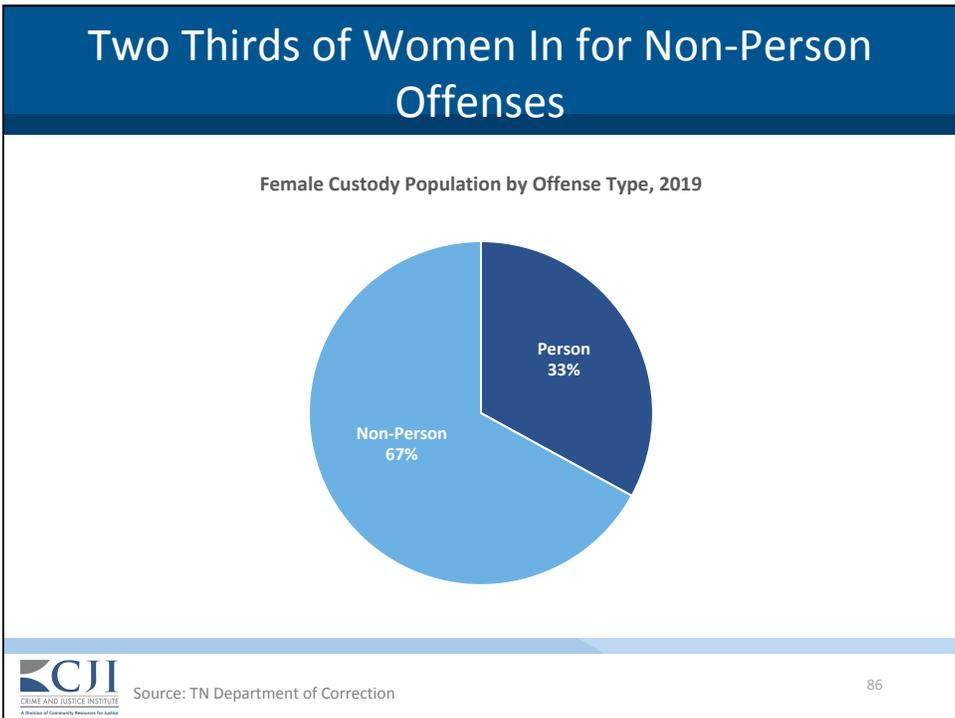
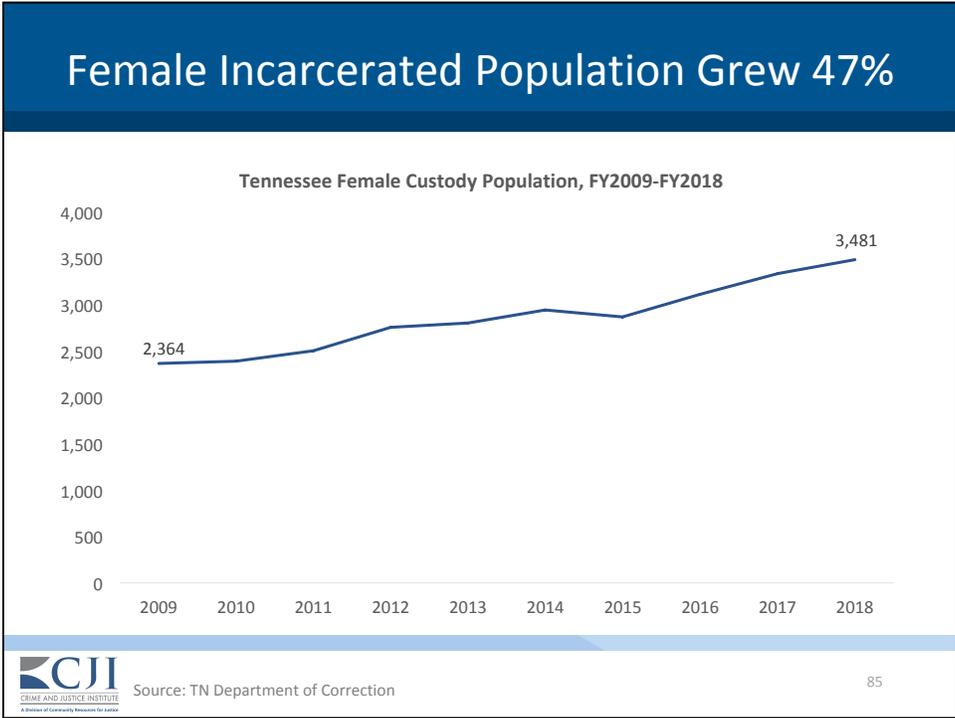
Source: TN Department of Correction

