



Washington State Justice Reinvestment Taskforce

Third Meeting

October 15, 2014

Council of State Governments Justice Center

Marshall Clement, Director, State Initiatives

Monica Peters, Senior Research Associate

Karen Chung, Policy Analyst

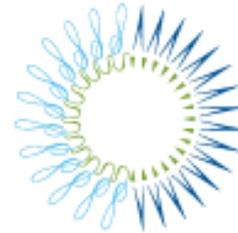
Council of State Governments Justice Center

- National nonprofit, nonpartisan membership association of state government officials
- Engages members of all three branches of state government
- Justice Center provides practical, nonpartisan advice informed by the best available evidence

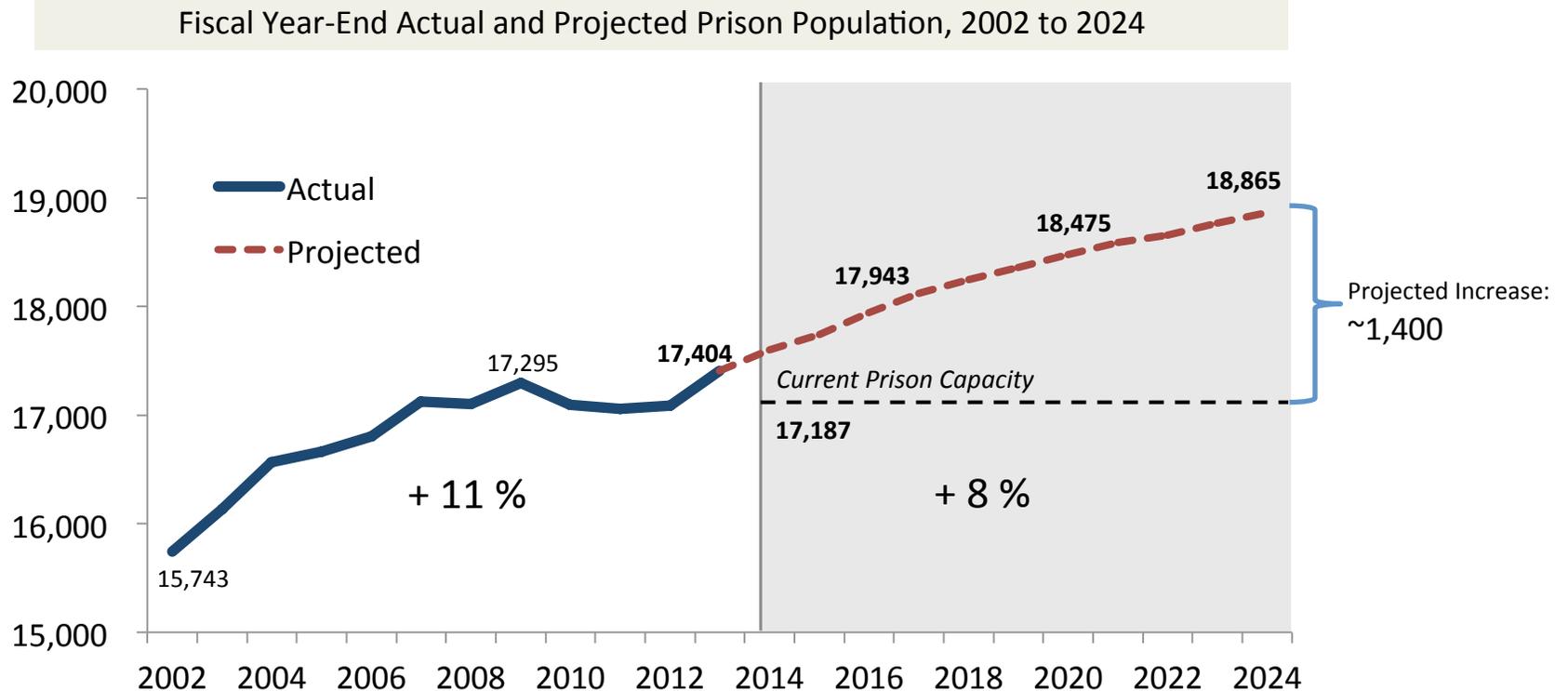


Justice Reinvestment

*a data-driven approach to reduce corrections spending
and reinvest savings in strategies that can
decrease recidivism and increase public safety*



Washington's prison population exceeds capacity and is projected to continue to increase

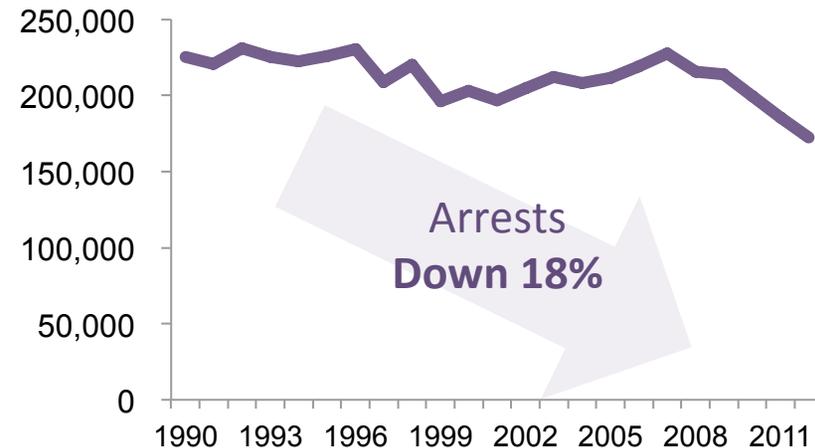
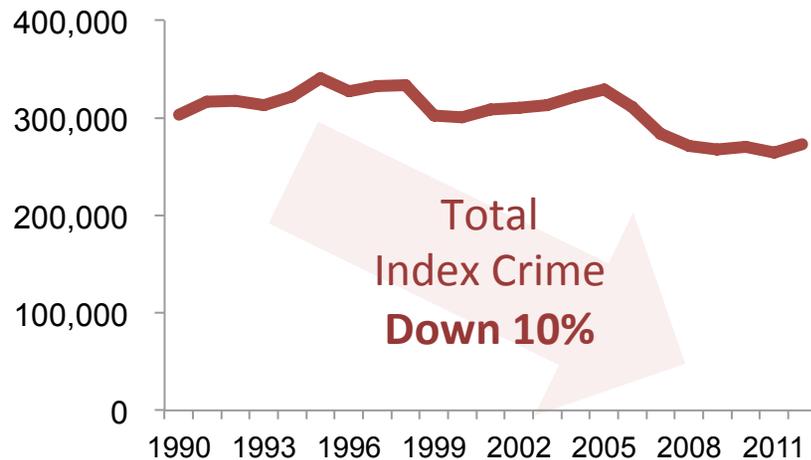
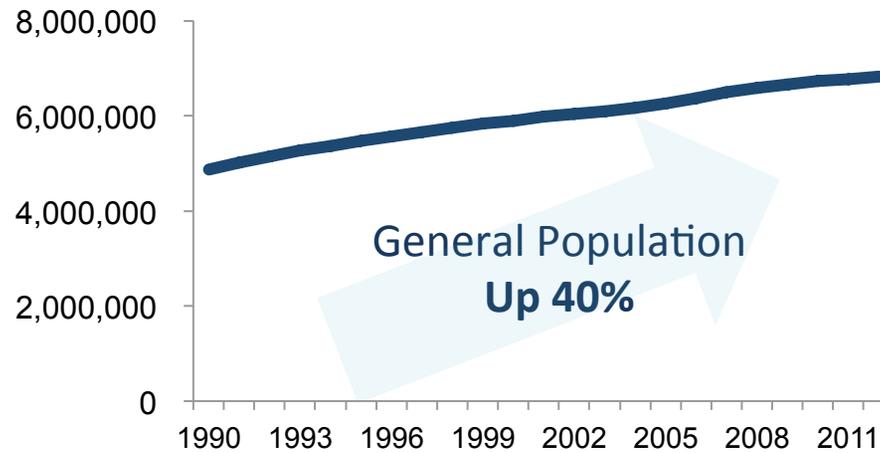


*Expanding capacity to address projected growth will cost the state **\$387 to \$481 million** in capital outlay and operational costs over ten years*

Source: Caseload Forecast Council, June 2014 Forecast

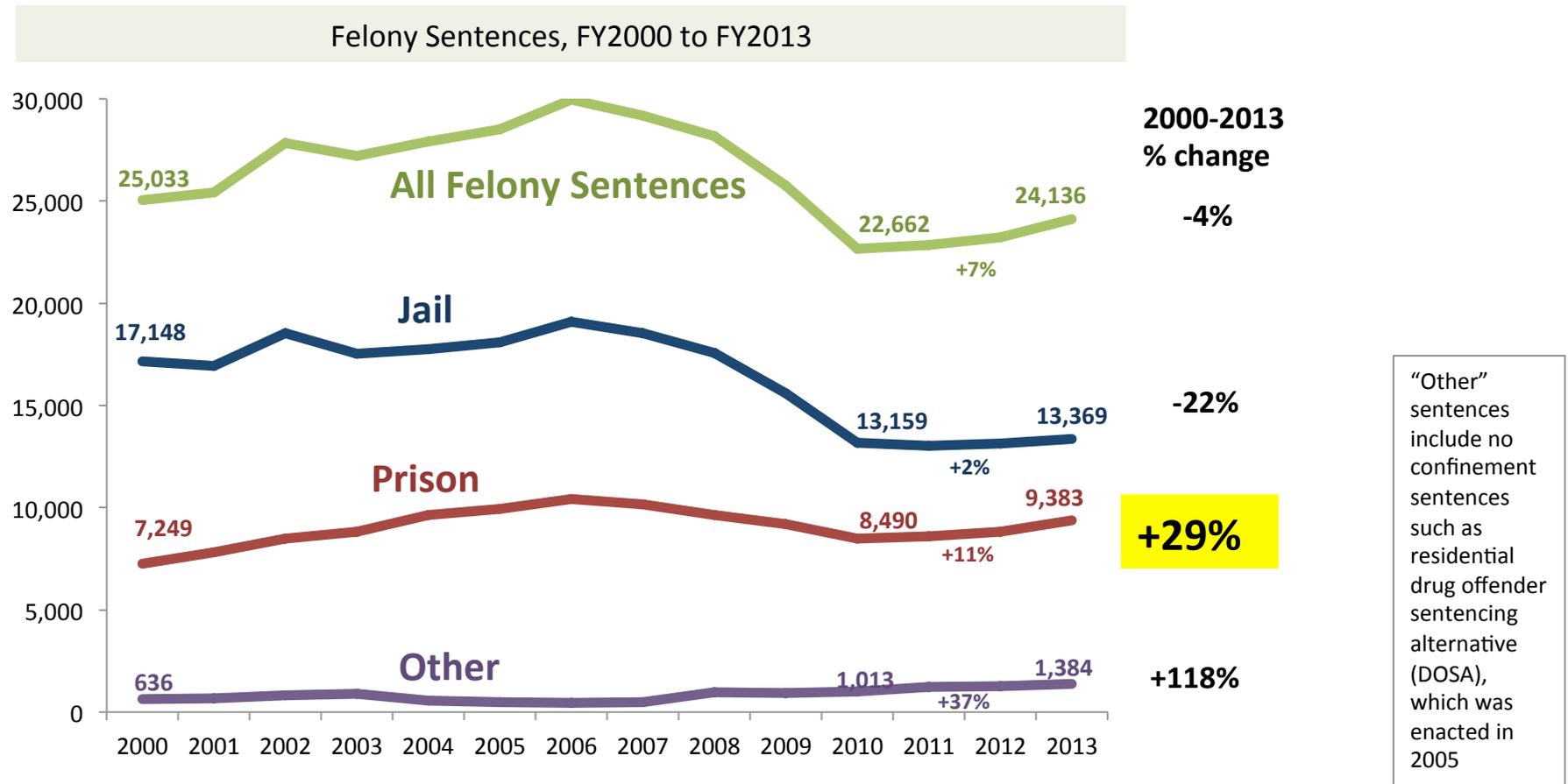
Criminal Justice Planning Services, "Cost-Effective Incarceration of Washington State Adult Offenders", 2012

Total crime and arrests have declined in Washington, despite a growing resident population



Source: Washington State Criminal Justice Data Book , FBI UCR Online Data Tool, BJS Corrections Statistical Analysis Tool

