SWIFT, CERTAIN, AND FAIR

Presentation to the Commission on Criminal Justice & Sentencing Reform Community Corrections Subcommittee

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Incarceration Rates

The US has the world’s highest incarceration rate

We are back to 1965 crime rates. To get back to our historic level of incarceration, we’d have to reduce the prisoner headcount by 80%

We are well past the point where adding prisoners has significant crime-control value

<table>
<thead>
<tr>
<th>Country/Region</th>
<th>Prison Population Per 100,000</th>
<th>% of US</th>
</tr>
</thead>
<tbody>
<tr>
<td>US</td>
<td>707</td>
<td>100%</td>
</tr>
<tr>
<td>Russia</td>
<td>467</td>
<td>66%</td>
</tr>
<tr>
<td>Brazil</td>
<td>289</td>
<td>41%</td>
</tr>
<tr>
<td>Iran</td>
<td>283</td>
<td>40%</td>
</tr>
<tr>
<td>Mexico</td>
<td>215</td>
<td>30%</td>
</tr>
<tr>
<td>Venezuela</td>
<td>174</td>
<td>25%</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>149</td>
<td>21%</td>
</tr>
<tr>
<td>Australia</td>
<td>143</td>
<td>20%</td>
</tr>
<tr>
<td>Spain</td>
<td>141</td>
<td>20%</td>
</tr>
<tr>
<td>US (1900-75)</td>
<td>130</td>
<td>18%</td>
</tr>
<tr>
<td>China</td>
<td>124</td>
<td>18%</td>
</tr>
<tr>
<td>Canada</td>
<td>118</td>
<td>17%</td>
</tr>
<tr>
<td>Belgium</td>
<td>105</td>
<td>15%</td>
</tr>
<tr>
<td>France</td>
<td>102</td>
<td>14%</td>
</tr>
<tr>
<td>Austria</td>
<td>99</td>
<td>14%</td>
</tr>
<tr>
<td>South Korea</td>
<td>98</td>
<td>14%</td>
</tr>
<tr>
<td>Italy</td>
<td>88</td>
<td>12%</td>
</tr>
<tr>
<td>Switzerland</td>
<td>87</td>
<td>12%</td>
</tr>
<tr>
<td>Germany</td>
<td>81</td>
<td>11%</td>
</tr>
<tr>
<td>Egypt</td>
<td>76</td>
<td>11%</td>
</tr>
<tr>
<td>Norway</td>
<td>75</td>
<td>11%</td>
</tr>
</tbody>
</table>
Growth in the Correctional System
Disproportionate Effects

Percentage Incarcerated

- 1972
- 2010

C, HS, DO

White, Hispanic, Black
Crime Rates & Incarceration Rates
Recidivism Rates

Recidivism of prisoners released in 30 states in 2005, by time from release to first arrest that led to recidivating event
Percent who recidivated

Time from release to first arrest (in months)
Comparative Costs of Corrections

1 day in prison costs more than 10 days on parole or 22 days on probation.

**STATE DAILY COSTS PER OFFENDER**

**PROBATION AGENCIES**
- Low: $1.38
- Average: $3.42
- High: $7.89

**PROBATION AND PAROLE AGENCIES**
- Low: $1.22
- Average: $4.00
- High: $9.76

**PAROLE AGENCIES**
- Low: $3.51
- Average: $7.47
- High: $13.28

**PRISON SYSTEMS**
- Low: $35.69
- Average: $78.95
- High: $130.16

**SOURCES:** Spending figures were collected from AR, AL, AK, CO, DE, GA, ID, IA, KY, LA, ME, MD, MI, MN, MS, MO, MT, NC, ND, NE, NH, NM, NY, OK, OR, PA, RI, SC, SD, TN, TX, VT, VA and WY.