82

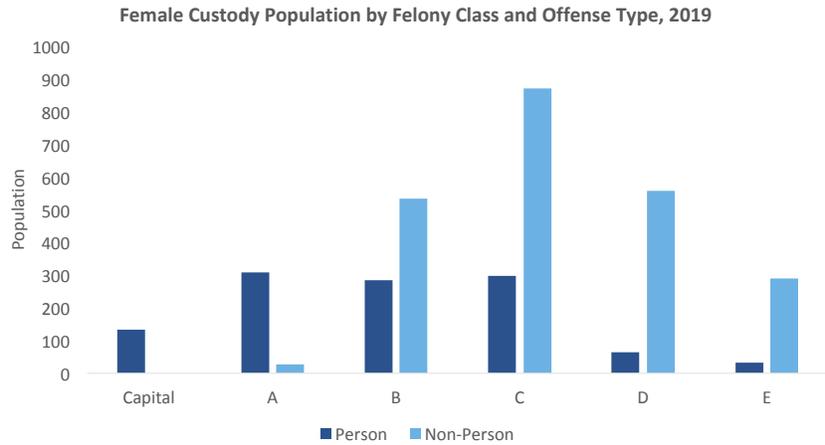
Key Takeaways

- Increasing lengths of stay have driven the custody population to grow 12%
- Growing number of non-person offenders, led by drug offenders, responsible for custody population growth
 - More than 75% of low-level felony offenses are non-person
- Nearly half of the population held in state prisons has a mental health diagnosis
 - Substance-related and addiction disorders more than doubled, and serious persistent mental illness cases tripled
- A significant number of state inmates are in local jails, many of which are over capacity

Female Population



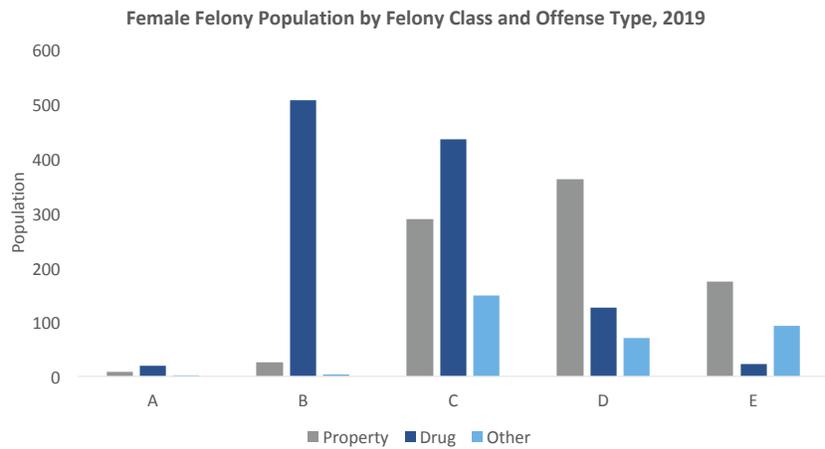
Over 75% of Female C, D, and E Population In for Non-Person Offenses



