

# Report on Reentry from Confinement

*First Progress Report of the Statewide Reentry Council*  
*RCW 43.380.050(4)*

December 2016  
Report to the Governor and Legislature  
**Statewide Reentry Council**



**Department of Commerce**

Brian Bonlender, Director

## Council Members

### Washington State Reentry Council

*Appointed to represent*

The Honorable Dan Satterberg, Co-Chair  
Tarra Simmons, Co-Chair

Prosecutors  
Individuals who have reentered the community

Francis Adewale  
Mitch Barker  
Kim Bogucki  
Pastor Gregory Christopher  
John Clayton  
Lydia Flora Barlow  
Durell Green  
Karen Lee  
Linda Olsen  
Devon Schrum  
Winona Stevens  
Many Uch  
Brian Walsh

Public defenders  
Law enforcement interests  
Community leaders  
Faith community  
DSHS Juvenile Rehabilitation Administration  
Businesses and employers  
Individuals who have reentered the community  
Housing providers  
Crime victims  
Department of Corrections  
Tribal affairs  
Community leaders  
Community and technical colleges

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Carla Lee, King County Prosecuting Attorney's Office  
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Cary Retlin, Washington State Department of Commerce  
Dina Perry, Washington State Department of Commerce

Cary Retlin, Interim Executive Director  
Washington State Department of Commerce  
Statewide Reentry Council  
360-725-2836

[Cary.retlin@commerce.wa.gov](mailto:Cary.retlin@commerce.wa.gov)

1011 Plum St. SE  
P.O. Box 42525  
Olympia, WA 98504-2525  
[www.commerce.wa.gov](http://www.commerce.wa.gov)

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State of Washington

## STATEWIDE REENTRY COUNCIL

1011 Plum Street SE - PO Box 42525 - Olympia, Washington 98504-2525 - (360) 725-4000

November 4, 2016

Governor Inslee and Members of the Legislature:

As co-chairs of the Statewide Reentry Council, we are pleased to present our first report on reentry in Washington. The Council is comprised of 15 members representing a cross-section of victims, impacted individuals, families, reentry stakeholders as well as criminal justice stakeholders. We are committed to helping individuals reentering the community reclaim their futures and realize your call to improve public safety and outcomes for individuals reentering the community in Washington.

Since the formal establishment of the Statewide Reentry Council we have had four meetings, with the first occurring on July 12, 2016. Our meetings have included honest and robust discussions about the state of reentry in Washington and how the Council's work to improve outcomes for individuals reentering the community also provides a significant and ongoing contribution to public safety for all Washington citizens. Thousands of individuals are released from prison, jail, or juvenile facilities each year, and many face barriers that endure long after they have paid their debt to society. Without effective reentry policies that yield positive outcomes for individuals, their families and society – we risk the continuation of violence, victimization, and incarceration. As a Council, we recognize this opportunity to create a strong reentry system that gives individuals a second chance to create stronger, safer lifestyles, and healthier communities.

Though we are in the beginning stages of this important work and we have a long way to go, this first report outlines key principles to guide our work, top facts about the criminal justice system, policy recommendations for your consideration, and a list of current challenges and barriers.

Through our collective effort, we can reach for better outcomes that will yield benefits for everyone.

Daniel T. Satterberg

King County Elected Prosecutor  
King County Prosecuting Attorney's Office

Tarra Simmons

J.D. Candidate, May 2017  
Seattle University School of Law

# Executive Summary

## Overview

This is the first biennial report to the Governor and Legislature of the Washington Statewide Reentry Council (council) required under RCW 43.380.<sup>1</sup> The Legislature passed Second Substitute House Bill 2791<sup>2</sup> in 2016, creating the council. Governor Inslee signed the bill on April 1, 2016.

This document includes:

- Recommendations for policy changes that will enhance outcomes for individuals reentering the community after incarceration.
- Principles of reentry for our state.
- Facts related to reentry and incarceration.
- An overview of this group's activity since the first meeting in July 2016.

## Purpose and Membership of the Statewide Reentry Council

The Legislature created the Statewide Reentry Council to:

*“[D]evelop collaborative and cooperative relationships between the criminal justice system, victims and their families, impacted individuals and their families and service providers in order to improve public safety and outcomes for individuals reentering the community after confinement.”<sup>3</sup>*

As directed by the bill, Governor Inslee appointed 15 members in June 2016. Members represent a variety of constituencies and organizations invested in improving outcomes for individuals reentering the community after incarceration. All council members and the groups they represent are listed in the acknowledgements section of this report. Details about member terms are on the Governor's website.<sup>4</sup>

The council meets at least four times a year. Interested parties are encouraged to attend meetings (or participate by telephone) and comment on the work of the council.

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<sup>1</sup> Washington State Legislature, RCW 43.380, <http://app.leg.wa.gov/RCW/default.aspx?cite=43.380>

<sup>2</sup> Washington State Legislature, SSHB 2791, <http://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/House/2791-S2.SL.pdf>

<sup>3</sup> Washington State Legislature, RCW 43.380.005, <http://app.leg.wa.gov/RCW/default.aspx?cite=43.380.005>

<sup>4</sup> Washington State Governor, Jay Inslee, *Statewide Reentry Council, Washington*, <http://www.governor.wa.gov/boards-commissions/board-and-commissions/profile/Statewide%20Reentry%20Council,%20Washington>

## Summary of Principles of Reentry

This year the council developed and agreed on six broad principles for successful reentry into the community following incarceration:

- Individualized Approach Guided by Procedural Justice
- Equitable and Culturally-Responsive Policies
- Comprehensive Approaches
- Collaborative Engagement
- Fair Policies
- Preventing the Cycle of Recidivism through Best Practices and Just Results

These principles will guide the ongoing work of the council as we develop a long-term work plan and begin to measure the state's progress toward improving outcomes related to reentry in Washington. The above principles are detailed in the "Reentry Principles" section of this report.

