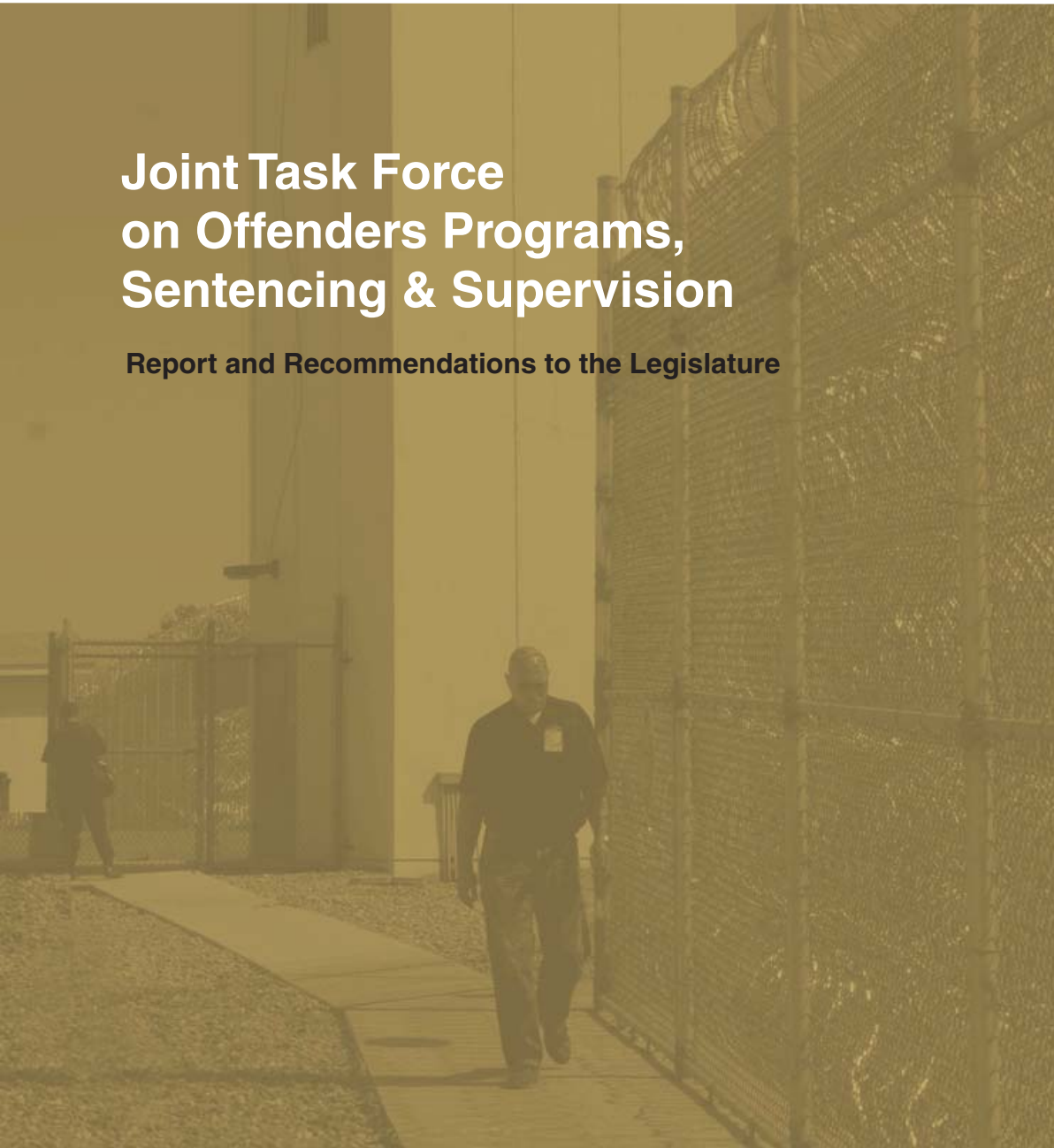




Joint Task Force on Offenders Programs, Sentencing & Supervision

Report and Recommendations to the Legislature



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Programs, Sentencing & Supervision
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Individuals too numerous to list contributed their time and knowledge to this project by participating in one or more of the workgroups. Special thanks to all of those who gave their time and energies to this project.

Executive Summary

Approximately 8,500 offenders are returned to the community from Washington prisons each year. Research from the Washington State Institute of Public Policy (WSIPP) shows that approximately fifty percent of these offenders will commit another crime and return to prison or jail within three years.

