

From: Bob Lampert
To: Rivera, John
Date: 8/15/2007 12:01 PM
Subject: JJC Request
Attachments: Future.doc

Legislative Service Office
LSO Document Database
Database Number: F
Document Number: 14390

CC: CORSENIORSTAFF; Lampert, Bob; Lindly, Steve
John,

I am re-sending the list of opportunities that I previously provided in my testimony to the JJC as possible areas of policy improvement. I have also asked members of my staff to brainstorm some specific areas that might serve as first best steps in the review process. Steve Lindly will forward those suggestions to you as well, probably tomorrow.

Unfortunately, due to family illness, I haven't had a chance to give the prioritization much thought and now have to head back to my mother's bedside. My overriding thoughts in the area of adult sentencing issues have remained unchanged, however:

We need to identify and adopt:

- 1) Practices that reduce incarceration rates without increasing crime rates by diverting more low-level low-risk offenders to community based programs and increasing the availability of progressive community-based sanctions including secure treatment, increased periods of jail sanctions, etc.
- 2) Practices that control the growth rate of prison beds through controlled prioritized entry and expanded discretionary release and risk-based revocation, along with policies that permit reasoned discretion from first contact with the CJ system through ultimate release based upon individual circumstances and assessed risk.
- 3) Practices that support a justice reinvestment strategy that shifts dollars and resources from the reactive end of the CJ spectrum to the proactive end.

In Wyoming, 23.5% of all males and 27.7% of all female admissions are due to technical violations including 16% male and 15% female for drug use. Another 8.5% of males and 14.5% of female admissions are the result of revocation due to new misdemeanor crimes or felonies. So 32% of incoming males and 42% of incoming females in Wyoming are due to probation or parole revocations. To target this population, we need to increase the types and availability of progressive alternative sanctions that involves assessed risk in the decision making, allow for shorter probation/parole periods as offenders successfully reduce their risk, and provide the FTE that will reduce agents' caseload size, increase the actual level of supervision and monitoring and permit the targeting of high-risk parolees with intensive services.

We need to prioritize the prison space we have and are building - to ensure that the most serious highest risk offenders serve out the majority of their sentences (ideally followed followed by a period of mandatory supervised release) and ensure that prison beds are used for violent offenders first (and less often for property and drug offenses)- develop progressive sanctions and community punishment programs for appropriate, non-violent offenders and - institute an earned time credit or "risk reduction credit" of up to 10% of the sentence for inmates and offenders who successfully reduced their risk.

As I said, more will follow from my staff, but those are my thoughts right now. i'll see you in rawlins next Thursday and Friday.

Bob

- **Build the capacity and training necessary to require thorough risk assessments using validated risk instruments as a tool for decision making at each stage of the criminal justice and intervention process.**
- **Increase the development of alternatives to incarceration that permit the enhanced diversion of drug-involved offenders and those with mental health issues to treatment, including residential treatment in secure facilities, as an intermediate sanction or through drug court and other mechanisms, while increasing the capacity of treatment-oriented facilities and the availability of substance abuse and mental health services.**
- **Develop alternatives to incarceration that can provide the level of service and supervision that is appropriate to the individual and his/her assessed risk level, including the use of unsupervised felony probation for low-level low-risk individuals.**
 - **Provide the flexibility to concentrate probation and parole services on high-risk offenders and on the initial period of community supervision and we need the resources to establish case load standards that permit cases to staff ratios of:**
 - **1:20 for Intensive Supervision, those high-risk serious offenders freshly released from prison and those released from secure specialty programs such as boot camp and secure residential treatment facilities;**
 - **1:50 for moderate to high-risk offenders, including misdemeanor level DUI and domestic violence cases; and a**
 - **1:100 ratio for others who are not appropriate for administrative or non-supervised probation or parole.**
- **Increase the range of intermediate sanctions and establish a mechanism to reduce the full term of supervision for those who do well and reduce their risks over time, so we can establish accountability for offenders' successful completion of evidence-based programs.**
- **Rethink policies that result in unnecessarily lengthy incarceration such as "three strike laws" and life without parole, or at least formally make beds for those offenders our first priority and figure out other ways to deal with less serious offenders.**
- **Reconsider sentence lengths overall and perhaps enhance judicial discretion through increasing the range of factors that can be taken into account at sentencing and by providing options to mandatory sentencing.**
- **Narrow length of stay ranges to reduce how long some offenders are incarcerated before being paroled, consider parole guidelines that increase**

parole grants for low-risk prisoners, and provide a mechanism where no serious offender assessed as high-risk is released from prison without some period of supervision.

