

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, 2/16/17 [DPS].

Brief Summary of 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 substitute bill be substituted therefor and the 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:

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

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occupy inmate time and reduce recidivism. In the 2013-15 State Operating Budget, the Legislature directed the Department of Corrections (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 Washington State University (WSU) to provide the 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 the DOC. In addition, 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 or research-based as of 2015.

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 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 not cancel or discontinue a successful program that reduces recidivism in favor of implementing a new program without empirical data showing the same or better outcomes, unless otherwise required. The DOC may allocate up to 5 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.

Substitute Bill Compared to Original Bill:

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

Legislative findings and intent are modified.

Appropriation: None.

Fiscal Note: Requested on February 10, 2017.

Effective Date of 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. Washington has a very high recidivism rate, and an even higher readmission rate. The state should take efforts to examine what is causing this, and to appropriately allocate resources to evidence-based programs. The state should make wise use of scarce public resources.

The bill requires the DOC to focus resources on evidence-based programs that reduce recidivism, and further focuses on high-risk offenders and those with behavioral health issues. Research and experience demonstrates that reducing recidivism through programs requires concentrating on high-risk prisoners and former prisoners. There are examples of programs, including the Post-Prison Education Program, where high-risk, repeat offenders with countless convictions and years of incarceration are able to reform and become productive members of the community. On the other hand, concentrating on low-risk offenders is actually counterproductive, meaning it can increase recidivism. It is horribly frustrating to see the state waste money on programs that do not work when there are available providers doing evidence-based programming that could be incredibly impactful for offenders and the community.

This legislation is needed to prioritize funding for programs that work the best, which would be determined based on actual scientific measures, including the risk-needs-responsivity model.

(Opposed) None.

(Other) This bill has great intent; however, it should be modified to differentiate between cognitive behavior change programming, which is helpful to reduce violence inside of institutions, and those programs that are focused on reentry and recidivism. The language should be relaxed to allow the DOC to focus on both evidence-based and research-based practices.

Persons Testifying: (In support) Representative Goodman, prime sponsor; Ari Kohn and Keith Whiteman, Post-Prison Education Program; and Nick Federici, Pioneer Human Services.

(Other) Kerri Waterland, Department of Corrections.

Persons Signed In To Testify But Not Testifying: None.