

January 2006

OPTIONS TO STABILIZE PRISON POPULATIONS IN WASHINGTON: — INTERIM REPORT —

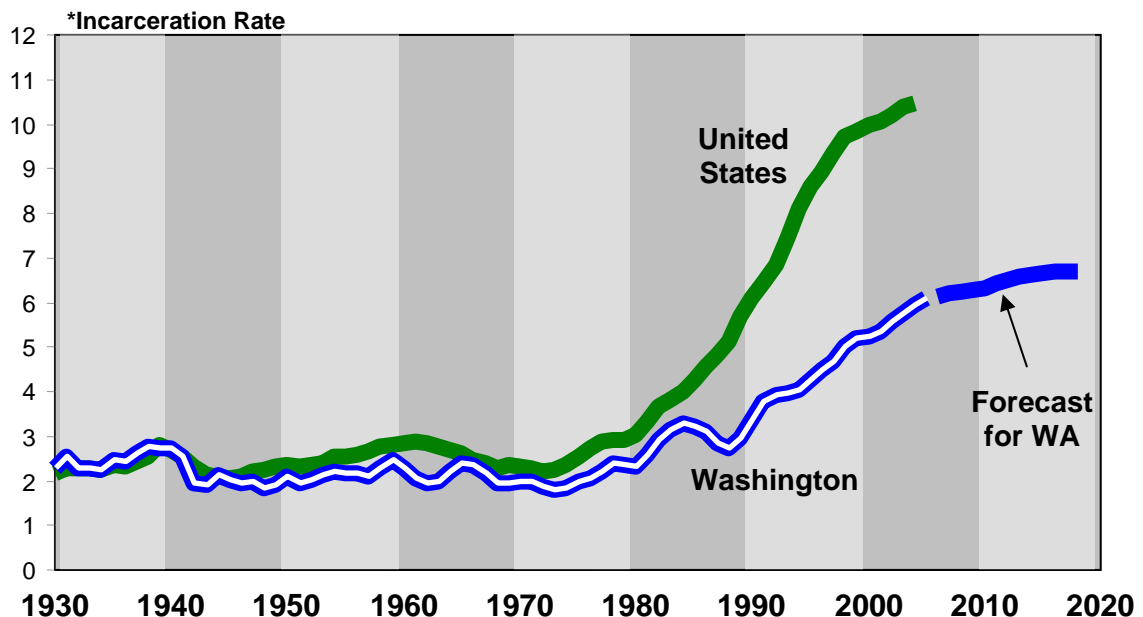
The 2005 Washington State Legislature directed the Washington State Institute for Public Policy (Institute) to identify options that can cost-effectively reduce the need for future prison capacity.¹ The Legislature required two reports for the study: this interim report and a final report to be presented to the Legislature by October 1, 2006.

This brief document summarizes some general background information and describes the specific legislatively directed tasks for the project. It also discusses the research we have conducted to date and outlines the work that will be completed for the final report.

Prison Populations in Washington: History and Forecast

To provide context for this study, it is helpful to review a few basic facts on prison populations in Washington. Criminologists measure the size of prison populations over time with a statistic called an “incarceration rate.” This straightforward indicator simply divides the total number of people in prison at any point in time by the total number of adults in a relevant age group. Exhibit 1 displays a long-term history—from 1930 to the present—of prison incarceration rates for Washington along with comparable figures for the United States.

Exhibit 1
Adult Prison Incarceration Rates
In Washington and the United States: 1930 to 2005
(and the current forecast for Washington: 2006 to 2019)



*The incarceration rate is defined as the number of inmates in state prisons per 1,000 18- to 49-year-olds in Washington or the United States. The forecast for WA is from the Washington Caseload Forecast Council (CFC).

Three Trends in Prison Populations

Exhibit 1 reveals three important “big picture” trends that provide a framework for the study.

1. Prison rates have roughly tripled in Washington since the mid-1970s. The use of prison in Washington was quite stable from 1930 to 1980. On any given day during this 50-year period, roughly two persons were incarcerated in a state prison out of every 1,000 people in Washington between the ages of 18 and 49.² Washington’s incarceration rate then began to grow in the late 1970s and 1980s, and accelerated further during the 1990s. Today, Washington’s prison incarceration rate stands at about 6 adults incarcerated per 1,000—nearly three times the rate 30 years ago.³

2. Washington’s growth rate in prison populations has been considerably less than the national rate. Exhibit 1 also plots the national incarceration rate. For several decades—from 1930 until the mid-1970s—Washington’s incarceration rate was quite similar to the average rate across the United States. Washington’s rate began to diverge slightly from the national trend in the late 1970s, but then went on a distinctively different path after Washington enacted sentencing reform legislation in the early 1980s. Washington’s rate of growth in incarceration has been about 30 percent less than the national rate during the years following Washington’s 1984 sentencing reform.⁴

