PROPOSED FINAL REPORT:

Review of the Washington Statewide Reentry Council

LEGISLATIVE AUDITOR'S CONCLUSION:

The Washington Statewide Reentry Council has performed most of its statutory duties. However, without a strategic plan or measurable goals, the focus of its efforts is unclear and its impact cannot be evaluated.

May 2023

Executive Summary

In 2016, the Legislature created the Washington Statewide Reentry Council (Council).

- Reentry is the transition from incarceration back to the community. The Council's work has centered on reentry from state prisons.
- The Legislature intended for the Council to develop collaborative relationships between interested parties to improve public safety and outcomes for people reentering the community (Chapter 43.380 RCW). Statute does not direct the Council to manage or administer reentry programs.
- The Council has 15 members representing interests such as the legal system, community leaders, service providers, and those who have experienced reentry.

The law directs the Joint Legislative Audit and Review Committee (JLARC) to complete a performance audit of the Council every six years. This is the first JLARC audit.

The Council has performed most of its statutory duties, but it has had limited interaction with many of the stakeholder groups named in statute

The Council has taken steps to address reentry. For example, it has:

- Held public meetings, issued biennial reports, consulted with stakeholders, and issued policy recommendations. However, the Council has had limited interaction with many of the stakeholders listed in statute.
- Spent $1.27 million over six years, primarily on Council staff and grants to nonprofits that serve those reentering the community.

- Delegated overall responsibility for many duties to its executive director.

Statute directs the Council to consult with 12 specific stakeholder groups. The Council's engagement with these groups varies widely. In many cases, the Council staff or a few Council members met or spoke with stakeholders. Most of the interactions have not been documented or reported to the full Council.

It is unclear whether the Council's activities have affected public safety or reentry outcomes because it does not measure its performance

Although the Council discussed the need for performance measures in 2016 and 2017, it has not adopted them. Best practices suggest performance measurement should link an entity's activities with desired outcomes. Performance measures can include implementation of recommendations or progress on specific tasks. Other state reentry councils use these types of measures.

Research literature and public agencies have identified outcomes for public safety and reentry that focus on changes in criminal activity, access to services, and socioeconomic factors.

The Council does not have a strategic plan to focus its activities

While the Council has discussed the need for strategic planning, it has not developed a strategic plan to identify its goals or guide its actions for creating policy recommendations or issuing grants.

To ensure that activities meet a council's goals, best practices indicate that councils should develop a strategic plan that drives actions. The plan could:

- Identify an agreed upon mission or outcome for the Council's work.
- Establish clear goals to achieve the mission or outcome with measurable targets to track progress.
- Help the Council coordinate and link its activities to the broader mission or goals.

The Council makes policy recommendations in its biennial reports. The recommendations address relevant topics such as housing, education, and employment. Tracking these recommendations could demonstrate goals and accomplishments. So far, the Council has not consistently linked its recommendations to specific actions and results.

The next JLARC study of the Reentry Council will be conducted in 2028. To support that – and to assess and communicate its own progress – the Council will need to develop objectives, goals, and performance measures.

Legislative Auditor Recommendations

1. The Council should develop a stakeholder engagement plan that demonstrates how it will solicit input and participation from all stakeholders identified in statute.

- The plan should identify the relevant stakeholders, the methods it will use to collect input, and how it will consider stakeholder input in the Council's actions, recommendations, and grants.

2. The Council should develop a strategic plan to guide its activities, recommendations, and spending. The plan should have performance benchmarks and measures so the Council can track its progress toward achieving the Council's goals.

- The Council should develop a plan with stakeholder input and adopt the plan at a public meeting. The Council's recommendations and grant funding should relate to the goals and targets stated in the strategic plan.

The Council concurs with these recommendations. You can find additional information in Recommendations.

1. Council created to improve safety and outcomes through collaboration

The Legislature created the Council to convene stakeholders and collaboratively improve public safety and outcomes for people reentering the community after incarceration

The Legislature created the Washington Statewide Reentry Council in 2016 to increase collaboration among reentry stakeholders

In 2016, the Legislature created the Washington Statewide Reentry Council (Council). The Legislature's stated intent is for the Council to develop collaborative and cooperative relationships between interested parties to improve public safety and outcomes for people reentering the community from incarceration (RCW 43.380.005).

Reentry is the transition from incarceration back to the community

The law also directs the Joint Legislative Audit and Review Committee (JLARC) to complete a performance audit of the Council every six years. This is the first JLARC audit.

Governor appointments meet the statutory membership requirements

The Governor appoints all 15 members of the Council. As required by statute (RCW 43.380.030), each position represents a specific interest group or state agency. Council members serve for two years and may reapply for their position. The Council has recommended individuals for the Governor's Office to consider when vacancies occur.

Exhibit 1.1: Governor-appointed Council members must represent the following interests and state agencies

Source: RCW 43.380.030.

Council membership differs from other state reentry councils

Four other states — New York, North Carolina, Oregon, and Pennsylvania — have statewide reentry councils. Like Washington's Council, they have existed for several years and have an ongoing mandate.

- While no specific membership model is preferable, other states have more state agencies as council members or non-voting participants than Washington. Agencies include housing, licensing, social services, health, employment, and veterans affairs.
- Other councils have standing subcommittees that either take action on specific council goals or make recommendations to the full council.
- New York, North Carolina, and Pennsylvania work with local reentry councils that coordinate services for people reentering the community.
- Washington's Council has greater representation from nonprofit service providers and people who have reentered the community following incarceration (i.e., those with lived experience). The community leaders on the Council often also have lived and/or nonprofit experience.

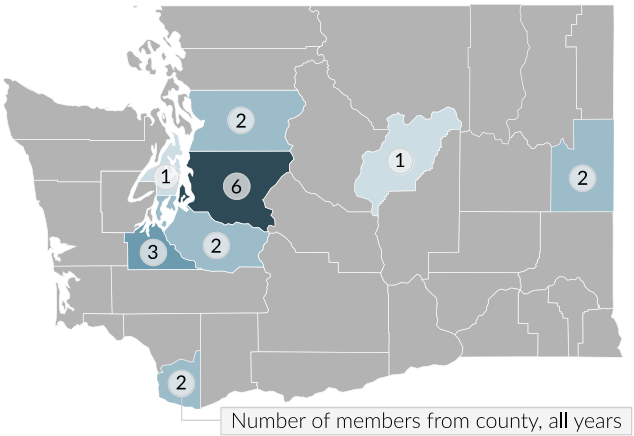
Overall membership reflects race and gender goals, but not geographic diversity

The Governor must consider the self-identified race and gender and the geographic location of applicants so that membership reflects the state's incarcerated population.

The Council's overall membership (all current and former appointees) is more racially diverse and has more women than Washington's incarcerated population.

