

Review of Sentencing and Supervision in Washington State

A report by The Council of State Governments Justice Center provided for the
Washington Sentencing Guidelines Commission

May 2019

Executive Summary

From 2018 to 2019, The Council of State Governments (CSG) Justice Center provided the Washington Sentencing Guidelines Commission (SGC) with analysis on policies and practices related to various aspects of the state's criminal justice system. This work was done to help inform the commission's review of the Sentencing Reform Act required under Engrossed Substitute Senate Bill 6032, Chapter 299, Laws of 2018. CSG Justice Center staff examined and analyzed the following key areas:

- Current literature on effective supervision practices
- Washington felony sentencing approaches and trends
- Recidivism
- Trends for people on supervision

Research strongly supports the idea that community supervision can result in reductions in recidivism and technical violations of supervision when risk, need and responsivity principles are followed. With the adoption of the risk principle in statute — focusing supervision on people at the highest risk of recidivating — and the statewide implementation of a swift and certain approach to supervision, Washington is well positioned to benefit from the potential recidivism-reduction impacts that a strong system of community supervision can deliver. However, findings from this study suggest that the state may not be realizing its full recidivism-reduction potential.

Since 2010, the number of sentences for felony offenses has increased in Washington, particularly sentences for certain property and drug offenses. Over 90 percent of these sentences include a term of incarceration, either to jail or prison. While post-release supervision is statutorily reserved for people with a high risk of recidivating, it does not pertain to people sentenced for property offenses. As a result, people with property offenses often go unsupervised.

Violations of people on supervision in Washington have also increased in recent years. These increases exist across multiple metrics, including the number of admissions and people admitted to jail for supervision violations, the length of stay for people admitted due to supervision violations and the population in jail on any given day for supervision violations. In reviewing statutory policies related to supervision, a few areas stand out as potentially exacerbating these trends. For example, supervision violations stay on record regardless of severity for as long as a person is on supervision, allowing for stacking of violations over time, which leads to longer lengths of stay in jail. Finally, findings are mixed when comparing recidivism rates of people sentenced to jail or released from prison who have supervision and do not have supervision and suggests that further study is warranted.

This study highlights some noteworthy trends and practices in Washington, but further examination is needed to answer important questions about drivers of increases in felony sentences and supervision violations, and to identify strategies that can yield recidivism reduction for Washington.

Background

In the fall of 2018, the Washington Office of Financial Management contracted with The Council of State Governments (CSG) Justice Center to assist the Washington Sentencing Guidelines Commission (SGC) in its review of the Sentencing Reform Act required under Engrossed Substitute Senate Bill 6032, Chapter 299, Laws of 2018. The purpose of the assistance was to provide the state with an analysis of criminal justice system trends and practices using Washington data and to identify for the state key components of effective community supervision based on current literature. Over the course of eight months, CSG Justice Center staff received and analyzed case-level data from three state agencies, including information on prison admissions, admissions for supervision violations, felony sentences, and arrests, and assembled key findings from research literature on the components of effective supervision. In the course of the analysis, CSG Justice Center staff gave three presentations to the SGC to provide an overview of effective supervision practices and the impact that supervision can have on reducing recidivism. These presentations also included analysis on Washington sentencing trends and structures, recidivism rates of people sentenced for felony offenses and supervision policies and practices in the state, including trends for people on supervision. This report provides a summary of the analyses conducted, related methodologies and key findings provided to the SGC, including general best practices in supervision and current practices in Washington.

Review of Effective Supervision Practices

Risk, Need, Responsivity

Risk, need and responsivity principles are fundamental components of reducing recidivism for people on community supervision. These principles state that supervision should be focused on people at the highest risk of recidivating; that programs should be prioritized to address the needs most associated with recidivism; and that interventions should be delivered according to a person's unique learning style, motivations and/or circumstances. Research strongly supports that community supervision can result in reductions in recidivism and violations of supervision when these principles are followed, with greater adherence to these principles resulting in greater reductions in recidivism.¹ Further, recent research has focused on the mindset of supervision and corrections officers and the type of relationships they build with the people they supervise, noting that additional recidivism-reduction potential exists when officers use a strengths-based, therapeutic approach in their interactions. This concept is known as becoming a “coach” rather than a “referee” and is truly the embodiment of core correctional practices, which focus on building relationship skills, problem solving, effective reinforcement and modeling in interactions with people under supervision or in a correctional setting.²

In contrast to the evidence supporting the benefits of effective community supervision, there is evidence to suggest that the prison environment may be criminogenic and lead to higher rates of recidivism.³ While prisons are effective at reducing a person's immediate chances of recidivism

through incapacitation, any long-term impacts to deter future crime are unlikely. Instead, people may learn more effective crime techniques and become more susceptible to a criminal lifestyle while in prison.⁴ In several states, people sentenced directly to probation exhibited lower recidivism rates than people with similar profiles who were sentenced to prison, even when the prison sentence was followed by a term of supervision.⁵

The state of Washington has taken meaningful steps to incorporate best practices into supervision policy and practice. From 2000 to 2005, the state passed a series of legislative reforms that required recidivism risk to be considered in the application of supervision.⁶ This ultimately resulted in the elimination of supervision for people convicted of felony and misdemeanor offenses who are deemed to be at a low risk of recidivating, excluding people convicted of serious violent offenses or sex offenses and people with an alternative sentence, such as the First-Time Offender Waiver, for which supervision was maintained regardless of risk. These policy changes led to dramatic reductions in the number of people on community supervision in Washington, with the goal of focusing supervision resources on people at the highest risk of recidivating.