Further, prison populations are increasing at an alarming rate. Under existing policies, Washington's incarceration rate is expected to increase 23 percent by the year 2019. In 2005, the Legislature directed the WSIPP to report, by October 2006, whether evidence based and cost-beneficial policy options exist to alleviate the need to build more prisons. Many of the recommendations contained in this Task Force report recommend taking advantage of this important research in formulating reentry policy.

Amidst this backdrop, the 2006 Legislature recognized the need to review its policies regarding offender reentry. Substitute Senate Bill 6308 created the Joint Task Force on Offenders Programs, Sentencing and Supervision. The legislation required the Task Force to review offender programs, sentencing, and supervision of offenders upon reentry into the community with the stated goals of increasing public safety, maximizing rehabilitation of offenders, and lowering recidivism.

The process of reentry involves many stakeholders, including the state Department of Corrections (DOC), local governments, law enforcement, social service providers, housing resources, employment and education interests as well as community representatives. Representatives from each of these entities were invited, and participated in, the Task Force process. The recommendations contained in this report reflect the collaboration of all of these stakeholder groups in researching and identifying best correctional practices to enhance public safety and improve the success rate of prisoners returning to their communities.

The Task Force approached this project with the idea that offender reentry begins when an offender is booked and continues throughout the time an offender is released into the community and being supervised by state or local government. The Task Force recommendations therefore address a broad range of topics from assessment and correctional programs to supervision and programming provided in the community.

The Task Force understands that the hard work of changing processes and attitudes toward prisoner reentry has just begun. The sustained success of reentry efforts requires that all of the involved stakeholders continue to effectively collaborate, coordinate and communicate. It is the hope of the co-chairs of this Task Force that these recommendations constitute an important first step in moving Washington toward effective strategies for successful prisoner reentry and greater safety for the citizens of Washington.

Background

In 2006, the Washington State Legislature passed SSB 6308 (Chapter 267, Laws of 2006). This bill created a Joint Task Force on Offenders Programs, Sentencing and Supervision to review and make recommendations to the Legislature and the Governor on reforms to programs offered in prisons and in the community as well as reforms to sentencing and supervision of offenders returning to the community in order enhance public safety, lower recidivism, and reduce crime and victimization.

To this end, the bill directed the joint legislative task force to review and make recommendations regarding the following:

- 1) The type of offender that would benefit most in terms of personal achievement, responsibility, and community safety, by having the opportunity to receive enhanced training and education while in prison;
- 2) The types of training and educational programs that would provide the greatest return on investment with regard to offender achievement, responsibility, and community;
- 3) Changes to the sentencing law and policies related to earned release, that would encourage incarcerated offenders to participate in training and programs that will increase the likelihood that they will be able to support themselves when they leave prison and reduce recidivism;
- 4) A method for evaluating the return on the investment and determining from frontline DOC staff and community partners, whether the changes are improving personal responsibility on the part of the offender and reducing crime in the community;
- 5) Changes to community supervision that would provide greater safety to the public and incentives for prisons in adhering to treatment, educational goals, and reducing recidivism; and
- 6) The operation of inmate work release programs and on how such work release programs are sited and placed throughout the state.

The joint legislative task force was further directed to consult with stakeholder groups involved in offender reentry, including superior court judges, mental health treatment providers, counties, cities, crime victims, prosecuting attorneys, criminal defense lawyers, faculty members who educate offenders, community corrections officers, labor organizations representing correction officers, multifamily housing, city and county law enforcement, ex-offenders, faith based organizations, Washington businesses, and nonprofit organizations.

Task Force Procedure

The Task Force conducted seven meetings from June 28, 2006, through November 14, 2006. At the initial meeting, Senator Mike Carrell and Senator Debbie Regala were elected as co-chairs for the Task Force. The Task Force also determined at this early meeting that the topic areas should be divided into four main subject areas in order to facilitate the establishment of workgroups to identify recommendations for review by the larger group.

The Task Force established four workgroups to address the following main topic areas:

- Education and Employment
- Transitional Programs and State/County Coordination
- Legal Barriers and Civil Liability
- Community Partnerships

The four workgroups met frequently over the course of three months, hearing from experts in a variety of fields and disciplines surrounding offender reentry, gathering information, and formulating recommendations. Electronic copies of the workgroup reports can be obtained by contacting Shana Morgan with Senate Committee Services at morgan.shana@leg.wa.gov.

On September 21, 2006, the workgroups presented their final recommendations to the Task Force. The Task Force reviewed the recommendations over the course of three meetings, finally adopting the recommendations contained in this report.

