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# Justice Reinvestment Initiative Data and Systems Presentation

October 10, 2019

# Overview

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

# 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.”*

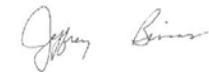
Letter signed by:

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

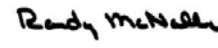
Sincerely,



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

# Iron Law of Prison Population Growth

**Admissions + Time Served  
= TDOC Population**

# Factors Influencing Admissions & Time Served



# Qualitative Sources

## Interviews/Meetings

- 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

## Documents Reviewed

- Tennessee State Statutes
- Tennessee Department of Corrections Policies and Procedures
- Tennessee Board of Parole Policies and Procedures
- Tennessee Court Rules, Rules of Criminal Procedure



# 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

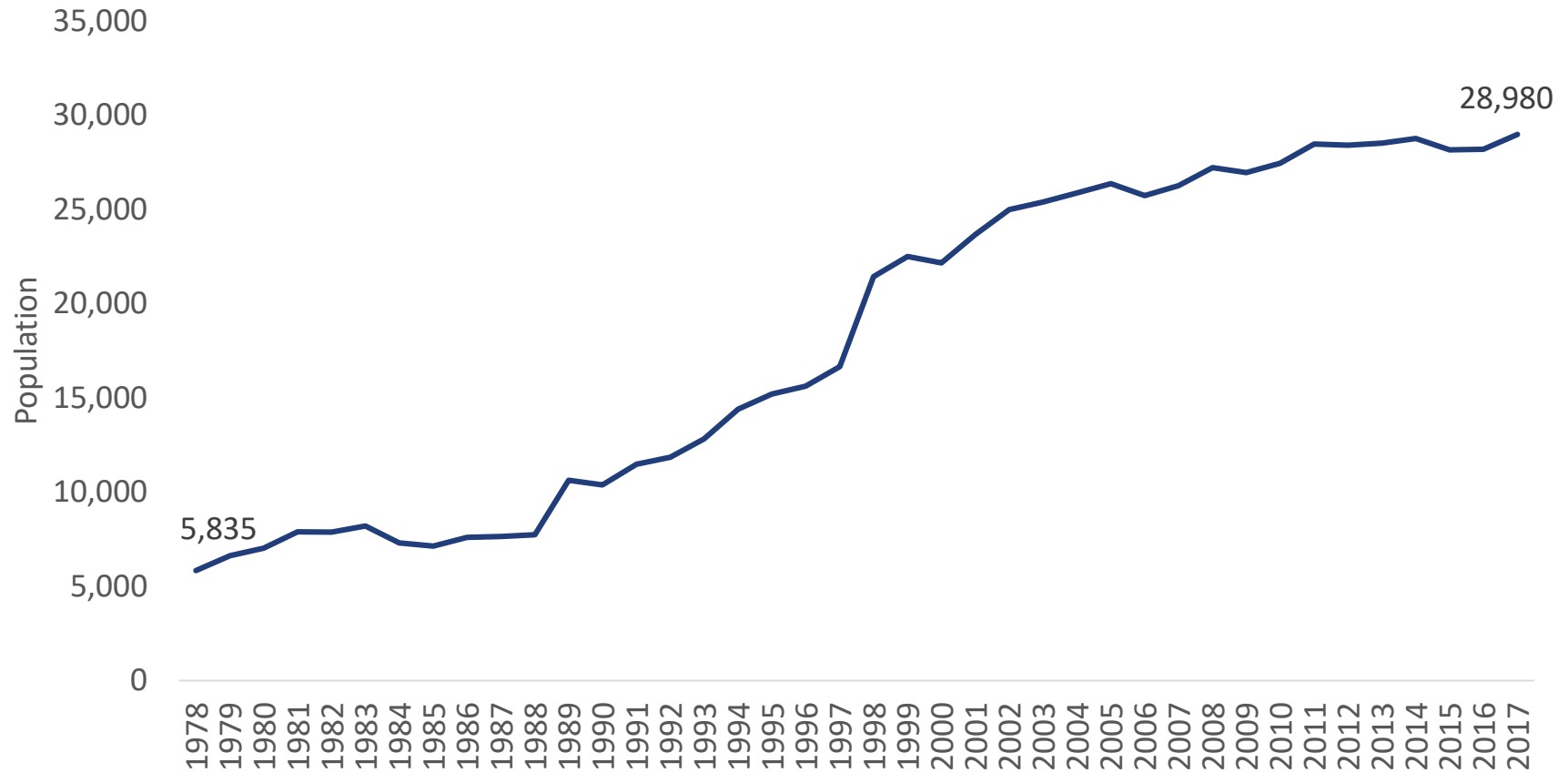


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A Division of Community Resources for Justice

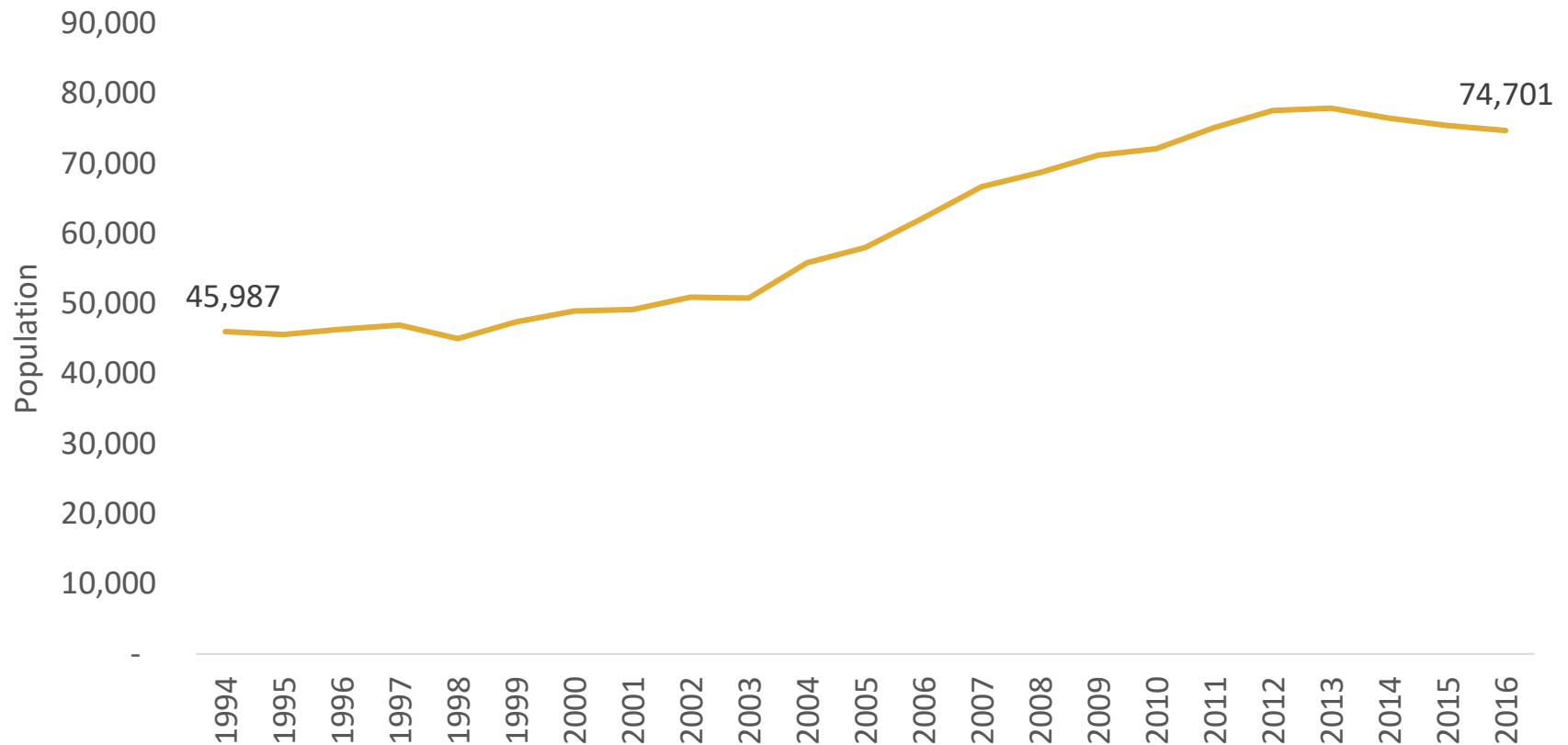
# Prison Population Grew Nearly 400%

Tennessee Prison Population, 1978-2017



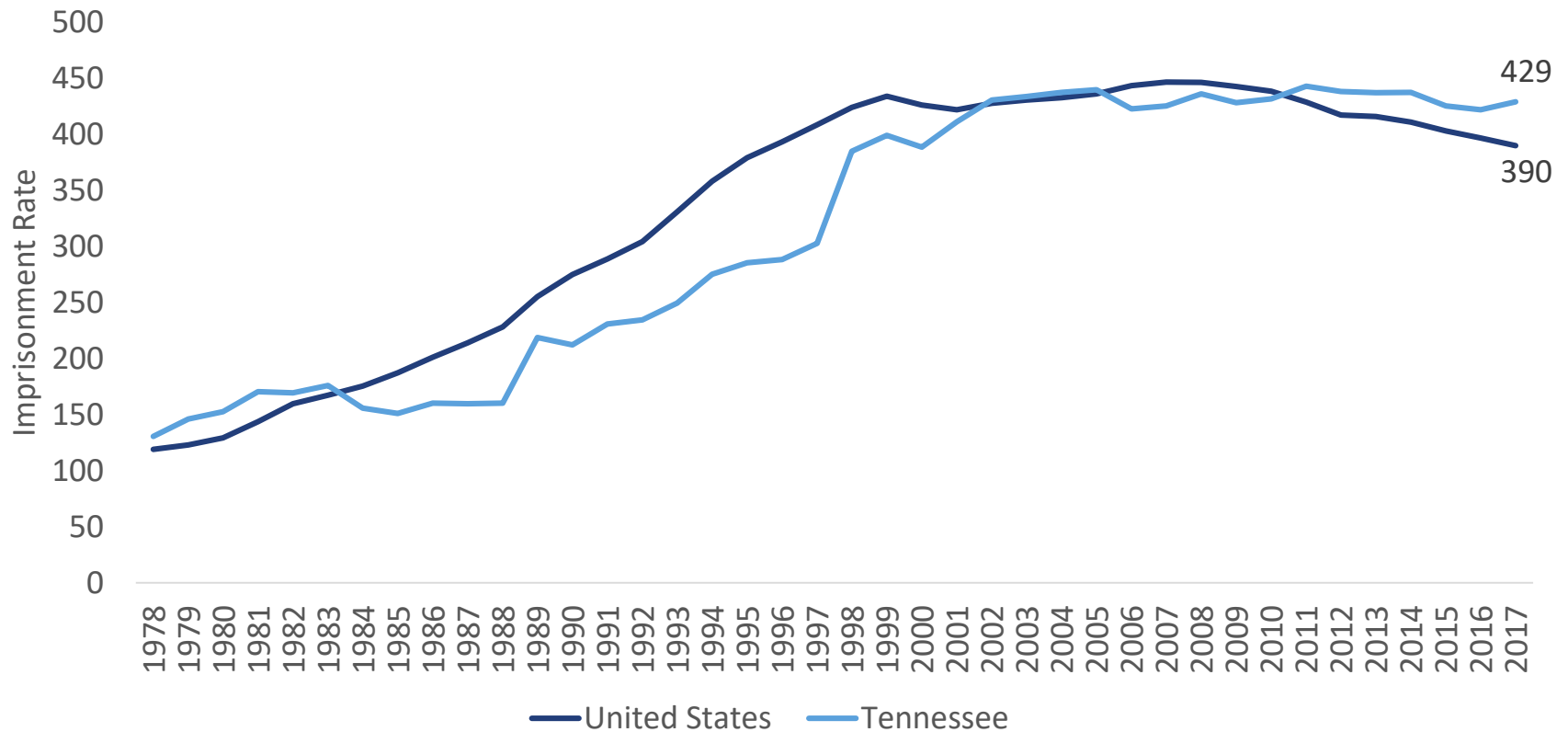
# Community Supervision Population Added Nearly 30,000 Since 1994

Tennessee Community Supervision Population,  
1994-2016



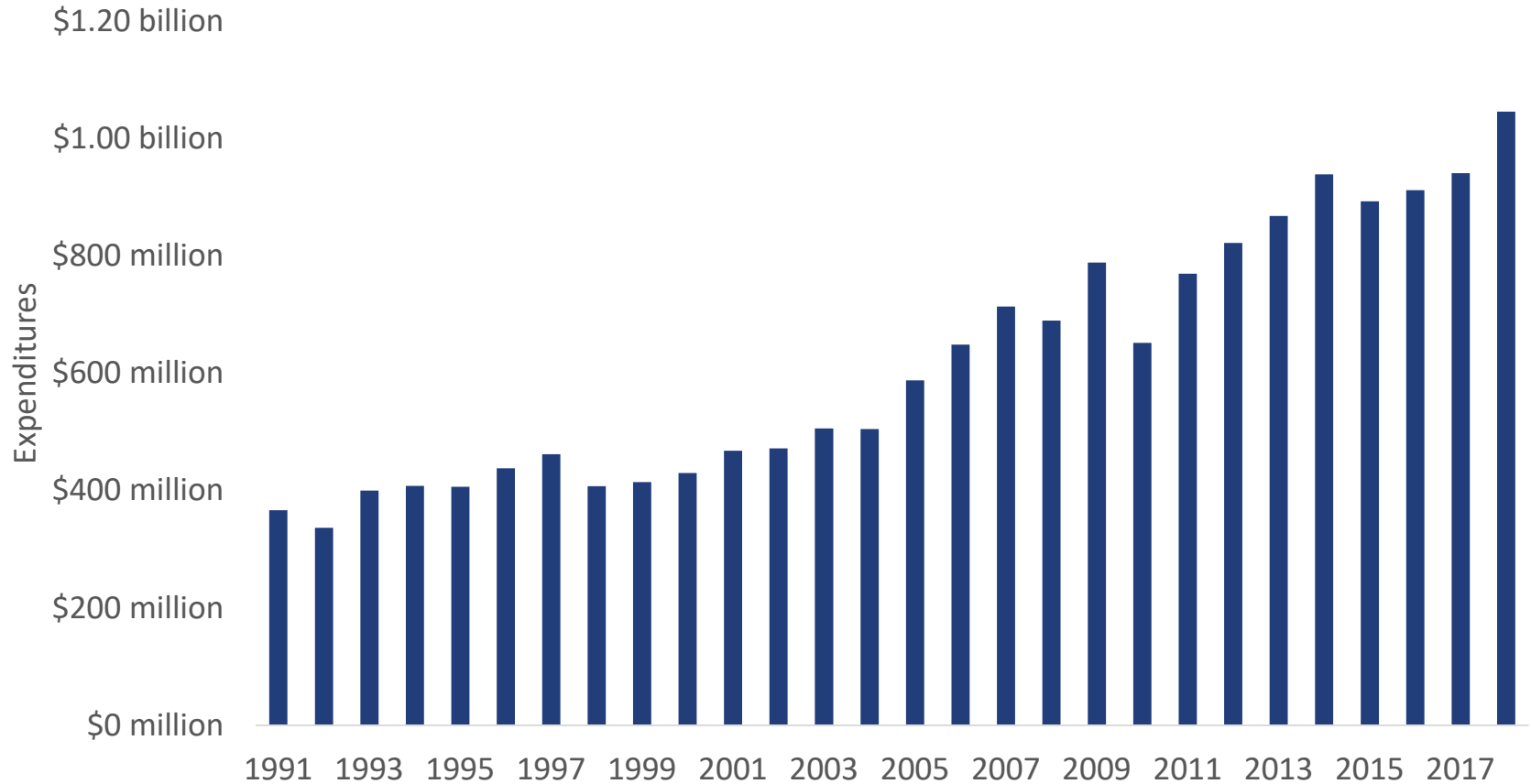
# Tennessee's Incarceration Rate is 10% Higher than National Average

U.S. and Tennessee State Imprisonment Rate per 100,000 Residents, 1978-2017



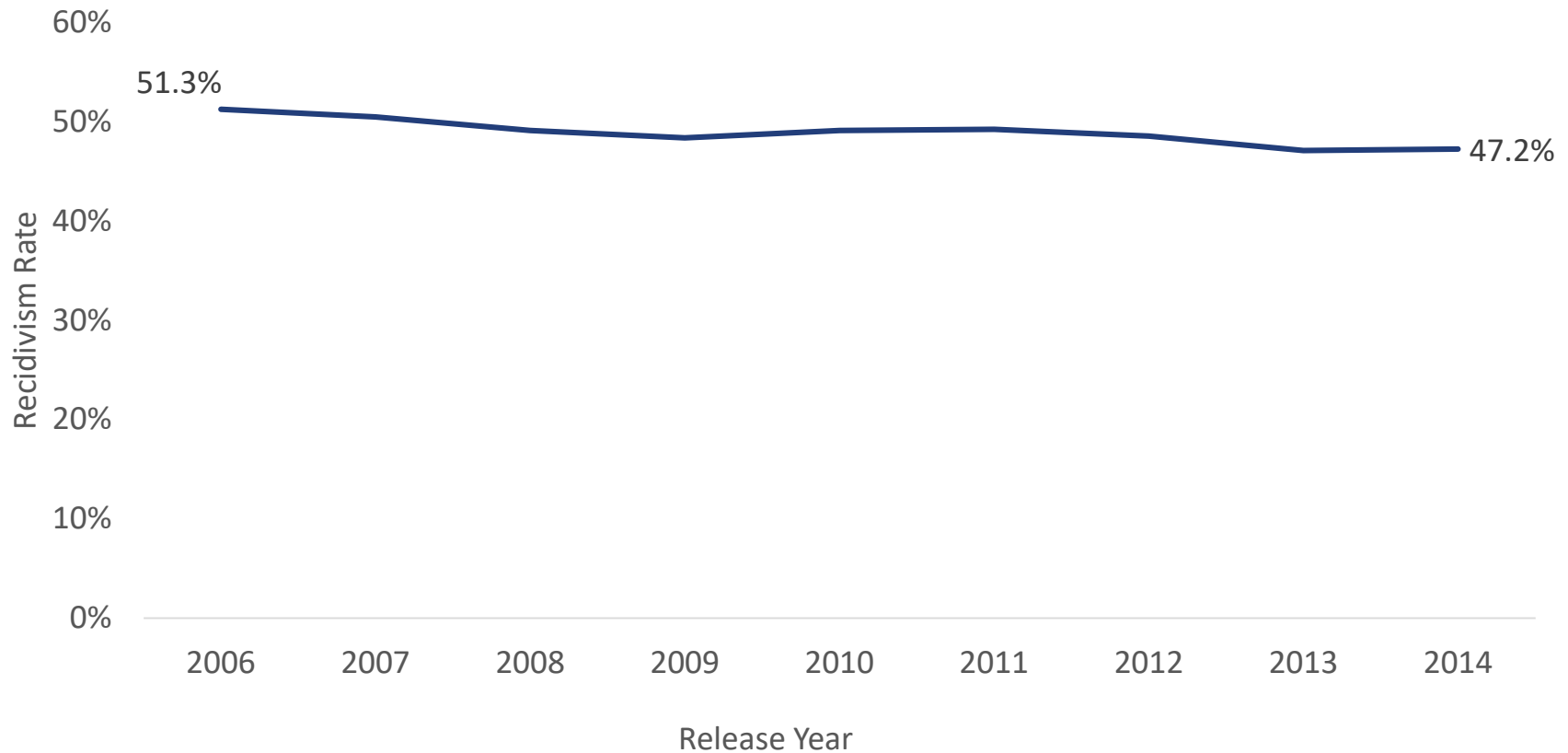
# Corrections Spending Grew 185% From 1991, Surpassed \$1 Billion in FY2018

Tennessee Corrections Expenditures, FY1991-FY2018



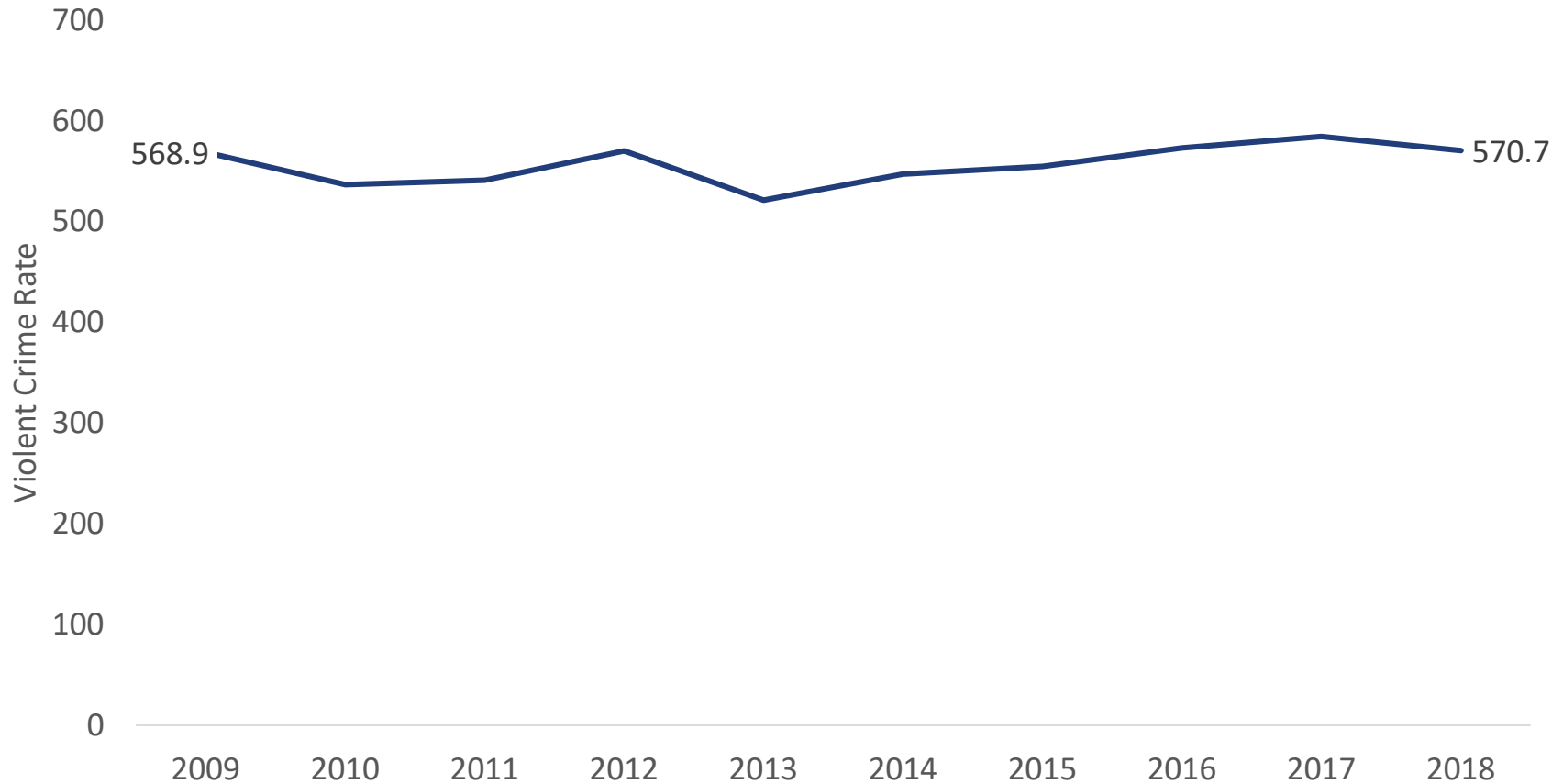
# Nearly Half of Individuals Released from Custody Are Arrested Within Three Years

36-Month Recidivism Rate for TN Felony Offenders Released  
by Release Year, FY2006-FY2014



# Despite Growing Costs and Increasing Incarceration, Crime Rate Remains Static

Violent Crime Rate per 100,000 Residents in Tennessee, 2009-2018





# Admissions



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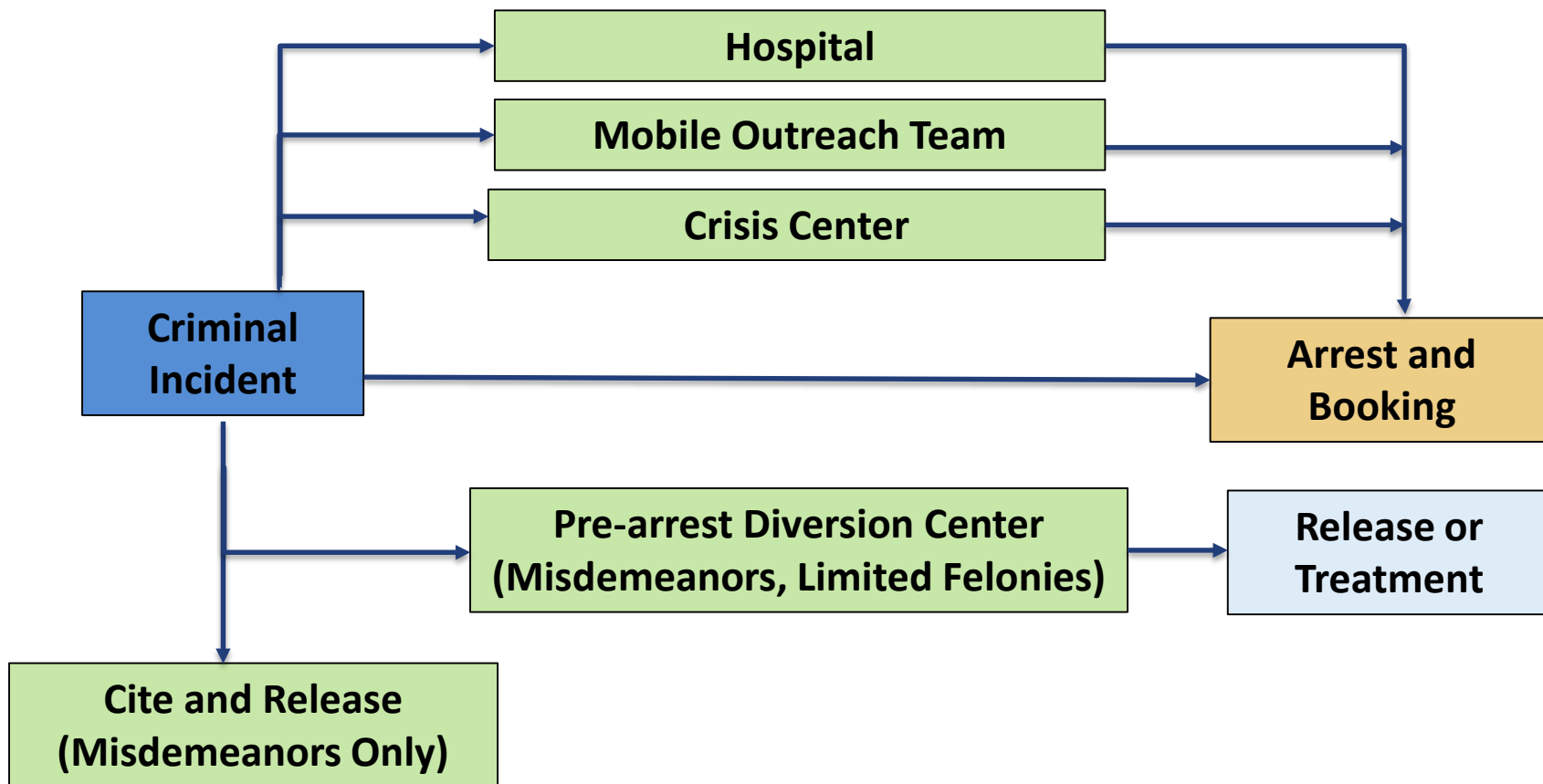
# Iron Law of Prison Population Growth