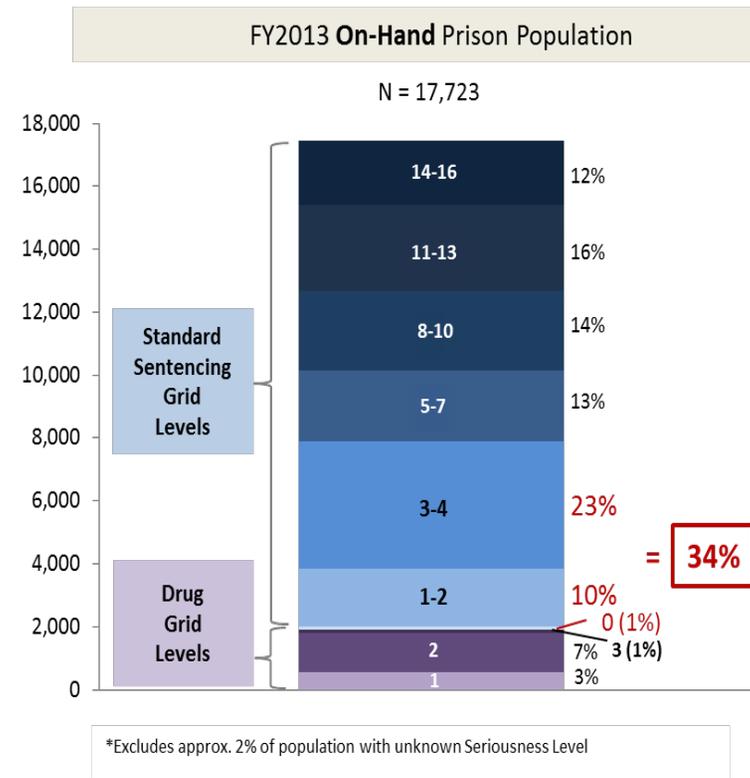
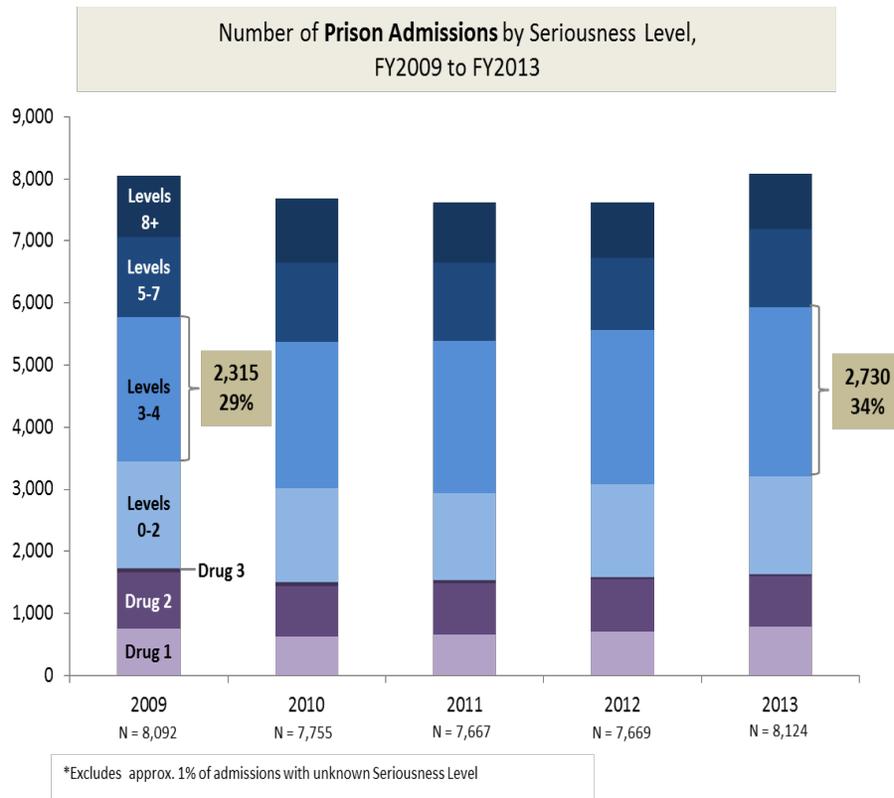
Overall, felony sentences have decreased since 2000 but prison sentences have increased by nearly 30 Percent



Prison sentences made up 29% of all sentences in FY2000 compared to 39% in FY2013

Source: Justice Center data analysis of sentencing data provided by the Caseload Forecast Council

Level I-IV offenders make up a growing share of admissions and one-third of the prison population



Source: Justice Center analysis of DOC data

Summary of Level I-IV property offenses

Levels I-IV Property Offenses

Burglary 2	Possession of a Stolen Vehicle
Forgery	Theft of Motor Vehicle
Identity Theft 1 & 2	Theft of a Motor Vehicle W/out Permission
Malicious Mischief 1 & 2	Theft 1 & 2
Organized Retail Theft	Trafficking Stolen Property
Possession of Stolen Property 1 & 2	Unlawful Issuance of Checks

Residential Burglary

Does *not* Include:

Burglary 1: With intent to commit a crime against a person or property therein, a person enters or remains unlawfully in a building and that actor or another participant in the crime is (a) **armed with a deadly weapon**, or (b) **assaults any person**.

Washington's prison population is growing, due to an increase in property offenders returning to prison

1. The prison population is increasing, and currently overcrowded. Expanding capacity would cost \$380 to \$480 million over ten years.
2. The rise in the prison population is not due to the state's growing population, nor an increase in crime or arrests. The volume of crimes reported to police and arrests have been declining.
3. Felony sentences to jail have declined sharply but sentences to prison have increased, particularly for individuals convicted of lower severity offenses with higher offender scores.
4. This group of offenders are an increasing share of admissions and Level I-IV now account for one-third of the prison population.

Overview of final data analysis

What Works to Reduce Crime and Recidivism

How Sentencing Guidelines Structure Incapacitation & Supervision

Sentencing Alternatives Currently in Use

Policy Challenge & Opportunity

There is no clear relationship between state incarceration rates and crime rates

Incarceration Rate	Violent Crime Rate	Property Crime Rate
N, Rank	N, Rank	N, Rank
South Carolina 458, 13 th	South Carolina 559, 5 th	South Carolina 3,822, 1 st
New York 276, 38 th	New York 407, 19 th	Washington 3,659, 3 rd
New Jersey 261, 40 th	Massachusetts 406, 20 th	Minnesota 2,568, 32 nd
Washington 253, 41 st	Washington 296, 30 th	Massachusetts 2,153, 44 th
Massachusetts 199, 47 th	New Jersey 290, 31 st	New Jersey 2,047, 47 th
Minnesota 184, 49 th	Minnesota 231, 42 nd	New York 1,922, 50 th

Source: Federal Bureau of Investigation, "Crime in the United States" (2012);
Uniform Crime Reports 2012

Prolonging incapacitation would have a limited impact on property crime in the state

252,333 Reported property index crimes (2012)

31,311 Arrests for property index crimes (2012)

16,171 Individuals arrested for felony property offenses (FY2013)

32% No prior felony arrests

60% Prior felony arrests

8%

Released from prison within last 2 years

Deter crime

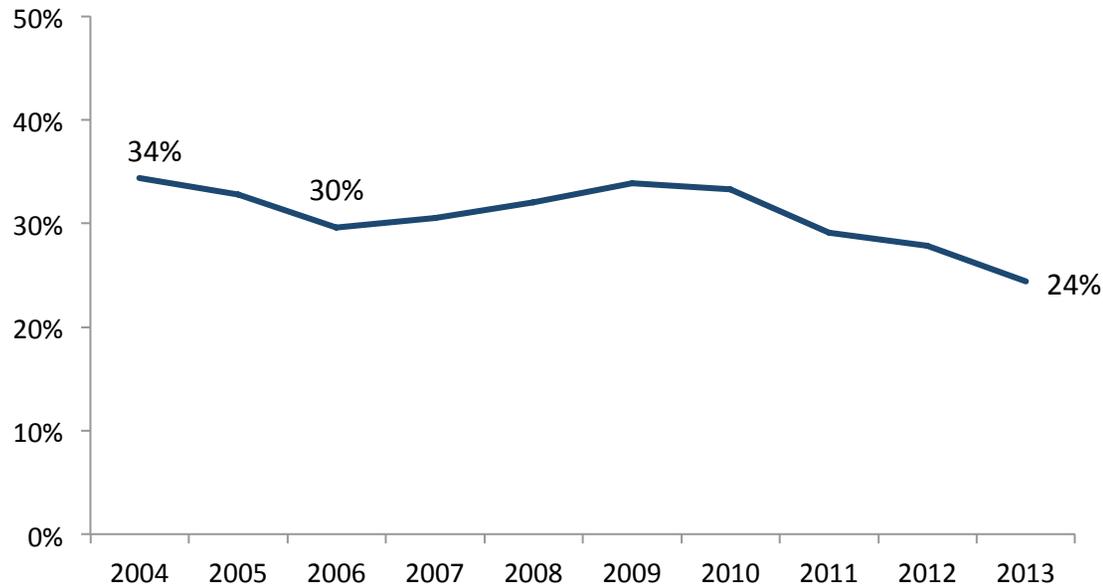
Reduce recidivism

Prolong incapacitation

Source: UCR data; Justice Center analysis of DOC and WSP data

The percentage of burglars who started committing burglaries as juveniles has declined

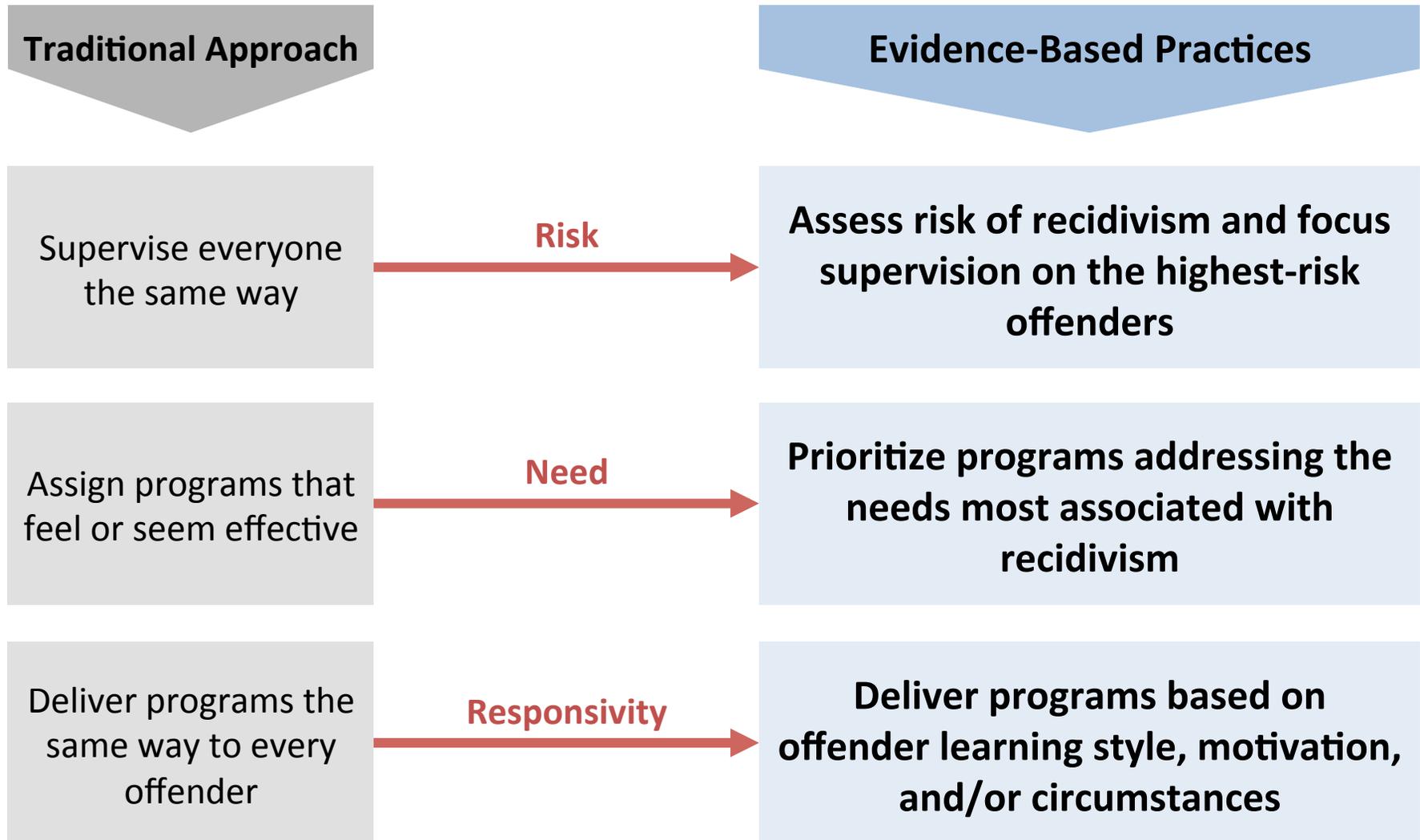
Percent of Individuals with Multiple Burglary Arrests Who Were First Arrested for Burglary as a Juvenile (17 or younger)



