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May 12, 2020

Clerk of the Court
Washington Supreme Court
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RE: In re PRP of KURTIS WILLIAM MONSCHKE and DWAYNE
EARL BARTHOLOMEW; No. 96772-5 (consolidated with 96773-3)

Clerk of the Court:

Pursuant to RAP 10,8, please consider the following additional
authorities:

Pepper v. United States, 562 U.S. 476, 487–88 (2011) (noting that “both before and since the American colonies became a nation, courts in this country and in England practiced a policy under which a sentencing judge could exercise a wide discretion in the sources and types of evidence used to assist him in determining the kind and extent of punishment to be imposed within limits fixed by law.”);

Hayek, Connie, *Environmental Scan of Developmentally Appropriate Criminal Justice Responses to Justice-Involved Young Adults*, National Institute of Justice, June 2016 (attached);

Various authors, *Life Without Parole Sentences in Washington State*, University of Washington, Law, Societies & Justice Program, May 2015 (attached).

Sincerely,

s/Jeffrey Erwin Ellis
Attorney at Law



National Institute of Justice

Environmental Scan of Developmentally Appropriate Criminal Justice Responses to Justice-Involved Young Adults

Connie Hayek*

June 2016

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Abstract

This environmental scan sought to identify those programs addressing the developmental needs of young adults involved in the criminal justice system. Included in the scan is legislation with provisions sensitive to the developmental level and maturation of justice-involved young adults.

The scan incorporated a variety of methods to locate programs and legislation. The approaches included a review of research and documents prepared by advocacy organizations; extensive internet searches; interviews of various stakeholders; outreach to professional organizations; searches on social media sites; and distribution (via professional listservs) of an invitation from the Assistant Attorney General to submit information on successful programs.

All established programs included in the scan identified some level of success, although often this was established anecdotally. Achievement of success generally focused on the reduction of recidivism rates. A common theme in all programs is the inclusion of case management or coordination, combined with intensive services. Individualized services included education or vocational training, mental and/or substance abuse treatment, and assistance with housing and employment. Many programs offer reduced sentencing or probation, expungement of records, or a reduction in charges as an incentive for participation. Programs ranged from those still in the developmental stages to several that have provided services and supports to justice-involved young adults for several years.

Among the more innovative approaches is a network of programs in the state of Massachusetts, the most widely known being Roca and UTEC. These programs include repeatedly reaching out to young offenders in efforts to engage them in services rather than requiring voluntary participation at the onset of services. Another innovation is a recently added “pay for success” structure in which the agency providing services is compensated based on achievement of predefined outcomes. UTEC developed several social enterprises (e.g., a mattress recycling service, food services, woodworking) to create employment opportunities for participants. A new program in New York is using mobile technology to track and maintain contact with young adults awaiting trial. A program in Maine operates a separate incarceration facility for young adults with an emphasis on treatment and skill development rather than the typical punitive approach used in adult prisons.

Legislative changes in the approach to how young adults are handled within the justice system have centered around three main themes. This includes raising the age of juvenile court jurisdiction, consideration of mitigating circumstances in sentencing, and the expungement of criminal records of young adults. Connecticut has garnered much attention for the governor’s proposal to raise the age at which a person can be tried as an adult to 21 years. Several states have proposed legislation that would allow judges to take into account the age at which a crime is committed as a mitigating factor in sentencing, allowing for lesser sentences based on the maturation level of young adults. Several states have considered laws to expunge the criminal records of young adults, reducing the long-term consequences of actions of young adults who may lack the judgment and critical thinking skills of older adults.

Summary of Environmental Scan Process

The environmental scan of justice-involved young adults (defined as persons between the ages of 18 to 25 years) was initiated in November 2015. A multi-pronged approach was used to identify programs and legislation that included a literature review, web searches, social media searches and a research review. A variety of professionals from advocacy and research agencies, stakeholder groups, state and local corrections agencies, and professional contacts in the justice field and in fields with a history of collaboration with justice programs (e.g., child welfare, youth development, foundations) were interviewed. Information was also gathered at a conference hosted by Loyola University in February 2016 titled “Emerging Adults and the Criminal Justice System: Charting the Course for Policy and Practice.” Presentations by several national experts focusing on the target population included references to programs and legislation throughout the country. Information about the environmental scan was disseminated at the conference, which included representation from several stakeholder groups and experts in the field of emerging adults in criminal justice systems. Information about programs and legislative initiatives collected from presentations and written materials shared at the conference have been incorporated into this report.

For the purposes of this report, the phrase “emerging adults” in the criminal justice system is used interchangeably to refer to young adults in the justice system. Some professionals interviewed also used the phrase, “youthful offenders.” In descriptions of specific programs, the language used by the informant within the program is used to the extent possible.

While every effort has been made to conduct a thorough review of programs and legislation, it is likely that more exist than are included in this environmental scan. The challenges in capturing some types of programs are described in detail later in this report. Many of those interviewed reported that the topic of young adults in the justice system is one that is gaining momentum within the field and among the general public across the country. This increased interest in justice-involved young adults, combined with concerns about related issues such as mass incarceration, has and will continue to prompt agencies, communities and legislatures to examine current strategies and work to develop new approaches to reducing crime rates and recidivism among young adults.

Methods

The review of research focused on identifying programs rather than conducting an in-depth scientific review.¹ The literature review included documents such as issue briefs and products from workgroups involved in the area of young adults in the criminal justice system. Most of these documents referenced the research on brain development and trauma and the implications for young adults in the justice system. A few mentioned specific programs, generally providing limited information about the programs and their locations. Some mentioned future plans by local and state jurisdictions. The literature review provided direction in identifying established programs. These included programs initiated by courts or probation departments and a few community-based programs.

¹ A full review of the scientific literature on the development of offending behavior among young adults is beyond the scope of this project. For a comprehensive review, see Loeber, R., & Farrington, D.P. (2012), *From Juvenile Delinquency to Adult Crime: Criminal Careers, Justice Policy, and Prevention*. New York: Oxford University Press.

The research review included searches in EBSCOHost online research databases, Google Scholar and general internet searches. Many of the research projects were conducted in the 1990s and early 2000s. This approach did yield some information of value in that it provided potential search terms and suggested some approaches that had been used with the population. Efforts to obtain information on programs cited in the research were mostly unsuccessful, as the identified programs had been discontinued or had undergone a shift in emphasis, including a change in the target population. In the few instances where enough information about contact persons was available, conversations with former staff revealed that the programs had been terminated, with funding and/or political changes cited as responsible for the discontinuation. Many of the programs identified in the research review involved education and vocational training as the primary approach to addressing the needs of young adults involved in criminal behavior. A few cited specific treatment and therapy modalities; however, these were generally not “program based”; rather, they were approaches that had been studied in more than one setting or jurisdiction.

Extensive web searches were conducted in an effort to identify programs. Initially, general search terms and phrases such as “young adult justice” were used. A “breadcrumb” approach to searching evolved as programs were identified. When a program fitting the criteria was found, search terms were expanded based on the language used to describe programs and their focus, resulting in more targeted searches for specific types of programs. Thus, searches were expanded to include terms such as “young adult courts,” “youthful offenders probation,” “emerging adults recidivism,” and “vocational training of incarcerated young adults.” Generally, the information found using this approach was limited to news reports about programs identified as “new” or “innovative.” It did yield information on programs serving the target population, especially those in smaller communities or newly developed programs, that might not otherwise have been identified.

In order to “cast a wide net” in the internet search, a variety of search engines were used. These included Google, Google News, Duck Duck Go, Yahoo, Bing and Yippy (for programs implemented by governmental agencies). Several court-based programs were identified using the Yippy search engine, and community-based programs were more often identified using Google News and Google. Subscriptions were created using Google Alerts with the keywords “young adult crime,” “young adult probation” and “vulnerable young adult.” A few variations of these keywords were tried; the three identified provided the most relevant matches to the subject matter. Further refinement of keywords may be a productive method of monitoring new initiatives. One program was identified using the Google Alerts approach, and a number of events hosted by advocacy organizations and legislative initiatives were found.

The internet search did yield useful information about newly developed programs; however, it often proved challenging to locate contact persons or websites for these programs. The information in news articles was often limited to anecdotal stories of persons served by the programs or, in some cases, a few stakeholders were involved. Generally, several calls and/or emails were necessary to identify the person providing oversight of the program or the agency responsible for program management. In a couple of cases, the agency that initiated the program was contacted and persons within the organization were unaware of the program or were unable to provide information about a point of contact.

The internet search included databases and organizations focused on legislation, evidence-based practices, justice and relevant governmental websites. These included the National Conference of State Legislatures bill-tracking database, SAMHSA’s National Registry of Evidence-Based

Programs and Practices, CrimeSolutions.gov (hosted by NIJ), the National Criminal Justice Reference Service (NCJRS), and a variety of smaller advocacy and membership organization websites. These sources tended to yield information about practices, especially those that had been evaluated, with little information on specific programs that were implemented that targeted young adults. The legislative database was of limited value, as the topic of this scan did not fit the specific categories for searching well, resulting in matches that were not relevant. For example, the Juvenile Justice and Youth topic areas focused on youth under the age of 18 years, and the justice-related sections, such as Sentencing and Corrections, did not specifically address the targeted age range. A student from the University of Maryland assisted with identifying legislation, using the LexisNexis database service. As in the case of the legislative database, the task of identifying specific legislation or programs by searching this type of database proved to be time-consuming, producing few concrete details about initiatives focused on the target population. Several persons contacted who are working with the target population were able to identify states with relevant legislation, some of which was pending or had been considered but had not passed.

Social media searches and outreach was another strategy used in identifying programs. This approach included posting requests for information on LinkedIn, searching for tweets using hashtags such as #incarceration and #recidivism on Twitter, and “Town Halls” on Medium (<https://medium.com/town-hall>). The most productive of these social media sites were Twitter and Medium. Posts within LinkedIn groups that were related to justice yielded suggestions for changes needed in the justice system, but not on specific programs targeting young adults. Searches on Twitter using #recidivism and #incarceration resulted in the identification of programs not found elsewhere. Other search terms used on Twitter included #JusticeReform, #reentry and #PrisonReform. These tended to yield matches that did not focus on the target population or, in some cases, tweets in totally unrelated topic areas. A direct message or tweet to the organization or individuals involved in programs identified as serving the target population was often the initial point of contact that led to the gathering of relevant information. A list of Twitter accounts of advocacy organizations, programs serving the target population, and individuals who often tweeted about the topic of incarceration was also created to monitor tweets about potential programs. Pending or recently proposed legislation was often identified using Twitter.

The social media platform, Medium, is relatively new. This was discovered via Twitter when a tweet was posted about a “Town Hall” on the topic of incarceration. This platform has since had several “Town Halls” on various topics in the justice field, including disparities, mass incarceration and criminal justice reform. The platform has attracted an eclectic group of users, including researchers, advocates, journalists and writers, political scientists and persons interested in current affairs. Given the broad audience, this may provide a forum for future information-sharing on the topic.

Outreach to advocacy organizations yielded information on several of the more well-known programs serving young adults in the justice system. Persons working in juvenile justice, law, university-based centers, foundations and research organizations were contacted, including Models For Change, prosecutors and defense attorneys, the Children’s Defense Fund, the Program in Criminal Justice Policy and Management (PCJ) at Harvard Kennedy School (HKS), the Vera Institute, the MacArthur Foundation, MassINC, Child Welfare League of America, the Robert F. Kennedy (RFK) National Resource Center for Juvenile Justice, and several researchers and faculty with university criminal justice programs.

A conference hosted by the Loyola University Center for Criminal Justice Research included several nationally known experts in the field of emerging adults in criminal justice systems. Attendance at this conference provided the opportunity to talk directly with a broad range of experts in the field, resulting in the addition of programs and legislative efforts included in this scan. Membership organizations for governmental entities were also contacted, including the National League of Cities and the Council of State Governments Justice Center. These outreach efforts generated several leads regarding programs and legislation. Lawyers, social workers, advocates and practitioners working in disciplines related to the criminal justice field (substance abuse, juvenile justice, and guardianship courts) provided information about agencies and contacts with knowledge of the target population.

A letter from Karol Mason, the Assistant Attorney General for the Office of Justice Programs, was distributed via listservs focusing on the criminal justice system. This generated several leads to programs serving the target population, including a few programs that would not have otherwise been identified. In some cases, the intent of the request for information was misinterpreted, resulting in a few responses seeking funding or opportunities for collaboration. A couple of responses were ruled out after phone conversations, as they were not focused on the target population. The release of the letter also provided a level of assurance regarding the legitimacy and rationale for the scan, which was helpful for some program representatives.

The environmental scan has highlighted the fact that formalized programs serving justice-involved young adults are diverse and jurisdiction specific, and often rely on local expertise and initiative. In the course of conducting phone interviews, a question was asked regarding knowledge of other programs serving the target population. Generally, those providing information were able to cite one or two other programs of which they were aware but had not had direct contact with program staff. Word of mouth was often cited as a source of information. Most programs indicated they had developed their model based on personal interactions, observations and knowledge of the population. Attorneys working in criminal justice who provided information commented that this is an extremely challenging population but had little knowledge of resources available or approaches being used in other jurisdictions. Similarly, some of the persons interviewed from young adult court programs mentioned that their approach was modeled after drug courts or family courts rather than other programs serving the target population. In many cases, those interviewed indicated that the program designs were based on their personal interactions with the population and observations regarding the behaviors of young adults. A few persons interviewed indicated that they relied on advocacy and research organizations to provide expertise in developing programs for justice-involved young adults. In these cases, location and proximity to a research or advocacy organization was clearly a factor.

For many of the programs, especially those recently developed, informants for this environmental scan were asked “What prompted the development of a program?” or “What was the ‘driver’ behind a new program or legislation?” The response consistently included mention of a person who was involved in the criminal justice system; they felt strongly that there needed to be a different approach to working with young adults. Often, this was a judge or prosecuting attorney who initiated internal and community-level discussions about improving the response to the needs of the target population. In a few cases, community members identified a need due to high crime or incarceration rates. Regardless of the point of initiation, all persons interviewed mentioned high levels of collaboration across multiple systems, including mental health, substance abuse, courts, education and community agencies. Many of the persons interviewed indicated that a “case

management” or “social work” approach was incorporated because of the high level of need among young adults, and the intensity of services required to alter the trajectory for those involved in the justice system. Several persons cited multigenerational involvement in the justice system and substance abuse as factors that resulted in criminal activity. Poverty was also cited as being a major problem for young adults, especially those living in low-income communities.

Types of Programs Identified

The types of programs identified in the scan have been divided into several categories, primarily based on the lead organizations within the system. One category includes programs that are characterized as “hybrid” programs because the defining characteristics or services of the program are provided outside the lead organization responsible for program management (a training and technical assistance approach). An additional category was created to include organizations that focus on advocacy and/or research rather than direct services to justice-involved young adults. For the purposes of this environmental scan, only those organizations with a singular focus on the justice-involved young adult population or those whose outreach has had a direct impact on advancing knowledge in this area are included. Governmental organizations are not included unless they are directly involved in managing a program for the targeted population. A total of 56 program descriptions are included in this scan. Some of these include networks of programs, a few in multiple states. In these programs, a description is provided for the lead agency only, including information regarding additional program sites. A few of the larger network programs are described because of their size and scope or innovative approaches. More than 70 additional programs are part of a network of programs serving young adults in the justice system.

Young Adult Courts

Young adult courts accounted for six of the 56 programs described in this scan. In these programs, the courts initiated the program and serve as the managing entity. Several persons interviewed indicated they knew of other jurisdictions that are considering establishing a court specifically for young adults. These programs are generally funded through the state supreme court system. They may have a judge or judges dedicated solely to the program or this may be one of their court responsibilities within the jurisdiction. In some cases, the judge involved identified the need for a specialized court and collaborated with probation, county attorneys, community agencies and leaders in the community to develop the program. Several programs mentioned that they modeled their programs on drug courts or juvenile/family courts, using an approach involving intensive services and frequent contact (court hearings) to monitor participant progress. In this category and others, the program may provide the opportunity for charges to be reduced and/or records expunged for those participants successfully completing the program. In some cases, a “certificate of completion” or graduation ceremony is incorporated to formally acknowledge the accomplishment of participants.

Probation and Parole Programs

The probation-based programs that were identified often overlapped considerably with the young adult courts in their close collaboration and frequent contact with participants. Seven probation or parole programs are described in this scan, and additional probation and parole programs are associated with prison-based programs. The programs are described separately because the

probation department was identified as the “lead” agency and they may work with multiple types of cases falling under the jurisdiction of different judges/courts. For the purposes of this scan, probation and parole are considered as one entity because the approach is consistently focused on justice-involved young adults who are not currently incarcerated and, in most cases, are living in their home communities. Some of these programs have specific eligibility criteria, such as felony charges or certain types of misdemeanor charges. Almost every program in this and other categories stated that young adults who had committed violent crimes or gang-related crimes were excluded from participation. Some program staff indicated that the criteria for inclusion were intentionally left undefined to allow decisions about participation to be made on a case-by-case basis. Most program staff in this and all other categories cited young adults’ willingness to participate as a critical element of the program. For some probation programs, one motivation for participating was to decrease the time participants had to be under probation supervision. Program staff also worked closely with courts to give participants the opportunity to have their charges reduced and/or their records expunged. In a few cases, this was a condition of participation; in most cases, this was negotiated and dependent on the level of participants’ engagement and success in completing program requirements.

All programs strongly emphasized case management and individualized services. In probation-led programs in particular, the probation officer generally took on the role of case manager, often with a reduced caseload because of the intensive services provided to each participant. These programs often included a strong training component in which the probation officers, and often others involved in the case, received specialized training in areas such as trauma, brain development, moral decision-making, and impulsivity among young adults.

Probation departments are a significant component in most programs and represent the largest number of programs overall. They usually serve as the central point of contact for program activities and, directly or indirectly, provide oversight of the program and its participants. In most of the programs, the probation department provided more supervision and monitoring in programs for young adults. Many of those interviewed also noted that probation officers working with this population take on a unique role: They serve as surrogate parents or life coaches to the young adults. Some of the probation officers described their role as that of a teacher or counselor who provided guidance to young adults in how to be successful — covering everything from grooming and appearance to appropriate language and interacting with professionals and community members.

District Attorney-Led Programs

Five programs are categorized as district attorney-led programs; these are the entities responsible for management and supervision of the program. Local district attorneys work closely with several other programs, which offer activities similar to those in young adult courts and probation-based programs. These programs are unique in that the district attorney’s office is in a position to determine the specific charges that will be the significant elements of the program. As in the case of probation-led programs and young adult courts, there is a strong emphasis on collaboration across the various entities involved in the justice system. One district attorney-led program emphasizes this by offering specialized training on young adult brain development and trauma to any person involved with the young adult to ensure that all persons understand the latest research on the unique attributes and needs of this population.

Community-Based Partnerships

Programs included in the category of community-based partnerships are managed and operated by community organizations rather than justice organizations. Seven programs are described in this scan, with many more identified as part of a network of programs. These programs may work closely with the justice department or they may offer services that complement those in the justice system, but without the monitoring or supervision of the justice system. Services can be offered to young adults upon leaving a prison or jail, during probationary status, or to anyone who has had some level of involvement in the justice system. This category includes programs that have a restorative justice component in which participants are required to perform some type of reconciliation with individual victims or with the community. Participation may or may not be part of the requirements of the court and probation departments.

Also included in this category is one city-led initiative that encompasses multiple programs and approaches to working with young adults. This approach engages not only the city's leadership but also several community organizations in providing direct services to justice-involved young adults.

It is not likely that all programs in this category were found in the scan, for a number of reasons. The programs may cover a small geographic area or population and may function mostly outside traditional criminal justice systems. Community programs can serve as resources for probation officers, even though these programs are not formally involved in the justice system. No faith-based programs were identified in the scan of programs in this category. These probably do exist, but they may be "under the radar" of traditional justice programs and partnerships, providing additional support to young adults who come into contact with the justice system as well as their families.

Hybrid Partnerships

Hybrid partnerships encompass multisite programs that do not fit in the previously described categories because of their unique management structure and their role in the justice system. These programs adapt a core approach to multiple jurisdictions or share a common theme and goal with variations in the approach. The seven programs described in this category include the lead agency along with information about additional community-based programs that are part of the same network. A few of the larger, well-known community programs are described as well.

One example is a network of programs known as the Young Men's Initiative in New York City. This program encompasses multiple programs, each with unique approaches to the common goal of addressing disparities among black and Latino men in the areas of education, employment, health and justice. Some of these programs target young adults in the justice system, and others focus on aspects such as education, employment and enrichment programs for young men, regardless of involvement in the justice system.

Other programs in this category involve implementation of a set of strategies in multiple jurisdictions. Examples include an education and training program that has been adapted in multiple states, and a support program focused on youth who "age out" of the foster care system.

Another "hybrid" program is a network of community-based approaches, where one organization provides training and technical assistance to several programs. Included in this category are the Roca and UTEC programs in Massachusetts. These two programs serve the largest communities, which receive training and technical assistance from one central organization. The programs are

described in detail in the program summary. A listing of the more recently established programs in the network is also included in the summary.

The Roca and UTEC programs — the most often mentioned in conversations with advocates, researchers, and persons involved in other programs — are examples of successful approaches to working with this target population. They incorporate programming that is particularly responsive to the needs of the young adult population in their communities, in terms of both cultural responsiveness and strategies that build on community resources and needs. These programs have a common philosophy and approach — meeting participants in their home environments or preferred locations, and working with the more difficult populations — many of whom are involved in gang activities. The programs strive to be available as a support system for participants and allow the young adults to determine their level of involvement. These programs include a social enterprise component, offering vocational training and subsidized employment opportunities to participants. These elements arose out of the recognition that persons involved in the justice system often face bias and limited opportunities for employment because of their criminal records.

Prison-Based Programs

Separate facilities for young adults are a core component of the eight prison-based programs included in this scan. Several programs were identified, and most served both juveniles and young adults. Only two programs were identified that were solely dedicated to young adults (in Maine and West Virginia); however, this approach has received a great deal of attention from many jurisdictions. Three jurisdictions have publicized their intent to open separate facilities for young adults — California, Connecticut and New York City. In California, plans to open a California Leadership Academy for young adults have received media attention in the last few years. However, efforts to confirm this through conversations with advocates and persons working in the state's programs have been unsuccessful. The Connecticut Department of Correction has publicized plans to convert an existing facility to one that serves only young adults. Plans to open the Rikers Island facility in New York have been similarly publicized but not confirmed. Media reports initially indicated the program would be starting in January of 2016. Subsequent reports of violence within the facility suggested the opening would be delayed by six months or longer. Efforts to contact persons within the criminal justice system in New York have been unsuccessful in confirming plans for this facility.

Prison-based programs are modeled after juvenile facilities (most include youth under the age of 18 years) and are described as more therapeutic than punitive in their approach to working with young adults. All the programs identified in the scan have a strong educational component; all the young adults were required to participate in school or vocational training while they were incarcerated. The superintendent of the Maine facility described the program's emphasis as building trusting relationships with incarcerated young adults. Those staff working within the program are viewed as providing guidance rather than "guarding" prisoners and controlling behavior. This approach has resulted in fewer incidents of violence, drug-related activities and confrontation among the inmates. Enhanced counseling and services are provided, including treatment for substance abuse and mental illness.

The longest existing program identified is the Anthony Correctional Facility in West Virginia. Comprehensive programming is provided that addresses the needs of the individual. Education and vocational training are strong components of this program. Young adults in this facility may be

returned to a traditional adult correctional facility if they fail to meet the behavioral expectations of the specialized facility. Incentives, including the possibility of reduced sentencing upon successful completion of the program, are provided. Young adults also have opportunities for employment within the facility as well as access to college courses provided through a local community college.

Five states operate facilities that house juveniles, adolescents, and young adults: Pennsylvania, Florida, Virginia, South Carolina and Nebraska. These programs are most often used for young adults who committed a crime as juveniles and were incarcerated into early adulthood. All of the programs serve a mixed population of persons who committed crimes as juveniles, and young adults who were found guilty of crimes committed after the age of 18 years. The young adults in the latter category received sentences of relatively short duration, allowing for their release prior to reaching the age of 25 years. The State Correctional Institution (SCI) Pine Grove Young Adult Offender Program (YAOP) is a maximum-security facility in Pennsylvania, serving juveniles, adolescents, and young adults up to 20 years of age. Similar to the other programs, the Pine Grove YAOP provides individualized, intensive services, including vocational training in several areas. The YAOP also provides specialized programming for young people who commit sex offenses, persons with drug and alcohol problems, and general topics such as anger management.

Florida operates three facilities for youthful offenders. Two facilities serve males ages 19 to 24 years, one of which is privately operated. One facility serves females ages 14 to 24 years. Chapter 958 of the Florida Statutes mandates that “youthful offenders” receive enhanced programming to include 12 to 16 hours of activities per day. These facilities are similar to boot camps, including military style training as part of their programming. Educational, vocational and therapeutic programming (substance abuse and mental health) are included in all of the facilities for youth who commit crimes.

Virginia requires that young adults who have committed a crime before the age of 21 years be incarcerated in a Youthful Offender Program (YOP), as established under COV § 53.1-63. Similar to the Florida model, these programs include boot camp-style programming as well as educational and vocational training and therapeutic treatment. Two people who were interviewed indicated that, in recent years, ending this program has been considered.

South Carolina operates two facilities for emerging adults ages 17 to 25 years. These facilities offer enhanced educational and vocational training and therapeutic programming to persons charged under the South Carolina Youthful Offender Act.

Nebraska operates the Nebraska Correctional Youth Facility (NCYF) and provides maximum-, medium- and minimum-security levels. Juveniles and young adults, up to the age of 21 years and 10 months, are eligible for placement in NCYF. Programming in education, vocational training and life skills are provided as well as therapeutic services.