One curious exception to this statutory application of the risk principle was the exclusion of supervision for people sentenced for property offenses, a group that tends to have higher rates of recidivism and thus higher risk than people sentenced for other types of crimes. Unless the sentence involves an alternative, such as the First-Time Offender Waiver, people sentenced for property offenses, even if they are high risk, cannot receive a period of supervision with their sentence. On the other hand, people sentenced for certain violent offenses and those with alternative sentences must receive supervision, even if they have a low risk of reoffending.

Swift and Certain Sanctions

In 2004, a pilot program was launched in Hawaii to reduce probation violations among people supervised for drug offenses and at a high risk of recidivism. The focus of this program, called HOPE probation (Hawaii's Opportunity Probation with Enforcement), was to provide intensive drug treatment to people who needed it most and to respond quickly and consistently to behavior that violated conditions of supervision. Responses to supervision violations occurred immediately upon a court finding that the behavior took place (i.e., within 72 hours) and consisted of short stays in jail, an approach that came to be known as Swift and Certain (SAC) punishment.⁷ The basis for the SAC approach is grounded in research showing that people are more effectively deterred from crime when there are immediate and highly probable threats of punishment for that crime.⁸

A 2009 evaluation of the HOPE program showed that participants were less likely to be arrested, use drugs, miss appointments with probation officers and have their probation revoked than people not in the program.⁹ These signs of success led jurisdictions nationwide to consider implementing practices similar to the HOPE model. In 2012, Washington became the first state to implement a SAC program statewide.¹⁰

Evaluations of these subsequent implementations in Washington and elsewhere have shown mixed results. A 2015 study in Washington found that people starting supervision during the first year of implementation of SAC had reduced propensities for reconviction, confinement following a violation and lengths of stay in confinement when compared to a historical comparison group.¹¹ However, this early examination of SAC in Washington may not have been able to account for implications of SAC sanctions for people on supervision over a long period of time. For example, as people accumulate higher numbers of supervision violations, the certainty of confinement following the violation and the length of stay in confinement for each violation increases.¹² Moreover, these increases are statutorily required with little allowable discretion on the part of the supervising officer or judge.

A 2018 evaluation of four demonstration sites in Arkansas, Massachusetts, Oregon and Texas indicated that implementation of the HOPE model in these sites did not produce better outcomes than “conventional” probation supervision.¹³ Given these mixed results and the varied circumstances that exist across states and jurisdictions regarding the HOPE model of supervision, important questions remain about programs built upon this model and its effectiveness.

Study Methodology for Analysis of Washington Data

Description of Data

The CSG Justice Center obtained case-level data from three Washington state agencies for this project. The Department of Corrections (DOC) provided data from its Offender Management Network Information database on admissions to and releases from state prison due to a sentence imposed by the court and admissions to and releases from local jails/violator centers due to supervision violations. Additionally, data were provided for people under the jurisdiction of DOC (in prison/jail or on community supervision) in a given period. Along with dates associated with DOC jurisdiction and admission/release from a state prison or local jail/violator center, the DOC data contained variables on the most serious offense for that DOC jurisdiction period, admission/release type, risk level, state ID number and demographic information for the person admitted to, released from or under the jurisdiction of the DOC. The data provided accounted for calendar years 2015–18.

The Caseload Forecast Council (CFC) provided data from its database, which includes all felony sentences in a given year for fiscal years 2014–18. The CSG Justice Center had previously obtained sentencing data for fiscal years 2000–13 for the Washington Justice Reinvestment project, and, with permission from the CFC, created a sentencing dataset for fiscal years 2000–18. The sentencing data contained variables on sentence date, offense information for all offenses associated with a sentence, including identification of the lead charge; sentence length; type of sentence (jail or prison); time served pretrial; state ID number; demographic information for the person sentenced and location of a sentence on the sentencing grid (Seriousness Level and Offender Score).

The Washington State Patrol (WSP) provided data on arrests for anyone arrested in the state of Washington for all years captured in the WSP database, containing more than 10 million records going back more than 40 years. The arrest data contained variables on date of arrest, date of offense, description and statutory reference of offense, state ID number and demographic information for the person arrested.

CSG Justice Center staff matched data using the state ID number across datasets from the three separate sources to conduct recidivism and other analyses. The multiple datasets (admissions, releases and supervision) obtained from DOC were matched using the DOC number, a unique person identification number used only by the DOC to bring together prison/jail admission and release data with offense and demographic data into a single dataset.

Variables

For this study, recidivism was defined as rearrest or reconviction and calculated for multiple cohorts of people sentenced to jail or released from prison in fiscal year 2015 (for three-year rates) and in fiscal year 2017 (for one-year rates). For the jail sentence cohorts, an estimated release date was calculated using sentence date, sentence length and credit for time served pretrial (credit for time served subtracted from sentence length and the resulting number of days added to sentence date). Recidivism was then calculated as an arrest or conviction occurring within three years of the estimated release date. If a person was rearrested or reconvicted before their estimated release date from jail but after their current sentence date, the recidivism event was still counted, and the person was considered a recidivist. For the prison release cohorts, only people released after serving a sentence at the DOC were included. People released after serving time for a supervision violation were not included. People who were released from prison or jail more than once in a fiscal year were counted only once in the analysis based on the earliest release date in the fiscal year. Both felony and misdemeanor arrests were included as a rearrest, while only felony convictions were included as a reconviction, as data on misdemeanor convictions was not included in the CFC dataset.