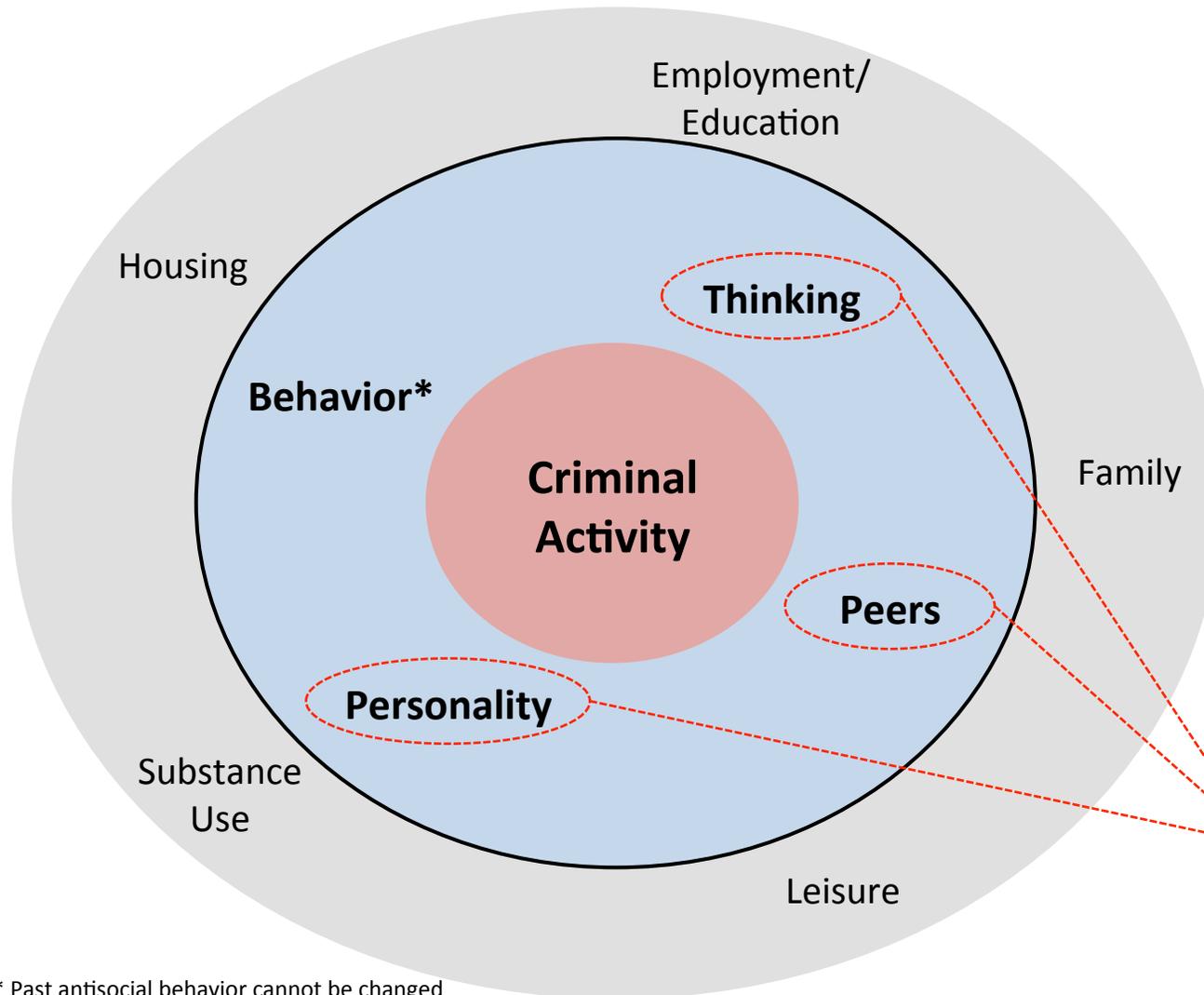
Due to the increase in repeat burglary arrests, the raw number of individuals whose first burglary arrest was as a juvenile has increased, from 843 in FY2004 to 877 in FY2013.

Average age at first burglary arrest in FY2013: 24

Reducing criminal behavior requires focusing on risk, need, and responsiveness



Target the factors that evidence shows are most central to criminal behavior



Antisocial Risk Factors

The Big Four - Major drivers in criminality
Higher-risk offenders are likely to have more of the Big Four

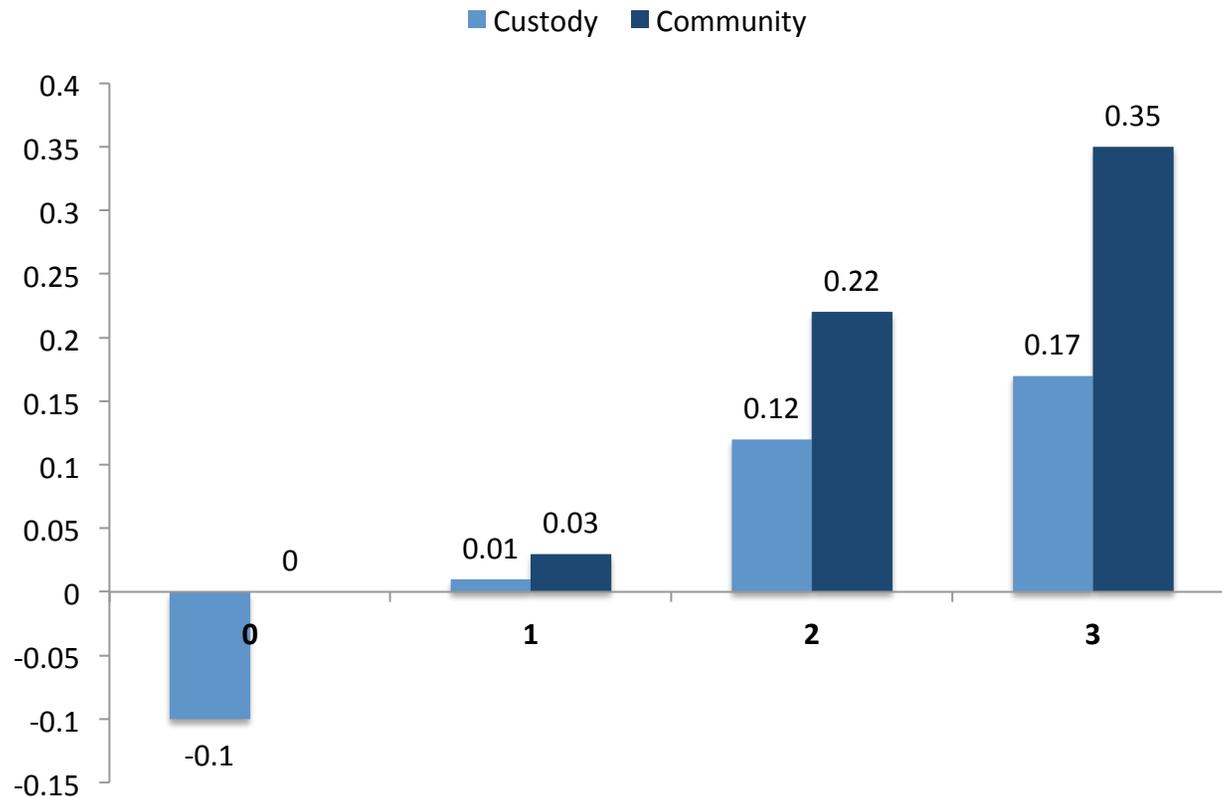
The most successful supervision and programming models address these dynamic risk factors

* Past antisocial behavior cannot be changed

Source: Donald Arthur Andrews and James Bonta, *The Psychology of Criminal Conduct* (Cincinnati: Anderson, 2010)

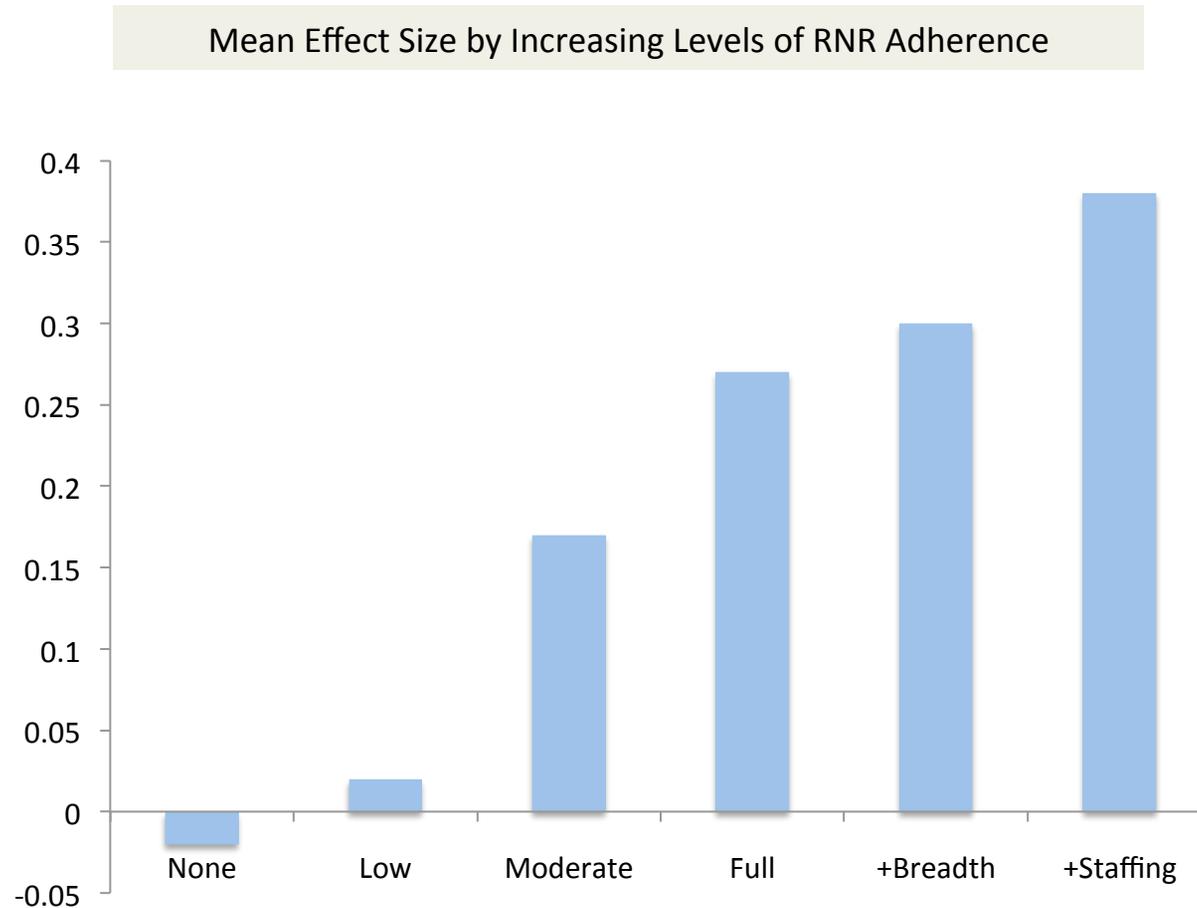
Impact on recidivism varies by the number of RNR principles adhered to and where the principles are applied

Mean Effect Size by RNR Adherence and Correctional Setting
(Custody/Community)



Source: Donald Arthur Andrews and James Bonta, *The Psychology of Criminal Conduct* (Cincinnati: Anderson, 2010)

Increasing levels of RNR adherence has a greater impact on recidivism reduction



Source: Donald Arthur Andrews and James Bonta, *The Psychology of Criminal Conduct* (Cincinnati: Anderson, 2010).

Section 1 Summary:

What works to reduce crime and recidivism

1. Washington has the 3rd highest property crime rate in the nation.
2. Three big levers to reduce crime:
 - Deter crime through increased law enforcement using data-driven strategies
 - Reduce recidivism among high rate offenders through supervision and treatment
 - Prolong incapacitation of offenders with a very high probability of reoffending
3. Research by WSIPP suggests that increasing policing and supervision/treatment to be two to three times as cost-effective at reducing crime than increasing incapacitation.
4. Eight percent of individuals arrested for felony property crimes were released from prison in the last two years. Keeping individuals in prison longer would reduce crime, but to a relatively small degree.
 - Such an approach would come at a significant cost, since it would also affect the roughly 91 percent of those released from prison in that two year window that were not rearrested.

Overview of final data analysis

What Works to Reduce Crime and Recidivism

How Sentencing Guidelines Structure Incapacitation & Supervision

Sentencing Alternatives Currently in Use

Policy Challenge & Opportunity

A substantial portion of property offenders released from prison have an average length of stay under 12 months

Average Length of Stay (months) by Grid Cell Location for Property Offenders Released from Jail or Prison, FY2013