Task Force Recommendations

I. ASSESSMENT

Policy Recommendations:

1. All offenders should be assessed using a standardized and comprehensive tool that identifies criminogenic risks and basic and programmatic needs. The assessment tool must take into account demographic biases, such as culture, age, and gender. The assessment should be used to inform pre-sentence reports, pre-trial release decisions, eligibility for alternatives to total confinement, and development of Individual Release Plans (IRPs, described below).

The DOC is currently working to improve its assessment tools. The Task Force requests that the DOC and the WSIPP determine whether the improved assessment tools would be appropriate for use by local governments and the courts. The Task Force requests the DOC report to the Governor and the Legislature on the new assessment tools no later than July 1, 2007.

2. The DOC should perform an assessment at intake consistent with assessment tools used by the Employment Security Department (ESD), which includes a review of the offender's work history. The results should be used to develop the employment elements of the offender's IRP, including the need for education and vocational training. Each offender should have an employment portfolio which includes information like evaluations, equipment certifications, and work/time logs. This information should be compiled into an electronic portfolio which can be accessed by ESD, the DOC, and community partners to assist the offender in transitioning into a community job.

The Task Force lauds the DOC's current and developing practices with respect to employment assessments and programs; the Task Force recommends that the agency continue to make improvements in this area as described above. The Task Force requests the DOC to report to the Governor and the Legislature on its progress in this regard no later than July 1, 2007.

II. REENTRY PLANNING & PREPARATION

Legislative Recommendations:

1. Every offender's reentry should be managed by a transition team that may include, but not be limited to, institution and community supervision staff (including CCOs for DOC-supervised offenders), family, faith-based support, mentors, case management support, housing providers, local law enforcement, and neighborhood/community support.

The DOC currently works with community stakeholders to facilitate offender reentry. The DOC is integrating the lessons learned from the Going Home Project into how it

does business. Risk Management Intensive Transition Teams are developed for high-risk offenders. Existing DOC practices should be expanded and improved so that reentry for every offender is managed by a transition team.

2. Earned release should be conditioned upon successful completion of pre-release programming as identified in the IRP (described below). Sustained release and access to services should be conditioned upon continued fidelity to the IRP.

In order to avoid constitutional and legal issues, the IRP would need to take into account the availability of programs and any disabilities suffered by the offender. Participation issues may, at least in the short term, result in longer prison stays which would have a fiscal impact. Implementing this recommendation retroactively may have constitutional ex post facto implications.¹

3. A working agreement should be established between the DOC and the Department of Licensing to assist offenders in obtaining a driver's license or identification card upon release.

Policy Recommendations:

4. An IRP should be developed as soon as practical for every offender. The IRP should be based on an individual assessment (see "Assessment" above) and may require intensive programming during incarceration. The IRP should be relevant to current risks and needs and should therefore be updated as needed. Offenders should participate in the development of the IRP to facilitate a shared commitment to the fidelity of the plan among offenders, supervising authorities, and treatment and service providers.

In developing the IRP, the DOC should consider the specific needs of the offender related to any learning disabilities, mental health issues, and social/behavioral deficits.

The Task Force commends the DOC for developing a process for creating personalized reentry plans for each offender at intake. The Task Force requests the DOC to report to the Governor and the Legislature on its progress no later than July 1, 2007.

5. The DOC should establish a debit card system for giving an offender his or her savings and gate money upon release, instead of issuing a check or cash.

The DOC has analyzed this issue and has determined that it should go forward with making debit cards available to offenders. The DOC will need funds to implement this recommendation.

¹ It should be noted that the Washington State Supreme Court has ruled that retroactively imposing conditions on earned release does not violate the ex post facto clauses of the state and federal constitutions. *In re Personal Restraint of Forbis*, 150 Wn.2d 91 (2003).

6. The DOC should streamline its residence approval process in order to increase community safety and ensure that more offenders are released on their Estimated Release Dates.

The Task Force requests the DOC to report back to the Governor and the Legislature regarding improvements it has made to the address approval process and any barriers it has encountered in accomplishing this task. The report should also include an analysis of the costs and benefits associated with the improvements. The report should be submitted no later than July 1, 2007.

III. TRANSITION COORDINATION NETWORKS²

Community Transition Coordination Networks (in general):

1. A Community Transition Coordination Network (CTCN) is a community-based system of collaboration and coordination between supervision³ and service providers, both public (state and local) and private. The goal of a CTCN is to support successful, community-based offender reentry.

Ideally, a CTCN would exist in every county; counties with low general populations should have the option of establishing regional networks. Each county (or group of counties) will determine the form of its particular CTCN based on local characteristics and needs; the form and content of each CTCN will therefore vary from location to location. A CTCN is not a system of governance. It does not take away authority from, or impose new responsibilities on, any participant in the network. A CTCN should facilitate, but not require, partnerships among network participants.