However, Council membership does not represent the state's different geographic regions. Only 13% of current or former non-agency members are from eastern Washington counties. In contrast, 27% of the state's total population lives in eastern Washington and 31% of people reentering the community from state prisons are released in eastern Washington counties.

Exhibit 1.2: Only 3 of 19 current or former Council members were from eastern Washington



Source: JLARC staff analysis of Council membership through June 2022.

Council has two staff and receives administrative support from the Department of Commerce

The Council has two staff members:

- An executive director who ensures that the Council meets its statutory duties, including legislative activities and reporting. This position is confirmed by the Senate.
- A coordinator who schedules meetings, manages communications, and represents the Council to various groups.

The Department of Commerce provides facilities for Council use and manages the Council's funds.

The Council has more dedicated staff support than the other four state reentry councils that JLARC staff reviewed. North Carolina has one dedicated staff member, while the others are

supported by individuals who hold other primary jobs. For example, Oregon's council is housed in and supported by the Department of Corrections reentry division.

Council staffing is in transition

The Council appointed its first executive director in 2017 and reappointed the individual in 2020. The executive director left the Council in November 2021. Following a months-long recruitment process, the Council selected a new executive director in November 2022.The Council also hired a new coordinator in October 2022. The Council continued to meet during 2022.

2. Council has performed most statutory duties

The Council has performed most of its statutory duties, including issuing biennial reports with recommendations to the Legislature. It has had limited interaction with many of the stakeholder groups named in statute.

The Legislature created the Washington Statewide Reentry Council to develop collaborative and cooperative relationships between interested parties. Statute does not direct the Council to operate programs or develop policy.

The Council performs its three required functions: holding meetings, issuing reports, and seeking input

Statute requires the Council to perform three functions: hold public meetings, issue biennial reports, and solicit feedback from stakeholder groups listed in statute. The Council has performed these duties:

1. **Held at least four public meetings each year.** Meetings have been in person and remote. The Council has held some meetings at state prisons to ensure they hear from people directly affected by reentry programs and policies.
2. **Issued biennial reports in 2016, 2018, and 2020.** The report contents have varied, but each highlights Council activities and includes high-level recommendations to the Legislature and Governor regarding reentry (see section 3). Another biennial report was due in December 2022.
3. **Sought input and participation from stakeholders**. Although the Council has interacted with most of the stakeholder groups specified in statute, its interactions with many of them have been limited.

Statute allows the Council to perform other duties, and it has done so. These include appointing an executive director, spending funds, issuing policy recommendations, and creating

subcommittees (e.g., legislative, hiring, equity). Statute also allows the Council to apply for grants and create advisory groups, but it has not done either.

As permitted by law, the Council has delegated overall responsibility for many functions to its executive director. For example, the executive director leads the effort to write the biennial report and works with Commerce to manage funds.

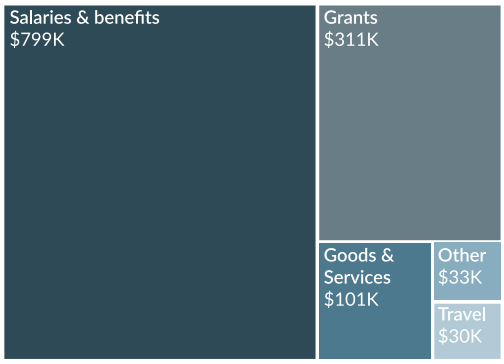
The Council spent $1.27 million over six years, primarily on staff and grants to nonprofits

Since 2017, the Council spent funds on staff, grants, and other expenses such as equipment and travel.

In four fiscal years[1], the Council used unspent funds (e.g., salary or travel savings) to offer grants to community nonprofits. Individual grants ranged from $8,000 to $50,000.

- The Council awarded 73% of grants to organizations that offer direct services to people reentering the community after incarceration (e.g., housing, transportation, and personal care vouchers).
- It awarded 27% of its grants to organizations for outreach materials, studies, and reentry program administration. The Council used a competitive process in only one of the four grant cycles.

Exhibit 2.1: Council has spent $1.27 million on staff, grants, and other expenses



Source: Council records, fiscal years 2017-2022.

The state funds other reentry grants that Council and Commerce staff administer

The Department of Commerce (Commerce) also receives separate appropriations for two grants that serve the reentry population. In the current biennium, the grants offer $300,000 to Divine Alternatives for Dads Services and $708,000 to the Port Gamble S'Klallam Tribe reentry program. Both programs offer counseling, case management, employment services, and other

1 2017, 2020, 2021, and 2022.

support services. The grants help pay for the programs' staff and administration. Although appropriated to Commerce, the Council coordinator has administered both grants.

Commerce staff in the Office of Firearm Safety and Violence Prevention manage the $5 million Reentry Grant program that was funded in the 2021-23 operating budget (ESSB 5092). They provide regular updates about the process, applications, and awards at Council meetings, and have sought feedback from Council members and staff.

The Council engages with stakeholders through meetings and email

Statute directs the Council to solicit input and participation from stakeholders interested in reducing recidivism, promoting public safety, and improving community conditions for people reentering the community from incarceration.

- The Council primarily uses email and public meetings to receive input from stakeholders. For example, public meetings often include presentations from nonprofit organizations and an opportunity for public comment. The Council also has held listening sessions to learn more about the intersection of race and reentry.
- The Council staff have attended meetings of various state work groups as directed by law. They have periodically attended meetings of local nonprofits.
- Best practices note that meetings, email, and listening sessions are good tools for informing or consulting. However, if the Council wants to increase collaboration, it could also consider approaches such as advisory committees.

The Council has had limited interaction with most stakeholder groups, including those named in statute

Statute directs the Council to consult with 12 specific stakeholder groups. This requirement is separate from the direction to the Governor to appoint a diverse Council membership.

The Council's engagement with stakeholder groups varies widely. For many of the groups identified in statute, Council staff or a few Council members spoke to or met with stakeholders. Most of the interactions have not been documented or reported to the full Council.

The Council has **frequent and regular interaction** with:

- Individuals who have experienced reentry.
- The Department of Corrections (DOC).
- The Governor's Office.

Individuals with reentry experience and service providers are often invited to present at Council meetings. Council staff confer with DOC about activities and the Governor's Office about Council appointments.

The Council and its staff have had **limited interaction** with other groups.

- It has met with representatives of at least four local governments[2] to discuss housing, incarceration, and employment policy.
- While the Council has met with service providers that might implement evidence-based or promising programs, it has not met with researchers such as Washington State Institute for Public Policy (WSIPP) since 2017.
- The Council relies on its own membership to fulfill the statutory outreach requirement to educators and jails. Council membership includes representatives from the State Board for Community and Technical Colleges and law enforcement. The Council has not consulted with other educator groups. It has met with representatives of at least two jails[3] to discuss a budget proviso, legislative event, and reentry best practices.
- Council staff and members have testified on bills, participated in legislative work sessions, and worked with certain members on legislation. However, it is unclear the degree to which they consult with each of the legislative caucuses.

