



DRAFT

Increasing Public Safety and Generating Savings: Options for Rhode Island Policymakers

Background

Governor Carcieri and legislative leaders in the General Assembly have requested technical assistance from the Council of State Governments Justice Center (“Justice Center”) to determine why the Rhode Island prison population is growing. They have also asked the Justice Center to provide them with policy options, which, if implemented correctly, would increase public safety, reduce spending on corrections, and improve conditions in “high stakes” neighborhoods to which offenders released from prison return. Some of these options respond to requests from legislative leaders for scenarios that would increase the effectiveness of probation and parole. Options are also included in response to the governor’s specific request of reducing the prison population in FY2008 by 500.

The state’s prison population has been growing over the past ten years, and the rate of this growth is projected to accelerate over the next 10 years.¹

- From 1997–2007, the prison population increased 15%.
- The prison population is projected to increase an additional 21% over the next ten years.²
- Unless policymakers act, the state will be required to spend an additional \$300 million in operating costs at the ACI over the next 10 years to accommodate the projected increase in the prison population.

People released from the Adult Correctional Institutions (ACI) fail at high rates.

- 31% of sentenced offenders released from prison are reincarcerated within 1 year—a rate that is 10% higher than the national average. 50% of sentenced offenders released from prison return within 3 years.

People in need of drug treatment have difficulty accessing such services.

- The state has the third highest percentage of people (age 12 and older) needing but not receiving treatment for drug problems in the U.S.³
- The “treatment gap” is the largest for those in crime-prone age categories: 11% of the state’s 18–25 year old population is estimated to need but not receive treatment for illicit drug use.⁴

1. In Rhode Island, offenders held awaiting trial or sentenced to a term of incarceration are both confined by the Rhode Island Department of Corrections (RIDOC) within the state Adult Correctional Institutions (ACI). For the purposes of this document, the term “prison” is used to refer to both the awaiting trial and sentenced population at the ACI.
2. JFA Institute Prison Population Projection for the Rhode Island Department of Corrections, October 2006.
3. Office of National Drug Control Policy. *Inventory of State Substance Abuse Prevention and Treatment Activities and Expenditures*. Washington, DC: Executive Office of the President (Publication No. NCJ 216918), page 39.
4. Ibid, page 621.
5. American Probation and Parole Association. “Caseload Standards for Probation and Parole,” September 2006.
6. Bed savings indicated for each policy are for the year identified, and are not cumulative. For example, policy option 2 will require 43 fewer beds than projected in FY2008 and 64 fewer beds than projected in FY2017.
7. Assumption: Additional treatment resources are sufficient to eliminate the backlog of people scheduled for release on parole who currently are held past their release date for a residential substance abuse treatment bed to become available. Further funding of the substance abuse treatment system could, if targeted appropriately, have an additional unknown impact on the prison population if used by judges to divert offenders who would otherwise have been sentenced to a term of incarceration.
8. Rhode Island Statute 42-56-26 currently allows offenders to earn up to 3 days per month for “meritorious service,” which is interpreted by RIDOC as including participation in selected rehabilitative, educational, and vocational programs.

9. Rhode Island Statute 42-56-24 currently allows offenders with sentences of 6 months or more to earn 1–10 days each month for good behavior. The number of days a person can earn each month for good behavior is equal to the number of years in their prison sentence. Offenders with sentences ranging from 6 months to 1 year can earn up to 1 day per month, while offenders with a sentence of 10 years can earn up to 10 days per month. Offenders with sentences of 6 months or less currently earn no time off of their sentence for good behavior. Applying this new amount or “earned time” retroactively for the period of time that offenders have already served at the ACI and earned the existing rate of good time could increase the bed savings associated with this policy option. Furthermore, increasing the amount of “earned time” to 1 day for every 2 days served, or 1 day for every day served (as is the policy in some states) could result in even greater bed savings in FY2008 and beyond.
10. The estimated bed savings for policy option 7b represents the impact this policy could have on the population at the ACI in addition to the impact stated in policy option 7a. The bed savings estimated in policy option 7b may be reduced by any increase in the parole grant rate if policy option 2 is adopted.
11. The estimate of bed savings associated with policy option 9 is based on data from calendar year 2006 and extrapolated over the 10 year period, unlike the rest of the bed savings estimates which utilize a statistical model of the prison population.
12. The estimate of bed savings associated with policy option 10 is based on data from calendar year 2006 and extrapolated over the 10 year period, unlike the rest of the bed savings estimates which utilize a statistical model of the prison population.

