

## Preliminary Findings of community corrections/ISP-I referral patterns

Prepared for:

CCJJ/Sentencing Reform Task Force/Progression Working Group on June 8, 2021

Sample included all inmates at or past their PED as of March 31, 2021 (N=5305). Data includes demographic information, risk factors and treatment needs, and history of referrals to ISP-I and transition community corrections.

- 447 of these were individuals referred to ISP-I during the current incarceration, with 566 unique referrals. These referrals ranged across 27 years, with the first referral occurring on 2/25/1994.
- 3800 of these individuals were referred to community corrections during the current incarceration, with 9,617 unique referrals. These referrals ranged across 30 years, with the first referral occurring 6/29/1990. Each individual averaged 2.5 referrals.

An 'index' referral was identified for this analysis, prioritized as that closest to PED prior to PED, followed by that closest to PED after PED. Referrals of parole returns that occurred > 3 years prior to the current PED were excluded from the following analysis.

### Eligibility for referral: ISP-I

Statutorily defined ISP-I referral eligibility:

9 months to PED

No extraditable misdemeanor detainers\*

Additional timelines apply for violent offenders whose parole hearing has been deferred\*

No Class I COPD within 12 months

No Class II COPD within 6 months

Not on Tabled Parole Board list\*

Not in Security Threat Group (STG)

Not placed in Management Control Unit

\* These elements were not available

		N referrals	Percent	Percent of inelig*	
Eligibility	Not eligible	45	12.3%		
	Eligibility Criteria	Prior to eligibility	18		40.0%
		Class 1 COPD within 12 months	0		0.0%
		Class 2 COPD within 6 months	7		15.6%
		In Management Control Unit	0		0.0%
		Security Threat Group (STG)	23		51.1%
	Eligible	320	87.5%		
Total	365	100%			

\* May total more than 100%, as multiple factors may apply.

## Preliminary Findings of Community corrections/ISP-I referral patterns

### ISP-I acceptance

		N referrals	Percent accepted	Percent rejected
Eligibility	No	45	60.0%	40.0%
	Yes	320	58.8%	41.2%
Overall acceptance rate		365	58.9%	41.1%

- Of the 365 index ISP-I referrals, 12.3% would have been considered ineligible based on above criteria. There was no difference in acceptance rates for those considered eligible and those considered ineligible.

### Top reasons for rejection from ISP-I programs

- Most often denied due to rejection by the community board, followed by 'Other'

	N referrals	Percent
Board rejection	52	57.1%
Other	12	13.2%
Placed	7	7.7%
Paroled	5	5.5%
Sponsor declined	4	4.4%
COPD conviction	2	2.2%
Lack of residence	3	3.3%
On escape status	3	3.3%

### Eligibility for referral: community corrections

Statutorily defined community corrections referral eligibility:

- 19 months to PED **for nonviolent offenders**
- 9 months to PED **for violent offenders**
- No felony warrants/detainers\*
- No class 1 COPD within 12 months
- Ineligible for re-referral for 6 months if denied

\* These elements were not available

		N referrals	Percent	Percent of inelig*	
Eligibility	Not eligible	402	11.5%		
	Eligibility Criteria	Class 1 COPD within 12 months	25	0.7%	
		Referral prior to referral eligibility	359	10.3%	
		Rejected from placement by facility/board in prior 6 months	21	0.6%	
Eligible		3087	88.5%		
Total		3489	100%		

\* May total more than 100%, as multiple factors may apply.

## Preliminary Findings of Community corrections/ISP-I referral patterns

- In the case of community corrections referrals, found 11.5% of the sample described above were considered ineligible. As shown below, there was no difference in acceptance rates for those considered eligible and those considered ineligible.

		N referrals	Percent accepted	Percent rejected
Eligibility	Not eligible	765	26.8%	73.2%
	Eligible	2724	36.1%	63.9%
Overall acceptance rate		3489	34.1%	65.9%

## Top reasons for rejection from community corrections

- The severity of the current offense seems to be the most common reason for rejection from community corrections, followed by 'other' and by rejection by the community board.

