

Reentry Council Priorities

For the 2018 Legislative Session

The Legislature tasked the Statewide Reentry Council with providing recommendations related to reentry. 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.

Enact Fair Chance Employment for Employment – HB 1298 | SB 6110

People with criminal records face significant barriers to obtaining employment, and this increases the likelihood of them relapsing. In 2017, HB 1298 and SB 5312 aimed to create the Washington Fair Chances Act, which 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 helps reduce recidivism.¹

Continue to Reform Legal Financial Obligations – HB 1783

In Washington, people convicted of a crime are ordered to pay legal financial obligations (LFOs). In Superior Court, 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 2017 HB 1783 would have eliminated interest on non-restitution LFOs, made the DNA database fee non-mandatory, prohibited the imposition of LFOs on indigent individuals, and established payment options. LFO reform, coupled with other reentry reforms, assists in eliminating barriers and creates opportunities for a successful reentry.

Issue Washington State identification Prior to Exiting Incarceration – HB 1679 | SB 6280 (Adults) and HB 2372 | SB 6114 (Juveniles)

The Council supports efforts by the Department of Corrections, Department of Licensing, Juvenile Rehabilitation Administration and other agencies to continue to expand a successful statewide pilot and issue Washington state identification for individuals upon release. The issuance of state identification will help eliminate unnecessary barriers to reentry and improve access to housing and employment.

OUR MISSION

Grow and improve jobs in Washington state by championing thriving communities, a prosperous economy, and suitable infrastructure.

Statewide Reentry Council Strategic Goal:

Improve public safety and outcomes for those reentering the community after incarceration by convening leaders in public safety, reentry and criminal justice reform.

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Remove Barriers Based on Criminal Records – HB 2890

People who have reentered successfully should have opportunities to remove record-related barriers to the hundreds of collateral consequences of a conviction, such as employment, housing and volunteer opportunities. The Council supports policy efforts to reform criminal records policies so that people do not face long-term barriers to contributing as productive members of a community.

Expand Alternatives to Incarceration *HB 2287 / SB 6060 (Diversion) and SB 5307 (Parent Confinement Alternatives)*

The Council supports expanding diversion programs, such as the Law Enforcement Assisted Diversion (LEAD) program, which diverts eligible individuals away from criminal justice system involvement and towards treatment and other resources. The Council supports expanding the Family and Offender Sentencing Alternative, commonly referred to as FOSA. FOSA allows judges to waive a sentence for eligible persons with current custody of minor children and impose 12 months of community supervision along with conditions for treatment and programming for people facing a prison sentence.

Support Graduated Reentry – HB 2638 | SB 6277

The Council also supports the principles of Graduated Reentry, which extend eligibility for work release and other community confinement options.

Examine and Improve Conditions of Confinement to Promote Successful Reentry – HB 1889 | SB 5465

The Council may support measures that help ensure the dignity, respect, and wellbeing of all incarcerated individuals. Fostering methods to decrease the likelihood of further trauma while incarcerated promotes successful reentry and reintegration. The healthier people are mentally and physically upon release, the more likely they will succeed in reintegration. The prospective measures include, but are not limited to, the creation of an independent ombuds that incarcerated people and their families can contact to oversee disputes with DOC.

Expand Access to Housing for Returning Citizens

Releasing people from prison to homelessness is a setup for failure. Providing housing vouchers and other housing supports, like rent assistance, to people reentering the community has demonstrated positive benefits in Washington and in other states. Housing vouchers are much less expensive than prolonged incarceration – and housing instability is a contributor to recidivism. The Legislature should increase access to housing for returning citizens, particularly Housing First models. 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 costly crisis and law enforcement 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.



State of Washington

STATEWIDE REENTRY COUNCIL

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Statewide Reentry Council 2018 Legislative Session Priority Bill Passage Summary

HB 1298:

Establishes the Washington fair chance act. Prohibits an employer from including any question on an application for employment, from inquiring either orally or in writing, from receiving information through a criminal history background check, or from otherwise obtaining information about an applicant's criminal record until after the employer initially determines that the applicant is otherwise qualified for the position. Requires the state attorney general's office to enforce this act.