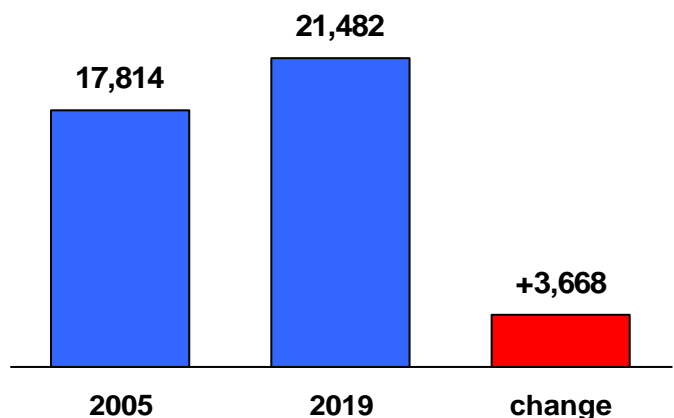
The fiscal implications of Washington’s path are significant. Consider that today in Washington there are about 17,600 people in state prisons. If Washington’s incarceration rate had kept pace with the national rate, there would be about 23,800 people in prison today. Thus, because Washington’s incarceration rate diverged from the national trend over the course of the last 30 years, there are 6,200 fewer people in prison today than there otherwise would be. Since new prisons are typically built to house about 1,300 inmates, this means that Washington avoided constructing and staffing of about five new prisons in the last three decades because its incarceration rate grew considerably slower than the national rate.

3. Washington’s incarceration rate is expected to increase by another 10 percent by 2019. Exhibit 1 also contains one other piece of information particularly relevant for the Institute’s study. The Exhibit includes the latest forecast of Washington’s prison incarceration rate to the year 2019. In the mid-1990s, the legislature established the Washington State Caseload Forecast Council (CFC) to forecast key caseloads that affect the state budget.⁵ The latest prison forecast from the CFC shows continued increases in adult incarceration rates although at a lesser rate of growth. Assuming no changes to existing laws or additional laws, the CFC currently sees incarceration rates growing roughly another 10 percent by 2019.

Even with this slower rate of growth, however, the current CFC forecast anticipates the need for a substantial number of new prison beds. This is due to two factors: the aforementioned 10 percent growth in the incarceration rate and the expected increase in Washington’s population.

Exhibit 2 displays the key budget-driving statistics. Absent any new policy shifts from the legislature, the CFC’s forecast implies the need for about 3,700 new prison beds by 2019. Although the 2005 Legislature funded a new 1,280 bed facility, there remains roughly a two-prison gap between existing/authorized capacity and future forecasted need. At about \$27,000 per year per bed to operate a prison, and about \$11,000 per year per bed to amortize capital costs, the financial implications of the forecast for the state budget are significant.

Exhibit 2
Washington's Prison Populations:
Actual (2005) and Forecast (2019)
Average Daily Population



Legislative Direction for the Study

The legislative language directing the Institute's study is shown *verbatim* in the accompanying sidebar. In brief, the legislation requires the Institute to study the net short-run and long-run fiscal savings to state and local governments if evidence-based prevention, intervention, and sentencing alternatives are implemented in Washington. In particular, the "bottom line" research question for this study is whether there are enough cost-beneficial alternatives that would enable Washington to avoid constructing the new prisons that are implied in the current CFC forecast.

The Institute is directed to examine three broad types of policy options the legislature could consider to accomplish this goal.

1. **Sentencing options.** The legislation directs the Institute to examine possible changes that could be made to Washington's sentencing laws, including sentencing alternatives and the use of risk factors in sentencing. These options are to be analyzed in conjunction with efforts underway at the Washington State Sentencing Guidelines Commission.
2. **Prevention programs.** The legislative language instructs the Institute to estimate whether investments in evidence-based and cost-beneficial prevention programs could help reduce the need for future prison beds. Since most prevention programs are for young children, effective evidence-based prevention resources can be expected to affect adult prison use only in the longer run. These programs can, however, offer other near-term and long-term advantages, such as improved educational outcomes. The Institute's study will consider these additional outcomes in our benefit-cost analysis.⁶
3. **Intervention programs.** For offenders already in Washington's juvenile and adult correctional systems, the study is to estimate whether investments in evidence-based programs could cost-effectively lower recidivism rates and, as a result, the need for additional prison beds.

Study Language from the 2005 Legislature

ESSB 6094, Section 708, Chapter 488, Laws of 2005. *The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the Washington state institute for public policy to study options to stabilize future prison populations. The legislature intends to examine options that could stabilize the adult inmate population growth at the projected 2007 level in order to avoid construction of major prison facilities after construction of the Coyote Ridge correctional center. To do this, the legislature finds that sentencing options need to be examined in conjunction with prevention and intervention programs. The legislature finds that existing and current research underway by the Washington state institute for public policy can be synthesized to develop these options, in conjunction with sentencing options that will be developed by the sentencing guidelines commission. The Washington state institute for public policy shall build on the study required by chapter . . . (Engrossed Substitute Senate Bill No. 5763 (mental disorders treatment)), Laws of 2005, and study the net short-run and long-run fiscal savings to state and local governments of implementing evidence-based treatment human service and corrections programs and policies, including prevention and intervention programs, sentencing alternatives, and the use of risk factors in sentencing. The institute shall use the results from its 2004 report on cost-beneficial prevention and early intervention programs and its work on effective adult corrections programs to project total fiscal impacts under alternative implementation scenarios. The institute shall provide an interim report to the appropriate committees of the legislature by January 1, 2006, and a final report by October 1, 2006.*

The Institute received an appropriation of \$50,000 to conduct the study.

