

Changing the Sentencing Grid?

Creating a “Crime Impact Statement”

(to accompany a fiscal impact statement)

to Assist Decision Making

Sentencing Guidelines Commission

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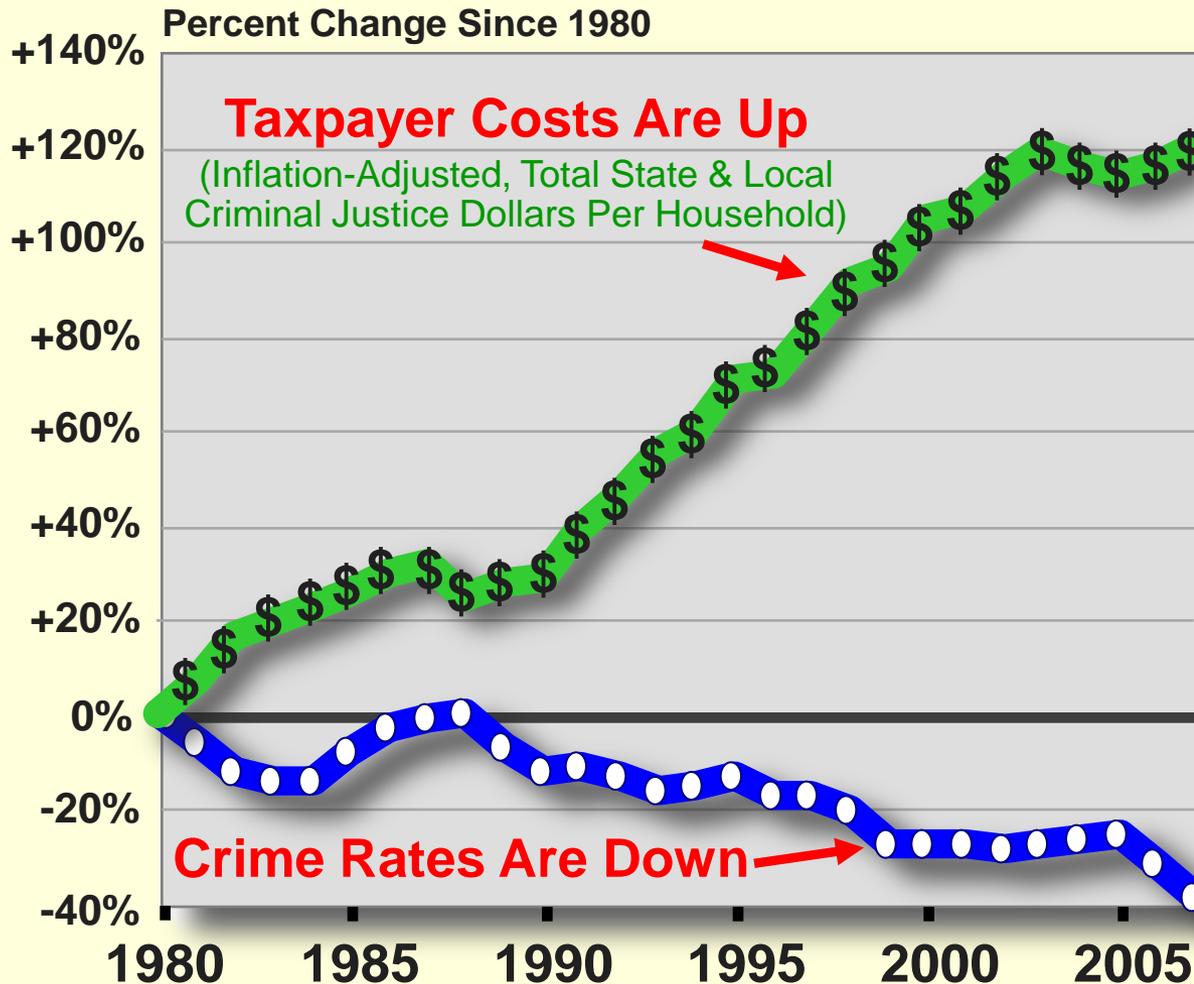
Robert Rosenman, WA State Univ.

What We'll Cover Today

- 1. Context: Some Key Washington Trends**
 - Crime rates and taxpayer costs
 - Incarceration rates
- 2. The Big Limitation** (to producing a “Crime Impact Statement”)
- 3. Some Numbers: Crime, Risk, & Incapacitation**
 - DOC risk assessment information
 - The prison/crime relationship
 - Diminishing returns
- 4. An Example “Crime Impact Statement”**
 - The Institute’s analysis of the 5990 earned early release law

The Big Picture:

Crime Rates & Taxpayer Costs: 1980 to 2007



In 1980, taxpayers spent \$557 per household on the criminal justice system.