Legislative Recommendations

2. As a first step toward the goal of establishing CTCNs statewide, the Department of Community, Trade, and Economic Development should award block grants for pilot CTCNs in up to three counties or groups of counties.

As counties or groups of counties establish CTCNs, the effectiveness of the networks in reducing recidivism should be evaluated in order to identify best practices for replication in communities throughout the state.

3. Addressing the civil liability for local governments in the context of CTCNs is an important issue that should be addressed.

² It should be noted that certain Task Force members have expressed concern that this section of the recommendations lacks the detail necessary to fully understand how the networks will work. While consensus was reached regarding the general concept of the need for coordination and partnership among those entities providing supervision and services to offenders, the details of this recommendation will need to be further developed, with input from the stakeholders, in legislation.

³ Examples of supervision providers might include, but should not be limited to, CCOs, state and local work release facilities, or county jails.

Civil liability was an issue discussed at length in the Legal Barriers Work Group. Addressing the civil liability concerns of local government could be an incentive for counties to develop their own CTCNs. Concerns have been expressed that, at a minimum, the standard for governmental liability should be the same for both state and local governments.

Policy Recommendations:

4. An ideal CTCN should provide the offender access to a variety of services, such as training and employment programs, transportation, translation services, specialized veterans' programs, housing, life-skills training, substance abuse and mental health treatment, mentoring, and pro-social activities such as recreation, art, faith, and sports.

IV. WORK RELEASE

Legislative Recommendations:

1. Work release can be an effective and integral part of the reentry process; using evidence-based best practices, it should be further developed and expanded throughout the state.

The Task Force recommends that the WSIPP research and identify evidence-based best practices for work release facilities; this research should include an examination of work release practices in both urban and rural areas and both inside and outside of the state of Washington. The Task Force is particularly interested in what services or combination of services may be provided within the context of work release centers to optimize the successful transition of an offender back into society.

The Task Force recommends that all work release programs meet the following goals:

Work release facilities and programming should conform to evidence-based best practices as identified by the WSIPP

Work release programming and transition services should lead to meaningful employment for offenders participating in the program

Work release capacity should exist throughout the state

A work release facility should be of a size consistent with best practices and appropriate to the community in which it is located

Communities should be given meaningful avenues for ongoing consultation with work release facilities in their areas

Eligibility time to participate in work release should be increased in order to make it a more meaningful experience for offenders.

2. The Legislature should continue to explore methods that allow state and local governments to utilize alternative dispute resolution processes when siting criminal justice facilities that have been traditionally difficult to site. This process should be an alternative to the existing processes for siting these facilities.

Policy Recommendations:

- 3. At such time as the DOC is given authority to expand its work release program, priority should be given to underserved counties and communities when siting new facilities.**

V. EDUCATION AND VOCATIONAL TRAINING

Legislative Recommendations:

- 1. Eliminate 2E2SHB 2010's requirement that the DOC adopt a plan to reduce the per-pupil cost of instruction by increasing the use of volunteer instructors.**

2ESHB 2010, which passed in the 1995 legislative session, required the DOC to adopt a plan by December 1996 that reduced the per-pupil cost of instruction by increasing volunteers and implementing technological efficiencies such as distance learning, satellite instruction, video tape usage, computer-aided instruction, and flexible scheduling of offender instruction (see RCW 72.09.460(8)). The DOC does not currently utilize volunteer instructors. Instructors utilized by the DOC should have the same rigor and standards as those utilized on the outside (see recommendation 7).

- 2. Eliminate barriers to participation in vocational training and post-secondary education created by HB 2010. Increase the availability and opportunity for education and vocational training when the programming is linked to an offender's IRP.**

2E2SHB 2010 contained several provisions that have operated as barriers to an offender obtaining education or vocational training. For example, an offender who tests below the eighth grade level must be placed in a combination education and work program. The requirement to work may make it difficult to place an offender in classes or distract the offender from the importance of completing his or her education.

Current law also requires that an offender pay all or a portion of post-secondary education or a second or subsequent vocational training course. These financial requirements act as barriers for many prisoners, creating a disincentive to obtaining education or training that may assist the offender in successful reintegration after release.

The Task Force agrees that some provisions of 2E2SHB 2010 should be repealed to give the DOC more flexibility in providing education and training opportunities to offenders. An offender's education and vocational training should be linked to his or her IRP. So long as the programming meets the offender's needs identified in the IRP, the offender should not be required to pay a portion of the education or vocational training costs unless the offender has previously abandoned coursework.

