Washington State
Justice Reinvestment Taskforce

Second Meeting

September 4, 2014
Council of State Governments Justice Center

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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 M to $481 M in capital outlay and operational costs over 10 years.

Source: Caseload Forecast Council, June 2014 Forecast
Data from Washington State agencies is enabling an extraordinary degree of matching and analysis.

- **Washington State Patrol**
  - Felony and Misdemeanor Arrests
  - 1980 – June 2014
  - 8.7 million records

- **Administrative Office of the Courts**
  - Felony and Misdemeanor Court Dispositions – Criminal History Database provided by WSIPP
  - 8 million records

- **Caseload Forecast Council**
  - Felony Convictions
  - 2000 – 2013
  - 370,000 records

- **Department of Corrections**
  - Prison and DOC Supervision: Admissions, Releases, On Hand
  - 2004 – 2013
  - 800,000 records

Linking of files on State ID (SID) Number
Key stakeholders in the criminal justice system are being engaged in reviewing analysis and providing input and ideas.

**June – August Stakeholder Engagement**

- Caseload Forecast Council ✓
- Counties ✓
- Department of Corrections ✓
- Law Enforcement ✓
- Legislative Staff ✓
- Prosecutors ✓
- Public Defenders ✓
- Superior Court Judges ✓
- Victim Advocates ✓
- Washington Institute of Public Policy ✓

**Upcoming Stakeholder Engagement**

- 9/2014 Distribute survey to jail administrators
- 9/6 Meeting with Superior Court Judges’ Association
- 9/9 Meeting with DOC’s Victims’ Council
- 9/12 Present to Sentencing Guidelines Commission
- 9/12 Meeting with Council on Public Defense
- 10/1-2 Present at Washington Association of Prosecuting Attorneys Membership Meeting
- 10/10 Present to Sentencing Guidelines Commission
- 10/27 Meeting with Washington Federation of State Employees and Teamsters 117
- 11/18-20 Present at Washington State Association of Counties Conference
Overview of detailed analysis

**Sentencing Guidelines**
- Comparison with other guideline states
- Utility of offender score

**Prison Growth**
- Prison population characteristics
- Trends impacting growth

**Public Safety**
- Recidivism analysis
- Impact of supervision
A brief history of U.S. and Washington sentencing

Indeterminate sentencing
- Legislatures set ranges
- Judges choose
- Parole boards release

Sentencing guidelines
- States & federal

Punitive policies
- Mandatory minimums;
- Three strikes;
- Truth-in-sentencing
- Life without parole

Determinate sentencing
- States

Right to a Jury on Sentencing Factors
- 2000 – Apprendi
- 2004 – Blakely
- 2005 – Booker
- 2013 - Alleyne

Persistent Offender Accountability Act - 1993

Offender Accountability Act of 1999

WSIPP reports beginning 1991

Sentencing Reform Act of 1981

Washington State Institute for Public Policy
Washington is 1 of 21 sentencing guidelines states and 13 non-parole (determinate) sentencing states

<table>
<thead>
<tr>
<th>States with Sentencing Guidelines</th>
<th>States Without Parole Release</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td></td>
</tr>
<tr>
<td>Alaska</td>
<td></td>
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<tr>
<td>Arkansas</td>
<td>Arizona</td>
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<tr>
<td>Delaware</td>
<td>California</td>
</tr>
<tr>
<td>DC</td>
<td>Illinois</td>
</tr>
<tr>
<td>Delaware</td>
<td>Indiana</td>
</tr>
<tr>
<td>Kansas</td>
<td>Kansas</td>
</tr>
<tr>
<td>Louisiana</td>
<td></td>
</tr>
<tr>
<td>Maryland</td>
<td></td>
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<tr>
<td>Massachusetts</td>
<td>Maine</td>
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<tr>
<td>Michigan</td>
<td>Minnesota</td>
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<td>Minnesota</td>
<td>Missouri</td>
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<tr>
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<td>North Carolina</td>
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<tr>
<td>North Carolina</td>
<td>Ohio</td>
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<tr>
<td>Ohio</td>
<td>Oregon</td>
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<tr>
<td>Oregon</td>
<td>Pennsylvania</td>
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<tr>
<td>Pennsylvania</td>
<td>Tennessee</td>
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<tr>
<td>Tennessee</td>
<td>Utah</td>
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<tr>
<td>Utah</td>
<td>Virginia</td>
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<tr>
<td>Virginia</td>
<td>Washington</td>
</tr>
<tr>
<td>Washington</td>
<td>Wisconsin</td>
</tr>
<tr>
<td>Wisconsin</td>
<td></td>
</tr>
</tbody>
</table>
Washington’s grids have 169 total cells, with more columns and rows than other systems