Source: TN Department of Correction

87

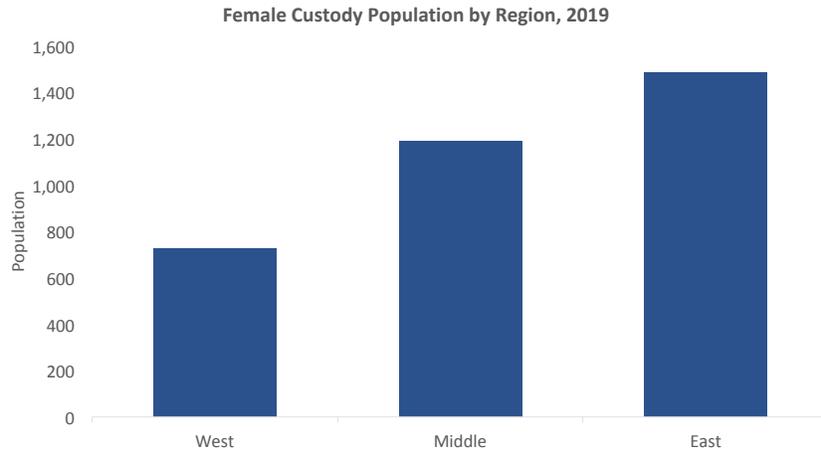
Drug Offenses Dominate Female Non-Person Offense Population