The IRP is not intended to create a vested interest in education or vocational training.

3. Support the DOC's efforts this legislative session to increase adult basic education programs so that it is available to all offenders who have not obtained a high school diploma or GED.

Currently, the DOC provides adult basic education to a limited number of offenders based on resources. However, the department plans to incrementally increase the number of offenders receiving adult basic education so that 100% of the need is met by 2017. The Task Force requests information on the cost to reduce this timeline and speed up the process of providing adult basic education to meet 100% of the identified need.

4. The WSIPP should study whether there are evidence-based best practices for correctional education programs and, if so, the extent to which DOC programs are in accord with those best practices.

Policy Recommendations:

5. Direct the DOC and the State Board for Community and Technical Colleges to work collaboratively to optimize educational and vocational programming opportunities to meet the needs of each offender as identified in his or her IRP both while an offender is incarcerated and post-release.

Increased educational and vocational opportunities are needed that provide offenders with the necessary training to obtain employment in high-demand occupations that earn a living wage income in the community. In working collaboratively toward this goal, the DOC and the State Board should maintain open lines of communication between administration, educators, and students.

Currently, an offender may participate in post-secondary education at the direction of the DOC or independently of DOC direction if the offender pays the cost of the educational program and the program is by correspondence course. Most college correspondence courses have transitioned to the internet and are not available to offenders due to security concerns. The TF requests that the DOC and State Board explore mechanisms to increase post-secondary education opportunities to offenders and report to the Governor and Legislature with recommendations no later than July 1, 2007.

6. Encourage the DOC to analyze available space at each of the 15 institutions to identify additional space suitable for education, vocational training, and work opportunities.

7. Recommend that the State Board of Technical Community Colleges provide quality education programs taught by qualified individuals where the quality of the classes can be measured by performance-based outcomes.

The State Board should provide quality education programs taught by qualified professional instructors that will be credible to future employers. The courses should be standardized and equivalent to those taught on the outside at local colleges and universities. All education programs should be based on standardized, measurable student

outcomes and competencies; the intent is that the educational programs inside the walls have the same respect and rigor as those provided in the community.

8. Encourage the DOC in its efforts to adhere to the American Corrections Association (ACA) standards for prisoner education and classroom conditions while also meeting the needs of students with learning disabilities, mental health issues, and social/behavioral deficits.

The Task Force commends the DOC in its efforts to meet all ACA accreditation standards and requests that the DOC report to the Governor and the Legislature on its progress in this regard no later than July 1, 2007.

9. Request that the DOC review the need and cost of making professional psychologist-administered educational testing available to students who, in the judgment of their basic skills instructors, would be likely to qualify for accommodations on the GED and other tests.

The DOC should report on its review and make recommendations to the Governor and Legislature no later than July 1, 2007.

10. Encourage the DOC to minimize disruption of an offender's education caused by movement between institutions to the extent practicable.

11. The DOC, in consultation with stakeholders, should review all current and proposed education and vocational training programs on a triennial basis. The review should identify whether the curriculum corresponds to current and proposed correctional industries jobs, whether the curriculum teaches skills relevant to employment opportunities for which inmates may qualify after release, and whether offenders have equal access to the programs.

The Education and Employment workgroup recommended consulting with stakeholders including, but not limited to, Correctional Industries, DOC Education Services, the State Board for Community and Technical Colleges, college faculty, the ESD, the Workforce Training and Education Coordinating Board, the Association of Washington Business, and Labor.

The DOC currently does an internal review on an annual basis. The Task Force recommends completing a review in consultation with stakeholders no less than every three years.

VI. EMPLOYMENT

Legislative Recommendations:

1. Propose an amendment to the Washington State Constitution that restores Class I correctional industries.

2. **Give employers an incentive to access background information through the Washington State Patrol (WSP) rather than private data miners by providing in law for a presumption against negligent hiring if an employer conducted a background check through the WSP and applied a statutory balancing test in determining whether to hire the individual.**
3. **Create a Task Force to study and make recommendations regarding federal and state statutory barriers for previously incarcerated individuals to obtain occupational licenses and obtain employment with public or government contracting jobs.**
4. **Provide the ESD with resources to further educate employers on the extent to which they may inquire about a potential employees' arrest or conviction background and encourage employers to conduct background checks for potential employees through the WSP (rather than private data brokers).**
5. **Require employers to disclose written or electronically obtained criminal history reports from private data brokers to prospective employees similar to the disclosure required for WSP background checks under RCW 43.43.834.**

Private data brokers are not currently regulated and have no duty to ensure the information they are collecting is accurate or up to date. As a result, information provided to an employer can often work a substantial injustice for a potential employee. Requiring the employer to disclose this information to a potential employee would at least give the employee an opportunity to address any inaccurate information.