HB 1783:

Addresses legal financial obligations. Eliminates the accrual of interest on certain nonrestitution portions of legal financial obligations. Prohibits a court from imposing costs on a defendant who is indigent at the time of sentencing.

HB 2638:

Authorizes the secretary of the department of corrections (DOC) to transfer an incarcerated individual from a department correctional facility to home detention in the community if it is determined that the graduated reentry program is an appropriate placement and requires the secretary to assist the individual's transition from confinement to the community. Creates a graduated reentry program of partial confinement for certain people in DOC custody.

SB 6582:

Establishes the Washington fair chance to education act. Prohibits an institution of higher education from using an initial admissions application that requests information about the criminal history of an applicant, however, the institution may use a third-party admissions application that contains information about the criminal history of the applicant if the institution posts a notice on its web site stating that it may not automatically or unreasonably deny an applicant's admission or restrict access to campus residency based on an applicant's criminal history.

HB 2578:

Prohibits a landlord from refusing to lease or rent real property to a prospective tenant or current tenant, or expelling a tenant from real property, based on the source of income of an otherwise eligible tenant. Creates the landlord mitigation program and requires the department of

commerce to administer the program and adopt rules it deems necessary for the administration of the program. Creates the landlord mitigation program account. Provides a list of the types of claims, related to landlord mitigation for renting private market rental units to low-income tenants using a housing subsidy program, that are eligible for reimbursement from the account, and a list of eligibility requirements. Increases the affordable housing for all surcharge to thirteen dollars and requires a portion of the surcharge to be deposited in the landlord mitigation program account. Allows the department of commerce to use the reappropriation (2017 3rd sp.s. c 4 s 1028) to implement this act.

HB 1889:

Creates the office of the corrections ombuds within the office of the governor for the purpose of:

- (1) Providing information to inmates and their families;
- (2) Promoting public awareness and understanding of the rights and responsibilities of inmates;
- (3) Identifying system issues and responses for the governor and the legislature to act upon; and
- (4) Ensuring compliance with relevant statutes, rules, and policies pertaining to corrections facilities, services, and treatment of inmates under the jurisdiction of the department of corrections.

Exempts the following from public disclosure under the public records act: Records exchanged and communications between the office of the corrections ombuds and the department of corrections, including the investigative record.

Provides for termination and review, under the sunset act, of the office of the corrections ombuds.

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What Works to Reduce Crime, Recidivism, and Prison Populations? Seven Lessons Learned in Michigan



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I. Introduction

National attention has turned to mass incarceration recently with the issue becoming the subject of presidential proclamations,¹ a campaign speech by a major contender for the White House in 2016,² and national debates for presidential candidates.³ The Right is finally agreeing with the Left, and Newt Gingrich is on board with the ACLU—so much so that the ACLU praised his position, saying, “Sing it, Newt!”⁴

This is the first time in modern American history that a focus on justice policies has reached such high levels of agreement across the political spectrum. But speeches and calls for better legislative policies—indeed, even better policies themselves—will not end the era of mass incarceration. Improvements to community supervision, an expansion of human service resources, and a rethinking of executive branch services are needed, and virtually no one is talking about it. And although community-based programs can contribute to some reduction in post-prison crime, the largest contributor to prison growth is often parole failure—not for new criminal acts but for technical violations. That factor has to be addressed or we won’t change this enormous addiction to imprisonment.