To identify people who were on supervision following release from jail or prison, CSG Justice Center staff matched DOC jurisdiction data to sentencing data and to prison release data, respectively. The jurisdiction data contained start and end dates that covered the time a person was under the jurisdiction of the DOC, whether incarcerated or on community supervision. If the jurisdiction dates indicated that a person was under DOC jurisdiction for at least 60 days following a jail or prison release, that person was considered to be on supervision following release. The 60-day window was suggested by DOC staff to account for the intake and assessment process for people starting supervision. People who are found to be ineligible for supervision in Washington (i.e., assessed as low risk and sentenced for certain offenses) are typically removed from supervision within 60 days.

The categorization of offense type (person, property, drug offense) used in this study was dependent on the type of analysis conducted. While analyses that involved sentencing data and jail recidivism relied upon the offense categorization used by the CFC, analyses that involved DOC prison data,

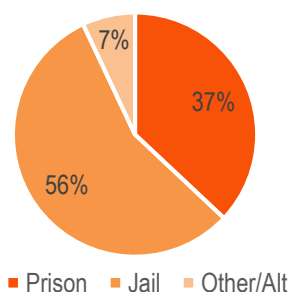
such as prison release recidivism, used the offense categorization provided by the DOC. Some differences exist between the Forecasting Category, or offense type, used by the CFC and the statutory categories assigned to certain offenses. For example, Burglary 1 is a property offense under the CFC-defined category, but statutorily it is a violent offense. These differences generally apply to relatively few cases.

Analysis of Washington Data

Descriptive and Trend Analysis of Felony Sentences

In Washington, over 90 percent of felony sentences include a period of incarceration to either jail or prison. While 17 percent of felony sentences receive an alternative, such as the First-Time Offender Waiver (FTOW) or Drug Offender Sentencing Alternative (DOSA), approximately 10 percent of these alternative sentences also include a jail or prison term, leaving only 7 percent of sentences that do not include a sentence of incarceration (see Figure 1).

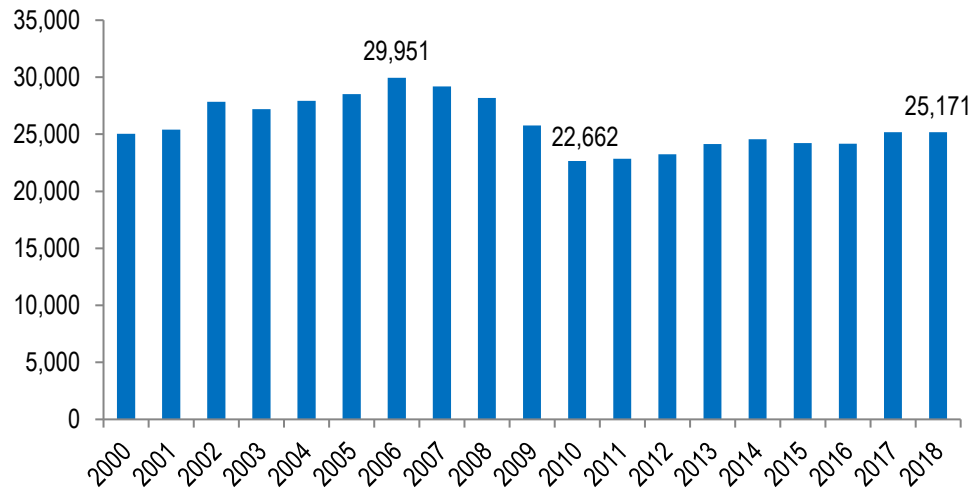
Figure 1. Felony Sentences in Washington by Disposition Type, Fiscal Year 2018



Source: CSG Justice Center analysis of Caseload Forecast Council data; Bureau of Justice Statistics, National Judicial Reporting Program, Felony Sentences in State Courts, 2006 Statistical Tables.

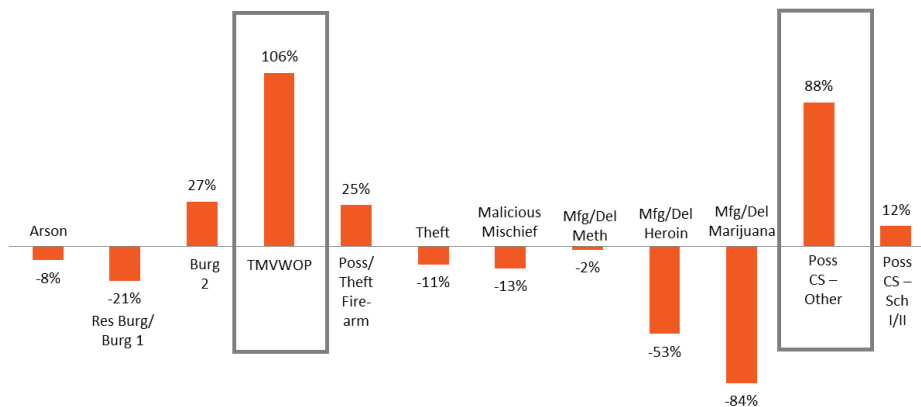
Felony sentences in Washington have increased 11 percent since reaching a near two-decade low in 2010 (see Figure 2). Sentences for property and drug offenses increased 8 and 21 percent, respectively, while sentences for person offenses decreased 1 percent. As shown in Figure 3, among property offenses, Burglary 2, Possession or Theft of a Firearm and Taking a Motor Vehicle Without Permission (TMVWOP) all increased at least 25 percent, with TMVWOP increasing 106 percent. Among drug offenses, sentences for all manufacturing and distribution offenses declined, while sentences for possession offenses increased, with Possession of a Controlled Substance – Other (non-Schedule I/II) having the highest increase at 88 percent.