## Summary of 2017 Policy Recommendations to the Legislature

A majority of the council agrees that legislative action related to the following policy topics will help Washington improve reentry outcomes for individuals leaving incarceration, promote public safety, reduce recidivism, and reduce costs to the public. Further details about the following policy recommendations to Legislature can be found in the "Priorities for the 2017 Legislative Session" section.

- Expand access to housing supports
- Expand access to educational opportunities\*
- Issue Washington state identification prior to an individual exiting incarceration\*
- 'Ban the box' for employment\*
- Continue to reform legal financial obligation laws
- Support the Civil Justice Reinvestment Plan and other legal aid support efforts
- Expand access to educational opportunities related to job placement for youth in Juvenile Rehabilitation Administration facilities
- Consider expansion of the Certificate of Restoration of Opportunity (CROP)
- Remove employment, housing and other barriers based on criminal records

*\*Policy items that support or build on efforts related to Executive Order 16-05, Building Safe and Strong Communities through Successful Reentry. The full order is in Appendix A.*

## Recommendations

### Priorities for the 2017 Legislative Session

The Legislature directed the Washington Statewide Reentry Council to provide recommendations related to reentry in this first report. The council feels that action taken by the Legislature to make progress on these items will benefit Washington state citizens, including improving outcomes for individuals reentering the community, improving public safety, reducing recidivism, and saving taxpayer dollars.

These views represent the majority of the council. The council may add or shift details related to these topics as bills are introduced during the 2017 legislative session. Bills related to these topics may not garner the support of all council members because of specific provisions or exclusions.

#### Expand Access to Housing Supports

The council will seek and support multiple ways to increase access to housing for individuals leaving incarceration, since it is a key part of successful reentry. We will look to maintain or expand existing resources and best practices, and identify opportunities to reduce barriers to housing for individuals.

Providing housing vouchers and other housing supports, like rent assistance, to individuals reentering the community has demonstrated positive benefits in Washington and in other states.<sup>5</sup> Housing vouchers are much less expensive than prolonged incarceration and housing instability is a contributor to recidivism.

Housing First is a state and national best practice that provides direct rent assistance for apartments rather than a pathway to housing support through shelter and transitional housing. Multiple studies have shown that Housing First reduces costs related to crisis response, including from law enforcement services, emergency physical and mental health services, and helps improve health and public safety outcomes. The council supports efforts that help rapidly house those reentering the community so that they can find employment and seek economic independence.

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<sup>5</sup> See F.R. Lipton et al, "Tenure in supportive housing for homeless persons with severe mental illness," *Psychiatric Services* 51(4): 479-486, (2000), <http://ps.psychiatryonline.org/doi/pdf/10.1176/appi.ps.51.4.479>; M. Larimer, D. Malone, M. Garner, et al, "Health Care and Public Service Use and Costs Before and After Provision of Housing for Chronically Homeless Persons with Severe Alcohol Problems," *Journal of the American Medical Association*, pp. 1349-1357, (2009), <http://jamanetwork.com/journals/jama/fullarticle/183666>; Massachusetts Housing and Shelter Alliance, "Home and Healthy for Good: A Statewide Pilot Housing First Program," Boston, (2015), <http://www.mhsa.net/sites/default/files/January%202015%20HHG%20Report.pdf>

The council may also consider supporting other efforts that reduce or eliminate barriers to applying for and accessing public and private-market housing because of criminal records. Examples could include efforts to reduce source of income discrimination or reduce restrictions related to criminal records. Currently in most cities and counties in Washington, landlords can deny a tenant access to housing because of their source of income, including Social Security, Housing Choice (Section 8) vouchers, or the state Department of Corrections (Corrections) Earned Release Date Housing Program vouchers.<sup>6</sup>

### **Expand Access to Educational Opportunities**

Expanding and enhancing access to General Education Diploma programs and other educational options for incarcerated individuals will improve outcomes related to reentry. A 2014 RAND Corporation study<sup>7</sup> found that education is a protective factor against criminal justice involvement.

The State Board for Community and Technical Colleges is expected to request legislation in 2017 to expand post-secondary education programs in correctional facilities that allows Corrections to fund academic and vocational degrees leading to improved employment outcomes. The 2016 HB 2619, “Providing postsecondary education to enhance education opportunities and public safety,” is an example of legislation that the council will follow closely and consider for support in 2017.

### **Issue Washington State Identification Prior to Exiting Incarceration**

The council supports efforts by Corrections, Department of Licensing, Department of Social and Health Services Juvenile Rehabilitation Administration and other agencies to continue to expand a successful statewide pilot project<sup>8</sup> and issue Washington state identification for individuals upon release. The issuance of state identification is a national best practice<sup>9</sup> that will help eliminate unnecessary barriers to reentry and improve access to housing and employment.

