



Justice Reinvestment in Washington State

Overview

Background



In early 2014, Washington State's Governor Jay Inslee, House Speaker Frank Chopp, Senate Majority Leader Rodney Tom, Senate Republican Leader Mark Schoesler, and Chief Justice Barbara Madsen requested support from The Pew Charitable Trusts and the U.S. Department of Justice's Bureau of Justice Assistance to explore a "justice reinvestment" approach to improve public safety, reduce corrections spending, and reinvest savings in strategies that can decrease crime and reduce recidivism. The Council of State Governments Justice Center (CSG Justice Center) was asked to provide intensive technical assistance to collect and analyze data and help the state develop appropriate policy options. The CSG Justice Center has worked with 20 states since 2004 to develop justice reinvestment strategies.

Governor Inslee issued an executive order in June 2014 to create the interbranch, bipartisan Justice Reinvestment Taskforce to study the state's criminal justice system. Members of the task force include designees from the executive, legislative, and judicial branches of government, in addition to key state and local criminal justice stakeholders. Washington has been a national leader in using research to drive criminal justice policy and inform decision making. The Washington State Institute for Public Policy (WSIPP) carries out practical, nonpartisan research for the state legislature and summarizes findings related to programs that may reduce recidivism. The Washington State Center for Court Research (WSCCR) conducts research to guide judicial policy to improve the functioning of the state's judicial system. To complement the information provided by WSIPP and WSCCR, policymakers are seeking a broad assessment of their criminal justice system. To that end, CSG Justice Center staff will conduct a comprehensive analysis of the extensive data collected from various state agencies. To build a broad picture of statewide criminal justice trends, data on jail and community corrections will be sought from local governments and analyzed where possible. CSG Justice Center staff will also facilitate focus groups and interviews with people working on the front lines of Washington's criminal justice system.

Based on these quantitative and qualitative analyses, the task force will use these findings to develop policy options for the legislature's consideration that will be designed to both increase public safety and manage the projected growth in the state's prison population.

This overview highlights recent trends in Washington that the task force and CSG Justice Center staff will be exploring in the upcoming months.

Criminal Justice Trends in Washington State

Despite a growing resident population, the number of reported crimes and arrests in Washington has decreased.

- Between 2002 and 2012, Washington's resident population increased 13 percent, from 6.04 million to 6.82 million.¹
- Over the same period, total reported index crimes decreased 12 percent, from 309,931 to 272,719; total adult arrests decreased 22 percent, from 198,740 to 154,356.²
- Washington's violent crime rate dropped 14 percent over the same 10-year period, from 346 to 296 reported crimes per 100,000 residents, while the national violent crime rate decreased 22 percent, from 494 to 387 reported crimes per 100,000 residents.³

Washington's property crime rate has declined over the past decade, yet it remains one of the highest in the country.

- Washington's property crime rate fell 23 percent between 2002 and 2012, which was comparable to the 21 percent decline in the national property crime rate over the same period. Washington still had the third-highest property crime rate in the country in 2012, however, with 3,659 reported property crimes per 100,000 residents, compared to the national rate of 2,859 per 100,000 residents.⁴

Washington's incarceration rate is one of the lowest in the nation, yet the state's prison population has grown substantially in recent years and state spending on corrections has increased significantly.

- In 2012, Washington ranked 41st in the nation in incarceration rate, incarcerating 253 individuals per 100,000 residents. This incarceration rate does not include individuals sentenced to a county jail facility in the state.
- Between 2002 and 2012, Washington's prison population increased 10 percent, from 15,743 to 17,404.⁵
- Between FY2002 and FY2013, the Washington Department of Corrections' general revenue expenditures increased 45 percent, from \$545 million to \$788 million.⁶

Washington's prison population currently exceeds the capacity of the state's facilities, and the population is projected to continue to increase.

- Capacity for individuals in state prison facilities is currently 17,167. As of December 31, 2013, the state was operating at 2 percent over operational capacity, with a population of 17,485, including people in work-release facilities.⁷

- The most recent prison population forecast prepared by the Caseload Forecast Council projected that between 2013 and 2024, the average daily population in state prisons would increase by 8 percent, or 1,461 individuals.⁸
- A report commissioned by the Washington Office of Financial Management estimates that the expansion of capacity to address current overcrowding and the projected growth in Washington's prison population would cost the state between \$387 million and \$481 million in capital outlay and operational costs over 10 years.⁹