Several people in advocacy and research roles mentioned that some prisons have separated young adults from the older prison population. These facilities were not included in this environmental scan because they do not offer specialized programming for the younger population beyond the segregation. Some interviewed persons shared anecdotal information about the older population providing a stabilizing influence on the younger inmates, but more disruptions occurred in the younger population when segregated. The superintendent of the Maine facility for young adults noted that the opposite was true within their population. In that facility, a period of adjustment to

the new environment began with episodes of violence followed by a steady reduction in episodes, with few instances occurring after several months of operation.

Advocacy and Research Programs

A few programs are included in this category because a majority of their work focuses on this population, and they have been actively reaching out to stakeholder groups to advance the understanding of the needs of young adults and the criminal justice system. Five advocacy or research programs are described in this category; one program provides support and/or oversight of several community-based programs. Another program (Vera) has been involved with several community-based programs and has supported innovative programs in the justice system. All programs in this category have provided some level of consultation to jurisdictions considering starting a program and/or legislators contemplating changes in the laws governing the treatment of young adults who become involved in the justice system. One program identified in this category is newly established with a sole focus on young adults in the justice system. This program is largely focused on legislation and programming in the state of Illinois; however, the program includes a broad outreach outside the state.

Other organizations are doing work in this area as part of their mission, although this is not the primary focus of their work. These programs were not included in the scan.

One membership organization described in another category (hybrid programs) is also involved in advocacy work. The National League of Cities has a division dedicated to the topic of criminal justice that actively disseminates information among its members about existing programs, and the brain science indicating the need for programming specific to the development of healthy young adults.

Innovations

Each program included in the environmental scan is unique, with particular attention to the needs identified in the jurisdiction served and the population of young adults. Some programs are still in the planning process or in a “pilot” stage. Several innovations are described in this section, regardless of the length of operation of the program.

The program often cited by advocates and persons working in the justice field is the Roca program in Massachusetts. Roca reaches out to participants who have been referred because of their involvement in the justice system and their risk of continued or deeper involvement in criminal activities. Participants are not required to agree to receive services. The Roca approach is for program staff to continue to reach out and make themselves available to young inmates provide support at the point in time when an individual realizes they need assistance. This assistance can include supportive services in housing, employment, treatment or other life challenges. The program does not involve mandatory meetings or contracts regarding participation. The person interviewed about this program indicated that program staff “knock on their doors and continue to do so, regardless of response.” The young adults involved are made aware of the assistance available, regardless of the number of refusals of services and support. As it was described, participants often turn to friends and family and other support systems until those are no longer an option. It is at that point that Roca engages young adults in order to change the trajectory of their

involvement in the justice system. Roca has also recently added a “Pay for Success” component involving private investments into their program and funding contingent on successful outcomes. In this model, public officials identify governmental services that are producing poor fiscal and social outcomes. Through the “Pay for Success” financing model, the government contracts with a private entity to produce better outcomes for the state. This financing model has been used in a variety of public sector settings outside the United States and has, in recent years, been introduced in justice and social service programs in the U.S. Private investors pay for services typically provided through public funds on the front end, anticipating a return on their investment as a result of the savings realized due to reduced public spending. The state provides reimbursement for services only if outcome benchmarks are met. In the new “Pay for Success” model of the Roca program, the Roca agency will be paid only for the services provided to young people who successfully avoid re-incarceration and retain employment. If this approach is successful, the Department of Labor has committed to extending the project for an additional nine years.

The UTEC program in Lowell, Massachusetts, uses an approach similar to Roca with its emphasis on outreach to young adults. UTEC also conducts street outreach and pre-release visits to relevant correctional facilities, including state prisons, county jails, and juvenile justice facilities. This program has responded to a need in the community and the population served by developing in-house social enterprises in order to offer its participants a paid work experience in a supportive setting. New participants begin their work experience in a mattress recycling enterprise that offers employment for participants. The social enterprise program has grown into an industry, and contracts have been established with hotels and colleges throughout the region. There are requirements for attendance and participation for youth in UTEC, but instead of kicking youth out of the program indefinitely when they do not comply, temporary restrictions are placed on their participation in the social enterprise opportunities.

Both the Roca and UTEC programs are unique in that they work with gang members and other high-risk populations. Gang members are excluded by most of the programs contacted. Street outreach is another defining element of the Roca and UTEC programs. They are also unique in their administration, with a training and technical assistance provider, the Safe and Successful Youth Initiative, works with local community providers to develop and deliver responsive programming to high-risk young adults.

A relatively new program, the Right Track program developed by the Manhattan district attorney’s office and the Center for Court Innovation, is using mobile technology to monitor and track young criminally charged adults who otherwise would be held at the Rikers Island facility. The program represents a deliberate effort to get young adults out of the prison environment and back into their communities. In addition to the use of traditional supports and services, Right Track uses a GPS-enabled ankle bracelet and app to monitor young adults.

The Brooklyn Young Adult Justice Initiative is also in the preliminary stages of implementation. This program is noteworthy in the inclusion of deliberate efforts to provide cross-disciplinary training on the brain development of young adults to program partners and other interested parties. Although most programs identified in this scan provide some type of staff training, this program seeks to train not only program staff but others in the community. The offering of this type of training makes information available to a wide range of stakeholders and community members who will come into contact with young adults.

The Mountain View Youth Development Center in Maine has developed a specialized program for incarcerated young adults. This program is housed in a facility separate from the adult prison that provides intensive supports to young adults. This facility is unique in their approach of building supportive relationships in a locked facility to promote positive changes in young adults. The Mountain View Youth Development Center is noteworthy in that it has incorporated research on the brain development and growth of young adulthood into the daily programming at the facility.

New York City has undertaken an ambitious approach to supporting young adults with the Young Men's Initiative. This program contracts with a variety of community agencies to provide a range of supports to young men in New York City.

All programs contacted have accomplished or are in the process of developing unique programs that address the needs of young adults in the justice system. The above programs represent a few of the innovations noted during interviews with the various programs.

Program Components

The strategies incorporated into the programs included in this scan varied across jurisdictions with some common elements emerging in most or all of the programs. All programs offered intensive services in multiple areas, including education, substance abuse and mental health (when the need is identified), and vocational training or preparation. Most programs had a case management component, although not all referred to it as such. Several persons interviewed compared their program to a "social work" approach rather than a punitive approach. Most programs actively worked to increase access to housing, identifying this as a primary barrier to success among young adults.

Several persons contacted mentioned an approach similar to parenting in that they provide guidance to young adults in dealing with a variety of situations and effectively managing life challenges. In some programs, this was viewed more as a mentoring relationship. A few programs make concerted efforts to include the family of origin (parents or guardians of the young adult) in their approach. If working with the family is not an option because of the parent or guardian's absence or level of dysfunction, efforts are made to connect youthful offenders with a caring adult who is willing to invest in the success of the person. Persons from the community-based programs included in the scan tend to emphasize working with young adults to fulfill their responsibilities as parents, through payment of child support and/or active involvement with their children. For example, the Ujamaa Place program in Minnesota actively encourages participants to maintain healthy relationships with their children through involvement in their lives, regardless of custodial arrangements. The Reset program in California plans to include parenting classes for residents in their program who have children. All of the persons interviewed from the programs included in the scan noted the importance of the existing support systems in the community for the young adults. A few programs mentioned group support and the creation of therapeutic support among participants as a component of programming. This can take the form of educational programming, mandatory group sessions, or efforts to engage participants in social activities to promote group cohesiveness and support. An example of the latter was prominent in one program that offered gym memberships in addition to group activities as a means of redirecting participants to healthy activities and encouraging supportive communities for young adults.

Several persons with program innovations mentioned incorporating evidence-based practices into their approaches. Generally, this included one evidence-based strategy (or more) being used along with other approaches tailored to the specific population involved. The persons who did mention evidence-based strategies noted that this was an important element of the program design. The partners in providing therapeutic services were identified as responsible for the inclusion of evidence-based practices.

Of interest is that no program mentioned Positive Youth Development (PYD) specifically, which is potentially applicable to this population. It may be that the persons interviewed were not familiar with terminology to describe their activities, as some programs did have elements of a PYD approach. Only a few programs that were contacted mentioned cognitive-behavioral therapy in describing their activities. It may be that this is a component of some programs but this was not mentioned specifically. For most programs, the contact person is responsible for program management and specific services are provided by community organizations. It may be that the terminology describing the therapeutic approach was not familiar to those contacted, since they usually are not directly providing mental health treatment or therapeutic services.

Another approach not mentioned as part of any of the programs is Multisystemic Therapy for Transition Aged Youth (MST-EA). Since this is an approach with research documenting its effectiveness with this population, it was anticipated that some may be using MST-EA. One program administrator did say that they would like to incorporate this into their programming and had talked with someone with expertise in MST-EA about it, but the program does not currently include it. In the course of conducting interviews and seeking out people with expertise with the target population, researchers who had developed MST-EA were contacted. They indicated that there is currently only one program they know of using this approach. They further indicated that a few jurisdictions had contacted them that expressed interest in using MST-EA, including one jurisdiction that is actively pursuing the inclusion of MST-EA in their services for young adults. They did note that organizations wanting to use the approach would need to go through a certification process to ensure fidelity to the MST-EA model. It was also noted that their roles as researchers did not include actively seeking out sites to utilize the approach, which may explain the limited use. The “siloes” nature of funding for corrections, mental health and substance abuse programs was also identified as a deterrent to implementing a treatment approach such as MST-EA.

One person interviewed identified the use of Performance-based Standards (PbS) in providing services. This approach includes tracking and monitoring outcomes and using data to make program adjustments based on findings. This approach had been incorporated into several programs in the state — the program for justice-involved young adults among them.

The use of technology, especially mobile technology, was an integral component in only one program. Given the population of focus is young adults, greater use of technology in programming was anticipated. One person with a probation program indicated that texting was a common form of communication with young probationers, as this was their preferred mode of communication. These programs were the only two that indicated technology played a significant role in their approach.

One program (ROCA) has recently undertaken is a “Pay For Success” (PFS) model to fund their services. This approach is very similar to “Social Impact Bonds” (SIB) in which innovative financing strategies, including private investments, are used to fund public services with an

anticipated return on the investment in the form of reduced costs in the future. In the PFS and SIB strategies, the service provider is reimbursed if and when improved outcomes are achieved. Although the use of these types of innovative financing strategies has been tried in other countries, it is a relatively new approach to providing public services in the United States. One program initiated in 2012 focused on youth 16 to 18 years of age who were incarcerated at Rikers Island in New York. When the evaluation incorporated into the programs found that goals for reducing recidivism were not met, the program was terminated in 2015, prior to the planned end date. The PFS funding strategy was initiated with the Center for Employment Opportunities in New York State in 2014, with a goal of reducing recidivism among adults released from prison; it will likely be closely watched by other jurisdictions seeking ways to reduce spending within public service programs.

Although funding of programs serving young adults in the justice system was not specifically included in this environmental scan, many individuals who were interviewed provided information about program funding as it impacted the delivery of services. Several programs were started with grants from private foundations or public grant programs. Some programs that had been in existence longer than the term of the initial grant made adjustments to their approach because of the loss of funding. Generally, program support was shifted to the court or probation systems upon termination of grant funding. This often required a “paring down” of services because of a reduction in the level of funding. A few persons interviewed spoke of challenges in securing funding and undertaking strategic planning processes for sustainability.

All programs included in the scan mentioned a planning process that often was lengthy (one year or more). This included stakeholders within the justice system, service providers, and usually a variety of community members. Most of the persons contacted noted that their program was modeled after existing strategies in related areas, such as drug courts, juvenile or family courts, or child welfare approaches to case coordination and management. In a few cases, programs were modeled after existing programs serving justice-involved young adults. A relatively small number of individuals interviewed mentioned contacting other programs serving this population in the course of program development. One network of programs relies on expertise from existing strategies as well as input from advocacy organizations. This program is described as a hybrid approach, with a lead agency providing training and technical assistance to several community-based programs.

Evaluation

A few programs have incorporated on-going evaluations into their approach. Although this information was not requested as part of the environmental scan, the question was raised in talking with most of the persons contacted to get a sense of whether this was commonly incorporated and, if so, how programs were evaluating their approach. Although some indicated they would like to include evaluations, they noted that there were not resources or expertise for evaluation activities. A few of the larger, more established programs indicated that evaluation was a component of their activities. Most programs incorporated some type of formal or informal data collection and tracking in the administration of the program. This was usually done by the person managing the program or by case managers working with the young adults.

Excluded Programs

Several programs and approaches were ruled out for inclusion in the environmental scan for a variety of reasons. Some programs were ruled out because they did not clearly focus on the target population. Some mentioned “at-risk” populations as their focus, but it was determined that their definition of “at risk” did not include justice-involved young adults. Others were ruled out because their target population was under 18 years of age or they served all adults regardless of age. A category of programs not included but considered was outdoor or wilderness programs. A few were investigated but it was determined that they did not specifically serve young adults who were involved in the justice system. Most often, their referrals came from concerned parents or family members who were seeking help for their teens or young adult children because of drug use or “brushes with the law.” Searches for outdoor or wilderness programs specifically focused on the target population were conducted, mostly through internet search engines, but no programs were identified.

The programs described as prison-based or alternative facilities include several that have been in existence for a decade or longer. Consideration was given to ruling these out and focusing on more recent programs that incorporate innovations based on research regarding brain development and the potential for continued maturation among young adults. Ultimately, the programs were included because they used approaches similar to those of more recently developed programs (such as educational and vocational programming, soft skills development, and a therapeutic approach) or the programs were associated with legislation that addressed the developmental needs of young adults.

Several jurisdictions use risk scales to estimate the likelihood of reoffending in order to make decisions about diversion, sentencing and release of persons in the justice system. These were not included in the scan as it was outside the scope of this project.² Additionally, advocates have expressed concern about inherent biases in some risk scales that may contribute to disparities in the criminal justice system and perpetuate a punitive approach that does not address the developmental needs of young adults.

A few of the persons that responded to the call for programs serving the target population on listservs were ruled out. Upon further evaluation and conversations, it was clear that the respondents mistook the purpose of the request as an opportunity to secure program funding or offer services. In a couple of cases, the persons were not involved with specific programs; rather, they were seeking opportunities to expand their work to include the target population.

Additional Areas Investigated

Programs serving specific ethnic or cultural populations were included in search efforts; however, only one such program was identified. It is possible that there are programs that were not identified because they are community-based programs that have a limited web presence, do not include outreach beyond a limited locale, or rely on word-of-mouth referrals. This was the case for the sole program identified. The program is community-based and, although there are linkages to probation and the justice system, most referrals are made by community or family members. A broader

² For a review of the literature on risk assessment for young adults, see Hoge, R.D., Vincent, G.M., & Guy, L.S. (2012). Prediction and Risk/Needs Assessment, in R. Loeber and D. Farrington (Eds.), *From Juvenile Delinquency to Adult Crime: Criminal Careers, Justice Policy, and Prevention*, New York: Oxford University Press, pp. 150-183.

outreach to listservs, professional groups and publications to include fields that intersect with the justice system may yield more programs with an ethnic or cultural focus.

As previously mentioned, efforts to identify faith-based programs were included in the scanning process. None of the programs identified were operated by faith-based organizations. A few persons interviewed did mention that efforts are made to connect participants with communities of faith, although this was not a significant focus of programming. One program specifically mentioned that meditation and spirituality is incorporated into daily programming.

Similarly, few programs were identified that focused primarily on substance abuse or mental health, areas that commonly co-occur with involvement in the justice system. All programs identified do incorporate some element of services for these issues. It is possible that some programs, particularly those focused on substance abuse, identify with and emphasize treatment as the primary issue rather than involvement in the justice system. Representatives from SAMHSA were among those contacted; only one program was identified that included a specific focus on justice involvement. However, many working in the justice field identified both substance abuse and mental health as co-occurring challenges for young adults in the criminal justice system.

Those programs included in the scan had at least some elements of developmentally informed and targeted programming for young adults. Some included programs serve a subset of the population of young adults between 18 and 25 years. Some included a range up to 30 years of age, and others focused on young adults meeting other criteria, such as misdemeanor charges, nonviolent felonies, or substance abuse histories.

Summary of Legislation

Legislation focused specifically on justice-involved young adults generally fell under three main categories: (1) raising the age of juvenile court jurisdiction; (2) mitigating circumstances, especially in sentencing; and (3) expungement of records. A fourth category includes fairly specific topics such as placement of young adults within prison systems. Another category discussed is initiatives such as “ban the box.” The last category usually includes a broader population of persons involved in the justice system rather than focusing on young adults exclusively. For this reason, legislation in this area was included in this document as it potentially impacts young adults and often contributes to raising awareness of the needs of young adults in the justice system.

Raising the Age of Juvenile Justice System Jurisdiction

This issue is particularly relevant for the states where the legal age of adult responsibility for criminal behavior is defined as younger than 18 years. Several other states have considered raising the age of criminal culpability to 20 or 21 years old. Some states also are considering or have passed legislation that allows for persons involved in crimes as juveniles to continue to be served through the juvenile system rather than the adult system until the age of 20 or 21 years.³ In 2015, the former governor of Maryland proposed raising the age of criminal culpability to 21, with special

³ For a review on state laws through 2010 related to juvenile justice versus adult criminal justice jurisdictions, see Griffin, P., 2012, Legal Boundaries Between the Juvenile And Criminal Justice Systems in the United States, in R. Loeber and D. Farrington (Eds.), *From Juvenile Delinquency to Adult Crime: Criminal Careers, Justice Policy, and Prevention*, New York: Oxford University Press, pp. 184-199.

confidentiality protections for adults younger than 25 years. Those pursuing this type of legislation often cite concern about older teens and young adults who may be immature and vulnerable being exposed to the adult prison population, where they may be easily victimized or may become further involved in criminal behavior because of the influence of older persons with more serious criminal backgrounds.

These initiatives emphasize the opportunity to provide support and structure based on developmental research regarding the brain and moral reasoning to reduce deeper involvement in the criminal justice system by young adults. High rates of recidivism, impulsivity, peer influence and limited problem-solving skills are all concerns that have been identified in research regarding young adults. Another rationale that has led some jurisdictions to consider raising the age of culpability is the overuse of incarceration as a deterrent to crime. An additional concern is the victimization of young adults within adult prison facilities. Several advocacy organizations have sought changes in laws regarding the incarceration of young offenders in traditional prison facilities because of their increased vulnerability and the impact of victimization on developing young adults.

In talking with advocates and persons within the programs included in this scan, the value of raising the age of responsibility was often cited as a major improvement in the approach to working with young adults. Several persons noted that recent Supreme Court decisions regarding juveniles in the criminal justice system has prompted significant interest in legislation that more appropriately addresses the developmental needs of this population. In *Roper v Simmons*, 543 U.S. 551 (2005), the court established that the death penalty for juveniles constitutes cruel and unusual punishment. *Graham v Florida*, 560 U.S. 48 (2010) established that it is unconstitutional to impose life sentences without the possibility for parole in cases involving crimes committed as juveniles. *Miller v Alabama*, 132 S. Ct. 2455 (2012), extended the 2010 Florida decision to include cases involving homicide committed by a juvenile. The *J.D.B. v North Carolina*, 564 U.S. 261 (2011) specifically addresses age and maturity as mitigating factors in the custody of juveniles. As individual states work to incorporate changes in legislation regarding the treatment of juveniles, there has been a concurrent interest in responding to the maturity level and developmental needs of young adults who may or may not have been involved in the juvenile justice system prior to criminal behavior as an adult.

Mitigating Circumstances in Sentencing

This type of legislation provides courts and prosecutors the flexibility to consider the age and maturity level of youthful offenders when imposing sentences for crimes committed. Several states have considered this type of legislation. North Carolina (2005),⁴ Oregon (2012)⁵ and Alabama (2012)⁶ have enacted specific legislation addressing this. Virginia allows for indeterminate sentencing for young offenders, and the parole board continuously evaluates cases for possible release of young adults between 18 and 21 years (2013).⁷

Several jurisdictions informally consider age as a mitigating circumstance in sentencing. Many of the programs included in this scan include a component to allow for reduced sentences, reduction of charges from felonies to misdemeanors, or expungement of records for offending youth who

⁴ N.C. Gen. Stat. § 15A-1340.16 (2005)

⁵ ORS § 137.667 (2016)

⁶ ALA. CODE § 15-19-6 (2012)

⁷ VA. CODE Ann. § 19.2-311. (2000)

successfully complete diversion and/or probation programs. It is likely that this occurs in jurisdictions across the country where judicial discretion is allowed, regardless of specific legislation addressing the topic.

Expungement of Records

At least three states — Florida,⁸ Michigan⁹ and New York¹⁰ — have laws that permit the convictions of young adults to remain confidential. Several of the programs based on out-of-court systems include the opportunity for young adults who complete intensive programming to have their criminal charges reduced to a lesser charge or to a youthful offender status, including the possibility of removal of the arrest from their records entirely. This is negotiated on a case-by-case basis in several of the jurisdictions contacted and is noted in the program descriptions.

Other Legislation

Some states have unique legislation not fitting into the previous categories to address the needs of young adults. Oklahoma requires that the Department of Corrections submit an accountability plan and programming for offending young adults between the ages of 18 to 21 years who are convicted of nonviolent crimes. The judge may defer or suspend execution of judgment for these young adults.

Several states have legislation regarding the incarceration of youth who offend. These are included in the scan if they have provisions that impact young adults beyond their incarceration for crimes committed as juveniles (the person is charged and convicted after reaching adulthood). This may be one component of legislation regarding the incarceration, sentencing and record expungement for persons who committed a crime as young adults.

“Ban the Box” and Related Legislation

“Ban the box” legislation has been considered in several states. This would prohibit employers from asking job applicants about past convictions. Although this is not targeted toward young adults specifically, several advocates and stakeholders identified this as a positive initiative in helping those who have criminal histories. Not included in this scan because it is not specific to the young adult population, this type of legislation has the potential of impacting outcomes and recidivism rates, as young adults often struggle to secure employment following a conviction.

Drivers of Change

Although it was not a formal part of the information collected for this scan, most persons interviewed were asked about the impetus behind the development of specialized programming and legislation for young adults. In the course of speaking with advocates, program leadership, researchers and other stakeholders working to improve outcomes for young adults involved in the justice system, several themes emerged as playing a significant role in driving change in the response to this population.

⁸ FLA. STAT. § 958.04 (2015)

⁹ MICH. ADMIN. CODE § 62.11 (2015)

¹⁰ N.Y. CLS CPL § 720.35 (2016)

Many people interviewed identified high-profile cases, leadership and other jurisdiction-specific events as a major reason for evaluating and working to improve the response to young adult crime. Recent Supreme Court decisions regarding juveniles in the justice system were seen as prompting more attention to young adults in the criminal justice system. [*Roper v Simmons*, 543 U.S. 551 (2005); *Graham v Florida*, 130 S.Ct. 2011 (2010); *Miller v Alabama*, 567 U.S. (2012); *J.D.B. v North Carolina*, 131 S. Ct. 2394 (2011)] In those jurisdictions with court-driven initiatives, those interviewed noted that persons within the system saw a need for change and became a major force in garnering stakeholder and community support for specialized programming. Some individuals interviewed mentioned an increased awareness in general regarding the needs of this population. As word of specialized programming in nearby jurisdictions spreads, more communities and justice programs began to look at ways to improve their own systems. When asked about awareness of other programs, most people mentioned programs in nearby states or jurisdictions that provide both a template for new programming and a motivator in developing new mechanisms to address the needs of this population.

Most persons interviewed mentioned an increased understanding of the science regarding the development of the brain into young adulthood as playing a role in pursuing enhanced programming. However, it often was an awareness of the scope of the program in their communities or personal involvement with the population that prompted the undertaking of new program development.

Conclusion

The process of identifying programs that are focused on addressing the developmental needs of young adults in the criminal justice system has proven to be neither straightforward nor simple. Programs tend to be localized, with limited publication outside the local jurisdictions. Although some programs were identified by word of mouth, others were found through extensive internet searches, news and media reports and, in some cases, making “cold calls” to persons in communities where a program was rumored to exist. Even with a multi-pronged approach to seeking out programs, some were not identified until late in the search process, despite having previously searched for such programs. An example of this is the young adult courts included in the scan. Early in the process, internet searches included phrases such as “young adult courts” and “youthful offenders.” Conducting the same search on a different date or using a different search engine uncovered programs that had not been identified through interview processes or through previous online searches.

Several programs that were reviewed or contacted were determined to be outside the scope of this environmental scan. Often, these programs had some type of overlap but were not specifically focused on this population. Many times, these programs came into contact with young adults who commit crimes and have the potential to impact their arrest and incarceration rates. Examples of this include mentoring and coaching programs that target at-risk or vulnerable youth and young adults. Some programs served a population much broader than the focus of this scan. Although they may have impacted young adults involved in the justice system, their programming did not specifically address the specific developmental needs of this population. Examples of this include art, music and literature programs targeting persons within the prison system or those on probation. Even though

these types of enrichment programs reported positive outcomes for participants, they were not focused on the target population.

The topic of young adults who commit offenses clearly has gained momentum over the past several years. Most of the people interviewed expressed appreciation that the National Institute of Justice is undertaking this initiative. Many persons indicated they would like to know more about what other programs and jurisdictions are doing with this population. All persons interviewed felt their programs are making a difference but also acknowledged they could learn from other programs. Several described their programs as “evolving” as they identify successful strategies and abandon those that were not successful.

All persons involved with programs noted that their efforts were not developed in isolation. Stakeholders and partner agencies, community leadership, and local organizations played a vital role in the development of programs and the provision of services. Individuals and organizations in mental health, substance abuse, housing and employment all were identified by every program as playing a role in program implementation and success. Some individuals interviewed also identified this as a source of frustration in that funding for different types of services tend to be “siloeed” with each entity operating under their own set of guidelines and funding. The need to address this challenge within and beyond local jurisdictions was often mentioned.