### **‘Ban the Box’ for Employment**

‘Ban the Box’ is an international effort to persuade employers to remove the box from employment applications that asks applicants if they have a criminal record. To date, 24 states and the federal government have taken action to remove conviction histories from job

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<sup>6</sup> Washington State Department of Corrections, “Earned Release Date (ERD) Housing Voucher Program,” (2014), <http://www.doc.wa.gov/information/policies/showFile.aspx?name=350210a1>

<sup>7</sup> Davis, et al, “How Effective is Correctional Education, and Where Do We Go From Here?: The Results of a Comprehensive Evaluation,” The RAND Corporation (2014), [http://www.rand.org/pubs/research\\_reports/RR564.html](http://www.rand.org/pubs/research_reports/RR564.html)

<sup>8</sup> Washington State Legislature, *RCW 46.20.117*, Washington State Department of Corrections, Monroe Correctional Complex Identocard Pilot, <http://app.leg.wa.gov/rcw/default.aspx?cite=46.20.117>

<sup>9</sup> La Vigne, Nancy, et al, “Release Planning for Successful Reentry: A Guide for Corrections, Service Providers, and Community Groups,” The Urban Institute, (2008), <http://www.urban.org/research/publication/release-planning-successful-reentry>

applications.<sup>10</sup> Individuals with a criminal record face significant barriers to obtaining an interview for employment because of the requirement to disclose a conviction. In 2016, HB 1701 and SB 5608, if passed, would have prohibited some employers from inquiring about criminal history until determining if a person is otherwise qualified for the position. Legislation or other efforts to ‘Ban the Box’ will promote successful reentry by improving access to employment, which would help reduce recidivism.

### **Continue to Reform Legal Financial Obligations (LFOs)**

In Washington, individuals convicted of a crime are ordered to pay legal financial obligations (LFOs). In state superior courts, the average LFO is \$2,540 per case. An LFO debt can grow quickly due to the statutorily required 12 percent interest rate and collection fees of \$100 per year. In 2016, HB 1390 would have eliminated interest on non-restitution LFOs, made the DNA database<sup>11</sup> fee non-mandatory, prohibited the imposition of LFOs on indigent individuals, and established payment options. LFO reform coupled with other reentry reforms can assist in eliminating barriers and create opportunities for a successful reentry.

### **Support the Civil Justice Reinvestment Plan and Other Legal Aid Support Efforts**

The Civil Justice Reinvestment Plan<sup>12</sup> increases funding for Washington’s Office of Civil Legal Aid. While individuals facing a criminal trial have a constitutional guarantee to the right of an attorney, that right does not extend to the collateral consequences of a conviction. The Office of Civil Legal Aid helps individuals overcome collateral consequences of a conviction, including:

- Vacating or sealing criminal records.
- Reducing principal or waiving interest on legal financial obligations.
- Helping obtain a Certificate of Restoration of Opportunity.
- Reinstating driver’s licenses.
- Providing family law services to reunify children with their parents.

The state Civil Legal Needs Study<sup>13</sup> was updated in 2015 and found that low-income people have a range of legal problems that serve as obstacles to successful reentry. The study also documented significant racial disparities in the prevalence of civil legal problems experienced by those with prior juvenile and criminal justice involvement. Civil Legal Aid services will help individuals navigate systems and promote a successful reentry.

### **Expand Access to Educational Opportunities Related to Job Placement for Youth in Juvenile Rehabilitation Facilities**

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<sup>10</sup> National Employment Law Project, “Ban the Box: U.S. Cities, Counties, and States Adopt Fair Hiring Policies,” (2016), <http://www.nelp.org/publication/ban-the-box-fair-chance-hiring-state-and-local-guide/>

<sup>11</sup> Washington State Legislature, *RCW 43.43.7541*, <http://app.leg.wa.gov/RCW/default.aspx?cite=43.43.7541>

<sup>12</sup> Washington State Office of Civil Legal Aid, “The Civil Justice Reinvestment Plan,” (2016), <http://ocla.wa.gov/wp-content/uploads/2016/09/Civil-Legal-Aid-Reinvestment-Plan-Final-9-21-16.pdf>

<sup>13</sup> Washington State Office of Civil Legal Aid, “Civil Legal Needs Study,” (2015), [http://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy\\_October2015\\_V21\\_Final10\\_14\\_15.pdf](http://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf)

The Juvenile Rehabilitation Administration reports that the unemployment rate for justice system-involved working-age youth hovers at 60 percent compared to 12 percent among all youth in Washington state. Expanding access to job readiness, vocational training, and employment opportunities will help ensure youth are ready to obtain living-wage jobs leading to self-sufficiency.

**Consider Expansion of the Certificate of Restoration of Opportunity (CROP)**

The Certificate of Restoration of Opportunity (CROP) provisions in HB 1553, passed in 2016, provide a new legal remedy to overcome employment barriers, including some occupational licenses. Many council members have expressed interest in expanding that momentum to improve reentry outcomes that will help increase employment and other opportunities for individuals reentering, or that have reentered the community.

**Remove Barriers Based on Criminal Records**

Individuals who have reentered successfully should have opportunities to remove record-related legal barriers to employment, housing, and volunteer opportunities. Council members may support policy efforts to reform criminal records policies so that individuals can engage in civic life and become productive members of a community.

## Reentry Principles

The Statewide Reentry Council recognizes that the current cycle of recidivism warrants a closer examination of our criminal justice system, correctional systems, and community services in Washington. These principles provide a foundation of the council's beliefs on what can improve public safety and outcomes for everyone involved in reentry. These principles are a first step for the council in developing collaborative and cooperative relationships between the justice system, survivors and their families, service providers, and criminal justice system-involved individuals and their families.

### **Individualized Approach Guided by Procedural Justice**

Reentry policies should focus on individualized justice. Procedural justice is the idea of fairness in the processes that resolve disputes and allocate resources. All public safety and judiciary agencies should take steps to increase just, equitable, and non-discriminatory policing, prosecution, and sentencing. Agencies and jurisdictions in the Washington state justice system should formulate policies and programs designed to achieve just results through a just process led by impartial and well-informed decision makers.