Today they spend \$1,223 per year.

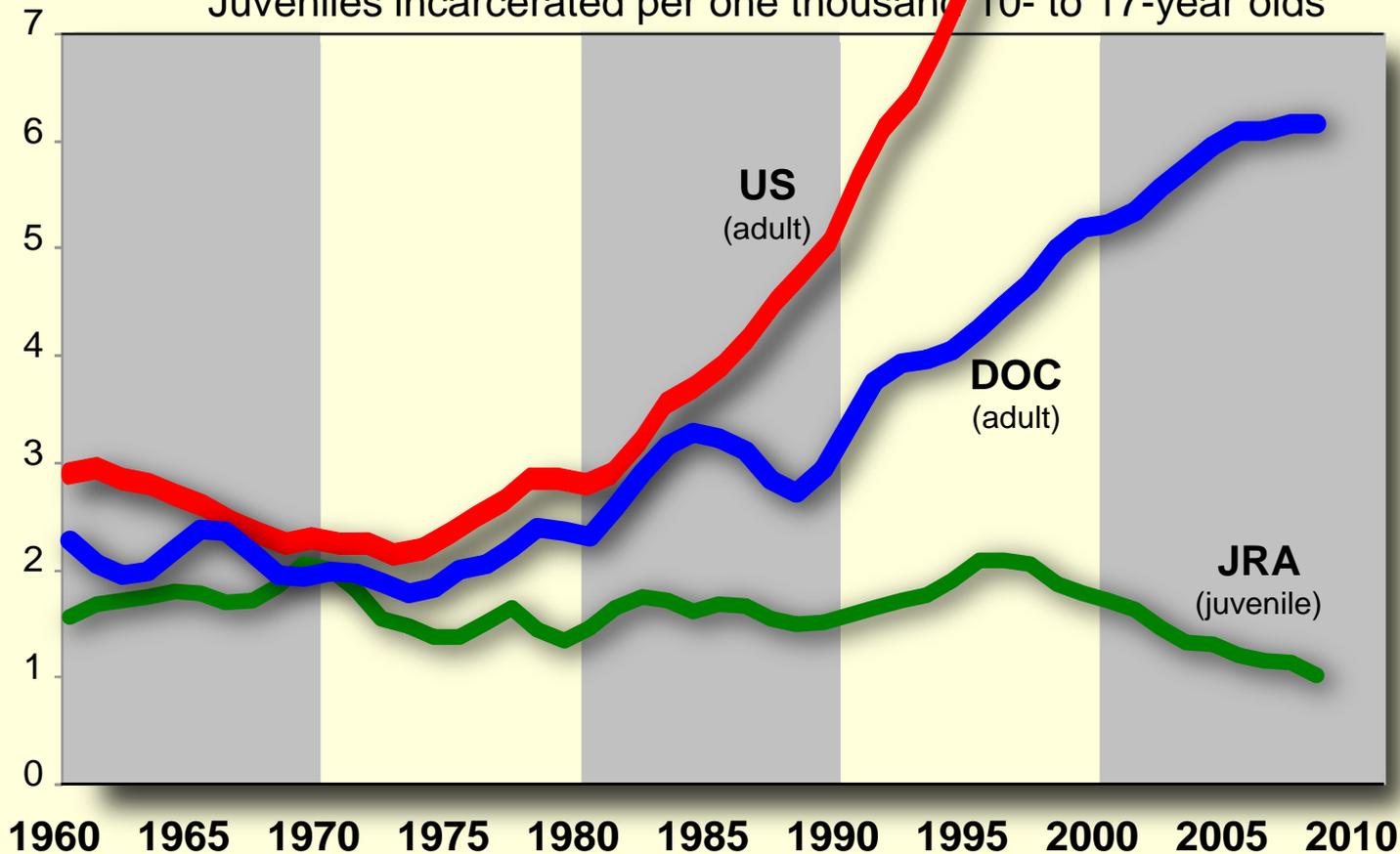
A 120% increase.

In 2007, crime rates were 39% lower than they were in 1980.

All data are for Washington State. Monetary values in 2007 dollars. Crime rates cover major felony crimes as reported to police.

Adult and Juvenile (State) Incarceration Rates In Washington: 1960 to 2008

Adults incarcerated per one thousand 18- to 49-year olds
Juveniles incarcerated per one thousand 10- to 17-year olds



Source: WSIPP analysis of data from the Caseload Forecast Council, OFM, and the US Bureau of Justice Statistics

Two Typical Goals of a Sentencing Grid...