In speaking with dozens of people across the U.S. and reviewing information on many programs, it is clear that the paths taken to address the needs of the young adult population within the justice system are quite varied. Each program developed their own criteria for involvement, their own requirements of participants, and their own service delivery options. Even though there are many similarities across programs, no two programs look alike. What worked well with one program doesn’t necessarily work well in another.

Despite the differences, common themes emerged across programs. All programs had some type of case management in place: one person whose responsibility is to ensure that participants get the services and supports they need. This is true for both court-based programs and community-based programs. Intensive services are also clearly a necessary consideration, as the target population needs a variety of supports in place to be successful. All programs saw the need for family or community connections as vital to success. For some youth who offend, this may be in the form of a mentor or other caring adult who is committed to their success.

Two areas that repeatedly were mentioned include housing and vocational preparation. Directly addressing and providing services in these areas is seen as critical to the success of youth adults. Challenges in housing and employment were identified as areas most likely to derail efforts to keep young adults from ending up back in the justice system.

Some programs operate primarily outside the criminal justice system, providing intensive programs that focus on specific populations or issues. These programs communicate with professionals in the justice system; however, for most participants, their programming is not court ordered or required under the terms of probation. Most programs included in this scan operate through the criminal justice system and include specific mandates and requirements for participation with young adults held accountable within the justice system.

The themes and approaches not found or rarely included proved to be as interesting as the programs identified. The use of technology is one area that was mentioned in only two programs. Given the focus on the young adult population, it was anticipated that this might be a popular strategy. The identification of only a few programs serving specific ethnic and cultural minorities also was unexpected. Programs with a strong cultural approach may require more extensive searching, perhaps within the faith-based community and organizations serving specific populations. The internet search included the use of terms specifically aimed at identifying programs for Native American young adults. Although many articles and resources describing the disproportionate percentage of Native Americans in the justice system were identified, no programs targeting this population were found. Programs focusing specifically on the foster care population were anticipated but not found. Given recent legislation and attention to youth aging out of the foster care system, and their high rates of incarceration and poor outcomes in other areas, this was anticipated to be a focus of more programs. Only one program was identified that specifically targeted this population. Substance abuse is a common theme in the programs identified, although only one specifically focuses on this area. All programs identified include some form of substance abuse treatment or counseling, usually provided by a community agency partner. Programs focusing on females in the justice system were not found, although some programs included services for females.

It has been previously mentioned that many of the people interviewed expressed an interest in learning more about the activities and programming in other jurisdictions. Given the interest of those interviewed and the relative isolation in which these programs operate, opportunities to communicate and share information and resources may benefit existing programs and those communities or agencies considering starting a program. This was not included as a topic of inquiry in the environmental scan; however, there is clearly interest in opportunities to share information regarding approaches to meeting the developmental needs of young adults in the criminal justice system.

Appendix 1: Programs and Legislation

Young Adult Courts

Name of program/innovation	Young Adult Court, Idaho
Location/jurisdiction	Bonneville County, Idaho
Coordinating agency or organization	Seventh Judicial District, Bonneville County, Idaho
Contact information	Aimee Austin Bonneville County Drug Court Coordinator 605 N Capital Ave Idaho Falls, ID 83402-3582 208-680-4989 aaustin@co.bonneville.id.us
Year program/innovation was originally implemented	January 2012
Brief summary of program/innovation	The Young Adult Court in Bonneville County, Idaho serves young adults 18 to 24 years old who have misdemeanor or felony charges and are involved in the drug court system. Representatives from felony probation, juvenile probation, and misdemeanor probation departments are involved in the program, as well as the Public Defender, Prosecutor, and Trial Court Administrator, and Administrative Judge. Participants are referred through the drug court system. Many participants have multi-generational substance abuse issues. A local substance abuse treatment provider utilizes an adaptation of the Seven Challenges model, a SAMHSA recognized evidence-based program for adolescents with drug problems. The program works with offenders to address their drug problems as well as co-occurring life skills deficits, situational problems, and psychological problems. Participants undergo regular drug testing as part of the program. A case manager works with the participants to secure housing and access community services. Communication with participants includes coaching and technology such as texting to promote engagement in the treatment program.

Name of program/innovation	Young Adult Court (YAC), San Francisco, California
Location/jurisdiction	San Francisco, California
Coordinating agency or organization	Superior Court of California
Contact information	<p>Lisa Lightman, Director San Francisco Collaborative Courts Superior Court of California, County of San Francisco 400 McAllister St. San Francisco, CA 94102 (415) 551-3983 llightman@sftc.org http://www.sfsuperiorcourt.org/divisions/collaborative/yac</p>
Year program/innovation was originally implemented	July 2015
Brief summary of program/innovation	<p>The Young Adult Court (YAC) is a collaborative justice court program for transitional aged youth (ages 18-25). The program began in July 2015 and is a partnership among the Superior Court of California; Office of the Public Defender; Office of the District Attorney; Adult Probation Department; Family Services Agency (Felton Institute); Goodwill Industries; Department of Children, Youth and Their Families; Sheriff’s Department; Jail Reentry Services; and the Department of Public Health. Persons involved in misdemeanor and felony cases are eligible, with priority given to serious felony cases. Referrals can be made by criminal justice stakeholders on a pre-plea basis; individuals can participate on a pre-plea, deferred entry of judgment (DEJ) or probation basis, depending on the charges All misdemeanor cases are eligible with the exception of those involving drunk driving, gang allegations, hate crimes, domestic violence, elder abuse or crimes against children, potential sex offender registry, and gun cases. Participants must be motivated and willing to participate in program activities, which are designed to provide developmentally aligned, trauma-informed services. This includes intensive clinical case management; individual, group, and family counseling; dialectical behavior therapy; drug monitoring; and referrals for substance abuse treatment, housing, parenting, academic and vocational support provided through linkages in the community. Participants are given an opportunity to engage in a therapeutic process to learn new skills, to reduce and recover from alcohol and/or drug (AOD) addiction and to promote physical, mental and emotional well-being. Participants receive legal advice and assistance with civil legal remedies including reinstatement of suspended driver’s license and expungment/sealing of prior arrests and convictions. Participants may be offered plea or probation reductions including the dismissal of the case and sealing of arrest records, reduction from a felony to a misdemeanor charge, reduction of the length of probation, or dismissal of fines. Most participants are involved in the program for one year or longer.</p>

Name of program/innovation	Douglas County Young Adult Court
Location/jurisdiction	Omaha, Nebraska, serving Douglas County
Coordinating agency or organization	Nebraska Judicial Branch, Office of Probation
Contact information	<p>Bob Blanchard Douglas County Young Adult Court The District Court of Nebraska Fourth Judicial District Young Adult Court 1821. North 73rd Street Omaha, NE 68114 Bob Blanchard, Coordinator 402-444-4210 bob.blanchard@nebraska.gov</p>
Year program/innovation was originally implemented	2004
Brief summary of program/innovation	<p>The Young Adult Court is a judicially supervised program that provides a sentencing alternative for youthful offenders (male and female) up to age 25 who are charged with a felony. The court provides a program of selective assessment and rehabilitation services administered by a multidisciplinary team. The County Attorney refers potential participants for an initial assessment to be conducted by the program coordinator. This assessment considers risk to the community, offender needs, willingness to participate, and remorsefulness.</p> <p>Participants determined to be appropriate for the program go before the judge and must plead guilty to their charge(s). They are placed in the 18 to 24 month Young Adult program. This hearing includes a restitution stipulation.</p> <p>Probation officers specifically assigned to the Young Adult Court work collaboratively with Douglas County Corrections Re-Entry Assistance Program to help participants address educational, mental health, substance abuse, and other identified needs. A variety of classes are offered to participants, such as GED Instruction and testing, Reactive Behavior, Reasoning & Rehabilitation, Anger Management, Moral Reconciliation Therapy, and Breaking Barriers. Participants progress through three phases: Stabilization (90-180 days), Community Transition (90-180 days), and Probation (12 months). Relapses may be addressed with additional requirements such as more frequent drug testing or attendance in specific courses. Participants may be incarcerated for a period of time if necessary. Upon successful completion of the program, a Graduation Ceremony is held, during which the participant receives a certificate of completion and the judge signs an order releasing them from probation.</p>

Name of program/innovation	Young Adult Diversion Court
Location/jurisdiction	Kalamazoo County, Michigan
Coordinating agency or organization	8th District Court of Kalamazoo County, Michigan in coordination with the Probation Department
Contact information	Hon. Anne E. Blatchford 8th District Court, Kalamazoo County 227 W. Michigan Ave. Kalamazoo, MI 49007 269-383-8662 http://yadckalamazoo.weebly.com
Year program/innovation was originally implemented	Spring 2013
Brief summary of program/innovation	<p>Young Adult Diversion Court (YADC) was designed to establish the foundation for and perpetuate the diversion of young adult first-time offenders toward healthy, positive choices and community engagement through therapeutic justice and innovative collaboration with the community.</p> <p>YADC is an 8-24 month program that works with probationers in Kalamazoo County Michigan between 17 and 20 years old who have been sentenced to probation on a misdemeanor charge under a diversion statute and who are at risk of losing the diversion status, resulting in a conviction of the criminal charge and a criminal record.</p> <p>The program is based on the standard Drug Court model. Participants are referred by the Probation Officer or Judge for intensive case management through the YADC program. This includes mental health and substance abuse counseling as needed, weekly programming, and biweekly court review sessions. A Program Coordinator facilitates interactive, educational, weekly group discussions and activities focused on life skills, leadership development, and self-esteem growth opportunities. Community service is a requirement of the program. Several community agencies were involved in the development of the program and partner with the YADC program to provide services and support to participants. Graduates of YADC are discharged from probation and have their charge dismissed.</p>

Name of program/innovation	Lockport Young Adult Court (LYAC)
Location/jurisdiction	Lockport City, New York
Coordinating agency or organization	Lockport City Court, Niagara County
Contact information	Barbara Kubera, Treatment Court Case Manager One Locks Plaza Lockport, New York 14094 716-280-6213 bkubera@nycourts.gov https://www.nycourts.gov/courts/8jd/Niagara/lccyac.shtml
Year program/innovation was originally implemented	Unknown
Brief summary of program/innovation	The Lockport Young Adult Court (LYAC) Program seeks to diminish criminal propensity and recidivism of young adults through intense supervision, education, treatment, and judicial monitoring of Court participants. This program works to break the pattern of behaviors which have caused these young adults to become involved in the criminal justice system. The focus is directed on instilling values of accountability and responsibility by improving the personal and social aspects of each participant. This goal will be accomplished through mandating and overseeing linkages to appropriate programs, including: family counseling, educational and vocational training, anger management, substance abuse counseling, mental health counseling, first offender type programs, and many other programs. The primary impact of the LYAC Program will be on participants becoming productive, responsible, adult members of the community, by teaching them the skills necessary to conquer the issues which led them into the criminal justice system, and ultimately bringing an end to their criminal activity.

Name of program/innovation	Manhattan Young Adult Court
Location/jurisdiction	New York, New York
Coordinating agency or organization	Midtown Community Court and the Center for Court Innovation
Contact information	Dipal Shah, Director Midtown Community Court 314 West 54 th Street New York, New York 10019 646-264-1300 dshah@nycourts.gov www.courtinnovation.org
Year program/innovation was originally implemented	2016
Brief summary of program/innovation	Based at the Midtown Community Court, the Manhattan Young Adult Court serves 18-to 20-year olds and operates once a week. Using risk-needs assessment tools and evidence-based practices, the initiative features a range of age-appropriate interventions, including individual and group counseling, substance abuse treatment, mental health and trauma services, and educational and vocational services, as well as referrals to local agencies and service providers. Moving forward, the Center for Court Innovation and the Manhattan District Attorney’s Office have partnered to pilot a program, called Stay on Track, to reduce pretrial detention and incarceration for young adults charged with felonies.

Probation/Parole Programs

Name of program/innovation	Youthful Offender Program
Location/jurisdiction	Des Moines, Iowa, serving Polk County
Coordinating agency or organization	5 th Judicial District, Department of Correctional Services
Contact information	Chris Frederickson, Probation Officer 3 910 Washington Ave Des Moines, IA 50314 chris.frederickson@iowa.gov 515-418-5519
Year program/innovation was originally implemented	Operating since 1995
Brief summary of program/innovation	<p>The Youthful Offender Program is a pre-trial release program serving 16 to 22 year old offenders. Participants must be first-time felony offenders and have no current or prior gang involvement. Successful completion of the program results in the felony being lowered to a misdemeanor offense with the felony removed from their record. The county attorney refers young men and women to the program. Three probation officers and the county attorney meet weekly to discuss referrals and determine suitability for program participation. The program includes cognitive thinking classes, reconciliation, restitution, GED or high school completion (if needed), life skills courses, and employment. The program uses evidenced-based practices in the delivery of services. Participants start with weekly supervision which is gradually decreased to monthly supervision over a period of one to four years, depending on progress and successful completion of program requirements. A partnership with a local community college provides no-cost vocational training, education, and job placement (supported through a federal grant). Participants may be placed in a residential facility for a short period of time if there is a substance abuse relapse or failure to comply with program requirements.</p>

Name of program/innovation	Young Adult Initiative, District of Columbia
Location/jurisdiction	District of Columbia, Two locations serving the city
Coordinating agency or organization	Court Services and Offender Supervision Agency for the District of Columbia (CSOSA)
Contact information	<p>Lisa Rowlings, PhD Court Services and Offender Supervision Agency 633 Indiana Ave, NW Washington, DC 20004-2902 202-220-5351 Lisa.Rawlings@csosa.gov http://www.csosa.gov/home.aspx</p>
Year program/innovation was originally implemented	2013
Brief summary of program/innovation	<p>CSOSA’s Young Adult Initiative (YAI) provides supervision and intervention for young adult offenders age 25 years and under by providing wrap around support, guidance and case management. YAI emphasizes early engagement and interventions, specialized programming, and team-based supervision. CSOSA engages young adults in meaningful dialogue (motivational interviewing, cognitive behavioral interventions etc.), treatment, job readiness and education programming. Partnerships with community and faith-based organizations provide additional services and community service opportunities for participants.</p> <p>Two Young Adult Teams (YAT) provide services to all males age 18-25 years, except those living in transitional housing or supervised in the sex offender unit. Each young adult (YA) is assigned a primary Community Supervision Officer (CSO), vocational counselor, and a treatment specialist. Young adults (YA) meet with the complete team on each visit to the probation office, either individually or as a group. If not in school or working, participants remain at the CSOSA office for extended hours and receive services (vocational assessment and training, physical and mental assessment, personal and family development). Participants are supervised under a daycare or day reporting model where services are provided in-house.</p>

Name of program/innovation	Intensive Supervision Service (ISS)
Location/jurisdiction	Located in Columbia, South Carolina, serving the state of South Carolina
Coordinating agency or organization	South Carolina Department of Corrections
Contact information	<p>Ginny Barr, Director Division of YOPRS S.C. Department of Corrections Post Office Box 21787 Columbia, South Carolina 29221-1787 803-896-1777 barr.ginny@doc.sc.gov http://www.doc.sc.gov/programs/yoprs.jsp</p>
Year program/innovation was originally implemented	Piloted locally 2011, Implemented statewide 2012
Brief summary of program/innovation	<p>The Division of Young Offender Parole and Reentry Services (YOPRS) encompasses institution and community-based programs for males and females sentenced under the Youthful Offender Act (YOA). Eligibility requirements for the programs include young adults who have no previous convictions and are under the age of 25 years. The program is limited to non-violent, Class D felonies or lesser offenses, carrying maximum penalties of 15 years imprisonment or less. The Youthful Offender may apply to have their record expunged if they have no other convictions during the five year period following completion of their sentence. The recidivism rate for Youthful Offenders released from South Carolina Department of Corrections in FY 2010-2011 was over 50%. Because this population was the most challenging and least successful under parole supervision, a community supervision service (Intensive Supervision or ISS) was implemented. This Intensive Aftercare Program (IAP) Model uses evidence-based practices proven to reduce recidivism, improve family and individual functioning, and ensure community safety. An Intensive Supervision Officer (ISO) works in the community and is assigned to each Youthful Offender upon admission at the South Carolina Department of Corrections. The ISO differs from a traditional parole officer by acting in a proactive manner in the life of each young adult. Parole officers manage a caseload of no more than 20 young adults. The ISO works with institutions to assess the individual risk/assets and develop a plan for reentry services. Community resources and services are identified to address individual needs. Contact with young adults occurs at least weekly in the community to ensure a productive and structured schedule. Participants make reparations to their victims and communities. Program participants' two-year return-to-prison rate, including new crimes and technical violations of parole, totals 13.5%.</p>

Name of program/innovation	CHOICE
Location/jurisdiction	Boston, Massachusetts
Coordinating agency or organization	Roxbury Division of the Boston Municipal Court
Contact information	Judge Robert Tochka Roxbury District Court Edward W. Brooke Courthouse, 6th Floor 24 New Chardon Street Boston, Massachusetts 02114 617-788-8700
Year program/innovation was originally implemented	2010
Brief summary of program/innovation	The Roxbury CHOICE program is a post-trial intensive supervision program for young adults aged 18 to 26 years who are involved in the Boston court system. Crimes of participants range from drugs to domestic violence. The 18-month program is led by a probation officer and two judges. The young adults must attend a court session monthly and must demonstrate positive change. Participants are required to actively seek employment, complete their GED, remain drug free, and refrain from criminal activity. The program allows for changes in the conditions of their probation when they demonstrate positive behaviors. This may include the lifting of curfews or requirements regarding the wearing of GPS bracelets. Anecdotal evaluations suggest that the young people involved in the program are less likely to reoffend.

Name of program/innovation	Transitional Age Youth Unit
Location/jurisdiction	San Francisco, California
Coordinating agency or organization	Superior Court of California, Adult Probation Department
Contact information	Gabe Calvillo Supervising Probation Officer Office of San Francisco District Attorney George Gascón 850 Bryant Street, Room 200 San Francisco, CA 94103 415-553-1914 Gabe.Calvillo@sfgov.org
Year program/innovation was originally implemented	2009
Brief summary of program/innovation	<p>The Transitional Age Youth (TAY) Unit is a program of the San Francisco Adult Probation Department, serving young adults 18 to 25 years old. The unit consists of 10 caseloads dedicated to providing evidence-based programming specifically targeting the 18-25 demographic. Of the 10 caseloads, there are 4 dedicated to target populations; Gender Specific, Polynesian youth, YAC Court Officer and the IPO Liaison. The Unit also contains the Interrupt, Predict and Organize employment program (IPO). This program, funded by the Mayor’s Office, provides the participants an opportunity to earn full-time City employment after completing a yearlong program. The program consists of a Job Readiness training; an education component through 5 Keys Charter School, where participants work towards their HS diploma or GED; a Cognitive Behavior course; and part-time employment through a City Department. The Departments participating in the program are: the Public Utilities Commission, Recreation and Parks Department, Department of Public Works, and SF Municipal Transportation Agency. Staff are trained in young adult development and trauma-informed approaches. The program includes the administration of a COMPAS Needs Assessment tool, the development of an individualized treatment and rehabilitation plans that focus on risks, needs and emotional development. Young adults are referred to developmentally appropriate programs and resources throughout the city. The TAY Unit refers clients to evidence-based programming specifically geared towards the cognitive-behavioral challenges of young adults. The TAY Unit also refers clients to the Community Assessment Services Center (CASC) for barrier removal, employment, housing, education and other service needs. The Unit has demonstrated a 73-percent completion rate.</p>

Name of program/innovation	Multnomah County Justice Reinvestment Program
Location/jurisdiction	Multnomah County, Oregon
Coordinating agency or organization	Multnomah County Department of Community Justice
Contact information	Wende Kirby, Manager Multnomah County Justice Reinvestment Program Department of Community Justice 501 SE Hawthorne Blvd, Suite 250 Portland, Oregon 97214 503-988-4425 wende.kirby@multco.us https://multco.us
Year program/innovation was originally implemented	2014
Brief summary of program/innovation	<p>The Multnomah County Justice Reinvestment Program (MCJRP) was created in response to HB 3194, which aims to reduce incarceration and recidivism. Eligibility is limited to those who face a presumptive prison sentence. The legislation includes a mandate that justice-involved youth have a judicial review hearing to consider alternative placement before being transferred to an adult prison at the age of 25 years. MCJRP begins with 120 days of intensive community supervision tailored to address and treat the underlying problems that contribute to criminal behavior. A Level of Service/Case Management Inventory is conducted to identify risk level and needs. Each participant receives specialized services as needed, including housing, healthcare, employment, substance-abuse treatment, and access to educational programs.</p> <p>A parole and probation officer with the Multnomah County Department of Community Justice works specifically with young adults between 18 and 25 years of age.</p>

District Attorney-Led Programs

Name of program/innovation	Brooklyn Young Adult Justice Initiative
Location/jurisdiction	Brooklyn, New York
Coordinating agency or organization	Brooklyn District Attorney and Center for Court Innovation
Contact information	<p>Shakiva Pierre, Esq. Project Coordinator, Young Adult Court Bureau Smart Prosecution Initiative & Adolescent Diversion Kings County District Attorney’s Office 350 Jay Street, 16th Floor Brooklyn, NY 11201 718-250-2721 pierres@brooklynda.org www.brooklynda.org</p>
Year program/innovation was originally implemented	March 2016
Brief summary of program/innovation	<p>The Brooklyn King’s County District Attorney’s Office, in collaboration with the Center for Court Innovation, received a federal Smart Prosecution grant to establish the Brooklyn Young Adult Initiative. Under the Brooklyn Young Adult Initiative, the Kings County District Attorney’s Office has created a dedicated prosecution unit and a new Brooklyn Young Adult Court. The court serves defendants ages 16 to 24 years old who have been charged with a misdemeanor offense. . The goal is to develop a specialized approach to young adults, while reducing the use of jail and preventing future justice system involvement, thereby increasing public safety. Alternative-sentencing options include onsite services and referrals to community-based programs offering mental health counseling, drug treatment, education, employment assistance and job training. Stakeholders include the specialized prosecution unit, a dedicated judge, defense counsel and clinical service providers. Specialized training on brain development, trauma, and evidence-based practices for how to deal with the adolescent population is provided to persons working within the project and is made available to a wide range of stakeholders and service providers in the community. In addition to helping young people get matched to appropriate interventions and avoid incarceration, the program emphasizes that the community and justice system are linked in an effort to rebuild public trust and strengthen community engagement.</p>

Name of program/innovation	Deferred Sentencing Program
Location/jurisdiction	Rhode Island (Federal Court)
Coordinating agency or organization	U.S. District Court of Rhode Island
Contact information	Michael Simoncelli U.S. District Court of Rhode Island 1 Exchange Terrace Providence, RI 02903 (401) 752-7221 Michael_Simoncelli@rid.uscourts.gov
Year program/innovation was originally implemented	December 2015
Brief summary of program/innovation	<p>The Deferred Sentencing Program offers an alternative to incarceration to young adults (male or female) with low involvement in the justice system. Federal judges refer the young adults in coordination with the attorneys and probation officers. Defendants must sign an agreement to participate in the program requirements, including meeting with their probation officer weekly and attending a group meeting with other participants and the judges monthly. Eligibility for the program is determined on a case-by-case basis, for youthful offenders charged with non-violent crimes. Defendants plead guilty and are given a deferred sentence. Upon successful completion of the program, the judge imposes a sentence which may include probation or credit for time served rather than incarceration. Participants are closely monitored for 6 to 12 months. During this time, participants work through life issues. This may include increased drug and alcohol treatment testing, mental health counseling, or community service. They must hold or seek jobs or they may pursue educational goals. Sanctions for lapses may include written assignments, inpatient treatment, curfew, home detention, or possibly spending time in jail. A participant who fails to complete program requirements is removed from the program and sentenced. The goal is to keep youthful offenders positively engaged in the community and remove barriers to their success. The program focuses on ‘youthful offenders’ without imposing specific age or other criteria beyond the determination of low involvement in the justice system and those engaged in non-violent crimes. The court has not specified which crimes will be considered in order to give judges the flexibility to assess each defendant on a case-by-case basis. Generally, defendants are facing 6 months to 4 years of incarceration. The deferred sentencing program was designed with input from U.S. Probation, U.S. Attorney’s, and the Federal Public Defender’s offices. Court clerks and a representative of court appointed defense attorneys also played a role in program development.</p>

Name of program/innovation	AIM Court (Achieve, Inspire, Motivate), Dallas County
Location/jurisdiction	Dallas County, Texas
Coordinating agency or organization	Dallas County District Attorney's Office
Contact information	Julie Turnbull, Assistant District Attorney Chief, Reformativ Justice Unit Frank Crowley Courts Building 133 N. Riverfront Boulevard, LB 19 Dallas, Texas 75207 214-653-3892 Julie.Turnbull@dallascounty.org
Year program/innovation was originally implemented	January 2016
Brief summary of program/innovation	<p>The Achieve Inspire Motivate, or AIM, program targets young, nonviolent offenders, 18 to 24 years old. Referrals for the AIM program are made by prosecutors, the offender's attorney, judges or other law enforcement personnel. If accepted into the program, participants are expected to pay a \$500 program fee by the time they graduate. AIM provides 12-18 months of pretrial monitoring and case management, encompassing life and parenting skills, counseling and substance abuse treatment, if needed. AIM provides resources for housing, food and healthcare for participants. Criteria for removal from the program include excessive drug use, re-arrest, violent or threatening behavior, possession of drugs at an AIM event or meeting, or need for immediate transfer for medical or psychiatric intervention.</p> <p>The AIM diversion program is centered around employment and education. Before graduating, each participant is required to complete their GED and/or secure employment. After graduating from AIM, the participant's case will be dismissed and immediately expunged.</p>

Name of program/innovation	PATH (Promising Adults, Tomorrow's Hope)
Location/jurisdiction	Long Beach City, California
Coordinating agency or organization	Long Beach City Prosecutor's Office
Contact information	Doug Haubert, City Prosecutor Long Beach City Prosecutor's Office 333 W Ocean Blvd, Fl 2nd Long Beach, California 90802 562-570-7140 prosecutor@longbeach.gov http://cityprosecutordoughaubert.com/
Year program/innovation was originally implemented	March 2016
Brief summary of program/innovation	PATH (Promising Adults, Tomorrow's Hope) is a diversion pilot program launched in March 2016 by the Long Beach City Prosecutor's Office. The program focuses on young adults between 16 and 24 years old who have committed a minor offense. The program will offer young adults the choice to complete occupational training, mentoring, or educational programs in lieu of facing criminal prosecution. A diversion coordinator works with young adults to develop a plan based on their individual needs. Monthly classes are offered on a variety of topics, including anti-recidivism, how to get a driver's license, resume writing, job placement, and job training. The pilot project is funded for one year with plans to seek additional funding for its continuation.