Statute directs the Council to consult with 12 stakeholder groups

1. Persons with criminal histories and their families
2. Department of Corrections
3. Governor
4. Local governments
5. Persons with expertise in evidence-based and research-based reentry practices
6. Educators
7. City and county jails
8. The two largest caucuses in the House and Senate
9. Specialty courts
10. Managed care organizations
11. Behavioral health administrative services organizations
12. Behavioral health providers

2Thurston, Spokane, and Whatcom Counties; Seattle.

3Clark and Spokane Counties.

There is **no evidence of the Council consulting** with specialty courts, managed care organizations, and behavioral health administrative service organizations. While Council staff have attended meetings of state behavioral health work groups, the Council has not otherwise consulted with behavioral health providers.

Council's engagement with other state entities is limited

When the Council first began, state agencies provided progress updates to the Council on the Governor's Executive Order 16-05, which directed state agencies to address specific reentry issues. In 2018, the Council also participated in Results WA, the Governor's performance management oversight effort. However, the Council has had less engagement with other state entities than is suggested by best practice. For example, other state reentry councils routinely work with agencies that address housing, licensing, veterans affairs, or employment.

In addition, the Council stated its intent to center its work in racial equity. While the Council has invited the state's Office of Equity and relevant commissions (e.g., Commission on Hispanic Affairs, Commission on African American Affairs, and Commission on Asian Pacific American Affairs) to participate in racial equity forums and membership selection, it does not regularly consult with these entities and bring information back to the full Council for consideration.

Legislative Audit Recommendation #1: The Council should develop a stakeholder engagement plan that demonstrates how it will solicit input and participation from all stakeholders identified in statute

Statute requires the Council to engage with stakeholders interested in reducing recidivism, promoting public safety, and improving outcomes for people reentering the community from incarceration. The Council also must consult with twelve stakeholder groups named in statute. This requirement is separate from the direction to the Governor to appoint a diverse Council membership.

The Council should create a stakeholder engagement plan that identifies the relevant stakeholders, the methods it will use to collect input and encourage participation from each group, and how it will consider stakeholder input in the Council’s actions, recommendations, and grants. The Council should document both planned and actual activities. Stakeholder engagement should be linked to the mission, goals, and performance measures in any subsequent strategic plan.

The Council concurs with this recommendation. You can find additional information in Recommendations.

3. Impact unclear without data on performance

The Council cannot demonstrate whether it has affected public safety or reentry outcomes because it does not measure its performance

The Legislature's stated purpose for the Washington Statewide Reentry Council (Council) is to improve public safety and outcomes for people reentering the community from incarceration.

The Council has not measured its performance

Statute anticipated that Council objectives and benchmarks would inform JLARC's review.

In 2016 and 2017, the Council discussed the need for performance measures to quantify progress toward achieving its policy priorities and improve reentry outcomes over time. However, the Council did not adopt measures and has not discussed them publicly since 2017.

Best practices provide guidance that could help the Council track its progress towards achieving desired outcomes for reentry

Best practices for performance measurement start by linking an entity's activities with desired outcomes. Agencies such as the Office of Financial Management and the federal Government Accountability Office provide guidance and management tools to help with this process. For example, logic models can demonstrate how resources like staff and funding (inputs) are used for activities that generate services (outputs) to support the intended result (outcome). Outcomes can be immediate (e.g., improved coordination) or long-term (e.g., broad social goals that the work may affect).

Best practices indicate that entities should measure inputs, activities, outputs, and outcomes. Performance measures show progress toward the outcome and should be reported to stakeholders regularly.

- Performance measures should be specific, reliable, and comparable over time to track progress.
- Recommendations should be specific, feasible, cost-effective, and measurable.

Performance measures can include implementation of recommendations or progress on specific tasks (e.g., legislative change). Other state reentry councils use these types of measures.

Exhibit 3.1: A logic model can link inputs and activities, such as Council efforts at collaboration, to desired outcomes

EXAMPLES	EXAMPLES	EXAMPLES	EXAMPLES
• Staff • Volunteer hours • Funds	• Collaborating with specified stakeholders. • Awarding and monitoring grants. • Testifying or working on specific legislation.	• Meetings or activities with specific stakeholders. • People served or grant funds matched. • Bills passed or defeated.	• Measureable reduction in the recidivism rate. • Measureable number of individuals having housing for a specified number of months after release.
INPUTS Resources used to produce outputs and outcomes	**ACTIVITIES** Actions taken to achieve outcomes	**OUTPUTS** Products or services delivered	**OUTCOMES** Desired results based on goal or mission

Source: JLARC staff analysis of logic model approaches and Council work.

Research literature and public agencies identify possible outcome measures for public safety and reentry

Public safety outcomes consider changes in criminal activity

Local, state, and federal agencies use recidivism as a measure of public safety. Recidivism refers to a person committing a new criminal offense after reentry into the community. There are many ways to measure it depending on the policy question. The Legislature uses the Washington State Institute for Public Policy (WSIPP) definition: recidivism is a new criminal charge within three years of release to the community, with the charge adjudicated within one year.

Statute directs JLARC to determine the extent to which funds expended by the Council have contributed towards reducing recidivism[4]. However, it is too soon to measure any impact on recidivism from the Council's efforts. The most recent WSIPP data shows that the recidivism rate declined from 54% for those released in fiscal year 2013 to 46% for those released in fiscal year 2018. Experts are still determining the effects of the COVID-19 pandemic, changes in state law, and court decisions on recidivism data. More information is in Appendix 1.

Desistance is an emerging measure that could be informative. While definitions and measurements vary, desistance can be understood as a decline or change in criminal behavior

4Committing a new criminal offense after reentering the community.

over time. For example, it can mean less serious offenses (e.g., misdemeanor offenses rather than felony) or less frequent offenses. Like many researchers, both the Department of Corrections and WSIPP report that they are considering how desistance research can inform their work.

Outcomes for individuals reentering the community reflect access to services and socioeconomic factors

The Council's enabling statute lists housing, employment, education, and health services as possible areas for Council review. Research organizations have identified them as key indicators of reentry success as well.

- WSIPP indicates that one measure of reentry is the percent of people employed three months after release.
- The Council on State Governments' Justice Center and the Urban Institute indicate that other measures include access to housing, employment, education, government-issued identification, physical and mental health care, transportation, financial services, family reunification, and therapy upon release from incarceration.

The Council could begin to track its impact by reviewing relevant data sources and performance measures

In 2022, the Council suggested a study of reentry outcomes, needs, gaps, and disparities in Washington. Study areas included recidivism, employment, addiction and mental health treatment, education, and family reunification. While this study was not funded, there are opportunities for the Council to collaborate with and learn from other entities that compile relevant data and track similar types of activities.

