



Department of Corrections Budget & Article 13 Justice Reform Provisions

Senate Committee on Finance and Committee on Judiciary

May 17, 2021

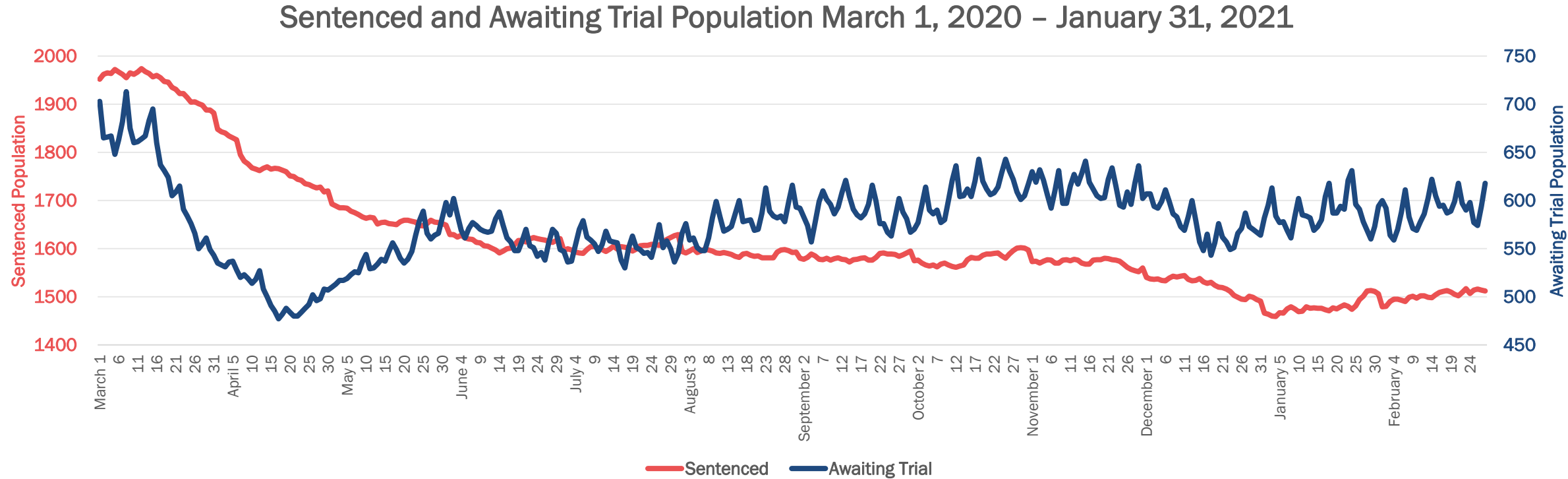
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Agenda

- Department of Corrections Budget Overview
- Article 13 Overview: Criminal Justice Reform Provisions

Department of Corrections Budget Overview

FY 2022 Context: COVID-19 Impacts at the DOC



From March 1, 2020 (1952) to June 14, 2020 (1591), the sentenced population steadily dropped 18.5%. It stayed fairly stagnant from then until October 31, 2020 (1597). By January 4, 2021 (1459), that population saw an overall decline of 8.6%. It has since seen an uptick of 3.6%. The awaiting trial population dropped 31.1% from March 1, 2020 (703) to April 17, 2020 (477). From then to November 29, 2020 (636), it rose 33.3%. During the state’s “two-week” pause, there was a 14.6% drop in this population but it went back up 13.8% by end of February (618).

FY 2022 Context: COVID-19 Impacts at the DOC

Departmental Accomplishments & Processes During COVID-19

- First successful state-wide vaccination campaign among prisoners in the nation
- Over 75% acceptance rate among inmates (compared to 66% among California prison population) and 70% acceptance among staff (compared to closer to 50% in other states)
- Only 1 symptomatic case of COVID-19 in 2021 (not including new commitments testing positive on arrival)
- No COVID-related hospitalizations or deaths in 2021
- Successful use of monoclonal antibody treatment and infrastructure for future use if needed
- Comprehensive weekly surveillance testing among a population > 2,000 along with available rapid testing and staff of over 1,300
- Achieved above while safely re-opening programming and visitation (in contrast with other facilities that remained in constant lockdown)

FY 2022 Budget Overview

The Governor's recommended FY 2022 Budget represents a decrease from the FY 2021 enacted budget of \$11,913,951 in all funds and an increase from the FY 2021 enacted budget of \$69,868,842 in general revenue, traceable largely to the expiration of federal funds used to cover personnel costs in FY 2021. The FY 2022 budget also represents an increase of 13.0 FTE above the Department's current FTE authorization.