Source: TN Department of Correction

88

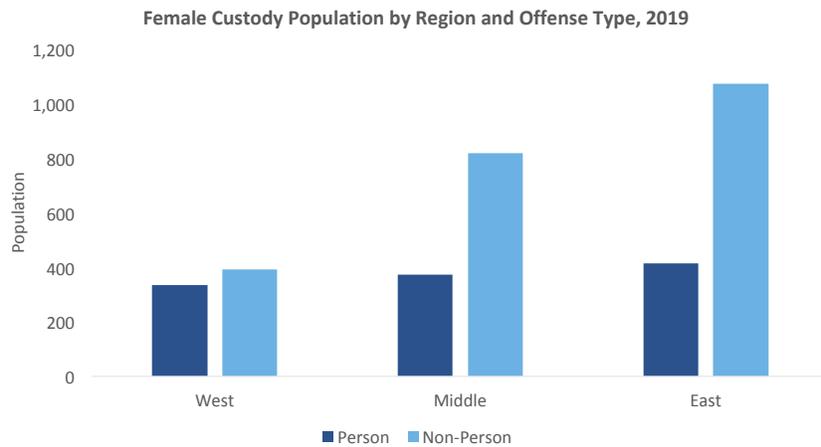
Twice as Many Women from East than West



Source: TN Department of Correction

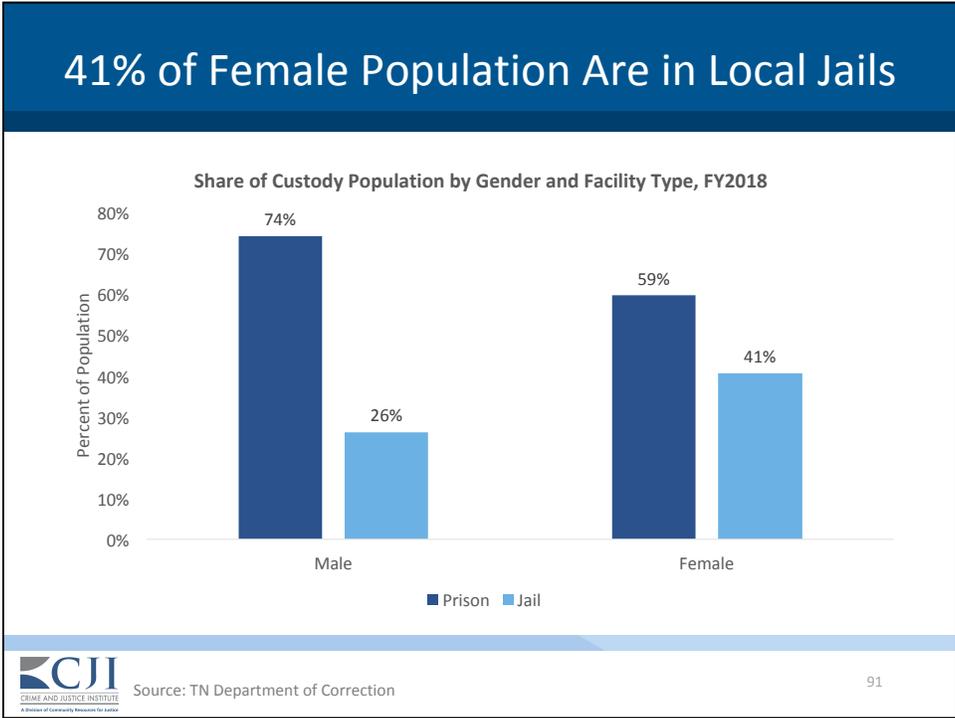
89

Non-Person Offenses Dominate Female Incarcerated Population



Source: TN Department of Correction

90



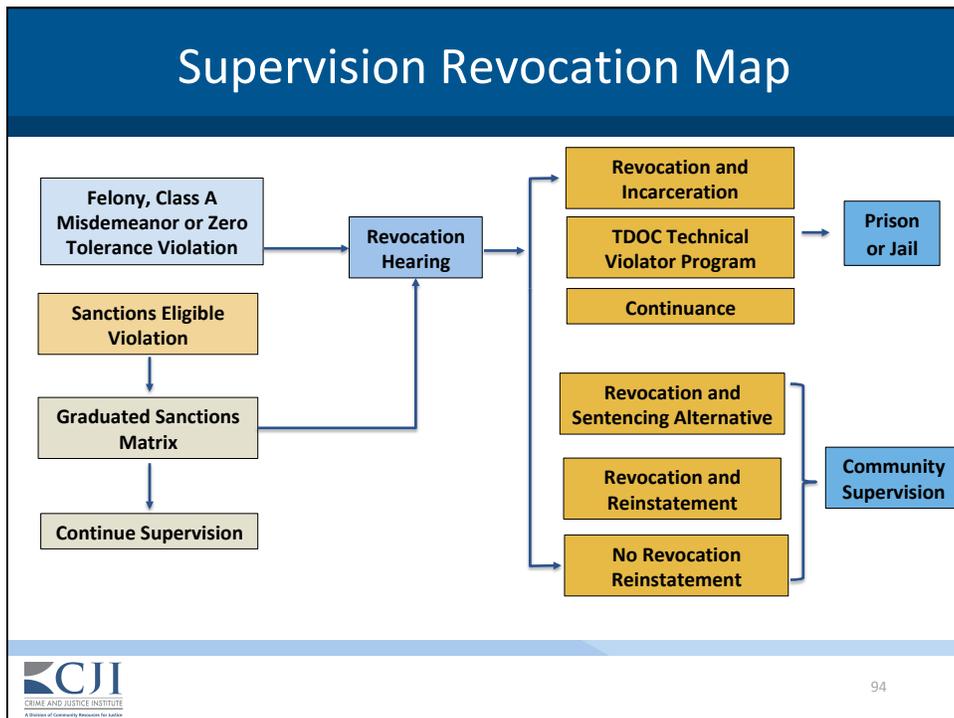
- ## Key Takeaways
- Tennessee is sending more women to prison than it was a decade ago
 - Tennessee’s female incarcerated population grew 47%
 - Majority of incarcerated women were sentenced for drug and property offenses
 - 41% of Tennessee's incarcerated women are housed in local jails
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- 92