State agencies with relevant data include:

- Commerce (e.g., housing, public safety, business development data).
- Employment Security Department (employment and unemployment insurance data).
- Health Care Authority (e.g., public health coverage and access).
- WSIPP (criminal justice research and data).
- Washington State Statistical Analysis Center in the Office of Financial Management (clearinghouse for crime and justice statistics).

Other councils, commissions, and boards track activities similar to the Council's work. They measure:

- Number of meetings held with stakeholders and events attended or hosted.
- Legislative actions, including progress of new legislation and any legislative changes (e.g., removing specific terms from statutes, allocating a specific amount of funding to a pilot program).
- Partnerships with agencies to collect specific information.
- Completion of specific tasks or goals.

To understand its impact, the Council will need to prioritize which outcomes to focus on and identify measures to track these outcomes.

4. Council lacks strategic plan to focus efforts

The Council does not have a strategic plan to focus its efforts, recommendations, and spending on grants

The Council has engaged in planning efforts, but has not developed a strategic plan

The Council has engaged in planning sessions, discussed the need for a strategic plan, and listed broad strategic priorities in the 2020 biennial report. However, it has not yet adopted a strategic plan or goals. As a result, the focus of its efforts are unclear.

- Without a plan, the Council has tried to address a broad range of reentry policy topics. The 2020 priorities appear to give equal consideration to education, housing, employment, racial equity, prison policy, community involvement, and public awareness. The Council also has addressed sentencing reform and court systems in its documents.
- In interviews with JLARC staff, Council members shared differing ideas about the purpose of the Council. For example, some believe that it should serve as a forum for information sharing, while others believe the Council should help state agencies develop policies and practices.
- The Council has awarded several grants to non-profit organizations. While the grants include output measures (e.g., people served), it is not clear how these grants have assisted the Council in fulfilling its goals.

- The Council adopted a race equity statement in 2020 and has taken part in meetings and forums concerning racial equity. It remains unclear how the Council will prioritize racial equity in its activities (e.g., grants and policy recommendations).

The current Council co-chairs have noted that they intend to develop a strategic plan, and planning has been mentioned at public meetings in 2022.

Best practices state that councils should adopt a strategic plan and goals

Best practices state that councils should develop a strategic plan that drives actions and measures progress. For example, the Government Accountability Office (GAO) writes that councils should have an agreed upon mission or outcome, establish clear goals to achieve the mission or outcome, set clear objectives and measurable targets to track progress, develop an action plan to coordinate activities and responsibilities, and identify performance measures.

A strategic plan could help the Council link its recommendations and grant activities to a broader mission or goals. For example, if the Council were to prioritize housing or employment in its plan, it could then choose grantees whose work best supported that goal. A plan would also help the Council identify ways in which it centers its work in racial equity.

Exhibit 4.1: A strategic planning process is a cycle that begins with a common mission and includes performance goals and monitoring

Source: JLARC staff analysis of GAO, OFM, and additional literature identifying best practices for effective councils.

The Council has issued policy recommendations, but it has not consistently linked its recommendations to actions and results

Statute directs the Council to report its policy and funding recommendations every two years. The Council has issued 24 policy recommendations in its biennial reports on topics such as housing, education, employment, and financial obligations.

Recently, the recommendations have been too broad to show a clear connection between the Council's intent and any related legislative or agency action (e.g., passage of a bill, change in practice).

- In 2016, the Council recommended that the Legislature pass "ban the box" legislation, which would remove a barrier to employment. The Council cited specific legislation. In 2018, it reported that the Legislature had passed the Fair Chance Act. Other 2016 recommendations about education and housing also were linked to bill passage.
- In contrast, the Council's 2018 report made seven recommendations for the 2019 legislative session and ten long-term recommendations. Some recommendations reference specific legislation while others offer support for general principles (e.g., "examine and improve conditions of confinement to promote successful reentry.") The 2020 report did not indicate whether the Council's recommendations had been addressed by the Legislature, agencies, or others.

The Council's bylaws and policy statements indicate it will consider racial equity and evidence- or research-based practices in its recommendations. However, Council records and the recommendation language do not show how the Council is considering these factors. Additionally, the recommendations included in the biennial reports have not been discussed at a public Council meeting since 2017.

Legislative Auditor Recommendation #2: The Council should develop a strategic plan to guide its activities, recommendations, and spending. The plan should have performance benchmarks and measures so the Council can track its progress toward achieving the Council's goals.

Best practices in performance measurement indicate that councils should develop a strategic plan that drives actions and measures progress. The Council should develop a plan with stakeholder input and adopt the plan at a public meeting. The strategic plan should include a mission, goals, performance measures, targets, actions, and a time frame for revisions.

The Council's policy recommendations and grant funding should relate to the goals and targets stated in the strategic plan. The Council's biennial reports should document upcoming priorities and actions, and the results of previous priorities and actions, including progress toward or barriers to implementation of the Council's recommendations.

The Council concurs with this recommendation. You can find additional information in Recommendations.

Appendix A: Washington data on recidivism

The Washington State Institute for Public Policy (WSIPP) provides data about recidivism, which is a measure suggested by the Council's enabling statute

JLARC staff would like to thank WSIPP for providing the data for this appendix and reviewing the appendix for accuracy.

The Washington State Institute for Public Policy (WSIPP) maintains a statewide criminal history database for legislative research. The database combines data from multiple state agencies: court data from the Administrative Office of the Courts (AOC); residential confinement data from Juvenile Rehabilitation at the Department of Children, Youth and Families; and incarceration and community supervision data from the Department of Corrections (DOC).

WSIPP has previously published reports on recidivism. These reports use data from four different populations:

1. All adults with a Washington State criminal court legal action (misdemeanor or felony, including those whose sentence does not include incarceration).
2. All adults released from a period of incarceration in prison.
3. All youth with a Washington State court legal action in a juvenile court for a criminal offense.
4. All youth released from commitment in a juvenile rehabilitation facility.

The graphs below show the recidivism rate for the second population, adults released from a period of incarceration in prison. We display this population because the intent section for the Reentry Council (RCW 43.380.005) states the Legislature's concern with the prison population and the Council's recommendations have focused on this population. WSIPP cautions that individuals incarcerated in prison represent only a small portion of the overall population that may reenter the community because individuals also reenter the community from jails.

About the data

WSIPP's most recent data is current through September 30, 2022. The recidivism rates reported reflect a 36-month follow-up period after a person's release. If there is new criminal behavior, at least one additional year is allowed for adjudication to be completed.