- ✓ **...Punish Past Crimes** A grid that makes offenders “pay” for their previous crimes—“just desserts”
- ✓ **...Avoid Future Crimes** A grid that tries to reduce future crimes from happening, via...
 - **...Incapacitation** (crimes avoided while an offender is incarcerated)
 - **...General deterrence** (send a message to would-be offenders)
 - **...Rehabilitation** (crimes avoided after an offender is released)

Our Analytical Focus

13-Year Felony Reconviction Rates (in Washington) for Offenders Leaving Prison

| | <u>Type of Offender Leaving Prison</u> | | | |
|---|--|------------|------------|------------|
| | Violent (not sex) | Sex | Property | Drug |
| Percent Reconvicted for any new Felony | 52% | 29% | 70% | 51% |
| By Type of Most Serious Reconviction | | | | |
| Violent (not sex) | 24% | 8% | 23% | 14% |
| Sex Reconviction | 3% | 11% | 3% | 1% |
| Property Reconviction | 16% | 7% | 37% | 12% |
| Drug Reconviction | 9% | 3% | 7% | 24% |

Source: WSIPP analysis of data from the Administrative Office of the Courts and the Department of Corrections

Recidivism in Washington State:

The DOC Risk Assessment of Felony Offenders

1. **OAA (1999) requires DOC to classify and supervise offenders according to risk to re-offend and harm done.**
2. **Improved risk assessment developed by Institute (2005).**
3. **Results of the DOC risk classification:**

| DOC Risk Group | Distribution of Offenders | | 3-Year Felony Recidivism* | |
|-------------------|---------------------------|-----------|---------------------------|-----------|
| | Prison | Community | Prison | Community |
| High, Violent | 32% | 13% | 61% | 56% |
| High, Non-Violent | 37% | 25% | 52% | 52% |
| Moderate | 18% | 37% | 28% | 27% |
| Lower | 13% | 25% | 13% | 14% |
| Total | 100% | 100% | 45% | 34% |