RCW 43.43.834 allows an employer to access criminal background information from the WSP regarding potential employees or volunteers who will have access to children or vulnerable adults. The employer must notify the employee that an inquiry may be made prior to requesting the background information. Once background information is received, the employer must provide a copy to the applicant. Further dissemination of the information is prohibited. An employer who fails to comply with the law is subject to a civil action for damages.

Policy Recommendations:

6. **Create a process to allow offenders to purchase and make corrections to their criminal history record with the WSP.**

The Task Force requests that the DOC create a process to allow offenders to purchase their own criminal history record from the WSP prior to their release with information on how to correct any disputed information or inaccuracies. The Task Force requests the DOC report to the Governor and the Legislature on this recommendation no later than July 1, 2007.

7. **Evaluate the outcomes of the WorkSource Replication Project at Stafford Creek to determine the feasibility of future expansion.**

The Task Force requests that the DOC and ESD work to develop outcome measures for the WorkSource Replication Project at Stafford Creek. If the program is successful in assisting offenders to obtain employment after release and reducing recidivism, the program should be expanded to other institutions. The Task Force requests the DOC report to the Governor and the Legislature on this recommendation no later than December 1, 2007.

8. The Task Force requests that the DOC investigate the practice of reentry fairs and make a determination as to their effectiveness in reducing recidivism.

Job fairs may be most effective when they include community volunteers, WorkSource staff, and partner organizations in conjunction with institution specific staff to support transition. It is anticipated these contacts would help to bridge support to the community for offenders in obtaining employment, resources, and transition solutions prior to release.

VII. TREATMENT

Legislative Recommendations:

1. Expand access and funding for substance abuse treatment for offenders and formerly incarcerated persons through additional funding, increased flexibility, and de-categorization of existing funding categories created by state statute or executive branch action.

The DOC is seeking additional funding for substance abuse treatment. The DOC reports that 54% of offenders are assessed as benefiting from substance abuse treatment, but it is only able to provide treatment to half of these individuals. Additional resources are also needed to increase the capacity to treat those under community supervision from 4,900 to 7,204. Finally, there are currently no resources to treat offenders who come to community supervision directly from jail. The DOC estimates that approximately 14,000 of these individuals would benefit from treatment.

The WSIPP has conducted significant research into the benefits that may be realized by increasing substance abuse treatment for incarcerated individuals and formerly incarcerated individuals in the community. The WSIPP will soon have a tool that will allow policy makers to estimate the amount of future cost savings of increasing funding to this area. Legislators are encouraged to use this tool in formulating policies that result in optimal benefits for reducing recidivism and producing savings for the state.

Currently, state and federal funds that flow through the Department of Social and Health Services, the DOC, and the Department of Community, Trade and Economic Development (DCTED) for substance abuse treatment are heavily prioritized by different authorities including the federal executive branch, the state legislature, and state executive policy. While many of these categories are very worthy, this restrictive categorization has limited the flexibility with which these funds may be used in the local community and does not account for variability among regions and counties. Some of

these categories have outlived their statutory existence such as budget provisos once attached to the Omnibus Drug Act of 1989. This has severely limited the funds available to low-income populations including offenders and in some cases created a pattern of both over and under expenditure of funds across the state. De-categorization of these funds will allow optimal use of current funding streams.

2. Increase funding for substance abuse sentencing alternatives including drug courts and Drug Offender Sentencing Alternative residential treatment services.

In considering this recommendation, legislators are encouraged to use the cost benefit tool created by the WSIPP in formulating policies that result in optimal benefits for reducing recidivism and producing savings for the state.

3. Provide proven cognitive-behavioral interventions for offenders in custody and promote continuity of those programs as they transition into the community.

In considering this recommendation, legislators are encouraged to use the cost benefit tool created by the WSIPP in formulating policies that result in optimal benefits for reducing recidivism and producing savings for the state.

4. Increase the availability of mental health services and also expand the eligibility criteria for offenders who can obtain mental health treatment services in both the institutional and community settings.

Due to limited resources, the DOC currently provides mental health services only to those individuals who are categorized as seriously mentally ill offenders. The DOC reports that this means that greater than 80 percent of offenders who would benefit from mental health treatment do not receive services. The WSIPP estimates that Cognitive Behavioral Therapy for non-SMIO offenders can reduced recidivism by more than 8 percent over an 8-year period.