Based on these calculations, fiscal year 2018 (July 1, 2017 – June 30, 2018) is the latest for which enough time has passed to calculate an accurate 36-month recidivism rate:

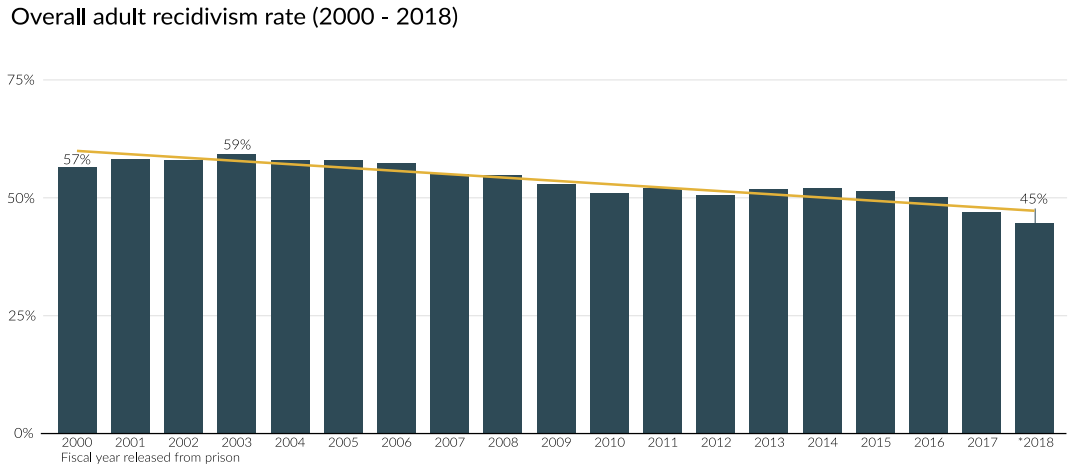
- A person released on June 30, 2018, would need to be charged with a new offense by June 30, 2021, to be reported as recidivating.
- Allowing a year for that charge to be adjudicated requires data through June 30, 2022.

Exhibit A1: Recidivism rates in Washington for adults released from prison, fiscal years 2000-2018

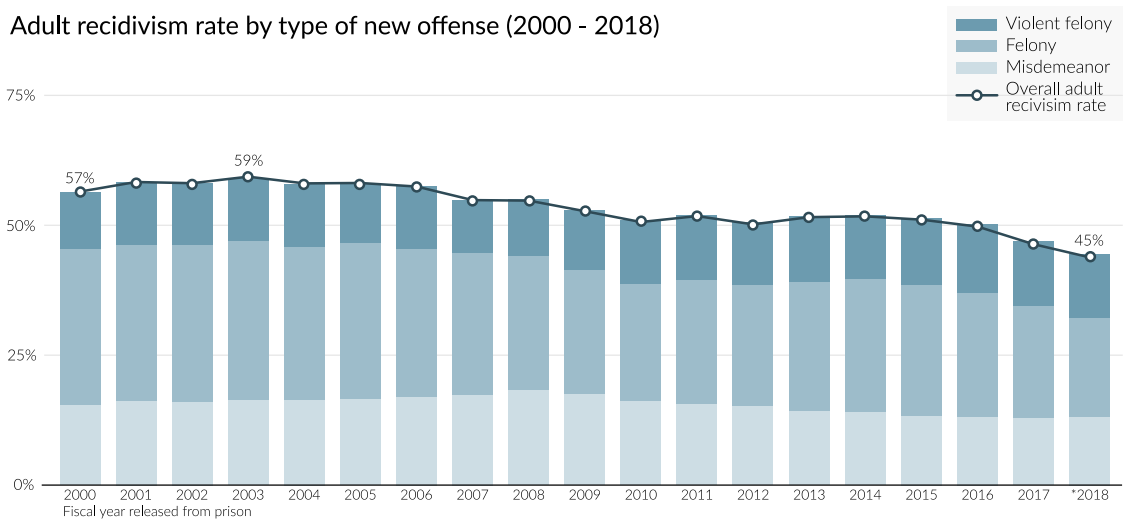
The graphs below are updated from WSIPP's 2019 report named Washington State Adult and Juvenile Recidivism Trends: FY 1995-FY 2014. The graphs in this appendix have additional data for fiscal years 2015-2018.

JLARC staff used the race and gender categories used in WSIPP's 2019 report. WSIPP's demographic data combines information from AOC and DOC.

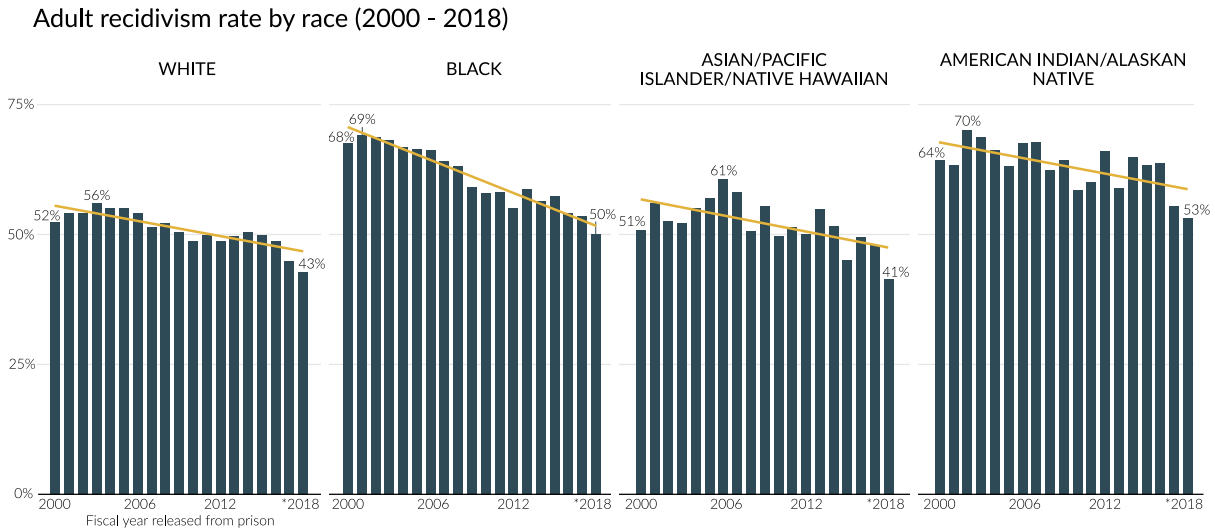
*WSIPP notes that the recidivism rates for the 2018 cohort may be artificially low due to changes in court processes during COVID (i.e., fewer cases filed and deposed). As a result, a decline in the recidivism rate in the 2018 data below may not indicate a decline in offending behavior.



Adult recidivism rates have generally declined since 2003. This graph combines and updates the recidivism data shown in Exhibit 8 of WSIPP's report (pg. 11).