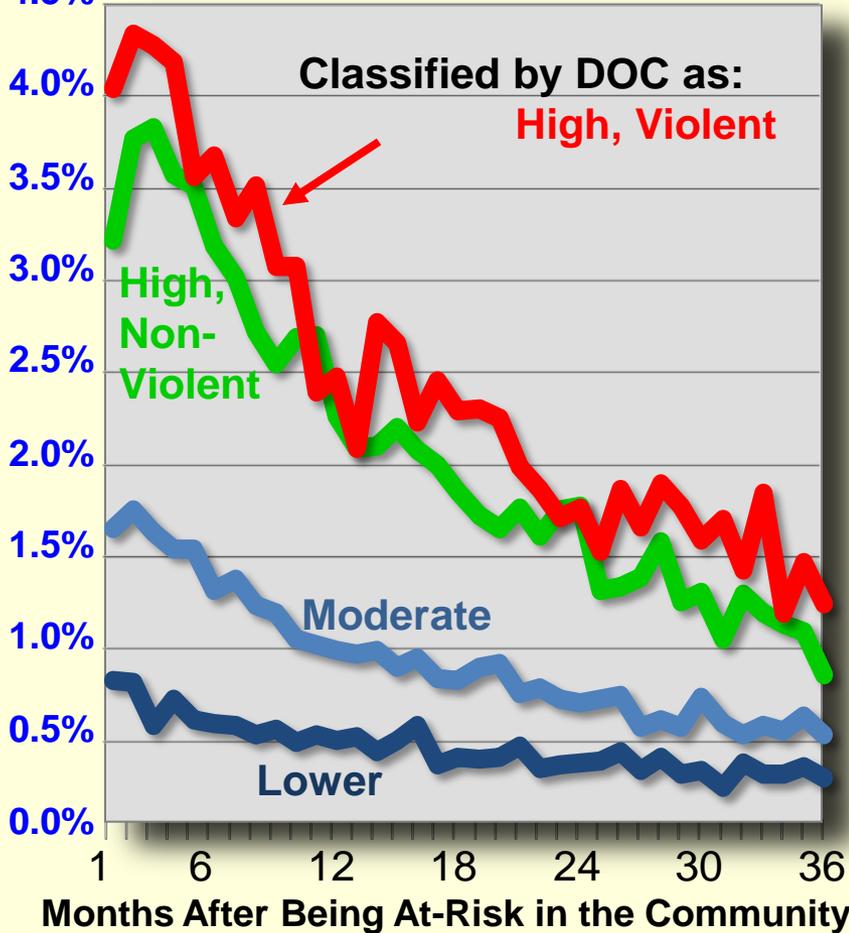
* Re-conviction in WA

4. **How accurate is the risk assessment?**

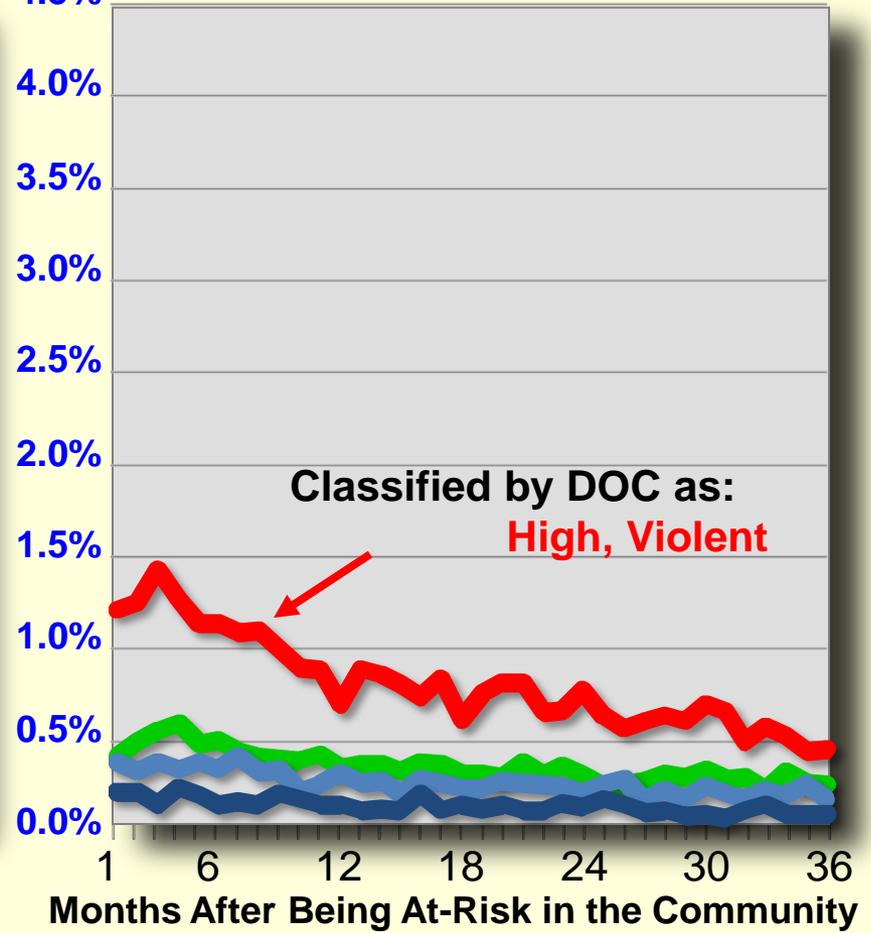
It is about half way to perfection—it is about mid-way between 100% accuracy and simply tossing a coin.

The Timing of Recidivism in Washington State: The DOC Risk Assessment of Felony Offenders for...