**Admissions + Time Served  
= TDOC Population**

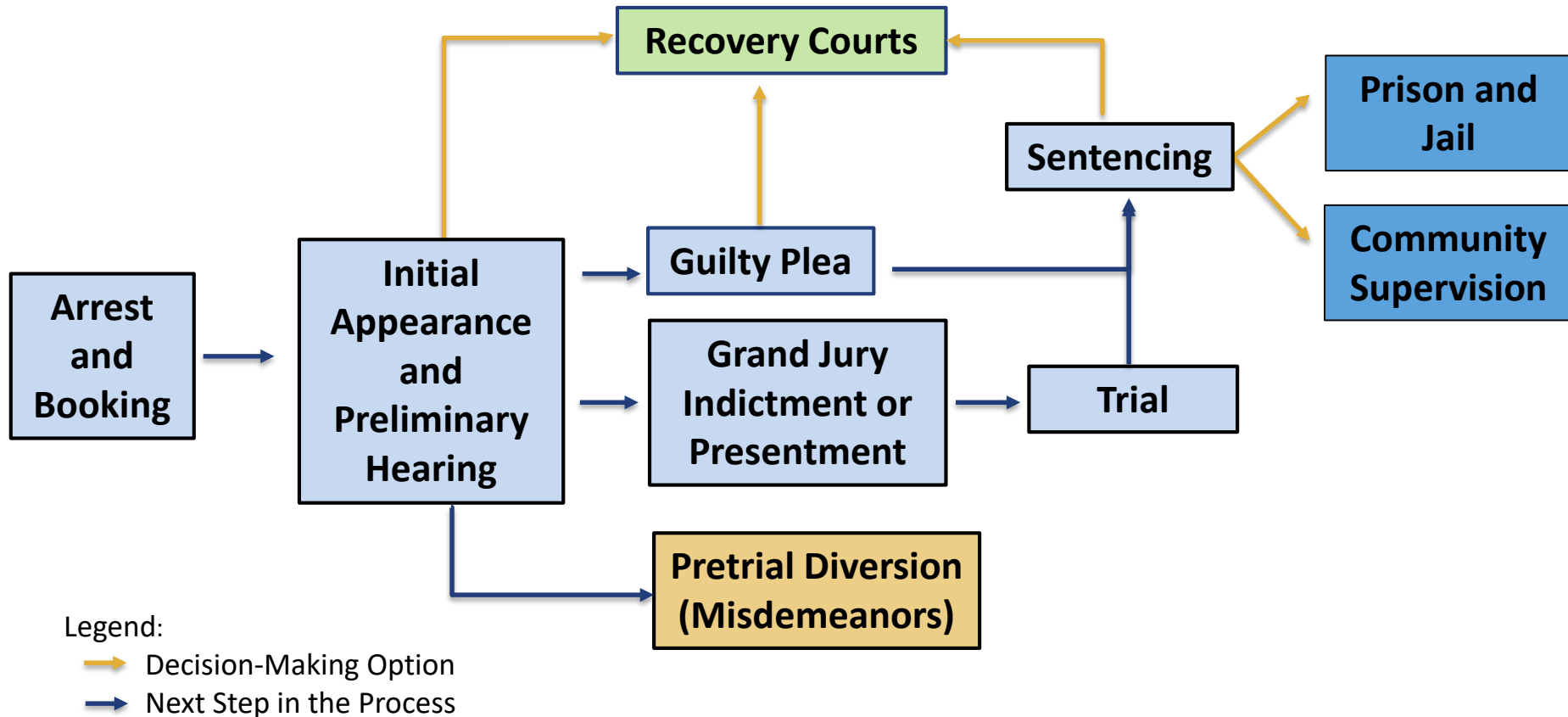
# Admissions Overview

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

# Most Law Enforcement Options Result in Arrest



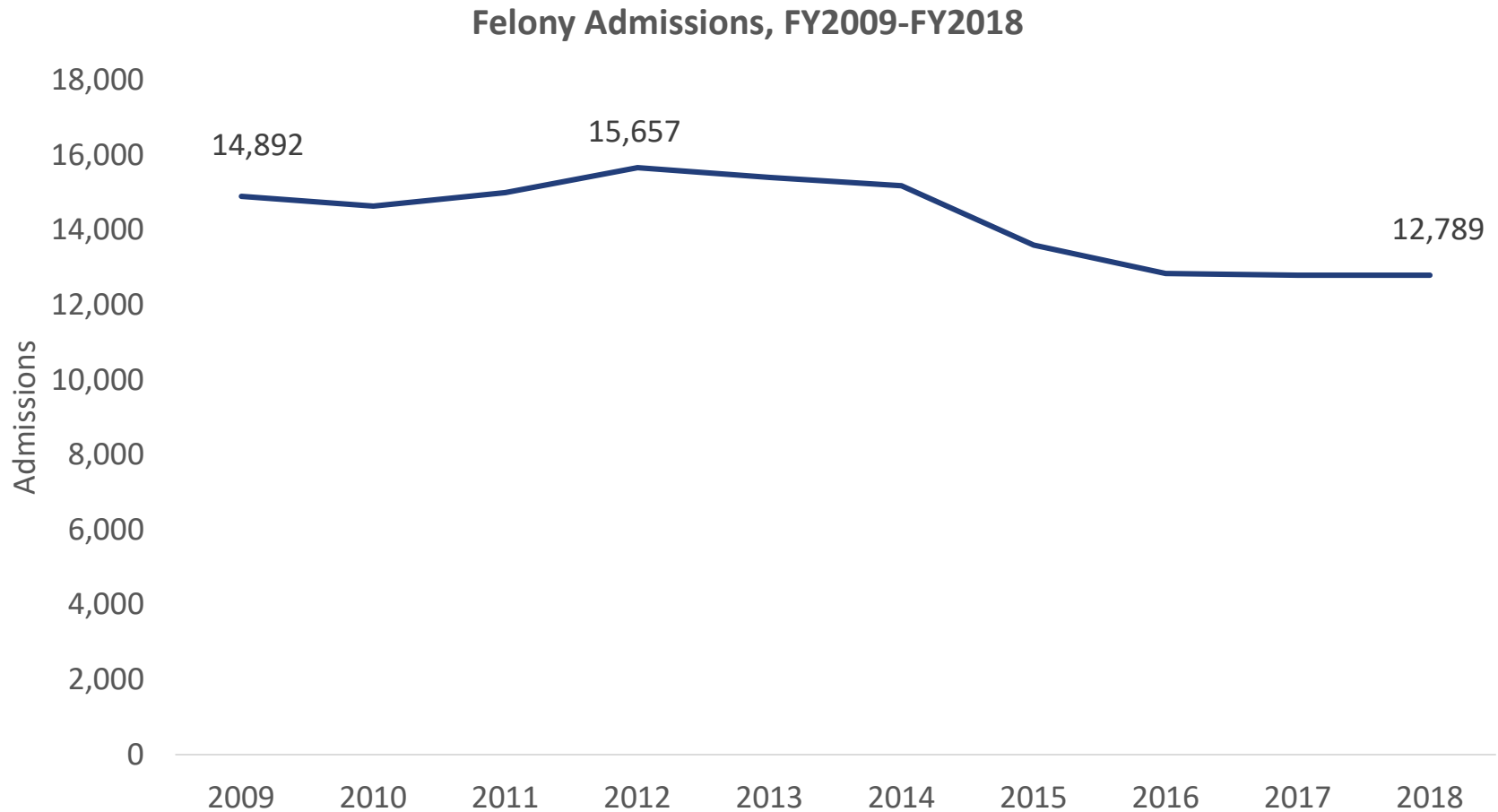
# Limited Diversion Opportunities Once Arrested



# Types of Admission to Prison and Jail

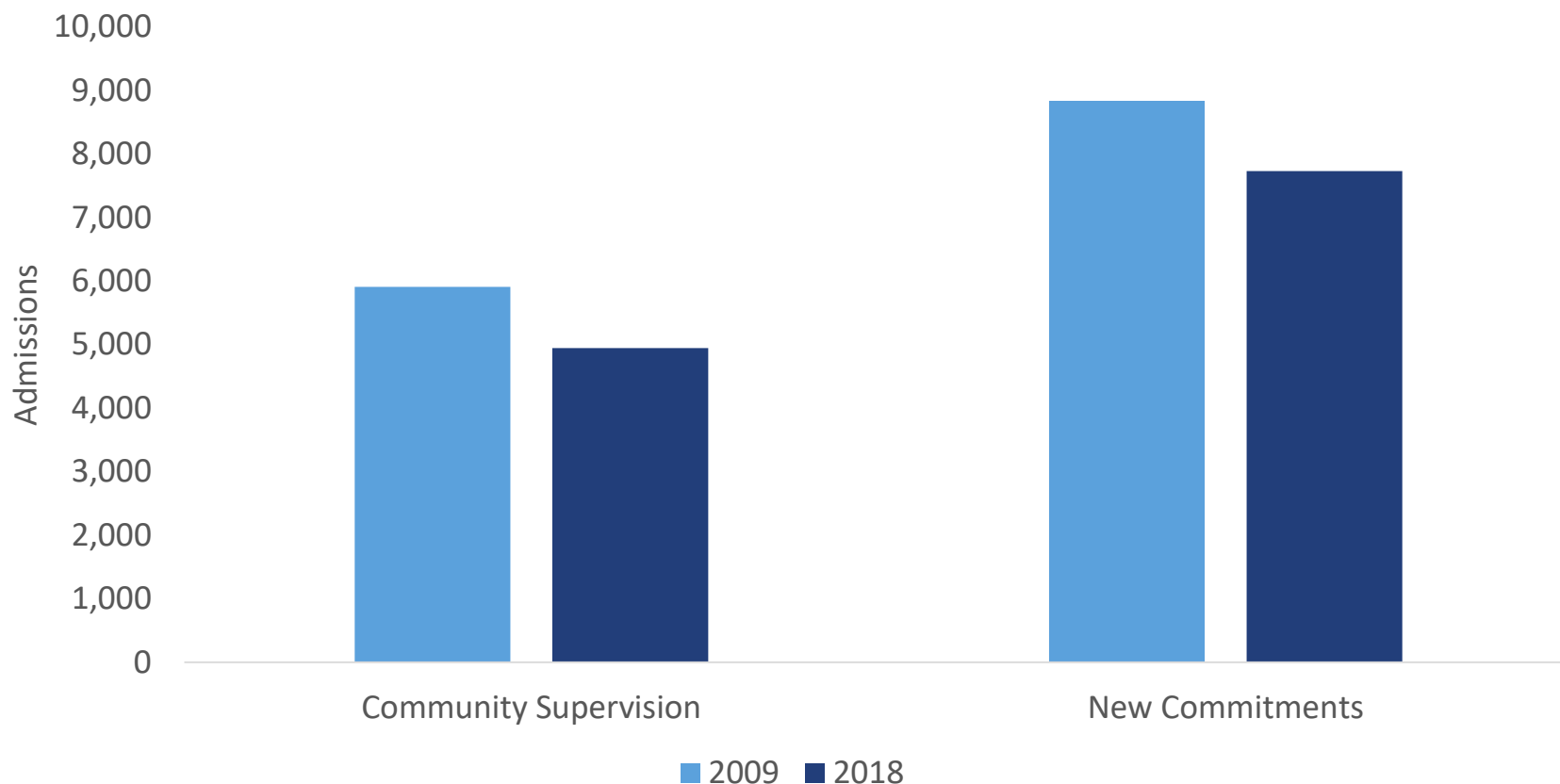
- **New Commitments:** Individuals entering prison or jail as a result of a new felony conviction where they were sentenced to serve at least one year in TDOC custody
- **Community Supervision Violators:** Individuals entering prison or jail as a result of violating a condition of parole or probation,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

# Felony Admissions Declined 14% in Last 10 Years



# Admissions Declined from Both Community Supervision Violators and New Commitments

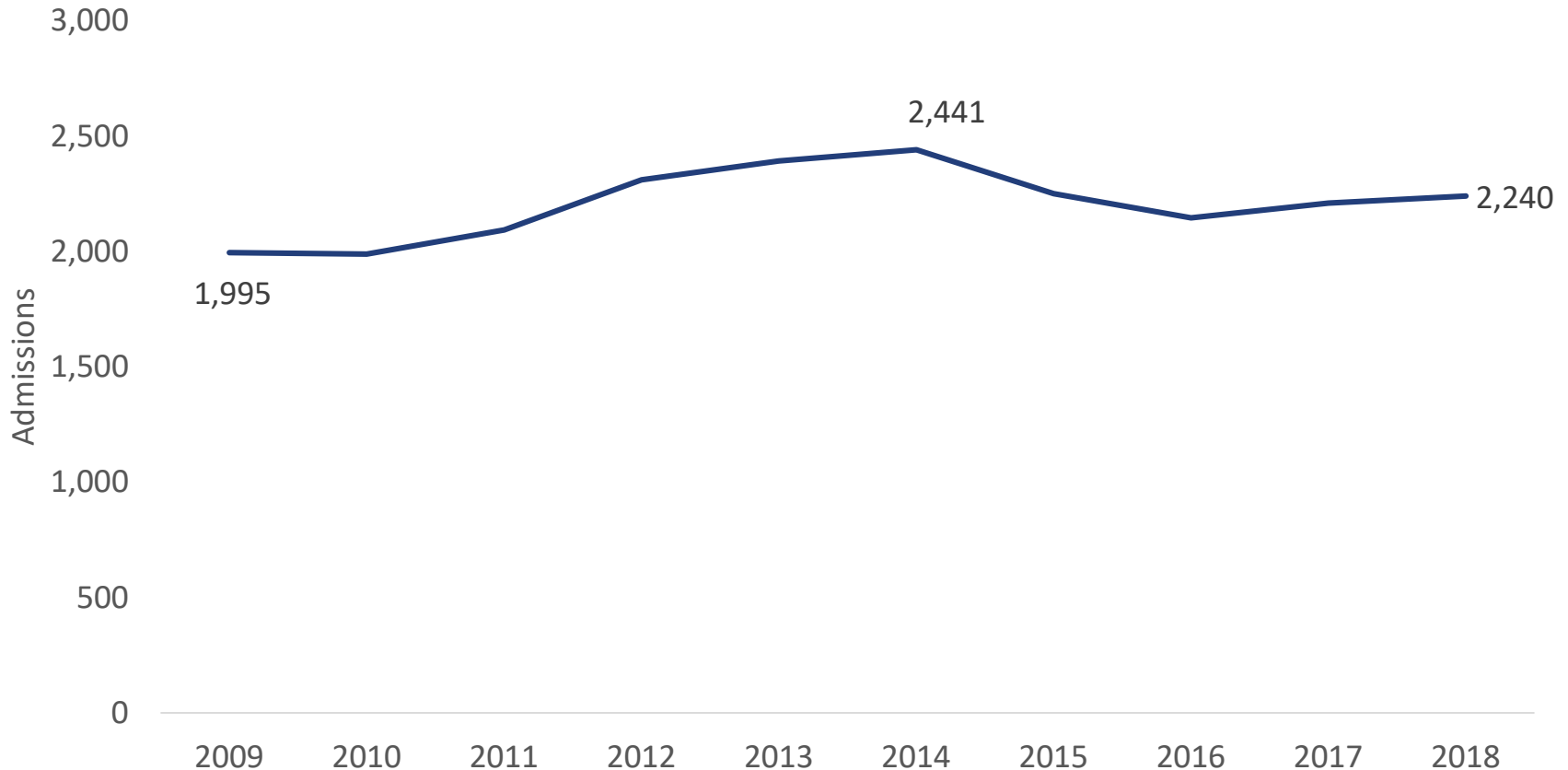
Felony Admissions by Admission Type, FY2009 vs. FY2018





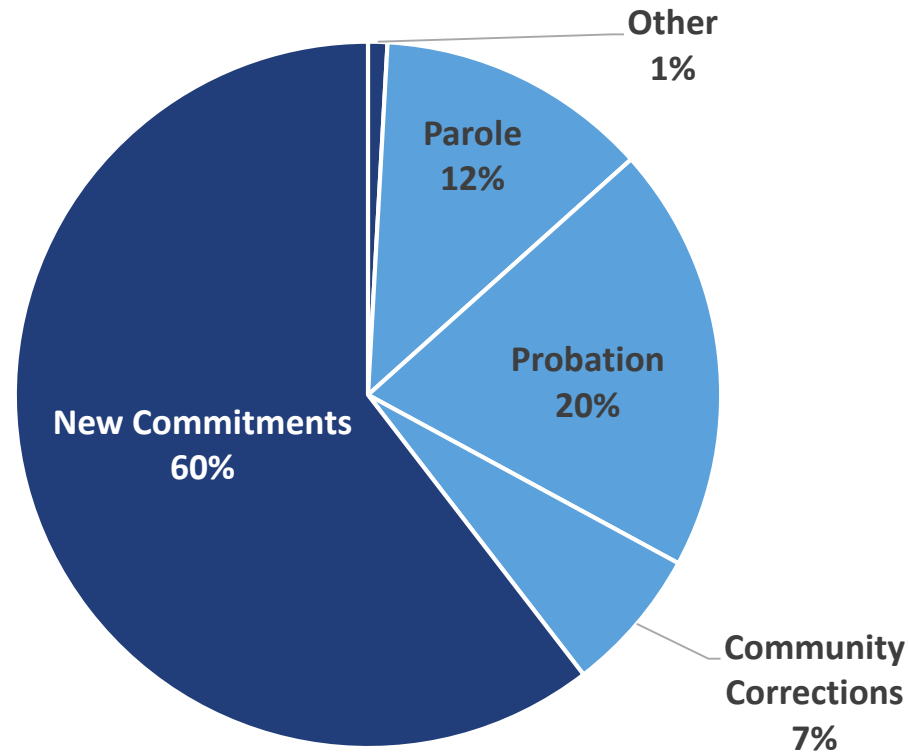
# Female Admissions Climbed 12% in 10 Years

Female Felony Admissions, FY2009-FY2018



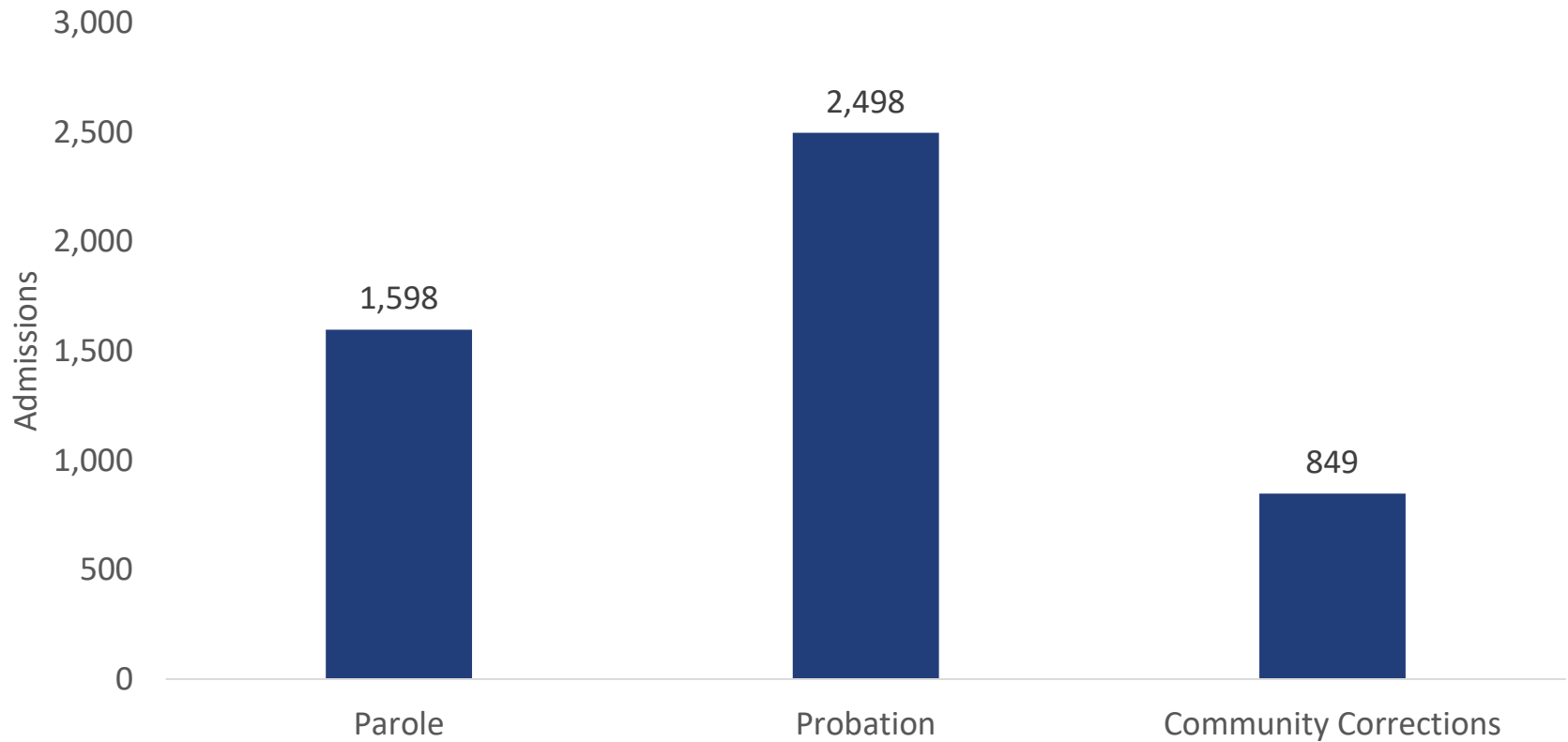
# Community Supervision Violators Account for 39% of Prison Admissions

Felony Admissions by Admission Type, FY2018



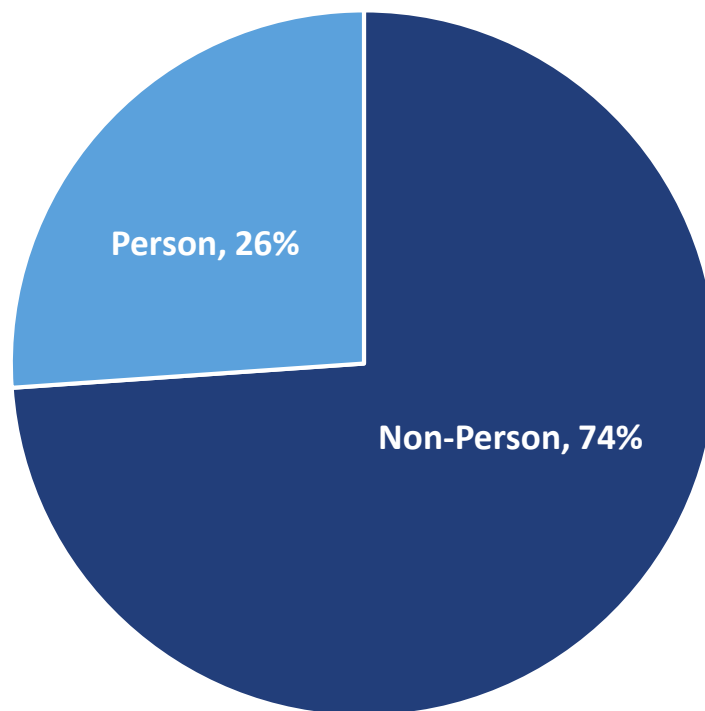
# Nearly 5,000 Admitted from Community Supervision

Felony Admissions from Community Supervision by Supervision Type, FY2018



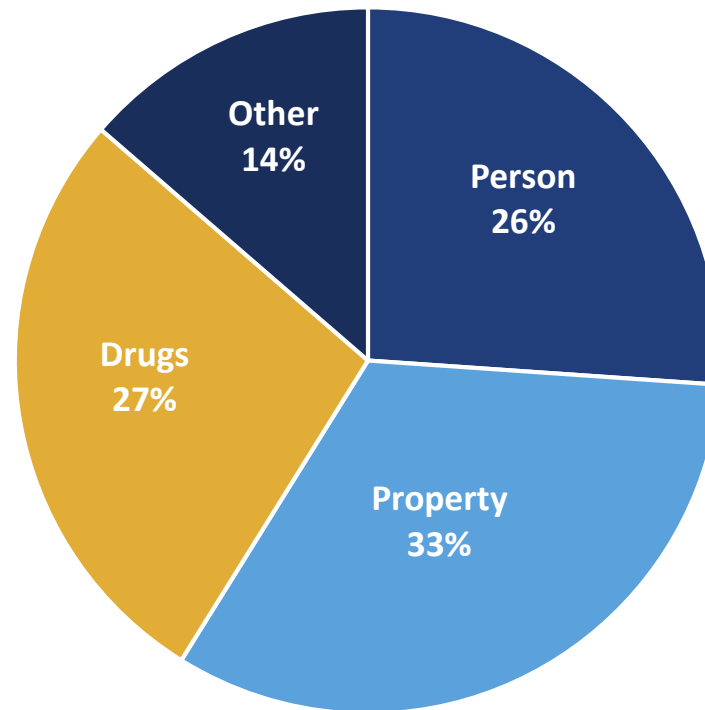
# 74% of Felony Admissions for Non-Person Offenses

Felony Admissions by Offense Type, FY2018



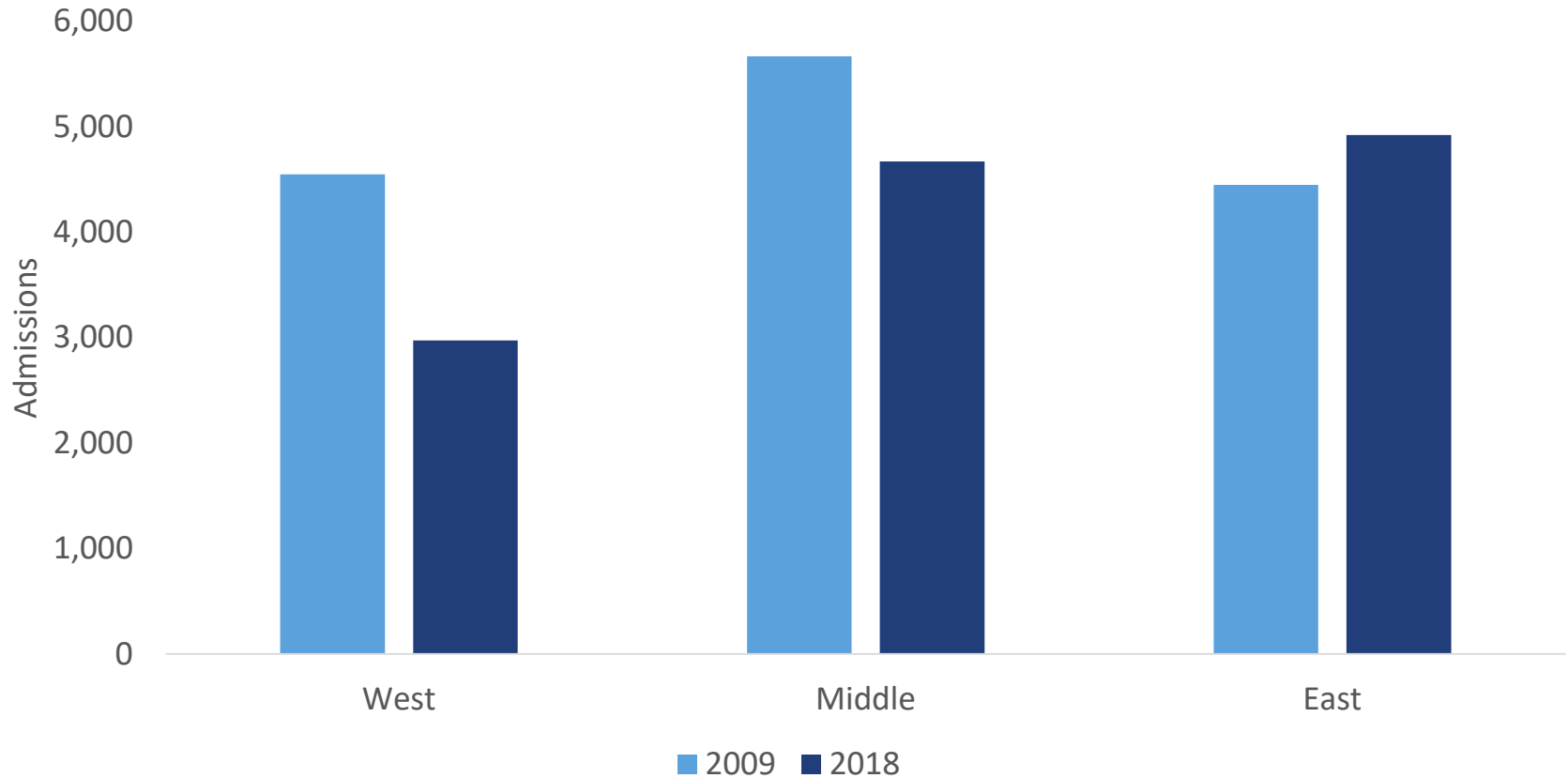
# Property Offenses are Most Common Reason for Admission

Felony Admissions by Offense Type, FY2018



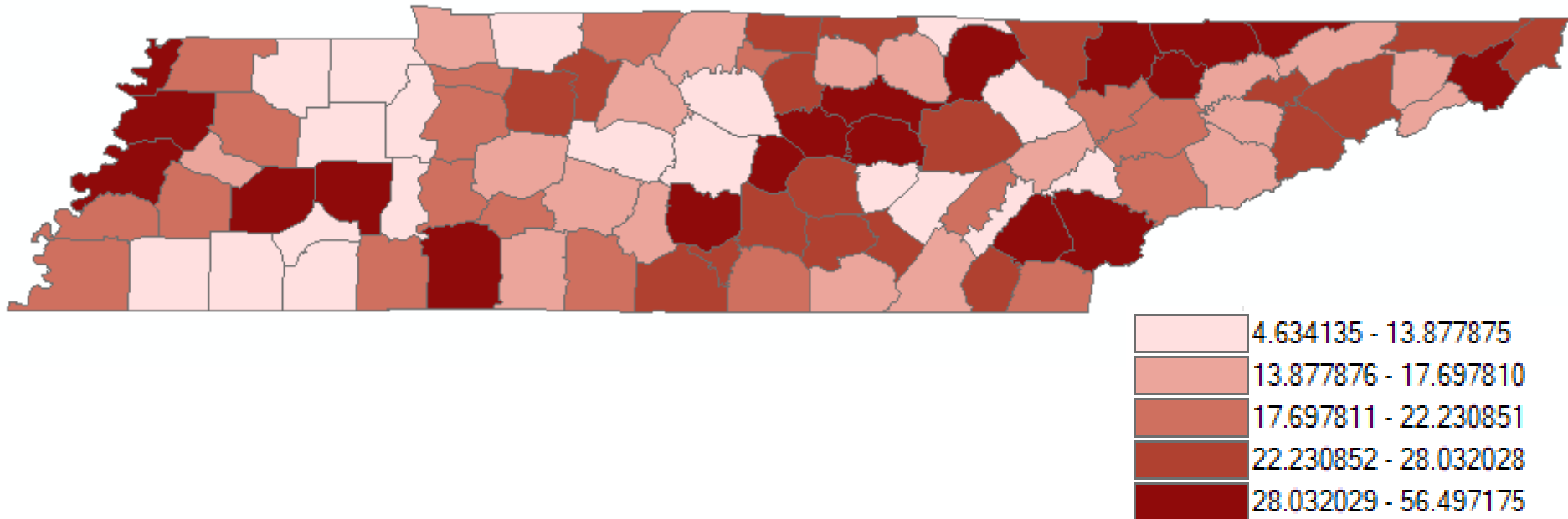
# Eastern Region Counters Statewide Trend by Sending More to Prison