258 cells: 9 grids with 3-6 rows and 6 columns

169 cells \((16 \times 10) + (3 \times 3)\) (drug)

135 cells \((10 \times 9) + (5 \times 9)\) (drug)

133 cells \((11 \times 7) + (8 \times 7)\) (sex off.)

112 cells \((14 \times 8)\)

99 cells \((11 \times 9)\)

60 cells \((10 \times 6)\)
Washington sentencing grids increase in offense and criminal history severity from lower left to upper right

<table>
<thead>
<tr>
<th>Seriousness Level</th>
<th>Offender Score</th>
<th>LIFE SENTENCE WITHOUT PAROLE/DEATH PENALTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEVEL XVI</td>
<td>0-12m</td>
<td>720m 316m 327.5m 339.5m 364m 394m 431.5m 479.5m</td>
</tr>
<tr>
<td>LEVEL XIV</td>
<td>120-120</td>
<td>171.5m 184m 194m 204m 215m 225m 245m 266m 307m 347.5m</td>
</tr>
<tr>
<td>LEVEL XIII</td>
<td>120-120</td>
<td>143.5m 156m 168m 179.5m 192m 204m 227.5m 252m 299.5m 347.5m</td>
</tr>
<tr>
<td>LEVEL XII</td>
<td>120-120</td>
<td>108m 119m 129m 140m 150m 161m 189m 207m 243m 279m</td>
</tr>
<tr>
<td>LEVEL XI</td>
<td>120-120</td>
<td>90m 100m 100m 119m 129m 139m 170m 185m 215m 245m</td>
</tr>
<tr>
<td>LEVEL X</td>
<td>120-120</td>
<td>59.5m 66m 72m 78m 84m 89.5m 114m 126m 150m 230.5m</td>
</tr>
<tr>
<td>LEVEL IX</td>
<td>120-120</td>
<td>36m 42m 47.5m 53.5m 59.5m 66m 89.5m 101.5m 126m 150m</td>
</tr>
<tr>
<td>LEVEL VIII</td>
<td>120-120</td>
<td>24m 30m 36m 42m 47.5m 53.5m 78m 89.5m 101.5m 126m</td>
</tr>
<tr>
<td>LEVEL VII</td>
<td>120-120</td>
<td>17.5m 24m 30m 36m 42m 47.5m 66m 78m 89.5m 101.5m</td>
</tr>
<tr>
<td>LEVEL VI</td>
<td>120-120</td>
<td>13m 17.5m 24m 30m 36m 42m 53.5m 66m 78m 89.5m</td>
</tr>
<tr>
<td>LEVEL V</td>
<td>120-120</td>
<td>9m 13m 15m 17.5m 25.5m 38m 47.5m 59.5m 72m 84m</td>
</tr>
<tr>
<td>LEVEL IV</td>
<td>120-120</td>
<td>6m 9m 13m 15m 17.5m 25.5m 38m 50m 61.5m 73.5m</td>
</tr>
<tr>
<td>LEVEL III</td>
<td>120-120</td>
<td>2m 5m 8m 11m 14m 19.5m 25.5m 38m 50m 59.5m</td>
</tr>
<tr>
<td>LEVEL II</td>
<td>120-120</td>
<td>0-90d 2-6 3-9 4-12 12-16 17-22 22-29 33-43 43-57 51-68</td>
</tr>
<tr>
<td>LEVEL I</td>
<td>0-90d</td>
<td>0-90d 2-5 2-6 3-8 4-12 12-14 14-18 17-22 22-29</td>
</tr>
</tbody>
</table>