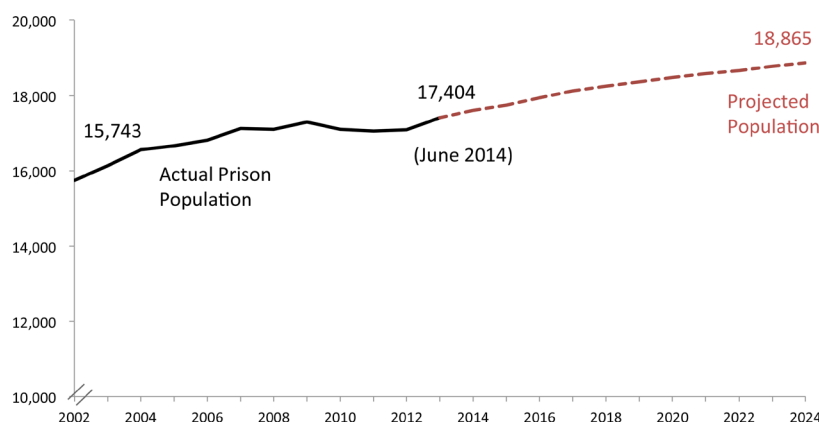
Throughout the past decade, the number of people on community supervision has dropped significantly in Washington.

- Between 2002 and 2012, the number of people on community supervision dropped more than 74 percent, from 62,664 to 16,226.¹⁰
- In response to fiscal pressures, beginning in 2003, the state has enacted legislation eliminating supervision for certain low- and moderate-risk individuals. Now, two-thirds of the individuals who remain subject to supervision in the community are high-risk individuals.¹¹

Washington's sentencing guidelines system, one of the nation's oldest, has received limited evaluation since its implementation.

- In 1984, Washington was the third state in the country to develop a presumptive sentencing guidelines system to guide judicial decisions in sentencing adults convicted of felonies.¹²
- Washington policymakers have not undertaken a comprehensive analysis of the state's sentencing guidelines and their impact since their adoption in 1984.

Figure 1. Washington State Actual and Projected Prison Population, 2002–2024



Source: Caseload Forecast Council, "June 2014 Forecast" (Olympia: Caseload Forecast Council, 2014)

The Justice Reinvestment Approach

STEP 1

Analyze Data and Develop Policy Options

Under the direction of the Justice Reinvestment Taskforce, CSG Justice Center staff will conduct a comprehensive analysis of crime, arrest, conviction, sentencing, probation, community corrections, prison, behavioral health, parole, and recidivism data, using hundreds of thousands of individual data records. Examples of analyses that will be conducted include: supervision, community corrections, and prison population trends; length of time served in prison and on supervision; statutory and administrative policies; and availability of treatment and programs to reduce recidivism. To the extent data are available, CSG Justice Center analysis will also assess how felony sentencing trends affect community corrections and prison populations, explore contributors to recidivism trends, and examine county jail trends. The analyses will result in findings related to the sources of prison population growth, prison and jail bed capacity, and effectiveness of agency policies and procedures.

To incorporate perspectives and recommendations from across Washington State, the CSG Justice Center will collect input and recommendations from criminal justice system stakeholders, including prosecuting attorneys, the defense bar, judges, law enforcement executives, supervision officers, behavioral health service providers, victims and their advocates, local officials, and others.

The Justice Reinvestment Taskforce, in collaboration with CSG Justice Center staff, will develop data-driven policy options focused on increasing public safety and reducing spending on corrections. Policy options will be available for the legislature's consideration by early 2015.

STEP 2

Adopt New Policies and Put Reinvestment Strategies Into Place

If the policy options are enacted as legislation, the CSG Justice Center will work with Washington State policymakers for a period of 12 to 24 months to translate the new policies into practice and help ensure that related programs and system investments achieve projected outcomes and are implemented using the latest research-based, data-driven strategies. This assistance includes developing implementation plans with state and local officials, providing policymakers with frequent progress reports, and delivering testimony to relevant legislative committees. Washington will also have the opportunity to apply for federal grant funding to meet important one-time implementation needs, such as information technology upgrades and quality assurance support.

In other states, including North Carolina and Texas, policymakers used the justice reinvestment approach to generate costs savings and reinvest in strategies to improve public safety. North Carolina's prison population has declined as the state's 2011 justice reinvestment legislation transformed how individuals are supervised in the community on probation and after prison. Targeting supervision on the right people, overhauling how treatment programs are funded, and implementing swift sanctions for individuals who violate terms of supervision helped reduce revocations by 37 percent, contributing to an 8 percent decline in the state's prison population, the closure of 9 correctional facilities, and reinvestment in additional supervision staff and resources. Between 2011 and 2012, the state's crime rate fell 3 percent.