Felony Admissions by Region, FY2009 vs. FY2018



# Felony Admission Rates Highest Outside Major Metropolitan Areas

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



# 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



# 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



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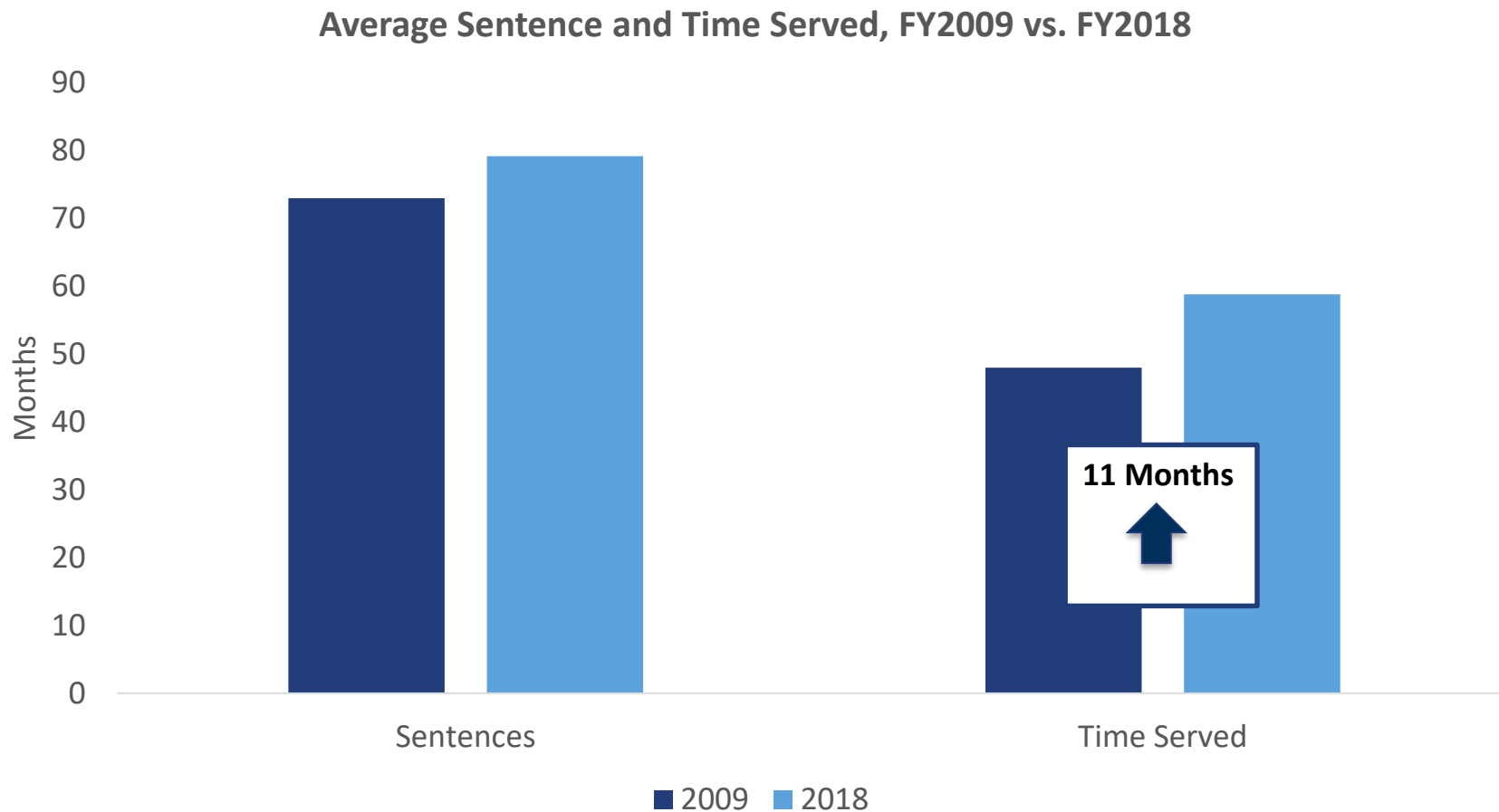
# Iron Law of Prison Population Growth

**Admissions + Time Served  
= TDOC Population**

# Time Served Overview

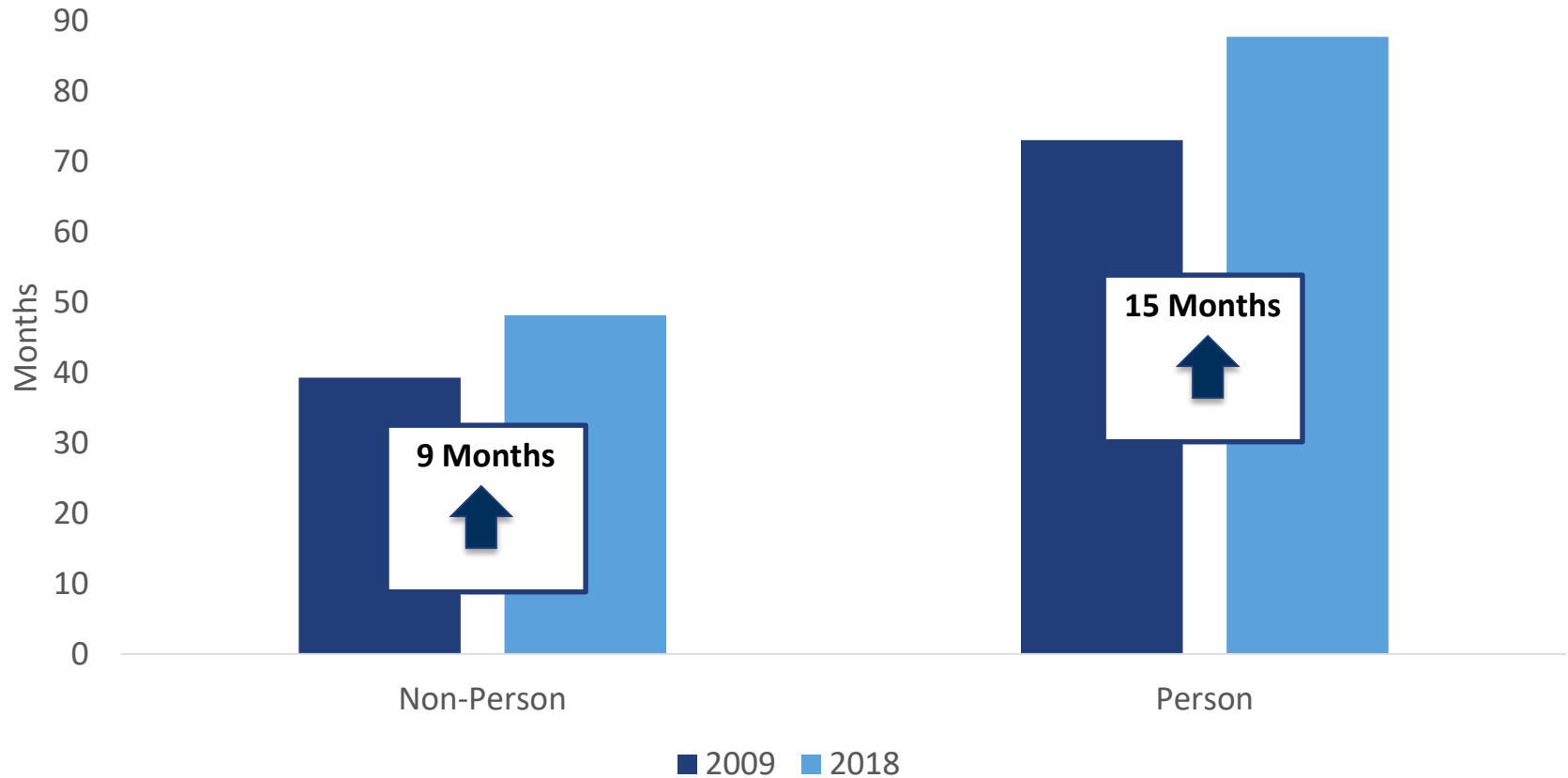
- Time served over time
- Time served by offense type
- Time served by population type
- Time served by release type
- Sentencing practices
- Credit accrual
- Release mechanisms

# Average Time Served Grew 11 Months



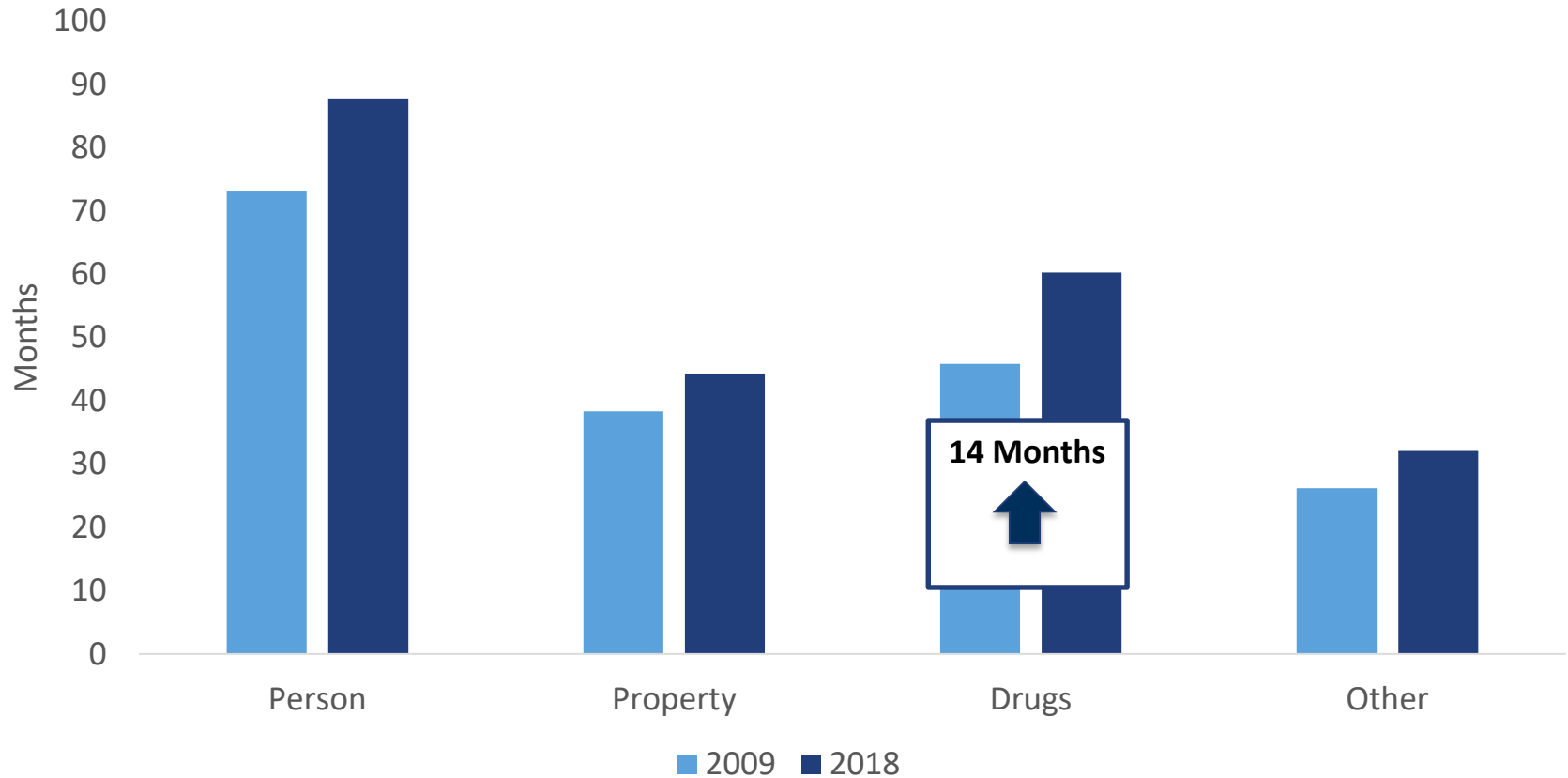
# Time Served Increased for All Offense Types

Average Time Served by Offense Type, FY2009 vs. FY2018



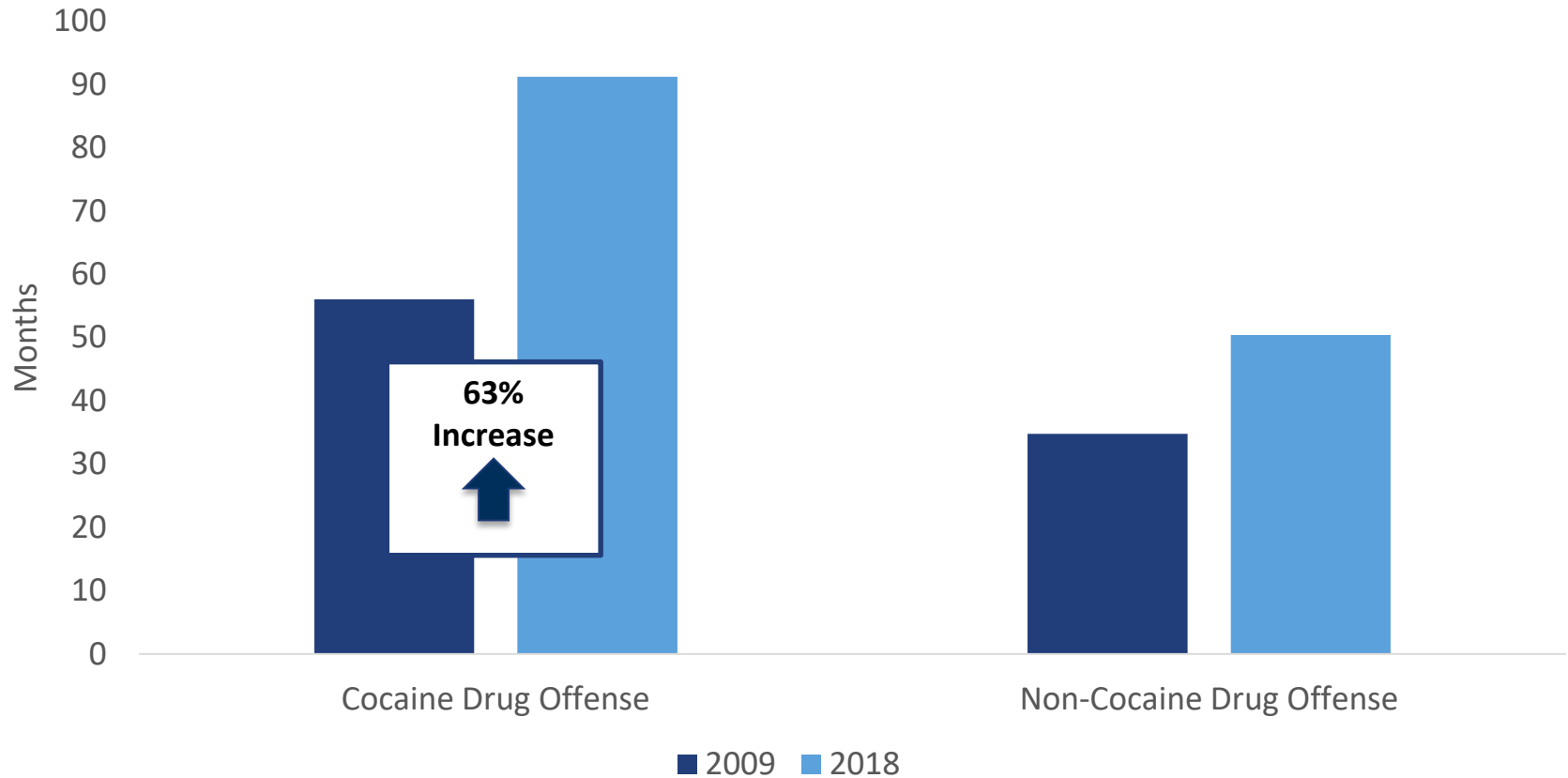
# Time Served on Drug Offenses Up 32%

Average Time Served by Offense Type, FY2009 vs. FY2018



# Time Served for Cocaine Offenses Grew by 63%

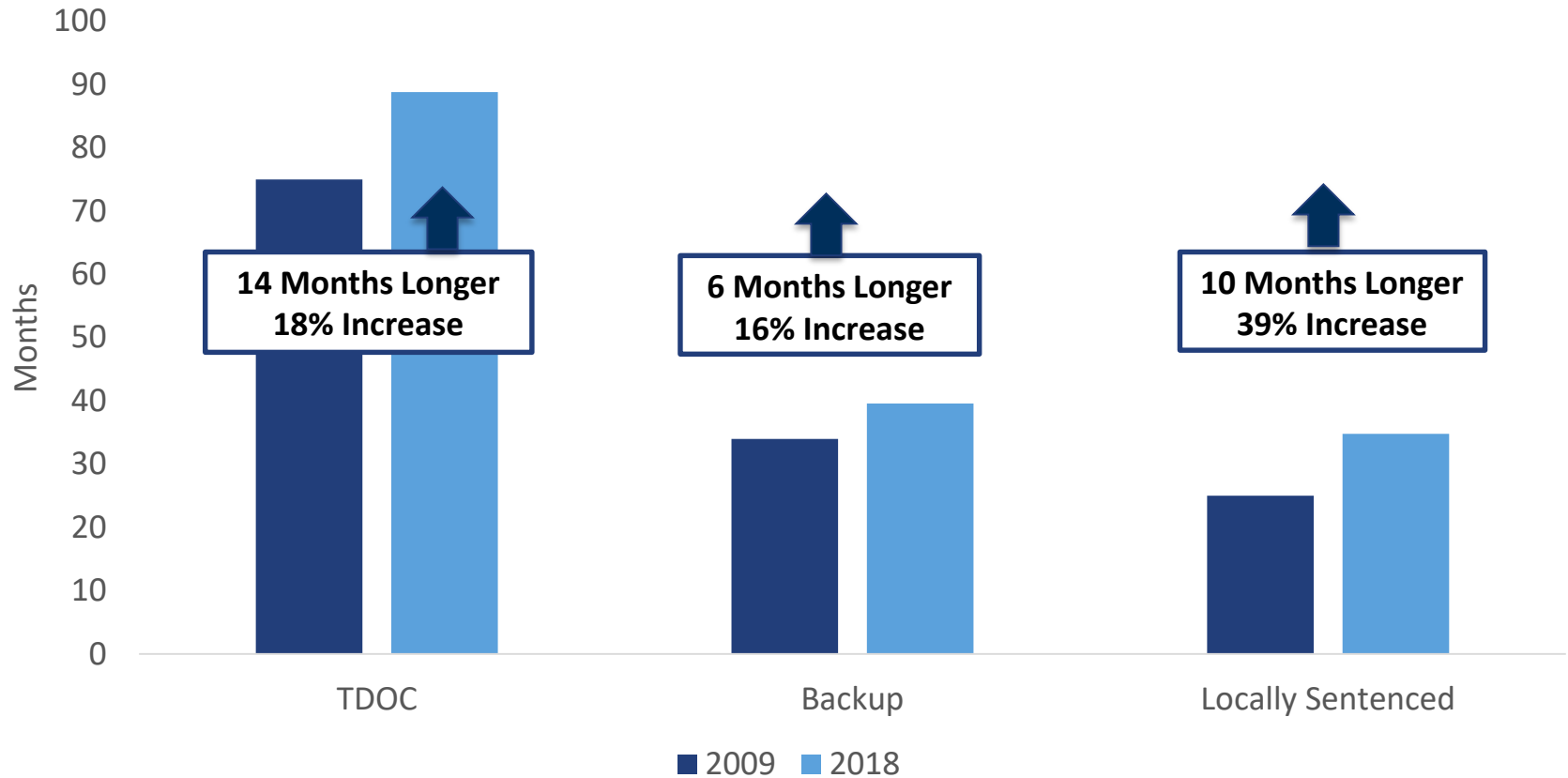
Average Time Served on Drug Offenses, FY2009 vs. FY2018





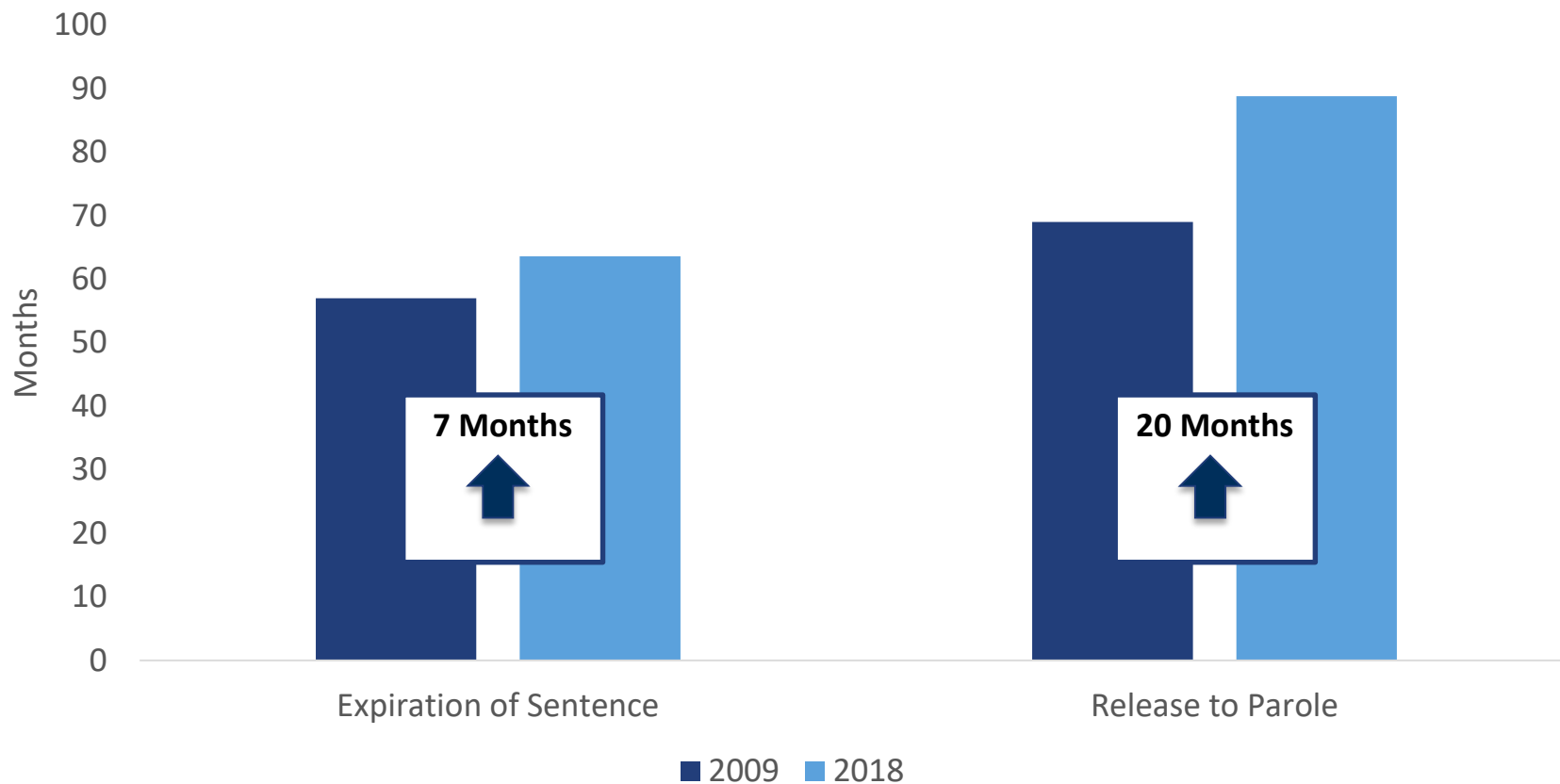
# Time Served in State Prisons Up 14 Months, Locally Sentenced Population Up 10 Months

Average Time Served by Population Type, FY2009 vs. FY2018



# Time Served Prior to Release on Parole Up by 20 Months

Average Time Served by Release Type, FY2009 vs. FY2018



# Research on Length of Stay and Recidivism

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

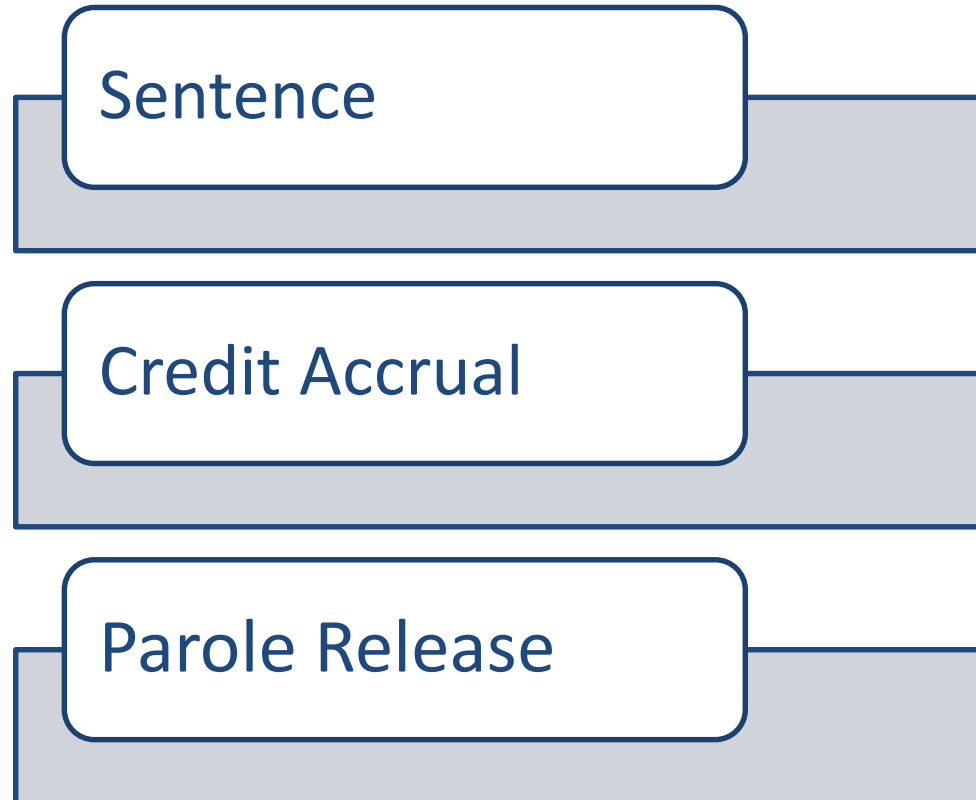
## Findings:

- 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

# 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

# Understanding Time Served



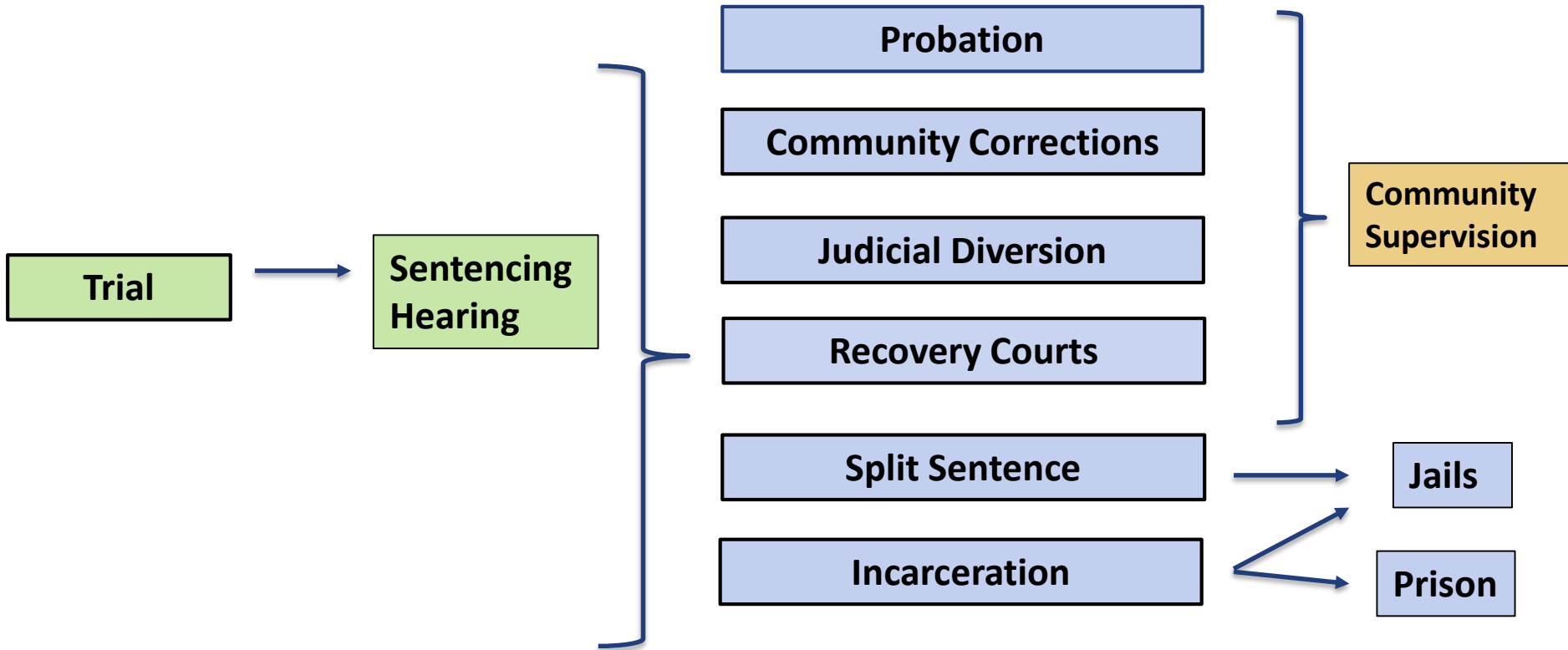
# Sentencing: Felony Sentencing Class

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

# Sentencing: Felony Sentencing Grid

Criminal History	Felony Class				
	Felony A	Felony B	Felony C	Felony D	Felony E
<b>Mitigated Offenders:</b> 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.				
<b>Standard</b> Range I (0-1 prior)	15 – 25 years	8 – 12 years	3 – 6 years	2 – 4 years	1 – 2 years
<b>Multiple</b> 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
<b>Persistent</b> 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
<b>Career Offender</b> (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: Felony Sentencing Options



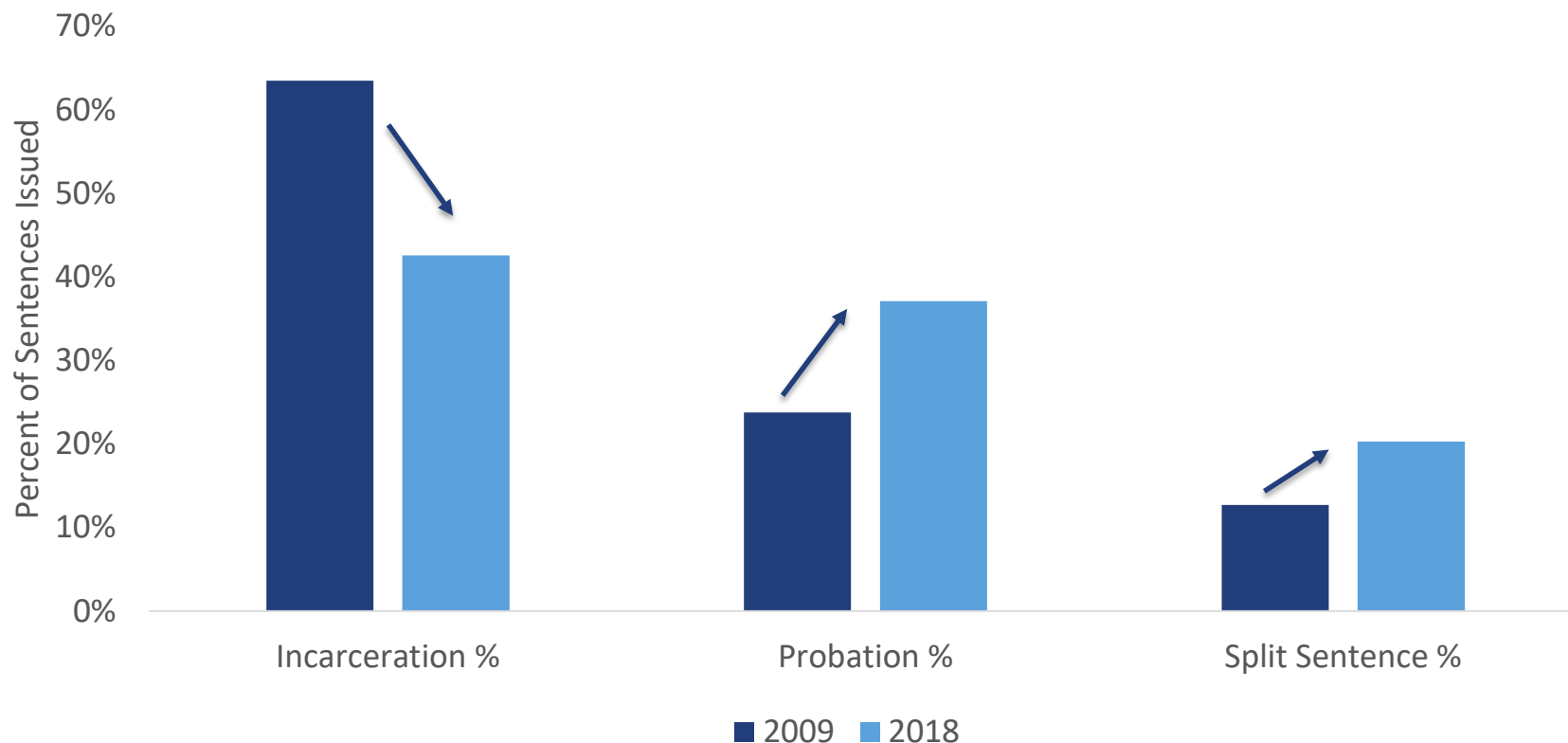


# Sentencing: Alternatives to Incarceration

Alternatives	Eligibility
<b>Probation</b>	Eligible if the sentence imposed is ten years or less. Prohibited offenses include sex offenses, violent offenses, and Class B drug offenses.
<b>Judicial Diversion</b>	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.
<b>Community Corrections</b>	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.
<b>Recovery Courts</b>	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.

