



Washington State Justice Reinvestment Taskforce

Fourth Meeting

December 5, 2014

Council of State Governments Justice Center

Marshall Clement, Director, State Initiatives
Carl Reynolds, Senior Legal and Policy Advisor
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*



Overview of Presentation

I. The Process

- Project Charter
- Work Summary
- Next Steps

II. Summary & Goals

III. Policy Options & Impacts

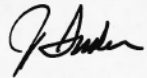
State leaders requested assistance leading up to a project launch in June of 2014.

Justice Reinvestment Initiative Request
December 23, 2013
Page 2

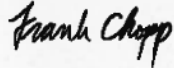
- Assist the legislature, the Office of the Governor, and the Taskforce in educating the public and policymakers about the Taskforce's goals, findings, recommendations, and legislation and other measures, including:
 - continuing to comment and provide feedback, as requested, on draft omnibus legislation and other measures;
 - engaging and consulting with justice system stakeholders;
 - organizing and coordinating public, legislative, or stakeholder forums;
 - organizing and coordinating the efforts of key justice system and public policy stakeholders and opinion leaders;

As a state that has been in the forefront of implementing many of the national best practices in smart criminal justice policy, we recognize that we will experience a unique challenge. Most of the strategies realized in other states through this collaborative process have already been implemented in Washington. However, we are certain that through this process, Washington will continue in its long tradition of identifying responsive, innovative, and data-driven changes to wisely target our limited resources and improve public safety. We know that Washington can provide a roadmap for the rest of the nation to follow.

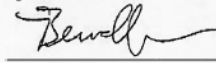
Sincerely



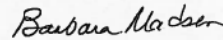
Jay Inslee
Governor



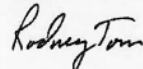
Frank Chopp
Speaker of the House



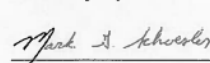
Bernie Warner
Secretary, Department of Corrections



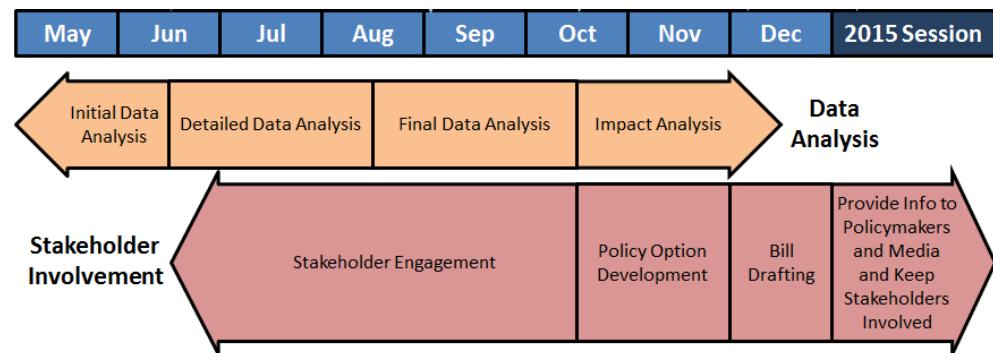
Barbara Madsen
Chief Justice, Supreme Court



Rodney Tom
Senate Majority Leader



Mark Schoesler
Senator



Justice Reinvestment Process – Phase I

Bipartisan, bicameral, interbranch working group

Phase I

Analyze Data and Develop Policy Options

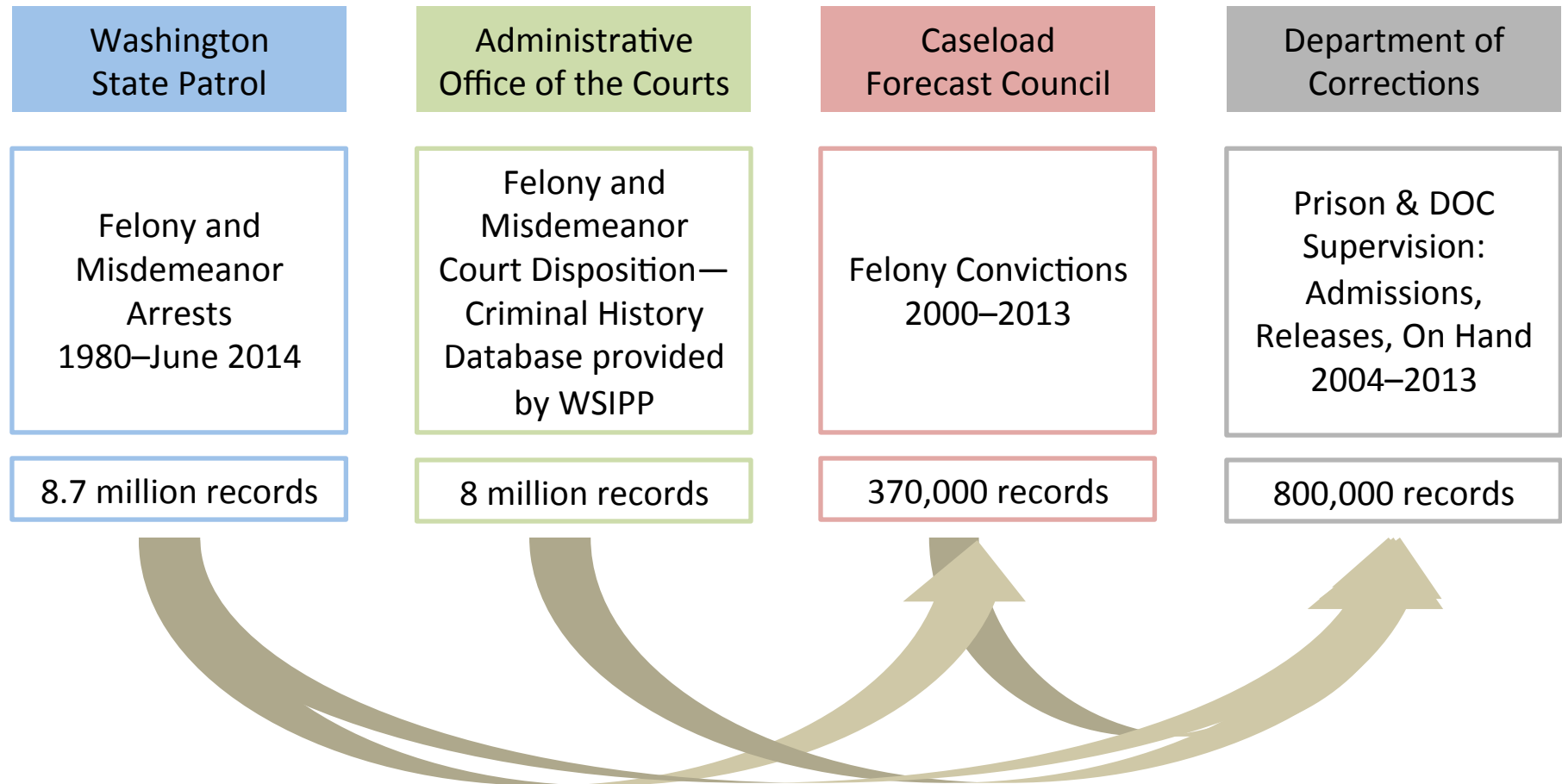
- **Analyze data:** Look at crime, courts, corrections, sentencing, and supervision trends
- **Solicit input from stakeholders**
- **Develop policy options and estimate cost savings**

Phase 2

Implement New Policies

- **Identify assistance needed to implement policies effectively**
- **Deploy targeted reinvestment strategies to increase public safety**
- **Track the impact of enacted policies/programs**
- **Monitor recidivism rates and other key measures**

Data from Washington State agencies have enabled an incredible degree of matching and analysis.



Linking of files on State ID (SID) Number

Key stakeholders in the criminal justice system have been engaged in reviewing analysis and providing input and ideas.

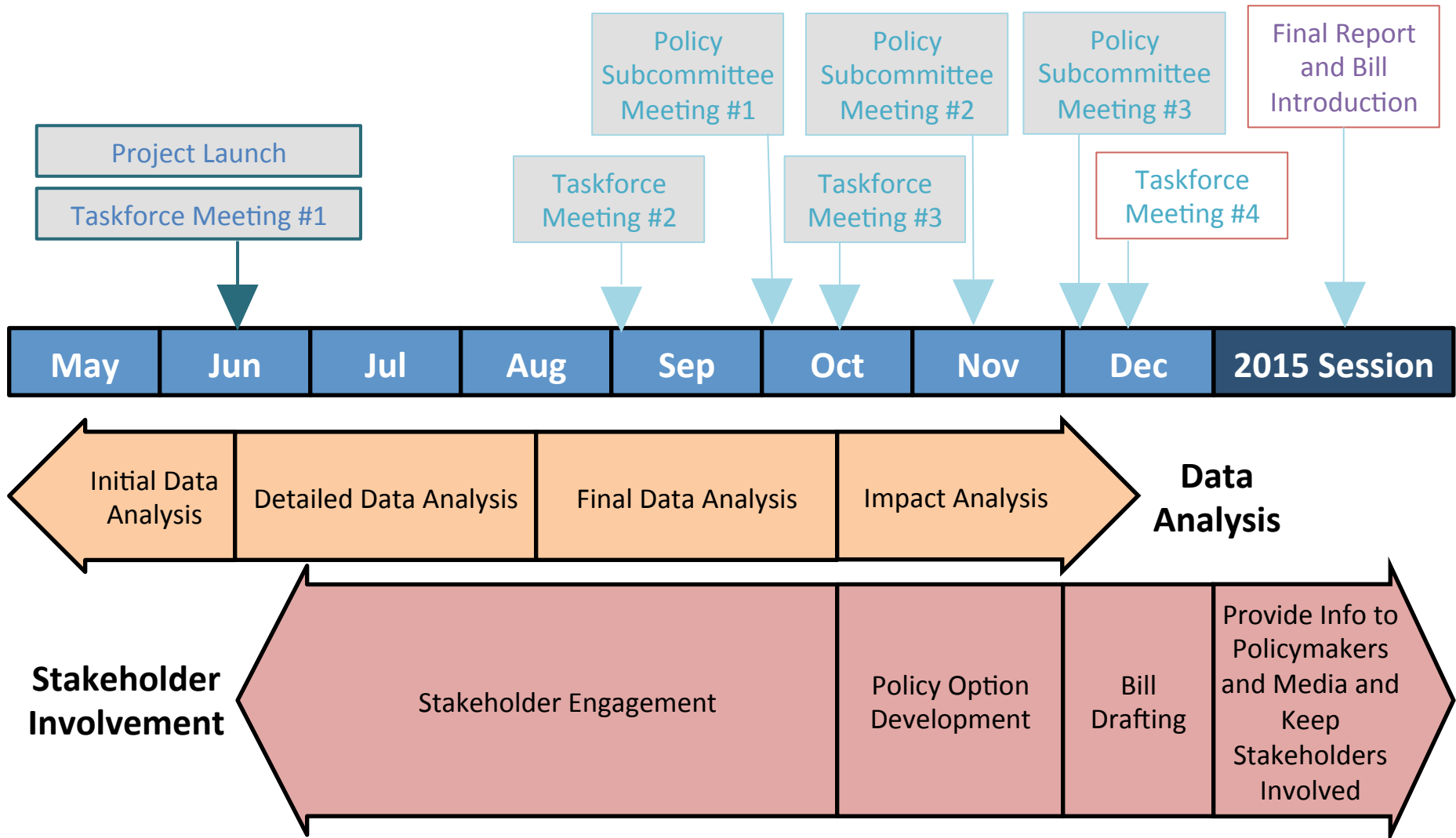
June–December Stakeholder Engagement

Administrative Office of the Courts ✓
Caseload Forecast Council ✓
Community Corrections Officers ✓
Counties (WSAC / WACO) ✓
Department of Corrections ✓
Jail Administrators ✓
Labor Unions (WFSE and Teamsters Local 117) ✓
Law Enforcement (WASPC) ✓
Legislators ✓