Figure 2. Felony Sentences in Washington, Fiscal Years 2000–2018



Source: CSG Justice Center analysis of CFC data.

Figure 3. Percent Change in Washington Felony Sentences by Offense Type, Fiscal Years 2010–2018

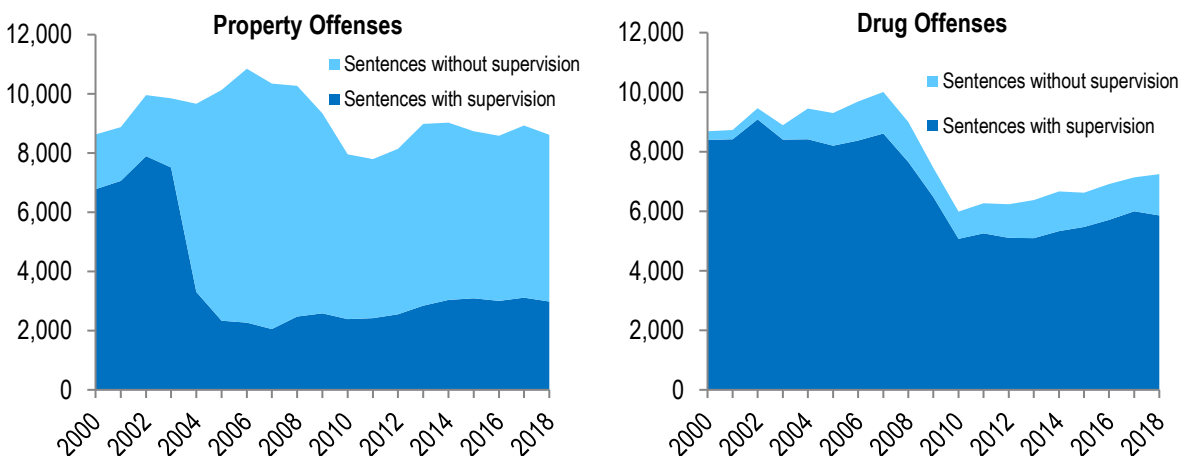


Source: CSG Justice Center analysis of CFC data.

While nearly all felony sentences receive a sentence of incarceration in Washington, a period of supervision is not given by default but may be ordered following the term of incarceration in instances clearly defined by statute. In 2003, the state legislature passed a law that prohibited supervision for people sentenced for property offenses unless the sentence involved a sentencing alternative (e.g., FTOW, DOSA). Conversely, people sentenced for drug and person offenses may be supervised if they are assessed as being at a high risk of reoffending, and people sentenced for serious violent offenses may be supervised regardless of risk. As a result, people sentenced for property offenses have much lower rates of supervision associated with their sentence. Figure 4 shows the effect of these legal and policy changes on the proportion of sentences for property and

drug offenses with orders of supervision. Despite the fact that people convicted of property offenses tend to have high rates of recidivism — and that people convicted of drug offenses tend to have similar, often overlapping characteristics — rates of supervision are now considerably lower among people sentenced for property offenses than those sentenced for drug offenses.

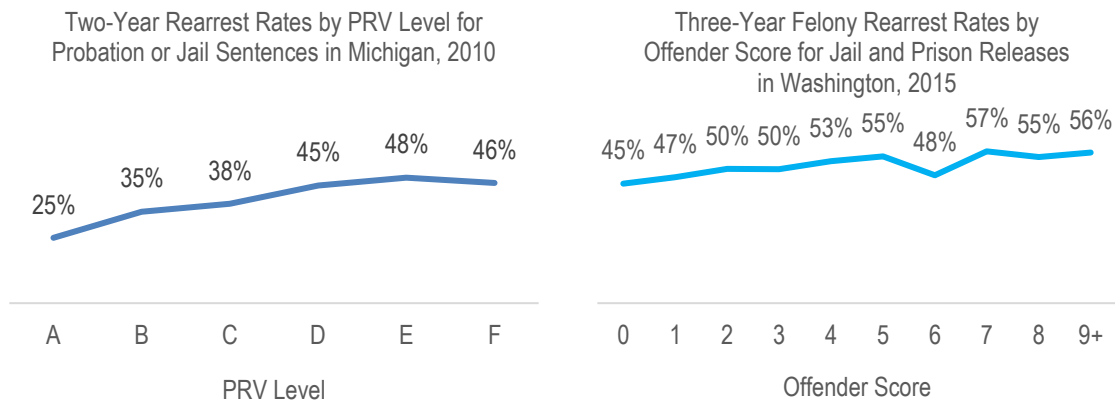
Figure 4. Proportion of Sentences for Property and Drug Offenses with Orders of Supervision in Washington, Fiscal Years 2000–2018



Source: CSG Justice Center analysis of CFC data.