Source of Funds	FY 2020 Actuals	FY 2021 Enacted	FY 2021 Revised	FY 2022 Recommended
General Revenue	\$185,063,803	\$163,246,644	\$118,452,253	\$233,115,486
Federal Funds	\$53,025,583	\$80,641,212	\$125,725,675	\$2,246,289
Restricted Receipts	\$3,466,877	\$960,082	\$975,164	\$2,339,020
RI Capital Plan Fund	\$16,263,192	\$9,891,808	\$9,891,808	\$5,125,000
Total Funding	\$257,819,455	\$254,739,746	\$255,044,900	\$242,825,795
FTE Authorization	1,411.0	1,411.0	1,411.0	1,424.0

New FTE Positions	
Discharge Planning	7.0
Medical Services	4.0
Apprenticeship Program	1.0
Employment & Training (Partnership with DLT)	1.0
Total	13.0



Overtime and Personnel Savings

- **Module Closures:** \$3.1 million savings
 - Closure of 13 housing modules for six months, reflecting the significant population decrease and allowing a buffer for continued social distancing at the ACI in early FY 2022
 - Modules assumed closed include: Intake (seven mods), Women's (two mods), Medium (two double mods), Maximum (two mods)
- **Overtime Savings – Absenteeism Initiative:** \$982,907 savings
 - Accomplished through change to discipline tracks; the new discipline program will offer two tracks:
 - Absenteeism/Tardiness/Involuntary-Mandatory Overtime
 - All other disciplines.
- **Elimination of Temporary Clerical Services:** \$346,507 savings
 - Elimination of use of temporary clerical services for admin support functions, including data entry, clerical support and courier services, in units with staff vacancies

Opioid Stewardship Fund Investments

The \$2.3 million in OSF funding recommended by the Governor will help the Department of Corrections meet the needs of incarcerated people with opioid use disorder, who make up approximately 25% of all commitments; all commitments are screened for opioid use and offered services as necessary.

- **Medication Assisted Treatment Program:** \$1.6 million OSF allocation (including \$714,000 to supplant costs currently covered with general revenue and \$847,000 to expand MAT)
 - Total contract with CODAC: \$2.0M
 - On average, 300 – 350 treatments provided daily
 - Reduced to 193 in FY 2021 due to COVID
 - \$847K in expansion funds will allow the Department to implement a medication first program to offer treatment to all incarcerated people upon commitment at the Intake Service Center
- **Substance Use Disorder Treatment:** \$713,909 million OSF allocation
 - Total contract with the Providence Center: \$1.2M

Healthcare Investments

- **Preventive Care Investment and Reduction in Off-Site Crisis Care: \$310,788 net savings**
 - Invest in 4.0 FTEs to build staff capacity to focus on early intervention, preventive care, and efficient management of medical issues, as well as give the DOC the tools it needs to treat high-needs and high-risk incarcerated people on-site
 - Expected to eliminate 27.7 percent of ER/hospital crisis care trips, leading to savings of \$633,970 in CO overtime and \$165,900 in medical care costs
- **Behavioral Healthcare Expansion: \$750,000**
 - Invest in development of a long-term strategic plan for expanding behavioral healthcare resources for seriously and persistently mentally ill (SPMI) residents of the ACI
 - In FY 2022, expected to be dedicated to planning and project management for the collaborative development of a proposal to meet the needs of individuals who required enhanced behavioral health services but whose needs do not rise to the level of the RTU

Reentry & Support Services Investments

- **ACI Apprenticeship Program: \$210,000**
 - Invest in creation of an apprenticeship program at the ACI to serve a pilot cohort of 25 to 30 incarcerated people, allowing them to earn a relevant certificate in high-wage, in-demand industry
 - Leverage DLT's expertise and the Real Jobs RI program structure to develop curriculum and program structure
 - \$111,690 in funding will support 1.0 DOC FTE to manage program; remaining allocation will support a contract instructor and operating costs
- **DLT Reentry Partnership: \$111,690**
 - Invest in 1.0 FTE to partner and coordinate with DLT to expand access to post-release employment
 - DOC and DLT FTEs will connect incarcerated people with post-release employment opportunities and help vendors and employers navigate through the ACI system