Governor Carcieri and legislative leaders commissioned this report from the Council of State Governments Justice Center. Dr. James Austin and Wendy Naro of the JFA Institute researched and drafted the report, based on data from the Rhode Island Department of Corrections (RIDOC). The Pew Charitable Trusts is providing assistance to state leaders in Rhode Island through its Public Safety Performance Project, which assists select states that want better results from their sentencing and corrections systems. Working with the Justice Center and other partners, Pew’s project provides nonpartisan research, analysis and expertise to help states identify data-driven, fiscally responsible options for protecting public safety, holding offenders accountable, and controlling corrections costs. The U.S. Department of Justice also provided funding support to make this project possible through the Office of Justice Programs’ Bureau of Justice Assistance. Points of view, recommendations, or findings stated in this document are those of the authors and do not necessarily reflect the official position or policies of the Bureau of Justice Assistance, U.S. Department of Justice, The Pew Charitable Trusts, Council of State Governments Justice Center, or the Council of State Governments’ members. © 2007

Justice Center
Council of State Governments
 100 Wall Street, 20th Floor
 New York, NY 10005

PHONE:
 212-482-2320
 FAX:
 212-482-2344

www.justicecenter.csg.org

High risk probationers are not appropriately identified or supervised.

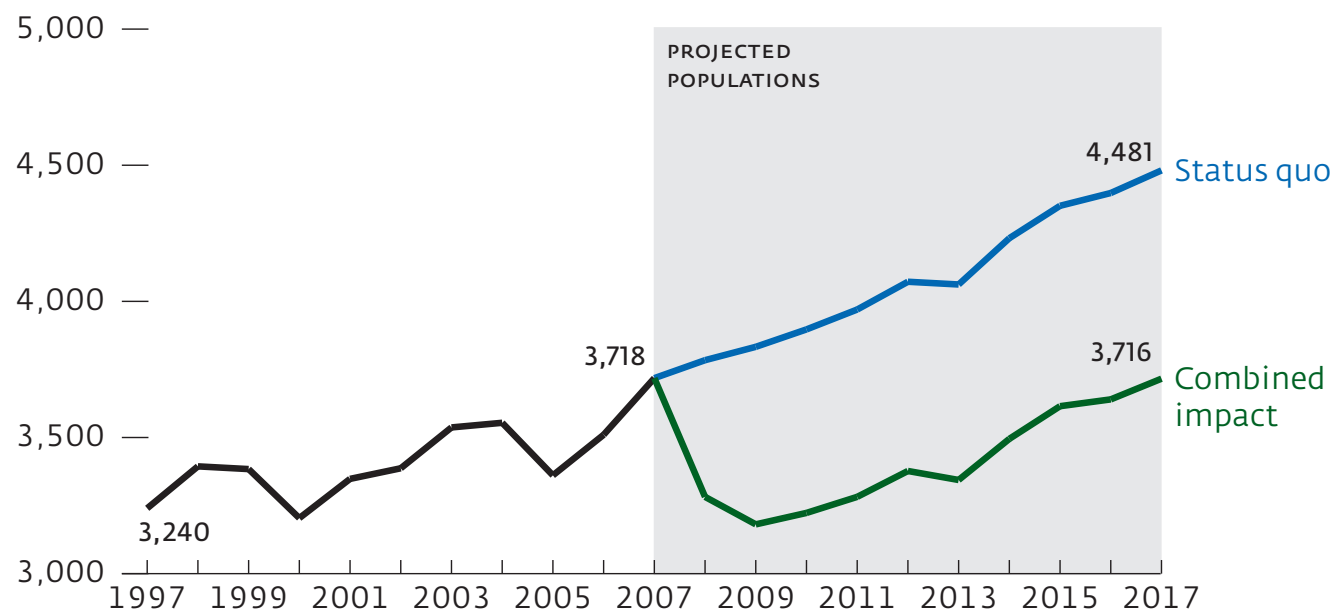
- The state has the second highest rate of people on probation in the U.S.: over 3% of the state’s adult population or about 27,000 people are on probation on any given day; half of these probationers are on “inactive supervision.”
- Probation sentences for felony offenders average 5 years, which is about twice as long as the national average.
- Unlike most departments of probation across the U.S., Rhode Island does not have a validated method for determining whether individuals on probation pose a high, medium, or low risk to public safety.
- The average caseload for a probation officer supervising a “generic” group of offenders is