...a New Felony Conviction

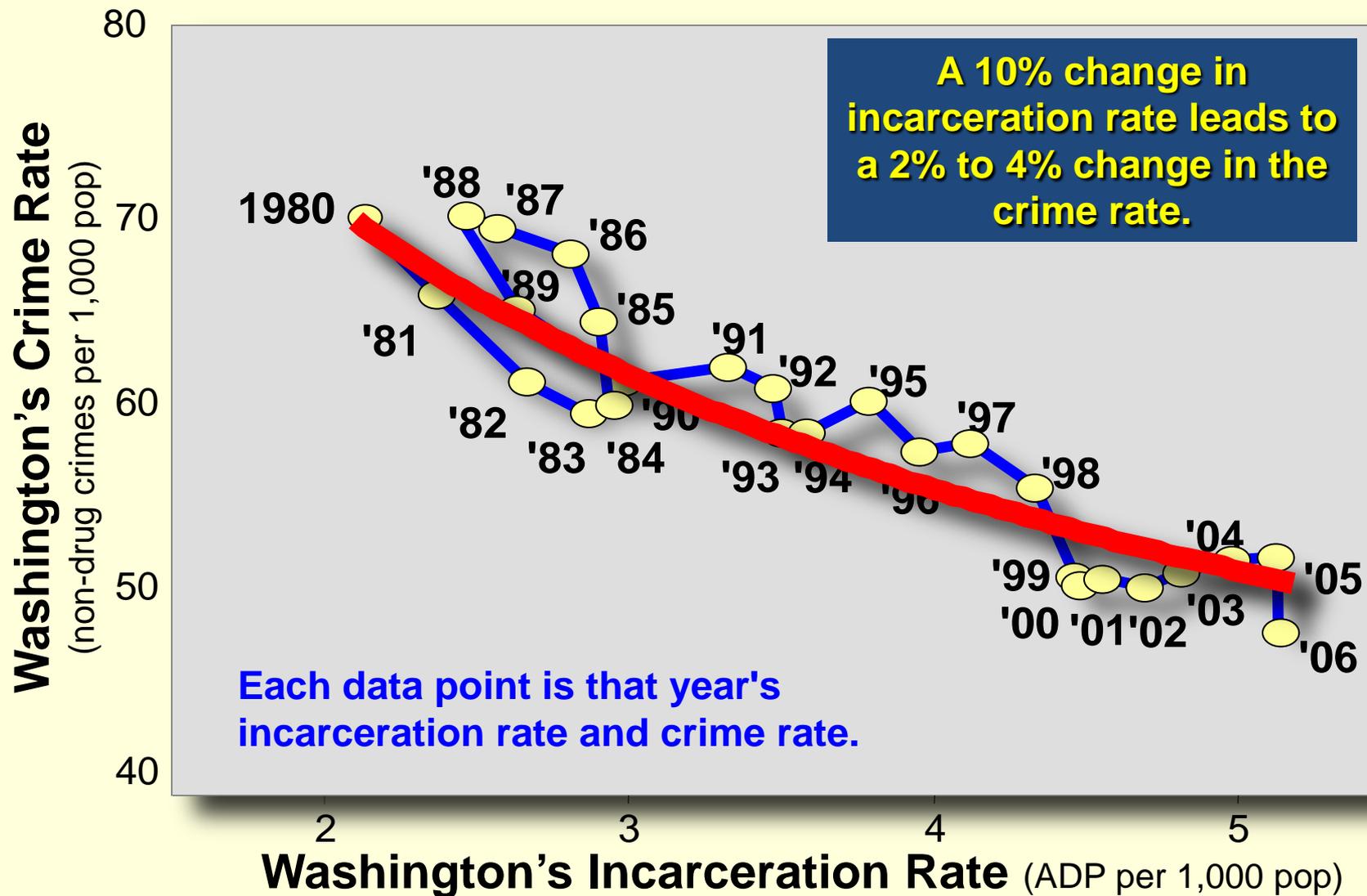


...a Violent Felony Conviction



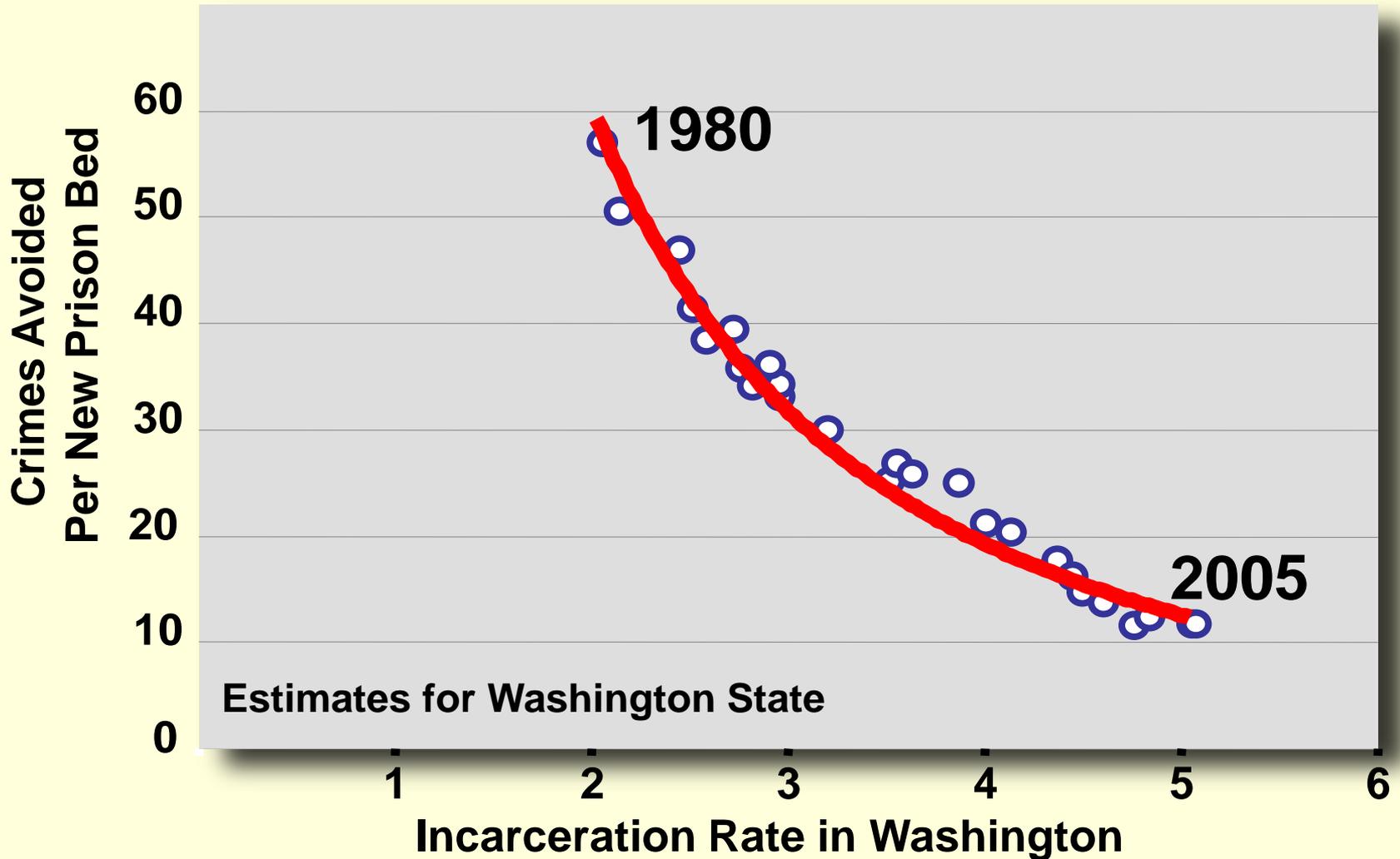
Source: WSIPP analysis of data from the Administrative Office of the Courts and the Department of Corrections