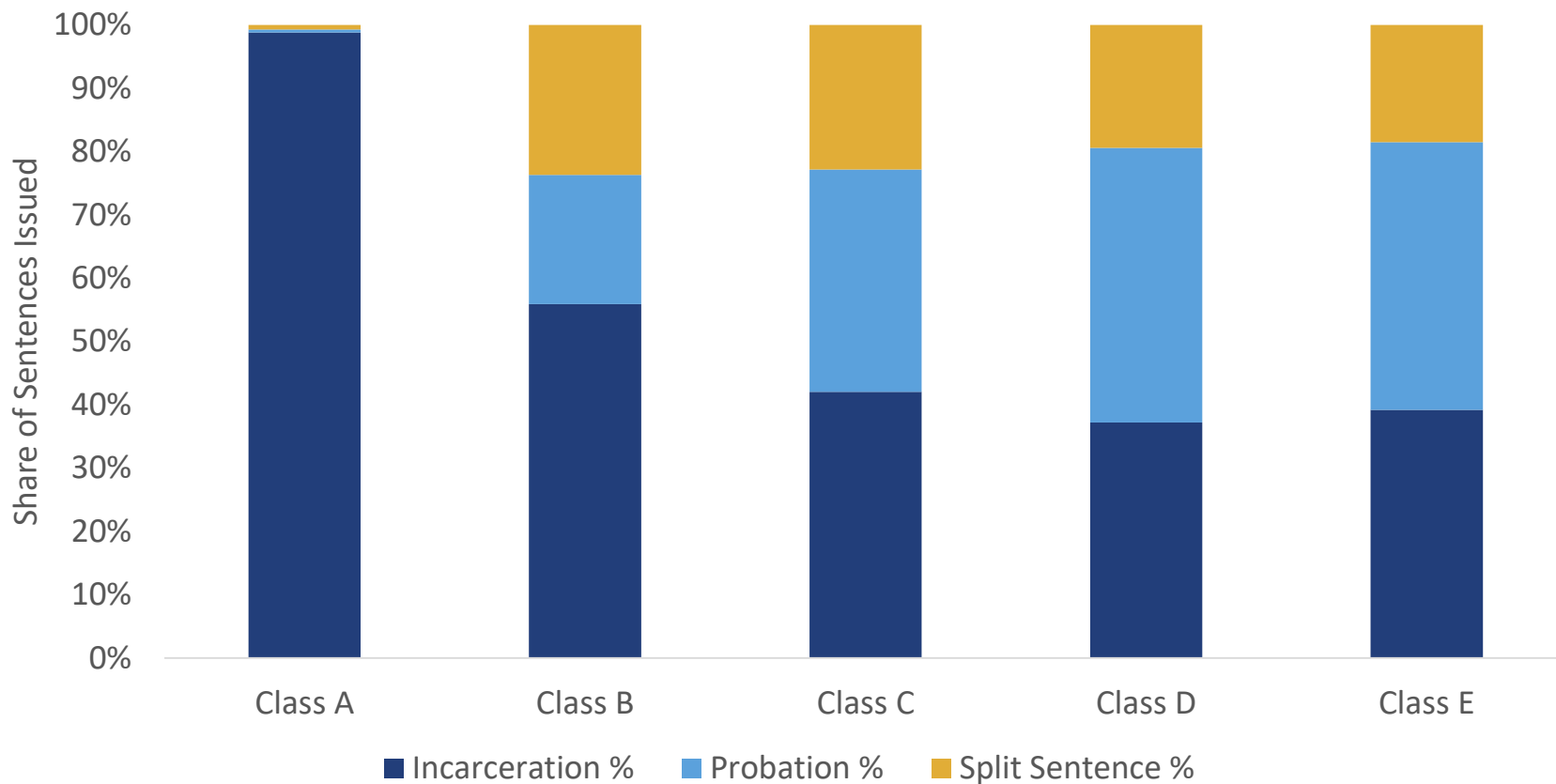
# Courts Shifting Away from Incarceration to Probation, Split Sentences

Type of Sentence Issued for All Sentenced Felony Offenders,  
FY2009 vs. FY2018



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

Sentence Type by Felony Class for All Sentenced Felony Offenders, FY2018



N = 577

N = 3705

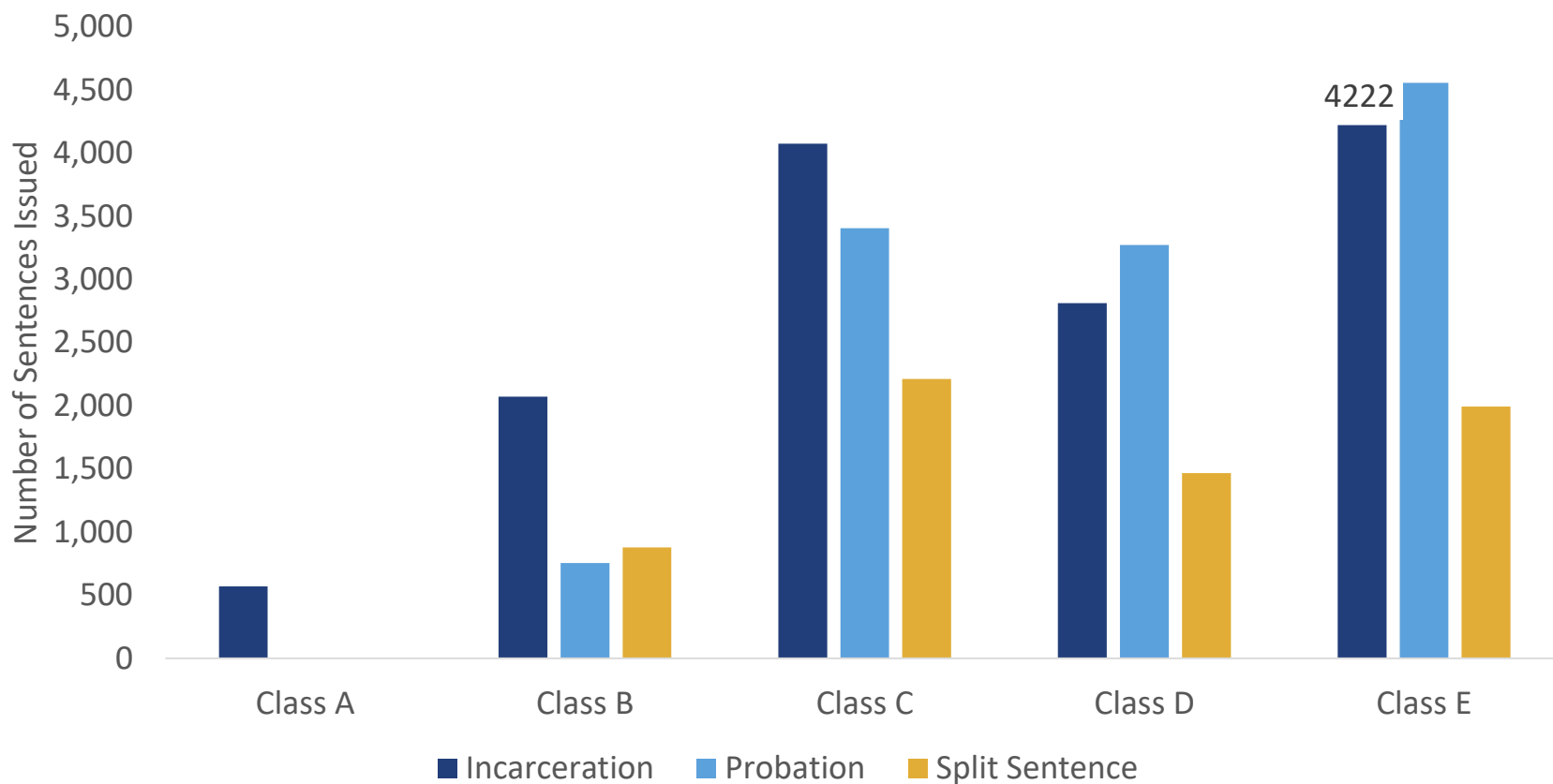
N = 9702

N = 7558

N = 10,770

# Class E Offenses Represent Largest Group Sentenced to Prison in FY18

Sentence Type by Felony Class for All Sentenced Felony Offenders, FY2018



N = 577

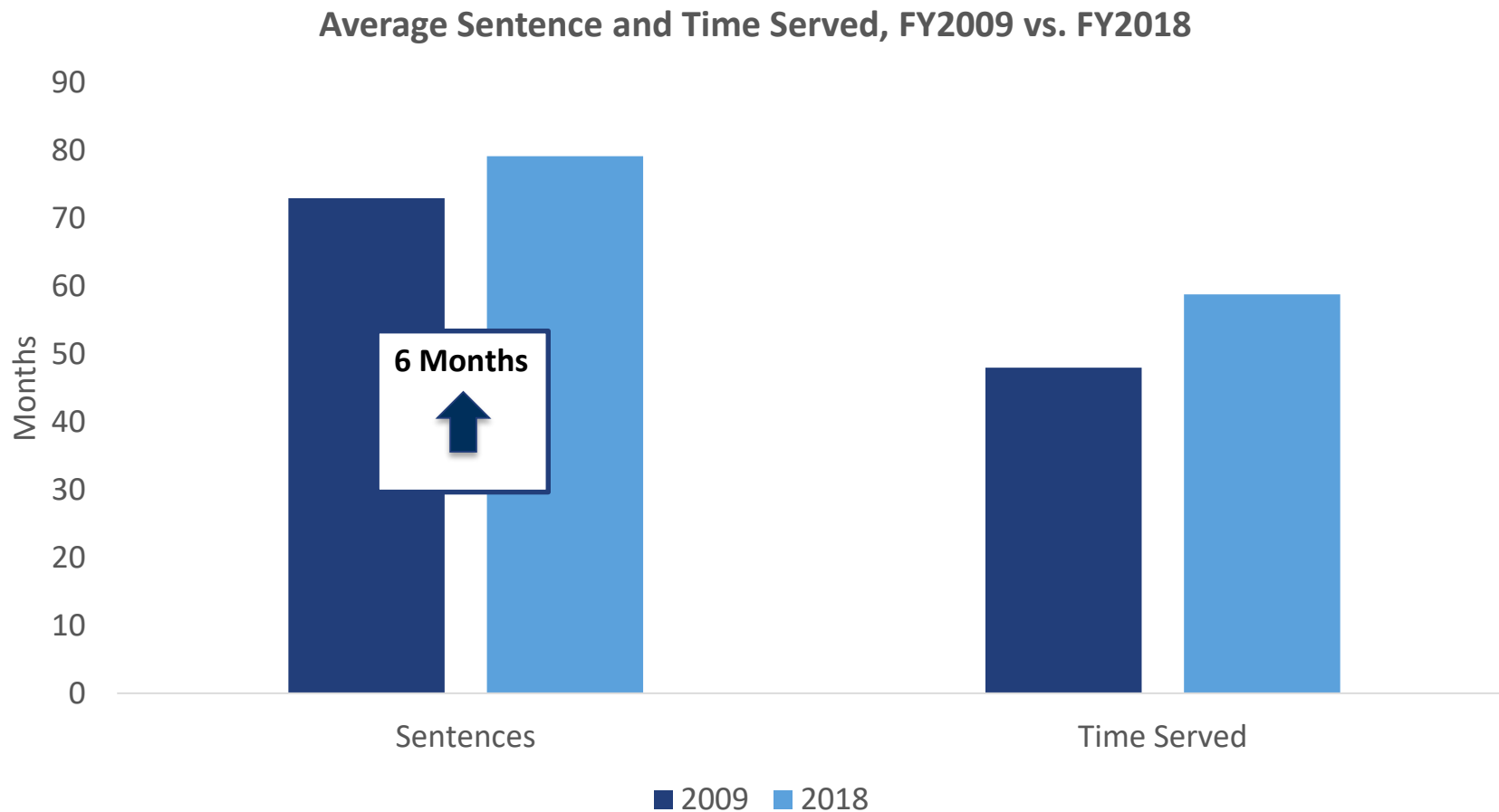
N = 3705

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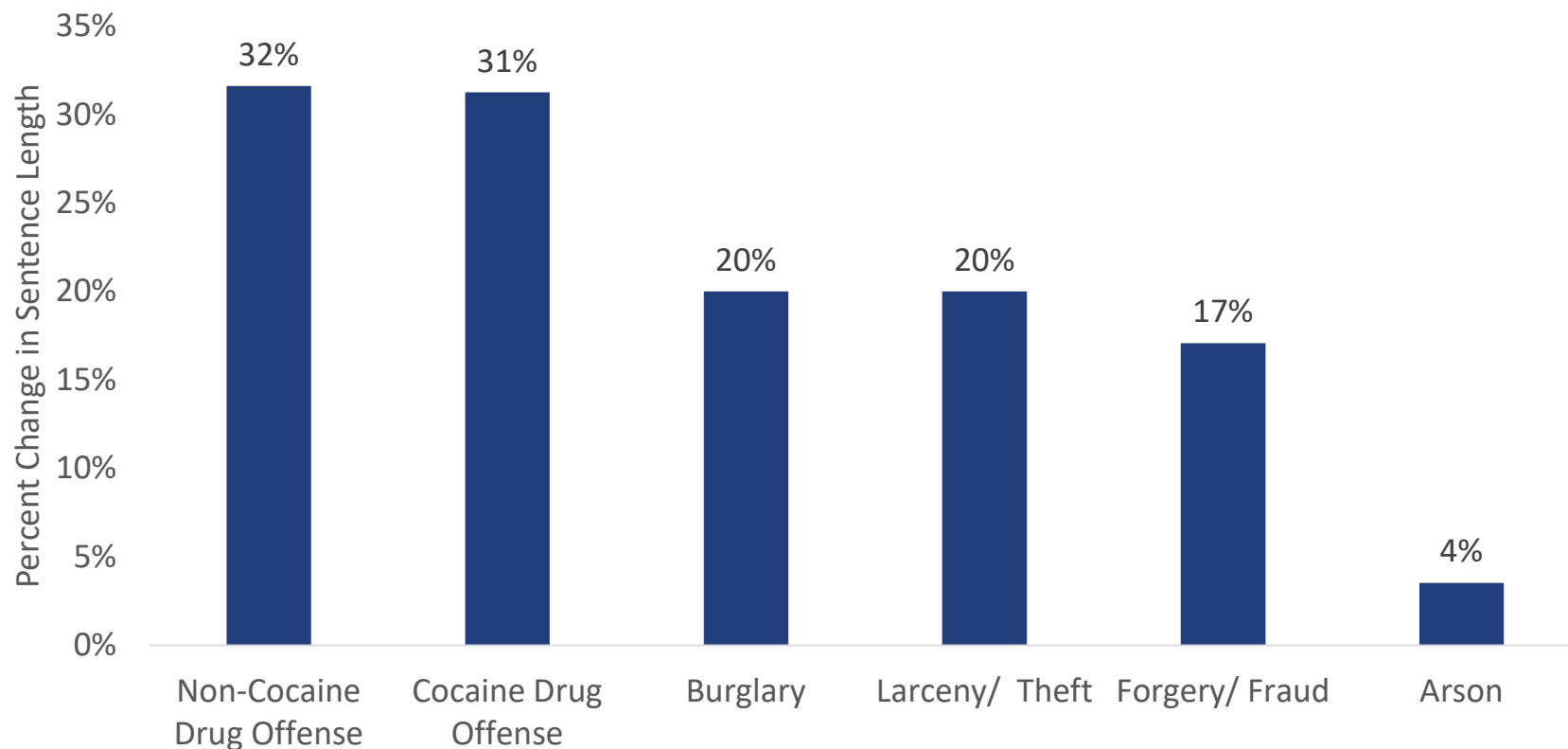
# Average Sentence to Incarceration Increased By 6 Months



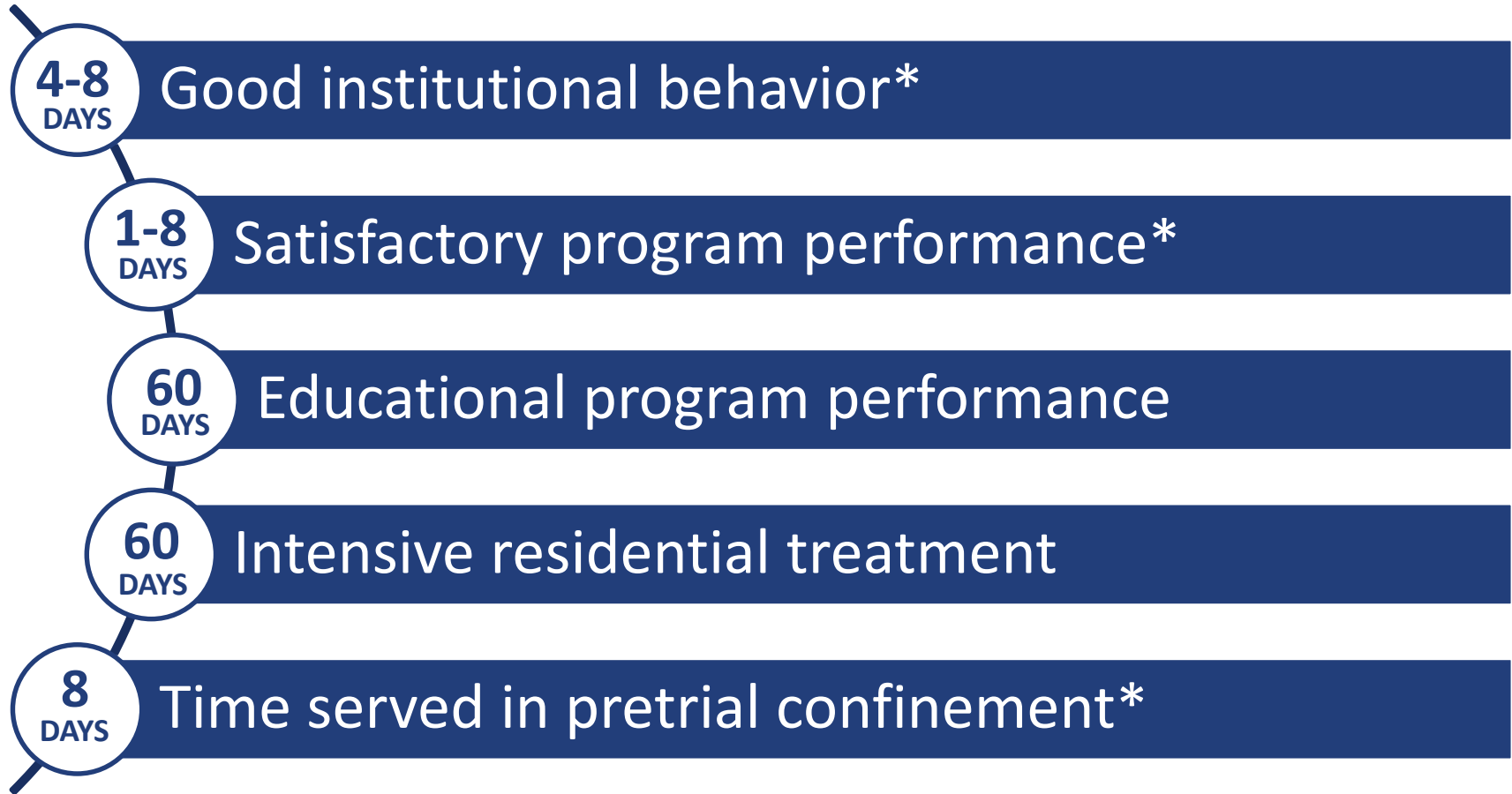
\*Average sentence length excludes sentences to life imprisonment or death.

# Sentence Lengths for Drug Offenses Grew More Than 30%

Percent Change in Average Sentence Length by Drug and Property Offense Type Between FY2009 and FY2018



# Opportunities for Credit Accrual



# Research on Incentives and Rewards

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

## Findings:

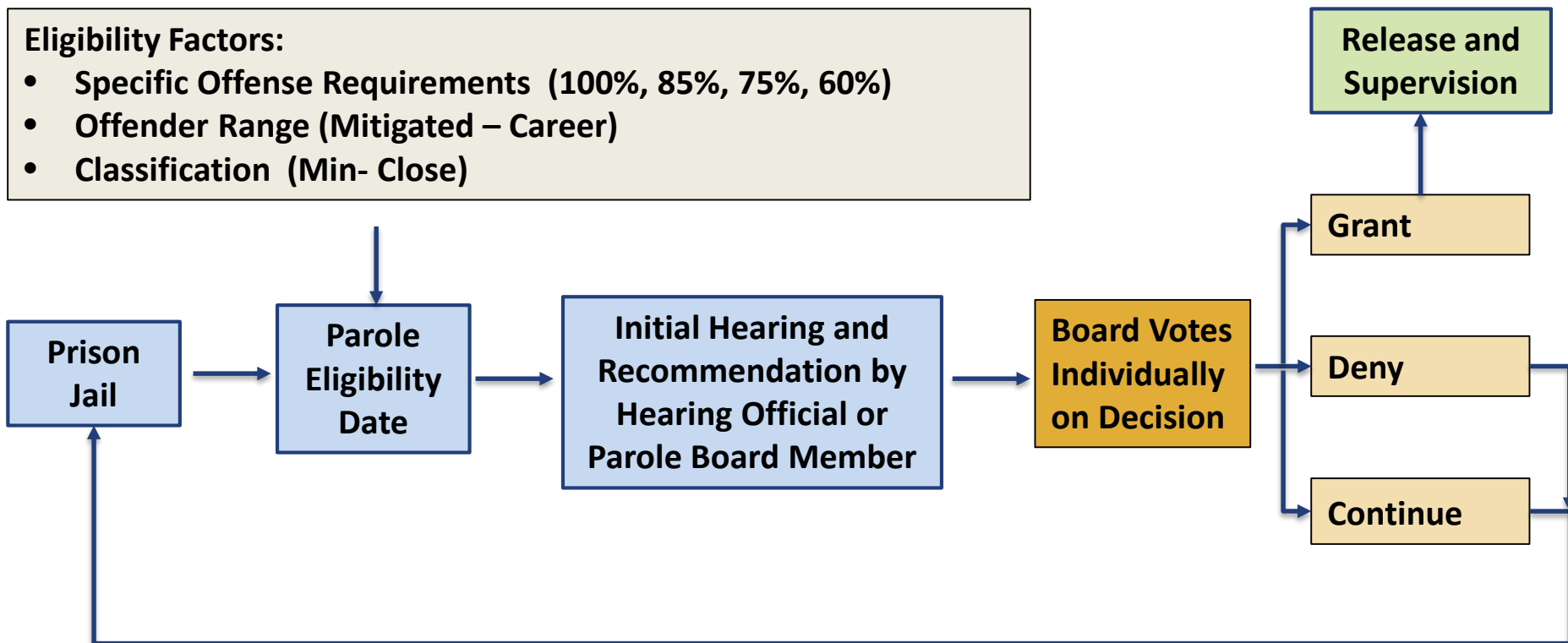
- Gendreau et al. (2014): Found that contingency management programs “produced marked improvements on indices of institutional adjustment and educational and work-related behaviors”
- Drake et al. (2009): Examined the impact of increasing earned credits for nonviolent offenders in Washington and found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



# Parole System Map

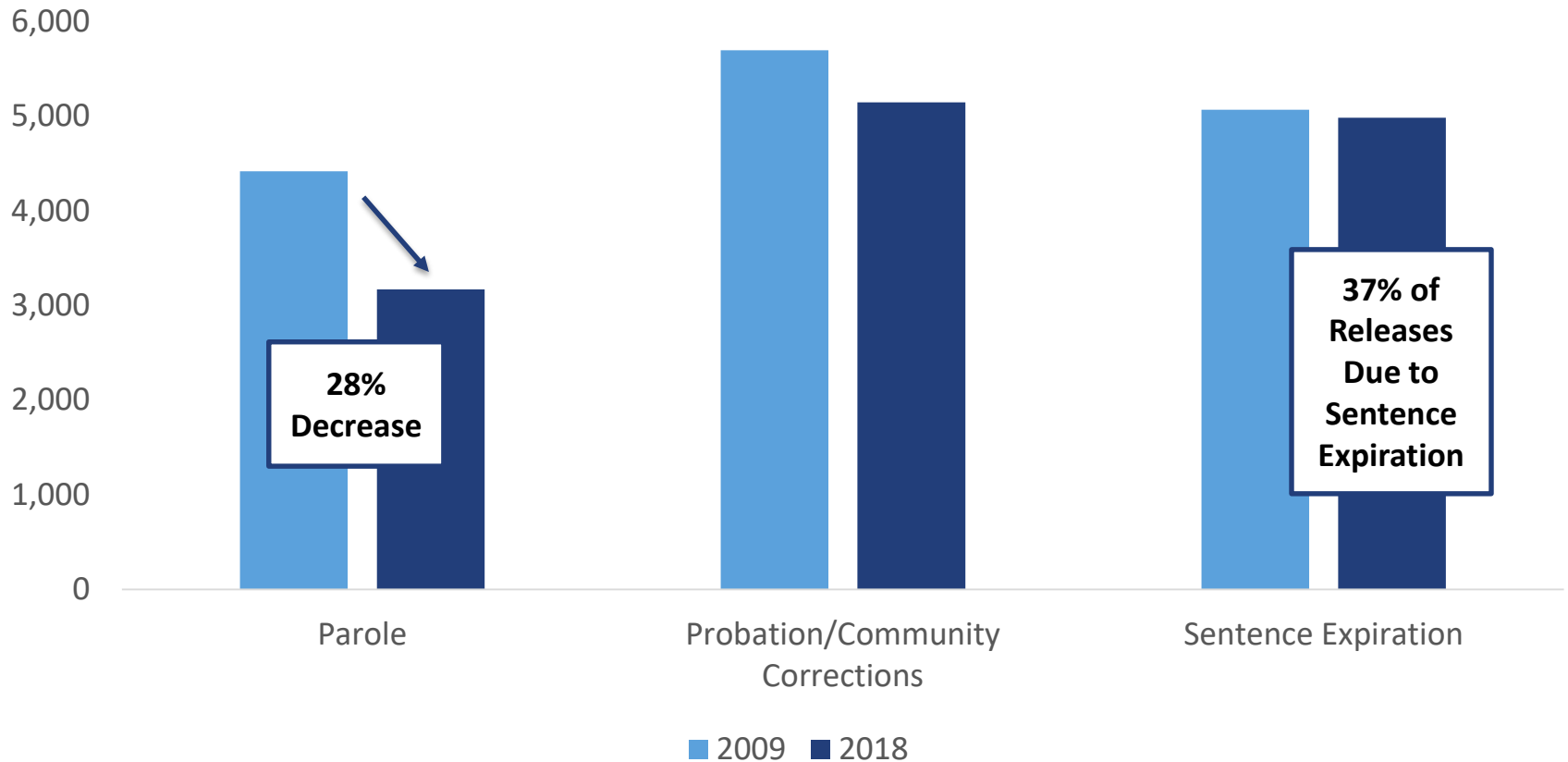
## Eligibility Factors:

- Specific Offense Requirements (100%, 85%, 75%, 60%)
- Offender Range (Mitigated – Career)
- Classification (Min- Close)



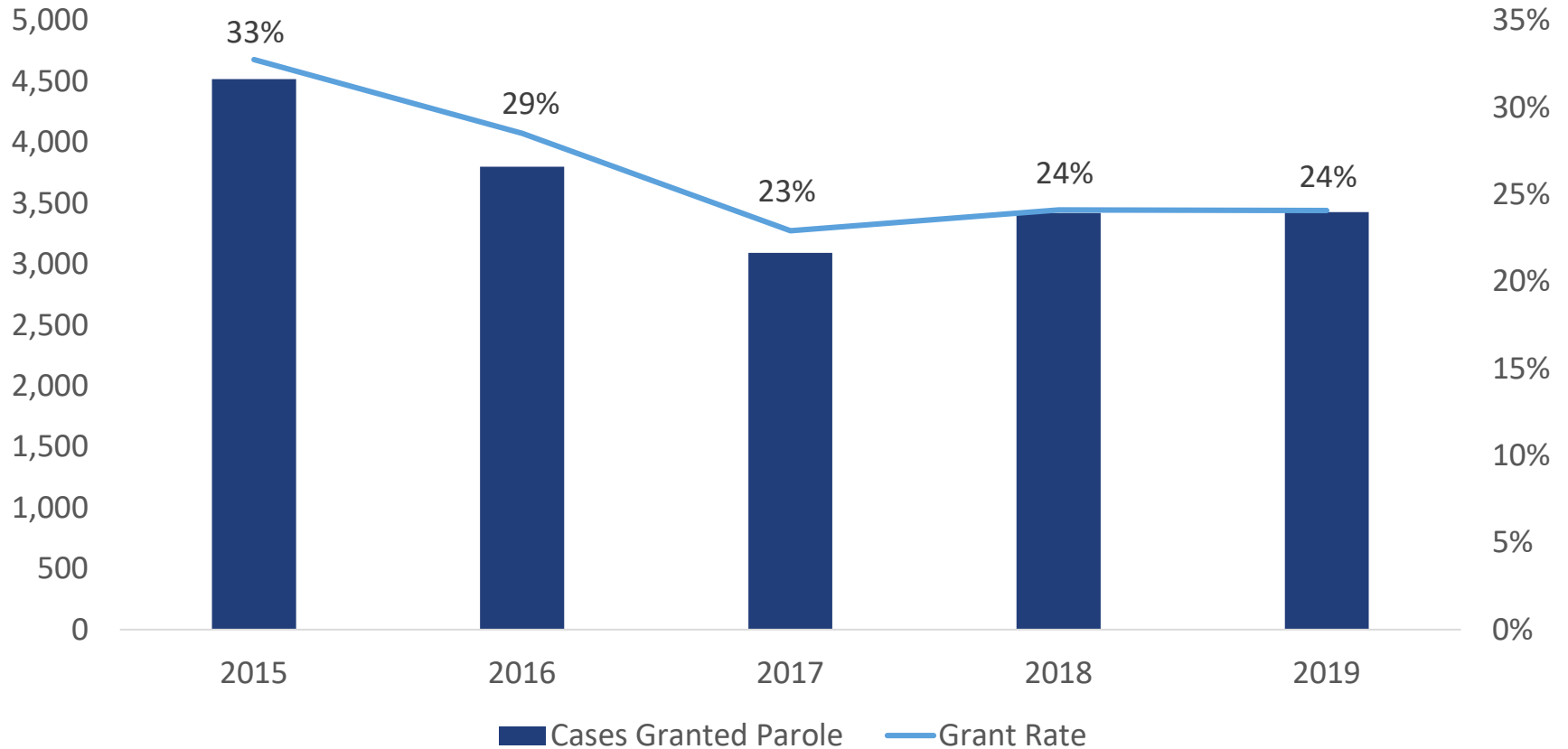
# Releases to Parole Dropped by More than 1,200

Releases by Type, FY2009 vs. FY2018



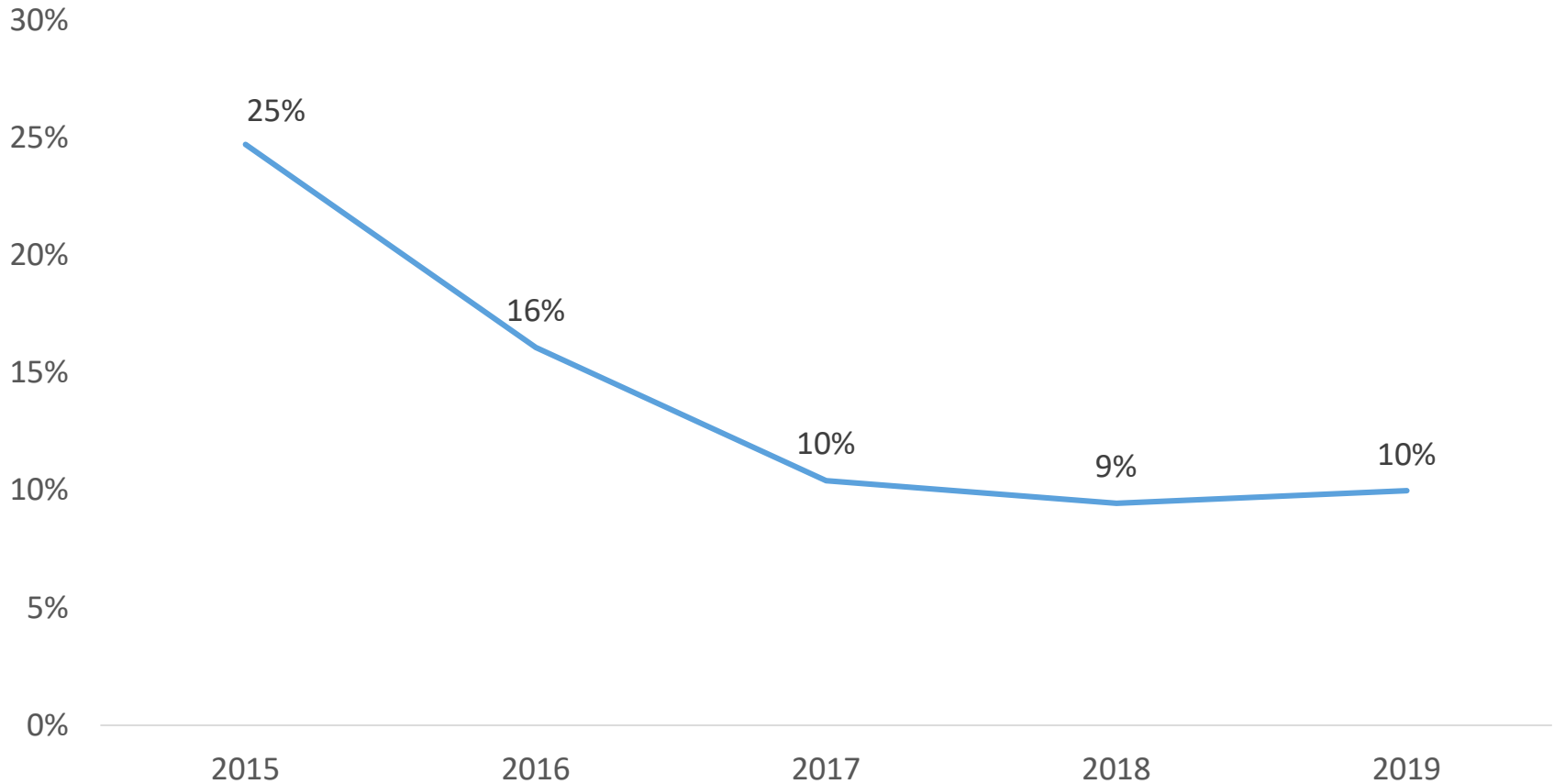
# 24% of Parole Hearings Granted Parole

Cases Granted Parole and Grant Rate, FY2015-FY2019



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

Grant Rates at Initial Parole Hearings, FY2015-FY2019



# 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



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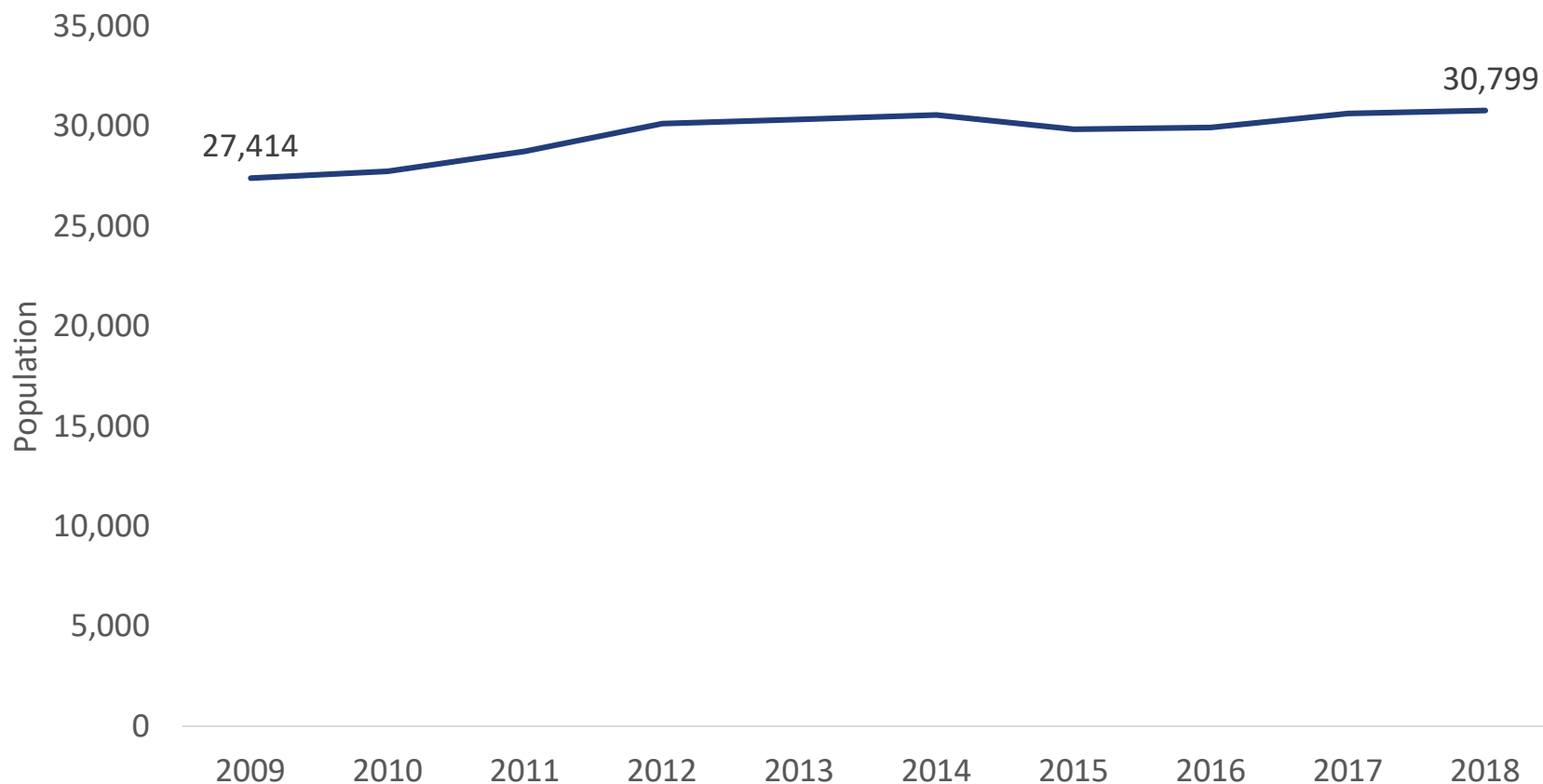
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# Iron Law of Prison Population Growth

**Admissions + Time Served  
= TDOC Population**

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

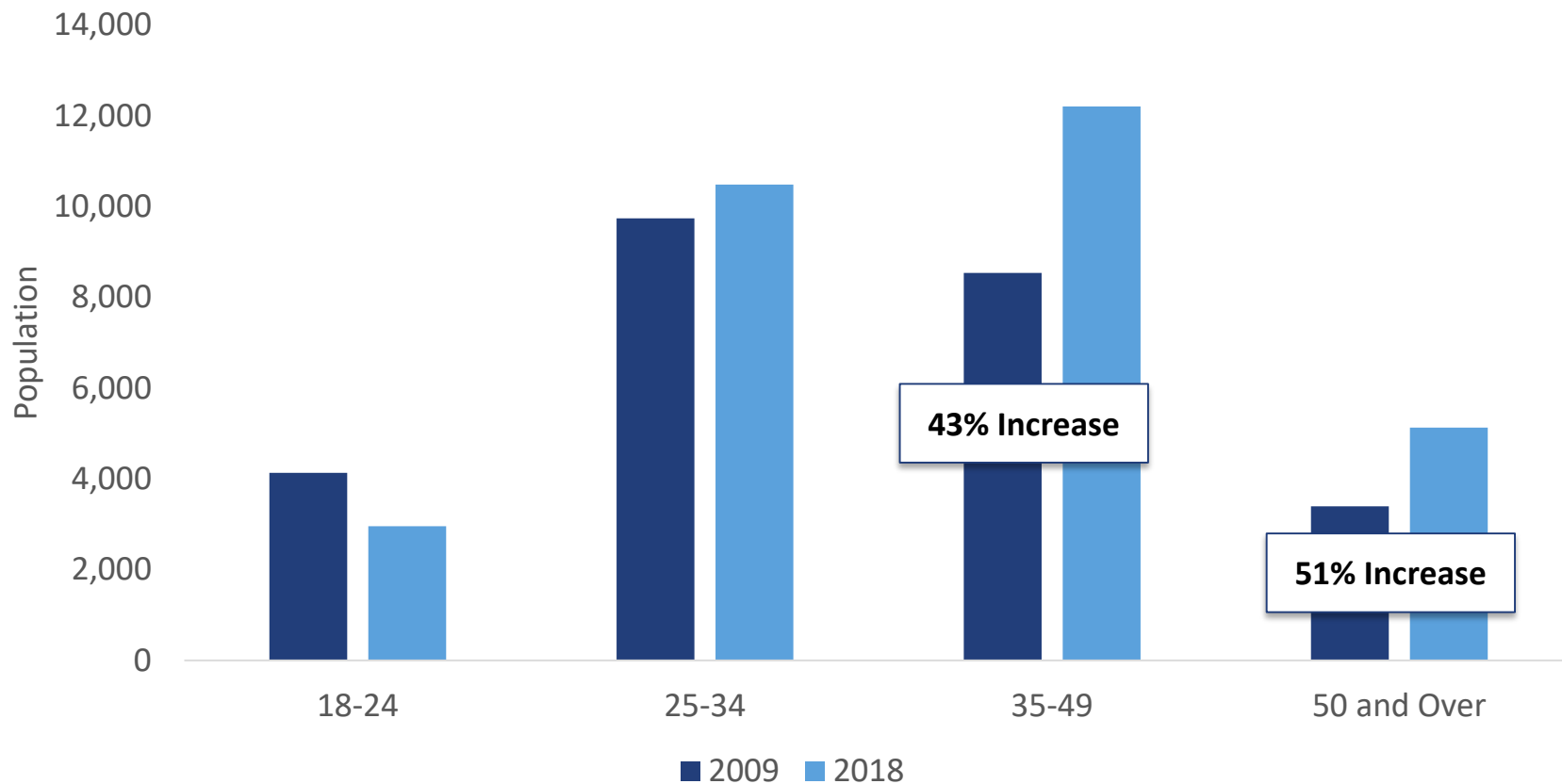
Tennessee Custody Population, FY2009-FY2018





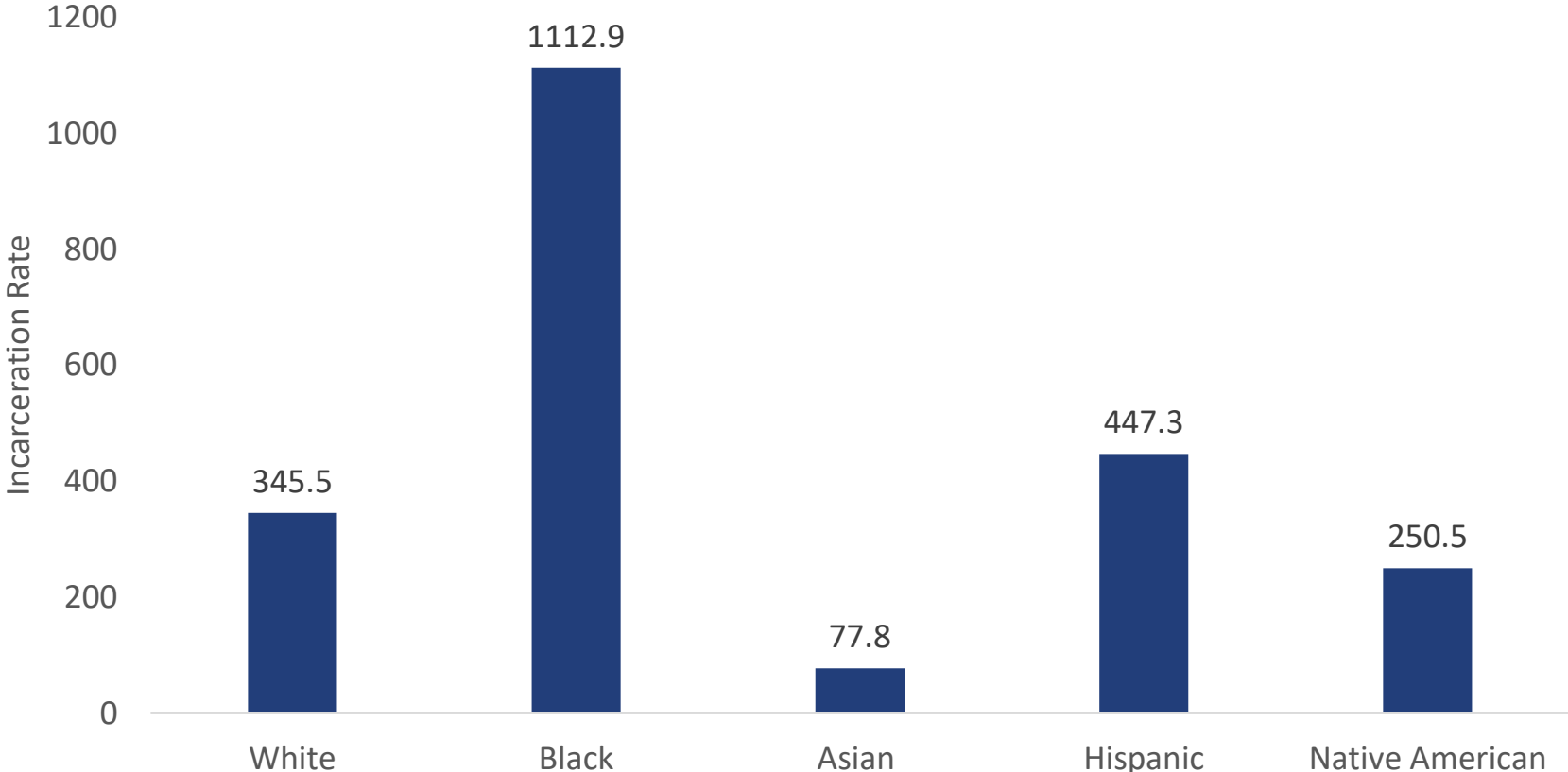
# Incarcerated Population Growing Older

Custody Population by Age, FY2009 vs. FY2018



# Black Incarceration Rate More than Three Times White Rate

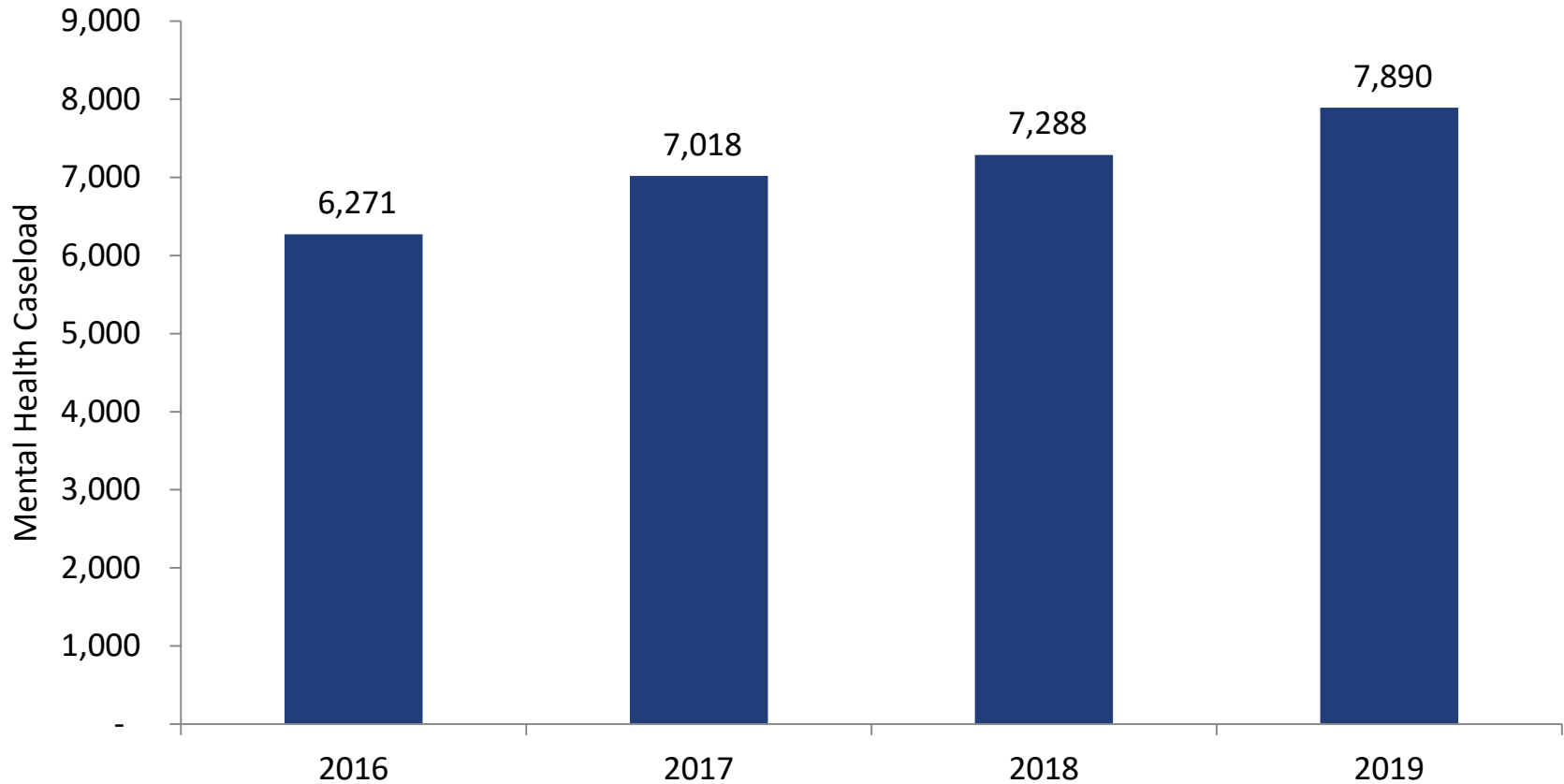
Incarceration Rate by Race Per 100,000 Residents, FY2018



# Mental Health Caseload in TDOC Facilities

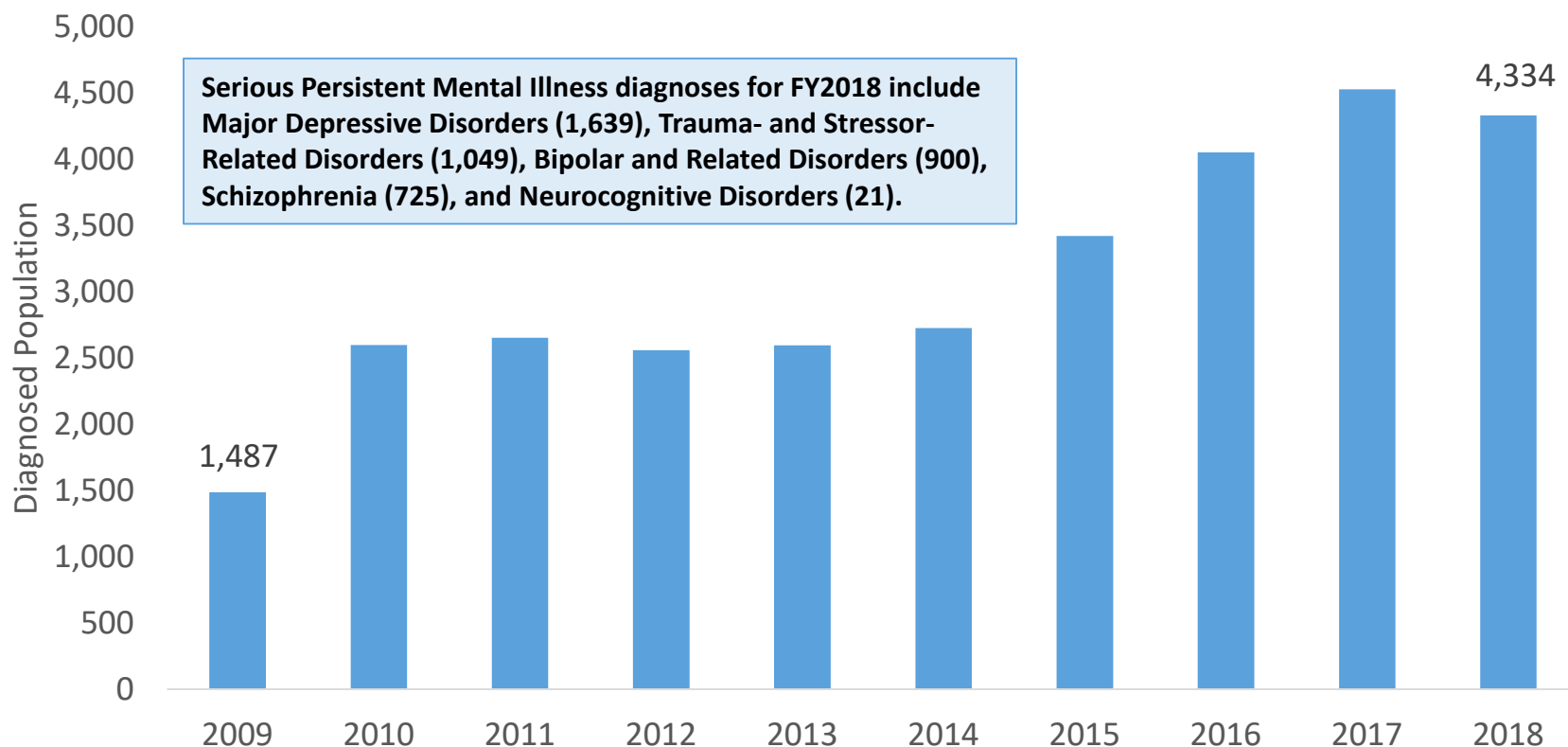
## Increased 26% from FY2016 to FY2019

Mental Health Caseload, FY2016-FY2019



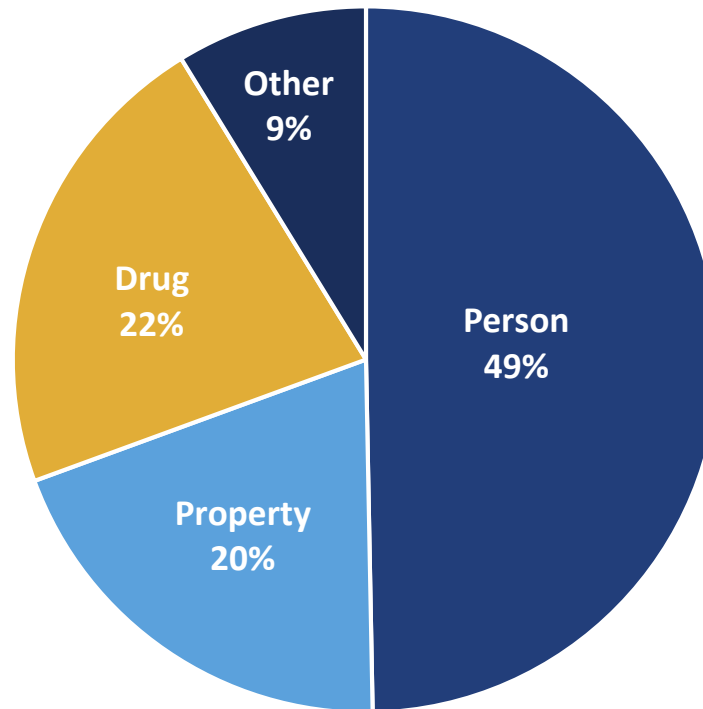
# Serious Persistent Mental Illness Diagnoses in TDOC Facilities Increased in 10 Years

TDOC Inmate Population Diagnosed with a Serious Persistent Mental Illness, FY2009-FY2018