Legislative Staff ✓
Office of the Governor ✓
Prosecutors (WAPA) ✓
Public Defenders (WACDL / WDA) ✓
Sentencing Guidelines Commission ✓
Superior Court Judges ✓
Victim Advocates ✓
WA State Institute for Public Policy ✓

CSG Justice Center will continue to work with stakeholders to vet the Justice Reinvestment policy framework.

Phase I Project Timeline



Overview of Presentation

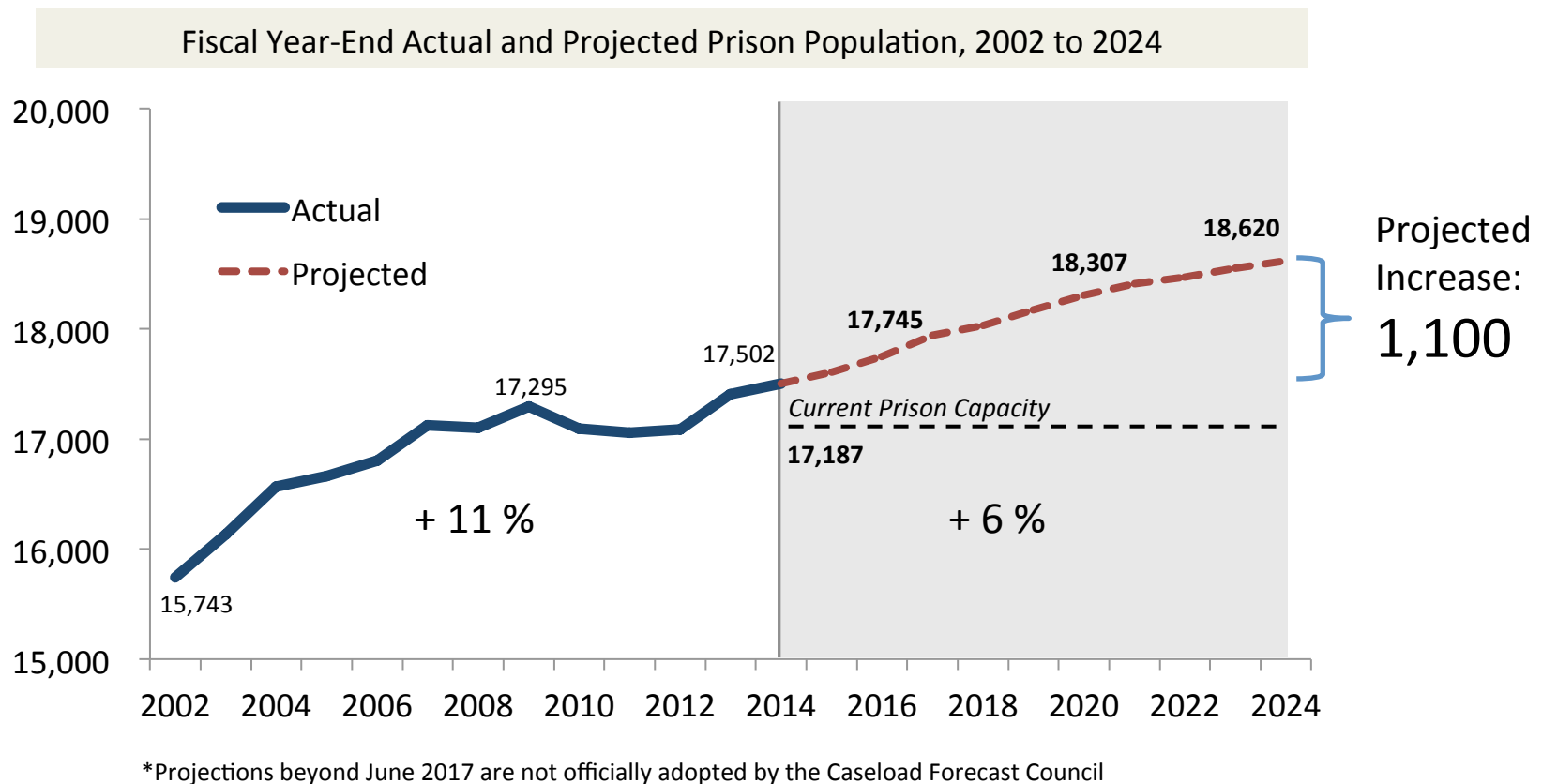
I. The Process

II. Summary & Goals

- Prison Growth & Property Crime
- Sentencing Policies
- Applying What Works

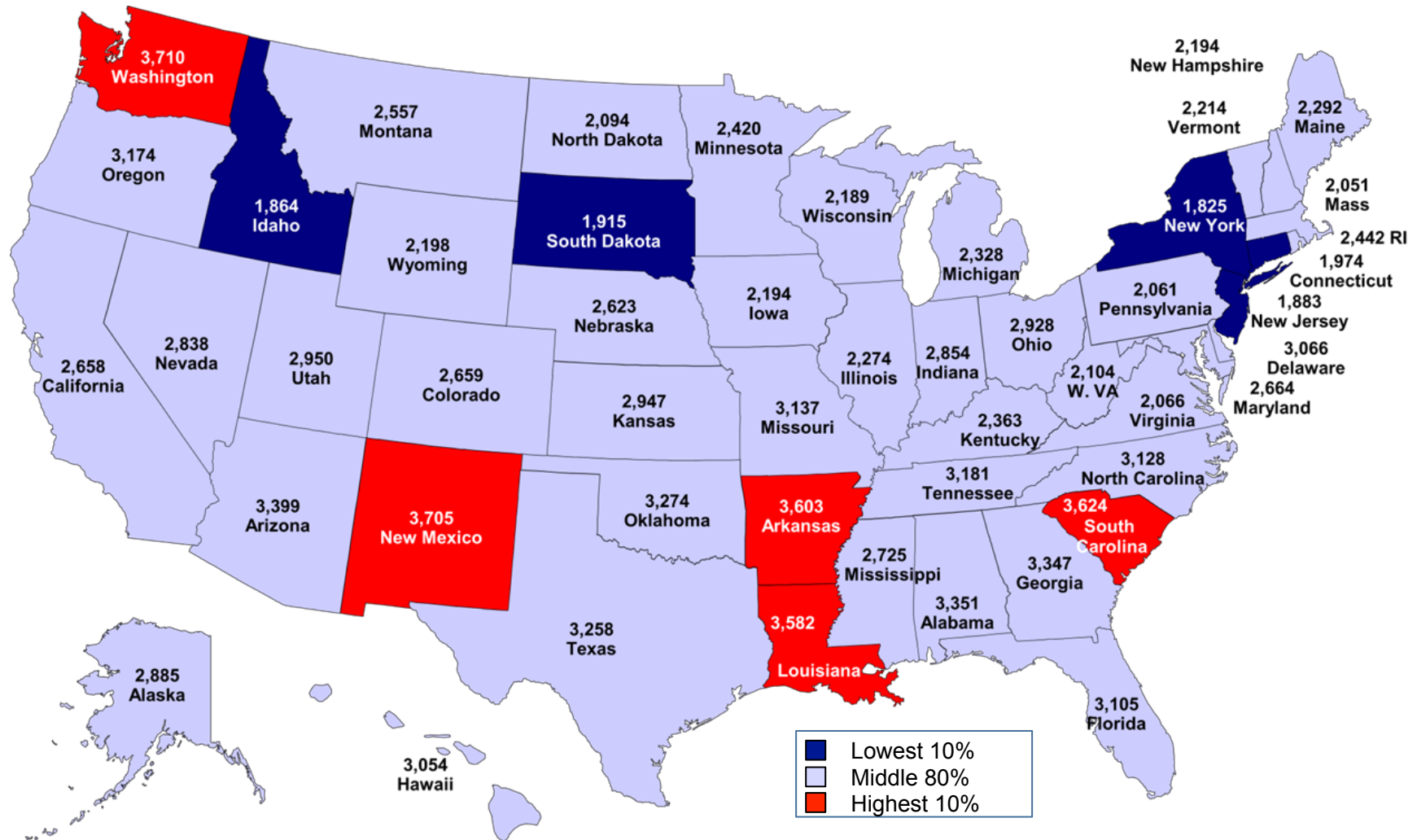
III. Policy Options & Impacts

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



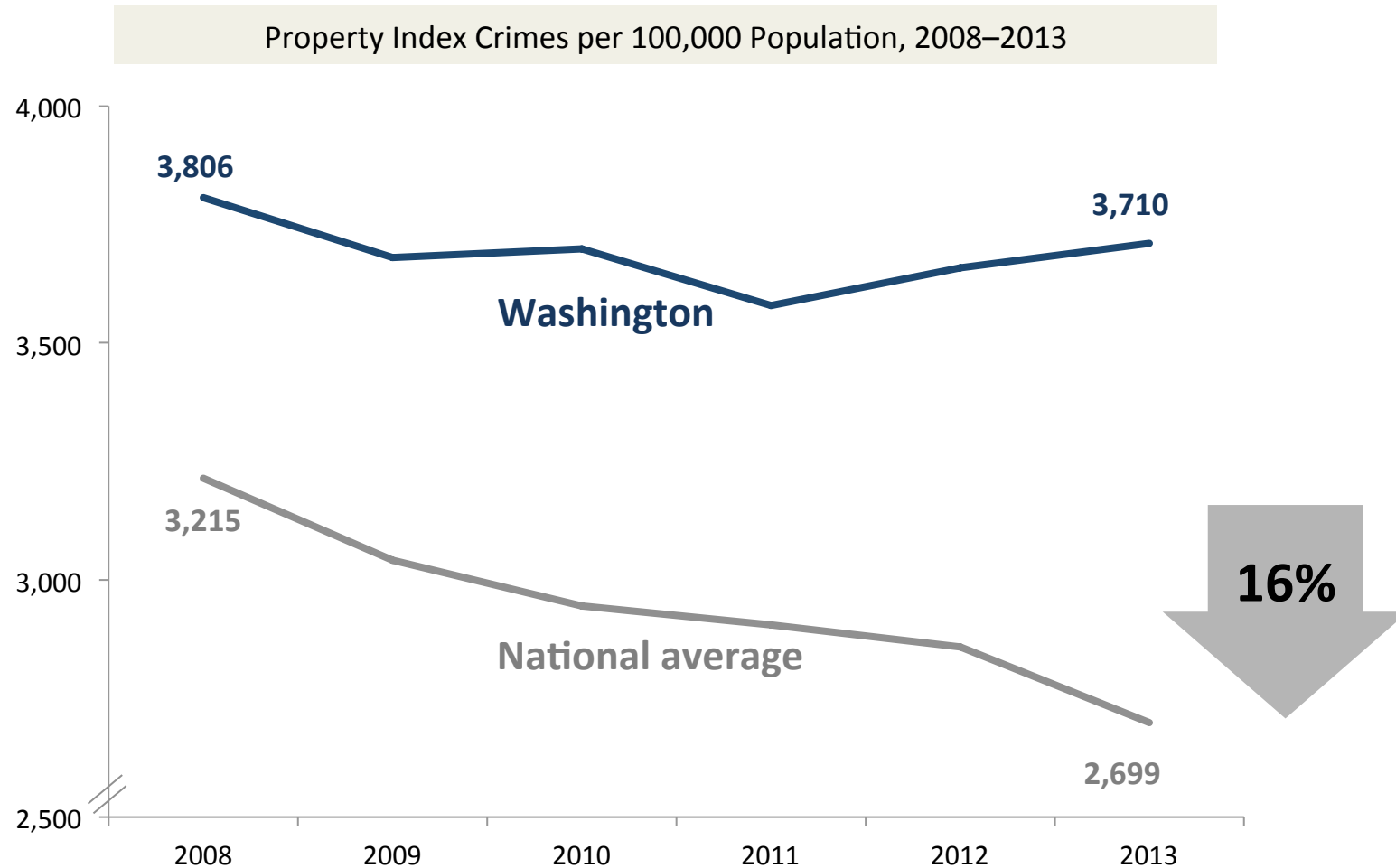
Source: Caseload Forecast Council, November 2014 Forecast; Criminal Justice Planning Services, "Cost-Effective Incarceration of Washington State Adult Offenders," 2012.

Washington now ranks #1 in property crime.



Source: United States Department of Justice, Federal Bureau of Investigation (November 2014); *Crime in the United States, 2013*.

Washington's property crime rate has remained high, while the national average has decreased.



Source: Federal Bureau of Investigation, *Crime in the United States, 2013* (November 2014).