And the increased academic attention to evidence-based principles and practices, although helpful, will not fix the problem either—unless the folks running the prisons and the supervision agencies can figure out how to apply the research to actual, real-life cases that they have to supervise, and they are given the resources to do so effectively.⁵

II. Focusing on More than Policy: The Challenges of Implementing Best Practices

Researchers have established the need to achieve a better link between what research evidence shows works and how to implement that research on the ground, particularly on the issue of statewide recidivism reduction.⁶ There is scant evidence of large-scale sustainable reforms that reduce recidivism.⁷ One of the primary reasons for this lack of success is that the work of moving from planning to implementation of system-wide change requires an extraordinary level of coordination and capacity. Research shows that efforts at implementing evidence-based practices that have the benefit of expert and organized guidance have a much higher, and much quicker, success rate at implementation.⁸ So, what many states need to focus on is

“implementation guidance” to translate planning into action and achieve statewide reductions in recidivism. Without additional tools, resources, and guidance to support effective implementation, major statewide reductions in recidivism will continue to fall well short of the objective of ending, or even materially reducing, mass incarceration.

Clearer guidance is needed in the field on how to implement research findings and how to successfully replicate well-performing programs in prisons and parole agencies and their affiliated human service delivery partners in the community.⁹ In essence, there is a call for better connections that help build evidence through applied research—researchers and practitioners working together as active partners with joint ownership of the research process and outcomes.¹⁰ As a recent review of the literature on research implementation observed:

It is increasingly evident that thoughtful and effective implementation strategies at multiple levels are essential to any systematic attempt to use the products of science to improve the lives of children, families, and adults . . .

. . . implementation is synonymous with coordinated change at system, organization, program, and practice levels. In a fundamental sense, implementation appears most successful when: carefully selected practitioners receive coordinated training, coaching, and frequent performance assessments; organizations provide the infrastructure necessary for timely training, skillful supervision and coaching, and regular process and outcome evaluations; communities and consumers are fully involved in the selection and evaluation of programs and practices; state and federal funding avenues, policies, and regulations create a hospitable environment for implementation and program operations.¹¹

III. The Michigan Experience

By connecting research to practice, Michigan has achieved notable reductions in recidivism of former prisoners. According to a 2012 report from the Council of State Governments’ Justice Center, between 2005 and 2007, Michigan reduced returns to prison by 18 percent, one of the largest reductions in recidivism of former prisoners in the United States.¹² The Justice Center report observed, “over a longer period, Michigan’s decline in recidivism is even

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more significant, with a 28% reduction in returns to prison between 2000 and 2008.”¹³ According to more recent data (2013) from the Michigan Department of Corrections, the recidivism rate improved for these offender cohorts by 38 percent through December 2011.¹⁴

As a result of the improved outcomes of parolees, Michigan’s prison population declined over 12 percent in just three years (2006–2009), and has continued to decline to 17 percent (2006–2013)¹⁵—the steepest reduction in the shortest period of time of any state in the nation. Subsequently, Michigan has also led the nation in prison closings with an astonishing twenty-one facilities closed, saving nearly \$350 million annually. Since the efforts to control and reduce the prison population began in 2002, it is estimated that cost avoidance for prison operations is nearly \$1 billion.¹⁶ Michigan’s accomplishments may represent the most rapid and massive decarceration effort in the history of the United States. And the crime rate has not increased.¹⁷

While it may seem obvious that locking up *more* people would lower the crime rate, the reality is much more complicated. Sentencing and release policies, not crime rates, determine the numbers of persons in prison. . . . Michigan has undertaken what may be the currently most effective changes to reduce incarceration in any of the states. . . . As a Michigan Department of Corrections official bluntly stated in testimony to the Michigan legislature, these steps “have broken the political logjam that has consistently stymied many prior justice policy reform proposals,” by providing incentives for various stakeholders to support the initiatives and without requiring politically-sensitive reductions in statutory penalties for criminal offenses. . . .

The history of over-incarceration in Michigan illustrates why the fact that over-incarceration results from deliberate policy choices about punishment rather than directly from crime rates is actually good news. As a persuasive body of evidence demonstrates, with an effective criminal justice policy, public safety can be improved, crime rates lowered, and our massive over-incarceration reduced. Michigan’s experience is important because it demonstrates that common sense can in fact beat demagoguery and that smart-on-crime policies can actually triumph.¹⁸

This paper summarizes the most important lessons learned in Michigan on how to reduce recidivism. It is hoped that these lessons can assist other state corrections systems to achieve similar outcomes in improved public safety and reduced costs.