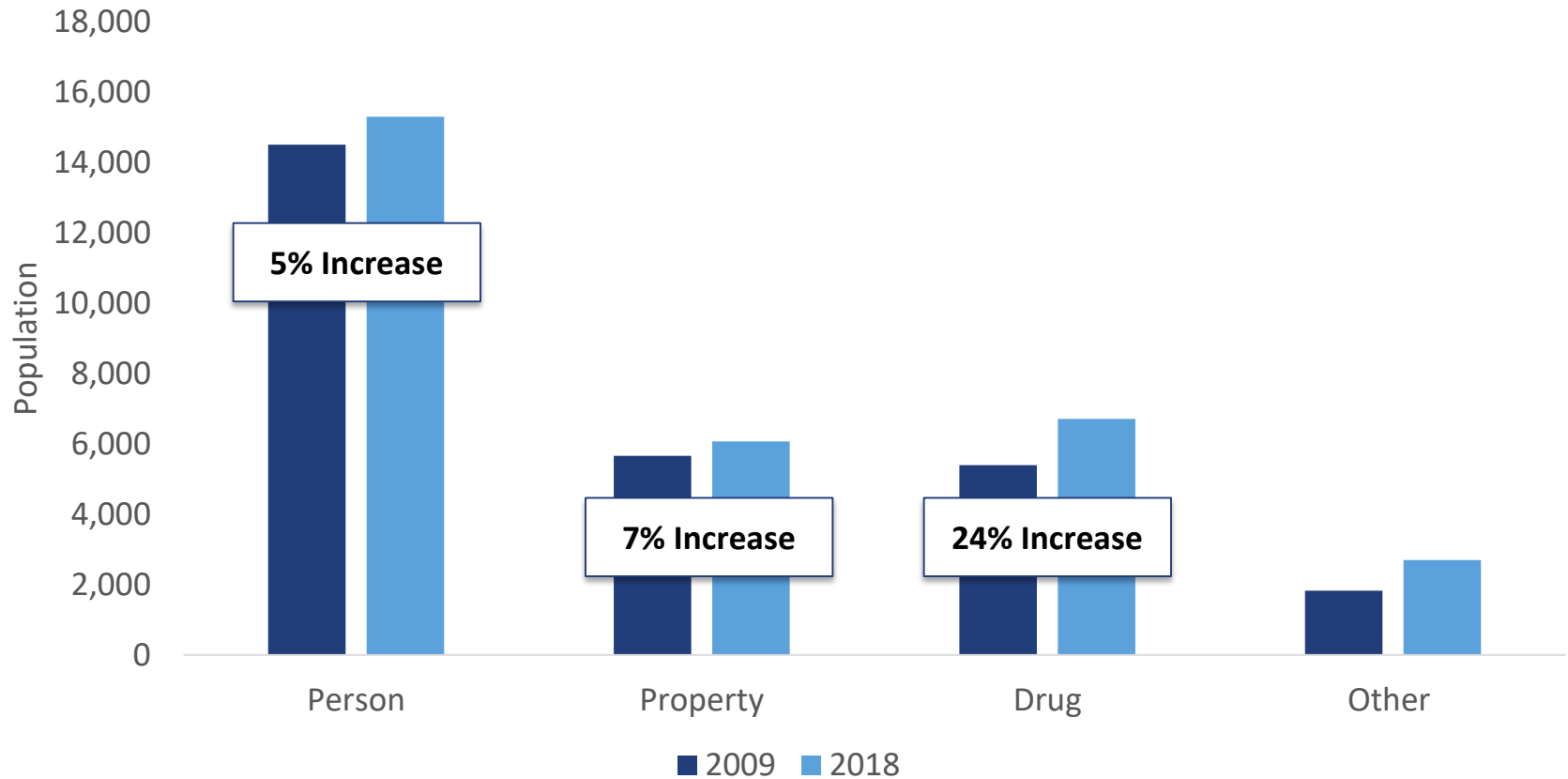
# Just Over Half of Incarcerated Population Serving Non-Person Offenses

Custody Population by Offense Type, FY2018



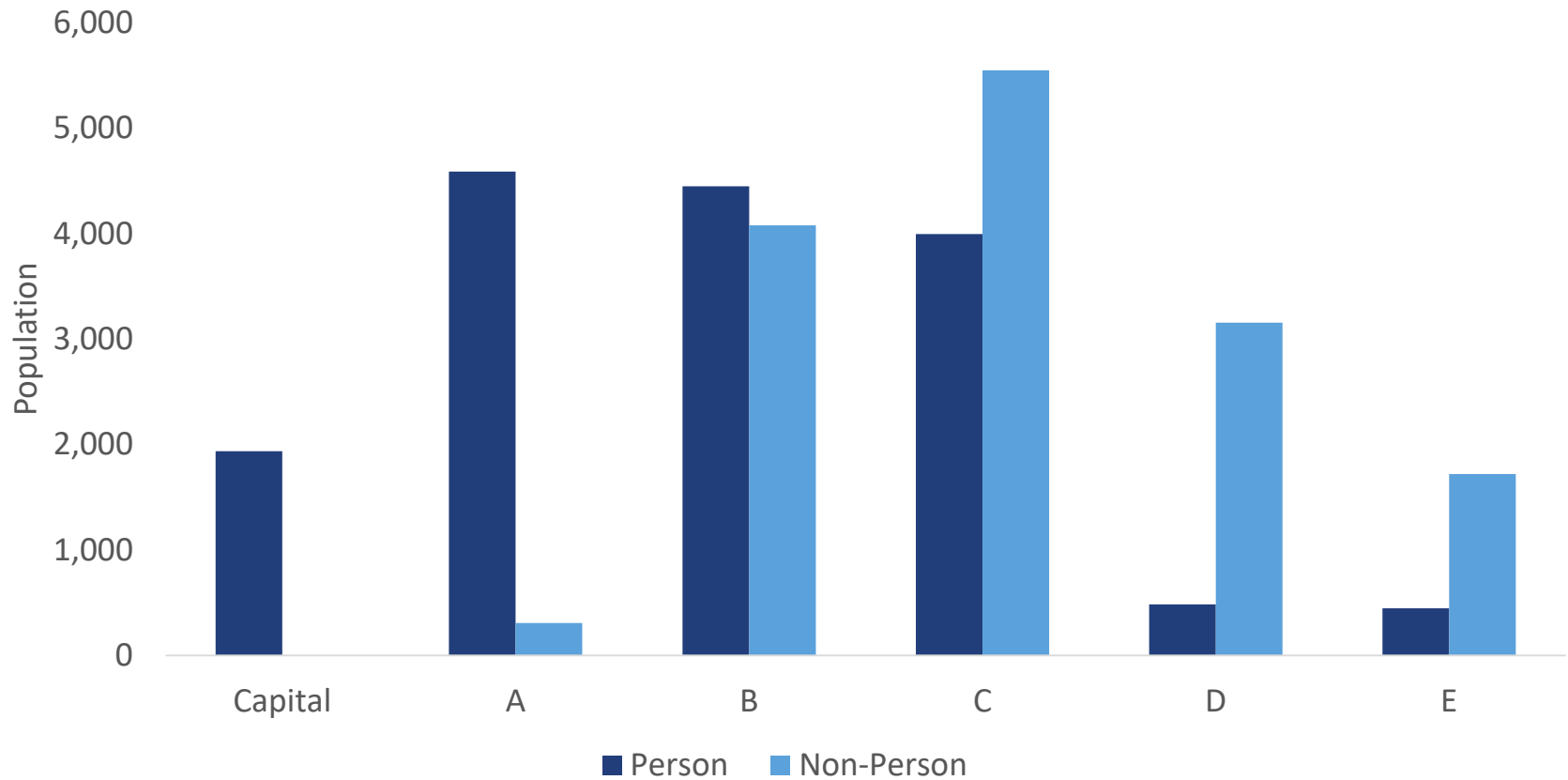
# Population Growth Led by Drug Offenses

Custody Population by Offense Type, FY2009 vs. FY2018



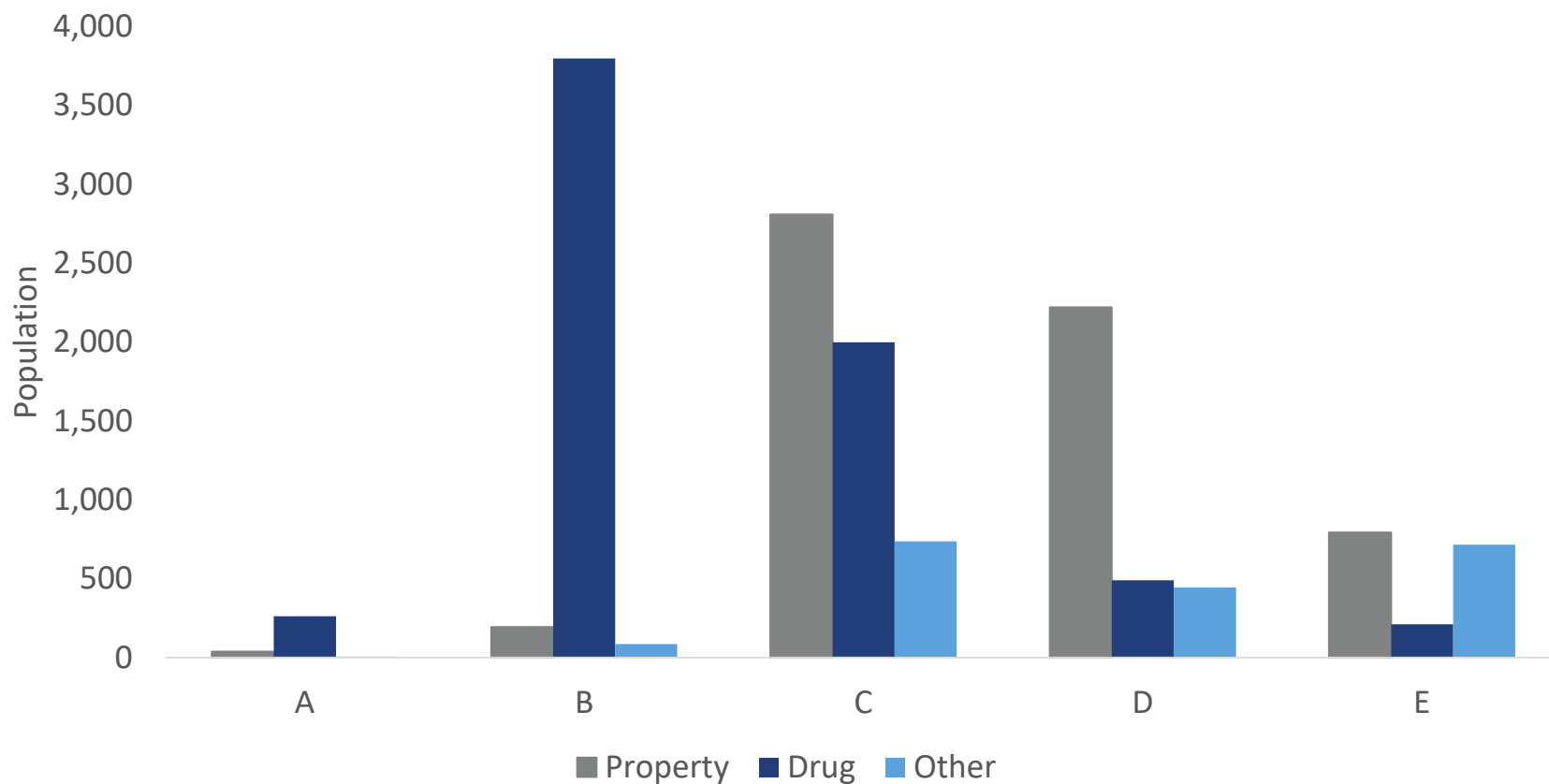
# Over 75% of Class D and E Offenses In for Non-Person Crimes

Custody Population by Felony Class and Offense Type, 2019



# Drug Offenses Dominate Felony A and B Non-Person Population

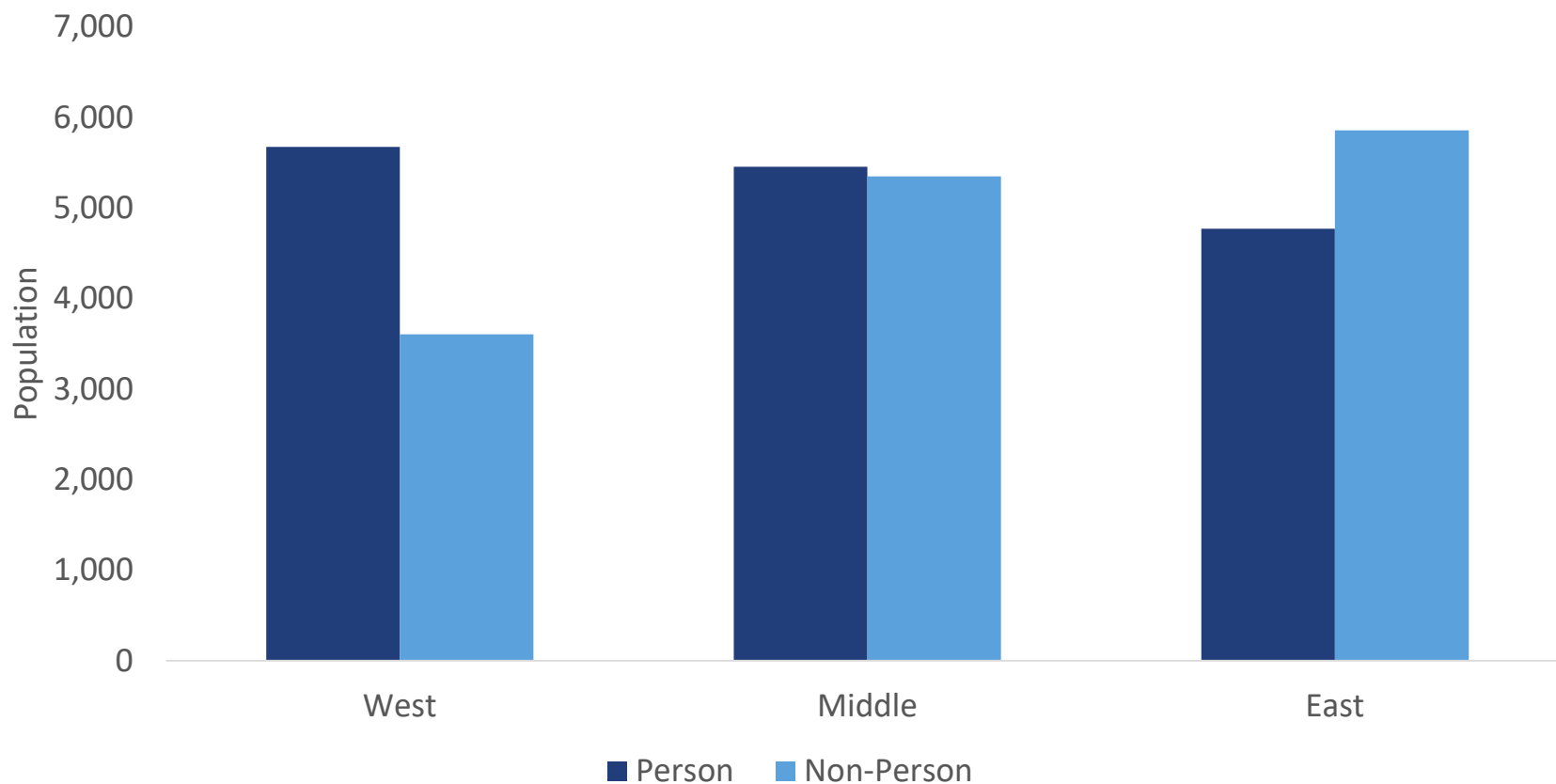
Non-Person Custody Population by Felony Class and Offense Type, 2019





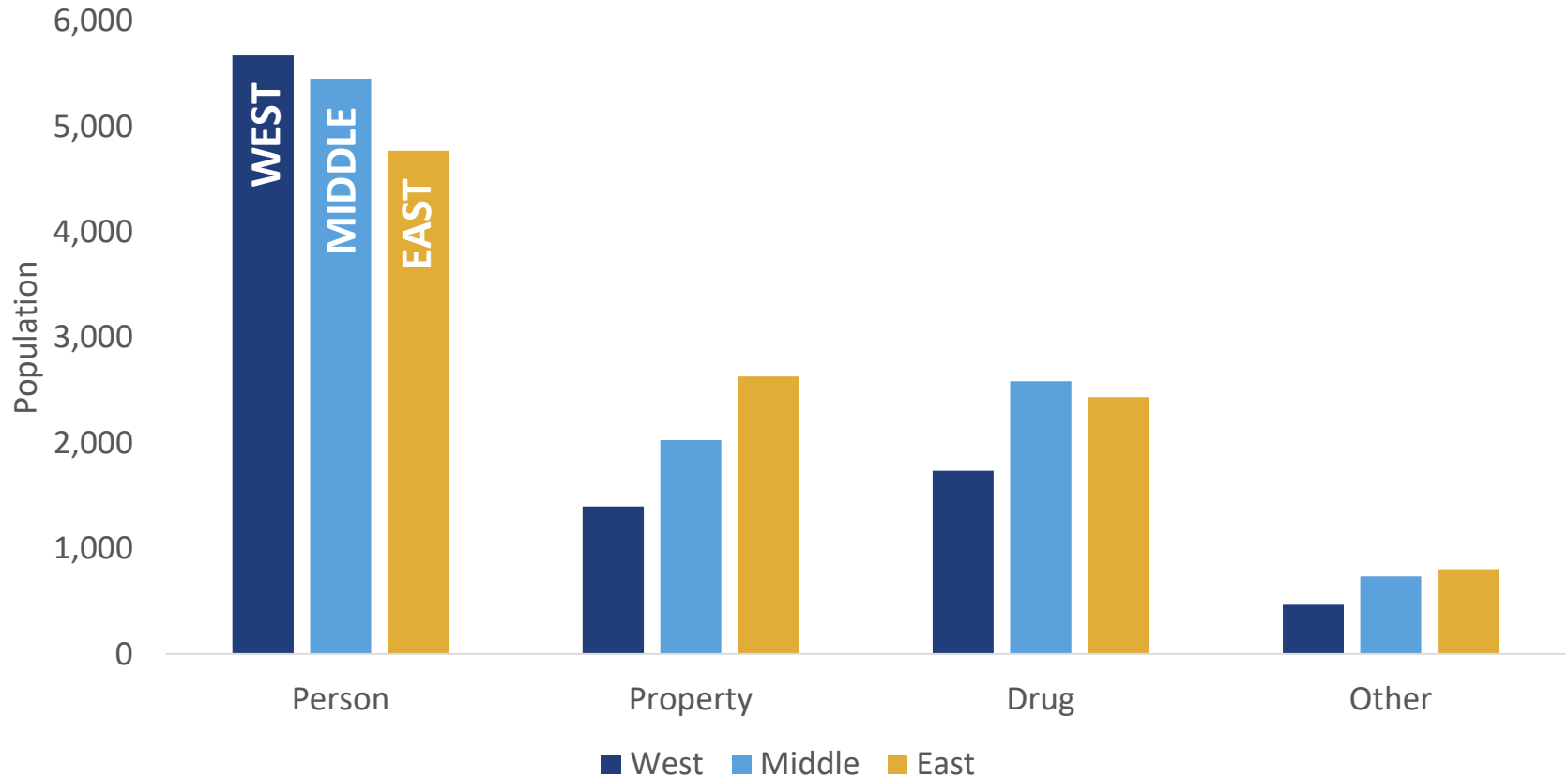
# Majority of Custody Population from East are Non-Person Offenses

Custody Population by Region and Offense Type, 2019



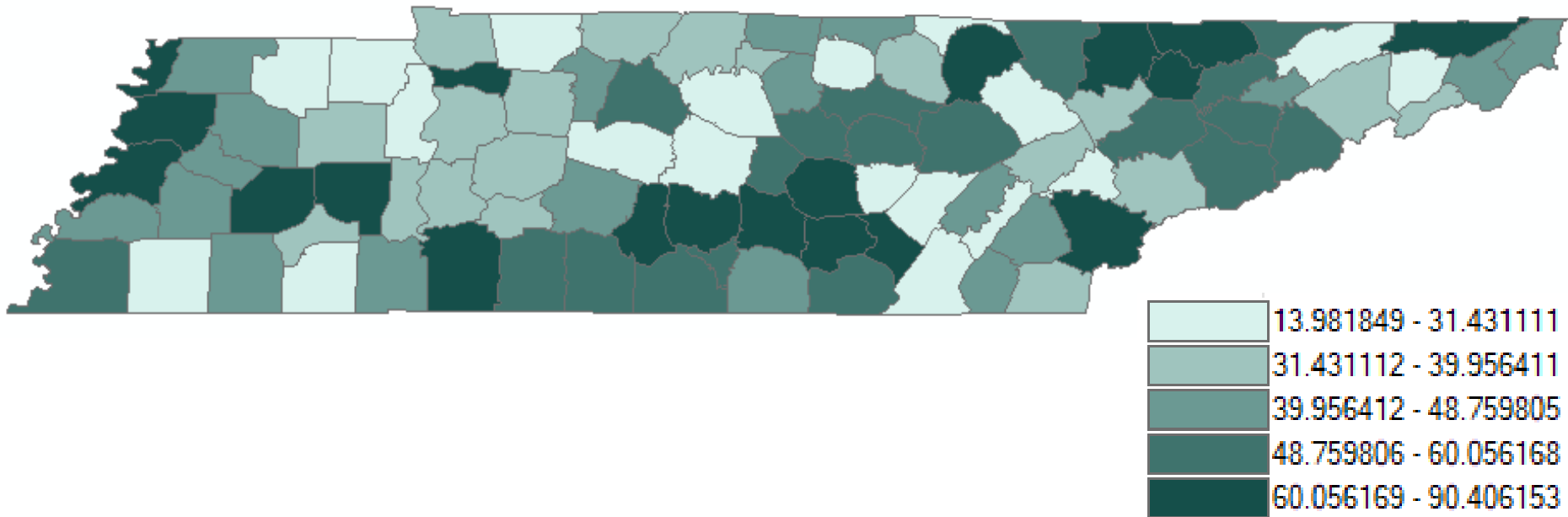
# East Leads State in Incarcerating Property Offenders, West in Person Offenders

Custody Population by Region and Offense Type, 2019

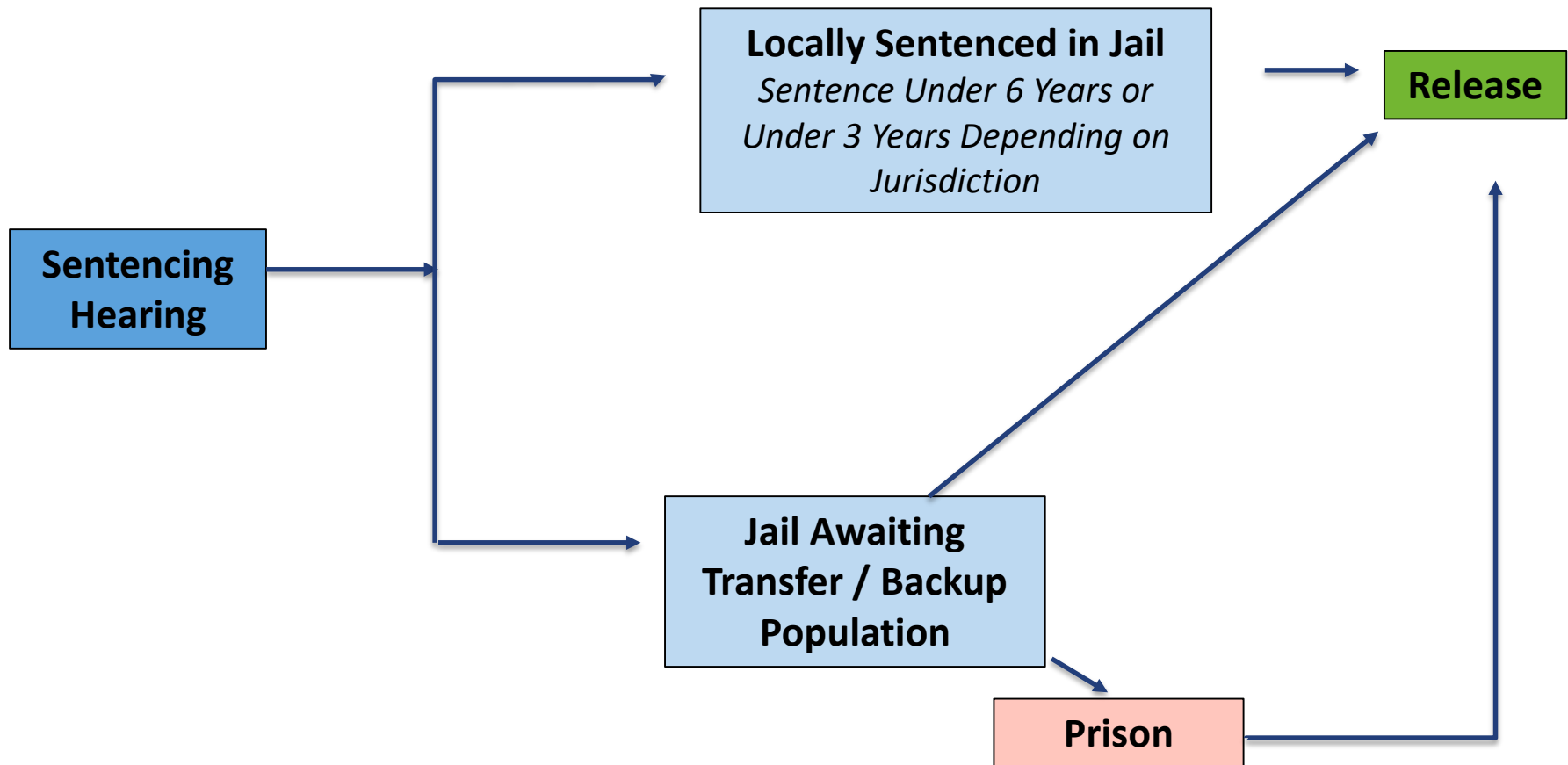


# County Incarceration Rates Vary Widely

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

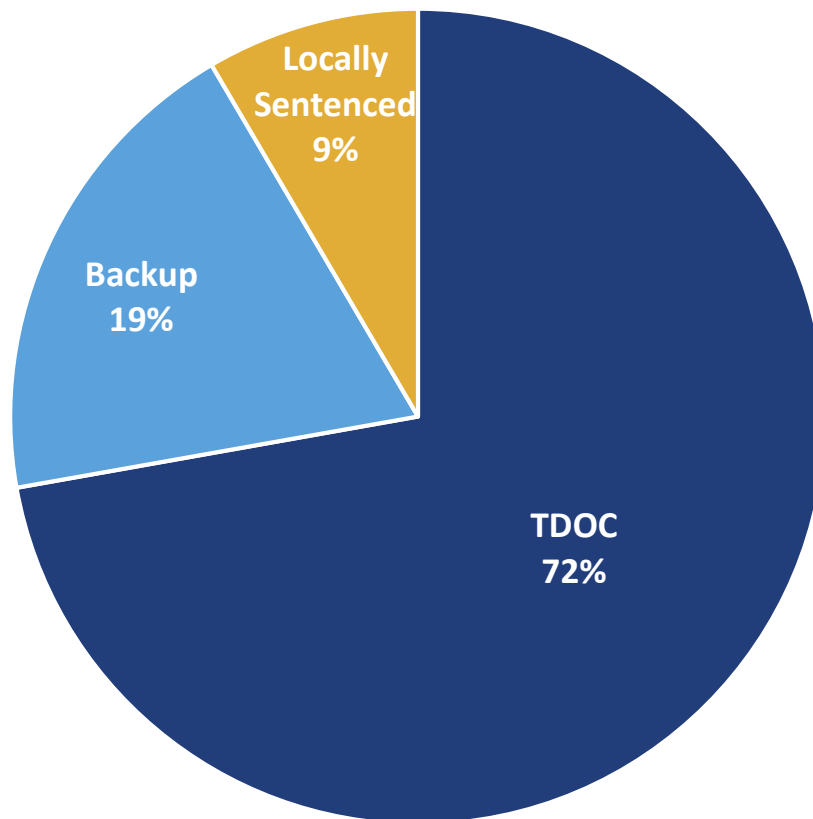


# Facility Type Map



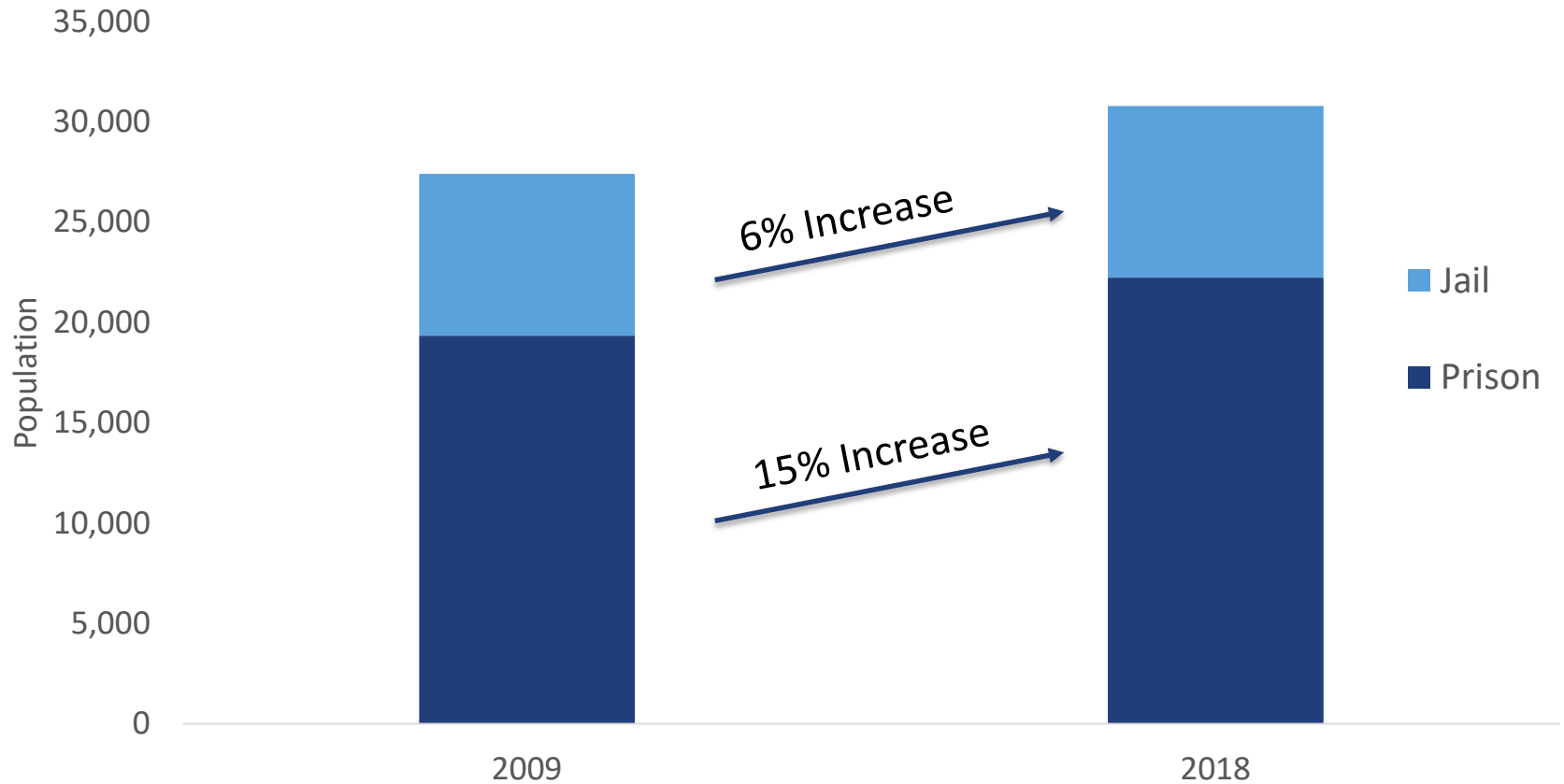
# 1 in 4 Felony Offenders are Held in Jails