Individuals that have been formerly incarcerated, convicted of a felony, or otherwise involved in the criminal justice system are often characterized as being part of a criminal underclass. They can be stigmatized by labels such as "offender," "felon," and "convict." These and other labels should not be used in written statutes, regulations, ordinances, or speech policies. By seeing individuals reentering the community as individuals, agencies will be able to provide comprehensive, collaborative, fair, and equitable services that recognize the unique challenges of each person returning to their community.

### **Equitable and Culturally-Responsive Policies**

All public safety and justice agencies should take steps to increase just, equitable, and non-discriminatory policies. A fair and equitable system requires recognition that there are a disproportionate number of incarcerated individuals from historically marginalized communities. The incarcerated population includes people with limited English proficiency; physical, cognitive and learning disabilities; mental illness; and various gender identities. Reentry policies should also seek to reduce racial and economic disparity, ensure access for all individuals, and promote inclusiveness.

### **Comprehensive Approaches**

A successful reentry policy should focus on the impact on the individual, on families, and on communities before, during, and after criminal justice involvement.

For everyone, reentry planning should begin upon involvement with the criminal justice system. Every person confined (sentenced or not) should have access to an evidenced-based reentry program that is designed to address their needs.

Every incarcerated individual should participate in the development of a comprehensive individualized reentry plan. Comprehensive services within that individual plan should provide access to education, employment opportunities, housing, life skills training, substance abuse treatment, mental health treatment, and other programs that address their needs.

### **Collaborative Engagement**

Reentry is a collaborative process between reentering individuals, the community, and correctional agencies releasing individuals into the community. We envision collaborative efforts that span agencies, and foster cooperation as well as open communication.

Law enforcement, corrections departments, other government agencies, and community-based reentry-services must develop a formal collaborative structure for the continuity of care to advance case planning and data sharing to ensure a successful reentry for each person.

The council believes that reentry policies should encourage the buy-in and participation of multiple criminal justice agencies across jurisdictional barriers, including leadership and line staff. The council believes training that emphasizes equity, procedural justice, and an evidenced-based individualized approach to reentry for all policies and programs should be a collaborative effort.

Reducing the impact of crime and improving the outcomes of individuals involved in the justice system is an issue of public health. Agencies involved with reentry should collaborate with the public health system to broaden the array of services and strategies that can lead to successful reentry in the community.

### **Fair Policies**

All individuals involved in the criminal justice system should be treated humanely, fairly, and with respect, particularly those who are incarcerated. They should not be subjected to conditions like overcrowding, extended periods of solitary confinement, transfers away from their families without due notice, or violence. Individuals should be free from physical and mental abuse. They should be provided the resources and opportunity to build and maintain positive family relationships. This requires the ability to communicate with their families at the lowest possible cost. Telephone calls are an example of an expense that can be a barrier to maintaining family connections.

Limiting access to reentry services because of location or custody violates the principle of fairness. Individuals should have access to consistent, quality reentry services from all forms of confinement.

Incarceration is a traumatic experience. Many individuals involved in the criminal justice system come from high trauma backgrounds before experiencing incarceration. Trauma-informed care is essential to successful reentry.<sup>14</sup> Agencies should ensure culturally relevant, trauma-informed, and individualized care based on the needs and goals of the returning individuals.

Upon reentering the community, individuals must continue to be treated fairly. For example, legal and financial obligations are often part of restitution, but excessive legal and financial obligations are counter-productive to successful reentry.

### **Preventing the Cycle of Recidivism Through Best Practices and Just Results**

The Statewide Reentry Council believes that the state and local governments should invest in and implement proven and promising evidence-based reentry policies and programs prior to constructing new jails and prisons.

Policies, services, and programs should adhere to the current Risk-Needs-Responsivity model, an evidence-based analytic tool for assessing contributing factors for criminal behaviors that can inform efforts to reduce future criminal behavior.<sup>15</sup> The core principles of the model include:

- The Risk Principle suggests that justice system interventions should be matched to individuals' risk level, focusing more intensive interventions on people who are assessed as moderate and high risk.
- The Need Principle asserts that justice system interventions should target those factors that most significantly influence criminal behavior.
- The Responsivity Principle demonstrates that interventions are most effective when they are based on research-supported models and tailored to the unique characteristics of individuals.

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<sup>14</sup> Niki A. Miller, Lisa M. Najavits, "Creating Trauma-Informed Correctional Care: A Balance of Goals and Environment." *European Journal of Psychotraumatology* v3, (2012), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3402099/>

<sup>15</sup> James Bonta, D. A. Andrews, "Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation 2007-06," Public Safety Canada, (2007), <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/rsk-nd-rspnsvty/rsk-nd-rspnsvty-eng.pdf>

Reentry should be defined broadly, and include both incarcerated individuals and those involved with the criminal justice system in general. Reentry programs that promote effective reintegration into the community include, but are not limited to:

- Family-integrated services, like the Family Integrated Transitions model.<sup>16</sup>
- Housing planning to ensure that individuals know where they are going when exiting and can assess the safety, stability, and affordability of that housing.
- Diversion of individuals to need-based services either before or after arrest, such as Law Enforcement Assisted Diversion (LEAD).<sup>17</sup>
- Therapeutic court initiatives (drug court, mental health court, community court) that seek to divert individuals to treatment and service providers within the community instead of incarceration.
- Confinement-based programmatic initiatives meant to enhance the quality of life of participants in and out of incarceration.
- Community custody programs.
- Community-based collaborative programs that seek to increase access to individuals obtaining education, employment, housing, healthcare and access to services.
- Any other innovative or creative approaches to successful reintegration, like community supervision.<sup>18</sup>