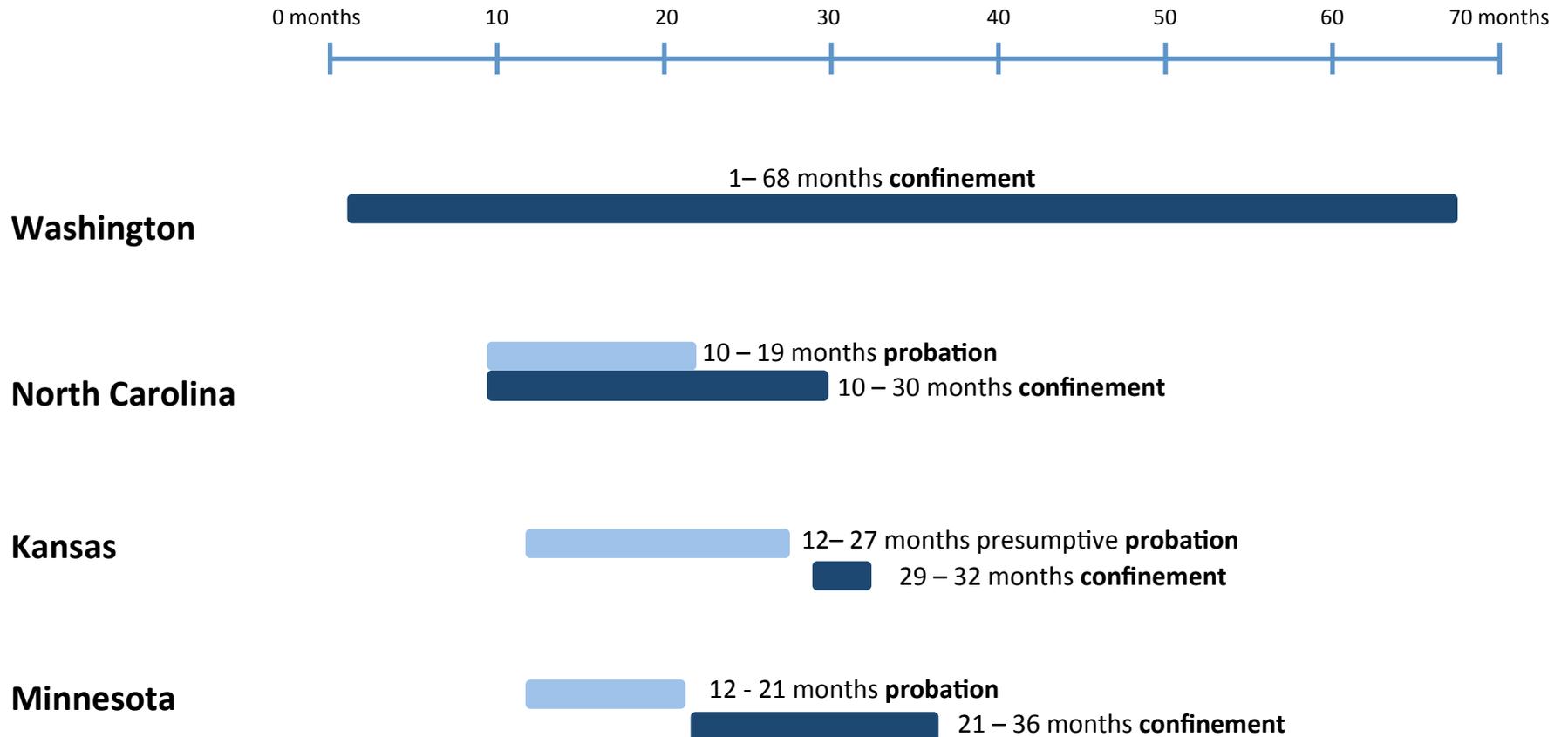
Seriousness Level	Offender Score										
	0	1	2	3	4	5	6	7	8	9+	
LEVEL IV	2	4	5	7	8	11	14	17	26	33	
LEVEL III	< 1	3	4	8	6	8	11	18	23	28	
LEVEL II	< 1	2	3	5	7	11	10	13	16	22	
LEVEL I	< 1	< 1	2	2	3	5	6	8	11	15	

Prison average LOS under 12 months

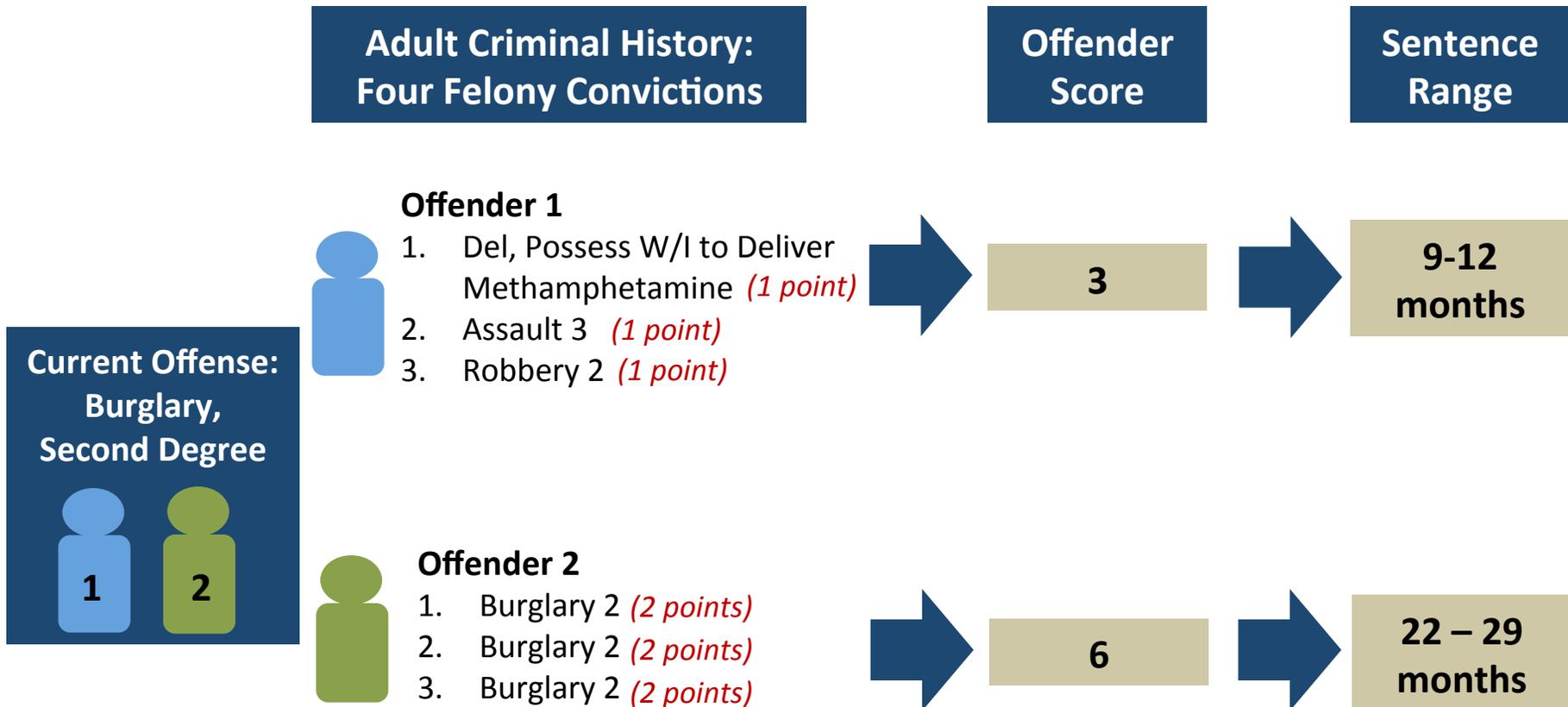
*LOS for property offenders with a score of 9+ is likely impacted by the prevalence of prison-based DOSA sentences, which shortens LOS

Shaded cells represent 715 prison releases , or approximately 40% of property offenders released from prison in FY2013

Washington has a wider sentence range and fewer sentencing options for second degree burglary compared to other states



Certain offenses trigger double- or triple-counting of similar prior convictions in the offender score



As a result offender score does not in some cases directly reflect felony conviction history

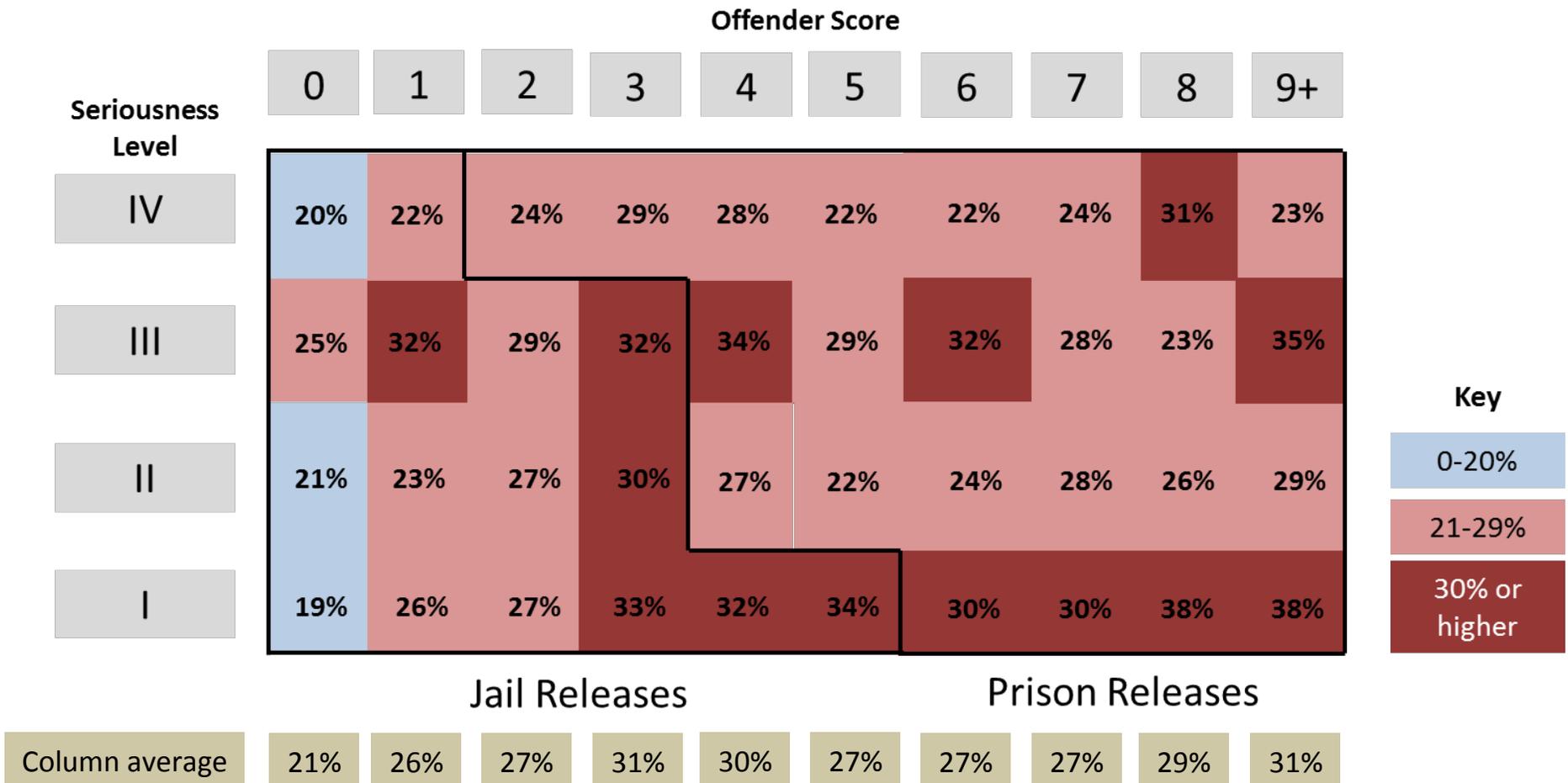
Number of Felony Convictions by Offender Score, FY2013 Felony Sentences

		Offender Score of Property Offenders (Level I-IV)									
		0	1	2	3	4	5	6	7	8	9+
Total Number of Felony Convictions	11	2%	0%	0%	0%	1%	1%	1%	3%	10%	48%
	10	1%	0%	0%	0%	0%	1%	1%	3%	10%	10%
	9	1%	0%	0%	0%	0%	1%	5%	6%	16%	9%
	8	1%	0%	0%	1%	1%	2%	10%	22%	13%	7%
	7	1%	0%	1%	1%	4%	10%	19%	14%	12%	5%
	6	1%	0%	1%	4%	6%	22%	20%	14%	7%	4%
	5	1%	1%	3%	8%	27%	19%	14%	10%	6%	4%
	4	2%	3%	8%	32%	22%	15%	11%	10%	7%	3%
	3	3%	11%	38%	19%	14%	9%	5%	7%	6%	2%
	2	8%	45%	21%	13%	8%	4%	3%	3%	5%	3%
	1	80%	39%	27%	23%	18%	15%	12%	9%	9%	6%
		87%	84%	86%	86%	88%	85%	82%	82%	86%	82%
											Mode

Source: Justice Center analysis of CFC data. Number of felony convictions are counted to multiple convictions that may have been imposed on a single day.