The determination of sentence length in Washington is based on the state’s sentencing guidelines grid adopted under the Sentencing Reform Act of 1981. As with all state sentencing guidelines, a combination of offense severity and prior criminal history is used to guide disposition and sentence length decisions, with the goal that people with more severe offenses and/or more extensive criminal history receive more restrictive dispositions and longer sentence lengths. In Washington, these elements of the guidelines are known as the Seriousness Level and Offender Score, which are represented as the rows and columns of the state’s sentencing grid. While in other state sentencing guidelines, the representation of prior criminal history is a good indicator of likelihood of recidivism, this is not the case for Offender Score in Washington. Figure 5 shows recidivism rates by criminal history indicator score in Michigan, known as the Prior Record Variable, compared to recidivism rates by Offender Score in Washington. While recidivism in both states increases as the criminal history score increases, the relationship is much weaker in Washington.¹⁴ For example, recidivism rates for people with a mid-range Offender Score, such as four, are only two to three percentage points lower than recidivism rates for people with the highest possible Offender Score. This weak relationship between recidivism and Offender Score is problematic as it undermines the goal of Washington’s sentencing guidelines to give sentences that are “proportionate to the seriousness of the offense and the offender’s criminal history.”¹⁵

Figure 5. Recidivism Rates by Criminal History Indicator Score in Michigan and Washington

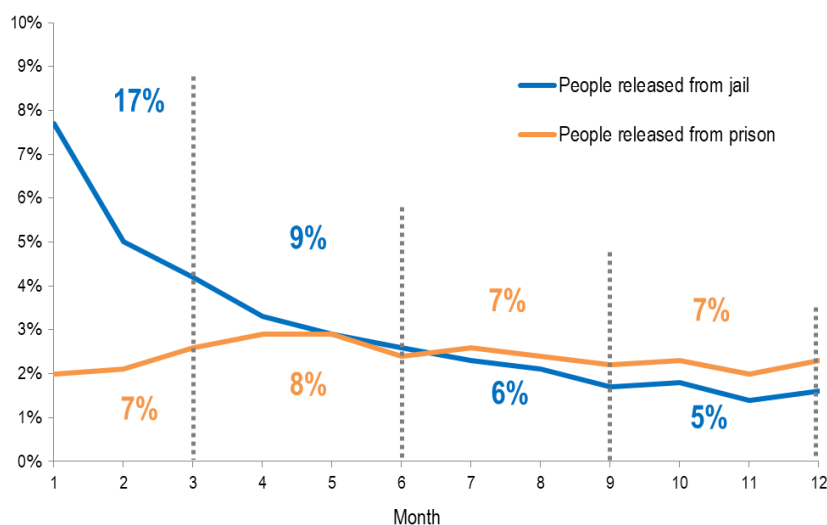


Source: CSG Justice Center, Presentation to the Michigan Law Revision Commission, May 2014; CSG Justice Center analysis of DOC and CFC data.

Washington Recidivism Trends

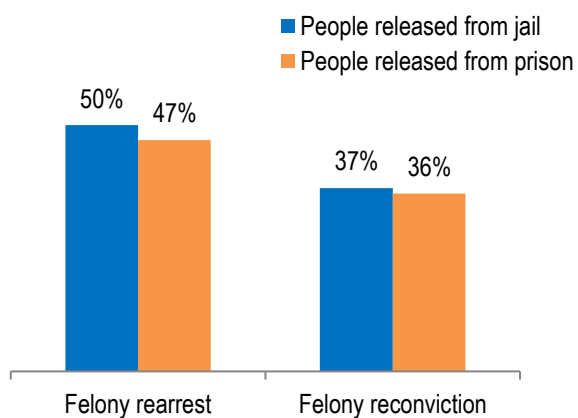
CSG Justice Center staff analyzed recidivism rates for people released from jail and prison in fiscal years 2015 and 2017, examining rates of rearrest and reconviction three years and one year following the date of release (see Figures 6 and 7). People released from jail had higher recidivism rates than people released from prison in the first six months following release. Over the full three-year tracking period available for the 2015 cohort, recidivism rates were only slightly higher for people released from jail. While differences in the level of programs, services and reentry planning that people receive in jail or prison may impact recidivism, it may also be true that people released from jail have a greater likelihood of reoffending due to the types of offenses that receive a jail sentence.

Figure 6. Washington Jail and Prison Release One-Year Felony Rearrest Rates by Month, Fiscal Year 2017 Releases



Source: CSG Justice Center analysis of DOC, WSP and CFC data.

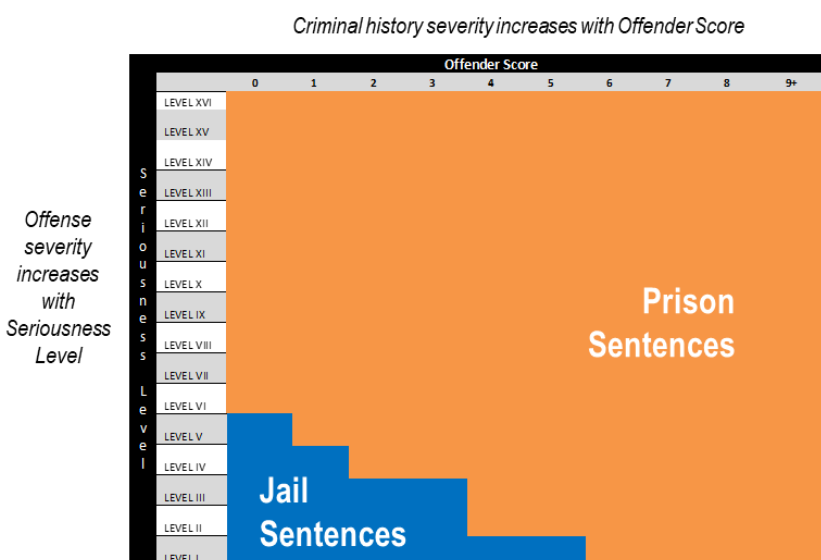
Figure 7. Washington Jail and Prison Release Three-Year Felony Rearrest and Reconviction Rates, Fiscal Year 2015 Releases



Source: CSG Justice Center analysis of DOC, WSP and CFC data.