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<sup>16</sup> Eric J. Trupin, et al, "Family Integrated Transitions: A Promising Program for Juvenile Offenders with Co-Occurring Disorders," National Institute of Corrections, (2012), <http://nicic.gov/library/026817>

<sup>17</sup> LEAD is a pre-booking diversion pilot developed to address low-level drug and prostitution crimes in Belltown Seattle and Skyway area of King County. The program allows law enforcement to redirect low-level offenders to community-based services instead of jail and prosecution. <http://leadkingcounty.org/>

<sup>18</sup> Washington State Department of Corrections, "Supervision in the Community," <http://www.doc.wa.gov/corrections/community/supervision.htm>

# Facts about Criminal Justice and Reentry in Washington

## Washington's National Rankings of Incarceration Rates

The United States is among the world's leaders in the rate of incarceration.<sup>19</sup> However, Washington state is one of the least punitive states in the nation in terms of incarceration rate and rate of punishment. Washington is ranked 41st in the nation for the rate of incarceration. The state ranks 49th in the nation for the rate of punishment, which is the ratio of the prison population compared to the "frequency and severity of crime reported in each jurisdiction."<sup>20</sup>

## State Funding for Criminal Justice Systems

The Department of Corrections was allotted approximately \$1.9 billion in the 2015-17 biennial budget, or roughly \$950 million annually. Washington is the 13th most populous state in the nation and ranks 15th for spending on corrections.<sup>21</sup> This does not include funding for any new prison construction. The Caseload Forecast Council projects a shortage of 792 adult prison beds at the end of fiscal year 2024. The Legislature allotted the Juvenile Rehabilitation Administration \$183.2 million for the 2015-2017 biennial budget.

## Crime Rates and Taxpayer Costs

Although crime rates have been trending down, estimated costs for incarceration and prison beds are trending up. During the last 35 years, the investment of public money into the infrastructure of criminal justice (prisons, jails, police, prosecutors, courts, defense attorneys, probation) increased over 110 percent.<sup>22</sup>

As of October 31, 2016, there were 17,558 individuals in confinement with Department of Corrections, which means in a facility or under community supervision. The average daily cost of one incarcerated person is \$97.23, which comes out to an average annual cost of \$35,587 per person, for an approximate total cost of over \$624 million.<sup>23</sup>

## Prison Population Demographics<sup>24</sup>

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<sup>19</sup> Roy Walmsley, "World Prison Population List (tenth edition)," International Centre for Prison Studies, University of Essex, (2013), [http://www.apcca.org/uploads/10th\\_Edition\\_2013.pdf](http://www.apcca.org/uploads/10th_Edition_2013.pdf)

<sup>20</sup> The Pew Charitable Trusts, "Punishment Rate Measures Prison Use Relative to Crime," (2016), <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2016/03/the-punishment-rate>

<sup>21</sup> Michael Mitchell and Michael Leachman, "Changing Priorities: State Criminal Justice Reforms and Investments in Education," Center on Budget and Policy Priorities, (2014), <http://www.cbpp.org/research/changing-priorities-state-criminal-justice-reforms-and-investments-in-education>

<sup>22</sup> Washington State Institute for Public Policy, "The Criminal Justice System in Washington State: Incarceration Rates, Taxpayer Costs, Crime Rates, and Prison Economics," (2003), [http://www.wsipp.wa.gov/ReportFile/824/Wsipp\\_The-Criminal-Justice-System-in-Washington-State-Incarceration-Rates-Taxpayer-Costs-Crime-Rates-and-Prison-Economics\\_Full-Report.pdf](http://www.wsipp.wa.gov/ReportFile/824/Wsipp_The-Criminal-Justice-System-in-Washington-State-Incarceration-Rates-Taxpayer-Costs-Crime-Rates-and-Prison-Economics_Full-Report.pdf)

<sup>23</sup> Washington State Department of Corrections, "Agency Fact Card," (2016), <http://www.doc.wa.gov/docs/publications/16-282-FC1.pdf>

<sup>24</sup> Washington State Department of Corrections, "Agency Fact Card," (2016), <http://www.doc.wa.gov/docs/publications/16-282-FC1.pdf>

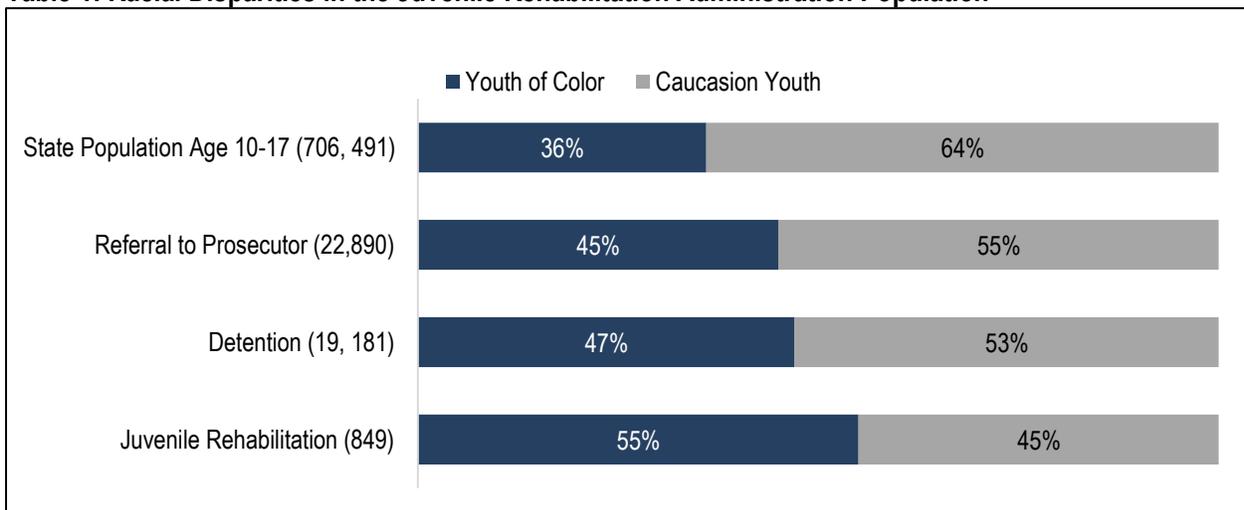
African Americans are disproportionately represented in the prison population, with 18 percent of incarcerated individuals in Washington identifying as black or African-American, compared to just 4 percent of the state population. Native Americans and Alaskan Natives make up 2 percent of the state population, and 5 percent of the prison population.