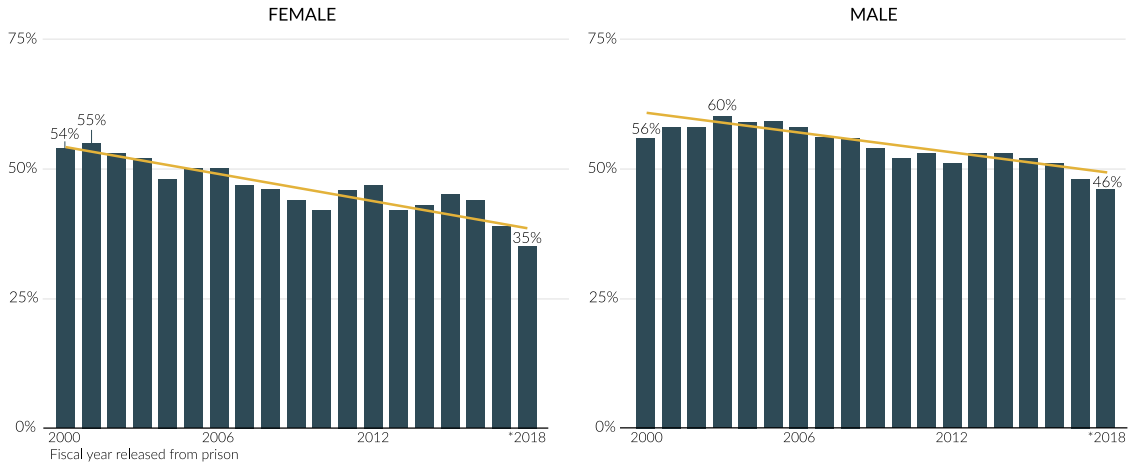


New offenses (recidivism) include misdemeanors, felonies, and violent felonies. This graph is updated from Exhibit 8 in WSIPP's report (pg. 11).



Recidivism has declined over time for Black, White, and American Indian/Alaskan Native adults. The rate of recidivism for Asian/Pacific Islander/Native Hawaiian adults has remained generally stable over time. This graph is updated from Exhibit 16 in WSIPP's report (pg. 15).

Adult recidivism rate by gender (2000 - 2018)



Recidivism has declined over time for both females and males. This graph is updated from Exhibit 15 in WSIPP's report (pg. 15).

Source: Washington State Institute for Public Policy (WSIPP).

Appendix B: Applicable statutes

Chapter 43.380 RCW

Washington Statewide Reentry Council

RCW 43.380.005 Finding-Intent.

The legislature finds that the cycle of recidivism warrants a closer examination of our criminal justice system, correctional systems, and community services in Washington. Over ninety-five percent of persons in prison will return to the community, and more than half of those persons will reoffend and be reincarcerated in today's system. This high rate of recidivism results in more crimes, more victims, more prisons, and more trauma within families and communities. We can do better for the people of Washington.

The legislature intends to establish the Washington statewide reentry council to develop collaborative and cooperative relationships between the criminal justice system, victims and their families, impacted individuals and their families, and service providers, with the purpose of improving public safety and outcomes for people reentering the community from incarceration.

RCW 43.380.010 Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Council" means the Washington statewide reentry council.

(2) "Department" means the department of commerce.

RCW 43.380.020 Washington statewide reentry council—Created—Executive director

Reviser's note: RCW 43.380.020 was amended twice during the 2021 legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025.

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington statewide reentry council is created and located within the department for the purpose of promoting successful reentry of offenders after incarceration.

(2) Through the executive director that may be appointed by the council, the department shall administer the council by: (a) Providing the council and its executive director use of the department's facilities; and

(b) Managing grants and other funds received, used, and disbursed by the council.

As amended by 2021 c 243

~~((3) Except during the 2019-2021 fiscal biennium, the department may not designate additional full-time staff to the administration of the council beyond the executive director.))~~

As amended by 2021 c 334

(3) Except during the 2019-2021 and 2021-2023 fiscal ((~~biennium~~)) biennia, the department may not designate additional full-time staff to the administration of the council beyond the executive director.

RCW 43.380.030 Council—Membership.

(1) The council comprises fifteen members appointed by the governor.

(2) The governor must create a membership that includes:

(a)(i) Representatives of: The department of corrections; the juvenile rehabilitation administration; a statewide organization representing community and technical colleges; a statewide organization representing law enforcement interests; a statewide organization representing statewide representing the interests of crime victims; a statewide organization representing prosecutors; a statewide organization representing public defenders; a statewide or local organization representing businesses and employers; housing providers; and faith-based organizations or communities;

(ii) At least two persons with experience reentering the community after incarceration; and

(iii) Two other community leaders.

(b) At least one position of the council must be reserved for an invited person with a background in tribal affairs, and such position has all of the same voting and other powers of other members.

(3) When making appointments, the governor shall consider:

(a) The racial and ethnic background of applicants in order for the membership to reflect the diversity of racial and ethnic backgrounds of all those who are incarcerated in the state;

(b) The gender of applicants in order for the membership to reflect the gender diversity of all those who are incarcerated in the state;

(c) The geographic location of all applicants in order for the membership to represent the different geographic regions of the state; and

(d) The experiences and background of all applicants relating to the incarcerated population.

RCW 43.380.040 Council—Initial appointments—Terms—Selection committee—Cochairs.

(1) The governor shall make initial appointments to the council. Initial appointments are for staggered terms from the date of appointment according to the following: Four members have four-year terms; four members have three-year terms; and five members have two-year terms. The governor shall designate the appointees who will serve the staggered terms.

(2) Except for initial appointments under subsection (1) of this section, all appointments are for two years from the date of appointment. Any member may be reappointed for additional terms. Any member of the council may be removed by the governor for misfeasance, malfeasance, or willful neglect of duty after notice and a public hearing, unless such notice and hearing is expressly waived in writing by the affected member. In the event of a vacancy due to death, resignation, or removal, or upon the expiration of a term, the governor shall appoint a successor for the remainder of the unexpired term according to the procedures in subsection (3) of this section. Vacancies must be filled within ninety days.

(3) The council shall create a selection committee to recruit, review, and recommend future members. Prior to thirty days before the expiration of a term or within sixty days of a vacancy due to death, resignation, or removal, the selection committee shall submit a recommendation of possible appointees. The governor shall consider the recommendations of the committee when making appointments.

(4) The council shall elect cochairs from among its membership. Cochairs are elected for two-year terms from the date of election. Any former or current cochair may be reelected for an additional term.

RCW 43.380.050 Council powers and duties—Selection of executive director—Stakeholder participation—Reports.

(1) In addition to other powers and duties prescribed in this chapter, the council is empowered to:

(a) Meet at such times and places as necessary;

(b) Advise the legislature and the governor on issues relating to reentry and reintegration of offenders;

(c) Review, study, and make policy and funding recommendations on issues directly and indirectly related to reentry and reintegration of offenders in Washington state, including, but not limited to: Correctional programming and other issues in state and local correctional facilities; housing; employment; education; treatment; and other issues contributing to recidivism;

(d) Apply for, receive, use, and leverage public and private grants as well as specifically appropriated funds to establish, manage, and promote initiatives and programs related to successful reentry and reintegration of offenders;

(e) Contract for services as it deems necessary in order to carry out initiatives and programs;

(f) Adopt policies and procedures to facilitate the orderly administration of initiatives and programs;

(g) Create committees and subcommittees of the council as is necessary for the council to conduct its business; and (h) Create and consult with advisory groups comprising nonmembers. Advisory groups are not eligible for reimbursement under RCW 43.380.060.