Custody Population by Facility, FY2018



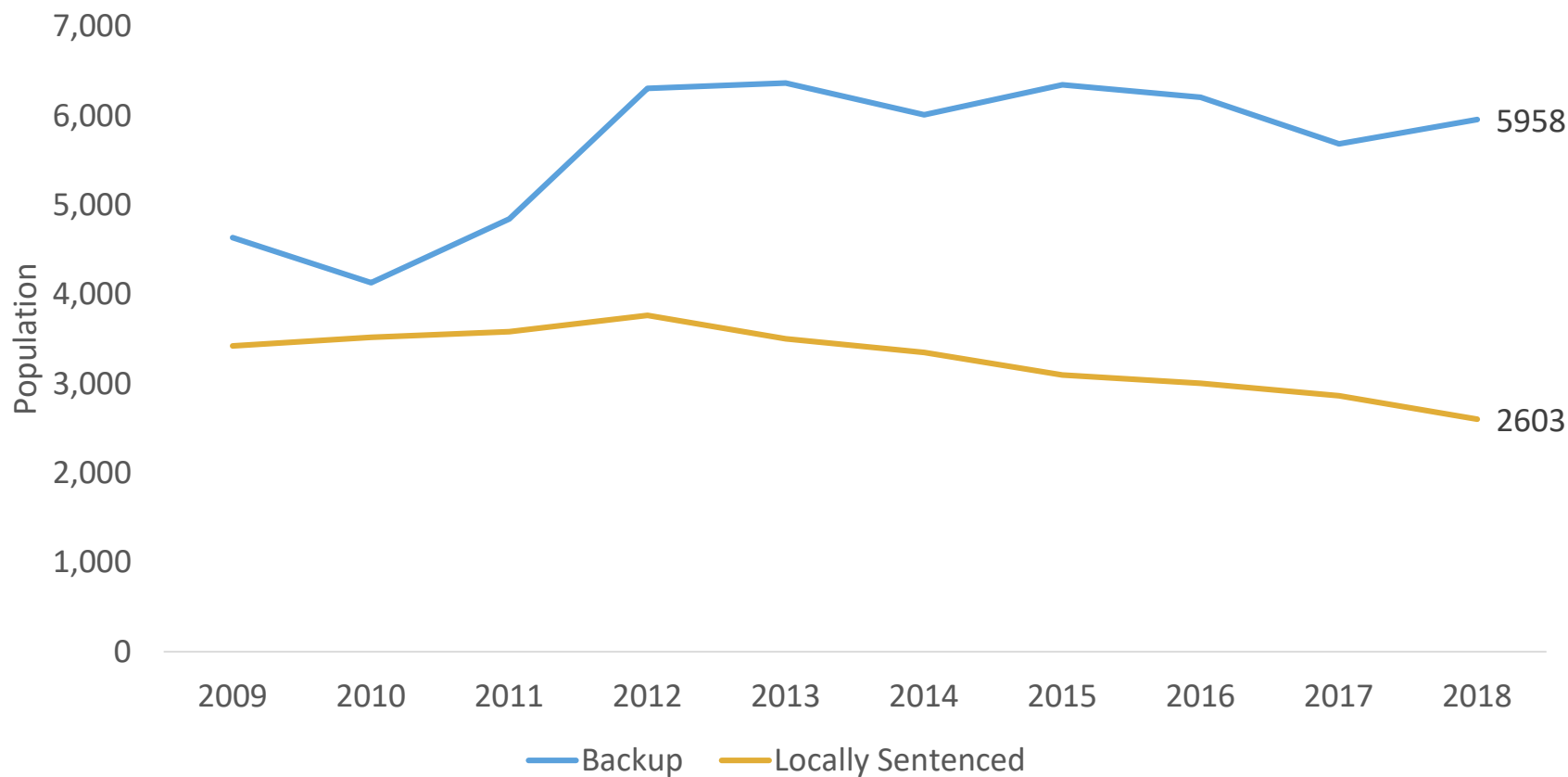
# Felony Inmate Population Has Grown in Both State Prisons and Local Jails

Custody Population by Facility Held, FY2009-FY2018



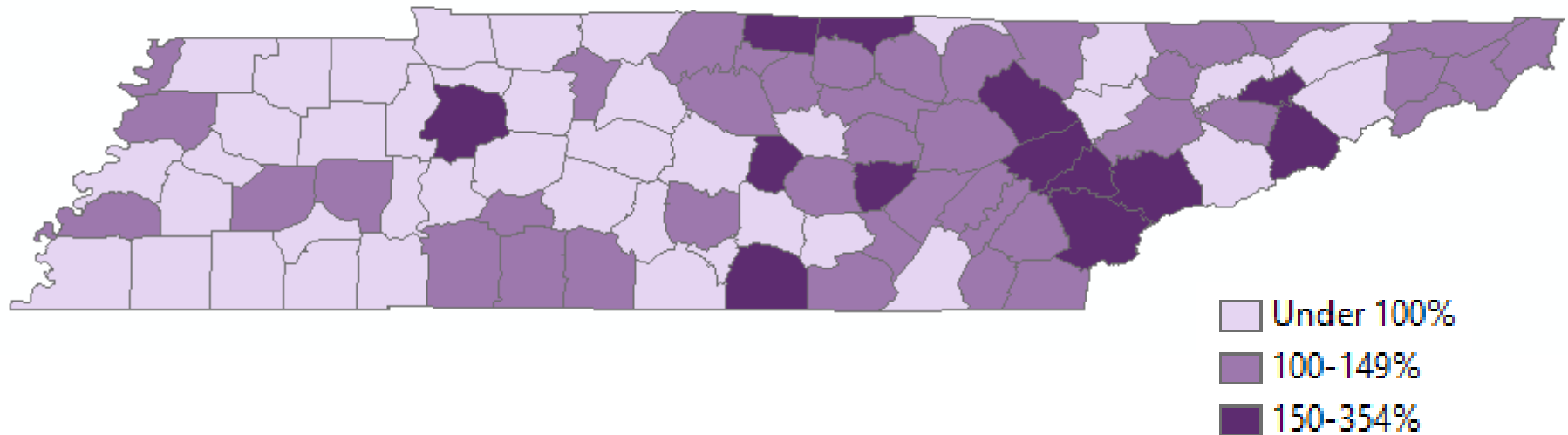
# Back-up Jail Population Rises While Locally Sentenced Population Declines

Custody Population in Local Facilities, FY2009-FY2018



# Jail Capacity Issues More Prevalent in Middle and East Tennessee

Jail Population as Percent of County Jail Capacity, FY2018





# Research on Facility Type and Recidivism

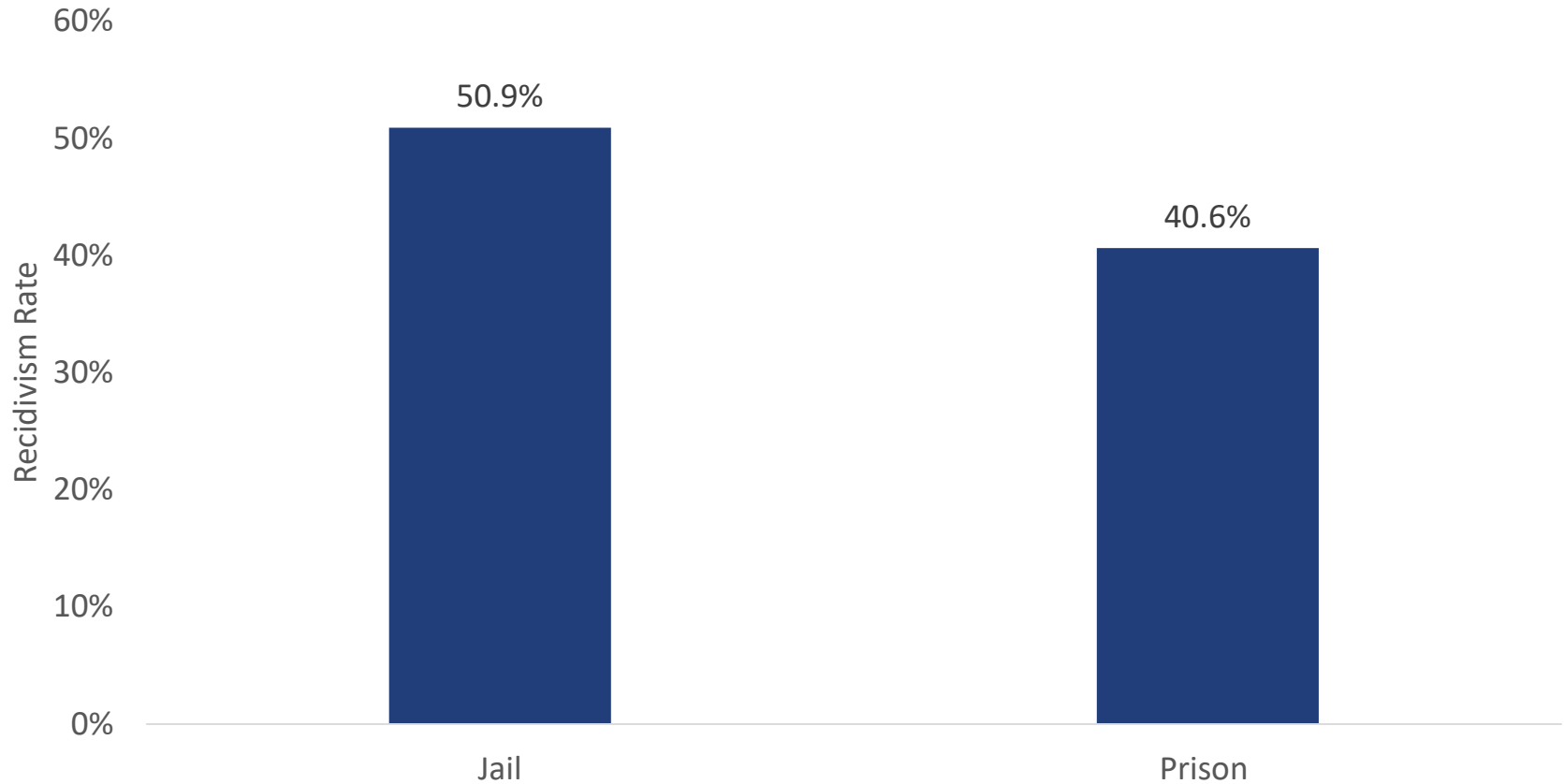
Researchers have evaluated how the place of incarceration relates to recidivism in the context of programming opportunities

## 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”

# Recidivism Rates Higher for Those Released from Jail

36-Month Recidivism Rate for Felony Offenders Released in FY2014



# 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

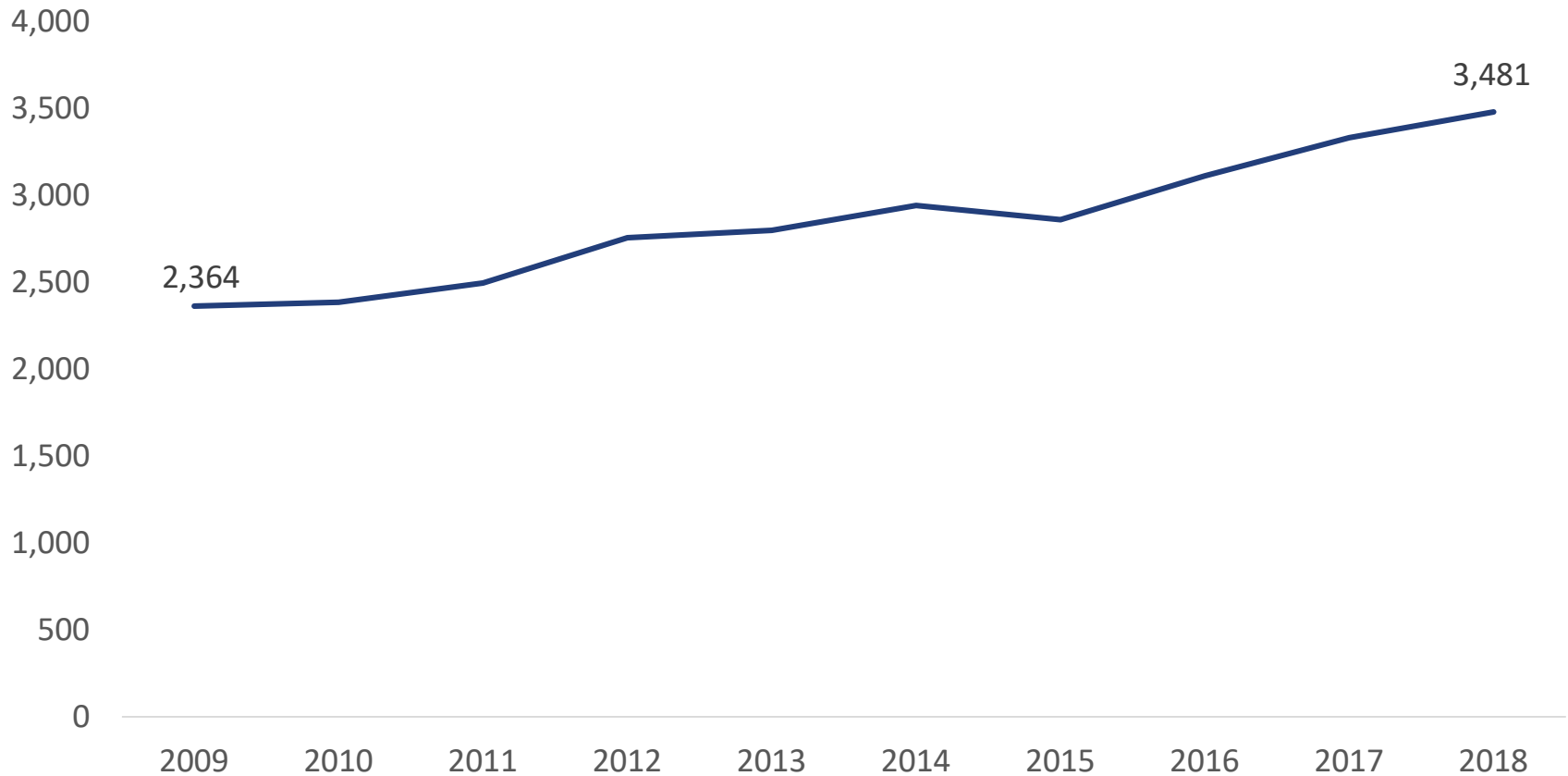


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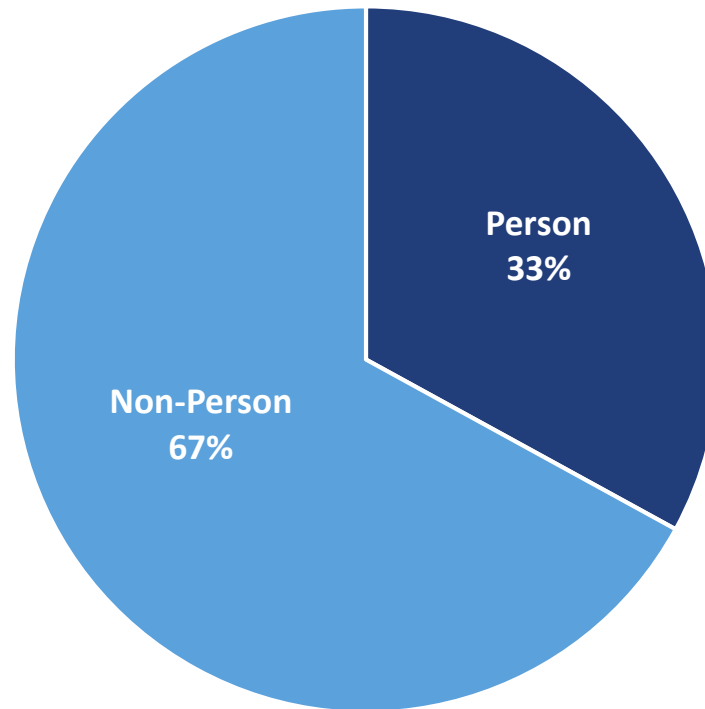
# Female Incarcerated Population Grew 47%

Tennessee Female Custody Population, FY2009-FY2018



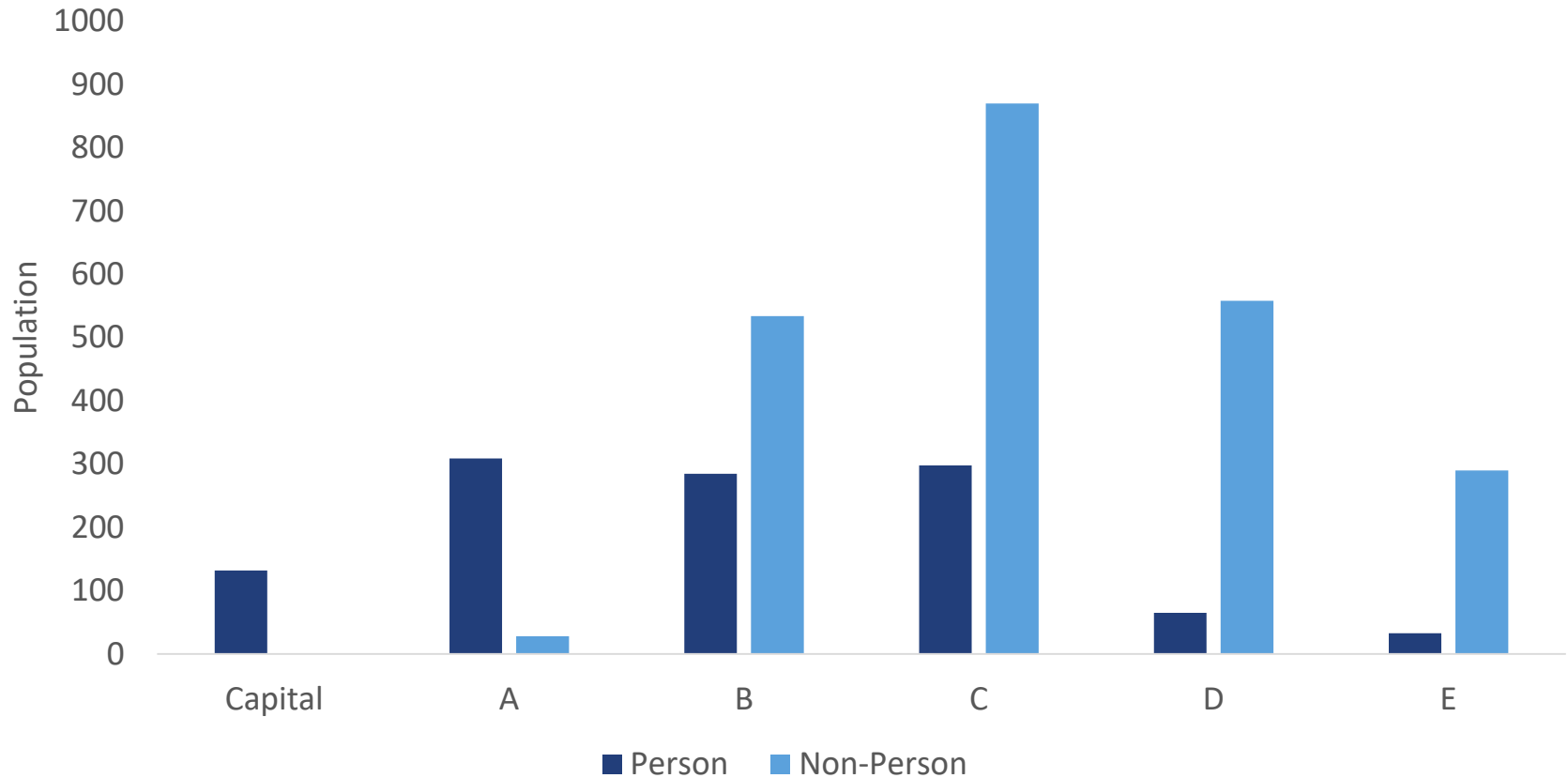
# Two Thirds of Women In for Non-Person Offenses

Female Custody Population by Offense Type, 2019



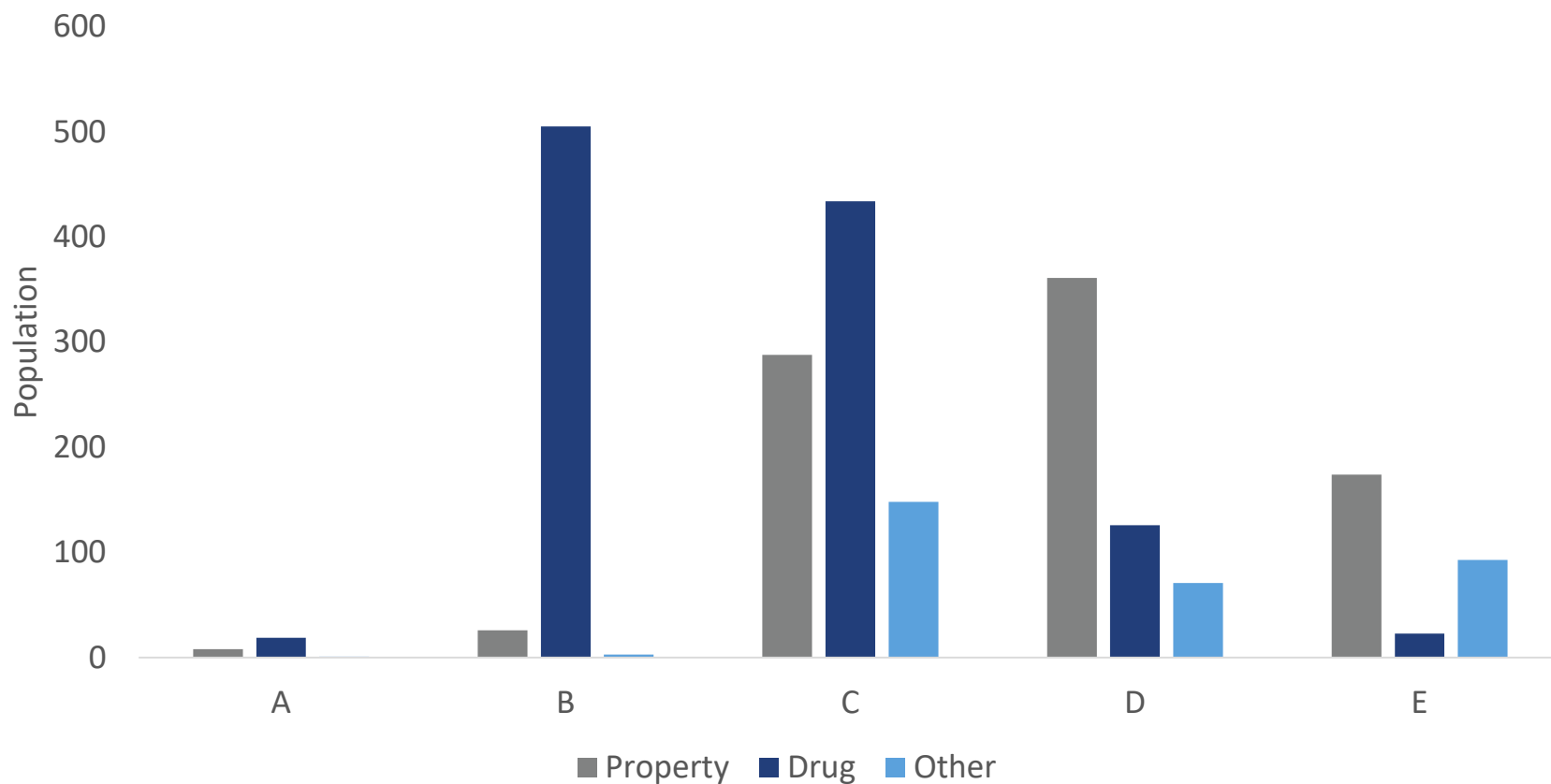
# Over 75% of Female C, D, and E Population In for Non-Person Offenses

Female Custody Population by Felony Class and Offense Type, 2019



# Drug Offenses Dominate Female Non-Person Offense Population

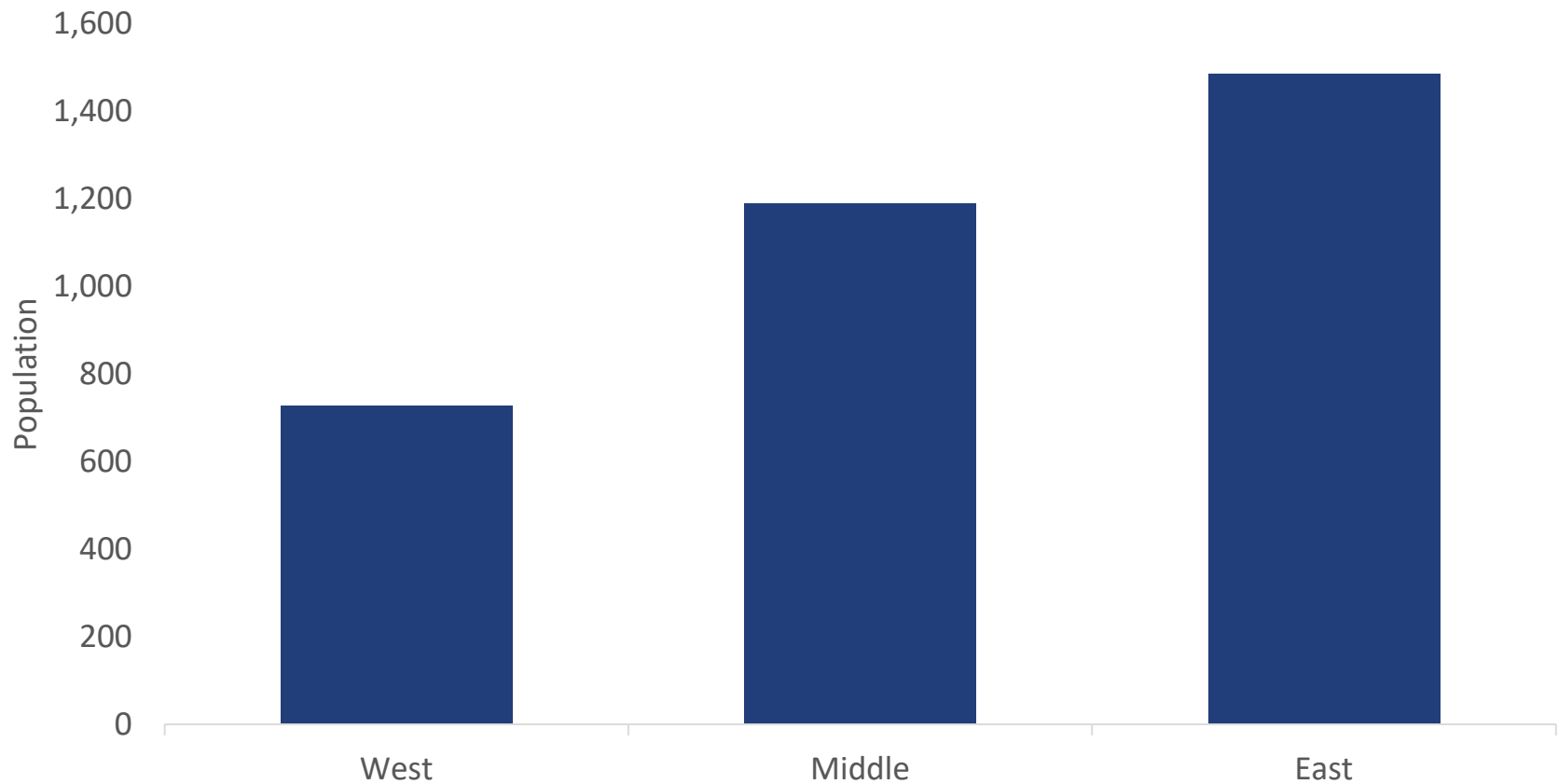
Female Felony Population by Felony Class and Offense Type, 2019