In Washington state, men account for 92 percent of the prison population and women account for 8 percent.

**Juvenile Rehabilitation Population Demographics**

Young men account for 90 percent of residential facility population while young women represent 10 percent. In addition, racial and ethnic disparities exist and increase at each level of the juvenile justice system. The following chart shows Washington youth of color compared to youth at different levels within the juvenile justice system.

**Table 1: Racial Disparities in the Juvenile Rehabilitation Administration Population**



Source: Partnership Council for Juvenile Justice and Juvenile Rehabilitation<sup>25</sup>

Note: "Youth of Color" includes all youth who do not identify as white or Caucasian.

<sup>25</sup> Washington State Department of Social and Health Services, *Juvenile Rehabilitation Administration, R.E.D. – Racial and Ethnic Disparities*, <https://www.dshs.wa.gov/ra/office-juvenile-justice/red-racial-ethnic-disparities>

## **Offense and Sentence**

People sentenced for violent felonies make up 71 percent of incarcerated individuals in Washington state, while 18 percent are in prison for property crimes.<sup>26</sup> Incarceration rates for individuals convicted of drug-related crimes have dropped. In 1993, 26 percent of those confined in our state were incarcerated for drug crimes; today that percentage is just 7.4 percent. The remaining 3.9 percent are serving for other miscellaneous felony offenses.<sup>27</sup>

Washington diverts a significant percentage of drug cases to drug courts and alternative programs, including drug sentencing alternatives and community supervision, which largely accounts for the fewer number of people in prison for drug crimes compared to other states.

## **Other Demographics from Department of Corrections<sup>28</sup>**

- The average age of an individual in a Corrections facility in Washington state is 38.6 years old.
- The average length of prison stay was 23 months for people released in the last year.
- 15 percent of incarcerated individuals serve prison sentences of less than two years.
- 45 percent serve between two and 10 years.
- 24 percent serve over 10 years.
- 4 percent are serving life sentences without the possibility of release.

## **Other Demographics from Juvenile Rehabilitation Administration<sup>29</sup>**

- 14 percent are between the ages of 12 and 14 years old.
- 74 percent are between the ages of 15 and 17 years old.
- 12 percent are between the ages of 18 and 20 years old.
- The average length of stay is approximately 10.2 months.
- There are approximately 550 youth released back to the community each year.
- 51 percent of youth have known mental health issues.
- Approximately 50 percent of youth under juvenile rehabilitation supervision are identified as having special education needs.
- Approximately 14 percent of youth under juvenile rehabilitation supervision graduate with a high school diploma.

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<sup>26</sup> Washington State Department of Corrections, "Agency Fact Card," (2016), <http://www.doc.wa.gov/docs/publications/16-282-FC1.pdf>

<sup>27</sup> Washington State Department of Corrections, "Agency Fact Card," (2016).

<sup>28</sup> Washington State Department of Corrections, "Agency Fact Card," (2016).

<sup>29</sup> Department of Social and Health Services Juvenile Rehabilitation Administration, unpublished data, (2016).

## State Recidivism Rates

The Department of Corrections defines recidivism as a return to prison within a three-year period. Of those released from prison in Washington state in 2012, nearly one in three individuals returned to prison within three years.<sup>30</sup>

The common measure for youth recidivism used by the Washington State Institute for Public Policy defines recidivism as a new crime committed 18 months post-release. For 2013, 53 percent of youth engaged in a new crime 18 months after release.

The average legal financial obligation (LFO) cost for a single conviction in Washington in 2014 was \$2,540, with a 12 percent interest rate for a case in a Superior Court. State law mandates that defendants pay a victim penalty assessment of \$250 for misdemeanors and \$500 for gross misdemeanors and felonies. Defendants who willfully fail to pay their LFO despite an ability to pay may be punished by short terms of incarceration. Individuals with multiple sentences on their record will often have multiple LFO accounts.

There are currently 450,792 outstanding LFO accounts in Washington.<sup>31</sup>

## County Jail Populations

Washington state contains 39 county jails. The average total daily population for jails in Washington in 2015 was 11,269 people.<sup>32</sup> The average (mean) length of stay for an individual in a jail was just under 15 days.<sup>33</sup>

Like state facilities, county jails disproportionately incarcerate people of color: 23 percent of the state population listed as non-white,<sup>34</sup> while statewide data shows the proportion of non-white people in jails is about 32 percent.<sup>35</sup> Blacks and Native Americans in particular are overrepresented in jails, while Asians are underrepresented.