**NOTE:** Caution should be used in making interstate comparisons since a wide variety of factors beyond agency performance or efficiency can account for daily cost differences. Some states have separate probation and parole agencies while others have combined them.
Probation-as-Usual vs. SCF

• Probation as Usual (PAU):
  • Too many rules
  • Too little monitoring
  • Sanctioning that is sporadic and delayed, but occasionally severe
  • Mandates to services that many probationers neither want nor need
  • Gross over-use of financial impositions

• SCF:
  • Limited set of rules
  • Clear warnings
  • Close monitoring
  • Some small consequence for every violation
SCF/HOPE

- Based on credible threats
- Supervision conditions closely monitored and actually enforced
- Formal orientation hearing (procedural justice)
- Clearly articulated rules
- Regular random drug testing (6x/month to start)
- *Every* violation is met with an immediate *modest* sanction
- No one mandated to treatment if complying
- Probationer/parolee controls the supervision and treatment experience through their behavior
  - Treatment always provided if requested
  - 3+ violations ➔ mandated care
## Outcomes (RCT Hawaii)

<table>
<thead>
<tr>
<th>Outcome</th>
<th>HOPE</th>
<th>Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>No-shows for probation appointments</td>
<td>9%</td>
<td>23%</td>
</tr>
<tr>
<td>(average of appointments per probationer)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Positive urine tests (average of tests per</td>
<td>13%</td>
<td>46%</td>
</tr>
<tr>
<td>probationer)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revocation rate (probationers revoked)</td>
<td>7%</td>
<td>15%</td>
</tr>
<tr>
<td>Incarceration (days sentenced)</td>
<td>138 days</td>
<td>267 days</td>
</tr>
</tbody>
</table>

Long term followup (at 7 years and 10 years) shows reductions in drug use is sustained at followup. Significant reductions in drug charges, and returns to prison
SCF as a “Behavioral Triage Model”

Number of positive drug tests

Percentage

0% 10% 20% 30% 40% 50% 60%

0 1 2 3 4 5 6

- 51% for 0 positive drug tests
- 28% for 1 positive drug test
- 12% for 2 positive drug tests
- 5% for 3 positive drug tests
- 2% for 4 positive drug tests
- 1% for 5 positive drug tests
- 1% for 6 positive drug tests
Important innovations

• Less is more: small punishment dose
• Non-incarcerating responses (Ohio is the state to watch)
• Continuum of supervision to reduce returns to prison (integrating with drug courts retooled to take high-risk)
• Rewards for compliance (e.g. early discharge in Hawaii and structured release time in WA)
• Now we see in-custody and other applications of these principles
Swift, Certain, and Fair Programs

• First movers:
  • Hawaii HOPE (2004)
  • Swift in Texas (2004)
  • 24/7 Sobriety Program (South Dakota, 2007)

• Newer programs:
  • 28+ states currently operating SCF programs
  • Two statewide implementations (Washington State and Alaska)

• Federal support:
  • Round 1: DOJ funded four state Demonstration Experiment
    • AR, MA, OR, TX
  • Round 2: DOJ funded sites in six states and one tribal court
    • AL, AK, MI, NH, OH, NY, and the Lummi Nation
  • Round 3: support for additional states soon to be announced
  • Established SCF Resource Center
SCF in Prisons

- The same principles of SCF can be applied within prisons and jails to improve safety and lower reliance on harsh punishments such as solitary confinement

- Current Sites:
  - Washington
    - WADOC reports 60% reduction in lost Good Time Credit since implementing SCF in prison
  - Ohio
    - Their SCF pilot prison showed substantial reductions in the number of inmates in Administrative Segregation following SCF. Is now being expanded to other facilities
SCF Reentry: Graduated Reentry

- How can we utilize SCF principles to create a viable alternative to incarceration for those that are too risky for community supervision?

- Graduated Reentry:
  - SCF Sanctions/Rewards
  - Scattered-site housing
  - Technology-Enabled Monitoring
  - Work/Work Search
  - Drug Testing
  - Curfew
Changing the Correctional Mix

Institutional Corrections = Prison & Jail
RRC = Residential Reentry Center (Halfway House)
Community Corrections = Probation & Parole
GR = Graduated Reentry
SCF = Swift, Certain, and Fair

Current Correctional Continuum

Proposed Correctional Continuum

Institutional Corrections: GR
Community Corrections: SCF
Community Corrections