In Washington, whether a person receives a jail or a prison sentence is largely driven by where they fall on the sentencing grid as dictated by their current offense Seriousness Level and their Offender Score. While judges may order sentences that deviate from the guidelines, evidence of mitigating or aggravating factors is required to do so. As shown in Figure 8, people with a jail sentence tend to have low-severity offenses and Offender Scores, while people with a prison sentence may have a low-severity offense and high Offender Score or a high-severity offense with any Offender Score.

Figure 8. Current Washington Sentencing Grid for Standard Offenses



It is difficult to draw conclusions from recidivism comparisons between people released from jail and prison, because the characteristics and backgrounds of people receiving jail and prison sentences are fundamentally different. A more thorough examination of the risk profiles of jail and prison populations is needed to better understand recidivism among these groups.

Similar questions arise in the examination of the impact of supervision on recidivism rates for people released from jail and prison. Table 1 below shows three-year felony rearrest rates for people released from jail both with and without a period of supervision following release. For people released from jail, those with supervision had lower recidivism rates than those without supervision following release, while for people released from prison the opposite was true.

Table 1. Three-Year Felony Rearrest Rates for People Released from Jail and Prison in Washington in Fiscal Year 2015

People Released from Jail	
With supervision	49%
Without supervision	50%
People Released from Prison	
With supervision	48%*
Without supervision	44%*

*Difference in recidivism between groups is significant at $p < .05$ level.

Source: CSG Justice Center analysis of DOC and CFC data.

Overall, people released from prison with supervision had higher recidivism rates than people released from prison without supervision, but this is not the case across people with different risk levels. Table 2 provides recidivism rates for people released from prison with and without supervision by risk level. Recidivism rates for high-risk people released from prison to supervision are lower than for high-risk people released without supervision, but this is not the case for low- and moderate-risk people. This could confirm other research showing that supervising low-risk people is counterproductive and actually increases the likelihood of recidivism. These findings suggest that the effects of supervision on recidivism should be explored further.

Table 2. Three-Year Felony Rearrest Rates for People Released from Prison in Washington in Fiscal Year 2015 by Risk Level

High Risk	
With supervision	52%*
Without supervision	54%*
Moderate Risk	
With supervision	40%*
Without supervision	18%*
Low Risk	
With supervision	17%
Without supervision	16%

*Difference in recidivism between groups is significant at $p < .05$ level.

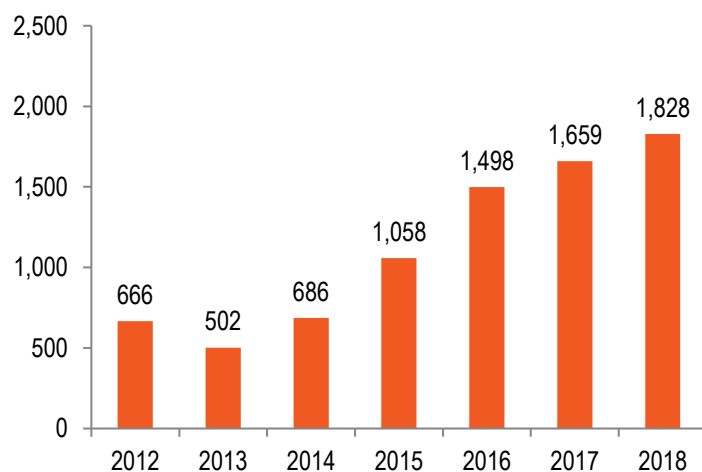
Source: CSG Justice Center analysis of DOC and CFC data.

Issues that complicate an examination of supervision that were not addressed in this study are the statutory restrictions on supervision and the lack of supervision as a sentence in the guidelines. The Washington sentencing guidelines offer a range of months for incarceration in jail (12 months or less) or prison (more than 12 months) with no option for what is referred to in other states as “straight” probation. Outside of an alternative sentence or sentences for certain serious, violent offenses, Washington statute dictates that only people sentenced for drug or person offenses who are also assessed as high risk may be supervised. Judges may include a term of supervision with a sentence of incarceration, but even the recommended terms of supervision can be mooted if the person is not assessed as high risk. For non-prison sentences, a judge may order a jail sentence that results in time served (i.e., time ordered at sentencing is equal to or less than the time served in jail pretrial) and add on a period of supervision, but that is not required, and the person must be assessed as high risk to remain on supervision. People receiving an alternative sentence always get a period of supervision, but certain criteria must be met to receive an alternative sentence (e.g., no prior violent offense). Obtaining comparable groups is a challenge when the options for supervision are so circumstantially limited, and supervision often occurs only following a release from incarceration.

Trends in Supervision Violations

In the two years following the implementation of a Swift and Certain approach to supervision sanctioning in Washington in 2012, the average daily jail population for supervision violations remained steady or declined. Since 2014, this trend has reversed, and the population has increased at a rate much higher than the increase in the total supervision population (see Figure 9). Between 2014 and 2018, the total supervision population increased 19 percent compared to a 166-percent increase in the supervision violator population. While this increase may, in part, be the result of improvements in capturing data on violator populations within the DOC OMNI system that occurred in 2016, the violator population has continued to increase since these system improvements were made.