Property offenders have been largely unsupervised post-prison since 1984, and post-jail since 2003.

	Post-Jail/As a Sentence						Post-Prison					
	Property		Drug		Violent*		Property		Drug		Violent*	
Pre-1984	L,M	H	L,M	H	L,M	H	L,M	H	L,M	H	L,M	H
Post-1984	L,M	H	L,M	H	L,M	H						
1999	L,M	H	L,M	H	L,M	H			L,M	H	L,M	H
2003			H		H				H		H	
Today			H		H				H		H	

L,M

Low- and Moderate-Risk

H

High-Risk

Supervision has been maintained for **serious violent offenses**, **sex offenses**, and those with **alternative sentences** regardless of risk.

*Violent includes violent offenses and crime against a person offenses.

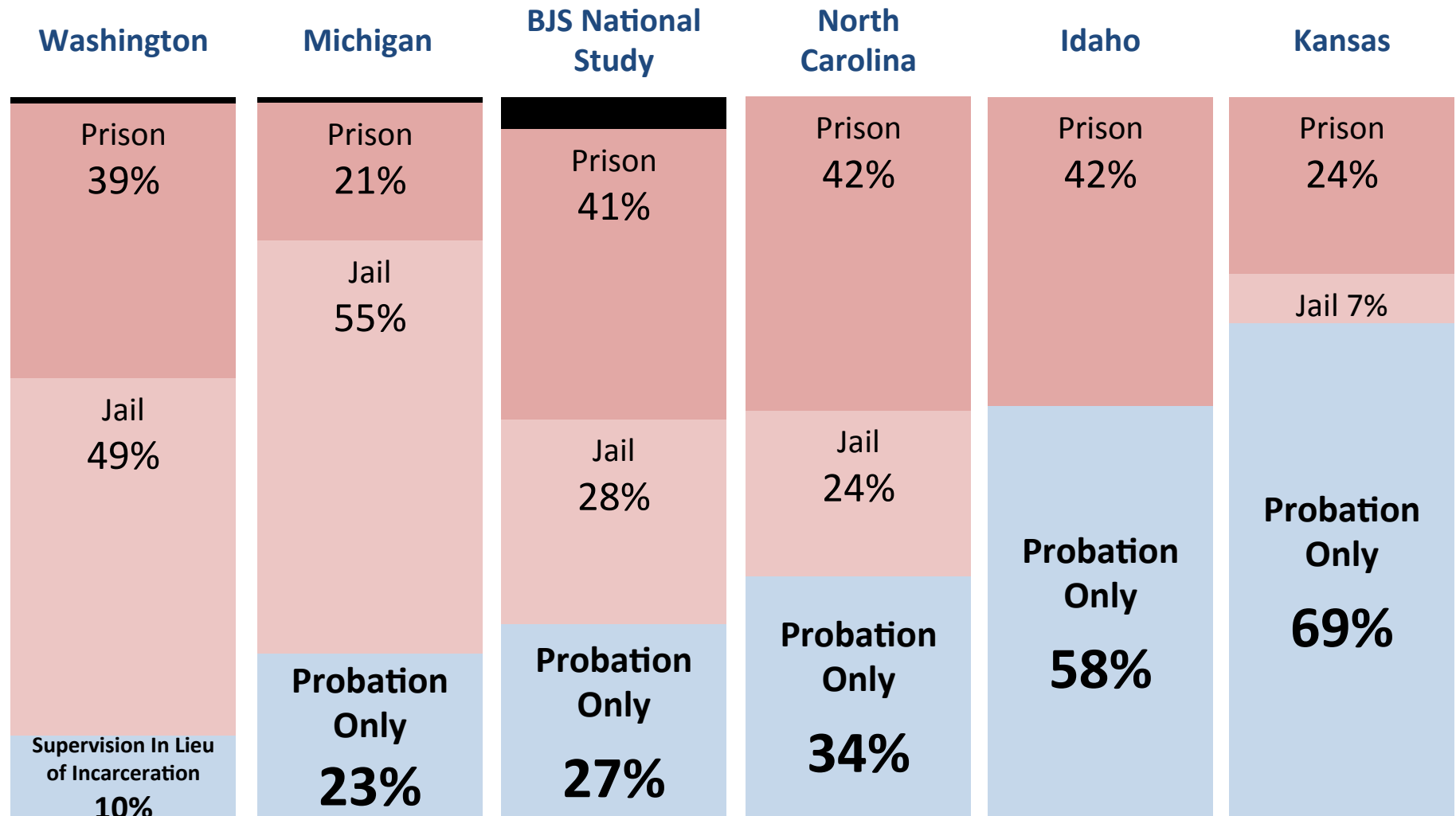
Source: Communications with Washington Department of Corrections staff.

Washington State Legislature. 56th Legislative Session. [SB 5421] *Enhancing supervision of offenders*.

Washington State Legislature. 58th Legislative Session. [SB 5990] *Changing times and supervision standards for release of offenders*.

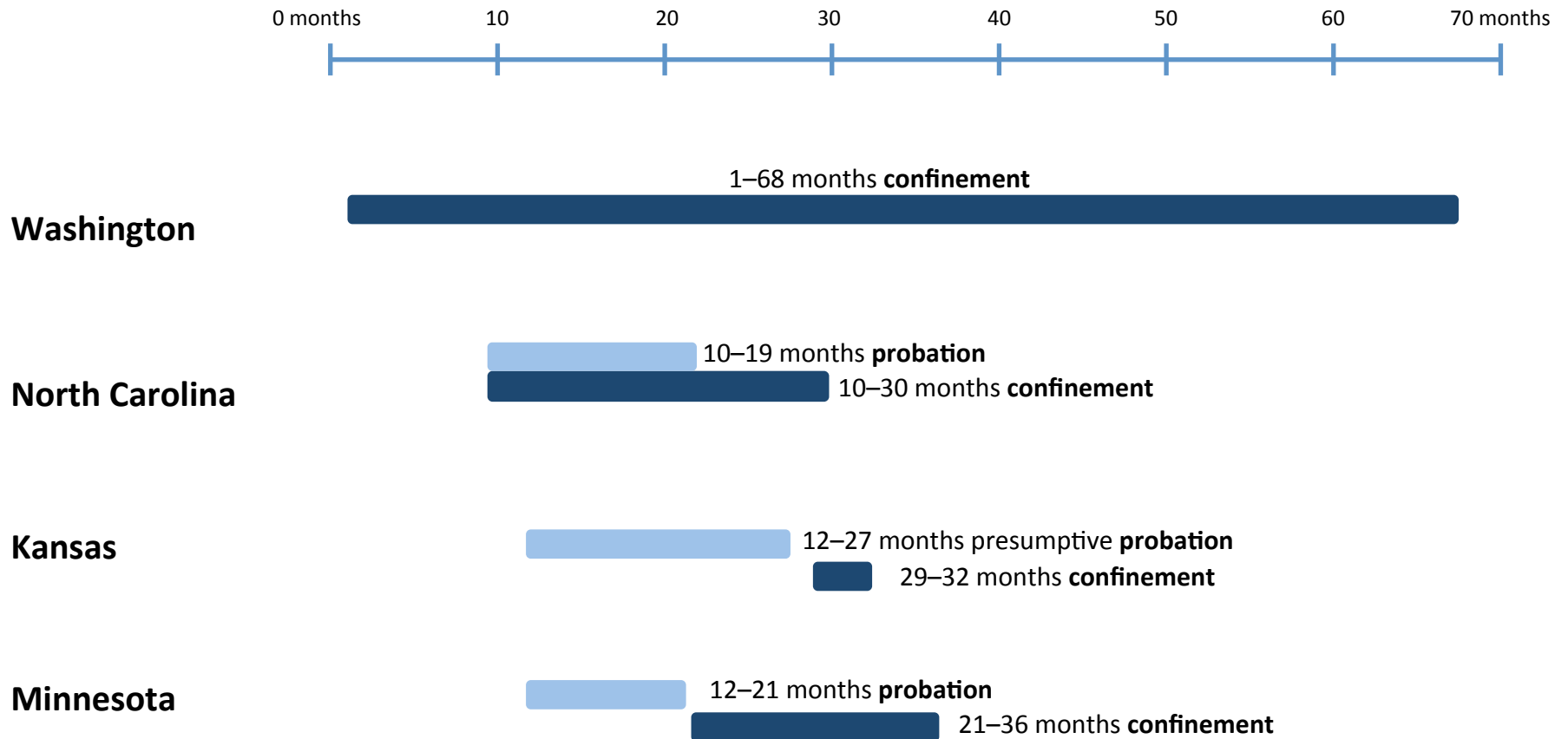
Washington State Legislature. 61st Legislative Session. [SB 6162] *Providing for the supervision of offenders sentenced to community*.