approximately 250 cases per probation officer. In Providence, individual probation officers with “generic” caseloads are responsible for supervising over 330 people. By comparison, national standards, which recommend caseload sizes that vary by the risk of the offender, are the following: a caseload of high risk offenders should average 20 people, medium risk caseloads should average 50 people, and low risk caseloads should average 200 people.⁵ High caseloads reduce the amount of time that probation officers can use to fight crime by effectively supervising and providing services to reduce the risk that offenders pose to public safety.

- In Connecticut, people on probation who violate the conditions of their supervision are moved to specialized caseloads (no more than 25 offenders per officer) who receive intensive supervision and services to reduce their risk to public safety.

Options for Policymakers

FY2008 – 2017 (10 years)
Projected Prison Population



POLICY OPTION	ESTIMATED	
	FY2008 BED SAVINGS	FY2017 BED SAVINGS ⁶
1 Expand the capacity of the residential substance abuse treatment system to reduce the number of people approved for parole but awaiting a treatment slot. ⁷	20	20
<ul style="list-style-type: none"> • Provide funds to secure additional drug treatment beds for people being released to parole supervision. 		
2 Improve the Parole Board’s use of data regarding offenders’ risks/needs to ensure that release decisions are science-based.	100	118
<ul style="list-style-type: none"> • Direct the parole board to develop guidelines for release based on an offender’s risk to public safety. 		
3 Improve the effectiveness of parole supervision.	4	18
<ul style="list-style-type: none"> • Increase the percentage of parolees who complete vocational, educational, and substance abuse treatment programs after their release to the community. • Intensify parole supervision for offenders who do not comply with the conditions of their supervision. • Provide people on parole with an incentive to adhere to the conditions of their release (1 day of earned time for every 3 days successfully served on parole). 		
4 Target probation resources to supervise offenders when they are most likely to reoffend.	27	75
<ul style="list-style-type: none"> • Focus probation supervision during the initial 12 months after release from the ACI and limit felony probation terms to 3 years except for offenses punishable by life imprisonment. 		
5 Make probation supervision responsive to the risks/needs of offenders.	27	75
<ul style="list-style-type: none"> • Permit judges (and probation officers) to modify the conditions of probation supervision to respond most appropriately to offender behavior. 		
6 Ensure that people in prison complete programs such as drug treatment and job training to reduce their risk to public safety before they are released.	55	81
<ul style="list-style-type: none"> • Create a “risk reduction program credit” for people who participate in and successfully complete treatment, job training, and educational programs in prison. • Provide a 5 day credit for every month of participation in programs and a 30 day credit upon successful completion.⁸ 		
7a Provide less serious offenders with the same incentive for good behavior as more serious offenders.	84	288
<ul style="list-style-type: none"> • Standardize the amount of “earned time” available at 10 days for every 30 days served to encourage good behavior by offenders sentenced to 1 month or more (the current rate of earned time available to the most serious offenders in prison).⁹ 		
7b Make the standardized “earned time” policy retroactive for all currently sentenced offenders ¹⁰	97	0
8 Ensure the payment of restitution to victims.	8	10
<ul style="list-style-type: none"> • Streamline the procedures for collecting court costs, fines, fees, assessments, and restitution, to reduce the number of people held at the ACI for either directly or indirectly failing to pay court costs, fines, fees, or restitution. • Prioritize the payment of restitution over court costs, fees, and other obligations owed to the state. • Establish uniform procedures for determining an individual’s ability to pay. 		
9 Reduce the number of people held at the ACI awaiting trial with bail set at less than \$500. ¹¹	10	10
10 Increase the number of people placed on home confinement who would otherwise be held at the ACI.	70	70
<ul style="list-style-type: none"> • Sentence 70 people to home confinement in lieu of a prison sentence. Estimated bed savings assume these offenders would have otherwise served an average of 13 months on their sentence at the ACI.¹² 		
ESTIMATED COMBINED IMPACT	502	765
AVERTED COSTS (The cost of implementing the policy options is not included.)	FY2008 \$4 million	FY2008–2017 \$58.6 million