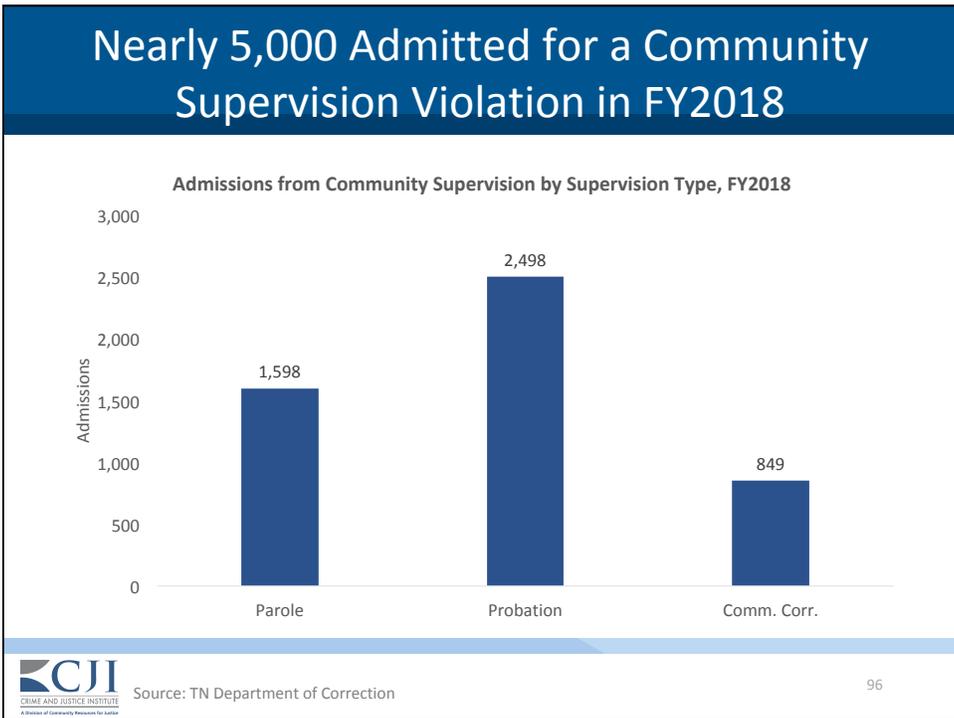
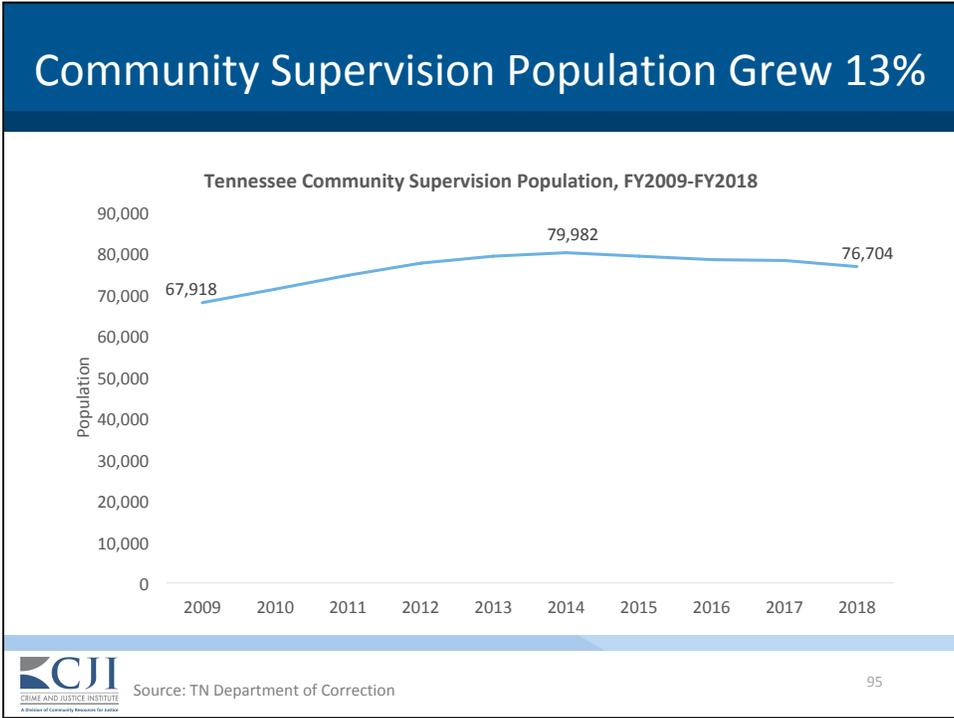
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Community Supervision