Since 2007, Texas's justice reinvestment approach has helped reduce recidivism among parolees, expanded treatment programs for individuals prior to release, and reduced unnecessary delays in the parole process. Instead of spending what would have amounted to \$6 billion over the past 6 years to build and operate 17,000-bed correctional facilities, Texas has stabilized the prison population and was even able to close a prison for the first time in state history. Texas's crime rate is now at a 40-year low.

STEP 3

Measure Performance

Finally, the CSG Justice Center will continue to assist Washington State officials to identify the metrics needed to assess the impact of enacted policies on prison populations and rates of re-incarceration, criminal activity, and recidivism, and to develop the strategies to monitor these outcomes. Typically, this includes a “dashboard” of multiple indicators that make it easy for policymakers to track the changes occurring in various components of the criminal justice system.

Notes

1. Washington Office of Financial Management, “CrimeStats Online,” accessed April 2014 at <http://wa-state-ofm.us/CrimeStatsOnline>.
2. United States Department of Justice, Federal Bureau of Investigation, “Crime in the United States” (Washington, DC: U.S. Department of Justice, 2002); United States Department of Justice, Federal Bureau of Investigation, “Crime in the United States” (Washington, DC: U.S. Department of Justice, 2012). Index crimes consist of crime categories collected by law enforcement and reported to the FBI as part of the Uniform Crime Reporting Program, considered representative of the most serious crimes. The crime categories are violent crimes of murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault, and the property crimes of burglary, larceny-theft, and motor vehicle theft.
3. *Ibid.*; the FBI Uniform Crime Report includes under its violent crime category the following offenses: murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault.
4. *Ibid.*
5. Caseload Forecast Council, “February 2014 Forecast” (Olympia: Caseload Forecast Council, 2014).
6. Washington State Fiscal Information, “Historical Spending Trends,” (Olympia: Legislative Evaluation and Accountability Program, 2002); Washington State Fiscal Information, “Historical Spending Trends,” (Olympia: Legislative Evaluation and Accountability Program, 2013). Adjusted for inflation. Department of Corrections expenditures increased 12 percent between 2002 and 2012.
7. Washington Department of Corrections, “Facts about Offenders in Confinement, December 31, 2013” (Olympia: Washington Department of Corrections, 2013). Total includes individuals in prison and work release.
8. Caseload Forecast Council, “June 2014 Forecast” (Olympia: Caseload Forecast Council, 2014). The Washington prison population is projected to increase from 17,404 in June 2013 to 18,865 in June 2024. Actual prison population can be above or below the average daily population, which is calculated by dividing the total number of individuals in prisons by the number of days in a fiscal year.
9. Criminal Justice Planning Services, “Cost-Effective Incarceration of Washington State Adult Offenders” (Olympia: Criminal Justice Planning Services, 2012).
10. Washington Department of Corrections, “Major Sentencing Changes Impacting Community Supervision Caseloads and Prison Population” (Olympia: Washington Department of Corrections, 2012).
11. Washington Department of Corrections, “Changing Community Supervision: A Shift Towards Evidence Based Corrections” (Olympia: Washington Department of Corrections, 2012).
12. Don Stemen, Andres Rengifo, and James Wilson, “Of Fragmentation and Ferment: The Impact of State Sentencing Policies on Incarceration Rates, 1975–2002” (New York City: Vera Institute of Justice, 2006), accessed April 2014 at <https://www.ncjrs.gov/pdffiles1/nij/grants/213003.pdf>.

To learn more about the justice reinvestment strategy
in Washington and in other states, please visit:
csgjusticecenter.org/jr



The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers in the local, state, and federal levels from all branches of government. It provides practical, nonpartisan advice and evidence-based, consensus-driven strategies to increase public safety and strengthen communities. To learn more about the Council of State Governments Justice Center, please visit csgjusticecenter.org.



This project was supported by Grant No. 2013-ZB-BX-K002 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

To learn more about the Bureau of Justice Assistance, please visit bja.gov.



Research and analysis described in this report has been funded in part by the Public Safety Performance Project of The Pew Charitable Trusts. Launched in 2006 as a project of the Pew Center on the States, the Public Safety Performance Project seeks to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable, and control corrections costs.

To learn more about the Public Safety Performance Project, please visit pewstates.org/publicsafety.

Points of view, recommendations, or findings stated in this document are those of the authors and do not necessarily reflect the official position or policies of The Pew Charitable Trusts, Council of State Governments Justice Center, or the Council of State Governments' members.

Suggested citation: Council of State Governments Justice Center, *Justice Reinvestment in Washington State: Overview* (New York: Council of State Governments Justice Center, 2014).

Council of State Governments Justice Center

New York, NY
Bethesda, MD
Austin, TX
Seattle, WA

PROJECT CONTACT:
Karen Chung
Policy Analyst
kchung@csg.org

csgjusticecenter.org