Reentry & Support Services Investments

- **Transfer Discharge Planning In-House:** Net \$0 budget impact
 - Invest in conducting discharge planning in-house, rather than utilizing contracted vendors as has been done previously
 - Responsive to significant turnover and inadequate provision of services by the vendor and built upon recommendations made by the Harvard Kennedy School after a 2017 study
 - Budget proposal includes \$551,164 in general revenue funding to support hiring of 7.0 FTEs to staff a new Discharge Planning office within the Transition Unit
 - Offset by elimination of \$583,355 discharge planning contract and \$79,809 in turnover savings
 - FTEs will be partially funded by federal Medicaid administrative match, requiring procurement of a \$112,000 time tracking system to allow hours to be submitted to Medicaid
 - Moving the unit in-house will enhance continuity and quality of discharge planning to promote successful reentry for citizens returning to their communities and potentially lead to a recidivism reduction

Correctional Officer Class

Due to the high vacancy projections put forth in FY 2020, two classes are being held in FY 2021. Class 83 graduated in November with 63 recruits and Class 84 began on May 3rd with a class size of 22.

- Class 84 will graduate on 7/23
- With 2 classes, there is still a significant shortage of correctional officers
 - As of the end of April, there are 65 vacancies
- 284 Correctional Officer staff will be eligible to retire within 1 year



Article 13: Criminal Justice Reform Initiatives

Article 13 Criminal Justice Reform Package

The evidence-based justice reform package proposed in Sections 1-4 & 7 of Article 13 builds upon previous reform efforts, reflects lessons learned during COVID-19, and will make the justice system smaller and more equitable without compromising public safety.

Probation Reform

- ✓ Offers people who have served three years of their probation sentence the opportunity to earn compliance credits of 10 days off their probation sentence for every month served without a violation
- ✓ Provides discretion on warrant issuance for technical violations of probation to limit re-incarceration of low-risk people

Parole Reform

- ✓ Offers people on parole the opportunity to earn compliance credits at a rate of five days off their parole sentence for every month served without a violation
- ✓ Expands the discretion of the chairperson of the Parole Board as to parole revocation in order to limit re-incarceration
- ✓ Expands compassionate release by broadening eligibility for medical parole and offering geriatric parole to people 65+
- ✓ Offers early parole consideration to people given long sentences before age 22

Supporting Successful Reentry

- ✓ Updates eligibility criteria for home confinement to allow low-risk people to return to their communities earlier
- ✓ Incentivizes participation in work release by changing the fee structure

Parole Reform

This slate of proposed reforms will complement the Parole Board's ongoing efforts to align the parole process with evidence-based best practices and ensure that it is fair and equitable. They will also help to make the broader justice system smaller and less costly, while protecting public safety.

Geriatric & Medical Parole Expansion

- Budget Impact: \$149,997 Savings
- Creates a new type of compassionate release, geriatric parole, to expand parole consideration eligibility to incarcerated people ages 65+ suffering from illness/infirmity, even if they do not have a terminal illness.
- Will allow low-risk, infirm, rehabilitated Rlers to return to their communities.

Limit Technical Revocation

- Budget Impact: \$49,886 Savings Modeled with Compliance Credits
- Allows a person on parole to waive a final parole revocation hearing, thereby giving the Parole Board discretion to revise the conditions of parole without re-incarceration.
- While rates of return to prison from parole are low (<4% in FY2019), almost 74% of those returning to prison from parole are for technical violations that do not represent new crimes.
- Will lead to fewer returns to prison for individuals who do not pose a public safety risk.

Earned Compliance Credits

- Budget Impact: \$49,886 Savings Modeled with Technical Revocation Limits
- Allows people on parole to earn 5 days of compliance credits for each month served without any violations of their conditions of parole,
- Modeled on similar compliance credit policies in at least 9 states and includes the same carve-outs as ACI good time..
- Will shorten parole sentences for low-risk people and reduce the size of the community supervision population.