Each grid cell contains a midpoint and a range in months.
Sentences within a seriousness level or offense type vary widely depending on offender score.

<table>
<thead>
<tr>
<th>Level</th>
<th>Offender Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>LIFE SENTENCE WITHOUT PAROLE/DEATH PENALTY</td>
<td></td>
</tr>
<tr>
<td>LEVEL XVI</td>
<td>280m</td>
</tr>
<tr>
<td>LEVEL XIV</td>
<td>171.5m</td>
</tr>
<tr>
<td>LEVEL XIII</td>
<td>123-220</td>
</tr>
<tr>
<td>LEVEL XII</td>
<td>143.5m</td>
</tr>
<tr>
<td>LEVEL X</td>
<td>90m</td>
</tr>
<tr>
<td>LEVEL IX</td>
<td>78-102</td>
</tr>
<tr>
<td>LEVEL VIII</td>
<td>59.5m</td>
</tr>
<tr>
<td>LEVEL VII</td>
<td>51-68</td>
</tr>
<tr>
<td>LEVEL VI</td>
<td>36m</td>
</tr>
<tr>
<td>LEVEL V</td>
<td>31-41</td>
</tr>
<tr>
<td>LEVEL IV</td>
<td>24m</td>
</tr>
<tr>
<td>LEVEL III</td>
<td>17.5m</td>
</tr>
<tr>
<td>LEVEL II</td>
<td>15-20</td>
</tr>
<tr>
<td>LEVEL I</td>
<td>13m</td>
</tr>
<tr>
<td>Unranked</td>
<td>12m</td>
</tr>
</tbody>
</table>


Range across Offender Score
1 month – 68 months

Council of State Governments Justice Center
Unlike other states that sentence to probation in lower sections of the grid, Washington uses mostly confinement.

**Washington Sentencing Grid**

**Minnesota Sentencing Grid**

Presumptive probation with up to a year of confinement.
Washington utilizes supervision as a felony sentence less than the national average and other recent JR states

<table>
<thead>
<tr>
<th>State</th>
<th>Prison</th>
<th>Jail</th>
<th>Probation Only</th>
<th>Supervision In Lieu of Incarceration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washington</td>
<td>39%</td>
<td>55%</td>
<td>23%</td>
<td>10%</td>
</tr>
<tr>
<td>Michigan</td>
<td>21%</td>
<td>55%</td>
<td>27%</td>
<td>10%</td>
</tr>
<tr>
<td>BJS National Study</td>
<td>41%</td>
<td>28%</td>
<td>27%</td>
<td>10%</td>
</tr>
<tr>
<td>North Carolina</td>
<td>42%</td>
<td>24%</td>
<td>34%</td>
<td>10%</td>
</tr>
<tr>
<td>Idaho</td>
<td>42%</td>
<td>24%</td>
<td>58%</td>
<td>10%</td>
</tr>
<tr>
<td>Kansas</td>
<td>24%</td>
<td>7%</td>
<td>69%</td>
<td>10%</td>
</tr>
</tbody>
</table>

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

- **Washington**: 1–68 months confinement
- **North Carolina**: 10–19 months probation, 10–30 months confinement
- **Kansas**: 12–27 months presumptive probation, 29–32 months confinement
- **Minnesota**: 12–21 months probation, 21–36 months confinement
Certain offenses trigger double- or triple-counting of similar prior convictions in the offender score

