

HOUSE BILL REPORT

HB 2025

As Reported by House Committee On: Public Safety

Title: An act relating to requiring the development and implementation of a comprehensive plan to improve offender programs.

Brief Description: Requiring the development and implementation of a comprehensive plan to improve offender programs.

Sponsors: Representatives Goodman, Klippert, Pettigrew, Hayes, Griffey, Chapman and Jinkins.

Brief History:

Committee Activity:

Public Safety: 2/14/17, 1/16/17 [DPS], 1/9/18, 1/18/18 [DP2S];

Appropriations: 2/23/17.

Brief Summary of Second Substitute Bill

- Requires the Department of Corrections (DOC) to develop and implement a comprehensive plan for offender programs that prioritizes state funding according to specified criteria.
- Requires the DOC to discontinue ineffective programs and practices, and repurpose underspent funds according to the priorities in the plan.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 11 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Chapman, Griffey, Holy, Orwall, Pettigrew and Van Werven.

Staff: Kelly Leonard (786-7147).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Review of the Department of Corrections Programs. The Department of Corrections (DOC) provides many agency and volunteer operated programs to inmates in order to constructively occupy inmate time and reduce recidivism. In the 2013-15 State Operating Budget, the Legislature directed the DOC to consult with the Washington State Institute for Public Policy (WSIPP) to categorize all existing offender programs as either evidence-based or research-based. The DOC was required to hire a consultant to develop a comprehensive implementation plan for phasing out ineffective programs and phasing in those demonstrated to be effective. The Legislature also directed the DOC to implement programs consistent with the risk-needs-responsivity model.

The DOC contracted with the Washington State University (WSU) to provide consultation services, assist with the categorization, and provide recommendations. The WSU conducted a multi-phase program review, with priority for the legislatively funded programs offered by DOC. In addition, the WSU developed the Evidenced-Based Indicator Scorecard to determine if the DOC program components and implementation match those components in literature reviews, consistent with evidence-based practices. The categorization process revealed that all programs funded by the Legislature are either evidence-based programs or research-based as of 2015.

In the 2017-19 Operating Budget, the Legislature directed the DOC to develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The DOC is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

Evidence-Based and Research-Based. In the context of adult corrections, the WSIPP published the following definitions in 2013:

- "Evidence-based" is a program or practice that has been tested in heterogeneous or intended populations with multiple randomized and/or statistically controlled evaluations, or one large multiple-site randomized and/or statistically controlled evaluation, where the weight of the evidence from a systematic review demonstrates sustained improvements in recidivism or other outcomes of interest. Further, "evidence-based" means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, has been determined to be cost-beneficial.
- "Research-based" is a program or practice that has been tested with a single randomized and/or statistically controlled evaluation demonstrating sustained desirable outcomes; or where the weight of the evidence from a systematic review supports sustained outcomes as identified in the term "evidence-based" in statute (the above definition) but does not meet the full criteria for "evidence-based."

Summary of Second Substitute Bill:

The DOC must develop and implement a comprehensive plan for cognitive behavioral change programs and reentry specific programs. "Cognitive behavioral change programs" are offender change programs in correctional facilities and community settings using state

funds, which are focused on restructuring of offender thoughts and behaviors that lead to more prosocial interactions in the community and provide the necessary skills for offenders to make better choices that lead to lower recidivism and safer communities. "Reentry specific programs" are all programs and services provided in correctional facilities and community settings using state funds with the primary purpose of reducing recidivism.

The plan must prioritize funding for and implementation of programs that:

- follow the risk-needs-responsivity model;
- focus on high-risk offenders, including violent and nonviolent offenders, unless otherwise required;
- are deemed evidence-based or research-based by the WSIPP or WSU, or are recognized in a nationally observed repository including, but not limited to, the National Institute of Justice, National Institute of Corrections, or the Substance Abuse and Mental Health Services Administration's National Registry of Evidence-Based Programs and Practices; and
- have measurable outcomes including, but not limited to, reducing recidivism and readmissions to correctional institutions below current levels.

The DOC must discontinue ineffective programs and practices, and repurpose underspent funds according to the priorities in the plan. The DOC may allocate up to 10 percent of appropriations provided for offender programs for the piloting and researching of programs deemed a promising practice.

The DOC must submit a report by December 1 of every even-numbered year to the Washington Statewide Reentry Council, the Governor, and the appropriate committees of the Legislature on the implementation of the comprehensive plan and other specified items.

Second Substitute Bill Compared to Original Bill:

The comprehensive plan applies to funds appropriated to the DOC in the Omnibus Appropriations Act identified for offender programs. The comprehensive plan is also limited to cognitive behavioral change programs and reentry specific programs (rather than all programs in correctional facilities and community settings). Definitions are added for "cognitive behavioral change programs" and "reentry specific programs."

The DOC must prioritize funding for research-based programs (in addition to evidence-based programs). The DOC must prioritize funding for programs deemed evidence-based or research-based by a nationally observed repository, including, the National Institute of Justice or the National Institute of Corrections (in addition to the other entities specified in the bill). The second substitute bill removes the prohibition against cancelling or discontinuing a successful program that reduces recidivism in favor of implementing a new program without empirical data showing the same or better outcomes.

The reporting requirement is changed to every even-numbered year (rather than annually).

Legislative findings and intent are modified.

Appropriation: None.

Fiscal Note: Requested on January 4, 2018.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill is meant to refine programming offered through the DOC by requiring evidence-based practices and fidelity to effective models. If a program is not working, the state should not be spending money on it, and those funds should be repurposed for programs that are proven to work.

Washington has a very high recidivism rate, and an even higher readmission rate. The readmission rate is so horrible that the DOC stopped publishing it on its website. More than 50 percent of offenders incarcerated at the DOC will return to prison at some point in their lives. Further, there is an alarmingly high suicide rate of formerly incarcerated offenders. To end the cycle of recidivism, the state must facilitate the successful reintegration of offenders. Current DOC programs are not working, but the DOC does have an effective way of assessing someone's risk to reoffend. The state should use this information to prioritize programs for high-risk offenders, both high violent and high non-violent. Multiple research studies have shown that recidivism and readmission can be reduced through effective programs concentrating on high-risk offenders.

The bill is an important step forward in ensuring accountability within the DOC and focusing funds on effective programs. However, the bill should be amended to address some issues. The bill prioritizes programs for high-risk offenders, but all offenders should have access to programs and services. There should also be additional registries and institutions upon which the DOC can rely to determine whether a program is evidence-based. The bill should be amended to avoid limiting small, community-based programs from accessing state money for reentry programs.

(Opposed) None.

Persons Testifying: Representative Goodman, prime sponsor; Karen Lee, Washington Statewide Reentry Council; Colleen Rowe; and Ari Kohn, Post-Prison Education Program.

Persons Signed In To Testify But Not Testifying: Christopher Poulos, Department of Commerce; and Danielle Armbruster, Department of Corrections.