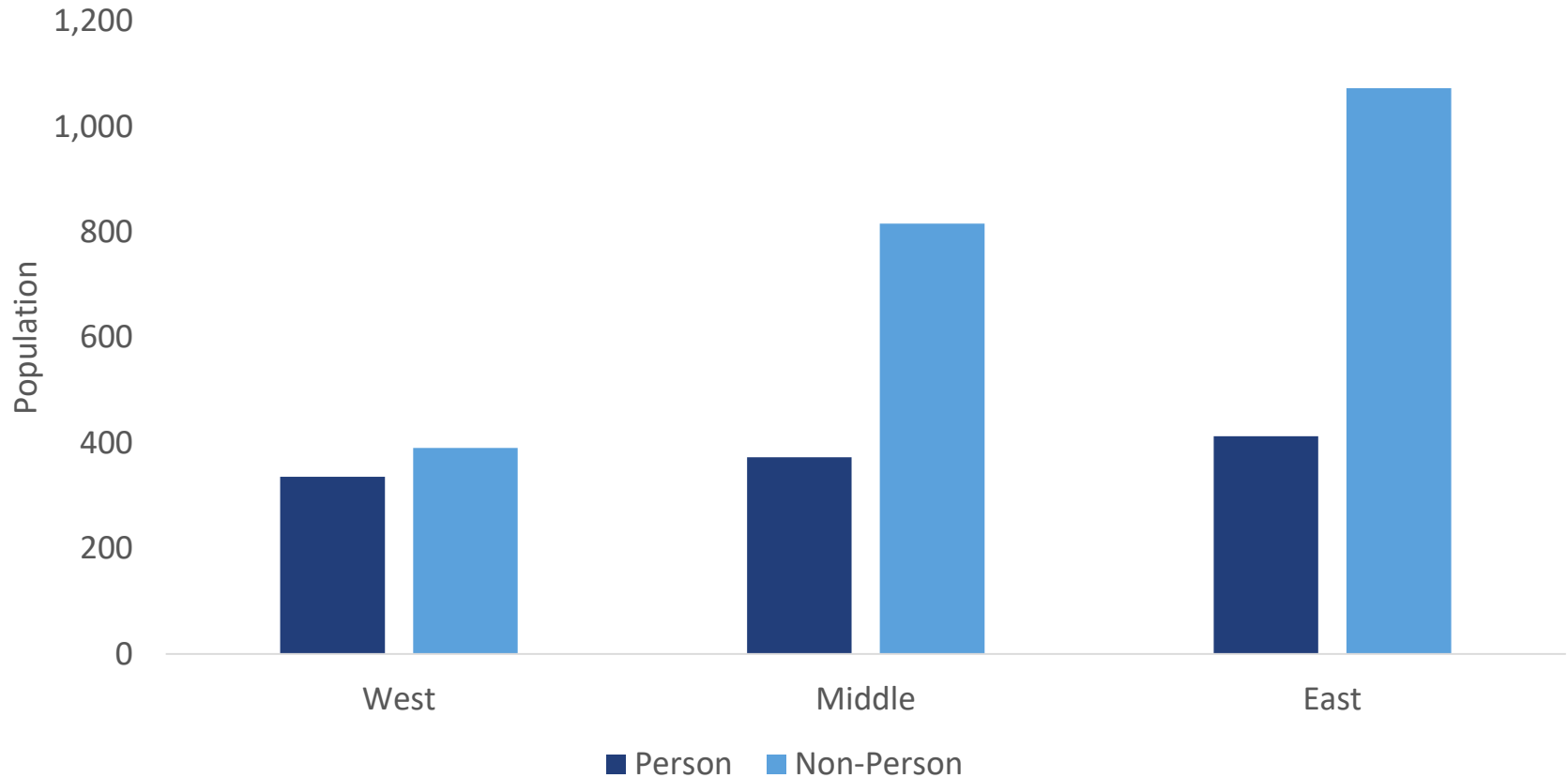
# Twice as Many Women from East than West

Female Custody Population by Region, 2019



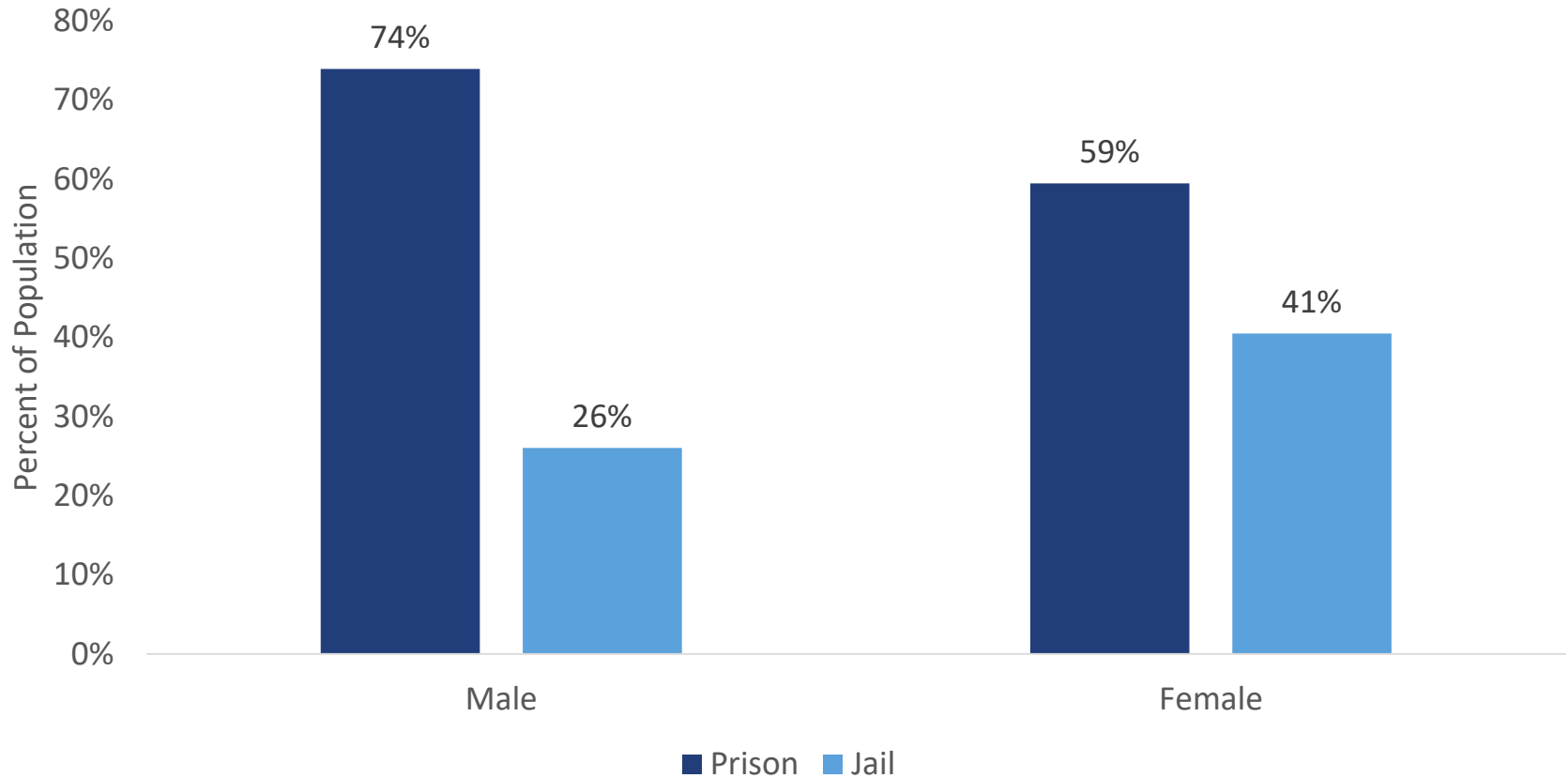
# Non-Person Offenses Dominate Female Incarcerated Population

Female Custody Population by Region and Offense Type, 2019



# 41% of Female Population Are in Local Jails

Share of Custody Population by Gender and Facility Type, FY2018



# 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

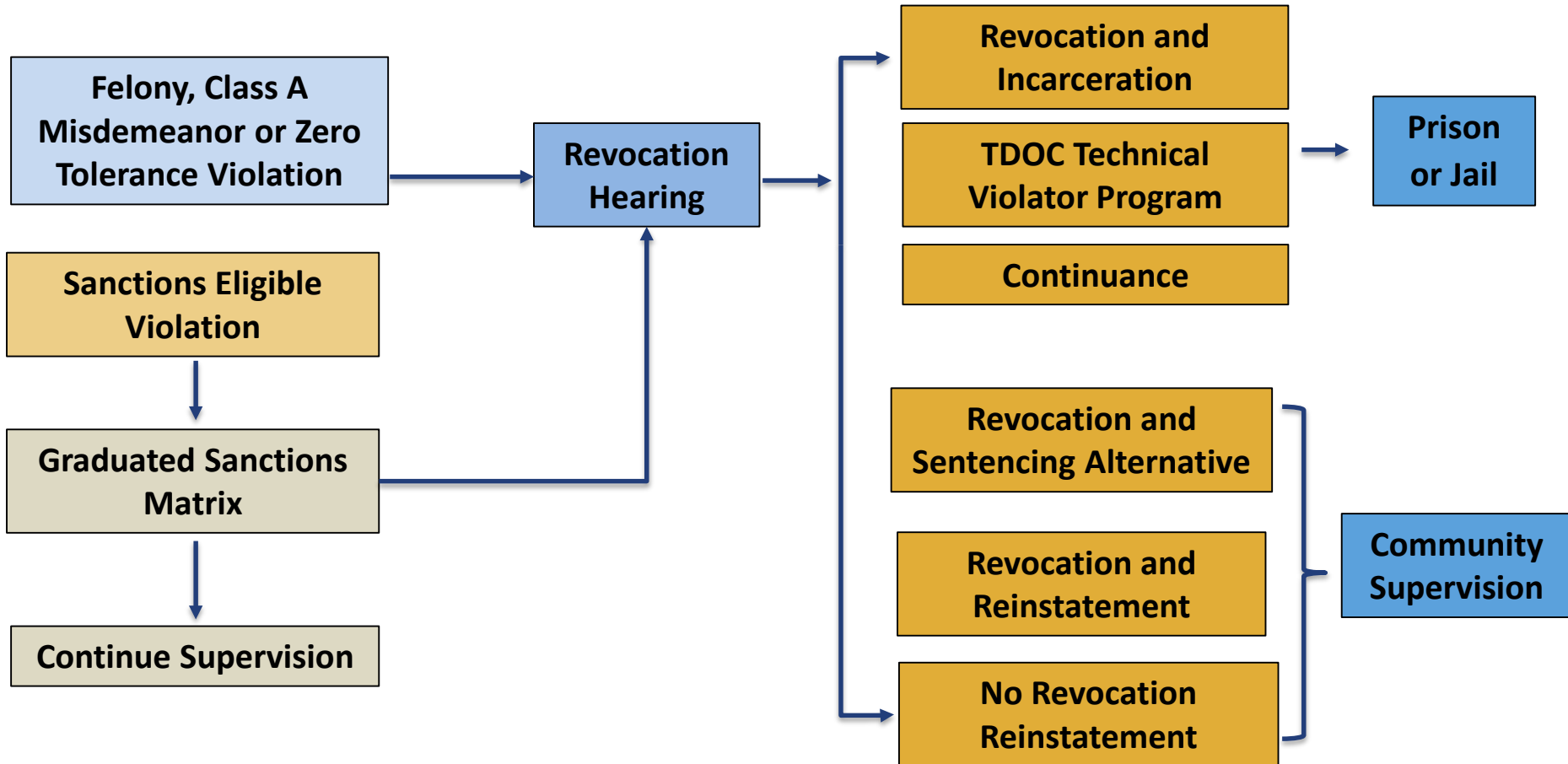
# Community Supervision



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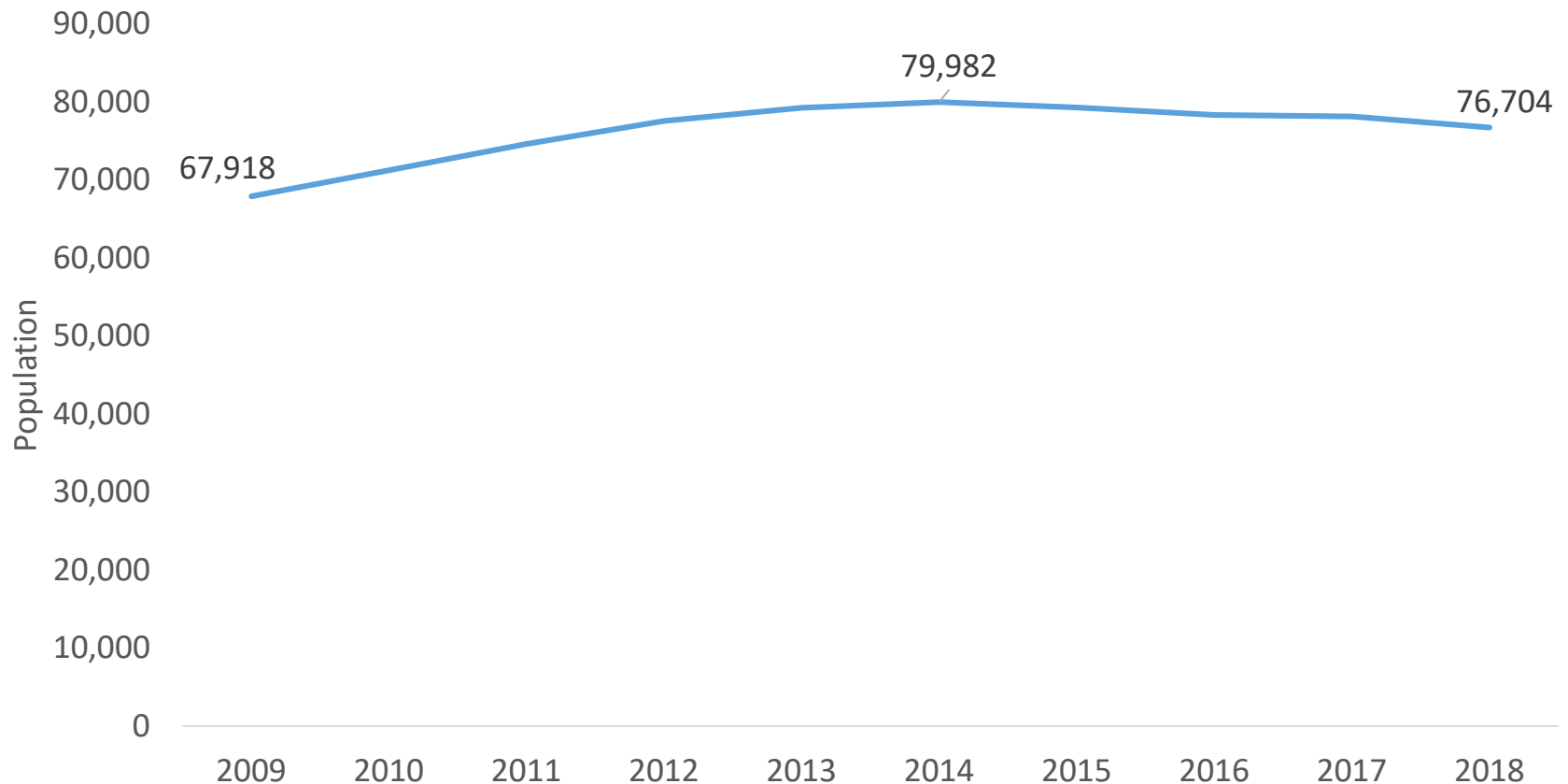
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# Supervision Revocation Map



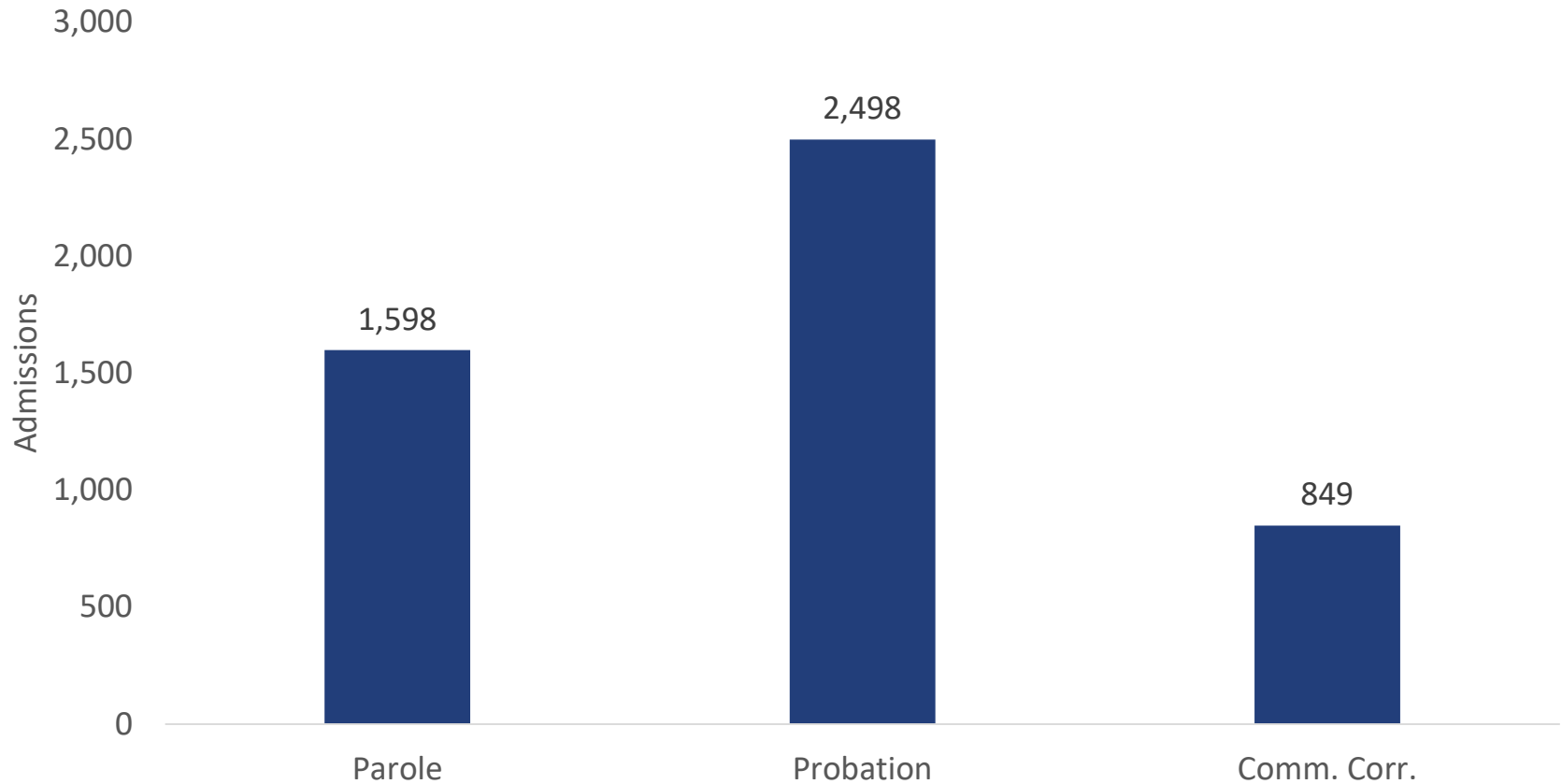
# Community Supervision Population Grew 13%

Tennessee Community Supervision Population, FY2009-FY2018



# Nearly 5,000 Admitted for a Community Supervision Violation in FY2018

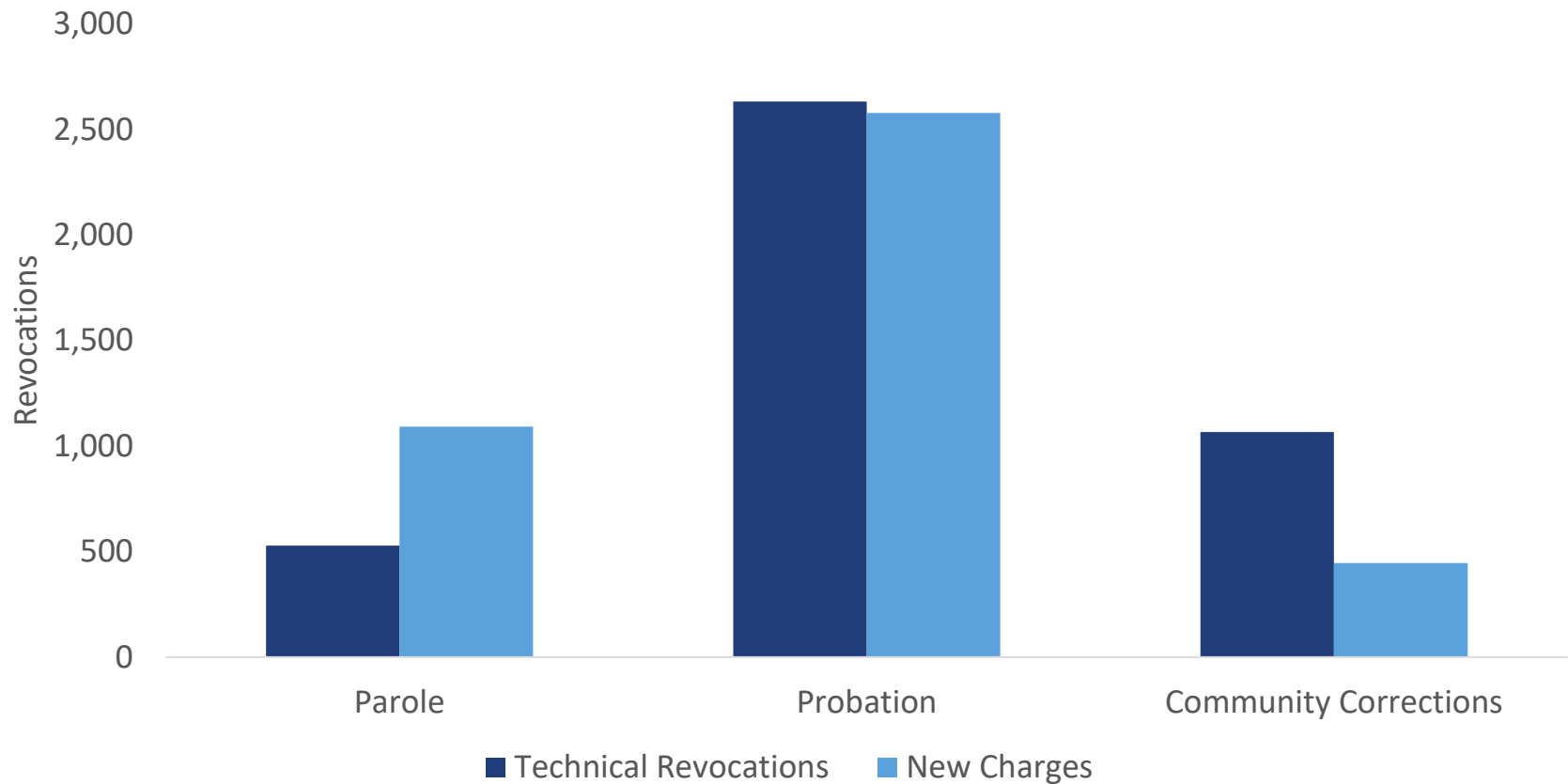
Admissions from Community Supervision by Supervision Type, FY2018





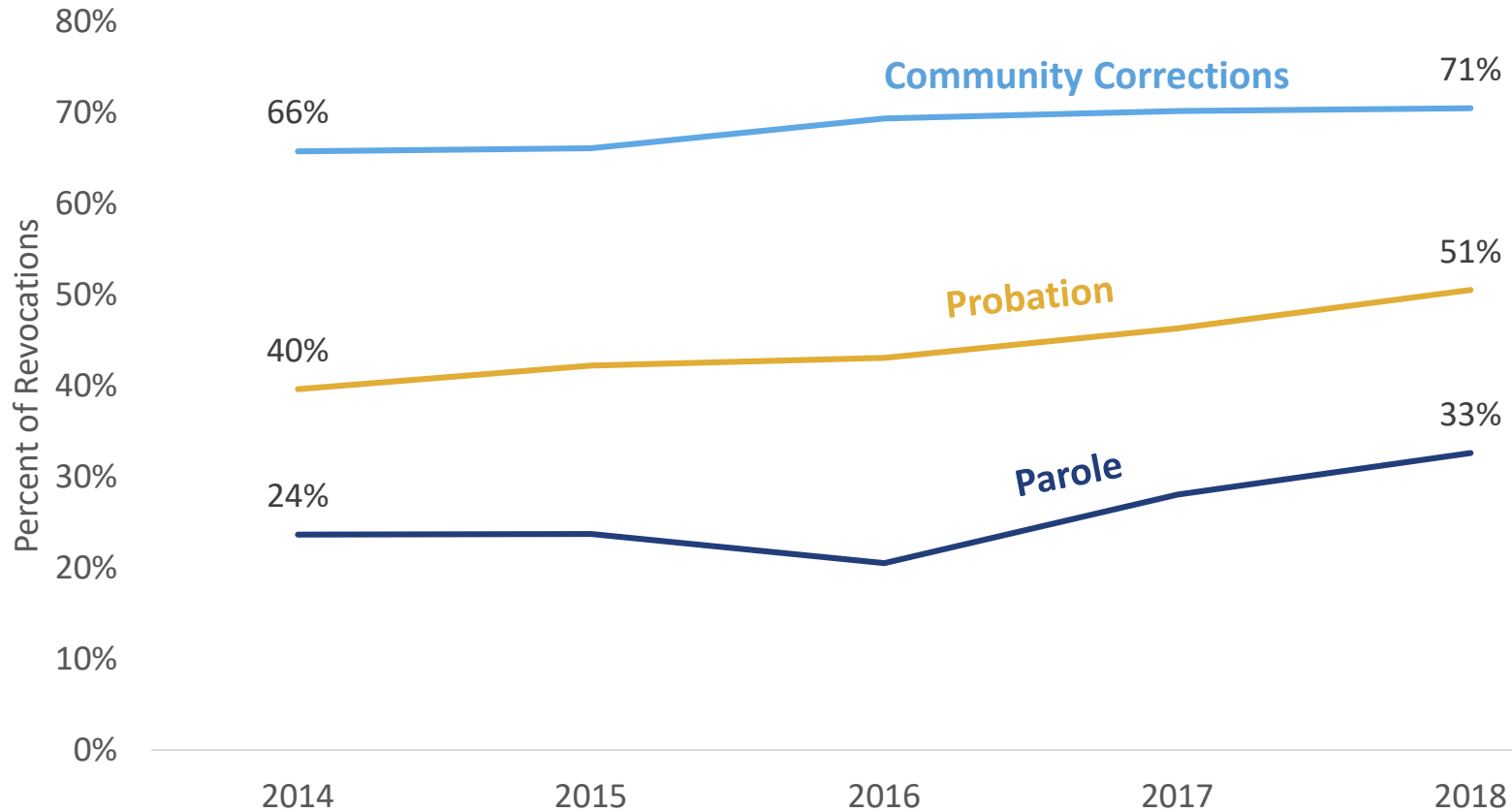
# More than 50% of Revocations for Technical Violations

Revocations by Cause and Supervision Type, FY2018



# Technical Violations Make Up Growing Share of Revocations

Technical Revocations as Percent of All Revocations, FY2014-FY2018



# 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**

# 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.

# 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.

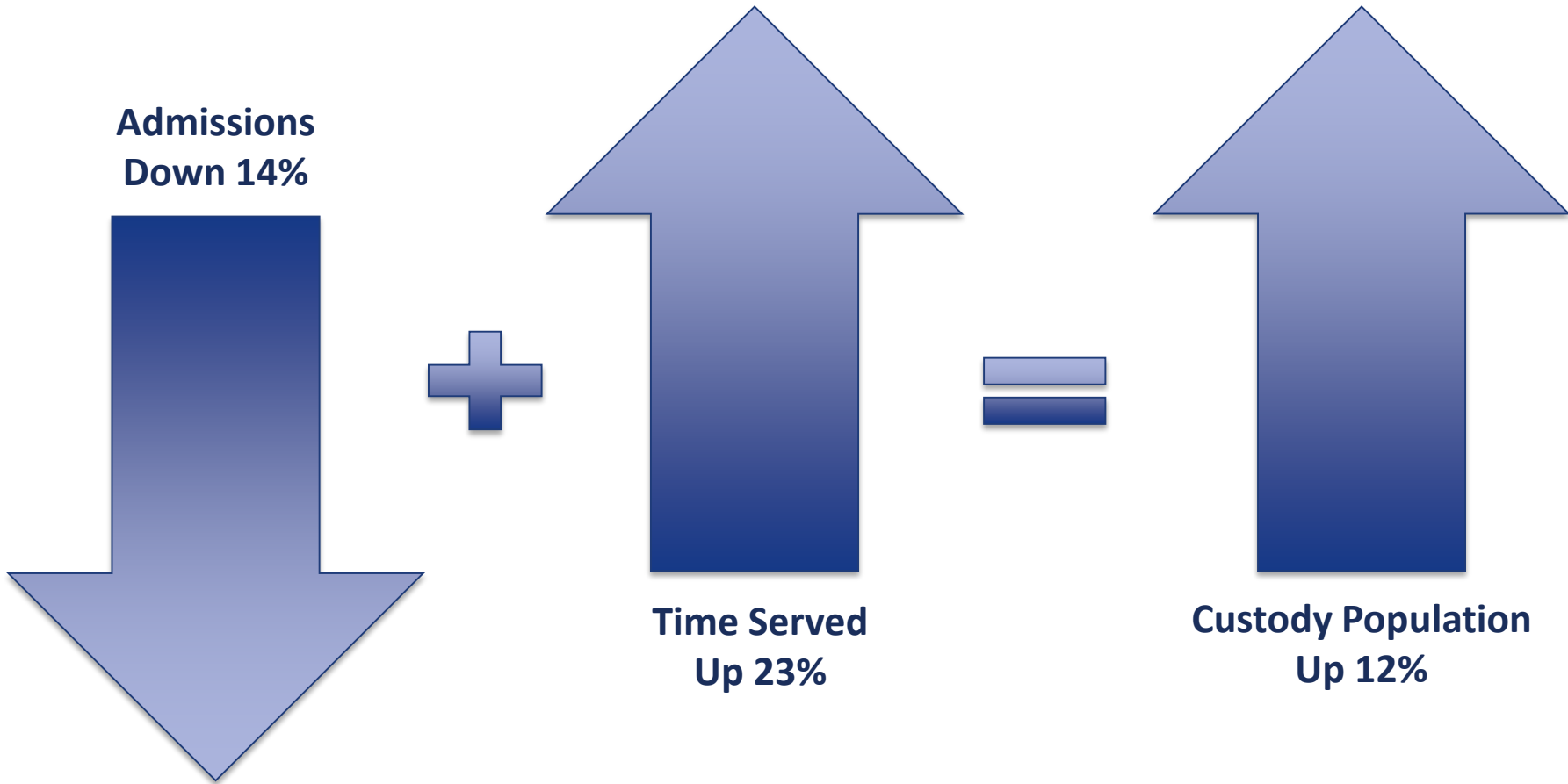
**Quality Control:** While criminal justice agencies collect a wide variety of data, inconsistent definitions across agencies and time limit the state's ability to conduct comprehensive analysis.

# 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

# Review

# Summary of Trends





# 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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