Washington utilizes supervision less than the national average and other recent JR states.



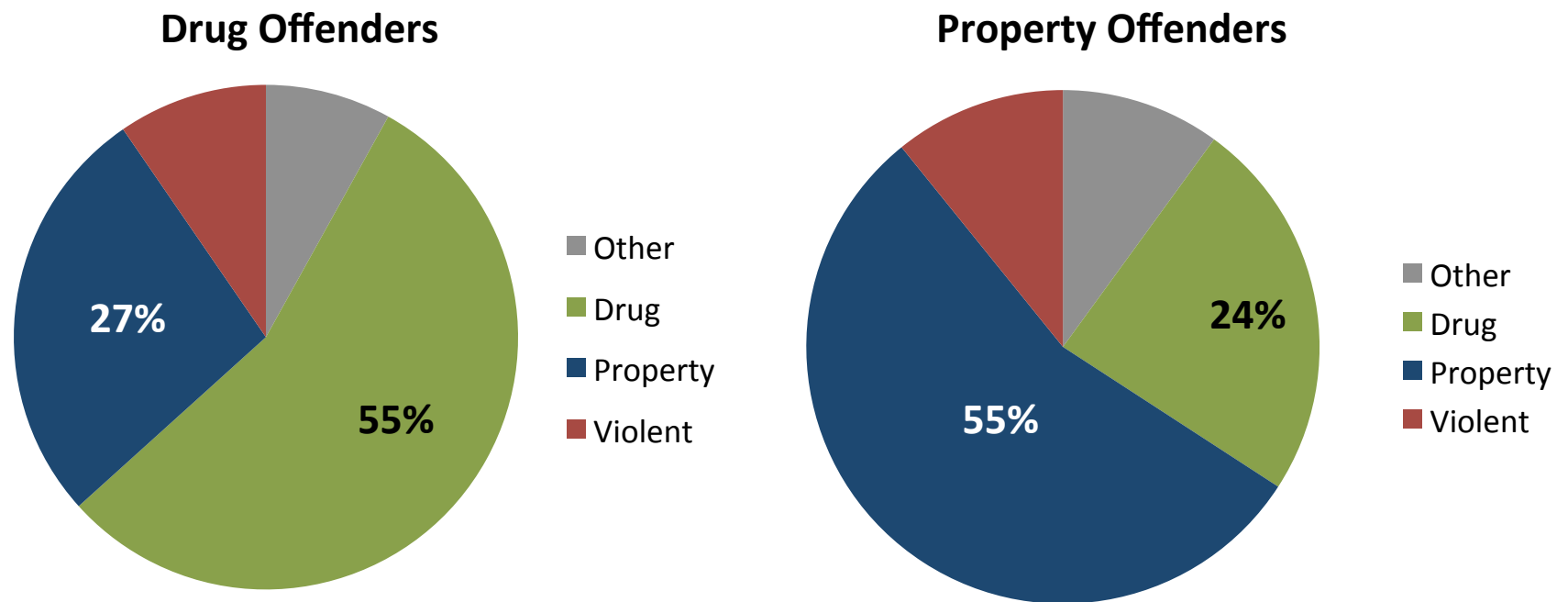
Source: *Statewide Dispositions—Fiscal Year 2012*, Office of Community Alternatives, MI Dept. of Corrections, November 2012; KS Felony Sentencing Data; *Structured Sentencing Statistical Report FY 2011/12*, NC Sentencing and Policy Advisory Commission; BJS Felony Sentences in State Courts, 2006—Statistical Tables; WA Caseload Forecast Council sentencing data.

Washington has a wider sentence range for second-degree burglary compared to other states.



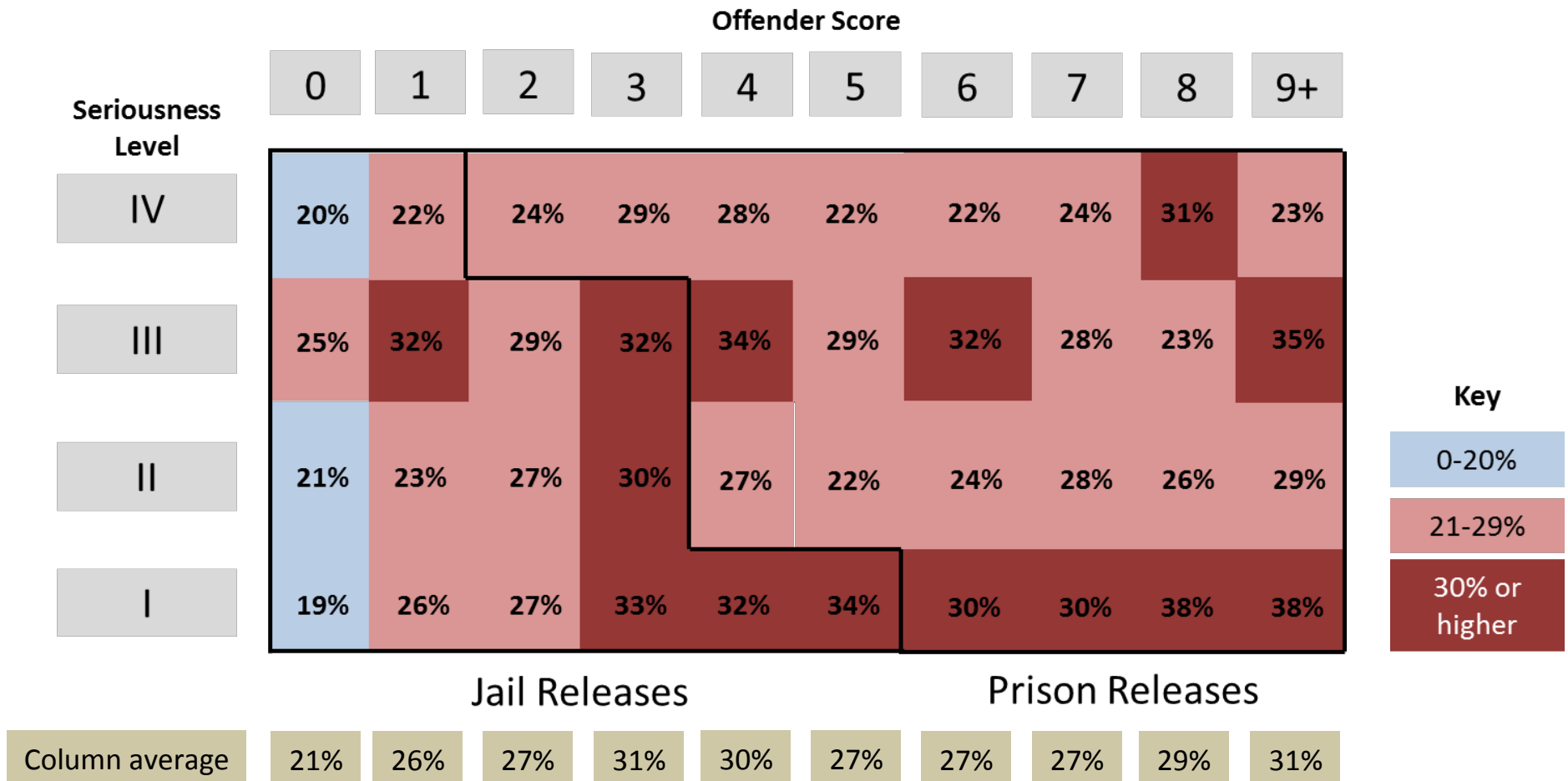
Approximately 80% of drug and property offenders who recidivate commit a drug or property offense as their first re-arrest.

First Re-Arrest Offense Type for 3-Year Recidivists
FY2010 Prison Releases



Recidivism rates vary little for property offenders with offender scores other than “0.”

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.

A comprehensive strategy is required to reduce property crime.