In Spokane, 86 percent of the county population is white, but only 67 percent of the jail population is white. Two percent of Spokane County is black, but 12 percent of the jail population is identified as black or African American.<sup>36</sup>

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<sup>30</sup> Bureau of Justice Statistics, "Recidivism of State Prisoners," [www.bjs.gov/index.cfm?ty=tp&tid=17](http://www.bjs.gov/index.cfm?ty=tp&tid=17)

<sup>31</sup> American Civil Liberties Union of Washington State and Columbia Legal Services, "Modern-Day Debtors' Prisons: The Ways Court-Imposed Debts Punish People for Being Poor," (2014), <https://aclu-wa.org/docs/modern-day-debtors-prisons-washington>

<sup>32</sup> Washington Association of Sheriffs and Police Chiefs, "Annual Jail Statistics," (2015), <http://www.waspc.org/statistics-reports>

<sup>33</sup> King County Department of Adult & Juvenile Detention, "Detention and Alternatives Report," (2016), [http://www.kingcounty.gov/~media/courts/detention/documents/KC\\_DAR\\_10\\_2016.ashx?la=en](http://www.kingcounty.gov/~media/courts/detention/documents/KC_DAR_10_2016.ashx?la=en)

<sup>34</sup> Office of Financial Management, "2015 Data Book," (2015), <http://www.ofm.wa.gov/databook/default.asp>

<sup>35</sup> Washington Association of Sheriffs and Police Chiefs, "Annual Jail Statistics," (2015), [http://www.waspc.org/assets/CJIS/2015%20jail%20statistics\\_website.xlsx](http://www.waspc.org/assets/CJIS/2015%20jail%20statistics_website.xlsx)

<sup>36</sup> John D. and Catherine T. MacArthur Foundation, "Safety + Justice Challenge," Spokane Regional Criminal Justice System Data Slides, (2016), <http://www.safetyandjusticechallenge.org/challenge-site/spokane-county/>

In 2009, Spokane County Detention Services took the unprecedented step of obtaining certification as a licensed mental health provider, becoming the first jail in the state to do so, and making it the second largest mental health facility in Washington. It now provides mental health services for more than 2,000 inmates a year — one sixth of the approximately 12,000 adults under age 55 who received mental health services of any kind in Spokane County annually.

# The First Six Months of the Statewide Reentry Council

## **Council Action Since Creation**

The Reentry Council first met on July 12, 2016. The council elected leadership, developed a plan to hire an executive director, received a briefing on Executive Order 16-05, and was briefed on reports to the Governor and Legislature they are responsible for submitting. The council, as a whole, has met four times and subcommittees have worked together on portions of this report and as part of a search for our executive director. This report details outcomes to date, including principles of reentry, criminal justice and reentry facts, and a list of policy priorities intended to inform policy changes during the 2017 legislative session.

## **Next Steps for the Statewide Reentry Council**

The council will continue to recommend and advise the Legislature and Governor on policy changes related to improving outcomes relevant to those in confinement and exiting confinement. This spring, the council will identify measures that link to policy priorities and their principles so that they can quantify progress toward improving outcomes related to reentry in Washington over time.

The council is currently conducting a national search to hire an executive director who will administer the business of the council. The Department of Commerce (Commerce) will fund and house the director. Commerce and the council plan to have staff in place in time for the 2017 legislative session. Commerce named Cary Retlin as interim staff as soon as the Governor signed HB 2791. Cary Retlin will continue to support the council until the council selects a permanent executive director.

## **Executive Order 16-05: Building Safe and Strong Communities through Successful Reentry**

A short time after the creation of the Reentry Council, Governor Inslee signed Executive Order 16-05, which directed state agencies to take specific actions to improve outcomes related to reentry. Examples of improved outcomes could include the assignment of reentry teams prior to release to promote a successful reentry, ensuring that all individuals leaving state correctional facilities have a state identification card, and linking the WorkSource employment system with Corrections and Juvenile Rehabilitation Administration facilities.

The council is not responsible for the executive order, but it is invested in supporting agencies to ensure that they succeed in implementing the directives. The council has had the Governor's Office brief them on progress regarding the executive order. The executive order is attached to this report as an appendix.

## Appendix A: Executive Order 16-05



STATE OF WASHINGTON  
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • [www.governor.wa.gov](http://www.governor.wa.gov)

**EXECUTIVE ORDER 16-05**

**BUILDING SAFE AND STRONG COMMUNITIES  
THROUGH SUCCESSFUL REENTRY**

**WHEREAS**, the purpose of adult corrections and juvenile rehabilitation is to improve public safety by holding those who commit crimes accountable while also rehabilitating these individuals to reduce recidivism;

**WHEREAS**, it is the state's responsibility, once an individual has been sentenced to an adult correctional facility or juvenile residential facility, to ensure that those facilities are secure and humane while also providing treatment, programming, and opportunities that will ultimately reduce the likelihood that those individuals will harm future victims when they return to their communities;

**WHEREAS**, in Washington State approximately:

- 17,000 adults are incarcerated in prisons;
- 95 percent of which will eventually return to society; and
- 50 percent of those incarcerated are parents.