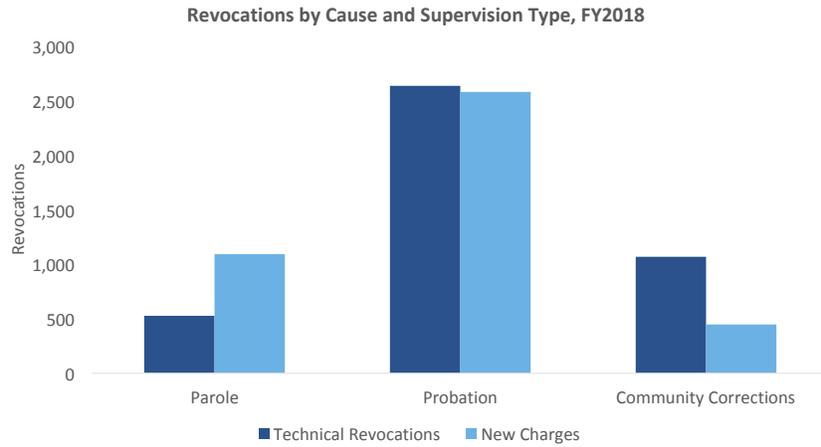


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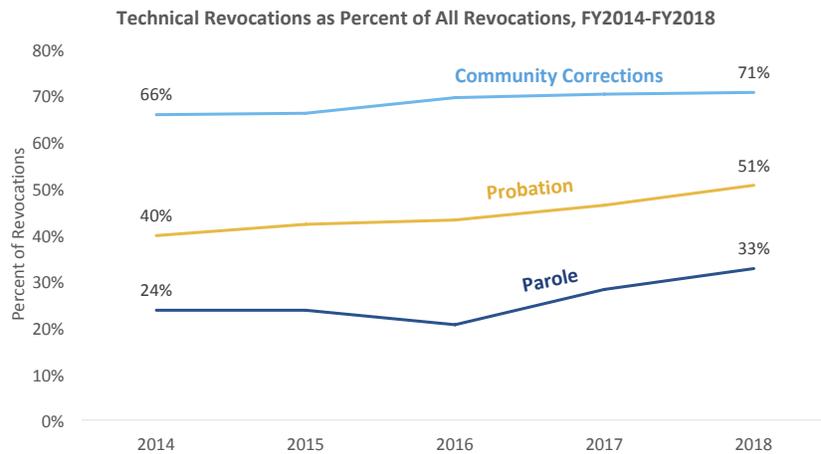
More than 50% of Revocations for Technical Violations



Source: TN Department of Correction

97

Technical Violations Make Up Growing Share of Revocations



Source: TN Department of Correction

98

Recidivism Reduction Principles for Community Supervision

Researchers have examined what practices are most successful at changing individuals' behavior and reducing recidivism on community supervision

Findings:

- **Risk, Need, Responsivity:** Focus on high risk offenders, target criminogenic needs, address programming barriers
- **Use sanctions and incentives to respond to behavior**
- **Frontload resources** for offenders coming out of custody
- **Balance supervision with treatment**
- **Monitor quality, fidelity, and outcomes**



Source: Sperber, Kimberly & Latessa, Edward & Makarios, Matthew. (2013); Kennedy (2006); Nagin & Pogarsky (2001).

99

Tennessee's Current Supervision Practices

Responsivity Factors: There are no formal systems in place to address responsivity barriers to programming and treatment successes.

Sanctions: The use of swift, certain, and proportionate sanctions is inconsistent throughout the state and opportunities remain to ensure this best practice is applied more broadly and uniformly across Tennessee.

Rewards: There is also no formal structure in place for rewarding positive behavior on probation or parole, including no way to earn time off of the sentence for good behavior or program participation.