**Adult Criminal History: Four Felony Convictions**

**Offender 1**
1. Del, Possess W/I to Deliver Methamphetamine *(1 point)*
2. Assault 3 *(1 point)*
3. Robbery 2 *(1 point)*

**Offender Score:** 3

**Sentence Range:** 9–12 months

**Current Offense:** Burglary, Second Degree

**Offender 2**
1. Burglary 2 *(2 points)*
2. Burglary 2 *(2 points)*
3. Burglary 2 *(2 points)*

**Offender Score:** 6

**Sentence Range:** 22–29 months
Offender score increases prison time for offenders with similar criminal history and rearrest rate

Offender Score

<table>
<thead>
<tr>
<th>Offender Score 0-4</th>
<th>Offender Score 5-9+</th>
</tr>
</thead>
<tbody>
<tr>
<td>43%</td>
<td>46%</td>
</tr>
<tr>
<td>11 months</td>
<td>19 months</td>
</tr>
</tbody>
</table>

FY2010 Prison Releases in Seriousness Levels 4 or Lower with 3 to 5 Prior Felony Arrests (N=1,331)

Average Prison Length of Stay

43% Re-arrest rate

46% Re-arrest rate

11 months Length of stay

19 months Length of stay

Source: Justice Center analysis of DOC and WSP data
Offender score correlates strongly with number of prior felony arrests

Average Number of Prior Felony Arrests by Offender Score, FY2013 Prison Admissions–Drug Grid or Seriousness Level 4 or lower

*Arrests include felony offenses, excluding CC or parole violations

Source: Justice Center analysis of CFC and WSP data
Relationship between offender score and rearrest rate diminishes for offender scores 4 through 8

One- and Three-Year Felony Rearrest Rates by Offender Score, FY2010 Prison Releases–Drug Grid or Seriousness Level 4 or lower

N = 5,168

Source: Justice Center analysis of DOC and WSP data
Key findings regarding sentencing policies

- In Washington, the sentencing range, based on criminal history, is significantly wider than other guidelines states.

- Other states utilize community supervision as a sentence in lieu of confinement for a greater proportion of felony sentences.

- Prison sentences are longer for repeat offenders in Washington than other guidelines states.

- Recidivism does not vary significantly based on offender score for those scoring 4, 5, 6, 7, or 8; but sentence length does.
Overview of detailed analysis

**Sentencing Guidelines**
- Comparison with other guidelines states
- Utility of offender scores

**Prison Growth**
- Prison population characteristics
- Trends impacting growth

**Public Safety**
- Recidivism analysis
- Impact of supervision
The on-hand prison population is concentrated in the upper left and lower right sections of the grid.

**FY2013 End-of-Year Prison Population**

<table>
<thead>
<tr>
<th>Seriousness Level</th>
<th>Offender Score</th>
<th>Unknown Offender Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEVEL XVI</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LEVEL XV</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LEVEL XIV</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LEVEL XIII</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LEVEL XII</td>
<td></td>
<td></td>
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<tr>
<td>LEVEL XI</td>
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<td></td>
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<tr>
<td>LEVEL X</td>
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<tr>
<td>LEVEL IX</td>
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<tr>
<td>LEVEL VIII</td>
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<tr>
<td>LEVEL VII</td>
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<td>LEVEL VI</td>
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<td>LEVEL V</td>
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<td>LEVEL IV</td>
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<tr>
<td>LEVEL III</td>
<td></td>
<td></td>
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<tr>
<td>LEVEL II</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LEVEL I</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Excludes approx. 2% of population with unknown Seriousness Level

Source: Justice Center analysis of DOC data
### Detail of drug grid and level 1 – 4 standard grid felony sentences in FY2013