Name of program/innovation	Sentencing Planner Program
Location/jurisdiction	San Francisco, California
Coordinating agency or organization	District Attorney's Office
Contact information	Gena Castro Office of San Francisco District Attorney George Gascón 850 Bryant Street, Room 322 San Francisco, CA 94103 415-553-1110 katherine.miller@sfgov.org
Year program/innovation was originally implemented	2012
Brief summary of program/innovation	<p>The Sentencing Planner Program (SPP) model is comprised of social workers with expertise in evidence-based programs to address the needs of individuals involved in criminal activity. Prosecutors refer cases to the SPP, who conduct an in-depth case review and individual assessment to determine if alternatives to incarceration are appropriate and creates service-rich case dispositions tailored to the individual's strengths and needs. A written report is prepared including detailed recommendations focusing on transformation rather than punishment. The prosecutor decides whether to incorporate these recommendations in the final disposition.</p> <p>A preliminary independent program evaluation found that the SPP reduces recidivism and reliance on incarceration. While the SPP model was created to work with adults of all ages, prosecutors have overwhelmingly turned to the program for cases involving young adults. In the spring of 2016, the SPP added a position to specifically focus on young adult defendants ages 18 to 25.</p>

Community-Based Partnerships

Name of program/innovation	Restorative Engagement Transforming Harm Into New Knowledge (RETHINK), formerly the Young Adult Restorative Justice Program
Location/jurisdiction	Santa Rosa, California, serving adults over 18 in Sonoma County
Coordinating agency or organization	Restorative Resources
Contact information	Jessica Hankins RETHINK 2934 McBride Ln Santa Rosa, CA 95403 707-542-4244, Ext. 102 Jessica@restorativeresources.org
Year program/innovation was originally implemented	2012
Brief summary of program/innovation	<p>The RETHINK Program provides restorative justice conferencing to adults age 18 to 25 years of age for misdemeanor and some felony crimes, through funding created by California’s Public Safety Realignment Bill, AB 109. Community volunteers facilitate restorative conferences, during which offenders are held accountable to themselves, their victims, and the community by taking responsibility for their past choices, exploring how these choices impacted others, and committing to actions that will help prevent future offending. Referrals are made through Sonoma Superior Court by an agreement among the Defense Attorney, District Attorney, and the Judge.</p> <p>Many of the young adult offenders are lacking the support and structure needed in their lives to redirect themselves from a life of crime. The RETHINK Program addresses this need by providing the opportunity to make amends and learn personal responsibility. Weekly peer groups provide ongoing accountability and support. In some cases, charges may be reduced or dropped through participation in the program; however, this is not guaranteed. Most participants are repeat offenders with misdemeanor charges. The program does serve some older clients meeting the program criteria regarding the type of charge and willingness to make amends.</p>

Name of program/innovation	Ujamaa Place
Location/jurisdiction	St. Paul, Minnesota, serving primarily East Metro area of St. Paul
Coordinating agency or organization	Ujamaa Place
Contact information	<p>Otis Zanders, CEO Ujamaa Place 1885 University Avenue, Suite 355 Saint Paul, MN 55104 651-528-8006 OtisZanders@ujamaaplace.org http://www.ujamaaplace.org/</p>
Year program/innovation was originally implemented	January 2011
Brief summary of program/innovation	<p>Ujamaa Place serves young Black men aged 18 to 30 years in the St. Paul, Minnesota area. The mission is to empower men to change their behavior through redefining their concepts of themselves, success, and positive community values. A theory of transformation focuses on individualized programming to accomplish positive outcomes in housing, education, employment, connection to family and children, and eliminating contact with the penal system.</p> <p>Most men participating in the program are homeless and become involved as they are leaving prison or jail. The program is voluntary and not a condition of probation. Referrals are made by county correctional agencies or family/friends of participants. Upon referral, participants are involved in an intensive interview with a trained coach. Most are accepted into the program, with a few turned away for reasons such as arson or sex offending. A demanding schedule includes daily meetings or educational activities focused on resolving difficulties in the outcome areas. Trained coaches, many of whom have experienced similar challenges, work with men utilizing a holistic approach to overcoming obstacles. Programming includes education and high school equivalency testing, tailored to the educational level of the participant. A construction trades program provides additional vocational training leading to employment opportunities. Subsidized housing is available through the program. Participants are involved for 8 months to 2 years, depending on their needs.</p>

Name of program/innovation	The Reset Foundation
Location/jurisdiction	San Francisco Bay Area, California
Coordinating agency or organization	The Reset Foundation
Contact information	The Reset Foundation 2407 Fourth St. Berkeley, CA, 94710 info@theresetfoundation.org www.theresetfoundation.org
Year program/innovation was originally implemented	Nonresidential program piloted 2014-2015; anticipated opening of residential program in Summer 2016
Brief summary of program/innovation	<p>The Reset Program serves 18 to 24 year old males who are facing sentences of more than 18 months of incarceration. The program began as a pilot serving this population with nonresidential programming. A year of planning followed the initial pilot with plans to open a residential program in the Summer of 2016. The program takes a holistic approach to services, with a strong emphasis on education and relationship building. Participants must go through an application and interview process in order to move into the residential program. If accepted, they will participate in a minimum of 18 months and possibly longer, depending on their progress.</p> <p>Residents are assigned a job within the Reset program and work towards employment with community partners. A stipend is provided and deposited into a savings account. This can be used for expenses such as child support or court fees. Education is incorporated into all aspects of the program, with participants earning their high school diploma and potentially community college credits while involved. Intensive schedules include activities in all areas of well-being, including individualized programming in areas such as fitness, parenting, and the enhancement of 'soft skills'. Since the program is still in the development stage, changes to the structure and programming are anticipated in order to be responsive to the needs of the population served. The program works closely with courts and probation officers. Participants in the program have their sentences reduced or suspended if they complete the program.</p>

Name of program/innovation	Hope Partnership
Location/jurisdiction	Oregon
Coordinating agency or organization	Janus Youth Programs
Contact information	Jack Davidson Hope Partnership 707 NE Couch Street Portland, OR 97232 503-445-4574 http://www.janusyouth.org/programs
Year program/innovation was originally implemented	September 2010
Brief summary of program/innovation	The Hope Partnership is a joint program between the Oregon Youth Authority and Janus Youth Services which offers reentry services to incarcerated young adults between the ages of 17 to 24 years. Janus' Hope Partnership is a collaborative community based initiative that improves the lives of young incarcerated adults. Community based services include arts infused programs, life skills and vocational training. A variety of classes and community networking opportunities for youth focus on building self-confidence and skill sets to transform lives. Program activities include writing, art, native beading and jewelry making, and improvisational theater. Young adults build relationships with community volunteers and develop public speaking skills and confidence. Additional partners include the Morpheus Youth Project, Write Around Portland, Goodwill Industries, Portland State University, and Toastmasters International. The main goal is to strengthen ties to the community, while preparing young adults for success when they rejoin society. The program anticipates expanding when the Hillcrest Youth Correctional Facility and MacLaren Facility merge in 2017.

Name of program/innovation	PLOT (Preparing Leaders of Tomorrow)
Location/jurisdiction	Brooklyn, NY
Coordinating agency or organization	PLOT
Contact information	<p>Jim Saint Germain P.O. Box 22663 Brooklyn, NY 11202 646-250-1396 info@plotforyouth.org http://www.plotforyouth.org/</p>
Year program/innovation was originally implemented	2013
Brief summary of program/innovation	<p>PLOT began as a mentoring program for at-risk male youth between the ages of 9 and 21 years living in Brooklyn, New York. In 2015, the upper age limit was raised to include young men over the age of 21 years. Many of the mentees were involved, or are at risk of becoming involved, in the juvenile or criminal justice system. PLOT is unique in that the mentors from the community have similar life experiences to PLOT’s mentees. PLOT mentors demonstrate leadership qualities and act as positive role models in the lives of young mentees, juvenile and criminal justice involved youth. The PLOT program accepts self-referrals and referrals from family members, service providers, and the general public. An application process includes a checklist of reasons for the referral, which include challenges such as anger issues, drug/alcohol abuse, gang activity, school or academic problems, and or poor self-esteem. Applicants are also asked for information regarding arrests or legal problems. The application process includes areas of interests, strengths, and challenges. When a young person is accepted into the program, a mentor coordinator identifies a mentor with similar interests to be matched with the mentee. Mentors work with mentees for a minimum of one year, spending 4-6 hours per month in their communities. When a mentee needs additional support, referrals are made to various specialists within its network. The PLOT program is based on the belief that all youth can avoid incarceration or re- incarceration through realizing their personal and educational goals. Anecdotal information on the success of the PLOT program is provided on the PLOT website.</p>

Name of program/innovation	Youth Violence Reduction Partnership (YVRP)
Location/jurisdiction	Philadelphia, Pennsylvania; Police Districts of West Kensington, Harrowgate, Fairhill, and Kingsessing
Coordinating agency or organization	Philadelphia Anti-Drug/Anti-Violence Network (PAAN)
Contact information	PAAN 2700 N. 17th Street, Suite 200 Lehigh Pavillion Philadelphia, Pennsylvania 19132 215-940-0550 paanpr1989@gmail.com http://paan1989.org/services/youth-violence-reduction-partnership/
Year program/innovation was originally implemented	1999
Brief summary of program/innovation	<p>The Youth Violence Reduction Partnership (YVRP) works in West Kensington, Harrowgate, Fairhill, and Kingsessing Police Districts to reduce the homicide rate. These are considered to be the city's most violent police districts. YVRP is a collaborative effort of the Philadelphia Offices of Adult and Juvenile Probation, the Metropolitan Policy Department, the Office of the District Attorney, and the Philadelphia Anti-drug/Anti-violence Network (PAAN). The partnership works with young males between the ages of 14 to 24 years, who are drug involved or have been incarcerated for a drug offense or gun charge. Many of the participants have siblings in the juvenile justice system. The program includes frequent home visits, drug treatment, organized recreation, job readiness services, school crisis intervention, and referrals to mental and behavioral health counseling for participants and their parents. The program also connects youth with positive adult role models. The PAAN program includes street workers, many of whom have overcome similar challenges. The program links participants to jobs, housing, healthcare, and other resources based on individual needs. The program works to build trusting relationships within neighborhoods to help bridge the gap between police, probation partners, YVRP Youth Partners, and communities. The young men involved in the YVRP program are often labeled as the most likely youth to kill or be killed by age 25. The YVRP program is believed to have played a major role in reducing the homicides and shootings within the 12th, 24th, and 25th districts.</p>

Name of program/innovation	YouthBuild Offender Project
Location/jurisdiction	Programs in 46 States
Coordinating agency or organization	YouthBuild USA, Inc. (Funded by U.S. Department of Labor)
Contact information	YouthBuild USA, Inc. 58 Day Street P.O. Box 440322 Somerville, MA 02144 https://www.youthbuild.org/ info@youthbuild.org 617-623-9900
Year program/innovation was originally implemented	2004
Brief summary of program/innovation	<p>The YouthBuild Offender Project is a re-entry program that targets low-income young adults between the ages of 16 to 24. Youthbuild operates as an incarceration diversion program and a re-entry program for incarcerated young adults. Participants work 6-24 months in their community to build housing for low income families. YouthBuild assists participants with gaining valuable job skills and/or attending college.</p> <p>An evaluation conducted in 2008 found that the program was successful in reducing recidivism and improving educational outcomes. The evaluation also found considerable evidence of a positive benefit-cost ratio, indicating that every dollar spent on the YouthBuild Offender Project is estimated to produce a social return on investment between \$10.80 and \$42.90, with benefits to society ranging between \$134,000 and \$536,000 per participant at a cost to society of about \$12,500.</p>

Hybrid Programs

Name of program/innovation	YVLifeSet
Location/jurisdiction	Local Jurisdictions in Tennessee, Mississippi, North Carolina, Massachusetts, Oklahoma
Coordinating agency or organization	Youth Villages, Memphis, Tennessee
Contact information	Kristin Landers, MA, LMFT Clinical Program Director, YVLifeSet Youth Villages 3320 Brother Blvd Memphis, TN 38133 901-251-4960 Kristin.Landers@youthvillages.org www.youthvillages.org
Year program/innovation was originally implemented	1999
Brief summary of program/innovation	<p>The YVLifeSet program serves young adults from the foster care and juvenile justice systems from the ages of 17 to 22 years old. The program is voluntary and targets youth who are aging out of foster care, the juvenile system, or otherwise opportunity youth who are transitioning to adulthood. The program conducts an initial assessment of participants referred through the state child welfare and juvenile justice systems, community agencies, and courts. Participants may or may not be involved in the adult criminal justice system. Although the program does not restrict participation based on types of criminal behavior, those persons who are actively homicidal or suicidal or have a history of violent behavior toward others may not be eligible for the program. The initial assessment includes an evaluation of the protective factors in order to evaluate appropriateness for the program.</p> <p>Each participant is assigned a YVLifeSet Specialist who carries a caseload of eight to 10 young adults. Specialists meet with participants at least once a week in community settings that are convenient for the young person. Participants typically are involved in the program for 6 to 12 months, based on their individual needs. The program provides 24/7 support to participants. A critical component of the YVLifeSet program is establishing and maintaining relationships with family or other caring adults. Additional supportive services may include money management, sexual health education, education, employment, housing, and accessing community services.</p>

Name of program/innovation	Right Turn Career-Focused Transition Initiative (Right Turn)
Location/jurisdiction	Intermediary Organization located in Washington, DC Implementation sites include Reno, Nevada; Chicago, Illinois; Syracuse, New York; and Lansing, Michigan; Houston, Texas; Louisville, Kentucky; Nashville, Tennessee; Lansing, Michigan; and Los Angeles, California
Coordinating agency or organization	Institute for Educational Leadership
Contact information	Curtis Richards, Director Center for Workforce Development 4301 Connecticut Avenue NW, Suite 100 Washington, DC 20008 202-822-8405, Ext. 163 richardsc@iel.org http://rightturn.iel.org/
Year program/innovation was originally implemented	2013
Brief summary of program/innovation	<p>The Right Turn Career-Focused Transition Initiative (Right Turn) provides a career development process for youth with involvement in or at-risk of involvement in the criminal justice system. The program serves teens and young adults 18 years old and above, with a focus on those with disabilities. Right Turn is being implemented in high-crime, high poverty communities across the country by non-profit and local organizations with expertise in career development, education, mentoring, youth development, juvenile justice, and disabilities. Youth meet regularly with program staff, mentors, and other caring adults to develop and implement an Individualized Career Development Plan (ICDP). Through weekly goal- setting based on each youth’s ICDP, Right Turn promotes employment, continued learning opportunities, and independent living.</p> <p>Activities include: identifying personal strengths and interests; learning about specific careers through employer guest speakers, informational interviews, and workplace visits; soft skills training; hands-on work experience through summer jobs, internships, employment, and restorative justice projects; and training goals that align with personal career goals such as obtaining a high school diploma or GED, earning an industry-recognized credential, or pursuing postsecondary education.</p>

Name of program/innovation	Young Adult Justice Scholars Program and Young Adult Justice Community Program (YAJS/C)
Location/jurisdiction	New York City, New York
Coordinating agency or organization	New York City Department of Probation and the Mayor’s Center for Economic Opportunity
Contact information	W. Cyrus Garrett New York City Department of Probation City Hall New York, New York 10007 212-639-9675
Year program/innovation was originally implemented	January 2012
Brief summary of program/innovation	<p>The Young Adult Justice Scholars and Young Adult Justice Community Programs (YAJS/C) serves young adults aged 16 to 24 years who are involved in the criminal justice system. Young Adult Justice Scholars is an education-focused program, while the Young Adult Justice Community program engages participants in subsidized community benefit projects. The Justice Scholars program focuses on educational gains and features multiple tracks, including options for young adults who are: compulsory high school age or eligible for GED classes, in need of basic education classes, or ready for post-secondary education. The program features educational services, tutoring, career exploration, case management, peer support, financial incentives, and placement and follow-up services. Five community sites provide services to participants.</p> <p>The Young Adult Justice Community Program is built around community benefit projects to improve the health, safety, beauty and sustainability of the neighborhood. It incorporates educational, work, team, and civic engagement experiences. Contracts with six community-based organizations are utilized to organize projects, leverage local resources, and perform case management services. Participants in the program receive stipends and incentives to support workforce engagement and sustained community participation. The YAJS/C programs are part of the New York City Young Men's Initiative (http://www1.nyc.gov/site/yymi/index.page).</p>

Name of program/innovation	Arches: A Transformative Mentoring Program
Location/jurisdiction	New York City
Coordinating agency or organization	New York City Department of Probation
Contact information	New York City Department of Probation City Hall New York, New York 10007 212-639-9675 http://www1.nyc.gov/site/yimi/initiatives/programs.page
Year program/innovation was originally implemented	2011
Brief summary of program/innovation	Arches is a group mentoring program that works with justice-involved young adults to transform attitudes and behaviors that led to criminal activity. The program serves young adults on probation between the ages of 16 and 24 years. The program helps participants to get out of the justice system by strengthening their attachment to education, work, and the community. The program includes group support activities, a curriculum delivered by culturally appropriate mentors, and a setting of positive values and practices. The group process is the core component of Arches. Mentors are paid for working with participants and mentees receive stipends for each group session completed. Arches connects participants to educational, vocational, and therapeutic programs when needed. The Arches program is part of the New York City Young Men's Initiative (http://www1.nyc.gov/site/yimi/index.page).

Name of program/innovation	Community Education Pathways to Success (CEPS)
Location/jurisdiction	New York City
Coordinating agency or organization	New York City Department of Probation
Contact information	New York City Department of Probation City Hall New York, New York 10007 212-639-9675 http://www.nyc.gov/html/prob/html/young_men/ceps.shtml
Year program/innovation was originally implemented	2011
Brief summary of program/innovation	The Community Education Pathways to Success (CEPS) program serves 17.5 to 24 year-olds who are on probation. CEPS is an intensive literacy program, working with young adults to support their obtaining their GED and pursuit of higher education. The CEPS program is part of the New York City Young Men's Initiative (http://www1.nyc.gov/site/yimi/index.page).

Name of program/innovation	National League of Cities Institute for Youth, Education, and Families Justice Reform Program (NLC YEF Institute)
Location/jurisdiction	Multiple sites throughout the U.S.
Coordinating agency or organization	National League of Cities Institute
Contact information	Heidi Cooper, Justice Reform Associate Institute for Youth, Education, and Families National League of Cities (NLC) 1301 Pennsylvania Avenue NW Suite 550 Washington, DC 20004 202-626-3029 cooper@nlc.org http://www.nlc.org/
Year program/innovation was originally implemented	2015
Brief summary of program/innovation	As a strategic ally in the Safety + Justice Challenge of the John D. and Catherine T. MacArthur Foundation, the National League of Cities Institute for Youth, Education, and Families (YEF Institute) supports city leaders to implement policies and practices that reduce the use of jail for youth and young adults ages 16-24, and that reduce or eliminate racial and ethnic disparities in the use of jail. For instance, city-level opportunities to reform policy and practice to achieve better public safety and human capital outcomes include: implementing decision-making tools to support arrest decisions based on risk to public safety, administering training to help local law enforcement officers reduce racial and ethnic disparities, and collaborating with county colleagues and local service providers to provide services as alternatives to jail. In 2016, the YEF Institute will conduct two Leadership Academies in which teams of city officials and local partners will learn from experts about the opportunities listed above, as well as other emerging strategies for cities to reduce the overuse of jails for young adults. City teams will also develop local plans and plan implementation strategies, and engage in cross-city learning and sharing with peers. In addition, the YEF Institute provides ongoing support for city leaders on local juvenile justice reform, dropout reengagement, and youth employment strategies for justice-involved young adults.

Name of program/innovation	Safe and Successful Youth Initiative (SSYI)
Location/jurisdiction	Massachusetts, Multiple Locations
Coordinating agency or organization	Commonwealth Corporation
Contact information	Susan Lange, Vice President, Youth Pathways 2 Oliver Street, 5th Floor Boston, MA 02109 617-717-6916 slange@commcorp.org www.commcop.org
Year program/innovation was originally implemented	2011
Brief summary of program/innovation	<p>The Safe and Successful Youth Initiative (SSYI) is a multifaceted, community-based strategy that combines public health and public safety approaches to eliminating serious violence among high-risk, urban youth ages 14-24. SSYI sites include Boston, Brockton, Chelsea, Fall River, Holyoke, Lawrence, Lowell, Lynn, New Bedford, Pittsfield, Springfield, and Worcester. The SSYI program was initiated in 2011 after then Governor Deval Patrick convened a group within the Health and Human Services agency to serve young men who were deeply involved in the criminal justice system. The SSYI program targets cities based on size, homicide rates, and aggravated assault rates. Identified cities submitted applications for funding, with a requirement that the police department must be the applicant. Criteria for young men to be involved in the program are identified by each site based on local needs. A list of eligible participants is given to the lead agency in each service area, which does 'outreach and in-reach' to engage participants. The young men may be incarcerated as a juvenile or adult at the time of initial engagement or they may be on probation or parole status. The program services include case management; clinical services provided through a mental health clinic; and education, training and employment activities. Subsidized employment is available through the program. Participants receive non-cognitive skill development (soft skills) through a standardized curriculum package. The various programs develop social enterprises based on their community needs. Examples of this include a café and mattress recycling project (UTEK site), and a cleaning service for public buildings (Roca site).</p> <p>As of 2014, an external evaluation showed positive benefits in reduced incarceration rates. Youth who were not involved in an SSYI program with similar violent backgrounds were 42% more likely to be incarcerated than youth who were actively engaged in SSYI services. The largest of the 12 SSYI programs, Roca and UTEK, are often cited by justice experts due to their level of success in high crime communities. These programs are described separately in this document.</p>

Name of program/innovation	Roca
Location/jurisdiction	Chelsea, Springfield, Lynn and Boston, Massachusetts
Coordinating agency or organization	Roca, Inc.
Contact information	<p>Yotam Zeira, Director of External Affairs Roca, Inc. 845 Albany Street Boston, Massachusetts 02119 617-409-3969 Yotam_Zeira@rocainc.com www.rocainc.org</p>
Year program/innovation was originally implemented	1988
Brief summary of program/innovation	<p>Roca’s mission is to disrupt the cycle of incarceration and poverty through evidence-based interventions for high-risk young people from 17 to 24 years. The approach used is ‘relentless outreach’ with data-driven evaluation to produce positive outcomes for young adults in across Massachusetts. Roca focuses on the young people who are not ready, willing or able to participate in any type of traditional programming (school, job training, etc.), who are at the highest risk level. Unlike many programs for justice- involved young adults, the Roca program does not require participants to agree to services initially and works with young adults involved in gang activities, a population excluded by many other programs. Roca’s Youth Workers reach out to young adults referred through the criminal justice system, making repeated efforts regardless of the response, and working overtime to build trust and meaningful relationships.</p> <p>Roca’s intervention model is 4 years long – the first 2 years are dedicated to intensive behavior change, and the following 2 years to follow-up. All the components of Roca’s programming are specifically tailored for young people who are not yet ready to change their behavior. Roca prepares participants for HiSET, teaches a workforce readiness curriculum and gives financial literacy classes. Roca maintains a transitional employment program to provide participants with opportunities to develop work skills while earning money. Participants may be involved in cleaning public buildings, removing snow, or similar activities available through the transitional employment program managed by Roca. In addition, Roca has developed a specialized Cognitive Behavioral Treatment (CBT) curriculum for justice-involved young adults, in partnership with Massachusetts General Hospital. Roca also helps participants acquire industry-recognized certificates (OSHA, ServSafe) and places participants in jobs that are criminal record-friendly.</p> <p>A key component of Roca’s program is close relationships with criminal justice agencies and other partners, including police, probation, employers and other community-based organization. Roca builds long term and meaningful relationships with any institution involved in the lives of the young adults it serves.</p> <p>In 2014, a ‘Pay for Success’ (PFS) model was initiated with the Roca program. Through this approach, Roca is paid based on its ability to meet established benchmarks rather than the number of participants served. A rigorous evaluation component (Randomized Control) is incorporated to monitor the level of success of the program. It is projected that there will be a 45% reduction in incarcerations among Roca participants. After a five-year pilot phase, the Department of Labor has committed to continuing the PFS approach if anticipated outcomes are achieved.</p> <p>Roca’s outcomes are reported annually in great detail. Although participants are not mandated to Roca and all of them are high-risk, the program managed to retain 84% of them through the last fiscal year (FY15). In the 3rd and 4th year of the model, the recidivism outcomes show that 98% had no new incarcerations, 93% had no new arrests, and 88% had no new technical violations. Participants also improve dramatically their employment retention rate, with 92% holding a job for 3 months or more, and 87% holding a job for more than 6 months.</p>

Name of program/innovation	UTEC
Location/jurisdiction	Lowell, Massachusetts
Coordinating agency or organization	UTEC, Incorporated, with training and technical support provided by the Safe and Successful Youth Initiative (SSYI)
Contact information	Gregg Croteau, Executive Director UTEC 15 Warren Street, No. #3 Lowell, Massachusetts 01852 978-856-3990 gregg@utec-lowell.org https://www.utec-lowell.org/
Year program/innovation was originally implemented	1999
Brief summary of program/innovation	<p>UTEC’s mission is to ensure social and economic success for proven-risk youth. Through sustained relationships with caring adults and intentional programming, we help youth to make changes in their lives. UTEC’s intensive program is reserved for youth who are serious gang- or criminally involved (with a priority on violent crimes, felony convictions and reentry from prison). The model begins with Street Outreach and Gang Peacemaking, and youth are invited to engage in UTEC’s Transformational Beginnings program to participate in mattress recycling. Youth who attend and persist in this program are promoted to the Workforce Development and Social Enterprises program. All youth are paired with a case manager, called a Transitional Coach, who works with them on a wide set of goals. Youth develop a variety of critical skills in the workforce program, focused on engagement within social enterprises, and resume their education through academic classes with a project-based focus. UTEC’s social enterprises include: mattress recycling, culinary (an onsite public café, catering services, and retail food production), and woodworking. UTEC embeds values of social justice and civic engagement in all programming, with special emphasis on its local and statewide organizing and policymaking work. UTEC also provides supplemental enrichment activities so that youth have additional safe outlets for expression, as well as increasing their sense of belonging to UTEC and the caring relationships fostered with staff. All of UTEC’s activities include an intensive performance management, incorporating data collection and outcome monitoring from service initiation and ongoing throughout involvement in the program. UTEC is preparing for a rigorous external evaluation.</p>

Prison-Based Programs

Name of program/innovation	Mountain View Youth Development Center
Location/jurisdiction	Located in Charleston, Maine; Serving the state of Maine
Coordinating agency or organization	State of Maine Department of Corrections
Contact information	Jeff Morin 1182 Dover Rd Charleston, Maine 04422 Jeff.a.morin@maine.gov 207.285.0710
Year program/innovation was originally implemented	April 2014
Brief summary of program/innovation	The Mountain View Youth Development Center provides a separate medium security incarceration facility for males from 18 to 26 years old. The program is housed in a former juvenile facility and is based on a juvenile model rather than a typical corrections model. Involvement in treatment and development of a treatment plan is required. This includes substance abuse groups, high school completion, and vocational programming with training in Culinary, Carpentry, and Small Engines available. Most residents are in Mountain View under a year and move from there to a minimum security facility or back to the community. Staff relationships are a strong element of the programming. This includes the use of the Performance-based Standards (PbS) model for uniform data collection and reporting to measure outcomes and the impact of services on young adults, staff, and families. Eligibility for the program is based on age. Young adults who previously participated in the juvenile program at Mountain View are not accepted into the program. While long-term outcomes are not available yet, data on both long and short-term outcomes is being collected.