258,662 Reported property index crimes (2013)

35,954 Arrests for property index crimes (2013)

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

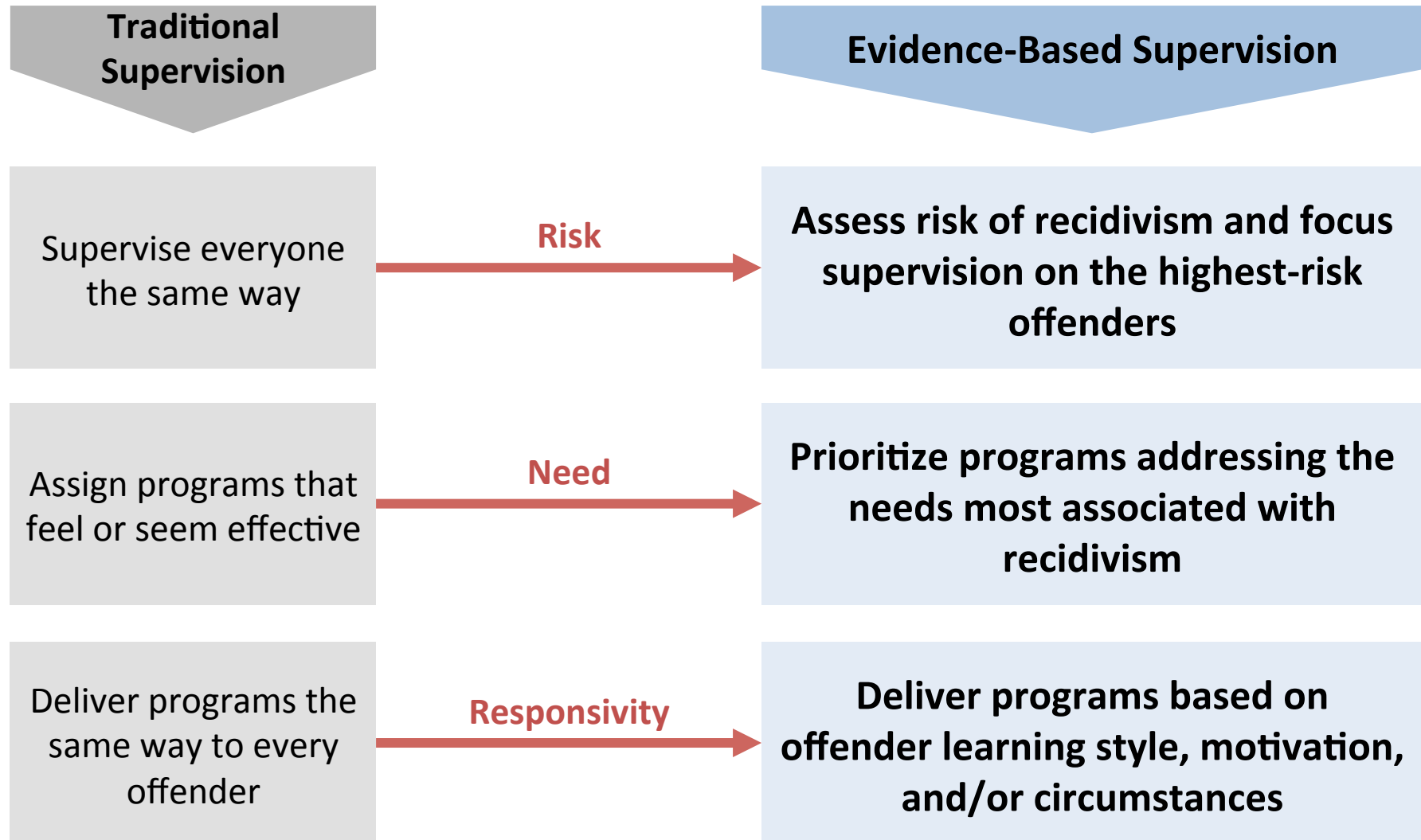
Deter crime

Reduce recidivism

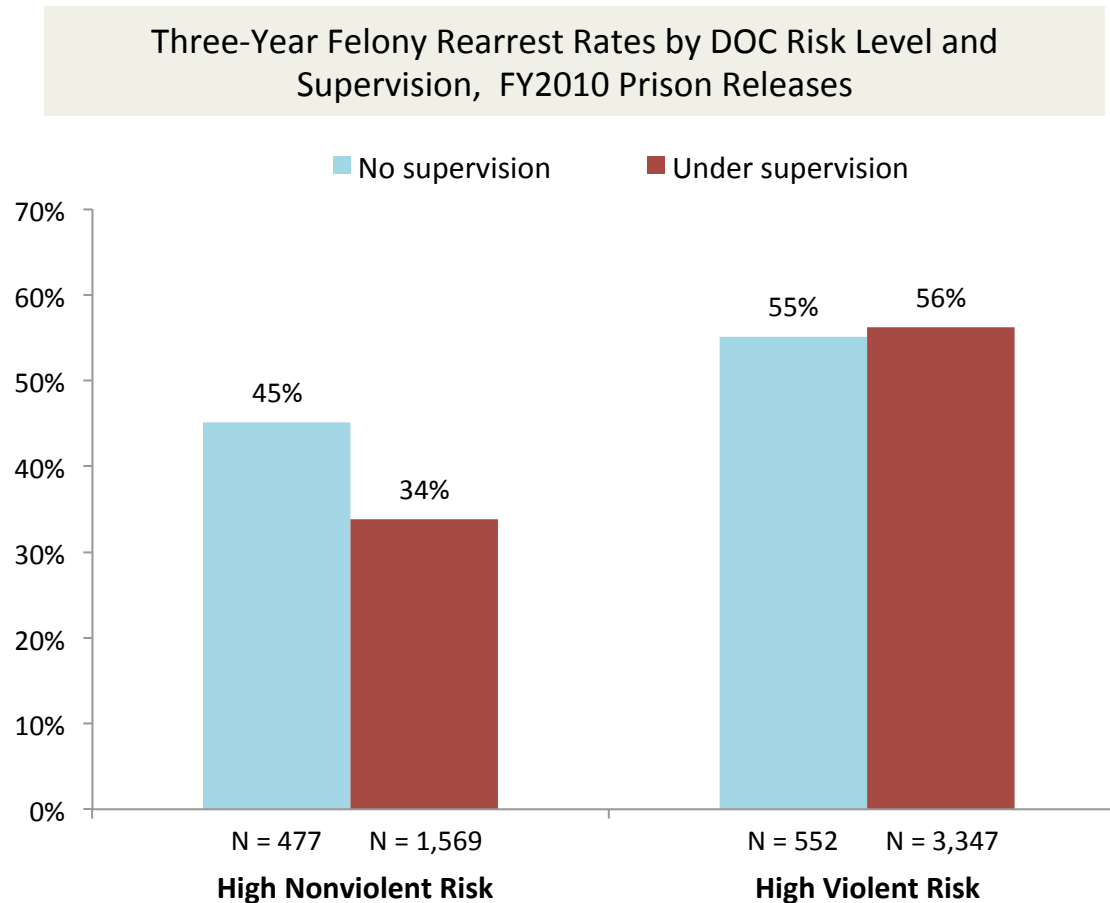
Prolong incapacitation

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

Supervision and programs are now based on research about what works and what doesn't.



Individuals assessed as “high nonviolent risk” who are supervised have lower recidivism rates than those who are not supervised.



Source: Justice Center analysis of DOC and WSP data.

Washington State is viewed as a leader in employing evidence-based criminal justice strategies.

Washington Institute for Public Policy

Washington has been recognized nationally for supporting criminal justice research to inform decision making and highlighting what works in programs to reduce recidivism and crime.

Evidence-Based Criminal Justice Policies

In 2012, Washington became the first state to implement “swift and certain” sanctions statewide to increase offender compliance on supervision.

Evidence-Based Juvenile Justice Policies

Washington has a rich history of investing in evidence-based and promising prevention and intervention services for juveniles.

Supervision Strategies

The Washington State Department of Corrections continues to refine its approach to community supervision, focusing its resources on higher-risk individuals and using tactics to change offender behavior.

Effective Changes to Drug Sentencing

In 2003, Washington began implementing a separate drug offense sentencing grid with the intent to reduce recidivism among drug offenders.

Policy Goals Agreed to at October 15 Taskforce Meeting

Increase public safety by addressing the state's high property crime rate

Reduce recidivism among property offenders and drug offenders

Avert growth in the state prison population

Ensure any solution is a win-win for counties and the state

Gain consensus among stakeholders and the legislature

Overview of Presentation

I. The Process

II. Summary & Goals

III. Policy Options & Impacts

- Reduce Property Crime & Support Victims
- Hold Offenders Accountable
- Reduce Recidivism

Washington State Justice Reinvestment Policy Framework

Goals:

Increase public safety, reduce recidivism, and avert prison population growth

1 Reduce property crime and support victims

- a) Invest in law enforcement efforts to deter property crime
- b) Create a victim compensation benefit for victims of property crime and sustain victim notification

2 Hold offenders accountable

- a) Develop a sentencing grid for property offenders that includes a period of supervision and treatment
- b) Address double-counting of prior felony convictions in offender score for property offenders

3 Reduce recidivism

- a) Ensure reinvestments in supervision and treatment are sustained through oversight and coordination
- b) Incentivize counties to use risk assessments to inform pretrial release decisions

Reduce property crime rate

15%
By 2021

Supervise & connect to treatment after jail/prison

2,000
Previously unsupervised property offenders

Avert prison capital and operating costs

Up To \$291 Million
By 2021

Invest in law enforcement, supervision, treatment, support for victims, and counties

\$80 Million
By 2021

Invest in law enforcement's efforts to deter crime.

Options

- Establish a state-funded competitive grant program to support local law enforcement agencies to:
 - Increase the use of technology and data analysis
 - Increase staffing
 - Deploy innovative policing strategies to reduce and prevent crime
- Leverage Byrne Justice Assistance Grants and other federal funding to support crime deterrence efforts.

Goal

Reduce the state's property crime by 15 percent by 2021.

Examples of evidence-based policing strategies:

- Crime analysis
- Hot spot policing
- Focused deterrence

In 2012, Oklahoma established the Justice Reinvestment Violent Crime Reduction Grant Program to provide competitive grant funds for law enforcement agencies to reduce and prevent violent crime with evidence-based policing practices, crime analysis strategies, increased technological capacity, and community partnerships.

Pending WSIPP impact analysis:

Reinvest \$4 million in first biennium and \$8 million in second biennium

Three Big Policy Levers to Impact Crime

Exhibit 1 Monetary benefits and Costs of the Proposed Rate-Paid Policies That Affect Drivers Summary of November 2012									
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Deter crime

Increase law enforcement's ability to use hot spot strategies and deploy additional officers to increase the perceived certainty of apprehension.

Reduce recidivism

High quality supervision (risk, need, responsivity), consistent sanctioning, and high-quality treatment programs tailored to needs.

Prolong incapacitation

Increase length of stay to hold moderate- to high-risk offenders in prison for an additional 3 months, adding 250 to the prison population.

Benefit to Cost Ratio

Benefits per dollar
of cost.



Source: Aos, S. & Drake, E. *Prison, Police, And Programs: Evidence-Based Options that Reduce Crime and Save Money* (Doc. No. 13-11-1901). Olympia: Washington State Institute for Public Policy, 2013.

Support victims of property and other crimes.

Options

- Create a victim compensation benefit to provide client assistance for victims of property crimes, including compensation for towing and impoundment fees associated with stolen motor vehicles, and to support court filing fees for civil remedies.
- Fund the SAVIN-VINE victim notification programs in King, Pierce, and Snohomish counties, funding for which is slated to end by 2016.
- As the state assesses policy and practice related to legal financial obligations, consider expanding the requirement to pay a victim penalty assessment to include participants in specialty courts.