100

Tennessee's Current Supervision Practices

Treatment: While probation and parole utilize assessments to determine what types of programming and treatment needs are required for offenders, access to treatment remains a challenge, particularly in the rural areas.

Frontload Resources: With a growing population on community supervision, resources within the first days and weeks after release are limited, especially for those released from jails.

Quality Control: While criminal justice agencies collect a wide variety of data, inconsistent definitions across agencies and time limit the state's ability to conduct comprehensive analysis.

Key Takeaways

- Community supervision population has grown 13% in the last decade to over 76,700 individuals
- Community supervision violators make up 39% of felony admissions
- Just over half of revocations last year were for technical violations
- While Tennessee has made great strides in adopting evidence-based practices to reduce recidivism, access is limited across the state

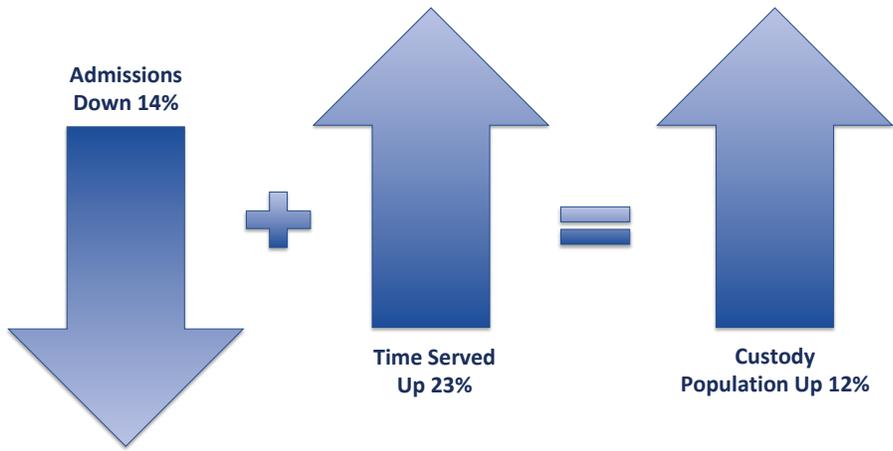
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Review



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Summary of Trends



The diagram illustrates the relationship between three metrics: Admissions, Time Served, and Custody Population. It features three large blue arrows. The first arrow on the left points downwards and is labeled 'Admissions Down 14%'. To its right is a plus sign '+'. The second arrow in the middle points upwards and is labeled 'Time Served Up 23%'. To its right is an equals sign '='. The third arrow on the right points upwards and is labeled 'Custody Population Up 12%'. This visualizes the equation: Admissions Down 14% + Time Served Up 23% = Custody Population Up 12%.

Metric	Trend	Percentage Change
Admissions	Down	14%
Time Served	Up	23%
Custody Population	Up	12%



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104

Summary Takeaways

- Overall admissions are down 14%, but admissions of women and admissions from the East are growing
 - 74% of admissions are for non-person offenses
 - Nearly 5,000 admitted last year from community supervision
- Time served has grown 11 months or 23% overall
 - Sentences increased by 6 months in 10 years
 - Individuals are serving 20 months longer before parole release, and 7 months longer before expiration of sentence
- Releases to parole declined by more than 1,200
 - Grant rate at initial parole hearing declined by 59%
 - Just 24% of all parole hearings result in decision to grant

Summary Takeaways

- Custody population grew 12% in 10 years, and female population increased 47%
 - Increasing numbers of non-person offenders, especially drug offenders, are responsible for growth
 - Two thirds of women are in custody for non-person offenses
 - Mental health cases in state prisons doubled
- Regional variation in type of cases leading to custody
 - Twice as many women in custody from East than West
- Technical revocations play a significant role
 - Over 4,000 revocations last year for technical violations

Questions/Contact

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107

Disclaimer

This project was supported by Grant No. 2015-ZB-BX-K002 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this presentation are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.



108