<table>
<thead>
<tr>
<th>Drug (4,976)</th>
<th>Property (7,784)</th>
<th>Violent/Crimes Against Person/Sex (3,170)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Jail 3,002</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Possession of a Controlled Substance, Schedules III, IV, or V: 63%</td>
<td>Theft 1 + 2: 22%</td>
<td>Assault 3: 48%</td>
</tr>
<tr>
<td>Possession of a Controlled Substance, Schedule I or II: 26%</td>
<td>Poss. + Traf 1 + Traf 2 of Stolen Property: 18%</td>
<td>Assault 2: 16%</td>
</tr>
<tr>
<td>Man, Del, or Poss Marijuana: 5%</td>
<td>Burglary 2: 16%</td>
<td>Unlawful Poss. Of Firearm 2: 12%</td>
</tr>
<tr>
<td>Forged Prescrip CS: 3%</td>
<td>Forgery + ID Theft: 2: 15%</td>
<td>Robbery 2: 7%</td>
</tr>
<tr>
<td>Other: 2%</td>
<td>MV Theft + Possession of a Stolen Vehicle: 22%</td>
<td>Vehicular Assault Under Influence: 4%</td>
</tr>
<tr>
<td><strong>Prison 1,974</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Possession of a Controlled Substance, III, IV, or V: 37%</td>
<td>MV Theft + Possession of a Stolen Vehicle 2: 13%</td>
<td>Other: 13%</td>
</tr>
<tr>
<td>Man, Del, or Poss Cocaine: 18%</td>
<td>Residential Burglary: 18%</td>
<td>Assault 2: 35%</td>
</tr>
<tr>
<td>Del or Poss Meth : 17%</td>
<td>Burglary 2: 16%</td>
<td>Assault 3: 23%</td>
</tr>
<tr>
<td>Poss CS Sch I, II: 14%</td>
<td>ID Theft + Forgery: 15%</td>
<td>Robbery 2: 15%</td>
</tr>
<tr>
<td>Man/Del/Poss Sch I/II: 6%</td>
<td>Theft 1 + 2: 10%</td>
<td>Unlawful Poss. Of Firearm 2: 13%</td>
</tr>
<tr>
<td>Other: 8%</td>
<td>Traf. 1 + Poss 2 of Stolen Property: 10%</td>
<td>Other: 14%</td>
</tr>
</tbody>
</table>

Source: Justice Center Analysis of CFC’s sentencing data
Admissions to prison have remained steady while the average length of stay has increased since 2004.

Number of Prison Admissions and Average Length of Stay for Prison Releases, FY2004 and FY2013

Average LOS for Prison Releases

Number of Prison Admissions
Prison admissions for seriousness level 3 & 4 offenses have increased in number and proportion since FY2009

Number of **Prison Admissions** by Seriousness Level, FY2009 to FY2013

<table>
<thead>
<tr>
<th>Year</th>
<th>Levels 8+</th>
<th>Levels 5-7</th>
<th>Levels 3-4</th>
<th>Levels 0-2</th>
<th>Drug 1</th>
<th>Drug 2</th>
<th>Drug 3</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>2,315</td>
<td>4,772</td>
<td>2,025</td>
<td>1,225</td>
<td>134</td>
<td>123</td>
<td>123</td>
<td>8,092</td>
</tr>
<tr>
<td>2010</td>
<td>2,730</td>
<td>4,812</td>
<td>2,680</td>
<td>1,383</td>
<td>118</td>
<td>112</td>
<td>112</td>
<td>8,615</td>
</tr>
<tr>
<td>2011</td>
<td>2,730</td>
<td>4,812</td>
<td>2,680</td>
<td>1,383</td>
<td>118</td>
<td>112</td>
<td>112</td>
<td>8,615</td>
</tr>
<tr>
<td>2012</td>
<td>2,730</td>
<td>4,812</td>
<td>2,680</td>
<td>1,383</td>
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<td>112</td>
<td>112</td>
<td>8,615</td>
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<tr>
<td>2013</td>
<td>2,730</td>
<td>4,812</td>
<td>2,680</td>
<td>1,383</td>
<td>118</td>
<td>112</td>
<td>112</td>
<td>8,615</td>
</tr>
</tbody>
</table>

*Excludes approx. 1% of admissions with unknown Seriousness Level

Source: Justice Center analysis of DOC data
One-Third of the FY2013 on-hand prison population was sentenced for offenses in seriousness levels 0 - 4

Source: Justice Center analysis of DOC data
Drug offenders composed a smaller proportion of prison admissions in FY2013 compared to earlier years.