	N referrals	Percent
Current offense	1487	18.7%
Other	1298	16.4%
Comm. Board rejection	939	11.8%
Lack of area ties	813	10.2%
Criminal history	717	9.0%
Management problems	617	7.8%
Assault/violent behavior	588	7.4%
Escape risk	460	5.8%
Prior comm failure	384	4.8%
Specialized program	279	3.5%
Fail to complete prescribed pr	175	2.2%
Disp infraction	131	1.7%
Mental health problems	18	0.2%
Neg. Public reaction	13	0.2%

**Preliminary Findings of Community corrections/ISP-I referral patterns**

**Overall referrals to community corrections and ISP-I**

		Percent	N inmates
Referred to community corrections or ISP-I	No	30.7%	1410
	Yes	69.3%	3176
Total		100%	4586

- **69% of those at or past their PED had been referred to either community corrections or ISP-I**

		Not referred	Referred	N inmates
Refusal	No	10.4%	89.6%	1092
	Yes	81.8%	18.2%	737
	Unknown	25.1%	74.9%	2757
Total		30.7%	69.3%	4586

- **Many people are not referred because they refuse to be referred**

**Demographics:**

		Not referred	Referred	N inmates
Race/ethnicity	Black	26.0%	74.0%	724
	Hispanic	31.5%	68.5%	1385
	White	31.7%	68.3%	2218
	Else	29.6%	70.4%	250
Total		30.6%	69.4%	4577

		Not referred	Referred	N inmates
Gender	Women	13.7%	86.3%	335
	Men	23.2%	76.8%	3673
Total		22.4%	77.6%	4008

- **Hispanic and white inmates are less often referred than Black inmates**
- **Women are much more frequently referred**
- **Average age was 37 for both groups**

**Preliminary Findings of Community corrections/ISP-I referral patterns**

**Substance use and mental health treatment needs matter:**

		Not referred	Referred	N inmates
Alcohol & Drug Treatment Needs	Minor alcohol and/or drug problem	34.9%	65.1%	786
	Minor to moderate alcohol and/or drug problem	29.5%	70.5%	485
	Moderate alcohol and/or drug problem	27.0%	73.0%	1424
	Moderate to severe alcohol and/or drug problem	26.5%	73.5%	888
	Severe alcohol and/or drug problem	22.7%	77.3%	754
Total		27.9%	72.1%	4337
Medical Needs Level	Healthy, no chronic illness	30.1%	69.9%	1364
	Health controlled by diet/medications as needed	27.5%	72.5%	1605
	Chronic health conditions, maintained by ongoing medication	26.6%	73.4%	1254
	Advanced chronic health conditions; may have complications	39.8%	60.2%	216
	High medical needs and/or terminal illness	36.4%	63.6%	11
Total		28.7%	71.3%	4450
Mental Health Treatment Needs	No mental health need for treatment	42.3%	57.7%	643
	Low clinical need for mental health treatment	22.8%	77.2%	2015
	Low to moderate need for mental health treatment	29.0%	71.0%	1706
	High need for mental health treatment	40.3%	59.7%	62
Total		28.3%	71.7%	4426
Sex Offender TX & Monitoring Program (SOTMP)	No documentation for sexual violence treatment needs	27.8%	72.2%	2661
	Unadjudicated sex abuse allegation	27.7%	72.3%	296
	Institutional determination of sex offense behavior	12.2%	87.8%	41
	Administrative determination of sex offense, incl. prior needs	23.3%	76.7%	30
	Judicial determination of sex offense	31.7%	68.3%	1436
Total		28.9%	71.1%	4464

- ***Those with minor substance use treatment needs are more often not referred***
- ***Those with higher medical needs are more often not referred***
- ***Those with low to moderate mental health needs are less often referred than those with no mental health needs OR very high mental health needs***
- ***Those with sexual assault convictions are less often referred***

## Preliminary Findings of Community corrections/ISP-I referral patterns

### *Risk levels do seem to matter*

		Not referred	Referred	N inmates
Risk Level	Low	26.7%	73.3%	595
	Moderate	30.2%	69.8%	1221
	High	28.3%	71.7%	1235
	Very high	28.6%	71.4%	918
Total		28.7%	71.3%	3969

		Not referred	Referred	N inmates
Scored custody level	Maximum	23.7%	76.3%	730
	Medium	34.6%	65.4%	405
	Minimum	26.7%	73.3%	3016
Total		26.9%	73.1%	4151

		Not referred	Referred	N inmates
Gang involvement	No	31.0%	69.0%	2884
	Yes, Not Current	20.2%	79.8%	674
	Yes, Current	26.5%	73.5%	479
Total		28.6%	71.4%	4037

- ***Those with moderate risk assessment scores are less often referred than those with low or high scores***
- ***Those with minimum or maximum scored custody levels were more often referred, while those with medium custody level assessment scores were less often referred***
- ***Those with no gang involvement (past or current) were less often referred***

### **History matters:**

		Not referred	Referred	N inmates
Previously regressed/revoked from community or parole*	No	35.1%	64.9%	3306
	Yes	19.6%	80.4%	1280
Total		30.7%	69.3%	4586