Does Prison Affect the Crime Rate?



Prison & Diminishing Returns

As incarceration rates are raised, prison's marginal effectiveness declines



The Economics of Changing the Incarceration Rate

1. Changing the Incarceration Rate Will (Probably) Affect the Crime Rate

✓ **Magnitude of the effect varies by:**

- **The total incarceration rate** (diminishing returns happen)
- **The type and risk level of offenders incarcerated**
- **Estimates of the effect are imprecise**

2. Benefits and Costs: Things We Can Measure

- ✓ **State and local taxpayer costs:** police, courts, prosecutors, defenders, juvenile and adult corrections
- ✓ **Cost to crime victims:** we use national estimates
- ✓ **Lost earnings of those incarcerated**

3. Things We Can't Measure (at all, or well)

- ✓ **The value of just desserts, retribution, vengeance**
- ✓ **Other offender costs of incapacitation:** other costs to offender families and society

A “Crime Impact Statement” — an Example

From a Recent Institute Report Evaluating a 2003 Law That Increased Earned Release Time from Prison for Lower-Risk Non-Violent Offenders
(an average 63 day shorter prison stay)

Benefits per offender released early

| | |
|--|-----------------------|
| Prison costs saved from reduced length of stay | \$5,501 |
| Recidivism effect (we found lower 3-year recidivism) | |
| Future crime victim costs avoided | \$5,096 |
| Future taxpayer costs avoided | \$2,968 |
| Increased labor market earnings | <u>\$1,785</u> |
| Total benefits per average offender | \$15,359 |

Costs per offender released early

| | |
|--|----------------|
| Incapacitation effect: Total increase in crime costs (taxpayers and victims) due to reduced incarceration rate. | \$8,179 |
|--|----------------|