Name of program/innovation	Anthony Correctional Center, West Virginia
Location/jurisdiction	Located in White Sulphur Springs, West Virginia, serving the state of West Virginia
Coordinating agency or organization	West Virginia Division of Corrections
Contact information	Mike Martin, Warden Anthony Correctional Center HC70 White Sulphur Springs, West Virginia 24986 304-536-3911 http://www.wvdoc.com/wvdoc/prisonsandfacilities/anthonycorrectionalcenter/tabid/44/default.aspx
Year program/innovation was originally implemented	1980
Brief summary of program/innovation	The Anthony Correctional Center (ACC) is a 220-bed minimum security facility located in Greenbrier County, West Virginia. ACC houses 18 to 25 year old men and women. Each offender is sentenced to the facility with a suspended original sentence for their felony conviction. The offenders serve between 6 and 24 months and are required to complete an intensive program plan that addresses their individual needs. Residents at the ACC area required to participate in educational programming including adult basic education, GED preparation and testing, literacy, and vocational training. Programs are offered in automotive repair, culinary arts, welding, construction technologies, and business education. College courses are offered through a partnership with a local community college. In 2014, the program started an employment program, allowing a dozen male offenders to work within the facility in the laundry, kitchen, and night crew. Upon completion of all required programs, offenders are released and placed on probation. The offender returns to the court that originally sentenced them to receive their probation sentence. Offenders who have behavioral issues while at the ACC or fail to satisfy the court in the rehabilitation can receive the original sentence that was imposed.

Name of program/innovation	SCI (State Correctional Institution) Pine Grove Young Adult Offender Program (YAOP), Indiana County, Pennsylvania
Location/jurisdiction	Indiana, Pennsylvania, serving the state of Pennsylvania
Coordinating agency or organization	Pennsylvania Department of Corrections
Contact information	Eric Bush, Superintendent 189 Fyock Road Indiana, PA 1571 724-465-9630 http://www.cor.pa.gov/Facilities/StatePrisons/Pages/Pine-Grove.aspx#.Vvlq1_krI2x
Year program/innovation was originally implemented	January 2001
Brief summary of program/innovation	<p>SCI Pine Grove in Indiana County, Pennsylvania is a maximum security facility housing adult male offenders and Young Adult Offenders, aged 15 to 20 years, who have been charged as adults due to the nature of the criminal offense committed. The YAOP meets their special needs of education, adolescent development and recreational activity in a therapeutic community. Young Adult Offenders are encouraged to make life changes in self-responsibility, discipline, respect for others and themselves, and to develop positive self-esteem.</p> <p>Pine Grove utilizes six treatment phases which are target to the specific needs of Young Adult Offenders. In the early phases, an inmate attends very broad programs that build upon one another. In the later phases, the treatment changes to a more focused and intensive treatment plan based upon the needs of the individual offender. Specific programs target sex offenders, drug and alcohol abuse, anger management, etc. Hands on training is provided, allowing the YAO to develop employable job skills depending upon their aptitude. Programs offered include: computer repair, AutoCAD drafting, culinary arts, automotive repair, building maintenance, and business education.</p>

Name of program/innovation	Youthful Offender System (YOS)
Location/jurisdiction	Pueblo, Colorado, serving the state of Colorado
Coordinating agency or organization	Colorado Department of Corrections
Contact information	Mike Romero, Warden Youthful Offender System (YOS) 1300 West 13th Street Pueblo, Colorado 81003 719-544-4800 https://www.colorado.gov/pacific/cdoc
Year program/innovation was originally implemented	Opened in Denver in 1994; moved to current location 2006
Brief summary of program/innovation	The Youthful Offender System (YOS) is a maximum security prison in Pueblo, Colorado, YOS houses male and female young adults between 14 and 25 years who have been convicted of a felony and sentenced as adults. The sentencing judge must recommend young adults for the YOS program, based on the age of the young adult and the perceived amenability for rehabilitation. (C.R.S. §18-1.3-407.5, 2009) The maximum length of sentence is 7 years, regardless of the original charge. The minimum sentence is 2 years. The YOS program teaches self-discipline through clear consequences. Staff models and mentors promote the development of socially accepted behaviors. Young adults are taught problem-solving skills and participate in daily physical training, education and work programs, and meaningful interactions. Under Colorado Under Colorado code, biannual evaluations are conducted of the YOS program. Recommendations for program improvements are included in the evaluations. The last two evaluations included recommendations for expansion of programming for females. The most recent evaluation (2014) found that 90% of YOS participants successfully completed their sentence. The 2-year felony reconviction rate is 25%, with 10% reconvicted for a violent felony crime within 2 years.

Name of program/innovation	Florida Youthful Offender Facilities
Location/jurisdiction	Three locations serve young adults: Lake City, Lancaster, and Lowell
Coordinating agency or organization	Florida Department of Corrections
Contact information	Florida Department of Corrections 501 South Calhouon Street Tallahassee, Florida 32399-2500 850-488-5021 http://www.dc.state.fl.us/index.html
Year program/innovation was originally implemented	1997 (Lake City), 1979 (Lancaster), 1999 (Lowell)
Brief summary of program/innovation	The Florida Department of Corrections maintains three facilities specifically for young adults. One private facility is located in Lake City, Florida, and serves males between 19 and 24 years of age. A public prison facility in Lancaster serves males between 19 and 24 years of age. The third facility serves females between 14 and 24 years of age. In response to Chapter 958, Florida Statutes, the three young adult facilities are mandated to provide enhanced program services and Extended Day programming. The 16-hour daytime program provided at all youthful offender institutions is designed to provide at least 12 hours of activities. The program is structured to include work assignments, education, including vocational and academic programs, counseling, behavior modification, military style drills, systematic discipline and other programmatic opportunities aimed at reducing inmate idleness and enhancing the young inmate's chance at becoming a law abiding citizen upon re-entry into the community. A variety of vocational programs are included at each facility. Each facility provides substance abuse and mental health services, religious programming, parenting classes, and physical fitness activities.

Name of program/innovation	Nebraska Correctional Youth Facility (NCYF)
Location/jurisdiction	Located in Omaha, Nebraska, serving the state of Nebraska
Coordinating agency or organization	Nebraska Department of Corrections
Contact information	Ryan Mahr, Warden Nebraska Correctional Youth Facility 2610 N 20th St East Omaha, Nebraska 68110 202-595-2000 http://www.corrections.nebraska.gov/ncyf.html
Year program/innovation was originally implemented	1988
Brief summary of program/innovation	The Nebraska Correctional Youth Facility (NCYF) is a maximum, medium, and minimum security facility located in Omaha, Nebraska. The facility houses male youthful offenders from early adolescence to age 21 years, 10 months. Residents may apply to participate in community custody programs including work detail, work release, or educational release. Programming includes vocational training in landscaping/horticulture and food service, religion, recreation, life skills, victim impact, dog handling, writing, and mentoring. High school courses, GED, and college courses are provided.

Name of program/innovation	Connecticut Department of Correction Young Adult Prison
Location/jurisdiction	Pending, Location not yet identified
Coordinating agency or organization	Connecticut Department of Correction
Contact information	<p>Scott Semple, Correction Commissioner Connecticut Department of Correction 24 Wolcott Hill Rd Wethersfield, Connecticut 06109 680-692-7480</p> <p>Interview transcript regarding planned young adult prison: http://www.ct.gov/doc/lib/doc/pdf/CTReentryVoices.pdf</p>
Year program/innovation was originally implemented	Projected: January 2017
Brief summary of program/innovation	<p>The Connecticut Department of Correction is planning to open a new prison facility for 18 to 25 year old males. The facility will focus on youth brain development. The corrections department is seeking input from educational and developmental experts in establishing programming for the facility. A behavior-modification curriculum currently being used with youthful offenders by the Connecticut Department of Children and Families is being considered. The prison will be based on a model in Germany.</p>

Advocacy and Research Programs

Name of program/innovation	Center For Criminal Justice Research, Policy, and Practice
Location/jurisdiction	Chicago, Illinois
Coordinating agency or organization	Loyola University Chicago
Contact information	<p>Lisa Jacobs Loyola University Chicago, School of Law 25 East Pearson Chicago, Illinois 60611 312-915-7876 ljacobs@luc.edu www.luc.edu/ccj/</p>
Year program/innovation was originally implemented	2016
Brief summary of program/innovation	<p>The Center For Criminal Justice Research, Policy, and Practice (CCJ) was established in 2016 with funding from the MacArthur Foundation in Chicago, Illinois. The Center’s mission is to “promote fair, informed, effective, and ethical approaches to criminal justice policy and practice through collaborative interdisciplinary research and evaluation, professional leadership development, and targeted projects designed to bring about systemic improvements in Illinois’ criminal justice system”. The goals of CCJ are to: improve the quality of knowledge and practice in the criminal justice field; motivate and support policy reform efforts; carry out targeted reform initiatives; and provide an institutional home for sustained criminal justice research, education, and reform.</p> <p>The Center focuses on research, policy analysis and training, and specific projects aimed at improving the Illinois criminal justice system. Activities are designed and implemented by faculty and students across Loyola’s departments in collaboration with public and private partners.</p>

Name of program/innovation	Center for Court Innovation-Young Adult Initiatives
Location/jurisdiction	New York, New York
Coordinating agency or organization	Center for Court Innovation
Contact information	<p>Greg Berman, Director Center for Court Innovation 520 8th Avenue, 18th Floor New York, New York 10018 646-386-3100 bermang@courtinnovation.org www.courtinnovation.org</p>
Year program/innovation was originally implemented	2016
Brief summary of program/innovation	<p>In an effort to rethink the conventional approach to justice-involved young people, the Center for Court Innovation has launched a number of initiatives in New York City.</p> <p><i>Up & Out</i> To target the unique needs of young adults, the Center has created a new social service intervention, Up & Out, with the support of the U.S. Department of Justice’s Bureau of Justice Assistance. Up & Out strives to help moderate- and high-risk young people avoid future contact with the criminal justice system by targeting problems such as housing instability, substance use and unemployment. The program helps participants to identify the roots of their criminal justice system involvement and learn specific skills to avoid criminal behavior. Young people coming through the Brooklyn Young Adult Court can participate in Up & Out on a voluntary basis or as a court mandate</p> <p>Harlem Justice Corps Part of the New York City Justice Corps Initiative, the Harlem Justice Corps is an intensive career development and service program for justice-involved young men and women ages 18 through 24 who are seeking employment, education services, and meaningful opportunities to serve their community. The Justice Corps seeks to improve education and employment outcomes for its members, reduce recidivism, and support community development in Harlem.</p>

<p>Brief summary of program/innovation</p>	<p>Newark United Against Violence</p> <p>With support from the federal Office of Juvenile Justice and Delinquency Prevention, Newark United Against Violence seeks to reduce violence among young men and women who may perpetrate or become victims of shootings. The initiative provides alternatives to engaging in violent activities. Since inception in 2013, the project has connected over 150 Newark residents, ages 18 to 30, to targeted supportive case management, job readiness and mentoring services.</p>
	<p>Red Hook Community Justice Center</p> <p>The Red Hook Community Justice Center strives to help court-involved young adults avoid future justice system involvement. Special programs for this population include:</p> <p>Peacemaking: Peacemaking is a traditional Native American form of justice that promotes healing and restoration by bringing together defendants and victims, as well as others affected by a defendant’s behavior. Peacemakers, who are trained volunteers from the community, lead the peacemaking sessions and allow each participant to speak about how a case has affected him or her personally. With support from the Mayor’s Office of Criminal Justice, the Peacemaking program in Red Hook works with young people between the ages of 16 and 24 who live in the Red Hook Houses. Cases are referred from court, as well as by police, the New York City Housing Authority and community members themselves.</p> <p>Mentoring: Through the Red Hook Community Resilience Corps — an AmeriCorps program seeking to make Red Hook a safer and stronger community — corps members (ages 17 to 14) are paired with older adult members for mentoring. Together, participating young people and their mentors provide disaster recovery education and perform service projects throughout the neighborhood.</p>

Brownsville Community Justice Center

The Brownsville Community Justice Center is dedicated to building multiple off-ramps for young people who come into contact with the justice system. The Justice Center provides much-needed services at nearly every stage of the justice process, from arrest to prosecution. This includes:

Brownsville Leadership Project: An alternative-to-incarceration program serving youth, ages 13 to 21. Young people are sentenced by judges in Brooklyn's downtown criminal court to attend weekly group programming in Brownsville, focused on leadership development, community engagement and life skills. Participants also work individually with a social worker.

Young Adult Engagement: Through the Justice Community and Justice Plus programs, youth ages 16 through 24 who have had contact with the justice system receive high school equivalency classes and college assistance, an internship placement, and professional development training. Participants also engage in community benefit projects, including community garden plantings and the creation of public murals. Eligible youth are referred by New York City Department of Probation, New York City Police Department, New York State Department of Parole, and Brooklyn Criminal and Supreme Courts.

Arts Programming: The Justice Center offers a variety of arts programming, including music production in partnership with Project Rhythm and film production in partnership with the Tribeca Film Institute. The Justice Center also offers weekly drop-in dance and photography classes.

Peer Responders: Young people ages 18 through 24 are trained to lead community workshops and link their peers to resources available to the Brownsville Community.

Name of program/innovation	Harvard Kennedy School Program in Criminal Justice Policy and Management
Location/jurisdiction	International, Located in Cambridge, Massachusetts
Coordinating agency or organization	Harvard Kennedy School Malcolm Wiener Center for Social Policy
Contact information	<p>Bruce Western, Faculty Director Vincent Schiraldi, Senior Research Fellow Harvard Kennedy School Program in Criminal Justice Policy and Management 79 John F. Kennedy Street Cambridge, Massachusetts 02138 617-495-5188 criminaljustice@hks.harvard.edu www.hks.harvard.edu/programs/criminaljustice</p>
Year program/innovation was originally implemented	1980
Brief summary of program/innovation	<p>The Program in Criminal Justice Policy and Management (PCJ), is located within the Malcolm Wiener Center for Social Policy at the Harvard Kennedy School (HKS). PCJ conducts research and sponsors activities to promote sound policy and effective management in the administration of safety and justice. Activities include action research, course instruction, curriculum development, and the promotion of partnerships with practitioners and scholars. PCJ organizes executive sessions and collaborative meeting, and produces publications in the area of criminal justice. The program works to promote cross learning between practitioners and researchers; synthesize and extract the best ideas; and promotes putting these ideas into action. The Program in Criminal Justice takes a sector-wide view of criminal justice, focusing on policies and management of multiple institutions rather than specializing in issues of policing, courts, or corrections. The Program conducts work internationally, taking a comparative approach to issues related to safety and justice. PCJ launched a Young Adult Justice website in 2016, focusing on the justice system and the developmental needs of young adults. (http://www.hks.harvard.edu/youngadultjustice)</p>

Name of program/innovation	MassINC
Location/jurisdiction	Boston, Massachusetts serving the state of Massachusetts
Coordinating agency or organization	MassINC
Contact information	Ben Forman, Research Director Massachusetts Institute for a New Commonwealth 11 Beacon Street, Suite 500 Boston, Massachusetts 02108 617-224-1652 bforman@massinc.org www.massinc.org
Year program/innovation was originally implemented	1996
Brief summary of program/innovation	MassINC was founded in 1996 by civic and business leaders who sought accurate and unbiased data to inform policymaking. MassINC is an independent think tank conducting non-partisan research, civic journalism and independent polling. The focus of work is on fact-based analysis to inform policies and encourage civic engagement. In addition to providing research and data on criminal justice issues, MassINC conducts and disseminates information on education; gateway cities; transportation; and jobs and economic security. The work of MassINC in the justice field includes a policy center, management of a coalition of public and private stakeholders in the justice system, and polling on critical issues in the state. A monthly newsletter from the MassINC Criminal Justice Reform Coalition is produced and disseminated and events are hosted to inform and share information regarding the justice system.

Name of program/innovation	Vera Institute of Justice
Location/jurisdiction	International, Main Office located in New York, New York with additional locations in the U.S.
Coordinating agency or organization	Vera Institute of Justice
Contact information	Ryan Shanahan, Research Director, Center on Youth Justice Vera Institute of Justice 233 Broadway, 12th Floor New York, New York 10279 212-376-3071 rshanahan@vera.org www.vera.org
Year program/innovation was originally implemented	1961
Brief summary of program/innovation	<p>The Vera Institute of Justice partners with foundations, government officials, and community organizations to improve justice and safety systems. The core services are conducting research and analysis, providing technical assistance, and creating demonstration projects. Vera also offers a limited number of fiscal sponsorships for innovative projects that further its mission and values.</p> <p>Vera focuses on three types of research: exploratory research, evaluations of innovative programs, and applied research to enhance justice system policy and practice. Vera also provides technical assistance to government partners in the justice field. Vera partners with governmental agencies to plan and implement demonstration projects to test and refine new solutions to issues such as violence and recidivism in justice systems. The projects work with a variety of partners, including parole, juvenile justice, and child welfare. A limited amount of funding is available for fiscal sponsorships for innovative projects.</p>

Legislation

Jurisdiction	California
Key Provisions	California Senate Bill 261 extends eligibility for a youth offender parole hearing to young adults under the age of 23 at the time of the commission of the crime and received a lengthy sentence. The parole board must consider increases in the growth and maturity that has occurred since the time of initial sentencing.
Date Law Enacted	1/1/2016
Citation Reference	CAL. PENAL CODE §3501 (Deering 2016)

Jurisdiction	Colorado
Key Provisions	“Young adult offenders” whose offense occurred when they were over 18 years old and under 21 years old can be included in the “Youthful Offender” program. This includes a separate facility that focuses on positive development, education, and skill building. The statute was repealed in 2012; reenacted in 2013.
Date Law Enacted	2013
Citation Reference	COLO. REV. STAT. §13-216 (2015)

Jurisdiction	Connecticut
Key Provisions	Connecticut Senate Bill 18 would raise the age at which people are tried as adults to 21. Young adults under 21 would have their cases heard in the juvenile justice system. Case information would be sealed from the public and the young adults would be subject to no more than four years of incarceration. Their records would be erased four years after their conviction if they complete their sentence.
Date Law Enacted	Not yet passed
Citation Reference	S.B. 18, 2016 Leg.

Jurisdiction	Florida
Key Provisions	The “youthful offender law” was first passed in 1978 and allows courts to use alternative processing for 18 to 21 year olds found guilty for any offense other than those carrying a capital or life sentence. Courts have to option of modifying or terminating early the terms of probation or the sentence if the young adult successfully participates in the youthful offender program.
Date Law Enacted	1978
Citation Reference	FLA. STAT. §958.04 (2015)

Jurisdiction	Michigan
Key Provisions	The Holmes Youthful Trainee Act allows a judge to place a youth between 17 and 24 years old who is alleged to have committed a crime and has pleaded guilty to that crime to be placed in prison or probation without a conviction to avoid a criminal record. Felonies carrying a maximum punishment of life imprisonment are excluded from this program, as well as offenses involving a major controlled substance or a traffic offense. If the youth successfully completes the program, the criminal record is expunged. Imprisonment or probation cannot exceed three years.
Date Law Enacted	2015
Citation Reference	MICH. ADMIN. CODE §62.11 (2015)

Jurisdiction	Montana
Key Provisions	Montana statute allows for courts to sentence young adults under 21 years old who are arrested for driving with a blood alcohol content of .02 or more under a separate statue. Young adults sentenced under this law face lesser sanctions (including avoiding of mandatory jail time that is included in the general DUI law). The offense would not count as a prior convictions. (This law is often referred to as the ‘baby DUI law’.)
Date Law Enacted	2015
Citation Reference	MONT. CODE. ANN. §61-8-410 (2015)

Jurisdiction	New York
Key Provisions	New York statutes include provisions that any person adjudicated to be a youthful offender will have all official records and papers related to criminal justice services held confidential.
Date Law Enacted	2015
Citation Reference	N.Y. CLS CPL §720.35 (2016)

Jurisdiction	South Carolina
Key Provisions	In <i>Gay v. Ariail</i> (2009) the South Carolina Supreme Court held that a person can have their record expunged after 15 years pursuant to South Carolina’s Youthful Offender Act (YOA) even if they were not sentenced under the YOA’s provisions. The YOA applies to persons between the ages of 17 and 25 who are not charged with a violent crime, as defined by S.C. Code Sec. 16-1-60 (2015). YOA provides alternatives to adult sentencing, which typically involves a sentence not to exceed 6 years at a YOA facility – the defendant would serve 10 months of the sentence and then be released on parole for 1 year, and if there is no violation the sentence is over after that year. S.C. Code Sec.22-5-920 (2015) provides for the expungement of a conviction as a youthful offender, after 15 years have passed and if there are no subsequent convictions.
Date Law Enacted	2009
Citation Reference	<i>Gay v. Ariail</i> , 673 S.E.2d 418 (S.C. 2015)

Appendix 2: Contacts

Contacts

The following persons were contacted by phone or in person regarding the environmental scan. Many more were contacted and shared information via e-mail. Some contacts were initiated in response to a post social media sites and followed-up with an e-mail or phone call to gather additional information.

Some programs included in the scan were not contacted directly because the information needed was accessible on their website and/or e-mail communication was sufficient to gather information. In a few instances, an appropriate contact name and phone number or e-mail was not available on the program website. In those instances, the mailing address, phone number and general contact email are included in the program description.

The persons listed below generously shared their time and expertise regarding this environmental scan. Several people provided follow-up information regarding additional programs and initiatives and assisted by making introductions to others working in the area of justice-involved young adults. Their assistance led to the identification of several initiatives throughout the country.