Juvenile & Emerging Adult Parole Expansion

- Budget Impact: \$17,268 Savings
- Expands early parole considerations for individuals given lengthy sentences for crimes committed before age 22.
- Responsive to psychological and neurobiological research demonstrating that adolescents' emotional and cognitive skills still develop throughout their mid-20s and justice-involved emerging adults often age out of crime thereafter, as well as legislation in at least 2 other jurisdictions.
- Will allow people who have rehabilitated themselves and aged out of crime to return to communities.

Probation Reform

Although we have made significant progress on reforming the probation system since the 2017 JRI, it remains disproportionately large and continues to be a significant driver of incarceration at the ACI, where 25% of the total population, on average, is incarcerated on a probation violation. RI has among the highest probation rates (1 in 42) and longest average probation terms (44 months) in the country; the Governor's proposal will help to address this disparity.

Earned Compliance Credits

- Budget Impact: \$46,046 Modeled with Technical Revocation Limits
- Allows people who have been on probation for at least three years to earn up to 10 days of compliance for each month served without any violation of probation conditions.
- Modeled on policies in 16+ other states that offer such credits, including DE and MA. MA offers credits at a rate of 5 days/month. In MA, after two years, this increases to 10 days/month.
- Will result in shorter probation lengths and smaller community supervision population.

Limit Technical Revocations

- Budget Impact: \$46,046 Modeled with Earned Compliance Credits
- Narrows the scope of the type of probation violations that should result in return to incarceration and the situations in which people returned to prison for probation violations can be held without bail.
- Will decrease the overall justice-involved population in Rhode Island by reducing the number of people returned to prison from probation.

Supporting Successful Reentry

Access to career pathways and timely return to the community are essential to ensuring that justice-involved Rhode Islanders have the tools they need to thrive post-release. This slate of proposed reforms will incentivize participation in the work release program and offer expanded eligibility for people nearing release to return to their families and communities on home confinement before their sentences expire.

Work Release

- **Budget Impact: \$18,880 Revenue Increase**
- Changes the fee levied on work release income from 30% of gross pay to 30% of net pay to allow program participants to retain a greater portion of earnings.
- The Work Release Program at the ACI provides the opportunity for residents of the Minimum Security Facility to take advantage of employment opportunities in the community.
- Will incentivize more participation in this opportunity, filling the work release module to capacity and enhancing pre- and post-release opportunities for participants.

Expanding Home Confinement Eligibility

- **Budget Impact: \$17,260 Savings**
- Broadens the eligibility criteria for release to home confinement to allow people to become eligible for reclassification when they are within one year of release (or upon service of half of their sentence if sentenced to six months or less), rather than at six months (or three-quarters of their sentence).
- Will give low-risk, rehabilitated individuals an avenue to return to their communities sooner without posing risk to public safety.

Appendix



Department Overview & Major Accomplishments

Department Overview

The Department of Corrections provides appropriate, safe, secure, and humane control of the incarcerated population, while actively assisting and encouraging justice-involved people to become productive and law-abiding members of the community.

Other major functions performed by the Department include serving other state, municipal, and non-profit agencies through the Central Distribution Center and operating Correctional Industries, which provides work opportunities for incarcerated people and services for governmental agencies and non-profit organizations, ranging from printing to modular workstation furniture construction and installation.

The Rhode Island State Parole Board is budgeted as a unit of the Department but has independent programmatic decision-making authority.

Department Overview & Major Accomplishments

Recent Achievements & Highlights

- In partnership with criminal justice stakeholders across the state, participated in the FY 2020 Juvenile and Criminal Justice Working Group, which studied barriers to reentry and made recommendations to improve support for incarcerated populations and reduce recidivism.
- In partnership with the Governor's Overdose Prevention and Intervention Task Force, implemented a Medication Assisted Treatment (MAT) program at its facilities, providing evidence-based addiction and overdose prevention treatment to, on average, between 300 and 350 individuals daily.
- In 2019, began implementing a \$649,338 Bureau of Justice Second Chance Act grant to provide reentry services for probation violators from Providence and Kent counties with co-occurring mental health and substance use disorders. The program is allowing for the creation of case/treatment plans that are used by probation officers and the court system to order targeted treatment and services to meet the identified needs of participants.