

Recidivism Reduction Act

Model Legislation

{Title, enacting clause, etc.}

Section 1. {Intent.} Research and practice over the past 25 years have identified new strategies and policies that can make a significant dent in recidivism rates. Implementing these research-backed programs and procedures is called "evidence-based practice." This Act requires that a to-be-determined percent of offenders be supervised in accordance with evidence-based practices within four years, as well as that a to-be-determined percent of state funds for offender programming be spent on programs that are evidence-based within four years. This Act also requires community corrections agencies to improve policies and practices for crime victims, to provide employees training on evidence-based practices, and to set aside a portion of funds for research on program effectiveness.

Section 2. {Definitions.} In this title, the following words have the meanings indicated.

(1) "Agency" means:

(A) The Department of Corrections or the state agency responsible for supervising individuals placed on probation by the courts or serving a period of parole or post-release supervision from prison or jail; and

(B) Any regional, local or county governmental agencies responsible for supervising individuals placed on probation by the courts or serving a period of parole or post-release supervision from prison or jail, provided such agencies receive state funding.

(2) "Evidence-based practices" means supervision policies, procedures, programs and practices that scientific research demonstrates reduce recidivism among individuals on probation, parole, or post-release supervision.

(3) "Community supervision" means:

(A) The placement of a defendant under supervision, with conditions imposed by a court for a specified period during which:

(i) criminal proceedings are deferred without an adjudication of guilt;

(ii) a sentence of imprisonment or confinement, imprisonment and fine, or confinement and fine, is probated and the imposition of sentence is suspended in whole or in part; or

(B) The placement of an individual under supervision after release from prison or jail, with conditions imposed by the releasing authority for a specified period.

(4) "Supervised individual" means an individual placed on probation by a court or serving a period of parole or post-release supervision from prison or jail.

(5) "Supervision officer" means a person appointed or employed by the Agency to supervise individuals placed on community supervision.

(6) "Criminal risk factors" means characteristics and behaviors that when addressed or changed affect a person's risk for committing crimes. Scientific research identifies these characteristics and behaviors as including: antisocial attitudes, values, and beliefs; poor impulse control; criminal personality; substance abuse; criminal peers; dysfunctional family; and lack of employment or education.

(7) "Case plan" means an individualized accountability and behavior change strategy for supervised individuals that:

(A) Targets and prioritizes the specific criminal risk factors of the offender;

(B) Matches programs to the offender's individual characteristics, such as gender, culture, motivational stage, developmental stage, and learning style;

(C) Establishes a timetable for achieving specific behavioral goals, including a schedule for payment of victim restitution, child support, and other financial obligations;

(D) Specifies positive and negative actions that will be taken in response to the supervised individual's behaviors.

(8) (A) "Program" means an intervention that:

(i) is intended to reduce recidivism by supervised individuals; and

(ii) is funded in whole or in part by the state or administered by any agency of state government;

(B) "Program" does not include medical services.

Section 3. {Implementation of Evidence-Based Practices to Reduce Recidivism.}

(1) The Agency shall adopt policies, rules and regulations that within [four] years of the effective date of this Act result in at least [X percent] of supervised individuals being supervised in accordance with evidence-based practices.

(2) The policies, rules and regulations shall include:

(A) Adoption, validation and utilization of an objective risk and needs assessment tool;

(B) Use of assessment scores and other objective criteria to determine the risk level and program needs of each supervised individual, prioritizing supervision and program resources for offenders who are at higher risk to re-offend;

(C) Definitions of low, moderate and high risk levels during the period of supervision;

(D) Development of a case plan, based on the assessment, for each individual who is assessed to be moderate to high risk;

(E) Swift, certain, proportionate and graduated responses that an Agency employee will apply in response to a supervised individual's compliant and non-compliant behaviors;

(F) Caseload size guidelines that are based on offender risk levels and take into account Agency resources and employee workload; and

(G) Establishment of protocols and standards that assess the degree to which Agency policies, procedures, programs and practices relating to offender recidivism reduction are evidence based.

(3) Within [four] years of the effective date of this Act, [X percent] of state monies expended on programs shall be for programs that are in accordance with evidence-based practices.

(4) Within [four] years of the effective date of this Act, the Agency shall eliminate supervision policies, procedures, programs and practices intended to reduce recidivism that scientific research demonstrates do not reduce recidivism.

Section 4. {Improvement of Policies and Practices for Crime Victims.}

(1) The Agency shall adopt policies, rules and regulations that improve crime victim satisfaction with the criminal justice system, including:

(A) Payment by supervised individuals of victim restitution and child support;

(B) The opportunity for victims to complete victim impact statements or provide input into pre-sentence investigation reports;

(C) Providing victims information about their rights and services, and referrals to access those rights and services;

(D) Offering victims the opportunity to complete a "victim satisfaction survey," with data used to measure Agency performance; and

(E) Facilitate victim-offender dialogue when the victim is willing.

Section 5. {Professional Development.}

(1) The Agency shall provide its employees with intensive initial and on-going training and professional development services to support the implementation of evidence-based practices.

(2) The training and professional development services shall include assessment techniques, case planning, risk reduction and intervention strategies, effective communication skills, substance abuse and other topics identified by the Agency or its employees.

Section 6. {Data Collection, Analysis and Research.}

(1) The state [Department of Corrections] shall allocate a minimum of [X] percent of its operating budget to support data collection, analysis and research on supervision and programmatic effectiveness.

(2) The state [Department of Corrections] may form partnerships or enter into contracts with institutions of higher education or other qualified organizations for assistance with data collection, analysis and research.

Section 7. {Agency Report.}

(1) By [March 1] of each year, beginning in 201X, the Agency shall submit to the Governor, the Legislature and the judicial branch a comprehensive report on its efforts to implement this Act. The report shall include:

(A) The percentage of supervised individuals being supervised in accordance with evidence-based practices;

(B) The percentage of state monies expended for programs that are evidence based, and a list of all programs with identification of which are evidence based;

(C) Specification of supervision policies, procedures, programs and practices that were eliminated;

(D) The results of victim satisfaction surveys administered under Section 4 of this title;

(E) The Agency's recommendations for resource allocation, and any additional collaboration with other state, regional or local public agencies, private entities, or faith-based and community organizations.

(2) The Agency shall make the full report and an executive summary available to the general public on its website.

Section 8. {Severability Clause.}

Section 9. {Repealer Clause.}

Section 10. {Effective Date.}