Name	Organization
Carol Abrams	Annie E. Casey Foundation (consultant)
Jethro Antoine	Center for Court Innovation
Aimee Austin	Young Adult Court, Idaho
Molly Baldwin	Roca
Bob Blanchard	Douglas County Young Adult Court
Patricia Campie	American Institutes of Research
Scott Carlson	Douglas County Young Adult Court
Beth Cauffman	University of California, Irvine
Brent Cohen	Office of Justice Programs
Heidi Cooper	National League of Cities
Gregg Croteau	UTEC
Cadonna Dory	Children’s Defense Fund
Jill Farrell	University of Maryland
Ben Forman	MassINC
Alexandra Frank	Annie E. Casey Foundation
Chris Frederickson	Iowa Department of Corrections
Kim Godfrey	Performance-based Standards Learning Institute
Jessica Hankins	RETHINK
Sarah Hurley	Youth Villages
Lisa Jacobs	Loyola University Chicago

Susan Lange	Safe and Successful Youth Initiative (SSYI)
Lyman Legters	Annie E. Casey Foundation
Lisa Lightman	Young Adult Court, San Francisco
Mike McCart	Oregon Social Learning Center (MST-EA)
Otis Zanders	Ujamaa Place
Soledad McGrath	MacArthur Foundation
Megan Millenky	MDRC
Jane Mitchell	Reset Foundation
Emily Morgan	Council of State Governments
Jeff Morin	Mountain View Youth Development Center
Shakiva Pierre	Brooklyn Young Adult Justice Initiative
Curtis Richards	Institute for Educational Leadership
Vincent Schiraldi	Harvard Kennedy School Program in Criminal Justice Policy & Management
Ryan Shanahan	Vera Institute of Justice
Ashli Sheidow	Oregon Social Learning Center (MST-EA)
Donald Siergie	State of Massachusetts
Michael Simoncelli	U.S. District Court of Rhode Island
Patricia Soung	Children's Defense Fund
Deborah Spector	State's Attorney for Baltimore City
Jean Strout	Juvenile Law Center (PA)
John Sciamanna	CWLA
John Tuell	RFK National Resource Center for Juvenile Justice
Julie Turnbull	Dallas County District Attorney
Troy Varney	State of Maine
Yotam Zeira	Roca

Appendix 3: List of Twitter Justice Accounts

Justice Reform: A public Twitter list by @ckhayek¹¹

Juvenile Justice and Young Adult Justice-Related Twitter Accounts

1. Vincent Schiraldi [@VinSchiraldi](#)
Senior Research Fellow [@HKS_PCJ](#) Harvard Kennedy School Program in Criminal Justice, opposing mass incarceration, uplifting youth.
 2. CJReformMD [@CJReformMD](#)
Advocating for criminal justice reform in Maryland. [#cjreform](#) [#mdpolitics](#)
 3. Jess Cobbett [@jess_cobbz](#)
End [#massincarceration](#) | [#RebuildingReEntry](#) Advocate | [#CJReform](#) | Anti-Islamophobia Focus | Multiculturalism | [#AntiDeathPenalty](#)
 4. Tx Juv Justice Dept [@TexasJJD](#)
 5. Burton Hall [@TexasCJReform](#)
 6. Operation Reform [@OperationReform](#)
Taking place on November 18-19, 2015, Operation Reform is a bipartisan summit on [#CJReform](#) and reentry solutions.
 7. Criminology Papers [@CrimPapers](#)
Automatic alerts of new papers in 86 criminology and associated journals, run by [@lesscrime](#). Header images by [@nicmephee](#) and [@unmedialiaison](#)
 8. US Justice Action [@USJusticeAction](#)
Our goal: To reform the American justice system.
 9. Life Locked [@Life_Locked](#)
Life Locked: My 5 Months at the Washtenaw County Jail. This feed started out to promote the book. Now it's devoted to [#CJReform](#) and more of my jail experiences.
 10. Andrus Family Fund [@AndrusFamFund](#)
Fostering Connections. Unlocking Promise.
 11. Human Impact (HIP) [@HumanImpact_HIP](#)
Transforming the policies and places people need to live healthy lives.
 12. IncarceratedVoicesME [@TruthAboutUs_ME](#)
Sharing the voices of women incarcerated in [#Maine](#). {Tweets from Family Crisis Services Incarcerated Women's Advocate} [#CJreform](#) [#incarceratedwomen](#) [#takeastand](#)
-

¹¹ Twitter List maintained by [@ckhayek](#) (Connie Hayek). List includes Twitter Account Name, Twitter Handle, followed by the Account Profile Description, as written by the account holder. Items marked with a hashtag # are topic areas covered as identified by the account holder.

13. Greg Torres [@TorresGreg1](#)
President of [@MassINC](#) and Publisher of [@CommonWealthMag](#)
14. Cafe UTEC [@CafeUTECEC](#)
Clean slate, clean plate. As a nonprofit social enterprise, we provide proven-risk youth with positive work skills. Way more than your average lunch spot.
15. PLOT [@plotforyouth](#)
PLOT (preparing leaders of tomorrow) is a mentoring program for at-risk youth, ages 9-21 in Brooklyn, NY
16. [#cut50](#) [@cut_50](#)
Bipartisan initiative to cut our incarcerated population in half. Co-Founded by [@VanJones68](#) [@jessymichele](#) [@matthaneysf](#) and powered by [@thedreamcorps](#)
17. M. Reza Banki [@MRezaBanki](#)
Advocate for [#CJReform](#) & human rights, PhD, Ex-McKinsey, MBA, [#RezaStory](#)
18. Books to Prisoners [@B2PSeattle](#)
Books to Prisoners (B2P) is a Seattle-area nonprofit that mails free books to prisoners in the United States. Literacy, communication, and [#cjreform](#) since 1973.
19. The Corridor Film [@CorridorDoc](#)
Documentary-in-progress about Five Keys Charter School, the nation's first high school set inside a county jail. [#CJReform](#) [#reentry](#) [#criminaljustice](#) [#education](#)
20. Margaret Fine [@margaretfinephd](#)
Dedicated [#humanrights](#) advocate; PhD 7/16; past deputy attorney [#childwelfare](#); lived in Philly, N. Ireland & England; [#juvenilejustice](#) [#women](#) [#CJReform](#), [#CRC](#)
21. The Marshall Project [@MarshallProj](#)
The Marshall Project is a nonprofit, nonpartisan newsroom covering America's criminal justice system. Tweets usually from [@amandablair](#) and [@Burgos](#)
22. Blake Feldman [@bfeldman89](#)
Advocacy Coordinator for [#CJreform](#) at [@ACLU_MS](#) | [@UGASchoolofLaw](#), '15 | [@SouthernMiss](#), '11 | Views are my own.
23. Bill Galston [@BillGalston](#)
Senior Fellow [@BrookingsGov](#), [@WSJ](#) columnist, [@NoLabelsOrg](#)
24. ARC [@AntiRecidivism](#)
ARC strives to improve outcomes of formerly incarcerated individuals & build healthier communities. ARC is a support network & advocate for fair & just policy.
25. Tracie Gardner [@TracieMGardner](#)
Focused on social justice via health and CJ reform. Mother of boys 2 young men and all that entails. Women's college grad - do or die! Tweets MINE!!!

26. Rebuilding Re-Entry [@citizensreturn](#)

Grassroots community of thinkers, creators & doers committed to making prison re-entry safer and more efficient in DC & Baltimore. Founded by [@mission_launch](#)

27. José S. Woss [@JoseWoss](#)

Advocate for [#SocialJustice](#), [#CJreform](#) & Peace [@FCNL](#) | [#BikeDC](#) [#Polyglot](#), Former U.S. [#Senate](#) Staff & Proud son of immigrants! [Disclaimers gonna Disclaim; RT/F≠E]

28. PfCJReform [@PfCJReform](#)

29. Mission: Launch, Inc [@mission_launch](#)

Creating pathways to self-sufficiency for the formerly incarcerated through civic tech, civic engagement & inclusive entrepreneurship. Founder [@CitizensReturn](#)

30. Models for Change [@models4change](#)

MFC is a national initiative funded by the John D. and Catherine T. MacArthur Foundation to accelerate reform of juvenile justice systems across the country.

31. Marc Schindler [@marc4justice](#)

Executive Director, Justice Policy Institute [@JusticePolicy](#)

Passion for justice & jazz, & trying to be best dad & husband I can be. Retweets not endorsements.

32. Stephanie Regagnon [@StephRegagnon](#)

Tweeting [#Ag](#) [#Politics](#) [#CJReform](#) [#Sustainability](#) [#STL](#) [#Mizzou](#) [#Equality](#) | President AGR Advisors | Founder [@Avas_Grace](#) | Mom/Wife | Views mine

33. New Earth [@NewEarthLife](#)

New Earth is transforming juvenile detention, with poetry, art, and music mentoring programs. Our youth emerge as productive leaders without gangs or crime.

34. Benjamin Forman [@Benkforman](#)

Research director [@MassINC](#). I focus broadly on Massachusetts policy issues, particularly those related to [@gatewaycities](#).

35. Jessica Nickel [@jess_nickel](#)

Mom, lobbyist, focus on criminal justice issues on Capitol Hill, including [#CARA](#) [#secondchanceact](#) [#reentry](#) [#miotcra](#) [#addiction](#) [#cjreform](#)

36. Ford Foundation Verified account [@FordFoundation](#)

We are a social justice philanthropy working with visionaries on the frontlines of social change worldwide. Follow [@FordFoundation](#) President [@DarrenWalker](#).

37. Sam Rubinstein [@Sam_Rubinstein](#)

[@BrownUniversity](#) via NJ. Activist for [#gunsense](#) [#lgbtrights](#) [#cjreform](#) [#votingrights](#) [@jstreetu](#). Former intern [@amprog](#) [@resp_solutions](#) [@corybooker](#). Views *my own*

38. Juvenile in Justice [@juvenileinjust](#)
This project documents the placement and treatment of juveniles in the U.S justice system. The project features over 1000 juveniles. 250+ facilities. 31 states.
39. Northside P.O.W.E.R. [@NorthsidePOWER](#)
Working to address the root cause of hunger and poverty on North Side and in northern suburbs of Chicago.
40. CEO [@ceoworks](#)
(CEO) provides immediate, effective and comprehensive employment services to individuals with recent criminal convictions. [#Donate2CEO](#)
41. Samuel Schaeffer [@samjschaeffer](#)
CEO of Center for Employment Opportunities. Cyclist. New Yorker.
42. Alysia Santo [@alysiasanto](#)
[@MarshallProj](#) staff writer covering criminal justice. Formerly [@TimesUnion](#) [@CJR](#).
PGP key: <http://bit.ly/1wjvblo> [asanto\(AT\)http://themarshallproject.org](mailto:asanto(AT)http://themarshallproject.org)
43. Adam Gelb [@abgelb](#)
All crime all the time, opinions mine. Director of Public Safety Performance Project
[@PewTrusts](#). [@KirkCousins8](#) believer. [#HTTR](#)
44. UTEC [@UTEC_lowell](#)
Outcomes & values-based org., nationally recognized for [#socent](#) model and success with proven-risk youth of [#Lowell](#) and [#Lawrence](#), MA. Follow our ED, [@gcroteau](#)
45. Sonia Chang-Díaz_Verified account [@SoniaChangDiaz](#)
Massachusetts State Senator proudly serving the 2nd Suffolk District. Chair Joint Committee on Education. [#MAEdu](#), [#CJReform](#) & [#GoodGovernment](#) advocate.
46. Jessica L. Breslin [@Jessica_Breslin](#)
Filling the interwebs with [#cjreform](#) news. Comms team [@FAMMFoundation](#).
Progressive Christian millennial. Heaps of sarcasm, hints of politics. opinions = mine
47. JJIE News [@JJIEnews](#)
Juvenile justice news and information from dedicated nonprofit newsroom.
48. California Endowment Verified account [@CalEndow](#)
A private foundation promoting improvements in the health status of all Californians. Building Healthy Communities...because that's where health happens.
49. ACE! at George Mason [@CorrectionsGMU](#)
The Center for Advancing Correctional Excellence (ACE!) in the Dept of Criminology, Law, & Society at George Mason University [#cjreform](#) [#criminology](#)

50. Vera Institute [@verainstitute](#)
We work to make justice systems fairer and more effective through research and innovation. Follows and RTs ≠ endorsement.
51. Will Heaton [@WJHeaton](#)
[@ceoworks](#) Policy Director; support [#reentry](#), [#cjreform](#) [@williamandmary](#) grad; [@bishopmcguinness](#) grad; Go [@Dalejr](#); avid [#runner](#) and outdoorsman; tweets are mine
52. Justice Policy [@JusticePolicy](#)
The Justice Policy Institute is committed to reducing the use of incarceration and the justice system by promoting fair and effective policies.
53. NCCD [@NCCDtweets](#)
The Nat'l Council on Crime & Delinquency promotes just & equitable social systems for individuals, families, & communities through research, policy, & practice.
54. NCJFCJ [@NCJFCJ](#)
National Council of Juvenile and Family Court Judges - Improving the Lives of Children and Families Since 1937.
55. Prison Policy Init. [@PrisonPolicy](#)
Challenging mass incarceration and over-criminalization through research, advocacy, and organizing. Get email updates: www.prisonpolicy.org/subscribe/
56. Sentencing Project [@SentencingProj](#)
The Sentencing Project has been working for a fair and effective U.S. justice system since 1986.
57. PF Advocacy [@JusticeReform](#)
For over 30 years, Prison Fellowship has been active on Capitol Hill, working toward reforms that make communities safer, respect victims, and transform lives.
58. Juvenile Law Center [@JuvLaw1975](#)
Juvenile Law Center is a nonprofit law firm working nationally to shape and use the law on behalf of children in the child welfare and justice systems.
59. PrisonReformMovement [@PrisonReformMvt](#)
Reforming Criminal Justice~The Drug War~Mass Incarceration~Political Prisoners~Social Justice~Abolition~Police Brutality
60. Gregg Croteau [@gcroteau](#)
Youthworker/UTEC Dir. [@utec_lowell](#), [#nonprofit](#) working w youth to trade violence & poverty for social & economic success! [#outcomes](#) [#cjreform](#) [#socent](#)
61. Mari Ellen R Loijens [@mrloijens](#)
[#Philanthropy](#) executive connecting people and companies to [#causes](#). Chief Business, Development and Brand Officer [@siliconvalleycf](#)

62. Michelle Martini [@PowerfulHER](#)
Works [@MyHealthTeams](#) [#Feminist](#) [#Egalitarian](#) [#FosterParent](#) [#sociology](#) [#intersectionality](#) [#fem2](#) [#education](#) [#adoption](#) [#cjreform](#) [#peace](#) [#ImWithHer](#) [#Hillary2016](#)
63. Brennan Center [@BrennanCenter](#)
Non-partisan public policy and law institute that focuses on fundamental issues of democracy and justice. RT's do not equal endorsements.
64. Atlantic Verified account [@atlantic](#)
The Atlantic Philanthropies is a limited life foundation dedicated to bringing about lasting changes in the lives of disadvantaged and vulnerable people.
65. American Progress [@amprog](#)
Dedicated to improving the lives of Americans through ideas and action. Tweets by [@SaraLang](#)
66. Reclaiming Futures [@RFutures](#)
Reclaiming Futures is a national public health and youth justice reform organization striving to achieve better health, equity and justice outcomes for youth.
67. Innocence Project Verified account [@innocence](#)
Exonerating wrongfully convicted people through DNA + criminal justice reform. Tweets by Alicia Maule ([@acmaule](#)) and Andrew Z Giacalone ([@AZGiacalone](#)).
68. MacArthur Foundation Verified account [@macfound](#)
John D. & Catherine T. MacArthur Foundation supports creative people and effective institutions committed to building a more just, verdant, and peaceful world.
69. Matt Kelley [@mattjkelley](#)
Brooklynite, dad, hiker, biker, passionate about [#cjreform](#) and making the web more awesome. Work = Director of UX & content strategy [@BSD](#).
70. EIO Coalition [@EIO_Coalition](#)
Education from the Inside Out - a campaign to remove barriers to higher education faced by justice-involved students, both in New York State and nationwide.
71. Center for Court Innovation [@courttinnovation](#)
Center for Court Innovation is a non-profit that seeks to reform the justice-system—reducing crime and improving public trust in justice.
72. Harlem Justice Corps [@HarlemCorps](#)
The Harlem Justice Corps is an intensive career development and service program for justice-involved young adults looking to make a positive change.
73. Greg Berman [@GregBerman50](#)
Director, Center for Court Innovation

74. Midtown Court @MidtownCourt

A project of @courtinnovation, we strive to strengthen public trust in justice, expand effective alternatives to incarceration, and improve neighborhoods.

75. Red Hook Community Justice Center @ RedHookJustice

The Red Hook Community Justice Center is a community court serving Southwest Brooklyn since 2000.

#Hashtags Used in Environmental Scan Twitter Search:

- #JusticeReform
- #CJReform
- #Recidivism
- #Justice
- #JuvenileJustice
- #MassIncarceration
- #Incarceration
- #CriminalJustice

Life Without Parole Sentences in Washington State

*Dakota Blagg – Madison Brown – Alison Buchanan – Bryce Ellis – Olivia Gee – Andreas Hewitt
– Zoe Liebeskind – Katelyn Lowthorp – Alexandra Lynch – Hannah Schwendeman – Nicholas
Scott*

University of Washington, Law, Societies & Justice Program

May 2015

Abstract

Although the United States has the largest prison population in the world and one in nine prisoners is serving an official life sentence, little is known about why or how life-long sentences have increased in the United States. Moreover, most estimates of the number of prisoners serving life sentences omit those serving such long sentences that they are unlikely to leave prison alive. Our report seeks to fill these research gaps by identifying the number of official and de facto lifers in Washington State and the legal processes that lead to life sentences. The report also estimates the costs associated with life-long sentences, and considers whether Washington should reinstate a parole program and what that program might look like. To conduct our research, we analyzed Washington State sentencing data and held interviews with policy experts and parole board administrators across the nation. Our findings include a count and demographic profile of the Washington State population serving de facto and official life without parole sentences, identification of legislation that contributed to the growth of the lifer population, and cost estimations for the imprisonment of this population. In conclusion, we argue that reinstating a well-structured, active review board coupled with a renewed commitment to rehabilitation will best serve the public interest of Washington State.

Key Words

Life sentences, LWOP (life without parole), parole, parole board, prison, prisoners, sentencing reform, Sentencing Reform Act, rehabilitation, Washington State

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I. INTRODUCTION

Although only 5% of the world's population resides in the United States, nearly one-fourth (22%) of the world's prisoners do.^{i, ii} Of those incarcerated in U.S. prisons, one in nine prisoners is serving an official life sentence.ⁱⁱⁱ This statistic does not include prisoners who have been given other extremely long sentences and are likely to die in prison despite not having received an official life without parole (LWOP) sentence. The widespread imposition of life without parole sentences in the contemporary United States sets it apart from other industrialized countries,^{iv} many of which consider such sentences to be in tension with important human rights principles.

Life without parole sentences, including “de facto” life sentences, raise important questions about human rights, fairness, proportionality, and public safety. In this report, we describe the Washington State LWOP population, identify the legal processes that explain the growth of this population, and consider the human and financial costs associated with life without parole sentences. Unlike other recent reports that highlight the growth of the lifer population in the United States, this report identifies and enumerates prisoners serving de facto life sentences as well as official life sentences. Doing so shows that Washington State's LWOP population is larger than previously recognized. The findings also indicate that several important legal developments have contributed to the expansion of LWOPs in Washington State. These include the elimination of Washington's parole board, initiated by the passage of the Sentencing Reform Act (SRA) in 1984 and the adoption of other sentencing reforms that enhance sentencing

severity. Together, these legal developments have created a significant population of prisoners that will never have the opportunity to have their status reviewed or to reintegrate into society.

In addition to providing an up-to-date count and demographic profile of all prisoners serving official and de facto LWOP sentences, this report describes the fiscal, social, and human costs associated with the increase in life sentences. We also recommend the adoption of a new and innovative review process that may pave the way for the return of a formalized parole board. Specifically, we recommend the creation of a Possible Release Evaluation Process (PREP) that would encompass both pre- and post-release rehabilitative services and provide for evaluation of prisoners by a review board. With this recommendation, we hope to usher in the beginning of a formal departure from the determinant sentencing structure mandated in the Sentencing Reform Act. We also recommend repeal of several sentencing statutes that have contributed to the dramatic growth of the LWOP population in Washington State.

This report is divided into four sections. In the remainder of the introduction, we review the history of parole in Washington State, describe our research questions, and provide a summary of key findings. In Part II, we describe our data and methods. Part III presents our findings regarding Washington's LWOP population, the persistence of sentencing disparities under the SRA, and the fiscal costs of LWOP sentences. In Part IV, we present our policy recommendations.

IA. THE HISTORY OF PAROLE IN WASHINGTON STATE

Washington State first established an official parole board on June 15, 1935.^v The board operated in the context of an indeterminate sentencing framework and evaluated whether prisoners were ready to be released from prison. Its goals were to ensure public safety, promote consistent sentencing practices, and guide prisoners back into society.^{vi} The board consisted of five members appointed by the governor.^{vii} First, a judge set a maximum sentencing term for the prisoner according to a state legislative sentencing grid. The board then set a minimum sentence that determined when the prisoner could be considered for parole.^{viii} The board heard cases involving a variety of charges and held many reviews. For example, the board held a total of 5,000 hearings in 1980 alone, each of which lasted an average of 30 minutes.^{ix} Prisoners with long sentences were entitled to review after 20 years minus one third of their sentence if they qualified for good time,¹ or 13 years and 4 months.^x

The 1984 SRA largely eliminated parole in Washington State,^{xi} mainly as result of research that had suggested rehabilitation-based sentencing failed to reduce crime rates and increase public safety.^{xi} The legislature and community also had concerns regarding the parole board's discretion and possibly arbitrary practices.^{xii} State prosecutors and others expressed frustration with parole board leniency and inconsistencies in sentencing outcomes.^{xiii}

These frustrations, along with emerging research indicating that rehabilitation programs were ineffective,^{xii} eventually led to heated public debates about sentencing policies.^{xi} In 1976, to

¹ Under Washington State law, "The earned early release time shall be for good behavior and good performance as determined by the correctional agency having jurisdiction" (RCW 9.92.151).

address the board's perceived arbitrariness, the legislature attempted to create a uniform guideline matrix for parole board members to use in sentencing decisions.^{xi} The board supported the distribution of these matrices. However, follow-up research indicated that the board failed to implement these guidelines. Several attempts throughout the next five years were made to restructure parole board guidelines in order to make the board's decisions more uniform, but these were also unsuccessful, and resulted in the board following these standards only 63% of the time.^{xi} Inconsistent sentencing practices, research suggesting the ineffectiveness of rehabilitation programs, and the subjectivity of Washington's parole board all led to bipartisan support for sentencing reform. Ultimately, Washington State eliminated its parole board and certain aspects of judicial discretion.^{xv} With the subsequent adoption of the Sentencing Reform Act, the State shifted away from a rehabilitation-based system and instead attempted to create a uniform determinate sentencing structure that prescribed punishments proportionate to the severity of the crime. In so doing, it de-emphasized rehabilitation and terminated the system of sentence review for defendants sentenced after July 1984, thereby eliminating the possibility of review for most prisoners, including those sentenced to life in prison.

IB. RESEARCH QUESTIONS

The primary purpose of this report is to describe the population of prisoners serving life without parole sentences in Washington State and to identify the legal processes that have contributed to the growth of this population. Our research questions are as follows:

- ❖ How many people are serving official and de facto life sentences in Washington, and what are the characteristics of this population?
- ❖ What legal processes lead to official and de facto official and de facto life without parole sentences in Washington State?
- ❖ What is the cost of life without parole for Washington State taxpayers?
- ❖ Should Washington State reinstate a parole system, and if so, what should this program look like?

A recent Sentencing Project report found that one in nine prisoners in the United States, and one in six Washington State prisoners, is serving a life sentence.ⁱⁱⁱ As previously noted, these figures do not include individuals serving de facto life sentences, i.e., sentences that are so long that prisoners are not expected to leave prison alive. Despite the dramatic growth of the lifer population, the legal processes by which persons receive life sentences have garnered comparatively little attention from researchers. Examining the legal processes related to life sentencing is central to understanding and analyzing the LWOP population in Washington State. Although additional research is needed, the findings presented here clearly indicate that mandatory sentencing laws adopted after 1984 have contributed to the recent rise in the number of prisoners serving life sentences. In particular, both the Persistent Offender Accountability Act (commonly referred to as the “three strikes” law) and the Hard Time for Armed Crime Act of 1995 have significantly contributed to the growth of the Washington State LWOP population.

Part III of this report assesses how these laws have contributed to the lifer population, and in particular, persons serving LWOP sentences. Our analyses consider how the number of people

sentenced to life due to these enactments has changed as well as how the existence of these laws has altered plea bargaining practices and impacted the nature of the “trial penalty” for those who elect to exercise their right to a jury trial. We also explore the fiscal costs of life without parole sentences in Washington State and consider whether the goals of the Sentencing Reform Act of 1984 (SRA) have been met.

Finally Part IV of this report identifies a feasible and effective means for the state to reform existing sentencing practices. We focus on conceptualizing a new parole system for Washington State that includes pre-and post- release programs and creates an incentive for prisoners to participate in rehabilitative programming. We conclude by demonstrating that the financial and social burdens associated with life without parole sentences, and recommend that rehabilitation and review should be systematically reintegrated into the sentencing policy framework in Washington State.

IC. SUMMARY OF KEY FINDINGS

- ❖ Nearly one in five (19.3%) Washington State inmates are currently serving a life sentence. There are currently at least 1,383 individuals serving an official or de facto life without parole sentence in Washington State. Of these, 704 are serving an official LWOP, and 679 are serving a de facto LWOP. The LWOP population represents 8% of the Washington State prison population as of 2013.² An additional 1,981 (11.3%) of Washington’s prisoners were serving a life with parole sentence in 2013.

- ❖ Half (50%) of those serving official life without parole sentences in Washington State were sentenced under the Persistent Offender Accountability Act (three strikes) law.
- ❖ While felony defendants went to trial in only 5.3% of Washington State Superior Court cases sentenced between July 1985 and June 2013, defendants in two-thirds (67.4%) of all cases that resulted in an LWOP sentence during this period went to trial.
- ❖ There are 128 individuals currently serving de facto life without parole sentences solely due to weapons enhancements. These individuals account for nearly 20% of the de facto LWOP population.
- ❖ The average life without parole sentence costs taxpayers \$2,457,264 per prisoner (in 2014 dollars). Prior to the SRA, when lifers were reviewed and often released, the average life sentence cost taxpayers \$767,895 per prisoner (in 2014 dollars).
- ❖ Our research indicates the importance of having a review process and a system of rehabilitation and release programs in order to balance public safety concerns against the human and fiscal costs associated with life-long sentences in Washington State.

II. DATA AND METHODS

IIA. SENTENCING DATA AND ANALYSIS

Our analysis of sentencing trends is based on an analysis of Washington State Superior Court sentencing data provided to Dr. Katherine Beckett by the Washington State Caseload Forecast Council. These data include information about all felony cases sentenced in Washington State

from July 1985 to June 2013. During this period, 621,653 cases were sentenced.³ We analyze these data to explicate trends in sentencing practices and outcomes. In these analyses, cases (rather than people) are the unit of analysis,⁴ with one exception. In order to identify the number of inmates currently serving an LWOP sentence in Washington State, we used the court data to identify all cases resulting in a de facto or LWOP sentence since July 1985, then used DOC rosters to identify people sentenced to an LWOP prior to July 1985 and those sentenced to an LWOP who are no longer in custody because they since died in custody. We also removed prisoners who had been released as a result of clemency, commutation or a pardon. By combining court data, DOC and executive records in this manner, we were able to identify the number of prisoners currently serving LWOP in Washington State.