Legislators are encouraged to use the cost benefit tool created by the WSIPP in formulating policies that result in optimal benefits for reducing recidivism and producing savings for the state.

Policy Recommendations:

5. Advance protocols to ensure that formerly incarcerated persons have medication to cover the gap before medical benefits are obtained, a copy of the prison medical summary, scheduled follow-up appointments, and assistance completing applications for medical benefits.

The DOC currently provides thirty days of medication for those released from the institution and is working to ensure continuity of medical care. The Task Force supports the DOC's efforts to improve services in this area and requests that the DOC report to the Governor and the Legislature on its progress no later than July 1, 2007.

6. Collaborate with the community-based mental health care system in developing and implementing practices that ensure linkages between pre- and post-release services to inmates with mental health needs.

This is also an area in which the DOC is striving to make improvements. Enhancements resulting from HB 1290 (2005 session) as well as the development of Community Transition Coordination Networks should improve community connections in this area. The Task Force requests the DOC report to the Governor and the Legislature on the progress of this recommendation no later than July 1, 2007.

7. The Task Force views Residential Therapeutic Community as a promising and effective program at reducing recidivism and encourages the DOC to continue to investigate expansion of this modality utilizing best practices.

The DOC states that Residential Therapeutic Community (TC) is a program consisting of nine to twelve months of treatment that is a progressive, phased based level of care. TC provides a separate living area and a highly structured treatment environment consisting of traditional chemical dependency interventions, “right living,” work, education, and community and personal accountability. This modality benefits from a multi-disciplinary treatment team consisting of chemical dependency professionals, site administrators, and custody personnel, treatment graduates, peer leaders, educators, and recovering volunteers.

The DOC currently has 487 TC beds and 232 TC beds for co-occurring disorders. In its decision package, the DOC is requesting funding to convert the Airway Heights Corrections Center into a therapeutic community. This conversion would increase the TC capacity by approximately 2,150 beds and chemical dependency treatment by 1,145.

VIII. HOUSING

Legislative Recommendations:

1. Create incentives to encourage public, private, and non-profit housing providers to increase the range of safe and affordable housing options for formerly incarcerated persons that meet appropriate housing standards.

Incentives to landlords might include things such as limited liability for landlords who rent to previously incarcerated individuals, on-site managers who could keep an eye on prior offenders or hotline numbers that a landlord could call in case of an emergency, close working relationships with DOC and CCO’s, training programs for community landlords who might rent to previous offenders, and preparation classes for offenders while incarcerated that teach them the practical skills of living in the community.

2. Allow third parties to seek eviction where landlords are not responding to criminal activity in or around their buildings or property.

3. As a short term solution to the problem of homelessness of formerly incarcerated persons, the legislature should provide funding and authority to the DOC for this biennium to provide transitional housing for up to 90 days for previously incarcerated individuals identified as high risk/high needs offenders based on the needs identified in his or her IRP.

The DOC has historically provided 90 days of transitional housing funding for some hard to place individuals released from prison. Due to advice from counsel, it was determined that the DOC did not have authority to provide funding for transitional housing. The department has taken steps to discontinue providing such funding for offenders released from prison. Toward this end, funding for housing was reduced to 30 days and will be terminated completely in the near future. The Attorney General's office has also identified that the placement of formerly incarcerated individuals in the community may be a liability concern for the department.

The Task Force agrees that homelessness for offenders is a large issue that needs to be addressed comprehensively by the Interagency Council on Homelessness. However, in the meantime, the Task Force is concerned with the gap in transitional housing for the high risk/high needs offenders created by the termination of the funding stream from the DOC. Funding and authority for the DOC for the next biennium would allow the DOC to provide transitional housing funding for up to 90 days for high risk/high needs offenders based on specific criteria developed by the DOC.

4. Amend state enabling legislation to encourage local housing authorities to adopt policies that promote family unity and reunification and do not unduly penalize families who would otherwise benefit from public housing.

The federal government gives local housing authorities broad discretion to determine the type of criminal history that will exclude an individual from public housing. These policies sometimes work an injustice where a member of a family was previously incarcerated. The legislature should encourage local housing authorities to minimize these injustices.

Policy Recommendations:

5. Ensure discharge planning and offender reentry continues to be a key focus area in the implementation of the Homelessness and Housing Assistance Act.

State and local governments, as well as local communities, share a responsibility in helping to make adequate housing available for formerly incarcerated individuals. State and local governments are encouraged to work together to maximize resources for this purpose. The DCTED should be given adequate resources to ensure that discharge planning and reentry for formerly incarcerated individuals remains a key focus area in their administration of the Homelessness and Housing Assistance Act.