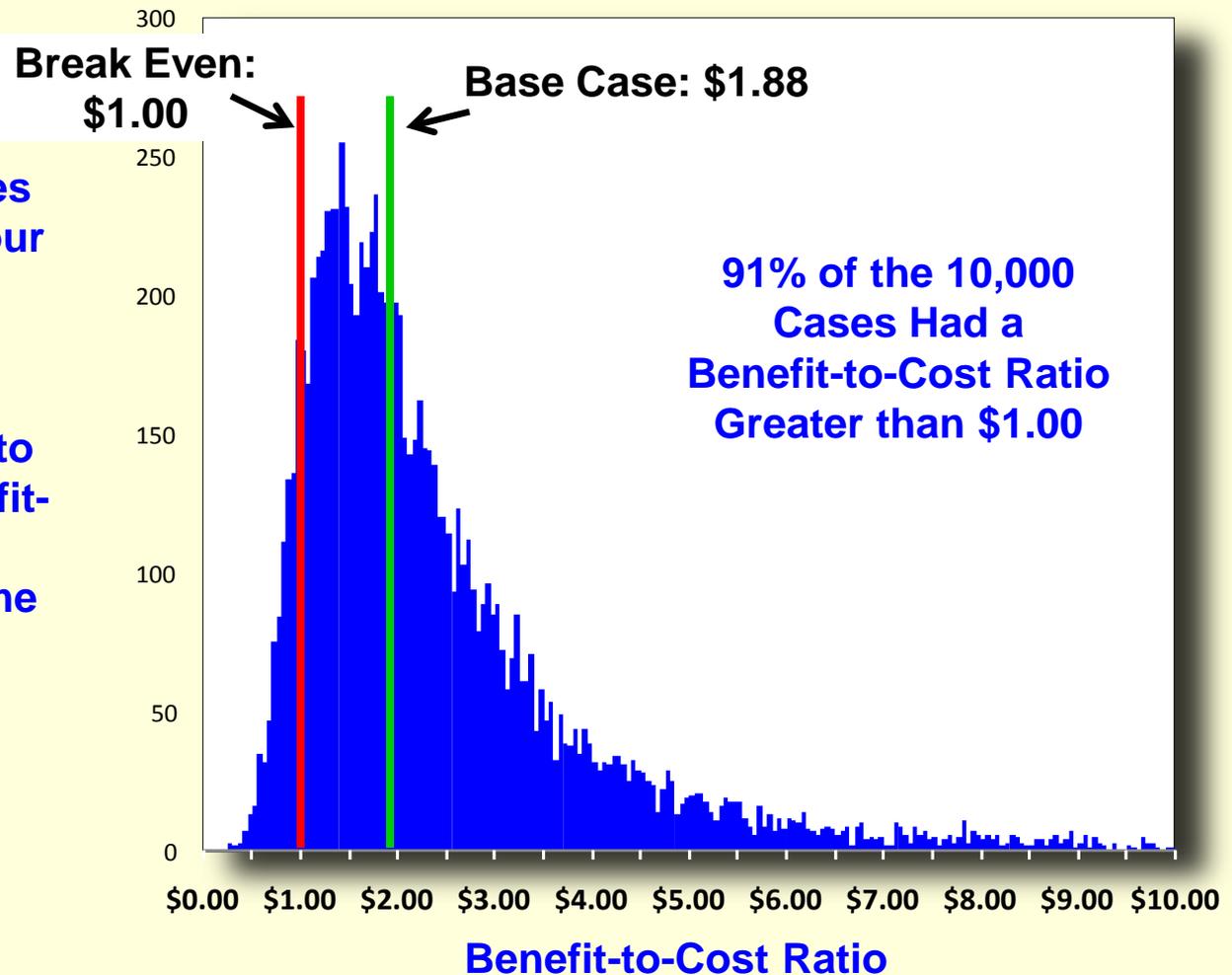
Bottom Line

| | |
|---|----------------|
| Net benefits per participant (benefits minus costs) | \$7,180 |
| Benefit-to-cost ratio | \$1.88 |

Measuring the Uncertainty in Our Bottom Line of the “Crime Impact Statement”

We varied key estimates and assumptions in our base-case analysis.