In order to identify prisoners serving de facto LWOPs, we used the U.S. Sentencing Commission standard of 470 months (approximately 39 years) or more to be an LWOP sentence where parole does not exist. The U.S. Sentencing Commission adopted this measure as it is “consistent with the average life expectancy of federal criminal offenders given the average age of federal offenders.”^{xvii} These sentences will be referred to as de facto life without parole sentences, or de facto LWOPs. We will collectively refer to official and de facto life sentences as all LWOPs (see Table 1).

³ Fifty-eight cases were removed from our analyses due to missing information.

⁴ It is possible for a single individual to be represented more than once within our 621,653 felony cases, as our unit of analysis is instances of sentencing. For example, if a person was sentenced to a felony conviction twice within the years analyzed, they would be represented twice. However, because an individual can only be sentenced to life without parole once, we consider our All LWOP cases to equate to our lifer population from July 1985 to June 2013.

Term	Definition
LWOP	A life sentence without the possibility of parole
Official LWOP	Court ordered life without the possibility of parole sentences
De Facto LWOP	Sentences of 470 months or longer (approximately 39 years)
All LWOP	Official and de facto life sentences combined

Because this research specifically concerns those who have been given de facto and official LWOP sentences, we have excluded an additional 23 prisoners who were sentenced to the death penalty. While we understand the importance of acknowledging this population of prisoners, this report focuses on prisoners who have been given LWOP sentences and the processes by which they have received such sentences. We also exclude life sentences with the possibility of release, although note that this population has also increased sharply.

Since the adoption of the Sentencing Reform Act in 1984, two groups of prisoners have life with the possibility of parole sentences. First, prisoners sentenced prior to the implementation of the SRA in 1984 remain eligible to come before the Indeterminate Sentencing Review Board. In addition, legislation adopted in 2001 extended the maximum sentence for certain sex offenses to life and required that the ISRB review these cases and determine whether and when to release affected prisoners.^{xviii} These two groups – prisoners sentenced prior to 1984 and certain sex offenders – thus have the chance to be reviewed and considered for release by the Indeterminate Sentencing Review Board. While it is important to acknowledge these life sentences, most

people who receive an indeterminate life sentence have been or will be released. Because the primary focus of this report is to evaluate the impact of the absence of parole in Washington State, we focus mainly on LWOP rather than life with parole sentences.

IIB. FISCAL COST ANALYSIS: DATA AND METHODS

In this report we calculate the cost of the average LWOP sentence in Washington State, recognizing that elderly prisoners are more expensive to incarcerate than their younger counterparts. To do this, we combine the cost of incarcerating a non-elderly prisoner with the cost of incarcerating an elderly prisoner. Our calculations are based on the following empirical findings.

The average age of incarceration is 25. The average prisoner dies behind bars at age 64.^{xx} The average time served by people serving LWOPs is thus 39 years. Due to the increased healthcare and staffing costs associated with aging prisoners, a prisoner is considered elderly at age 55.^{xx} Using Washington State DOC data, the VERA Institute has identified the average annual cost of incarcerating a non-elderly prisoner. In our analyses this figure is converted to 2014 dollars to account for inflation.

The average cost of incarceration doubles or triples when prisoners reach their elderly years.^{5, x,}

^{xi, xxii} For the purposes of this report, we chose the conservative estimate that the annual cost of incarcerating the elderly is double that of incarcerating the non-elderly. Based on these empirical

⁵ Notably, this is a conservative estimate. Other sources find elderly prisoners actually cost three times as much to incarcerate. See Lee, M., & Colgan, B. (2011). Washington's three strikes law: Public safety and cost implications of life without parole. In Columbia Legal Services. Using these metrics, the cost of an "elderly" year in prison in 2014 dollars would be \$153,579.

findings, we are able to estimate the total cost of an average LWOP sentence in Washington State.

IIC. QUALITATIVE RESEARCH ON PAROLE BOARDS

We interviewed both administrators and officials involved with parole programs in a variety of states to gain a comprehensive understanding of how states structure their parole boards and processes. These interviewees are identified in Appendix A. In addition, although we did not conduct formal interviews with prisoners serving LWOPs, each of us attended meetings of the Concerned Lifers Organization at the Washington State Reformatory to gain a better understanding of their concerns about LWOP sentences. Our recommendations for PREP draw from these interviews and discussions, as well as from our comprehensive review of existing parole boards, clemency hearings and parole equivalents in states that have retained these structures.

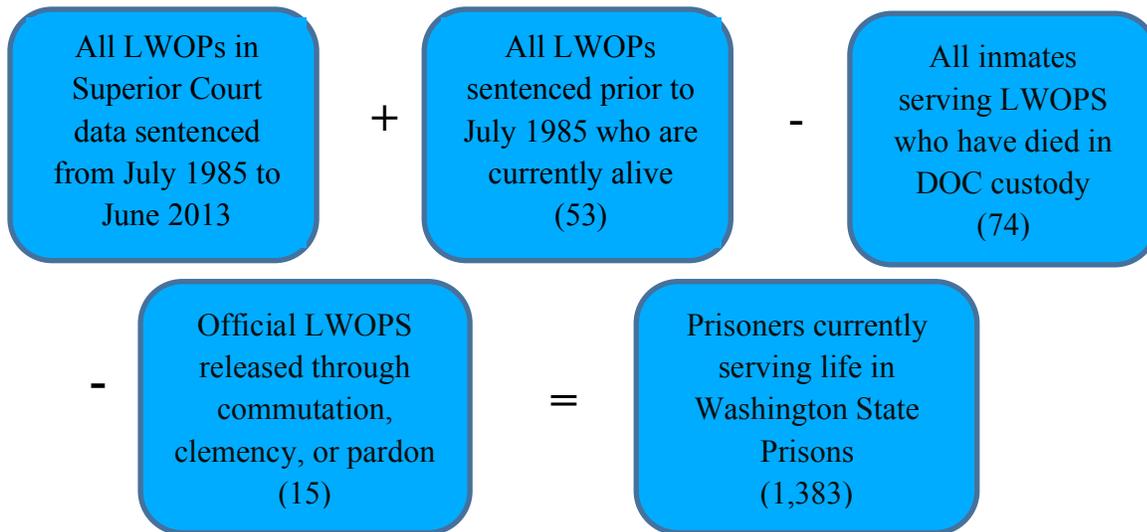
III. FINDINGS

IIIA. WASHINGTON'S LWOP POPULATION

Below, we describe the Washington State lifer population and identify the legal processes that contributed to the expansion of this population from July 1985 to June 2013. To determine how many people are currently serving and LWOP sentence, we combined the total of all LWOP cases identified in the court data and added those sentenced to life prior to July 1985. We then

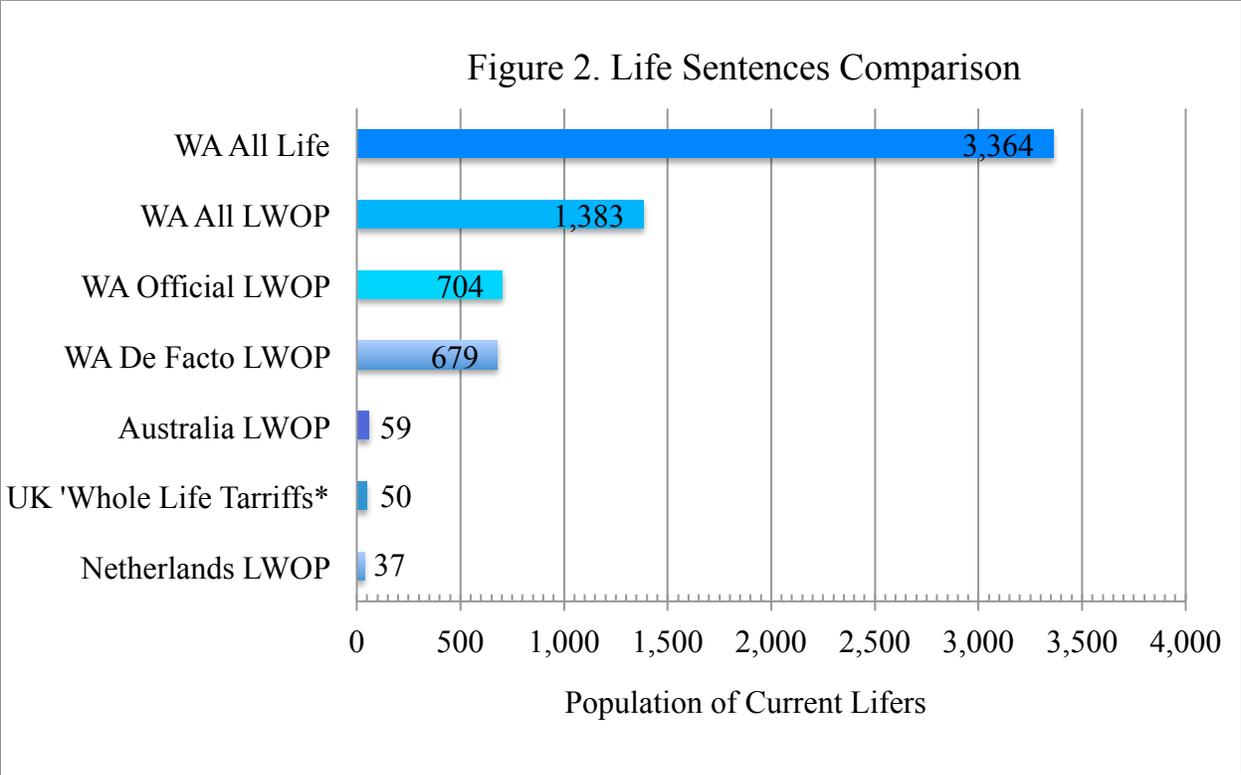
subtracted individuals who died in custody or were released through commutation, clemency, or pardon⁶ (see Figure 1).

Figure 1. Enumerating the LWOP Population



In order to contextualize Washington State’s use of LWOP, Figure 2 provides a comparison of the current Washington State population and the LWOP equivalent in democratic, industrialized nations often seen as comparable to the United States. The graph below shows the LWOP populations in Washington State, the United Kingdom, Australia, and the Netherlands. These statistics are even more striking considering that the population of Washington State is 7.1 million, while the populations of the United Kingdom, Australia, and the Netherlands are 64.1 million, 23.1 million, and 16.8 million, respectively.

⁶ We have not considered the possibilities of good time/earned release credits for the de facto LWOP population in these analyses.



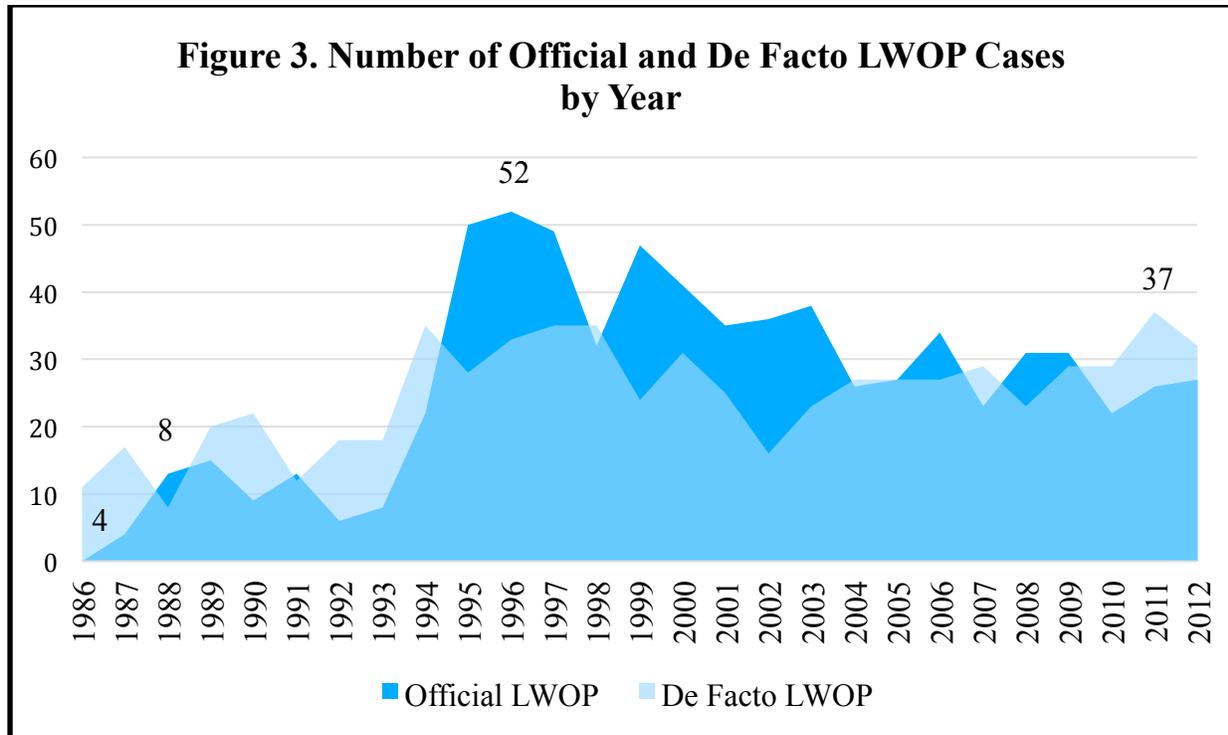
Source: Authors' analysis of data provided by Washington State Administrative Office of the Courts; DOC Current Alpha Roster as of January 30, 2015.

Notes: Figures for the all life category are taken from the Sentencing Project and are from 2012. This is a conservative estimate because some people sentenced to life prior to July 1984 are in fact serving LWOPs, and because people sentenced since 2013 are not included. Also, the DOC alpha roster identifying persons currently serving LWOPs in Washington State appears to be incomplete.

*Information available only for jurisdictions within England and Wales. Source: De la Vega, C., Solter, A., Kwon, S., Isaac, D. M. (May 2012). *Cruel and Unusual: US Sentencing Practices in a Global Context*; United Kingdom Ministry of Justice. (January 2015). *Statistical Bulletin*.

A total of 1,419 LWOP sentences were imposed from July 1985 to June 2013. All further analyses are based upon the sentencing data. Among these cases, 731 prisoners received official LWOP, and another 688 received a de facto life sentence. De facto lifers thus comprise nearly half of the LWOP population in Washington State. Figure 3 illustrates the number official and de facto LWOP sentences by year of sentence. Official LWOP cases peak in 1996 when 52

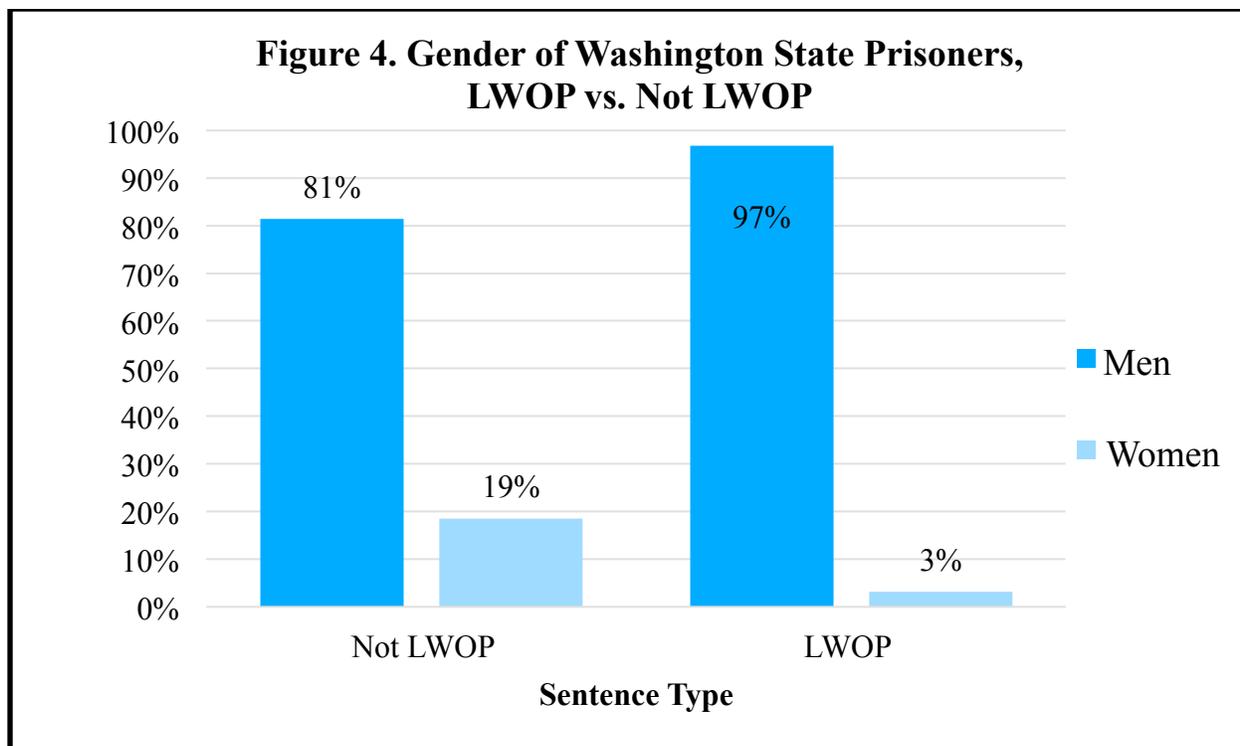
individuals were sentenced to life. De facto LWOP cases were highest in 2011 with 37 individuals sentenced to 39 years or more in state prison.



Source: Authors' analysis of data provided by the Washington State Administrative Office of the Courts
 Note: 1985 and 2013 were excluded from this graph because there is only partial data available for these years.

Demographics of the LWOP Population

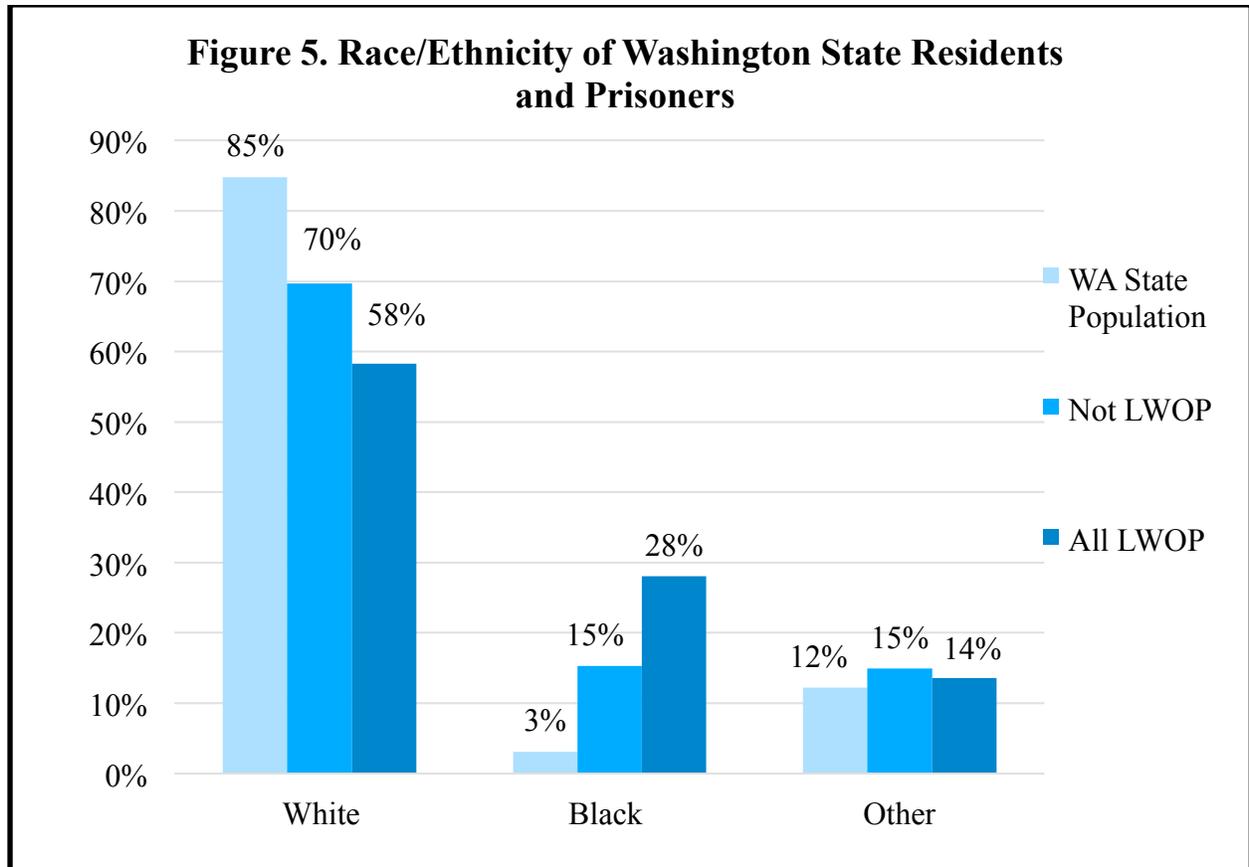
The Washington State LWOP population is primarily male and disproportionately black. Overall, 81% of felony cases involve male defendants. Men comprise an even higher percentage of the population serving LWOP sentences: nearly 97% of those serving official and de facto life without parole sentences are male (see Figure 4). This is likely the case because life without parole sentences are generally imposed for violent crimes.



Source: Author’s analysis of data provided by the Washington State Administrative Office of the Courts, Note: ‘Not LWOP’ denotes prisoners with sentences less than 39 years.

Relative to the general population, black individuals are overrepresented among those sentenced to prison. Black men are even more disproportionately represented among those serving LWOP sentences in Washington State. According to Washington State census data, approximately 4% of the general state population identifies as black or African American, while 15% of felony cases involve black defendants. An even greater share - 28% - of defendants serving LWOPs in Washington State are black (see Figure 5). By contrast, white individuals are notably

underrepresented in Washington State prisons and among lifers specifically: approximately 85% of the state population is white, but 58% of all LWOP cases involved white defendants.⁷



Source: Authors' analysis of data provided by the Washington State Administrative Office of the Courts and United States Census Data from 1980, 1990, 2000, 2010

Note: 'Not LWOP' denotes prisoners with sentences less than 39 years.

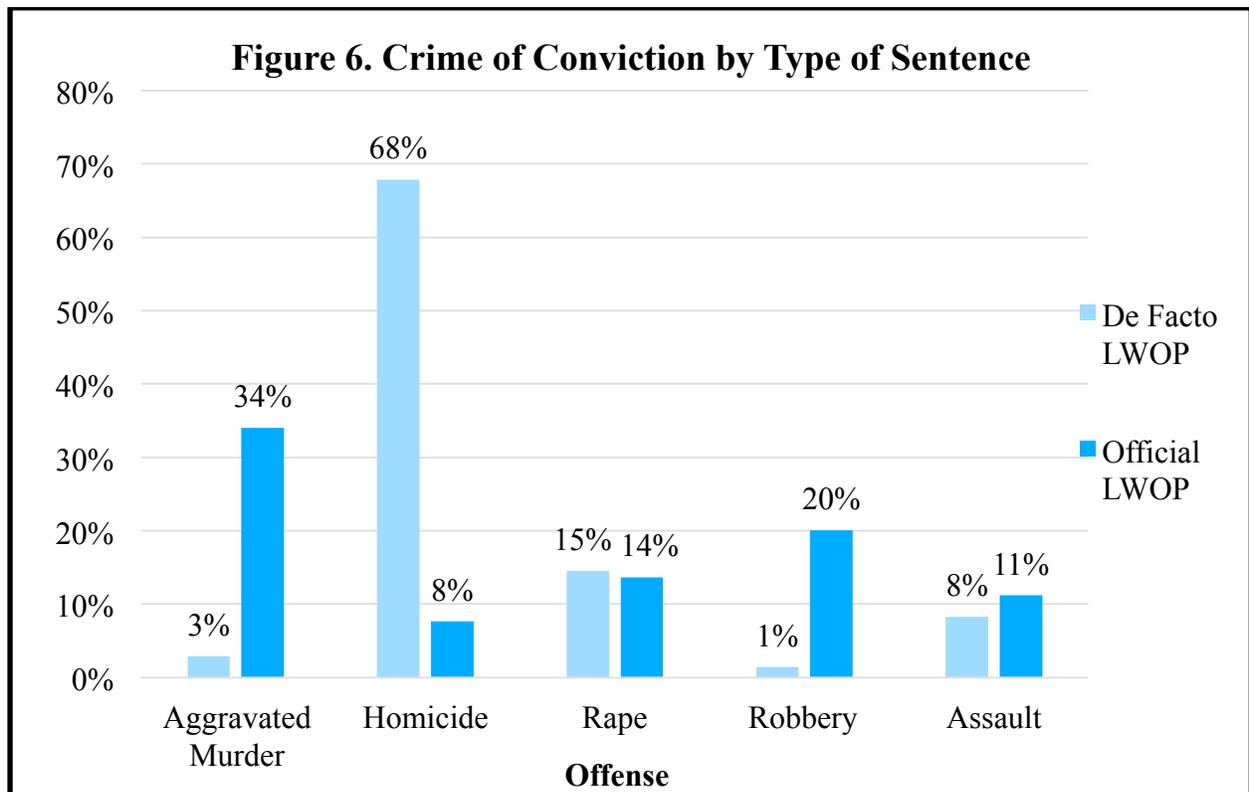
Individuals sentenced to LWOP during the period under investigation ranged from 15 years to 73 years old at the time of sentencing. Seventy-one individuals were sentenced to life without parole as minors. Most LWOP defendants were sentenced between the ages of 31 and 38, although the

⁷ These are average proportions across the time period spanning 1980—2010. Washington State has had a relatively stable black population with 2.6% as the lowest percentage, 3.6% as the highest, and the average as 3.13%. For the white population, the lowest percentage was 77.3% and the highest was 91.5%, with an average of 84.8%.

average age at sentencing for other felony cases is between 19 and 24. This pattern likely reflects the fact that individuals with prior convictions are more likely to receive a life sentence under current sentencing policies.