**FY2004 Prison Admission Offense Types (N=8,500)**

- Violent: 3,201 (38%)
- Drug: 2,531 (30%)
- Property: 2,342 (28%)
- Other: 426 (5%)

**FY2013 Prison Admission Offense Types (N=8,124)**

- Violent: 3,355 (41%)
- Drug: 1,710 (21%)
- Property: 2,533 (31%)
- Other: 526 (7%)

**Violent category was classified using RCW code and includes Homicide, Assault, Kidnapping, Sex Offenses, Criminal Mistreatment, Harassment, Family Offenses and Robbery.**

Source: Justice Center analysis of DOC data
Over half of drug and property offenders admitted to prison in FY2013 did not have a prior violent felony arrest.

**FY2013 Prison Admission Offense Types (N=8,124)**

- **Violent**: 3,355 (41%)
- **Drug**: 1,710 (21%)
- **Property**: 2,533 (31%)
- **Other**: 526 (7%)

**Number of Prior Arrests for Property & Drug Offenders**

- **0 or 1 Prior Felony Arrest**: 640 (25%)
- **2 to 5 Prior Felony Arrests**: 943 (36%)
- **6 to 10 Prior Felony Arrests**: 596 (23%)
- **10 or More Prior Felony Arrests**: 425 (16%)

Violent category was classified using RCW code and includes Homicide, Assault, Kidnapping, Sex Offenses, Criminal Mistreatment, Harassment, Family Offenses and Robbery.

Source: Justice Center analysis of DOC and WSP data
The number of prison admissions that have one or more prior admissions has increased

Prison Admissions, FY2004 and FY2013

**FY2004**
- One or More Prior Admissions: 3,722 (44%)
- First Admission to Prison: 4,778

**FY2013**
- One or More Prior Admissions: 4,164 (51%)
- First Admission to Prison: 3,960

Source: Justice Center analysis of DOC data
Property and drug offenders have similar rates of alcohol and other drug (AOD) needs

Prevalence of MH and AOD Needs by Offense Type, FY2013 Prison Admissions

*Need defined as “Moderate” or “High” on the DOC Offender Needs Assessment*
People with higher offender scores have higher prevalence rates of mental health and alcohol/drug needs

Source: Justice Center analysis of DOC data
Approximately 80% of drug and property offenders who recidivate commit a drug or property offense as their first rearrest.
Key findings regarding prison growth

- A sizeable portion of the prison population are offenders convicted for lower severity offenses, but most have multiple prior arrests.

- Prison admissions have been fairly stable, but average length of stay has increased.

- Property and drug offenders often share similar criminal history backgrounds, consisting of mostly property and drug arrests, and have higher rates of behavioral health needs.
## Overview of detailed analysis

### Sentencing Guidelines
- Comparison with other guidelines states
- Utility of offender scores

### Prison Growth
- Prison population characteristics
- Trends impacting growth

### Public Safety
- Recidivism analysis
- Impact of supervision and programming
Spending on prison-based programs has remained steady over the years

Correctional Programming Expenditure, FY2004–FY2013

Source: DOC Budget Office data
Spending on community-based programs has increased significantly.

Community Supervision Programming Expenditures, FY2004–FY2013

*Chemical Dependency Treatment
*Chemical Dependency Treatment: Residential DOSA
*Chemical Dependency Treatment: Out-Patient
*Chemical Dependency Treatment: In-Patient
*Offender Change Programming
*Offender Job Training
*Sex Offender Treatment

*Sex Offender Treatment funding for FY04 and FY05 was not separated or tracked financially and chemical dependency treatment funding for FY04, FY05, FY06, and FY07 was not separated financially.