After analyzing the economics of each of these options, the task for the study is to estimate the total fiscal and prison bed impacts of "alternative implementation scenarios." The goal of these policy choices is to allow the legislature to consider options that have the ability to keep crime rates under control while also lowering the long-run fiscal cost of Washington's state and local criminal justice systems. In financial terms, this means identifying portfolios of state crime control options that replace lower rate-of-return investments with strategies that produce higher rates of return on the taxpayer's dollar.

Research Approach

To develop the information for the final report, the Institute is currently engaged in the following three research tasks.

✓ **Task 1: Determine if there are evidence-based and cost-beneficial options.** Are there any prevention or intervention programs, or sentencing alternatives, that work? More specifically, has rigorous research demonstrated specific approaches that have—in the real world—the ability to reduce crime? Further, do the benefits of these options outweigh the costs?

To address these questions, we are conducting a systematic review of all rigorous program evaluations conducted over the last 40 years in the United States and other English speaking countries. Only a few of these evaluations are of Washington State prevention and intervention programs; rather, most evaluations in our review are of programs conducted in other locations. One primary purpose of our study is to take advantage of all rigorous evaluations and, thereby, learn whether there are conclusions that can allow policymakers in Washington to improve this state's criminal justice system.

To complete this first task, we are using a technique called “meta-analysis,” which is a formal statistical procedure to test whether existing evidence supports the questions posed for this study. We are also estimating the benefits and costs of each alternative using the same methods we have employed in our earlier reviews of criminal justice and social programs. In addition, as described in the legislation authorizing this study, we are working on similar analytical work for ESSB 5763—a 2005 Act pertaining to evidence-based services for persons with co-occurring mental health and substance abuse conditions. Our approach to this phase of the study, along with the results we have produced to date, is described in several other Institute publications.⁷

✓ **Task 2: Calculate the impact these evidence-based approaches could have on state and local governmental costs and prison capacity needs.** The second major task for this project involves estimating the degree to which any identified evidence-based approach could be implemented in Washington. That is, if the results of Task 1 reveal that there are particular programs or

sentencing alternatives that can cost-beneficially affect long-run crime rates and prison use, then the question is: What impact could the program have in Washington? To answer this, we will estimate how many people there are in Washington who could realistically be expected to participate in a particular program. For example, if the research evidence indicates that a particular juvenile justice program has the ability to affect adult prison use in the long run, then we will estimate how many juvenile offenders there are in Washington who might be placed in the program. Estimates of these factors will be made during the spring and summer of 2006.

✓ **Task 3: Identify a “portfolio” of cost-beneficial choices for consideration by the Legislature.** When Tasks 2 and 3 are complete, we can assemble the information in such a way that the legislature will be able to consider a range of options (“portfolios”) that it can implement to achieve the overall goal of the project: to identify options to stabilize future prison populations.

Final Report. The due date for the final report for this project is October 1, 2006.

For information or comments, please contact Steve Aos at: saos@wsipp.wa.gov; 360-586-2740.

Footnotes

¹ ESSB 6094, Section 708, Chapter 4888, Laws of 2005.

² Other age groups could be used as denominators in calculating incarceration rates; the choice does not materially affect the results. We used the 18- to 49-year-old group because that age cohort encompasses the most crime prone ages for adult offenders.

³ None of the figures in this interim report includes local jail populations. Jails are run by counties in Washington. Jail incarceration rates have also increased over time and this will be addressed in our final report. For more information on local jail rates, see: S. Aos, *The Criminal Justice System in Washington State: Incarceration Rates, Taxpayer Costs, Crime Rates, and Prison Economics*. Olympia: Washington State Institute for Public Policy, January, 2003.

⁴ Because of limitations in how the federal government reports national prison rates, the national series includes prisoners in federal prisons as well as inmates in state prisons. This does not materially affect the comparisons presented here.

⁵ Information on the Washington State Caseload Forecast Council is available at the Council's website: <http://www.cfc.wa.gov/>

⁶ See: S. Aos, R. Lieb, J. Mayfield, M. Miller, A. Pennucci, *Benefits and Costs of Prevention and Early Intervention Programs for Youth*. Olympia: Washington State Institute for Public Policy, September, 2004.

⁷ In addition to the references in footnotes 3 and 6, see: S. Aos, M. Miller, E. Drake, *Evidence-Based Adult Corrections Programs*. Olympia: Washington State Institute for Public Policy, January 2006.