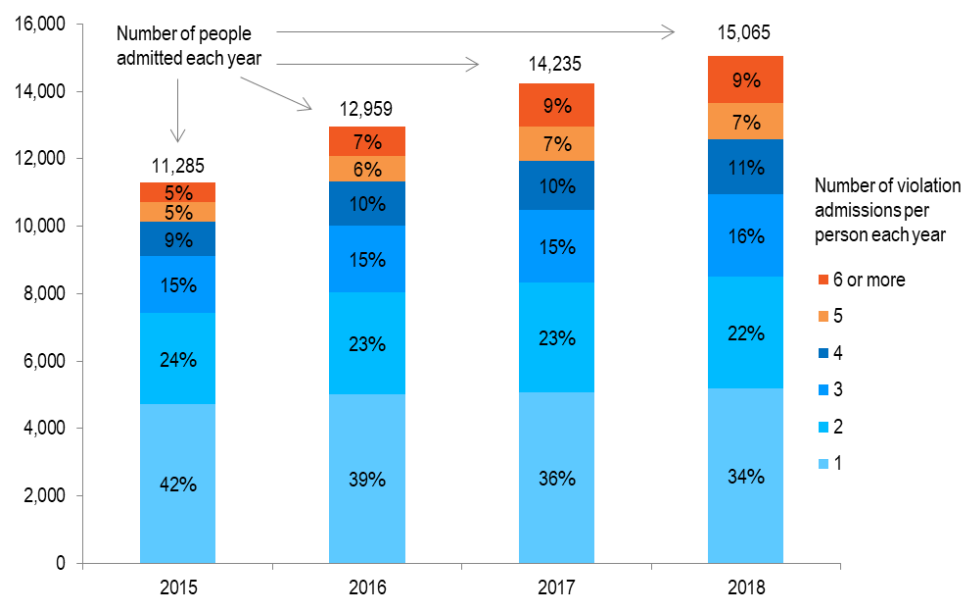
Figure 9. Washington Average Daily Jail Population for Supervision Violations, June 2012 – June 2018



Source: CSG Justice Center analysis of DOC.

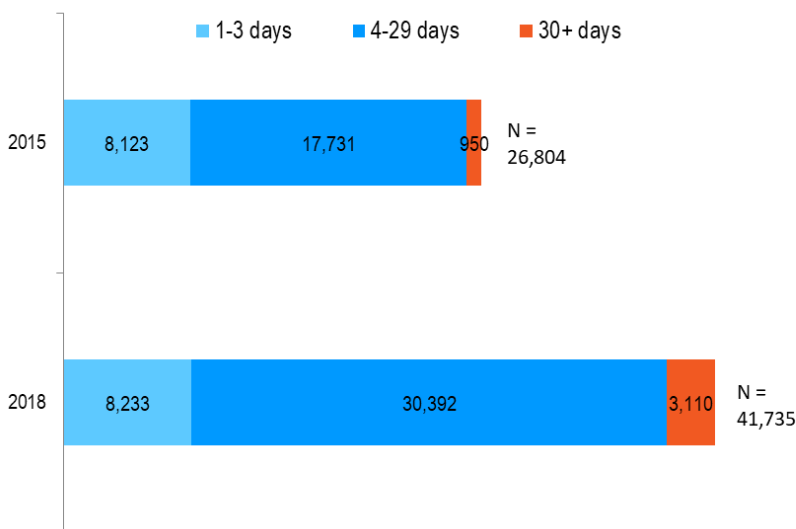
Increases in incarcerated populations are driven by increases in admissions (the volume of people coming into the system), length of stay (the amount of time people are incarcerated) or a combination of both. In Washington, the number of people incarcerated for supervision violations and the average amount of time incarcerated for supervision violations have both increased. Figure 10 shows that the number of people incarcerated for supervision violations and the number of violation admissions per person has increased. Figure 11 shows that while the number of violation admissions lasting one to three days increased only 1 percent between 2015 and 2018, the number lasting four to 29 days increased 71 percent and the number that are 30 days or longer has more than tripled in that period. The amount of time a person is incarcerated for a supervision violation is driven by two potential factors: the number of violations the person has and whether the violation is a “low-level” violation (e.g., missed appointments) or a “high-level” violation (e.g., new arrest). While the data presented in Figure 10 suggests that higher numbers of violations per person may be impacting length of stay, the extent to which this is the case and how the types of violations also impact length of stay is unclear.

Figure 10. Number of People Admitted for Violations and the Average Number of Admissions Per Person Each Year in Washington, Fiscal Years 2015–2018



Source: CSG Justice Center analysis of DOC data.

Figure 11. Number of Days Incarcerated per Violation Admission in Washington, Fiscal Years 2015 and 2018



Source: CSG Justice Center analysis of DOC data.

While presenting this information to the SGC, CSG Justice Center staff identified several supervision policies that could be exacerbating these trends. For example, there is little to no discretion given to supervision officers or judges in the decision to impose a sanction or what the sanction entails, meaning that even the most minor infractions will often result in a formal sanction. This is, in part, driven by the lack of sovereign immunity in Washington, meaning that the state is not immune from civil suit or criminal prosecution and may be liable for the actions of people under supervision. Additionally, while a “washout period” is commonly used in guideline states in calculating criminal history that excludes prior convictions of lower severity after a certain period, no such policy exists in Washington for supervision violations, meaning that violations stay on record regardless of the severity or the passage of time since the last violation. Given the lack of discretion in decision-making related to violations and the lack of formal policy that takes severity or the time between violations into consideration, violations may accumulate over time leading to lengthier jail stays for each violation. Lastly, while the state has instituted caps on the length of probation, there is no form of early discharge from supervision. Multiple orders of supervision are nearly always interpreted by the DOC to run consecutively rather than concurrently, despite a lack of guidance on this matter in statute. This interpretation results in longer supervision periods that can extend beyond the statutory cap.