There is little variation in recidivism rates across offender scores higher than 4

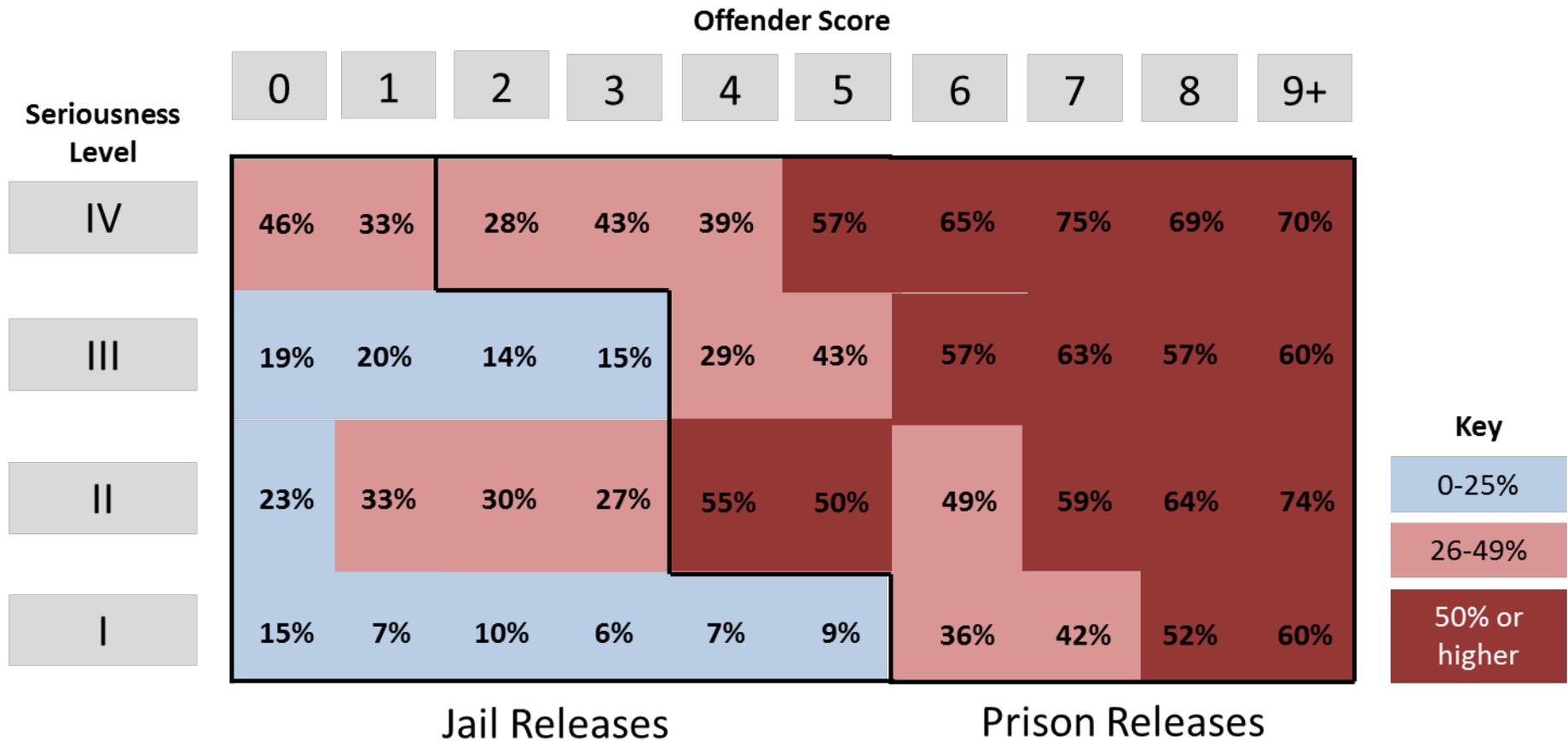
Two-Year Felony Reconviction Rates by Grid Cell Location for Property Offenders Released from Jail and Prison, FY2010-2011



Source: Justice Center analysis of DOC, CFC and WSP data

Property offenders released from jail have low rates of supervision

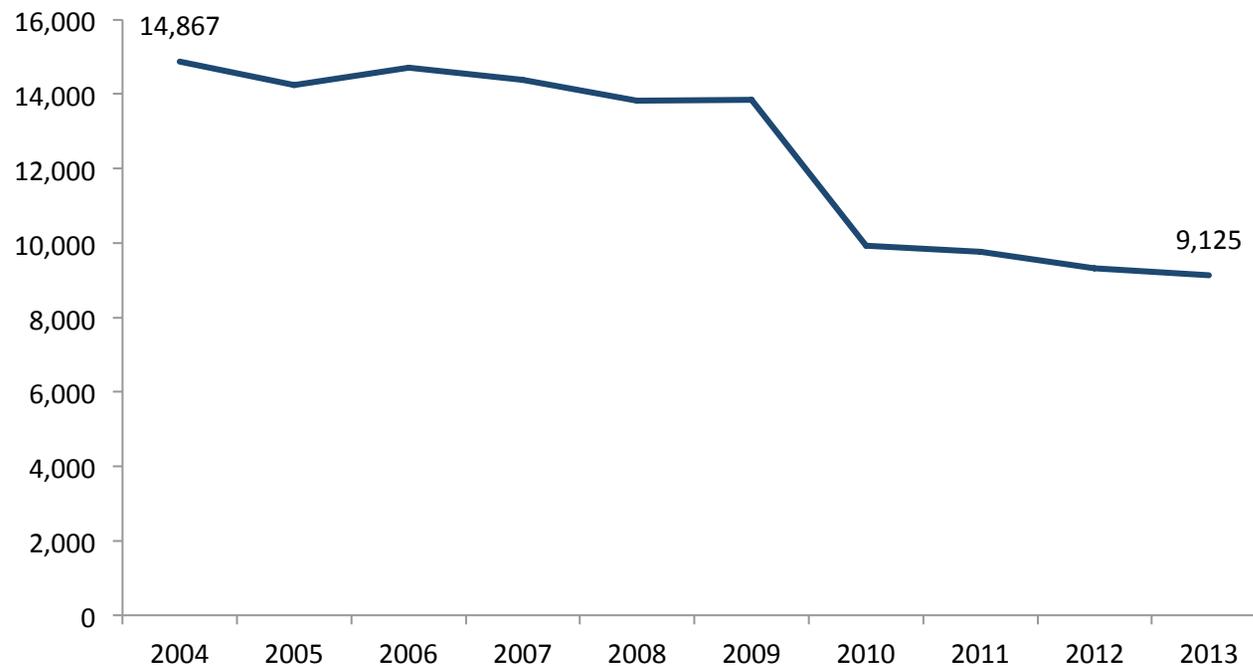
Percent of Property Offenders Released from Jail or Prison Under DOC Supervision by Grid Cell Location, FY2010–2011



Source: Justice Center analysis of DOC and CFC data

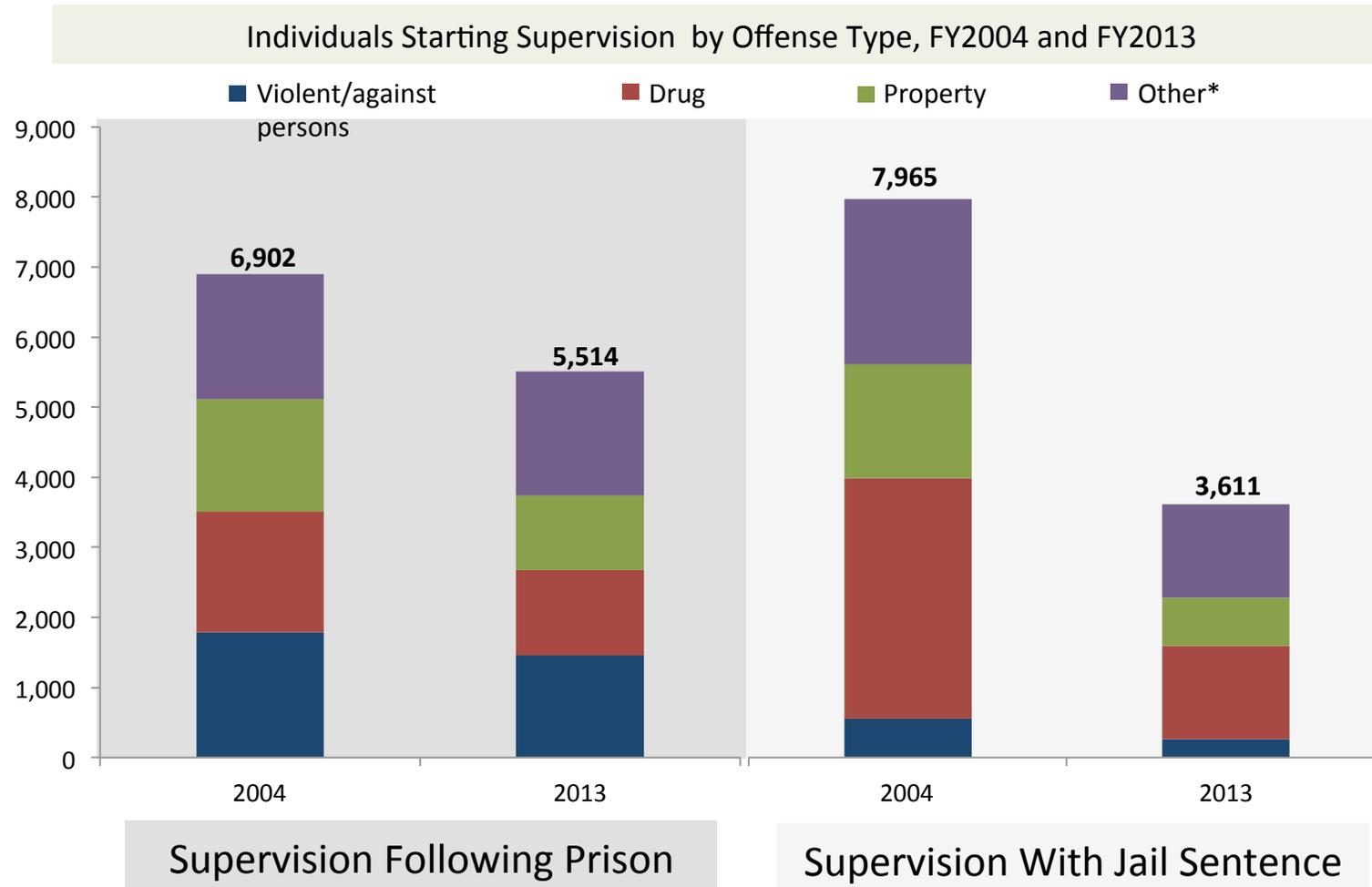
The number of prison and jail releases starting supervision has declined by nearly 40% since FY2004

Number of Individuals Starting Supervision Following Release from Prison or Jail, FY2004 to FY2013



Source: Justice Center analysis of DOC and CFC data

The largest decline in the population starting supervision has been property and drug offenders sentenced to jail



*Other includes domestic violence court order violation, failure to register, vehicular assault, firearm possession, sex offenses not classified as violent, and Assault 3

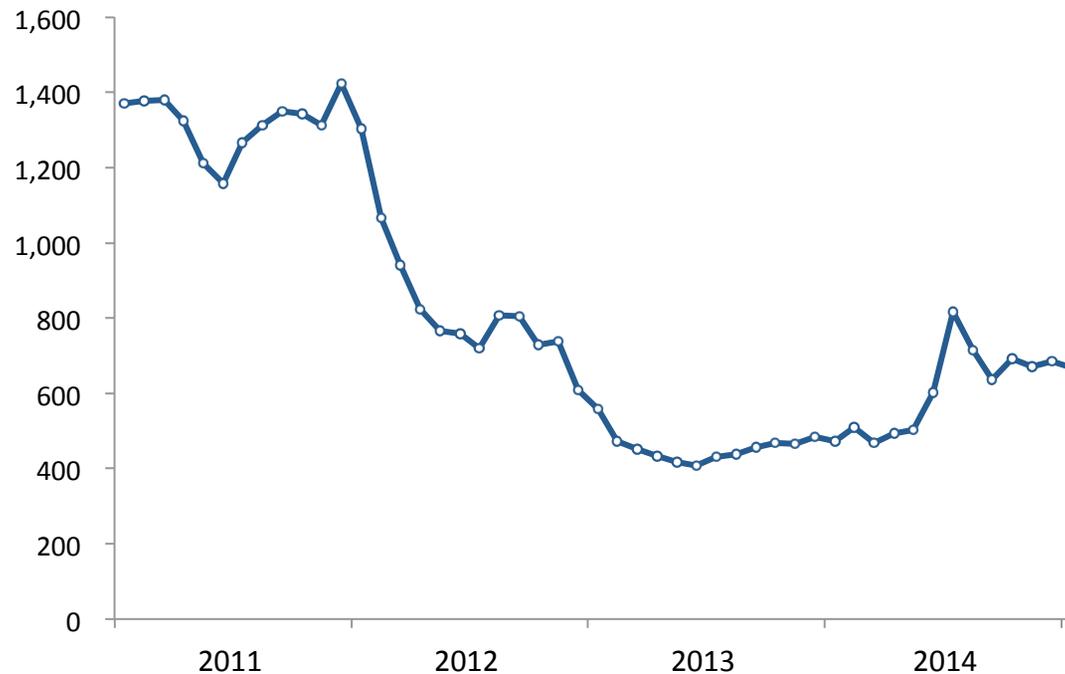
Source: Justice Center analysis of DOC and CFC data

Supervision practices & quality in Washington

Target high-risk offenders	<ul style="list-style-type: none"> ✓ Target high-risk violent and drug offenders 	<ul style="list-style-type: none"> <input type="checkbox"/> Target high-risk property offenders <input type="checkbox"/> Adopt a dynamic risk/needs assessment <input type="checkbox"/> Adopt cutoff scores clarifying “high-risk” 	<ul style="list-style-type: none"> ✗ Ensure proper use and validation of new tool once adopted
Programs to address needs	<ul style="list-style-type: none"> ✓ Increased funding for evidence-based programs ✓ Training on evidence-based practices 	<ul style="list-style-type: none"> <input type="checkbox"/> Expand CBT programming <input type="checkbox"/> Develop case plans based on new risk/needs tool 	<ul style="list-style-type: none"> ✗ Improve participation/completion rates ✗ Assess quality and effectiveness of programs
Supervision and sanctions	<ul style="list-style-type: none"> ✓ Adopt swift and certain sanctions 	<ul style="list-style-type: none"> <input type="checkbox"/> Adopt incentives for compliance <input type="checkbox"/> Ensure “dosage” is sufficient to change behavior 	<ul style="list-style-type: none"> ✗ Develop metrics to assess quality of supervision, including engagement vs. absconding

Implementation of swift and certain supervision policies has resulted in a decline in average daily population of violators