IV. The Seven Lessons

1. Understand the Political Context of the Work

Elected officials will ultimately make the decisions to allow executive branch agencies to act “tough AND smart” on crime issues. They need incentives and early successes. When focusing on crime reduction and fewer victims, working with offenders is easier to support.

2. Focus on Budget and Understand the Context of Reentry in the Larger Justice System

The work on offender crime and recidivism reduction is directly related to the national recognition that we cannot sustain the high budget levels for corrections, and we must reduce incarceration.

3. Dedication to Evidence-Based Strategies

It is impossible for major system reform to take shape without highly disciplined strategic planning based on research and evidence about what works when implementing targeted changes to policy and practice. Four cornerstones to the collaboration between justice and non-justice agencies are essential:

- Start with accurate offender risk and need assessment.
- Focus on improved offender case management, driven by accurate risk and need assessment, and work with one offender at a time to improve outcomes.
- Implement “success-driven” offender supervision that stresses the role of the supervising officer as a coach rather than merely a surveillance officer.
- Focus on agency-wide staff development and “change management,” not merely training. Justice agencies must become “learning organizations” and embrace the need to learn new approaches to reduce crime and recidivism.

4. Focus on Core Areas that Create Sustainable System Change

Corrections and parole agencies are complex, and it is difficult for leaders and staff to wrap their arms around the myriad of issues needed for sustainable system change. Focus on specific core areas of functions that are critical to the ability to sustain reforms over time. If capacity and competency within the justice agencies are needed, use outside assistance to help provide the skills and time needed to execute the needed changes. Areas for capacity and competency review include:

Mid-level organizational structure. Justice agencies must have mid-level managers who are competent and capable of overseeing the facility, field, and community work required to improve offender success. High-level leadership is critical, but changes must come from within the existing management structure. Champions must be identified who are willing to get in front of the initiatives and help develop them and then guide them through the trenches.

Resources for staff. All line staff must have the tools and resources necessary to improve offender success. Agencies must find ways to provide staff with incentives, rewards, technology, and training that will be required to conduct business in the new ways required by the system changes for recidivism reduction. Technology is critical to free staff

to work more closely with offenders so that their attitudes and beliefs are adjusted.

Fully integrated policy and procedure. Justice agency policies and procedures must eventually reflect that offender success and recidivism reduction is not just a “pilot” or “initiative” but is standard operating procedure. These reforms are not about programs, although programming is important; they are about fundamental changes in policy.

Internal and external collaboration. Effective and strategic collaboration with probation personnel, prison staff, parole agents, and community-based agencies will be key in determining the short-, intermediate, and long-term success of former prisoners. Community, faith, law enforcement, and victim leaders should not be an afterthought; they should be brought to the table as equal partners in the process. Sustained and long-term former offender success happens in communities, not in justice agencies.

Budget alignment. To ensure that the allocation of resources is consistent with policies and procedures, justice agency budgets should be analyzed to determine if current expenditures are supportive of the new vision of improved offender success. Justice agency budgets have plenty of funding. The key is not to find more money; it is to spend the money they have more efficiently and in ways that are more effective at improving offender outcomes.

Assessment, measurement, and evaluation. To ensure that justice agencies develop and implement new and innovative ways to measure offender success and failure, more resources need to be allocated to evaluating and implementing evidence-based practices, such as risk and need assessment tools, that drive case management and then evaluating their impact on crime.

Engage other human service agencies. State and local agencies outside the justice system should be represented on both state and local policy teams and included in efforts to promote offender success, especially when these agencies present barriers that work against recidivism reduction efforts. Offenders can only succeed when their needs are viewed holistically; planning and implementation committees and councils should reflect that. Leaders in housing, addiction services, training and employment, and mental health should be at the table.