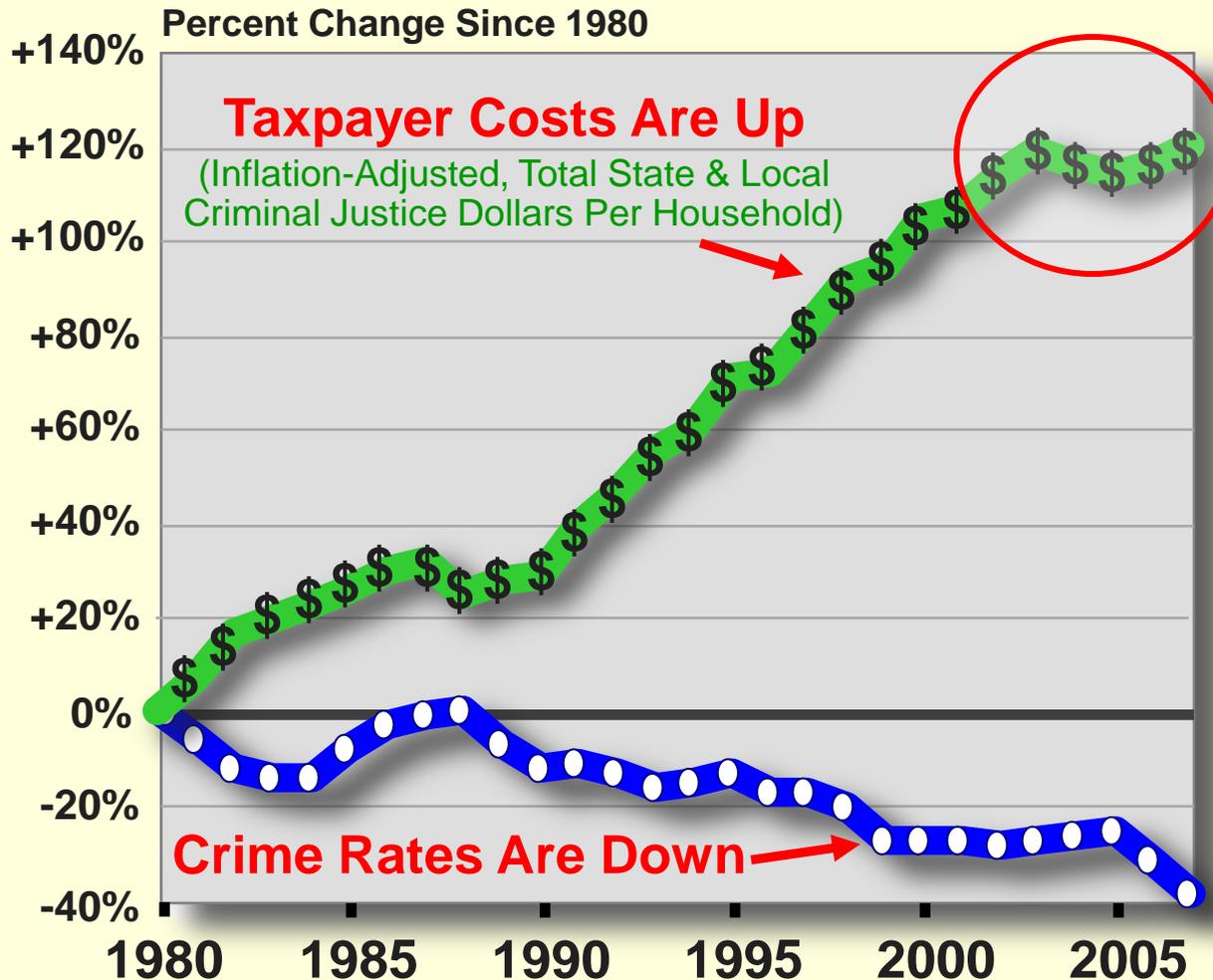
We re-ran the model 10,000 times, testing to see how often a benefit-to-cost ratio would indicate a bad outcome (less than \$1 of benefit per dollar of cost).



Summary

- 1. Changing the Sentencing Grid?**
 - Be careful; crime rates will be affected
- 2. Using Offender Risk and Cost-Benefit Information Can Provide Useful Information**
 - Remember, however, the “big limitation” to the analysis
- 3. Bottom Line: it is probably possible to find combinations of sentencing grid adjustments that can reduce crime rates and save taxpayers money**

The Big Picture Revisited: Crime Rates & Taxpayer Costs: 1980 to 2007



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Thank You!

| | Change In Crime (# of EB Studies) | Benefits - Costs (per-person, life cycle) |
|--|---|---|
|--|---|---|

Adult Offenders

| | | |
|---------------------------------------|-------------|----------|
| Adult Drug Courts | -8.0% (57) | \$4,767 |
| Education Prgs., Prison | -7.0% (17) | \$10,669 |
| Drug Tx in Prison (TC or out-patient) | -5.7% (20) | \$7,835 |
| Cog-Behavioral Treatment | -6.3% (25) | \$10,299 |
| ISP: surveillance | -0.0% (23) | -\$3,747 |
| ISP: treatment | -17.1% (11) | \$11,563 |

Juvenile Offenders

| | | |
|--------------------------------|-------------|----------|
| Functional Family Thpy. | -15.9% (7) | \$31,821 |
| Multisystemic Therapy | -10.5% (10) | \$18,213 |
| Aggression Repl. Trng. | -7.3% (4) | \$14,660 |
| Family Int. Transitions | -13.0% (1) | \$40,545 |
| Restorative Justice (low risk) | -8.7% (21) | \$7,067 |

Prevention

| | | |
|---------------------------|------------|----------|
| Pre-School* (low income) | -14.2% (8) | \$12,196 |
| Nurse Family Partnership* | -36.3% (2) | \$18,052 |