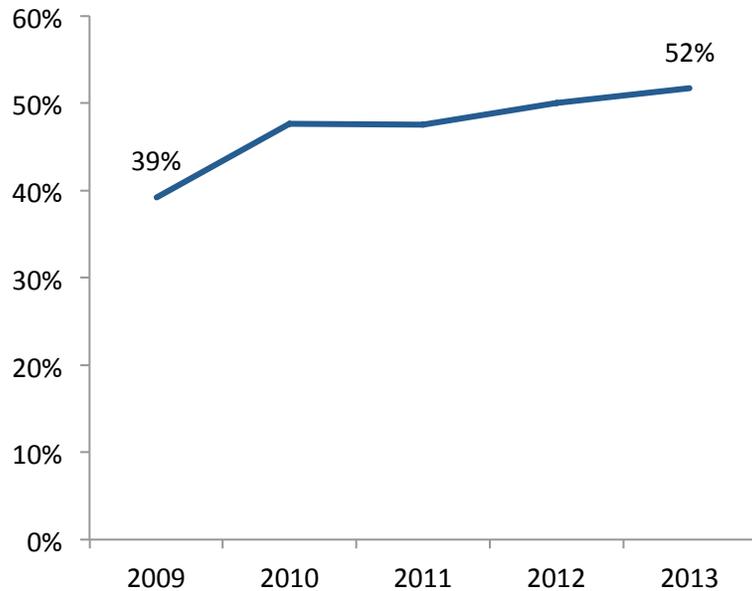
Violator Average Daily Population, FY2011 to FY2014



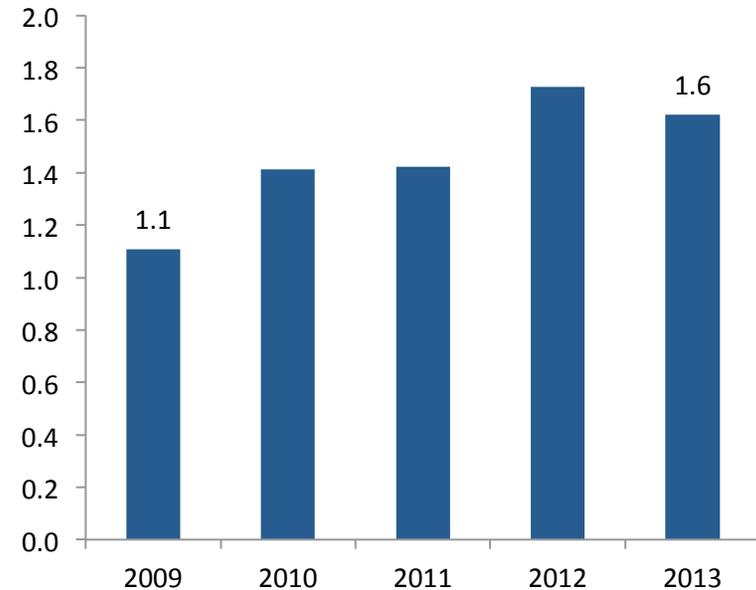
The average number of days per violation decreased from 23 in 2010 to 8 in 2013.

However, the percent of the supervision population with a violation has increased as well as the average number of violations

Percent of Supervision Population with a Violation, FY2009 to FY2013



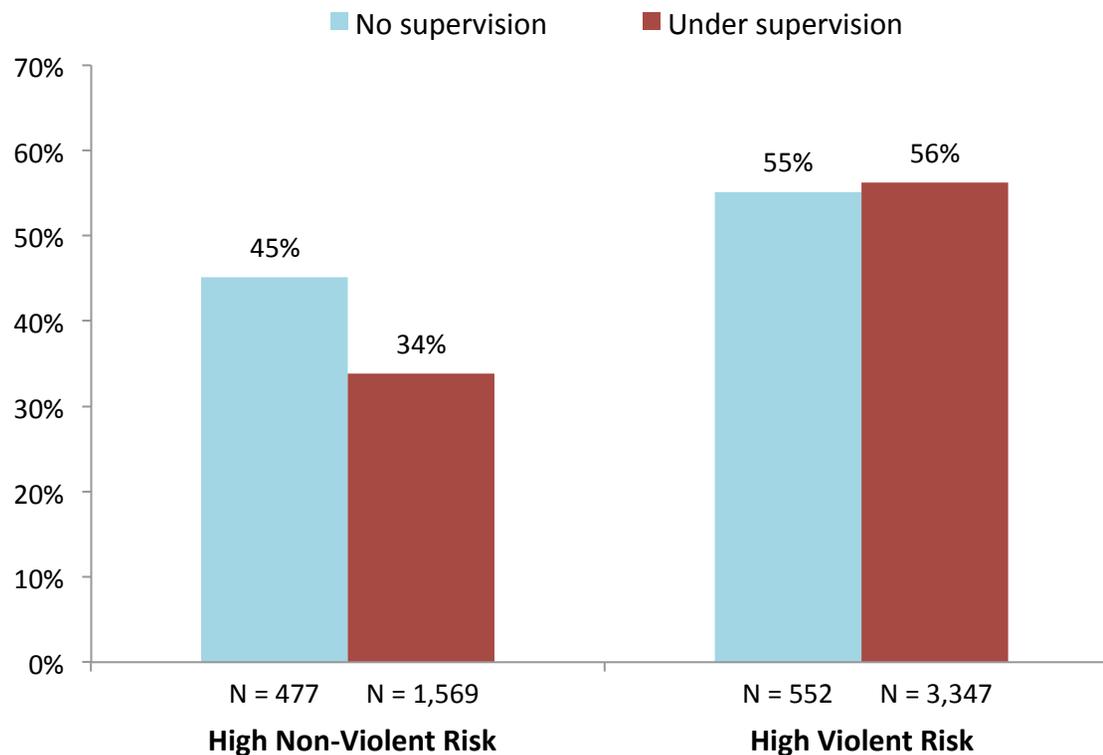
Average Number of Violations for Supervision Population, FY2009 to FY2013



Source: Justice Center analysis of DOC data.

Individuals assessed as High Non-Violent Risk who are supervised have lower recidivism rates than those who are not supervised

Three Year Felony Rearrest Rates by DOC Risk Level and Supervision, FY2010 Prison Releases



Source: Justice Center analysis of DOC and WSP data.

Section 2 Summary:

How sentencing guidelines structure incapacitation and supervision

1. Washington has focused supervision on violent and drug offenders who are most likely to reoffend.
2. Individuals convicted of property crime are not supervised even if they are known to be likely to reoffend (except under alternative sentences).
3. Sentences for property offenders (Level I-IV) are very short for low offender scores and very long for high offender scores.
4. Recidivism rates vary little for individuals with offender scores 4 and above.
5. Washington uses supervision less frequently than most other guidelines states to reduce recidivism and hold property and drug offenders accountable after release or in lieu of prison sentences.
6. Washington already sentences property offenders with high offender scores to much longer terms of imprisonment than other states with sentencing guidelines and lower property crime rates.
(For example, in Minnesota, the sentence length for a persistent second degree burglar is half as long as in Washington. Minnesota's property crime rate is 30 percent lower than Washington.)

Overview of final data analysis

What Works to Reduce Crime and Recidivism

How Sentencing Guidelines Structure Incapacitation & Supervision

Sentencing Alternatives Currently in Use

Policy Challenge & Opportunity

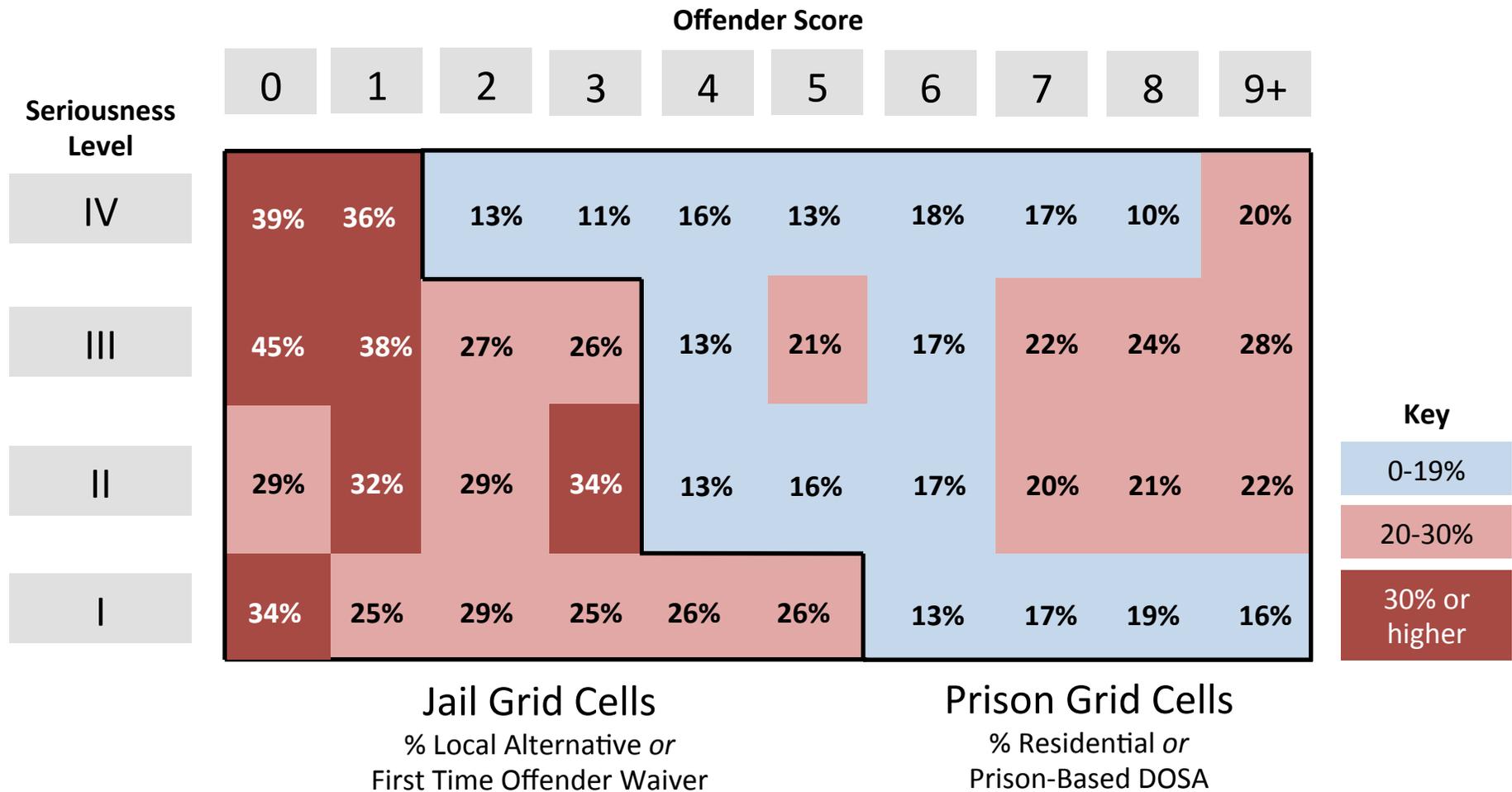
Alternatives are available at the county and state level

	Alternatives to Confinement (also called Diversions)	Sentencing Alternatives
<i>Examples include:</i>	Work release, home detention, work crew, Breaking the Cycle	FTOW, DOSA, Sex Offender, and Parenting Sentencing Alt
<i>Eligibility requirements:</i>	Eligibility includes any offender sentenced to jail	Eligibility is statutorily defined
<i>Programs involve:</i>	Program used as a substitute for confinement	Program generally involves shortened sentence and supervision time
<i>Operated by:</i>	County	State

Source: Washington State Sentencing Guidelines Manual, 2012, Caseload Forecast Council.
 Statistical Summary of Adult Felony Sentencing, FY2013, Caseload Forecast Council.

A higher percentage of jail sentences receive a sentencing alternative compared to prison sentences

Percent of FY2013 Felony Sentences with a Sentencing Alternative (Local or State) by Grid Cell Location

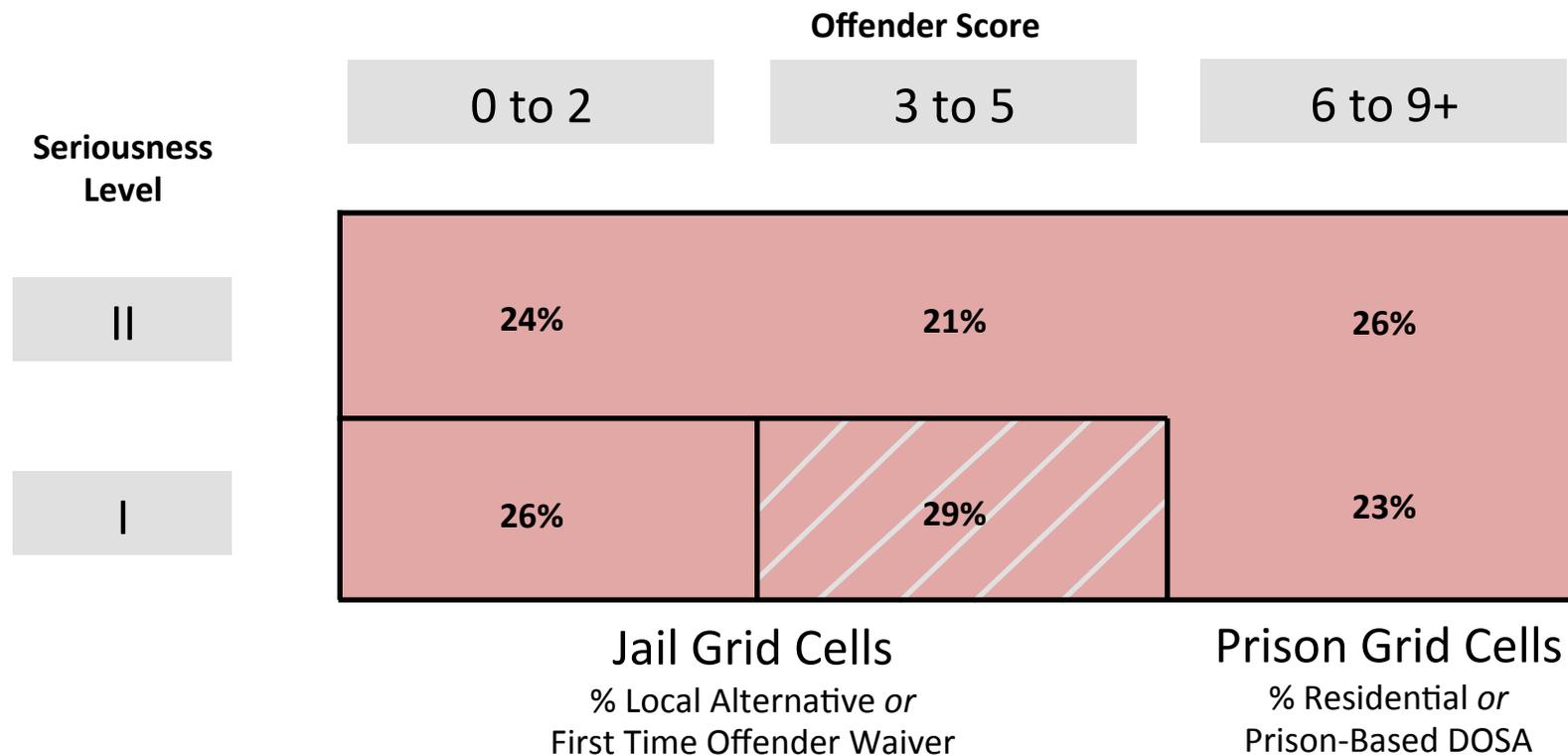


*Local alternative to confinement includes work release, home detention, work crew, day reporting, and other partial detention (BTC)