- **Reconsider revocation policies for probation and parole, particularly for technical violations including continued drug use, which increasingly contribute to prison admissions, by increasing the use of decision making based upon validated risk assessment tools and through an increased range of risk appropriate intermediate sanctions, such as placement into secure residential treatment.**
- **Refine good time laws and policies and allow an additional credit for up to 10% of the prison or supervision term for successful reduction in individual criminogenic risk.**
- **Enhance the probability of successful citizen restoration by reducing the secondary impacts of incarceration, such as disenfranchisement laws that remove the right to vote or remove a person's ability to enter certain professions or hold certain licenses, when the crime is not related thereto.**
- **Continue to provide the funding necessary to improve data collection and information sharing among agencies.**
- **Provide statutory post-conviction relief for newly discovered DNA evidence.**
- **Create technical violation and transition or re-entry centers and programs to aid offenders' return to our communities and to respond to violations of supervision conditions, perhaps by redefining and expanding the roles of our adult community corrections centers to focus increasingly on treatment and after-care, while still enabling those people housed there to help us address our community work force needs.**
- **As we begin to see the results of a decreased incarceration rates and reduced recidivism, those savings need to be reallocated to support greater investments in community justice programs that can target services pro-actively to communities, especially those most heavily affected by both crime and incarceration.**



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Robert O. Lampert
Director

August 16, 2007

To: John Rivera
Legislative Service Office

From: Steve Lindly
Deputy Director

Re: JJC request on sentencing interim study

Director Lampert sent his thoughts around three priorities which he noted need to be identified and adopted relative to this interim study topic, along with some statistics concerning Wyoming offenders. Additionally, he included a summary of his comments from the previous committee hearing on this issue.

We would like to add the following:

A number of critical areas of data and information must be collected before, we believe, a reasoned decision can fully be made to implement ideas such as those put forth by Director Lampert. Pew Charitable Trusts (PCT) recently released a study with prison growth projections for a number of states. Wyoming was reflected as jumping to near the front of the pack in the rate of incarceration over the next few years. At the first meeting on this study by the JJC, Director Lampert suggested a review by the PCT group, or another similar group, to look more fully at Wyoming criminal justice data. At this point it is uncertain whether PTC will be able to do that, however, other options in this regard exists.

Let me suggest areas which could and likely should be closely reviewed in a credible and serious way.

- * Though potentially subjective (nonetheless important), solicit the viewpoints relative to sentencing options available, what is working well and not-so-well and the overall perceptions of judges, prosecutors and public defenders.

- * Conduct a thorough review of criminal offenders in Wyoming to include how many are coming into the system, what kinds of crimes and levels (felonies/misdemeanors), and

from which counties.

* Conduct an outcome study and evaluation of the various sentencing options to include probation, parole, drug courts, intensive supervision, boot camp, residential substance abuse treatment, and prison. Before we propose changing these aspects of availability and preference for appropriately identified offenders we first must know what we have in this regard. **Note:** The Drug Court Steering Committee recently included a similar recommendation in its first report and these could be coordinated and overlapped.

* Take a period of time (for example, a four to six month period) and look at every revoked probationer and parolee and what were the circumstances which led to their revocations. Look at their criminal histories, efforts at substance abuse and mental health treatment, number of violations leading to the revocation, number of previous revocations, and at what happened in their situations overall to get a sound profile as to the types of offenders being sent to prison on probation revocations or being returned to prison on parole revocations.

* Relative to re-entry efforts, take a period of time (two to six months) and look at every parolee released from prison and how they did for the first year, what were the circumstances and profiles of those who succeeded and those who failed (also noted above). We can also look at inmates who finish their sentences and are released without parole supervision and their rates of return to the WDOC and circumstances.

This is a sizeable, and likely costly (though not in relationship to on-going criminal justice system expansion) effort. However, if done well, by a reputable firm, it could be one of the better efforts a state may have undertaken to be as measured and thoughtful as possible when reviewing and potentially making changes to the criminal justice system.