Other states have adopted similar approaches to supervision sanctioning, employing short periods of confinement in jail in response to violations, yet Washington stands out for its number of annual admissions to jail for supervision violations. Table 3 presents a comparison with North Carolina, a state that has made substantial efforts to implement an approach based on RNR and SAC principles and has greatly improved supervision outcomes and larger system issues in recent years as a result. As compared to Washington, North Carolina has approximately twice the number of people under

supervision in a given year but with only a fraction of the violation admissions to jail. This suggests that it is the policies and practices specific to Washington that are resulting in high numbers of violation admissions rather than the broader approach of swift and certain sanctions alone.

Table 3. Comparison of Washington and North Carolina in Number of Supervision Violation Admissions to Incarceration

State	People on or starting supervision in a year	Annual number of supervision violation admissions to incarceration (excludes revocation)	Violation admissions per 100 people supervised
Washington	38,015	41,745	109
North Carolina	84,003	3,049	4

Source: CSG Justice Center analysis of DOC data; Personal communication with WADOC staff; North Carolina Department of Public Safety, Automated System Query, <http://webapps6.doc.state.nc.us/apps/asqExt/ASQ>; North Carolina Sentencing and Policy Advisory Commission, Justice Reinvestment Act Implementation Evaluation Report, 2018.

Discussion and Conclusion

This study highlights findings from three presentations given to the SGC by CSG Justice Center staff following an analysis of state policies, practices and data-driven analyses of outcomes in the areas of sentencing, recidivism and supervision. Notable findings include the fact that people sentenced for property and drug offenses have driven an increase in felony sentences in recent years along with increases in violations of supervision. Recidivism rates for people released from jail are particularly high during the first six months after release but stabilize over time, while the impact of supervision on recidivism is mixed and requires further study. Trends in supervision violations are consistent across multiple metrics, including increases in the number of jail admissions for violations, the number of people admitted each year and the average length of time spent incarcerated for violation admissions. The factors driving these trends in supervision violations are unclear and call for more detailed analysis. Answers to this important question could help the state develop a more effective approach to supervision and a more efficient criminal justice system overall.

¹ D.A. Andrews and J. Bonta, *The Psychology of Criminal Conduct*, 5th Ed. (Cincinnati, OH: Anderson Publishing Co., 2010); "Benefit Cost Results: Adult Criminal Justice System," Washington State Institute for Public Policy, accessed May 6, 2019, www.wsipp.wa.gov/BenefitCost?topicid=2.

² Brian Lovins et al., "Probation Officer as a Coach: Building a New Professional Identity," *Federal Probation* 82, no. 1 (2018): 13; Craig Dowden and D.A. Andrews, "The Importance of Staff Practice in Delivering Effective Correctional Treatment: A Meta-Analytic Review of Core Correctional Practice," *International Journal of Offender Therapy and Comparative Criminology* 48 (2004): 203.

³ Paula Smith, Claire Goggin, and Paul Gendreau, "The Effects of Prison Sentences and Intermediate Sanctions on Recidivism: General Effects and Individual Differences," in *The Psychology of Criminal Conduct*, 6th Ed., D.A. Andrews and J. Bonta (Cincinnati, OH: Anderson Publishing Co., 2010), 284.

⁴ Daniel Nagin, "Deterrence: A Review of the Evidence by a Criminologist for Economists," *Annual Review of Economics* 5 (2013): 83.

⁵ Council of State Governments Justice Center, *Justice Reinvestment in Idaho: Analyses and Policy Framework* (New York: The Council of State Governments Justice Center, 2014); Andy Barbee, "Justice Reinvestment in Arkansas: Fifth Presentation to the Legislative Criminal Justice Oversight Task Force" (PowerPoint presentation, June 22, 2016); Marshall Clement, "Georgia Council on Criminal Justice Reform: Third Sentencing Subcommittee Meeting" (PowerPoint presentation, September 7, 2016).

⁶ Washington State Department of Corrections, *Major Sentencing Changes Impacting Community Supervision Caseloads and Prison Population*.

⁷ Hawaii State Judiciary, accessed April 29, 2019, https://www.courts.state.hi.us/special_projects/hope/about_hope_probation.

⁸ Harold Grasmick and George Bryjak, "The Deterrent Effect of Perceived Severity of Punishment," *Social Forces* 59, no. 2 (1980): 471.

⁹ Angela Hawken and Mark Kleiman, *Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE* (Washington D.C.: National Institute of Justice, 2009).

¹⁰ "How Swift and Certain Sanctions Changed Community Supervision in Washington State," Bureau of Justice Assistance, National Training and Technical Assistance Center, accessed April 29, 2019, <https://bjatta.bja.ojp.gov/media/tta-spotlight/how-swift-and-certain-sanctions-changed-community-supervision-washington-state>.

¹¹ Zachary Hamilton et al., *Evaluation of Washington State Department of Corrections Swift and Certain Policy Process, Outcome and Cost-Benefit Evaluation* (Washington State University, 2015).

¹² "Behavior Accountability Guide," Washington State Department of Corrections, accessed May 1, 2019, <https://www.doc.wa.gov/information/policies/files/460130a1.pdf>.

¹³ Pamela Lattimore et al., *Evaluation of the Honest Opportunity Probation with Enforcement Demonstration Field Experiment, Final Report* (Washington D.C.: National Institute of Justice, 2018).

¹⁴ A Pearson product-moment correlation was performed to test the strength of relationship between recidivism and criminal history score in Washington and Michigan. Results from that test produced an R square value of 0.67 in Washington and 0.86 in Michigan, signifying a weaker relationship between recidivism and criminal history score in Washington compared to Michigan.

¹⁵ RCW 9.94A.010.