Annual Reinvestment:
\$400,000
(leverage federal funding)

Annual Reinvestment:
\$100,000

Develop a sentencing grid for property offenders that includes a period of supervision and treatment.

Seriousness Level III
Offender Score 3



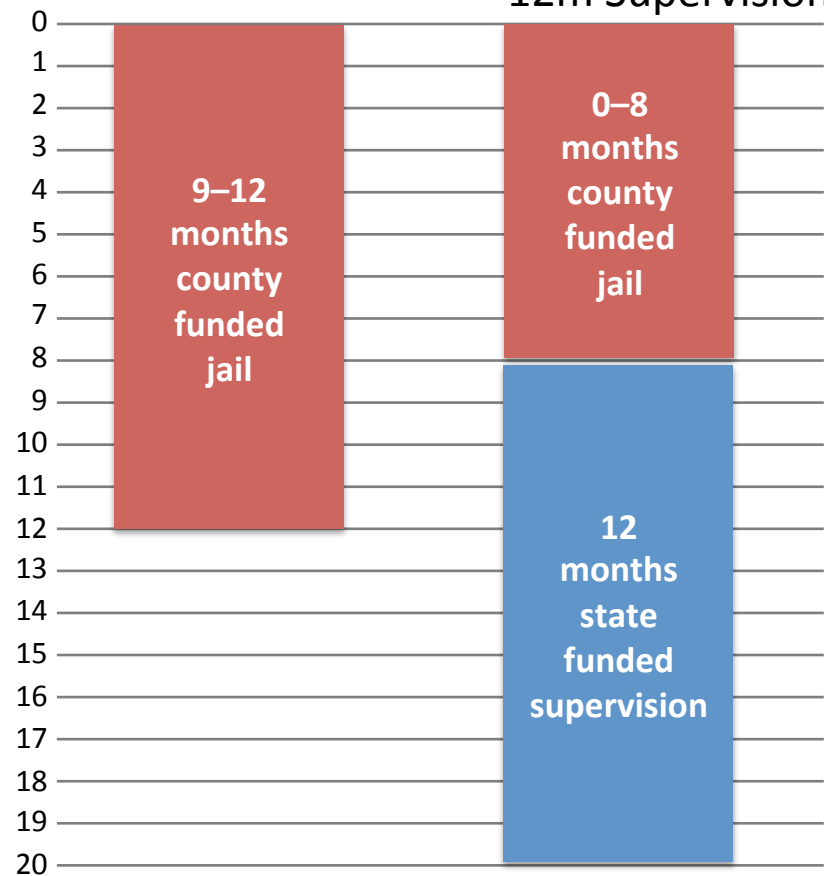
Current offense:
Burglary 2

Prior Adult Felony Convictions:

1. Theft 2
2. Drug Possession
3. Drug Possession

CURRENT
9–12 Jail

PROPOSED
0–8m Jail +
12m Supervision



Hold Offenders Accountable

2a

Develop a sentencing grid for property offenders that includes a period of supervision and treatment.

Offender Score →		0	1	2	3	4	5	6	7	8	9+
Seriousness Level ↓											
Current Grid	IV	3-9	6-12	12+-14	13-17	15-20	22-29	33-43	43-57	53-70	63-84
	III	1-3	3-8	4-12	9-12	12+-16	17-22	22-29	33-43	43-57	51-68
	II	0-90 d	2-6	3-9	4-12	12+-14	14-18	17-22	22-29	33-43	43-57
	I	0-60 d	0-90 d	2-5	2-6	3-8	4-12	12+-14	14-18	17-22	22-29

Proposed Property Grid		Jail + State Funded Supervision				Prison + State Funded Supervision					
	IV	0-6	0-8	0-10 +12	0-12 +12	12+-16 +12	14-18 +12	16-24 +12	24-30 +12	30-36 +12	36-42 +12
	III	0-3	0-6	0-6 +12	0-8 +12	0-10 +12	0-12 +12	12+-16 +12	14-18 +12	16-24 +12	24-30 +12
	II	0-90 d	0-4	0-6 +12	0-6 +12	0-8 +12	0-10 +12	0-12 +12	12+-16 +12	14-18 +12	16-20 +12
	I	0-60 d	0-90 d	0-4 +12	0-6 +12	0-8 +12	0-10 +12	0-10 +12	0-12 +12	12+-16 +12	14-18 +12

Develop a sentencing grid for property offenders that includes a period of supervision and treatment.

Characteristics of proposed property sentencing grid:

- Trades incarceration time for a period of supervision and treatment in the community under supervision by DOC
- Mandates 12 months of supervision for those with offender score 2+ including individuals released from county jails
- Reduces lower end of jail-bound sentences to “0” to provide judges and prosecutors with discretion

Hold Offenders Accountable

2a

Develop a sentencing grid for property offenders that includes a period of supervision and treatment.

Seriousness Levels

Level I–IV Property Offenses to be Considered Under Proposed Grid

XVI

XV

XIV

XIII

XII

XI

X

VIII

VIII

VII

VI

V

Excluded offenses under proposed grid

Offenses to be included under proposed grid

Arson 1

Burglary 1 (deadly weapon or assault)

Theft of a Firearm

DWI

Poss. of a Stolen Firearm

IV Burglary 2

III Forgery

II Identity Theft 1 & 2

I Unlawful Issuance of Checks

Malicious Mischief 1 & 2

Organized Retail Theft

Poss. of Stolen Property 1 & 2

Trafficking Stolen Property

Poss. of a Stolen Vehicle

Theft of Motor Vehicle

TMVWOP

Theft 1 & 2

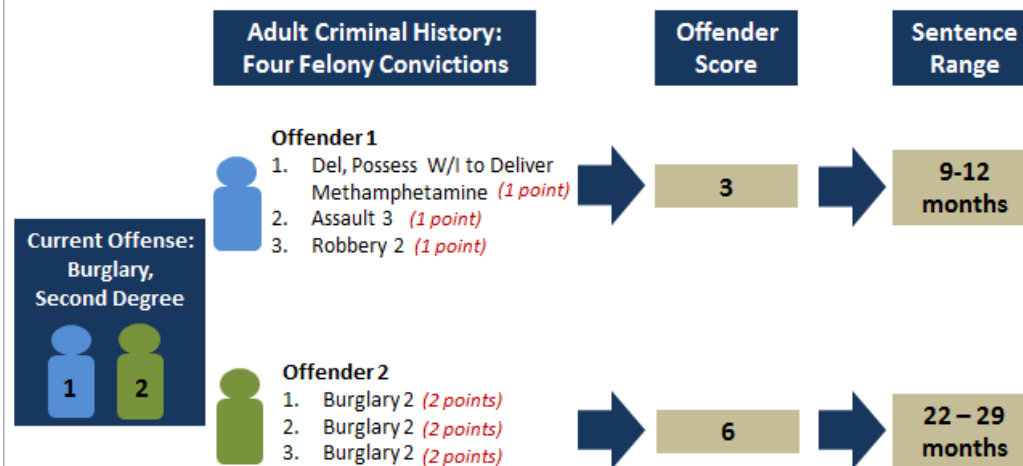
Residential
Burglary
Arson 2

Address double-counting of prior felony convictions in offender score for property offenders.

Options

- Eliminate double-counting and triple-counting of prior felony convictions in offender scoring for second-degree burglary and theft of a motor vehicle.

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



*Double-counting Burglary 2 affected **20%** of felony sentences for Burglary 2 in FY2013. Removing this double-counting would result in a **10%** reduction in Burglary 2 sentences to prison-bound grid cells.*

Impacts to be modeled.

Reinvest in supervision and treatment; make the quality of supervision more transparent and accountable to stakeholders.

	Current Policy	Proposed
Supervision of ~2,070 property offenders (offender score 2+)	None	Yes, 12 months established at sentencing.
Assessment of risk & needs	None	Yes
Regular meetings with supervision officer	None	Yes, with case plan & home/work visits
Treatment required if needed	None	Yes, funded by state
Ability to sanction behavior short of new criminal activity	None, until law enforcement is called	Swift & certain sanctions in county jails paid by DOC
Drug testing	None	Required
Cognitive behavioral treatment to address criminal thinking	None	Required

To ensure intensive supervision, with caseloads averaging 30 per officer, supervision costs associated with supervising property offenders under the policy in 3a would cost:

FY2016: \$353,481
FY2017: \$7,303,365
FY2018: \$11,368,392
FY2019: \$11,704,769
FY2020: \$11,761,782
FY2021: \$11,790,288

Source: Data received from the Department of Corrections Budget Office.

Ensure reinvestments in supervision and treatment are sustained through oversight and coordination.

Options

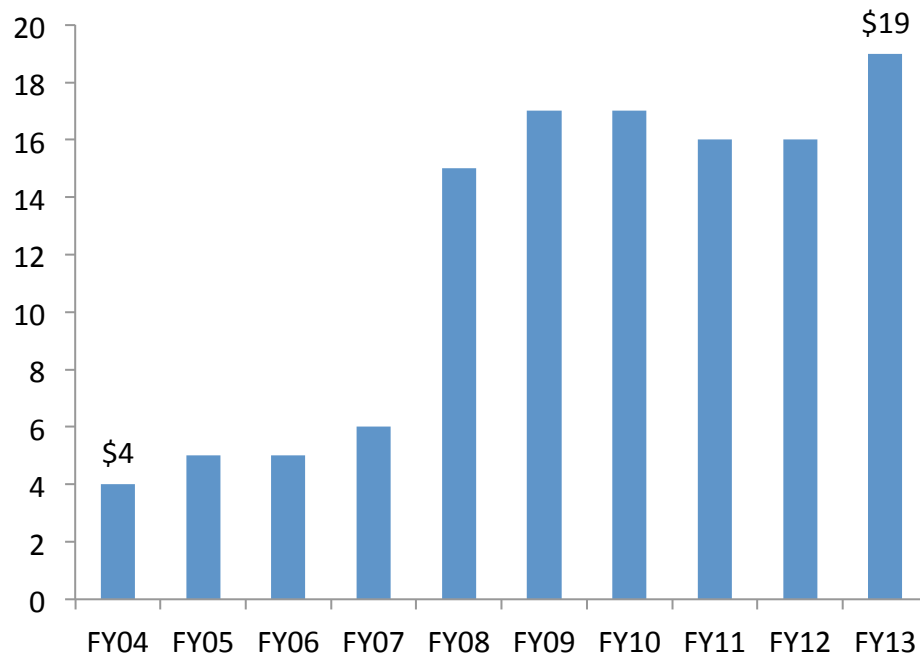
- Designate an interbranch committee to monitor and evaluate the policies, practices, and budgetary implications of enacted justice reinvestment policies. The entity should track the state's progress in reducing property crime through grants to law enforcement, holding property offenders accountable with supervision, and reducing recidivism with effective supervision and treatment.
- Consider the consolidation of other criminal justice coordinating entities.