Quality assurance. To ensure data drives decisions aimed at improving policies, procedures, and programs on an ongoing basis, justice agencies must develop and implement quality assurance mechanisms that continually assess program fidelity, staffing efforts, and offender outcomes. This needs to be a formalized, fully resourced process.

5. Local Comprehensive Community Planning

Community leaders must own offender programs and be full partners in the process, and this ownership should have explicit expectations for engagement. In Michigan, local

Steering Teams were responsible for developing and reaching consensus in a collaborative manner on local, community-based Comprehensive Community Plans for both diversion from prison to probation on the front end and prisoner reentry on the back end. To be funded by the state, the local Plans had to address specific service areas such as housing, employment, substance abuse services, mental health, transportation, victim services, and the involvement of local law enforcement and faith-based institutions. For each of these service areas, the Comprehensive Community Plan described the local assets in place to increase the potential for success for former prisoners, barriers that impede maximum use of these assets, gaps in services, and proposed solutions to address the barriers and gaps. Thus, the Plans built upon existing services and embedded their use within the context of comprehensive service delivery. Plans must focus on both policy and procedure that is critical to implementation: Who does What and When.

6. Local Management and Community Coordination

Local community coordinators are the essential staff to both local diversion efforts and the prisoner reentry process at each of Michigan’s eighteen regional sites, as they are responsible for staffing the Steering Team and managing the development and implementation of the Comprehensive Plans. They coordinate and monitor the use of funds, the effectiveness of service delivery, community outreach and education, and collaboration with service providers and justice system professionals.

7. Public Education and Outreach

In Michigan, nothing was more important to prison diversion efforts and prisoner reentry efforts than continual public education. Taxpayers must recognize recidivism reduction services as public protection strategies, not as “coddling convicts.” This requires a disciplined dedication of purpose that must be carefully developed, implemented, and managed. Local diversion and reentry steering teams comprised of elected and other officials offer many avenues to educate the public and special stakeholder groups. Fundamental to full community support, for example, is the support of law enforcement officials such as chiefs of police, sheriffs, and prosecutors who dedicate their careers to fighting crime. Their involvement in the local process as partners in the development and the execution of the Public Education Plan is essential to gain and sustain their ongoing support.

V. Conclusion

In conclusion, Michigan’s story about improving prisoner reentry is one of several in the nation that show how improvements in policy and practice, anchored in research and proven over time, can pave the way for other states to “improve the odds that released offenders will not reappear at the prison gate. That outcome benefits everyone, saving public funds and keeping communities safe.”¹⁹ If states

will apply with fidelity the many lessons learned in Michigan that are outlined in this paper, they have great potential to reduce mass incarceration.

Notes

- * The Michigan Council on Crime and Delinquency (MCCD), established in 1956, is dedicated to improving the effectiveness of policies and systems aimed at the prevention and reduction of crime and delinquency. MCCD's Center for Justice Innovation specializes in adult corrections and justice policy issues, and seeks to build capacity within state and local jurisdictions to improve both system and individual offender outcomes through the use of evidence-based practices. These improved outcomes include: (1) fewer crimes committed by formerly incarcerated individuals and individuals who have been or are currently under correctional supervision in the community; (2) community- and institution-based programs that demonstrate increased fidelity to the standards of evidence-based practices; (3) prevention of unnecessary confinement of offenders in jail and prisons; and (4) reduced costs and improved efficiencies.
- ¹ 106th Naacp National Convention (Whitehouse.gov broadcast, July 14, 2015). President Barack Obama stated, "Mass incarceration makes our country worse off, and we need to do something about it."
- ² Columbia School of International and Public Affairs: 18th Annual David N. Dinkins Leadership and Public Policy Forum (Columbia Media Services 2015), <https://sipa.columbia.edu/dinkins-forum>. In Democratic presidential hopeful and former Secretary of State Hillary Clinton's speech, she called for body cameras in every police department in the country, as well as an end to an "era of mass incarceration."
- ³ Inimai Chettiar, *Republicans and Democrats agree: End mass incarceration*, Aljazeera America (Sept. 26, 2015, 2:00 AM), <http://america.aljazeera.com/opinions/2015/9/republicans-and-democrats-agree-end-mass-incarceration.html>. Republican presidential candidates Jeb Bush, Carly Fiorina, Rand Paul, Chris Christy, and Democratic candidates Hillary Clinton, Bernie Sanders, and Martin O'Malley have all called for criminal justice reforms in their runs for president.
- ⁴ Inimai Chettiar & Rebecca Mccray, *Sing it, Newt! Gingrich and Allies Promote Criminal Justice Reform*, American Civil Liberties Union (Jan. 13, 2011, 4:57 PM) <https://www.aclu.org/blog/speakeasy/sing-it-newt-gingrich-and-allies-promote-criminal-justice-reform>.