Source: Justice Center analysis of DOC and CFC data

Only a quarter of drug offenders receive a sentencing alternative regardless of grid location

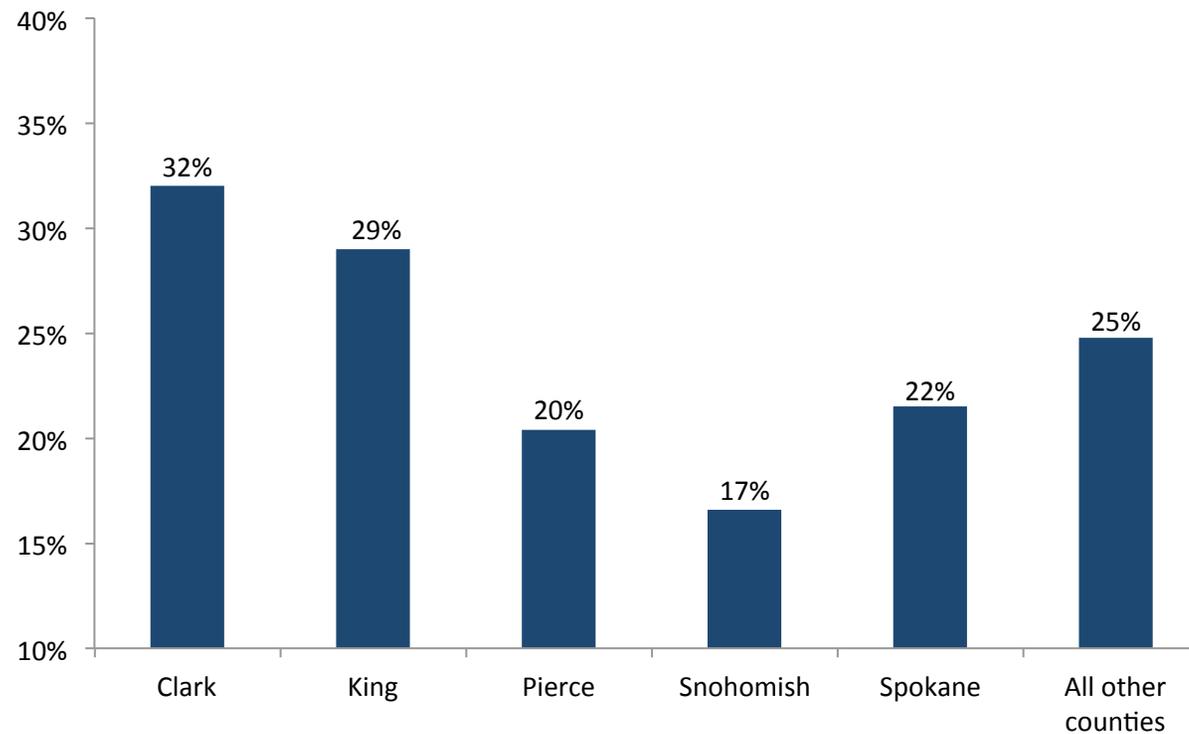
Percent of FY2013 Felony Sentences with a Sentencing Alternative (Local or State) by Grid Cell Location – Drug Grid



**Seriousness Level 1, Offender Score 3 to 5 can be either jail or prison sentence*

The use of alternatives varies widely across counties

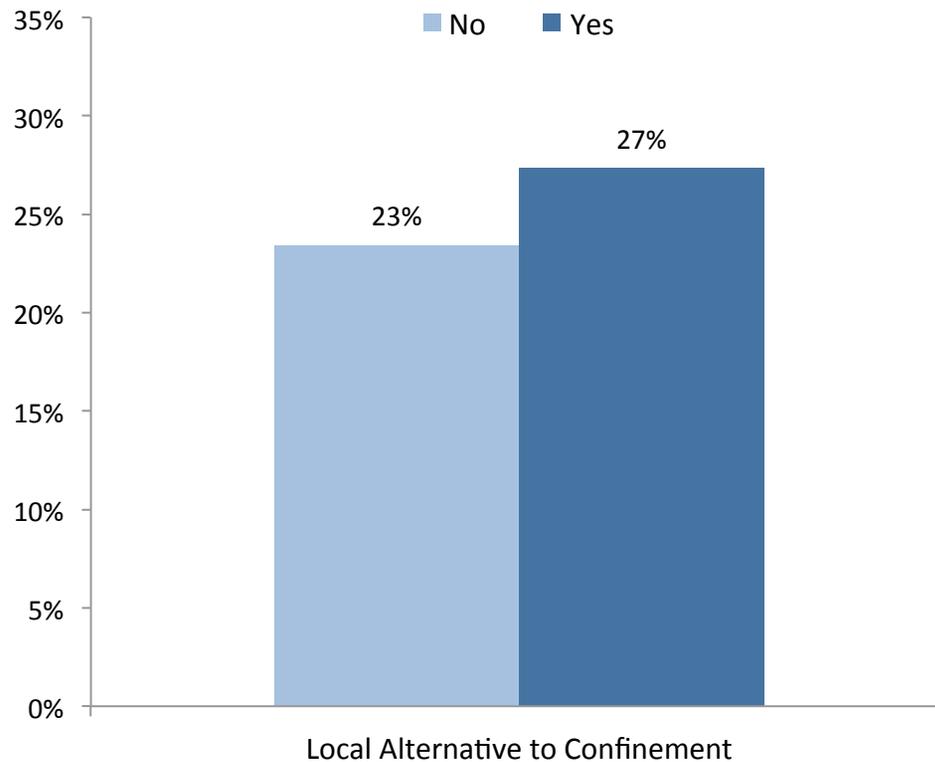
Percent of Jail Sentences with an Alternative to Confinement by County, FY2013



Source: Justice Center analysis of CFC data

Jail releases receiving a local alternative have higher recidivism rates than those NOT receiving an alternative

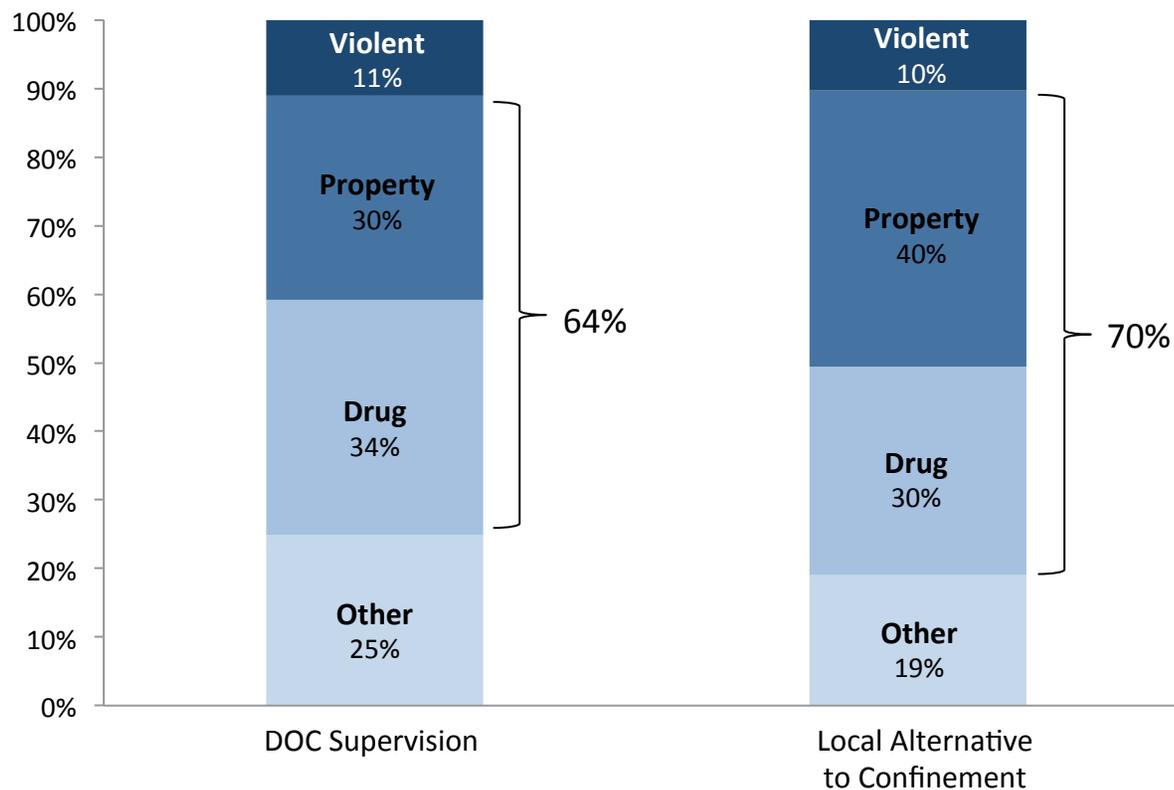
One Year Felony Rearrest Rates, FY2011 Jail Releases



Source: Justice Center analysis of WSP and CFC data.

Jail recidivists under supervision or local alternatives are rearrested most often for property or drug offenses

First Felony Rearrest Offense Type,
FY2011 Jail Releases Under Supervision or Receiving a Local Alternative



***"Violent" defined under RCW 9.94A.030(54)*

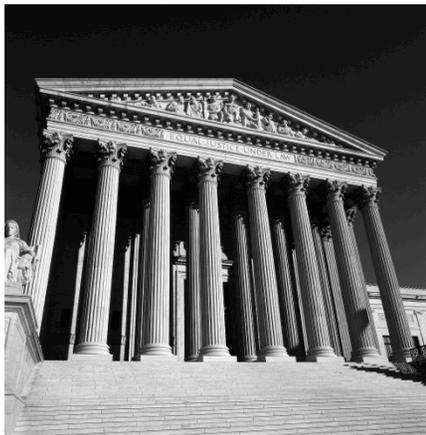
Source: Justice Center analysis of DOC, WSP and CFC data

Drug courts in Washington state

The Washington State Court System website reports **23** counties operating an adult drug court.

Annual number served statewide: **1,451**
Compared with 5,521 felony drug sentences in FY2013

Pierce and King counties were the first to operate a drug court, going back to 1994.