(2) Subject to the availability of amounts appropriated for this specific purpose, the council may select an executive director to administer the business of the council.

(a) The council may delegate to the executive director by resolution all duties necessary to efficiently carry on the business of the council. Approval by a majority vote of the council is required for any decisions regarding employment of the executive director.

(b) The executive director may not be a member of the council while serving as executive director.

(c) Employment of the executive director must be confirmed by the senate and terminates after a term of three years. At the end of a term, the council may consider hiring the executive director

for an additional three-year term or an extension of a specified period less than three years. The council may fix the compensation of the executive director.

(d) Subject to the availability of amounts appropriated for this specific purpose, the executive director shall reside in and be funded by the department.

(3) In conducting its business, the council shall solicit input and participation from stakeholders interested in reducing recidivism, promoting public safety, and improving community conditions for people reentering the community from incarceration. The council shall consult: The two largest caucuses in the house of representatives; the two largest caucuses in the senate; the governor; local governments; educators; behavioral health providers; behavioral health administrative services organizations; managed care organizations; city and county jails; the department of corrections; specialty courts; persons with expertise in evidence-based and research-based reentry practices; and persons with criminal histories and their families.

(4) The council shall submit to the governor and appropriate committees of the legislature a preliminary report of its activities and recommendations by December 1st of its first year of operation, and every two years thereafter.

RCW 43.380.060 Council reimbursement.

The members of the council shall serve without compensation, but are entitled to be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

RCW 43.380.070 Meetings.

(1) Meetings of the council must be held in accordance with the open public meetings act, chapter 42.30 RCW, and at the call of the cochairs or when a majority of the council membership so requests. Members may participate in a meeting of the council by means of a conference telephone or similar communication equipment as described in RCW 23B.08.200.

(2) Seven members of the council constitute a quorum.

(3) Once operational, the council must convene on a regular schedule at least four times during each year.

RCW 43.380.080 Performance audits.

(1) The joint legislative audit and review committee shall conduct a performance audit of the council every six years.

(2) Each audit must include but not be limited to:

(a) A determination of the extent to which funds expended by the council or provided in biennial budget acts expressly for implementing the duties of the council have contributed toward reducing recidivism in Washington;

(b) A determination of the efficiency and effectiveness of the council, based upon the achievement of the objectives and benchmarks established by this chapter and any applicable biennial budget acts; and

(c) Any recommendations for changes to the council's performance and structure necessary to ensure or improve accountability.

(3) The council may use the audits as the basis for developing changes to its policies and programs.

Legislative Auditor Recommendation

The Legislative Auditor makes two recommendations regarding Council activities

Recommendation #1: The Council should develop a stakeholder engagement plan that demonstrates how it will solicit input and participation from all stakeholders identified in statute.

Statute requires the Council to engage with stakeholders interested in reducing recidivism, promoting public safety, and improving outcomes for people reentering the community from incarceration. The Council also must consult with twelve stakeholder groups named in statute. This requirement is separate from the direction to the Governor to appoint a diverse Council membership.

The Council should create a stakeholder engagement plan that identifies the relevant stakeholders, the methods it will use to collect input and encourage participation from each group, and how it will consider stakeholder input in the Council's actions, recommendations, and grants. The Council should document both planned and actual activities. Stakeholder engagement should be linked to the mission, goals, and performance measures in any subsequent strategic plan.

Legislation Required:	No
Fiscal Impact:	JLARC staff assume the plan can be completed within existing resources. Implementation of the plan may require other resources.
Implementation Date:	December 2023
Agency Response:	The Council concurs with this recommendation.

Recommendation #2: The Council should develop a strategic plan to guide its activities, recommendations, and spending. The plan should have performance benchmarks and measures so the Council can track its progress toward achieving the Council's goals.

Best practices in performance measurement indicate that councils should develop a strategic plan that drives actions and measures progress. The Council should develop a plan with stakeholder input and adopt the plan at a public meeting. The strategic plan should include a mission, goals, performance measures, targets, actions, and a time frame for revisions.

The Council's recommendations and grant funding should relate to the goals and targets stated in the strategic plan. The Council's biennial reports should document upcoming priorities and actions, and the results of previous priorities and actions, including progress toward or barriers to implementation of the Council's recommendations.

Legislation Required:	No
Fiscal Impact:	JLARC staff assume the plan can be completed within existing resources. Implementation of the plan may require other resources.
Implementation Date:	December 2023
Agency Response:	The Council concurs with this recommendation.

Statewide Reentry Council Response

State of Washington
STATEWIDE REENTRY COUNCIL
1011 Plum Street SE - PO Box 42525 - Olympia, Washington 98504-2525 - (360) 725-4000

March 3, 2023

Eric Thomas
LEGISLATIVE AUDITOR
Joint Legislative Audit & Review Committee
106 11th Ave SW, PO Box 40910
Olympia, WA 98504-0910

Dear Eric Thomas and JLARC Team,

In conjunction with the Washington State Department of Commerce, the Washington Statewide Reentry Council (Council) submits this formal response to the Joint Legislative Audit and Review Committee's (JLARC) *Review of the Washington Statewide Reentry Council.*

The Council's formal response to the Auditor's recommendations are provided below:

RECOMMENDATION	AGENCY POSITION	COMMENTS
The Council should develop a stakeholder engagement plan that demonstrates how it will solicit input and participation from all stakeholders identified in statute.	Concur	Since its inception, the Council has engaged in broad stakeholder relationship building and community outreach. The Council acknowledges the importance of engagement and plans to develop a concrete, documented, and measurable engagement plan. The Council will continue to collaborate with stakeholders and cast a wider net to ensure a holistic, statewide approach.
The Council should develop a strategic plan to guide its activities, recommendations, and spending. The plan should have performance benchmarks and measures so the Council can track its progress toward achieving the Council's goals.	Concur	The Council has engaged in strategic planning sessions and created strategic objectives. The Council will develop a more formal strategic plan and has identified this as a top priority. Due to resource constraint and Council staff and member vacancies, the strategic planning timeline was previously postponed.

Statewide Reentry Council Response

While the Council does concur and concur with the above stated recommendations, provided below are a few more comments of note.

Substantial progress has been made in Washington State reentry since the Council's inception[1] and the work is not done. It is essential that Washington State continue to implement more holistic and humane practices in reentry and incarceration to reduce recidivism and increase public safety. Stakeholder engagement plays a pivotal role in this work. The Council has built and maintained relationships across agencies, organizations, and within community at the local, state, and national levels. The Council has elevated the voices of directly impacted leaders in legislative action and highlighted the necessity of centering lived experience and will continue to do so. The full scope of the Council's relationship building efforts may be difficult for auditors to measure. We will mitigate this challenge for future audits by creating a documented stakeholder engagement plan.