Goal

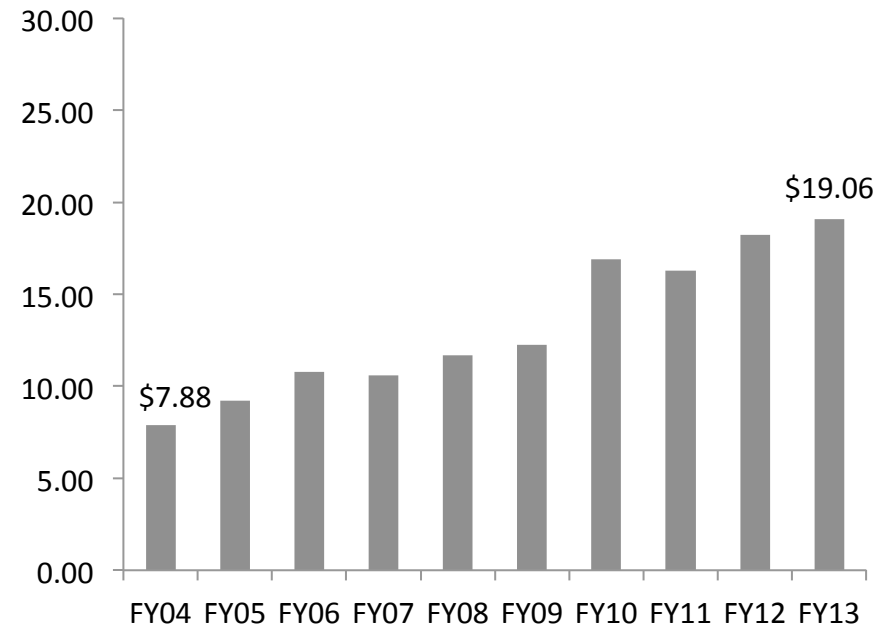
Ensure legislative and stakeholder support in DOC's continual efforts to strengthen the quality of community supervision.

Spending on community corrections has increased significantly to support DOC's efforts to improve the quality of supervision.

Community Corrections Programming Expenditures (in millions), FY2004–FY2013



Community Corrections Average Daily Expenditures per Supervised Offender, FY2004–FY2013



Source: DOC Budget Office data.

Incentivize counties to use risk assessments to inform pretrial release decisions.

Options

- Create a state-funded grant program to support and incentivize county efforts to adopt pretrial risk assessment tools.

Goal

Increase public safety by ensuring that pretrial defendants who pose a high likelihood of reoffending are supervised if released.

Potentially reduce jail pretrial ADP and generate cost savings for counties.

Annual Reinvestment:
\$500,000

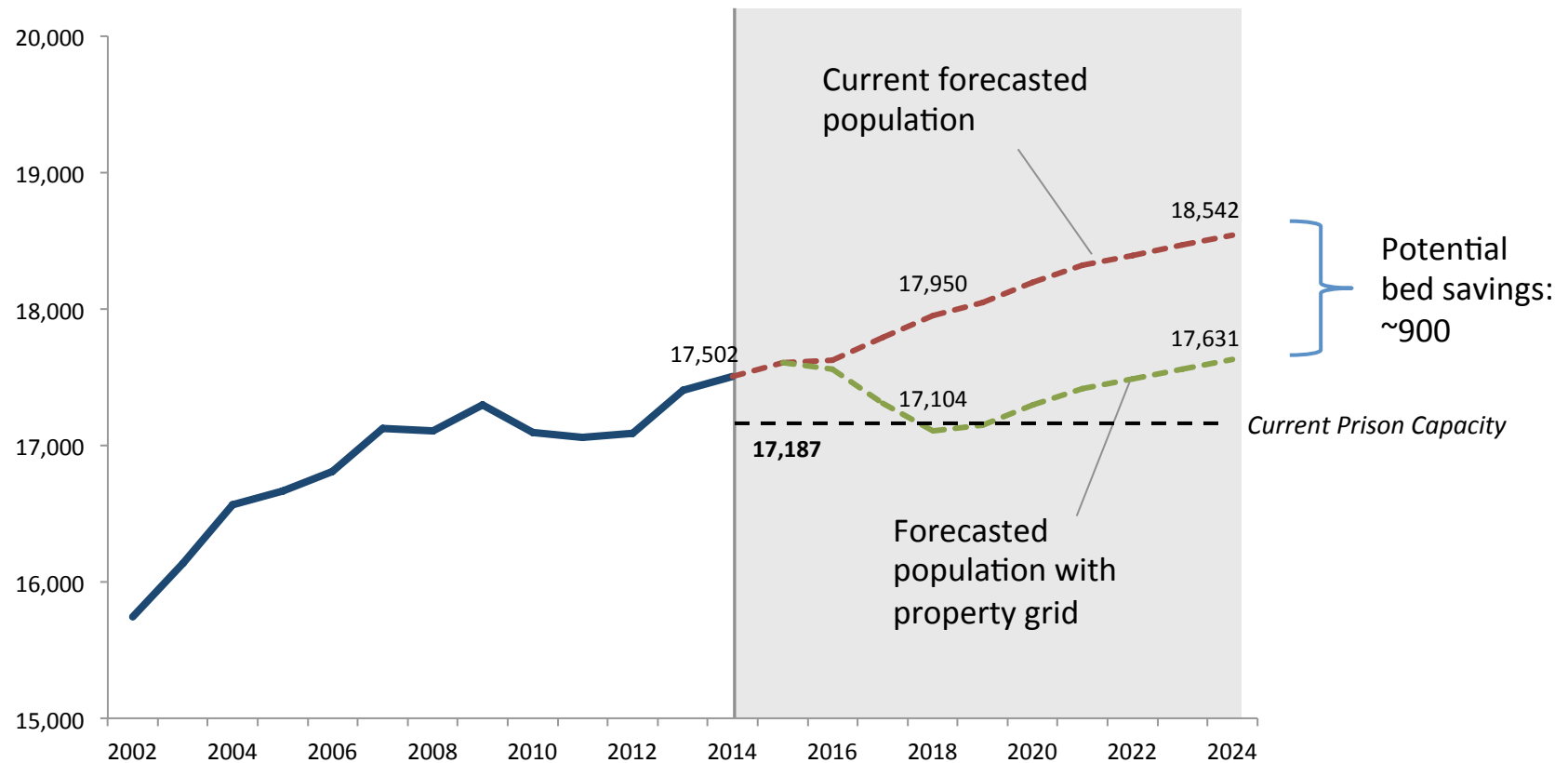
A portion of pretrial defendants will reoffend upon release.

Unless identified and the risk of recidivism is mitigated, these individuals pose a public safety challenge.

Actuarial tools identify those most likely to reoffend, and help avoid detaining low-risk defendants.

Estimated Impact on Prison Population

Average Daily Prison Population and Projected ADP Impact Estimates, FY2002 to FY2024

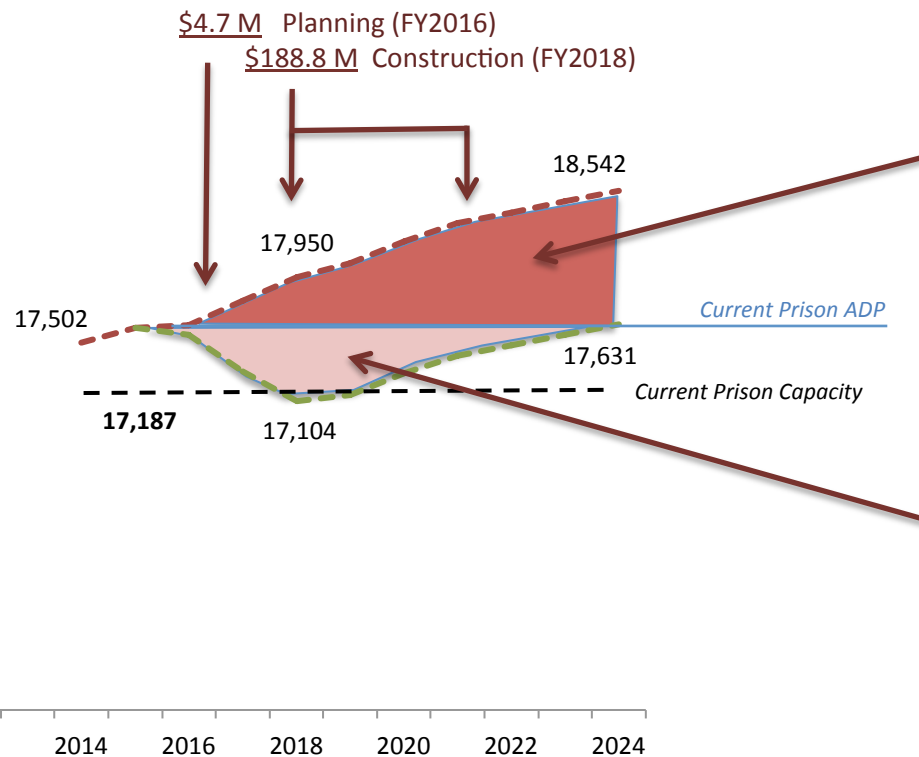


*Projected prison population growth rate was adjusted slightly higher than the CFC forecast in order to account for an assumed higher growth rate for property offenders, based on previous CSG analysis.

Methodology for Estimating Averted Prison Costs

Average Daily Prison Population and Projected ADP Impact Estimates, FY2002 to FY2024

New Construction Costs Averted:



New Operating Costs Averted:

Operating costs that would be assumed by the state through adding prison capacity.

Current Operating Costs Averted:

Operating costs currently assumed that would have to be maintained if the population was at or above current ADP.

*Projected prison population growth rate was adjusted slightly higher than the CFC forecast in order to account for an assumed higher growth rate for property offenders, based on previous CSG analysis.