As part of its activities under the Homelessness and Housing Assistance Act, the DCTED has formed the Interagency Council on Homelessness which includes representation from a variety of areas, including the DOC. The Council has identified discharge planning and

reentry initiatives as one of its top priorities and this will be the key focus in the first round of grant funding from the DCTED. The TF strongly supports the emphasis on discharge planning

Local initiatives under the Act are funded through an additional \$10 filing fee charged by counties. The counties keep 60% of these funds and forward the remaining 40% to the DCTED. The 40% is administered by the DCTED in the form of grants back to counties who propose pilot projects. The DCTED anticipates funding approximately 10 projects in the first year.

Good data do not currently exist as to how many of the homeless population also have ties to the criminal justice system. The DCTED is working to gather better numbers as to this overlap in order to better understand how the problem might be addressed.

The Act requires the DCTED to report on its progress on an annual basis. The first report is due in July of 2007. The DCTED should specifically address homeless offenders in their report and report directly to those legislative committees addressing corrections issues.

IX. FAMILY SUPPORT & REUNIFICATION

Policy Recommendations:

- 1. Support and expand parenting and family-centered programs that promote an offender's involvement and reunification with his or her family, both in institutional and community settings.**
- 2. Encourage local community partners and professionals to increase their capacity to assist formerly incarcerated persons and their families to succeed in the community setting by providing resources through the use of the Community Transition Coordination Network.**
- 3. Enhance services to the children of incarcerated parents.**
- 4. Expand family support groups for formerly incarcerated persons and their families.**

Studies show that continued contact with family members during and following incarceration can result in reduced recidivism and assist a formerly incarcerated individual in reintegrating themselves back into the community. The legislature has also recognized the impact incarceration can have on the children of incarcerated parents. During the 2005 legislative session, HB 1426 was passed, creating an oversight committee to develop an interagency plan to provide necessary services and support for the children of this state whose parents are incarcerated in jail or prison. The committee's report was issued in June of this year and contains nine key recommendations.

The Task Force applauds the importance that the DOC has placed on supporting families of incarcerated individuals and encouraging family reunification. The DOC recently created two positions to expand offenders' involvement and reunification with families and provides various parenting and family programs for offenders who are incarcerated or under community supervision. The DOC is encouraged to continue their efforts in this area while placing a priority on the implementation of the HB 1426 oversight committee recommendations.

X. CIVIL RIGHTS/LEGAL FINANCIAL OBLIGATIONS/OTHER

Legislative Recommendations:

- 1. If the legislature reduces the interest rate on civil judgments, the rate for legal financial obligations (LFOs) should also be reduced, while preserving the current right of the court to waive interest.**

The current interest rate for LFOs is the maximum rate that may be charged by statute, 12 percent or four percentage points above the 26-week Federal Treasury bill rate. This is the same interest rate that accrues on civil judgments, with the exception of judgments founded on the tortious conduct of individuals or other entities. These judgments bear interest at two percentage points above the Federal Treasury bill rate. The current Treasury bill rate is 4.92 percent.

The Task Force recommends the legislature consider legislation on this issue, balancing the impact of interest on an offender's ability to meet his or her obligations and the impact of this funding stream on other programs. Any legislation reducing the interest rate on LFOs and civil judgments should be consistent with the rate charged for tortious conduct.

- 2. Depriving former felons of the right to vote has a disproportionate impact on minority groups. To prevent continued disenfranchisement of these groups, the Task Force recommends that voting rights be restored to former felons upon their release from prison.**

Policy Recommendations:

- 3. Review policies related to the charging of LFOs relating to incarceration, supervision and work release.**

The Task Force requests that the DOC and local governments review policies and make recommendations regarding the charging and collection of legal financial obligations for the costs of incarceration, supervision and work release. The review should include an analysis of whether LFOs are a disincentive to participation in programming, the cost versus benefit of charging LFOs, and the impact on offenders of attempting to reintegrate back into society with large obligations owed to the state or county.

The Task Force requests the DOC and local governments report to the Governor and the Legislature on this recommendation no later than July 1, 2007.

4. **Conduct a review of gratuities, non-financial incentives, mandatory deductions, and mandatory savings contributions for offender participation in correctional industries and educational and vocational programs.**

The Task Force requests that the DOC conduct a review of wages, non-financial incentives, mandatory deductions, and mandatory savings contributions to ensure adequate incentives for participation in prison industries and educational and vocational programs. The Task Force requests the DOC report to the Governor and the Legislature on this recommendation no later than July 1, 2007.