**WHEREAS**, employment following incarceration reduces the likelihood of an individual reoffending and the state has set a Results Washington goal of increasing six-month post-incarceration employment from 30% to 40% by 2017;

**WHEREAS**, research shows that effective juvenile reentry programs can reduce juvenile recidivism and improve long-term outcomes for these youth;

**WHEREAS**, individuals with criminal records face pervasive obstacles in many areas of life that hinder their ability to successfully reintegrate, including obstacles relating to employment, education, housing, and eligibility for many social service benefits;

**WHEREAS**, the collateral consequences of incarceration disproportionately affect communities of color;

**WHEREAS**, in its recent guidance manuals, the Equal Employment Opportunity Commission endorsed, as a best practice, eliminating policies or practices that exclude people from employment based on any criminal record, and the Obama Administration's *My Brother's Keeper* Task Force endorsed hiring practices that give applicants a fair chance and allow employers the opportunity to judge individual job candidates on their merits;

**WHEREAS**, a "Ban the Box" policy is intended to improve public safety, by providing individuals with criminal records a better opportunity to reintegrate in society, receive skill development and training, and support themselves and their families;

**WHEREAS**, the state of Washington has already eliminated from the standard state employment application the “box” requiring an applicant to disclose whether or not she or he has been arrested or convicted of a crime;

**WHEREAS**, the state of Washington must continue to lead in offering increased state employment opportunities for applicants with past criminal records by identifying additional barriers in the application process that disallow otherwise qualified candidates to explain their individual circumstances to potential employers;

**WHEREAS**, the Washington State Department of Corrections and Correctional Industries are currently partnering with the Washington State Department of Veterans Affairs, the State Board for Community and Technical Colleges, local governments, non-profits, faith communities, labor organizations, and businesses to support and increase opportunities for those reentering their communities;

**WHEREAS**, the Department of Social and Health Services’ (DSHS) Juvenile Rehabilitation (JR) and Division of Vocational Rehabilitation (DVR) divisions are currently in partnership with Workforce Development Councils and Institution Education Schools to develop pathways of opportunity for job readiness and work-based learning;

**WHEREAS**, the Washington State Legislature has recognized the importance of successful transitions from incarceration, most recently by creating a Certificate of Restoration of Opportunity program (CROP) that removes barriers for individuals who have demonstrated that they successfully reintegrated in their communities, and also by launching a statewide reentry council to develop collaborative and cooperative relationships between the criminal justice system, victims and their families, impacted individuals and their families, and service providers, in order to improve public safety and outcomes for people reentering their communities; and

**WHEREAS**, further actions by state agencies to support successful reentry into the workforce following incarceration will bolster Washington’s reputation as an ideal place to do business by bolstering qualified applicant pools and improving the likelihood that an employer will identify committed and prepared candidates for its workforce.

**NOW THEREFORE, I**, Jay Inslee, Governor of the state of Washington, direct Washington State agencies to implement further hiring policies intended to encourage full workforce participation of motivated and qualified persons with criminal histories in order to improve public safety by reducing recidivism and help repair and rebuild families and communities impacted by incarceration.

I hereby direct these agencies to engage in the directives below with a goal of substantial compliance by January 1, 2017. By October 1, 2016, they shall also submit to my office any additional barriers that they identify that may be addressed through future executive and legislative actions.

**Department of Corrections (DOC) and Juvenile Rehabilitation (JR):** Build a reentry-focused orientation program for every individual as she or he enters and exits a correctional

facility. This orientation shall provide individuals information regarding the certificate of restoration of opportunity, restoration of voting rights, resources for individuals currently in and leaving the system, and crisis services. All people leaving a state prison facility and juvenile residential facility shall receive electronic and/or hard copies of necessary documents to include certificates of completion, medical information, voter registration forms, and other documents that assist in transition to the community. DOC and JR shall also pilot technological solutions that improve safe and successful transition to the community.

The following agencies shall work in coordination with the DOC Reentry Division and JR to complete the following tasks:

**Office of Financial Management:** Work with state human resource managers across all state agencies to identify and reduce other barriers to state employment for those with criminal records; develop training tools for appointing authorities on the appropriate consideration of criminal history to allow qualified applicants the opportunity to provide information that demonstrates their rehabilitation.

**Department of Licensing:** Identify a mechanism to ensure that all individuals leaving a state correctional facility have a Washington State identification card.

**Department of Commerce:** Build a corporate outreach plan with Correctional Industries to identify workforce needs that may be met with appropriately trained individuals with criminal backgrounds; build commitment within the business community to remove barriers for qualified applicants with criminal records so that they may compete for living wage jobs.

**Department of Social and Health Services (DSHS):** Create mechanisms to allow qualified individuals to be pre-screened for federal and state benefits before leaving a correctional facility; analyze the agency's list of positions for which certain criminal conviction disqualifiers exist, as well as the reasons that purport to support those disqualifiers, to identify any potential adjustments that can remove barriers but maintain safety.

**Employment Security Department (ESD):** Facilitate access to the statewide Work Source system for DOC and JR staff, so that they may input employment and training information obtained by incarcerated individuals to better assist ESD in helping these individuals plan for new careers upon release by connecting them to training programs and employment opportunities.

**State Board of Community and Technical Colleges (SBCTC):** Create a statewide correctional post-secondary education and apprenticeship pathway for youth and adults in collaboration with DOC, JR, and the Office of the Superintendent of Public Instruction.

**State Apprenticeship and Training Council:** In coordination with SBCTC and Correctional Industries, identify both apprenticeship and pre-apprenticeship training opportunities in correctional facilities.

**State Cybersecurity Office:** Develop recommendations to introduce secure internet-based reentry tools for individuals in adult and juvenile correctional facilities, such as ESD’s job search system, library materials for education programs, housing information, college information, and similar resources.

**Health Care Authority:** Build a process that allows Medicaid benefits to suspend rather than terminate when individuals are incarcerated to ensure seamless delivery of critical treatment services upon an individual’s release. The suspension would end once the individual is released from incarceration back into the community. While in suspended status, qualified inpatient events for these individuals will be paid by Medicaid.

Provisions of this Executive Order are not intended to alter any existing collective bargaining agreements. This Executive Order shall take effect immediately.

Signed and sealed with the official seal of the state of Washington, on this 26th day of April 2016, at Olympia, Washington.

By:

/s/

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Jay Inslee  
Governor

BY THE GOVERNOR:

/s/

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Secretary of State