The Council also looks forward to developing a new, formal strategic plan as soon as possible. The Council has been operating without an Executive Director since November of 2022 and with a large number of seat vacancies. Additional strategic planning was postponed until the Council was again fully seated and staffed to ensure all essential voices were included in the plan development. Now that the Council has hired an executive director and the vacancies have been filled, the Council will contract with a strategic planning professional to develop trackable performance benchmarks to further measure the Council's future progress. Due to the Council's resource constraints, the expected timeline for completion is under consideration.

The Council appreciates the opportunity to provide comments. If you have any questions regarding our response, please contact Janel McFeat at 564-996-0004 or janel.mcfeat@commerce.wa.gov.

Sincerely,

Winona Stevens, Council Co-chair, Washington Statewide Reentry Council
Karen Lee, Council Co-chair, Washington Statewide Reentry Council
Durell Green, Council Co-chair, Washington Statewide Reentry Council
Janel McFeat, Executive Director, Washington Statewide Reentry Council
Diane Klontz, Deputy Director, Washington State Department of Commerce
Brittany Lovely, Council Coordinator, Washington Statewide Reentry Council
Starcia Ague, Council Coordinator, Washington Statewide Reentry Council

Washington State Department of Commerce
1011 Plum St SE.
Olympia, WA 98504

[1] See Washington Statewide Reentry Council biennial reports:
Washington Statewide Reentry Council website

OFM Response

The Office of Financial Management (OFM) was given an opportunity to comment on this report. OFM responded that it does not have any comments.

Current Recommendation Status

JLARC staff follow up on the status of Legislative Auditor recommendations to agencies and the Legislature for four years. The most recent responses from agencies and status of the recommendations in this report can be viewed on our Legislative Auditor Recommendations page.

Audit Authority

The Joint Legislative Audit and Review Committee (JLARC) works to make state government operations more efficient and effective. The Committee is comprised of an equal number of House members and Senators, Democrats and Republicans.

JLARC's nonpartisan staff auditors, under the direction of the Legislative Auditor, conduct performance audits, program evaluations, sunset reviews, and other analyses assigned by the Legislature and the Committee.

The statutory authority for JLARC, established in Chapter 44.28 RCW, requires the Legislative Auditor to ensure that JLARC studies are conducted in accordance with Generally Accepted Government Auditing Standards, as applicable to the scope of the audit. This study was conducted in accordance with those applicable standards. Those standards require auditors to plan and perform audits to obtain sufficient, appropriate evidence to provide a reasonable basis for findings and conclusions based on the audit objectives. The evidence obtained for this JLARC report provides a reasonable basis for the enclosed findings and conclusions, and any exceptions to the application of audit standards have been explicitly disclosed in the body of this report.

Study Questions

Click image to view PDF of proposed study questions.

Washington JLARC

PROPOSED STUDY QUESTIONS
Review of the Washington Statewide Reentry Council

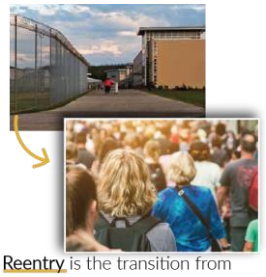
State of Washington Joint Legislative Audit and Review Committee — UPDATED: June 2022

The Legislature created the Washington Statewide Reentry Council in 2016

The Washington Statewide Reentry Council (Council) was created to improve public safety and outcomes for individuals reentering the community from incarceration (2SHB 2791). The Council has 15 volunteer members appointed by the Governor and a two-person staff.

The Council's statutory duties include:

- Soliciting input and participation from interested parties (e.g., criminal justice system, formerly incarcerated individuals, victims, service providers).
- Advising the Legislature and Governor on issues related to reentry and reintegration.
- Making policy and funding recommendations related to reentry and reintegration.



Reentry is the transition from incarceration into the community.

The Council must submit a progress report to the Legislature every two years. The Council does not directly operate reentry programs.

JLARC directed to review the Council every six years

The same bill that created the Council directed the Joint Legislative Audit and Review Committee (JLARC) to evaluate the Council every six years. The review must include the extent to which the Council's expenditures contributed toward reducing recidivism, the Council's achievement of objectives and benchmarks, and recommendations about the Council's performance and structure to ensure or improve accountability (RCW 43.380.080). This will be the JLARC's first review of the Council.

This study will address the following questions about the Council's work

1. What has the Council done to address reentry to the community following incarceration? Have those efforts improved public safety or outcomes of people reentering the community?
   a. How has the Council considered race in its efforts, including the potential for different impacts for various populations? What other factors does the Council consider?
2. To what extent have the Council's recommendations reflected evidence-based, research-based, or promising practices?
   a. To what extent do these practices vary based on race or other factors? Have the Council's recommendations reflected any variation?
3. To what extent has the Council solicited input and participation from a diverse group of stakeholders, including those identified in statute?
4. Are there best practices for measuring the effectiveness of advisory councils?
   a. How is equity reflected in best practices?
   b. Could the practices inform the development of objectives and benchmarks for the Council?

In accordance with RCW 44.28.076, JLARC staff determined there are racial equity considerations for this study and they are included in the study questions above.

Study Timeframe

Preliminary Report: January 2023 **Proposed Final Report:** April 2023

JOINT LEGISLATIVE AUDIT & REVIEW COMMITTEE
106 11th Ave SW, Olympia, WA 98501
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Study Questions

PROPOSED STUDY QUESTIONS | Review of the Washington Statewide Reentry Council 2

Study Team

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JLARC Study Process

Study Mandate (Budget, legislation, committee direction) → **Proposed Study Questions** → Legislative Auditor's Preliminary Report → Legislative Auditor's Proposed Final Report (Agency response included) → Final Report (Option to append committee comment) → *Committee votes to distribute completed audit*

Methodology

The methodology JLARC staff use when conducting analyses is tailored to the scope of each study, but generally includes the following:

- **Interviews** with stakeholders, agency representatives, and other relevant organizations or individuals.
- **Site visits** to entities that are under review.
- **Document reviews**, including applicable laws and regulations, agency policies and procedures pertaining to study objectives, and published reports, audits or studies on relevant topics.
- **Data analysis**, which may include data collected by agencies and/or data compiled by JLARC staff. Data collection sometimes involves surveys or focus groups.
- **Consultation with experts** when warranted. JLARC staff consult with technical experts when necessary to plan our work, to obtain specialized analysis from experts in the field, and to verify results.

The methods used in this study were conducted in accordance with Generally Accepted Government Auditing Standards.

More details about specific methods related to individual study objectives are described in the body of the report under the report details tab or in technical appendices.

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