Impact Analysis: Prison Population

Current Prison Population (FY2014 ADP)

17,502

	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
CFC Forecast (ADP)	17,624	17,793	17,950	18,046	18,198	18,321
Projected Number Averted	-67	-486	-846	-896	-901	-904
Projected Prison Pop. (ADP) with JR	17,557	17,307	17,104	17,150	17,297	17,417
Averted Current & New Operating Costs	\$1,931,945	\$10,783,889	\$17,802,057	\$20,005,738	\$22,584,777	\$24,658,926
Averted Capital Costs	< \$4,700,000		< \$188,800,000			

**Prison cost savings
FY2016–2021**

**Up To
\$291
million**

Source: CFC November Forecast, FY2014; Department of Corrections Institutional Costs, Average Daily Population, and Cost Per Offender Per Day FY2013.

Impact Analysis: Supervision Population

Current Supervision Population (ADP)

15,913

	FY2016	FY2017	FY2018	FY2019	FY2020*	FY2021*
CFC Forecast (ADP)	17,207	17,673	17,920	18,170	18,424	18,682
Estimated Impact of Property Grid	62	1,281	1,994	2,053	2,063	2,068
Projected Supervision Pop. (ADP) with JR	17,269	18,954	19,914	20,223	20,487	20,750
Supervision Cost Estimate	\$353,481	\$7,303,365	\$11,368,392	\$11,704,769	\$11,761,782	\$11,790,288

**CFC forecast not available, projected increase of 1% was applied to previous year.*

**Supervision cost
FY2016-FY2021**

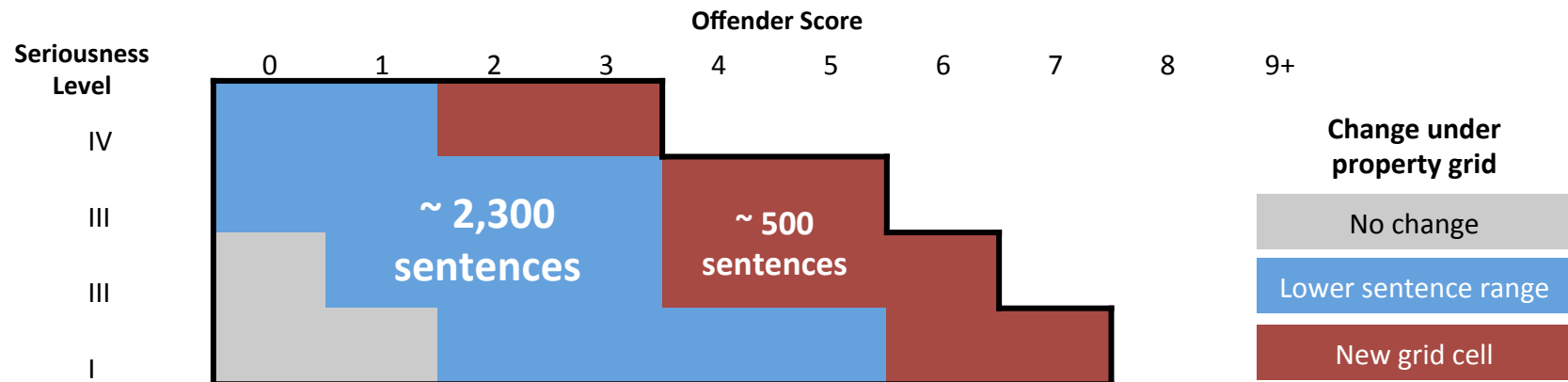
**\$54
million**

Source: Population and Caseload vs. Forecast Report, June 2014; Department of Corrections Budget Office.

Impact Analysis: County Jail Population

<i>Statewide county jail population</i>	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
Estimated bed impact of property grid	-54	-28	-22	-22	-22	-23

Jail Grid Cells Under Proposed Property Grid



Reducing the sentence range for a large portion of felony jail sentences helps to offset the addition of new jail-bound grid cells.

Summary of Averted Costs and Reinvestment

		<u>FY2016</u>	<u>FY2017</u>	<u>FY2018</u>	<u>FY2019</u>	<u>FY2020</u>	<u>FY2021</u>	<u>Total</u>
Averted Costs	<i>Prison</i>							
	Current Operating Costs Averted (Based on reductions from current population)		\$2,392,904	\$4,883,977	\$4,319,498	\$2,515,617	\$1,043,061	
	New Construction Costs Averted	Up To \$4,700,000		Up To \$188,800,000				
	New Operating Costs Averted	\$1,931,945	\$8,390,985	\$12,918,080	\$15,686,240	\$20,069,160	\$23,615,865	
	Total Averted Costs	\$6,631,945	\$10,783,889	Up To \$206,602,057	\$20,005,738	\$22,584,777	\$24,658,926	Up To \$291,267,331
Reinvestments	1a. Law Enforcement Property Crime Reduction Grants	\$2,000,000	\$2,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	
	1b. New Victim Compensation Benefit for Victims of Property Crime	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	
	1b. Victim Notification for King, Pierce, and Snohomish Counties	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	
	2a. Mandatory 12m Supervision for Property Offenders	\$353,481	\$7,303,365	\$11,368,392	\$11,704,769	\$11,761,782	\$11,790,288	
	3c. County Pretrial Improvement Grants	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	
	Total Reinvestment Costs	\$3,355,481	\$10,303,365	\$16,368,392	\$16,704,769	\$16,761,782	\$16,790,288	\$80,284,077
Net Savings			\$3,756,988	Up To \$193,534,634		\$13,691,633	Up To \$210,983,254	

Washington State Justice Reinvestment Policy Framework

Goals:

Increase public safety, reduce recidivism, and avert prison population growth

1 Reduce property crime and support victims

- a) Invest in law enforcement efforts to deter property crime
- b) Create a victim compensation benefit for victims of property crime and sustain victim notification

2 Hold offenders accountable

- a) Develop a sentencing grid for property offenders that includes a period of supervision and treatment
- b) Address double-counting of prior felony convictions in offender score for property offenders

3 Reduce recidivism

- a) Ensure reinvestments in supervision and treatment are sustained through oversight and coordination
- b) Incentivize counties to use risk assessments to inform pretrial release decisions

Reduce property crime rate

15%
By 2021

Supervise & connect to treatment after jail/prison

2,000
Previously unsupervised property offenders

Avert prison capital and operating costs

Up To \$291 Million
By 2021

Invest in law enforcement, supervision, treatment, support for victims, and counties

\$80 Million
By 2021

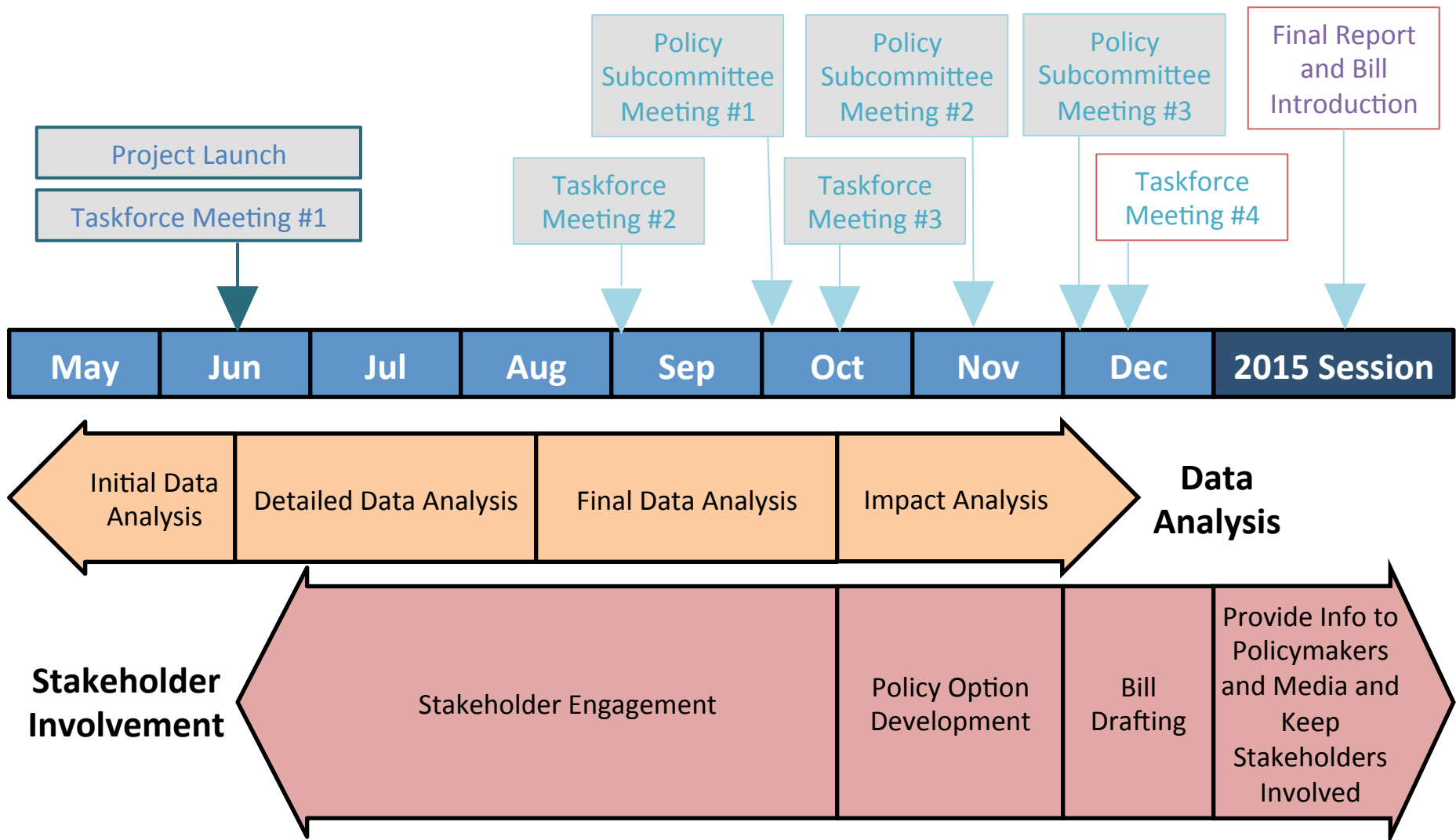
Next Steps

The **Washington State Institute for Public Policy** will model the Justice Reinvestment policy framework's impact on crime and recidivism.

The **CSG Justice Center** will be available to:

- Vet the Justice Reinvestment policy framework with key stakeholder groups
- Assist in the drafting of legislation
- Develop a written report summarizing Washington's Justice Reinvestment process and policy framework
- Brief legislators on the proposed policy framework
- Provided legislation is enacted, provide implementation technical assistance and help leverage implementation funding support from the Bureau of Justice Assistance

Next Steps





Thank You

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