- ⁵ See, e.g., Brad Bogue et al., *Implementing Evidence-Based Policy and Practice in Community Corrections* 11–21 (2nd ed. 2009).
- ⁶ Dean L. Fixsen et al., *Implementation Research: A Synthesis of the Literature* 51 (2005).
- ⁷ Stephen M. Haas, *Current Practice and Challenges in Evidence-Based Community Corrections*, 15 *Just. Res. & Pol'y* 1, 1 (2013).
- ⁸ Dean L. Fixsen, Karen A. Blasé, & Amy Campbell, *Implementation and Public Policy* 17 (2012).
- ⁹ Thomas E. Feucht & Christopher A. Innes, *Contemporary Issues in Criminal Justice Policy* 7–16 (Natasha Frost, Joshua Freilich & Todd Clear eds., 1st ed. 2010).
- ¹⁰ Thomas E. Feucht, *Cultivating Evidence: Linking Knowledge from Innovation to Program Evaluation and Multi-Site Replication*, American Society of Criminology Annual Meeting (2010); Fixsen et al., *supra* note 6; Haas, *supra* note 7.
- ¹¹ Fixsen, *supra* note 6, at 51.
- ¹² *States Report Reductions in Recidivism*, Justice Center (Sept. 25, 2012) <https://csgjusticecenter.org/nrrc/publications/states-report-reductions-in-recidivism-2/>.
- ¹³ *Id.*
- ¹⁴ *Michigan Prisoner Reentry: A Success Story*, Michigan Department of Corrections (2013) https://www.michigan.gov/documents/corrections/The_Michigan_Prisoner_Reentry_Initiative_A_Success_Story_334863_7.pdf.
- ¹⁵ *Id.* From 2006 to 2009 the prison population dropped from 51,577 to 45,478—a 12% drop in three years. The decline continues today; through February 2013, the population has dropped by 17%.
- ¹⁶ Nicole D. Porter, *On the Chopping Block: State Prison Closings*, The Sentencing Project (August 2011) [http://sentencingproject.org/doc/publications/On_the_chopping_block_-_state_prison_closings_\(2\).pdf](http://sentencingproject.org/doc/publications/On_the_chopping_block_-_state_prison_closings_(2).pdf).
- ¹⁷ See Luke Mogelson, *Prison Break: How Michigan managed to empty its penitentiaries while lowering its crime rate*, *Washington Monthly*, (Nov/Dec. 2010) <http://www.washingtonmonthly.com/features/2010/1011.mogelson.html>.
- ¹⁸ Elizabeth Alexander, *Michigan Breaks the Political Logjam: a New Model for Reducing Prison Populations*, American Civil Liberties Union (Nov. 2009) <https://www.aclu.org/files/assets/2009-12-18-MichiganReport.pdf>.
- ¹⁹ Susan K. Urahn, et al., *State of Recidivism: The Revolving Door of America's Prisons*, Pew Center For the States (April 2011) https://www.michigan.gov/documents/corrections/Pew_Report_State_of_Recidivism_350337_7.pdf. See also, Marc Mauer, *Downscaling Prisons; Lessons from Four States*, The Sentencing Project (2010) http://www.sentencingproject.org/doc/publications/publications/inc_DownscalingPrisons2010.pdf.