Source: DOC Budget Office data
One-year recidivism rates for offenders released from prison have remained stable or declined slightly since FY2004.

Source: Justice Center analysis of DOC, WSP, and AOC data
Lower seriousness level offenders have much higher recidivism rates than higher seriousness level offenders.

Three Year Felony Rearrest and Return to Prison Rates by Seriousness Level, FY2010 Prison Releases

- **Seriousness Level 5 or Higher**
  - Felony Rearrest Rate: 33%
  - Return to Prison Rate: 19%

- **Seriousness Level 4 or Lower & Drug Grid**
  - Felony Re-Arrest Rate: 45%
  - Return to Prison Rate: 32%

Source: Justice Center analysis of DOC and WSP data
Percent of prison releases going to supervision has declined, especially among lower severity offenders (drug & levels 0-4)

Source: Justice Center analysis of DOC data
Policy changes over 30 years have greatly altered who receives post-release supervision

<table>
<thead>
<tr>
<th>Post-Jail/As a Sentence</th>
<th>Post-Prison</th>
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<tbody>
<tr>
<td><strong>Property</strong></td>
<td><strong>Drug</strong></td>
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<tr>
<td>Pre-1984</td>
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<td>Post-1984</td>
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<td>1999</td>
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<td>Today</td>
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</tbody>
</table>

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
Current policy regarding who receives supervision

**Supervision**

*All individuals* convicted of a:

- Serious Violent Offense
- Sex Offense

**High-Risk** individuals convicted of a:

- Drug Offense
- Violent Offense
- Crime Against a Person Offense

Individuals who receive the following sentencing alternatives:

- Prison-Based DOSA
- Residential DOSA
- First Time Offender Waiver
- Family and Offender Sentencing Alternative

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**No Supervision**

*All individuals* convicted of a:

- Property Offense (non-DOSA)

**Low- and Moderate-Risk** individuals convicted of a:

- Drug Offense
- Violent Offense
- Crime Against a Person Offense
Three out of four property offenders released unsupervised are classified as high risk.

Source: Justice Center analysis of DOC data
Burglary arrests have increased since 2004, driven by the increase in repeat burglary arrests.

Number of Burglary Arrests by Arrest History, FY2004 to FY2013

- Prior Burglary Arrest: 6,579 (46% of all burglary arrests)
- Prior Felony (Non-Burglary) Arrest: 7,726 (26% of all burglary arrests)
- No Prior Felony Arrests: 0

Council of State Governments Justice Center
Key findings regarding public safety

- Resources to reduce recidivism through community-based programs have increased, and overall recidivism rates have declined.

- Lower-severity offenders released from prison are more likely to be rearrested, but are less likely to be supervised.

- A growing share of individuals arrested for burglary had a prior burglary arrest.
1. Washington’s sentencing guidelines dictate less use of supervision in lieu of incarceration and longer sentences for repeat property offenders than other states.

2. A growing number of prison admissions are lower-severity offenders and today they account for one out of three people in prison.

3. Lower-severity offenders are more likely to be rearrested, and less likely to be supervised after release from prison or jail.

4. Washington still has the third-highest property crime rate in the country.
Proposed timeline

- Project Launch
- Taskforce Meeting #1
- Taskforce Meeting #2
- Taskforce Meeting #3
- Taskforce Meeting #4

May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | 2015 Session

**Stakeholder Involvement**
- Stakeholder Engagement
- Policy Option Development
- Bill Drafting
- Provide Info to Policymakers and Media and Keep Stakeholders Involved

**Data Analysis**
- Initial Data Analysis
- Detailed Data Analysis
- Final Data Analysis
- Impact Analysis

Policy Rollout and Bill Introduction
Thank You

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