*\*Only revocations during current incarceration are included*

		Not referred	Referred	N inmates
History of escape/abscond	No	33.9%	66.1%	3286
	Yes	22.7%	77.3%	1300
Total		30.7%	69.3%	4586

- ***Those previously regressed from either community corrections, ISP-I or parole are more often referred.***
- ***Additionally, those with an escape or abscond history are more often referred***

## Preliminary Findings of Community corrections/ISP-I referral patterns

### Offense types and sentence length:

		Not referred	Referred	N inmates
Has a VRA conviction	No	35.9%	64.1%	1610
	Yes	28.0%	72.0%	2976
Total		30.7%	69.3%	4586

		Not referred	Referred	N inmates
Offense Type	Violent	29.5%	70.5%	2541
	Non Violent	32.3%	67.7%	2045
Total		30.7%	69.3%	4586

		Not referred	Referred	N inmates
Felony class	Felony 1/2	24.7%	75.3%	215
	Felony 3/4	23.5%	76.5%	2911
	Felony 5/6	45.4%	54.6%	1305
	Drug felony 1/2	25.0%	75.0%	60
	Drug felony 3/4	66.7%	33.3%	87
Total		30.6%	69.4%	4578

		Not referred	Referred	N inmates
Crime category	Homicide	24.8%	75.2%	202
	Kidnapping	21.3%	78.7%	108
	Sexual Assault	30.9%	69.1%	747
	Child Abuse	31.0%	69.0%	268
	Assault	33.8%	66.2%	911
	Robbery	17.1%	82.9%	292
	Escape	13.6%	86.4%	332
	Burglary/Theft/ Other Property	34.2%	65.8%	985
	Drug	40.0%	60.0%	215
	Other/Misc	37.5%	62.5%	526
Total		30.7%	69.3%	4586

- **Those with VRA convictions and overall violent conviction crimes are more often referred**
- **Those with lower-level felonies are less often referred**  
**Those with property or drug conviction crimes are less often referred.**

## Preliminary Findings of Community corrections/ISP-I referral patterns

### Sentence length and time served

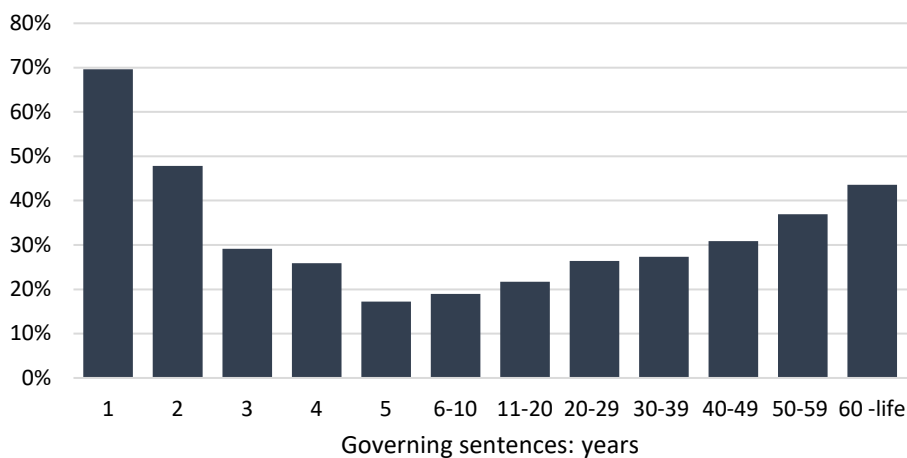
	Not Referred	Referred	Total
Average governing sentence*	10.6	7.7	4584
Average years served to date	5.7	7.0	4374
Average percentage of sentence served to date	60.7%	93.8%	4371

\* Capped at 70 years

- **Governing sentences for those not referred appear to be longer than for those referred**
- **Those referred have served much more of their sentence than those not referred**

		Not referred	Referred	N inmates
Governing sentence: years	1	69.6%	30.4%	214
	2	47.8%	52.2%	776
	3	29.1%	70.9%	797
	4	25.9%	74.1%	626
	5	17.2%	82.8%	465
	6-9	19.0%	81.0%	353
	10-19	21.7%	78.3%	544
	20-29	26.4%	73.6%	504
	30-39	27.3%	72.7%	139
	40-49	30.9%	69.1%	81
	50-59	37.0%	63.0%	46
	60-life	43.6%	56.4%	39
Total		30.7%	69.3%	4584

### Proportion not referred to community programs by sentence length:



- **Those with shorter sentences as well as those with very long sentences are less often referred**