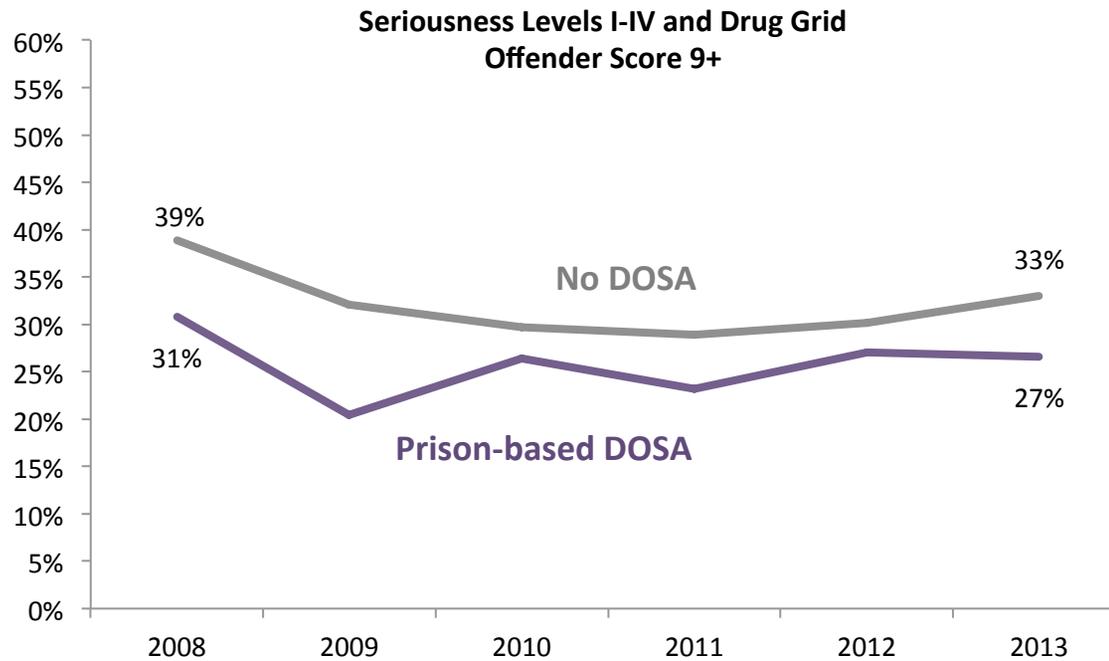


Annual enrollment for top six counties:
(Drug courts serving the most people per year)

King County	275
Pierce County	162
Clark County	160
Thurston County	153
Kitsap County	115
Spokane County	110

Among those with an offender score of 9+, DOSA participants have lower rearrest rates

One Year Felony Rearrest Rates by DOSA Participation, Prison Releases with **Offender Score 9+**, FY2008 to FY2013



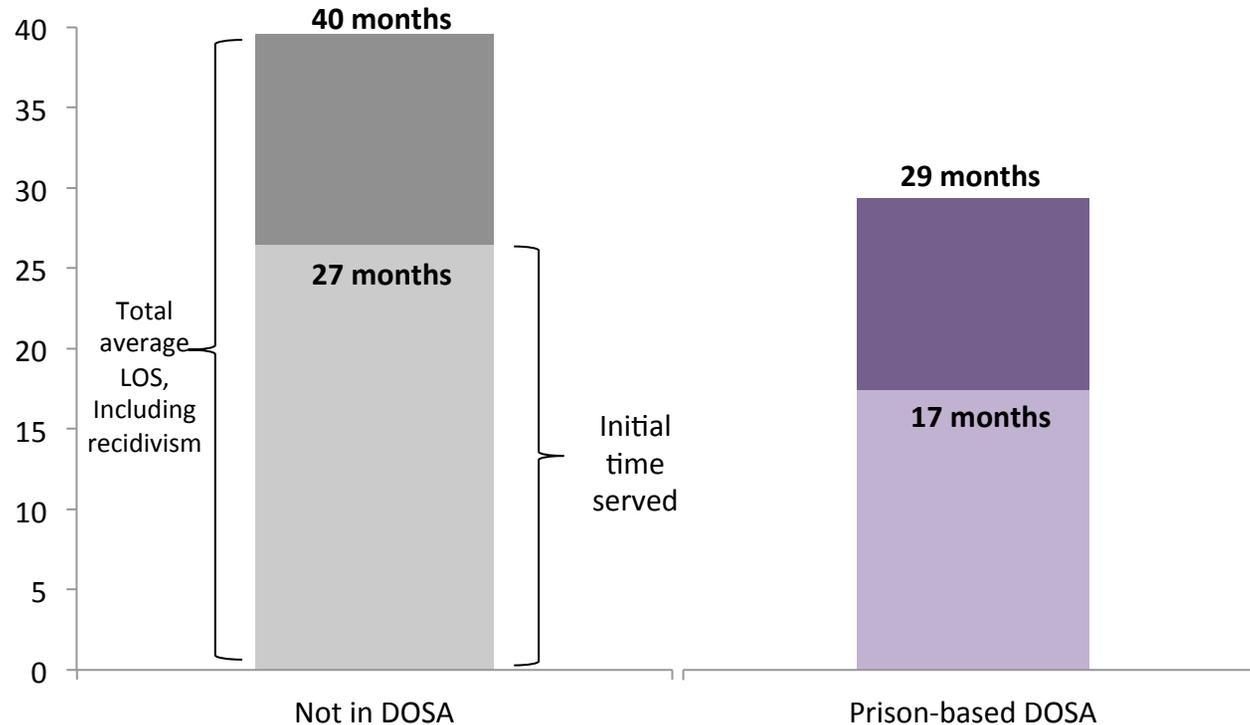
Prison-based DOSA participants are more likely to have a higher offender score on average compared with other prison admissions.

**Years selected based on sentencing data match rate (in order to obtain offender score), which reached 90% or higher each year starting in 2008 forward*

Among those with an offender score of 9+, DOSA participants spend less time in prison

Prison Length of Stay (LOS) by DOSA Participation, FY2013 Releases

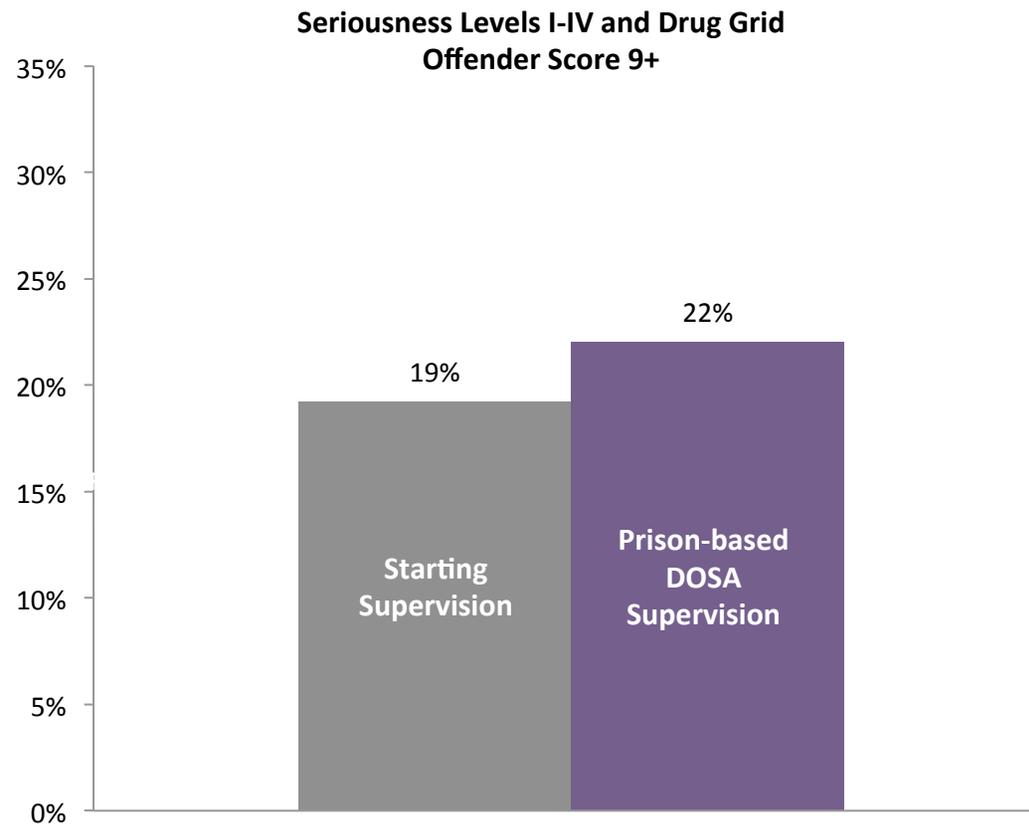
Seriousness Levels I-IV and Drug Grid
Offender Score 9+



Source: Justice Center analysis of DOC and CFC data

But DOSA offenders are more likely to be returned to prison, primarily due to revocations

One Year Incarceration Rates by DOSA Participation, FY2013



Source: Justice Center analysis of DOC, WSP and CFC data.

Section 3 Summary:

Sentencing alternatives currently in use

1. Washington has a patchwork of state and local sentencing alternatives.
2. Depending on the alternative, the goals are to shorten confinement, connect individuals to treatment, and reduce recidivism.
3. The use of local alternatives varies by county, is not structured by state policy, and currently does not appear to reduce recidivism.
4. Use of drug courts across the state is significant; but, three quarters of drug offenders sentenced to jail or prison do not receive a sentencing alternative (local alternatives, FTOW, Residential DOSA, Prison DOSA).
5. Prison DOSA appears to be effective at reducing reoffending (as measured by rearrests) and reducing the cost of confinement, but participants are more likely to return to prison for a revocation.

Overview of final data analysis

High Property Crime Rate & What Works

Prison Population Growth & Key Drivers

Sentencing Alternatives Currently in Use

Policy Challenge & Opportunity

Goals of the JR Policy Development Subcommittee

The Justice Reinvestment policy development subcommittee met on October 3, 2014. The subcommittee began discussing potential policy options and identified the following goals to guide further discussions.

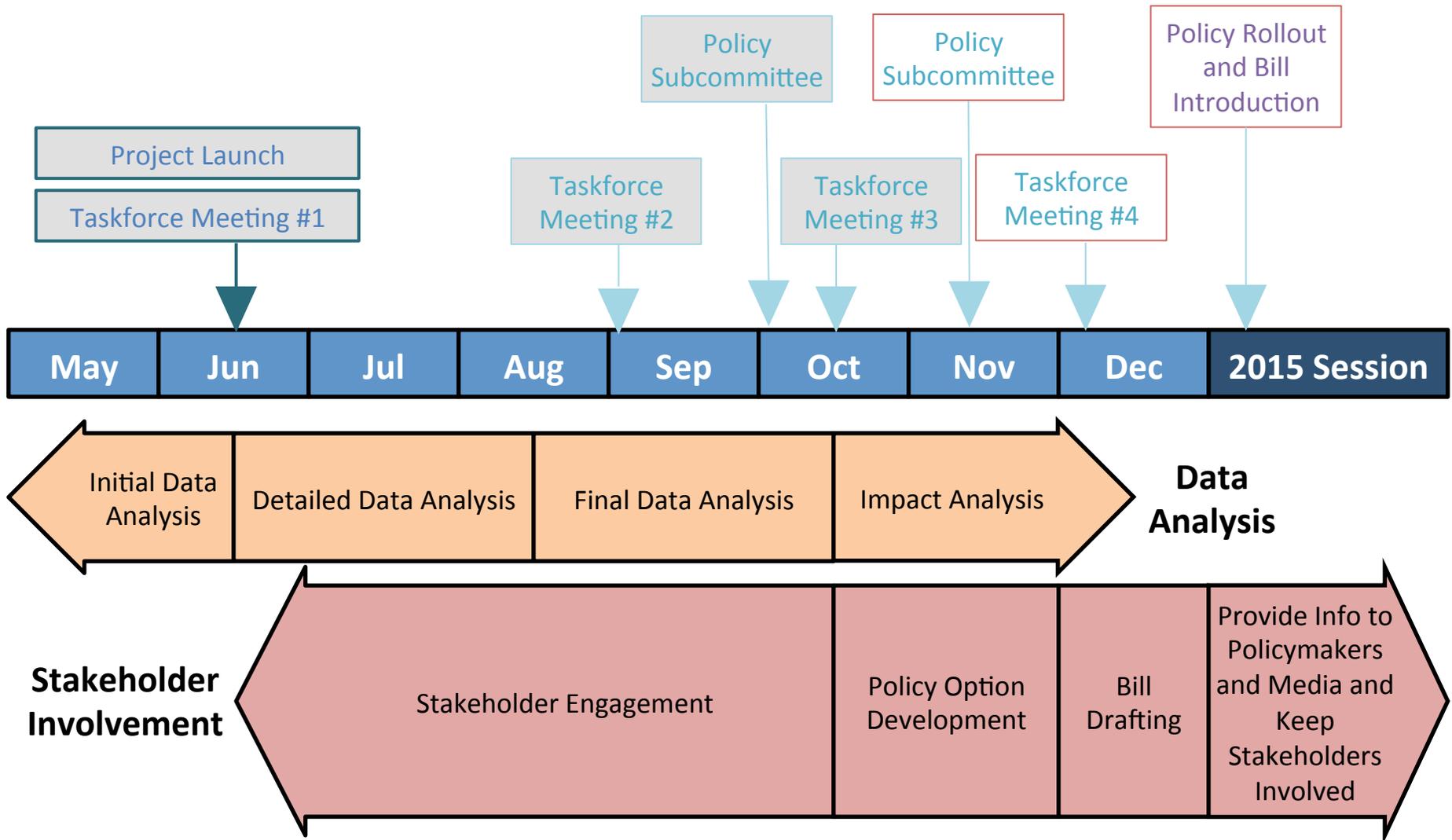
Policy solutions should:

1. Increase public safety by addressing the state's high property crime rate;
2. Reduce recidivism among the property offenders and drug offenders;
3. Avert further growth in the state prison population;
4. Ensure any solution is a win-win for counties and the state;
5. Gain consensus among stakeholders and the legislature.

General policy options under discussion

1. Increase resources for law enforcement to deter property crime;
2. Incentivize counties to use risk assessment and evidence-based programs to reduce recidivism while managing jail populations and costs;
3. Make supervision and treatment a part of sentencing for property offenders, ensuring supervision for those with a high risk of reoffending;
4. Develop a sentencing grid for Level I-IV property offenders that would balance supervision and incapacitation;
5. Make the quality of supervision more transparent and accountable to stakeholders;
6. Create an incentive for offenders to engage and succeed on supervision;
7. Make offender scores more reflective of the number of felony convictions.

Next Steps





Thank You

Karen Chung, Policy Analyst

kchung@csg.org

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