Crime of Conviction

Over half (61.5%) of all LWOP sentences were imposed in cases involving some type of homicide. However, a substantial percentage (39%) of prisoners serving life were sentenced for non-homicide offenses. One in five (20%) of those serving an official LWOP committed robbery. About one in ten (11%) were convicted of some type of assault (see Figure 6).



Source: Authors' analysis of data provided by the Washington State Administrative Office of the Courts

Legal Processes Contributing to the LWOP Population

The Washington Sentencing Reform Act (SRA) is the most important piece of sentencing legislation regarding lifers because it eliminated Washington State's parole system for defendants sentenced after its implementation. A 2000 report by the State of Washington Sentencing Guidelines Commission reiterated the original purpose of the SRA:

When enacting the Sentencing Reform Act in 1981, the state legislature's intent was clear that the paramount purpose of the Act is for punishment. The original purpose of sentencing reform was to shift the emphasis from rehabilitation to proportionality, equality and justice. Rehabilitative treatment and its promise was supposed to be trumped by the primacy of proportionality.^{xxiv}

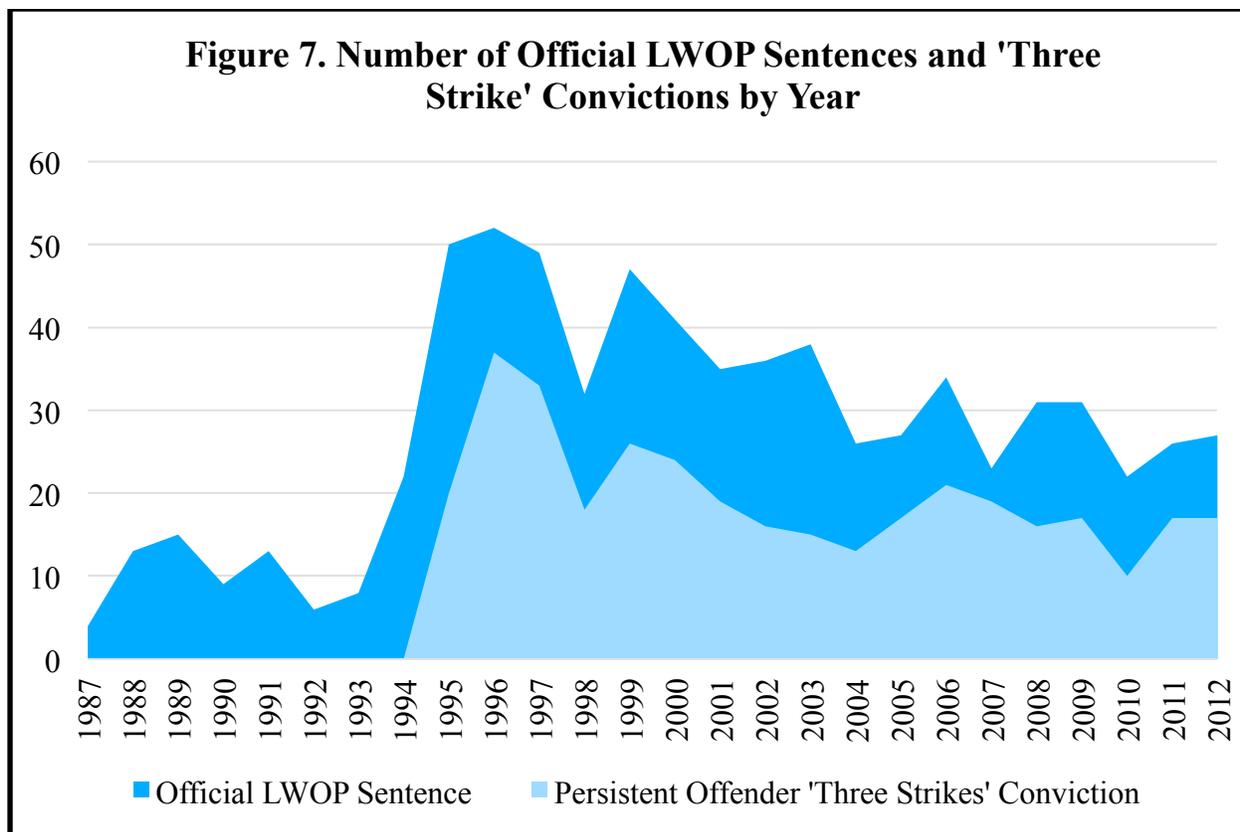
Since its adoption, the state legislature has frequently amended the SRA. Sentences are now far longer than they were when the SRA was enacted in 1984.^{xi} While the shift from indeterminate to determinate sentencing guidelines reduced judicial discretion in sentencing and removed the opportunity to come before a parole board for most defendants, other legislation catalyzed three decades of increasingly harsh sentences in Washington State.

The Persistent Offender Accountability Act (POAA) of 1993^{xxv} is one of the most important of the legislative changes that fueled the rise of LWOPs. This "three strikes" law mandates a life without parole sentence for any individual convicted of a third "most serious offense." "Most serious offenses" include all Class A felonies as well as other specific felonies, such as first and second degree assault, first and second degree robbery, and burglary.^{xxiii} Those convicted of a

“third strike” offense are sentenced to life without parole and have neither the chance of release (other than through the clemency process) nor the opportunity to appear in front of a parole board.

Nationally, the POAA was the first legislation of its kind, and its enactment it has significantly increased Washington’s population of prisoners serving official life without parole sentences.^{xxvi}

Of the 731 official life without parole sentences, half are “three strikers” who received their LWOP sentences through this legislation. The first POAA cases appeared in 1995, and the numbers quickly skyrocketed (see Figure 7). In 1996, for example, 37 of the 52 individuals who were sentenced to life without parole were sentenced under the POAA. Of the 365 “three strikes” cases, 36%, over one-third, stem from robbery offenses. These cases show that the POAA has become one of the primary contributors to the expanding LWOP population in Washington State.



Source: Authors' analysis of data provided by the Washington State Administrative Office of the Courts

In addition, legislation mandating the addition of weapons enhancements to certain felony sentences is a leading contributor to the de facto LWOP population. Weapons enhancements require additional time beyond the standard sentence range for cases in which the defendant or an accomplice was armed with a firearm.^{xxvii} In 1993, the most severe weapons enhancement was an additional 24 months for first degree rape, first degree robbery, and first degree kidnapping.^{xxviii}

However, in 1994, the scope of weapons enhancements widened with the adoption of Referendum 43, which added a 12-month enhancement for murder, manslaughter, arson, and

first degree assault. In the wake of several deadly attacks on police officers in 1994, the significance of weapons enhancements increased, when Washington State voters enacted the Hard Time for Armed Crime Act (HTACA), which provided mandatory sentence enhancements for crimes involving firearms. These enhancements apply to nearly all felonies and are based upon the statutory severity of the felony. Class C (least severe) felonies can be enhanced by either six or eighteen months per enhancement. Class A (most severe) felonies can be enhanced by two to five years per enhancement.^{xxvii} Any added time must be served consecutively. The HTACA removed judicial discretion to reduce or alter an enhancement, even in exceptional circumstances. In practice, this means that prosecutors can use weapons enhancements as a tool to encourage plea bargaining. However, if a plea bargain is rejected, weapons enhancements added to the charges can substantially lengthen a defendant's prison term.

Our analyses show that weapons enhancements have contributed markedly to the growth of the de facto LWOP population. Although prisoners in only 1.5% of felony cases received weapons enhancements, 40% of all LWOP sentences and 61% of de facto LWOP sentences include weapons enhancements.⁸ Nearly 20% of the de facto LWOP population (128 people) would not be serving 470 months or longer if they had not been charged with weapons enhancements. Of these individuals, 47 did not commit homicide. Even more striking is that there are 18 individuals in Washington serving 39 years - a de facto life sentence - due to weapons enhancements alone. Despite the stipulations within the HTACA that mandate a specific number of months for weapons enhancements, added time because of these enhancements ranges widely,

⁸ These statistics exclude cases sentenced prior to 1995, as this was the year Hard Time for Armed Crime passed. Of cases sentenced after 1995, 2.3% of the data regarding weapons enhancements is missing.

from 1 month to 1,260 months, or 105 years. Weapons enhancements have thus substantially influenced the expansion of the LWOP population in Washington State.

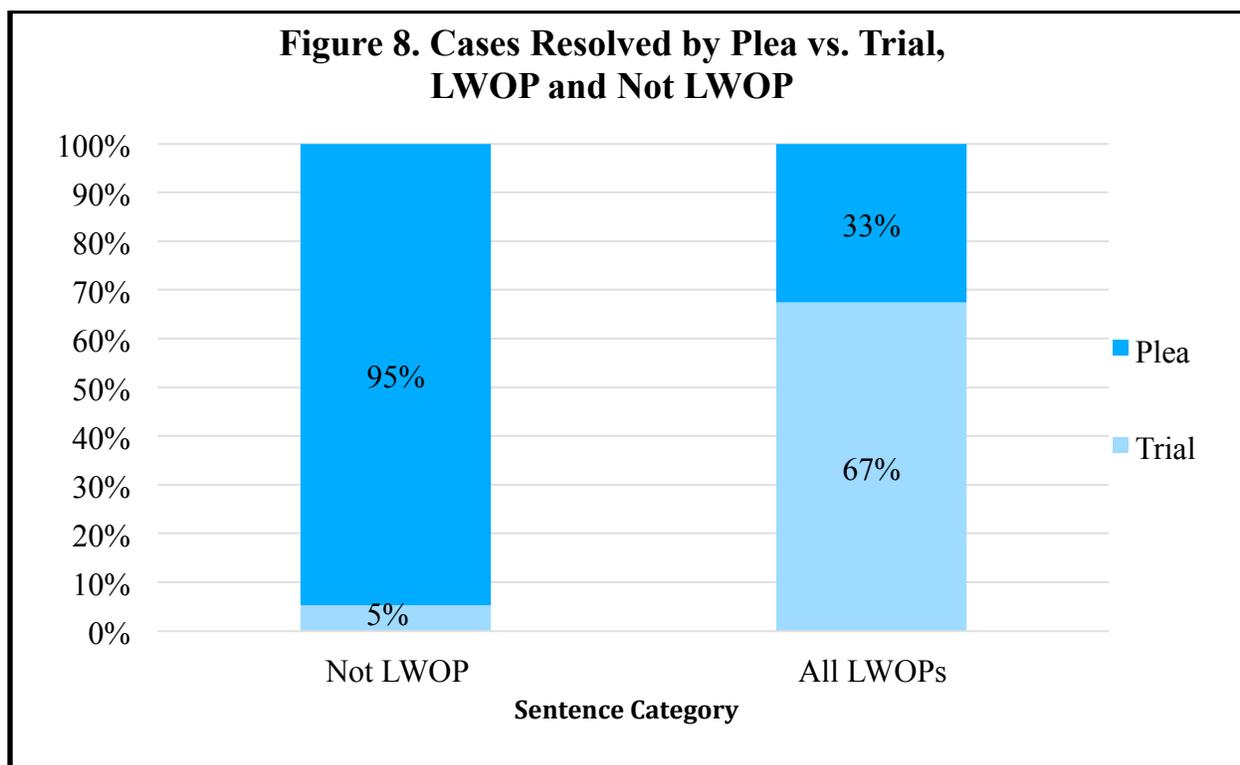
IIIB. IS THERE UNIFORMITY UNDER THE SRA?

The Sentencing Reform Act imposed sentencing guidelines intended to “reduce disparities among prisoners who are sentenced for similar crimes and have similar criminal histories.”^{xxix}

Although this provision of the SRA did not explicitly seek to eliminate disparities between sentences imposed after trial and those settled by a plea bargain, our findings indicate that defendants convicted of the same crime with the same offender score can and do receive quite different sentences depending upon whether the case went to trial.⁹ However, we also find that significant variation in sentencing outcomes persists even among similar cases with modes of adjudication. Finally, the findings presented in this section show that for some offenses, the sentences imposed via plea bargain have also increased over time.

Our exploration of a possible “trial penalty” is motivated by our finding that two-thirds of all people sentenced to LWOP since 1985 went to trial. Figure 8 presents the number of LWOP cases that went to trial or took a plea bargain by type of sentence. Only 5% of cases that did not result in an LWOP went to trial. By contrast, two-thirds, or 67%, of all LWOP cases went to trial. This suggests that there is a correlation between LWOP sentences and the trial process, and raises the possibility that people who take their case to trial are being penalized for doing so.

⁹ The offender score is one factor that affects felony sentencing. An offender may receive from 0 to 9+ points on the offender score axis of the sentencing grid. In general, the offender score reflects prior felony criminal convictions. For more information regarding offender scores see Washington State Code RCW 9.94A.525.



Source: Authors’ analysis of data provided by the Washington State Administrative Office of the Courts
 Note: ‘Not LWOP’ denotes prisoners with sentences less than 39 years.

Disparities in Sentencing Outcomes

Below, we compare the average sentence imposed in LWOP cases that were adjudicated via jury trial with cases involving identical charges and offender scores adjudicated via plea bargain. We focus on three types of felony convictions that are common among the LWOP population and for which sufficient data were available: first degree homicide, first degree assault, and second degree robbery. The results of this analysis indicate that the SRA has not achieved uniformity in sentencing outcomes (see Table 2). That is, individuals with the same offender score who were

convicted of the same crime and chose to exercise their right to a trial received substantially longer sentences than similarly situated defendants who accepted a plea bargain. This gap is comparatively small for the more serious offense (homicide) but relatively large for less serious offenses. In the case of homicide, individuals who went to trial for first degree homicide and who had an offender score of zero were sentenced to an average of 309 months. However, individuals who accepted a plea bargain with the exact same offender score and were convicted of the exact same charge were sentenced to an average of only 282 months. Individuals with no prior convictions and who opted to go to trial for homicide thus received sentences that were 9.6% longer than their counterparts who chose to accept a plea deal.

The gap between sentences in cases involving plea bargains versus trials is greater in cases involving less serious offense. For example, individuals convicted of first degree assault with an offender score of zero who chose to accept a plea bargain were sentenced to an average of 53 months in prison. By contrast, those in the same circumstances who opted to go to trial were sentenced to an average of 77 months – a 45.3% longer sentence than those individuals who accepted plea bargains. Among individuals convicted of first degree assault with an offender score of two, those who chose to accept a plea bargain were sentenced to an average of 80 months, while those who went to trial received an average of 135 months. Again, the individuals who chose to exercise their Sixth Amendment right to a trial received a longer sentence than their identical counterparts who chose to accept a plea bargain (see Table 2).

Crime	Offender Score	Average Sentence Length in Months		Trial Penalty Mean
		Trial	Plea	
First degree homicide n=811	0	309	282	9.6%
	2	350	333	5.1%
	4	371	362	2.5%
First degree assault n =1,754	0	77	53	45.3%
	2	135	80	68.8%
	4	148	101*	46.5%*
Second degree robbery n = 35,068	0	2*	2*	0.0%*
	2	8	6	33.3%
	4	14*	13*	7.7%*

Source: Authors' analysis of data provided by the Washington State Administrative Office of the Courts

Note: Cases where only these particular offenses were charged were included (i.e. the offense listed was the only charge sentenced in that case). Any months added for weapons enhancements were excluded from these averages.

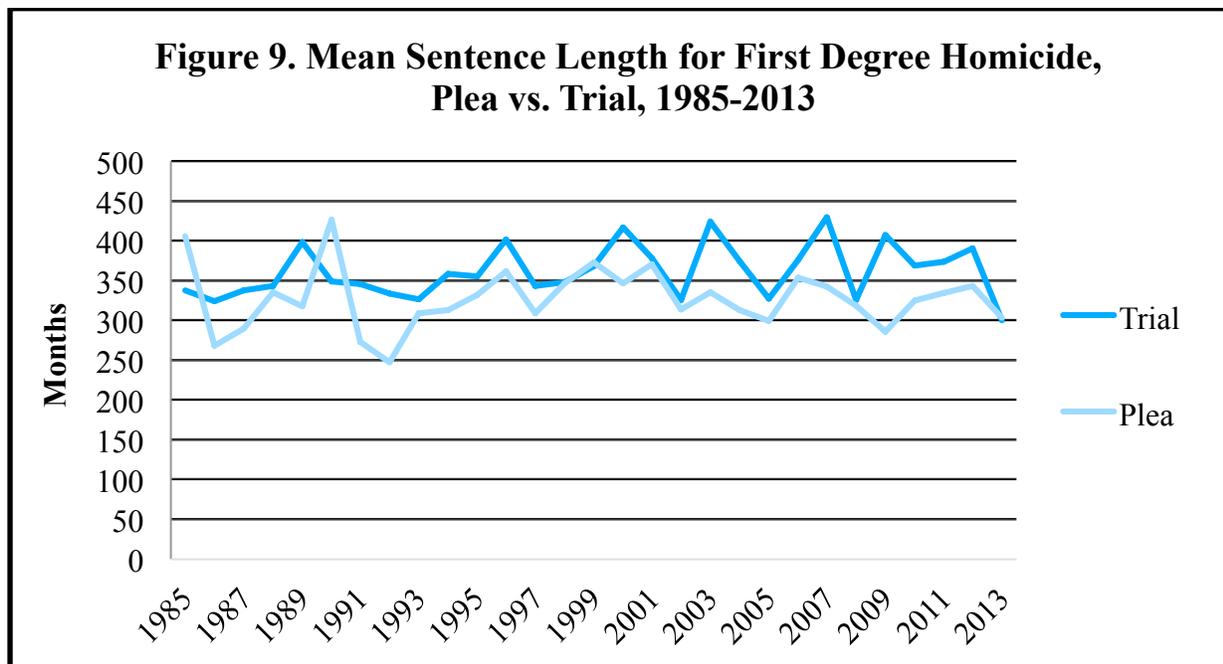
*Indicates that LWOP cases were removed from these categories in order to more accurately reflect the range and average. However, 3 individuals with an offender score of 0 were sentenced to life for committing second degree robbery; 4 individuals with an offender score of 4 were sentenced to life for committing second degree robbery; and 1 individual with an offender score of 4 was sentenced to life for committing first degree assault.

The Nature of the “Trial Penalty” over Time

Below, we explore how the nature of the trial penalty has changed over time. We also explore the possibility that statutes such as the Persistent Offender Accountability Act result in increasingly long sentences both in cases involving trial and those involving plea bargains. This is because statutes such as the Persistent Offender Accountability Act may increase prosecutors' capacity to secure plea deals that involve comparatively long sentences. To assess this hypothesis, we focus on three offenses common among the LWOP population: first degree

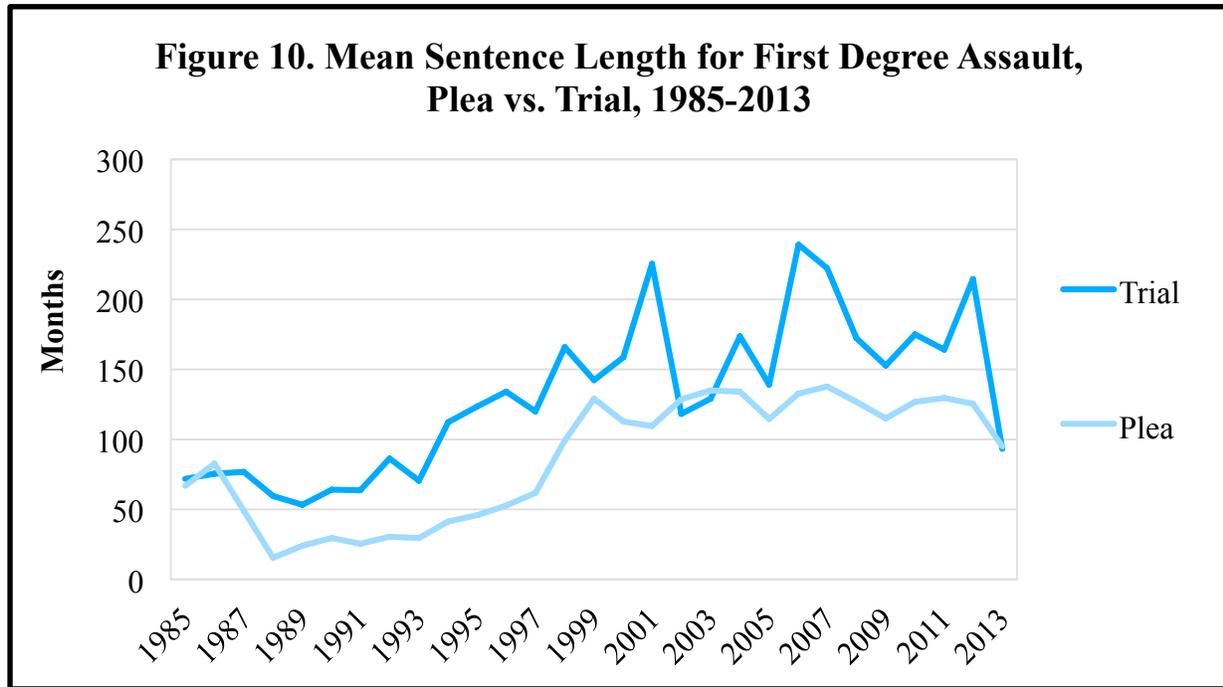
homicide, first degree assault, and second degree robbery. Figures 9 - 11 show the average sentence length imposed in cases that went to trial versus those imposed in cases resolved through a plea bargain for cases involving (only) first degree homicide, first degree assault and second degree robbery charges. We use these figures to assess whether the trial penalty has grown larger over time, and, more generally, how sentence lengths have changed over time.

The results shown in Figure 9 suggest that the difference between sentences resulting from trials do not differ very substantially from those that result from plea bargains in cases that involve a single Homicide 1 charge. It also suggests that the average sentence imposed in these cases has been fairly stable over time.



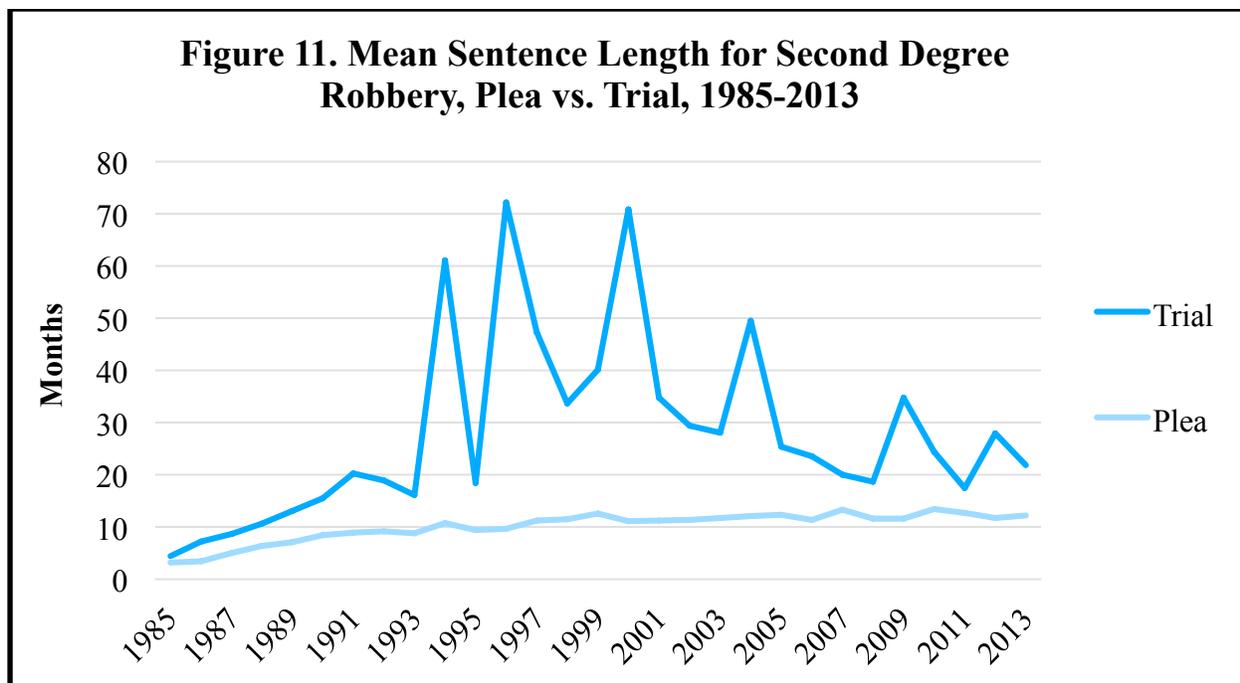
Source: Authors' analysis of data provided by the Washington State Administrative Office of the Courts
 Note: Additional months resulting from weapons enhancements were not included in these results.

By contrast, the results depicted in Figure 10 indicate that there is a comparatively large gap between the sentences imposed after trial versus through a plea bargain. These results also indicate that the sentences imposed for this offense have grown larger over time regardless of the adjudication method.



Source: Authors' analysis of data provided by the Washington State Administrative Office of the Courts
 Note: Additional months resulting from weapons enhancements were not included in these results.

Finally, the results shown in Figure 11 indicate that for Robbery 2, the gap between sentences resulting from trials versus plea bargains was largest in the 1990s. These also results also suggest that the sentences imposed for this offense after a trial were longest in the 1990s, but that sentences imposed via plea bargains have increased steadily throughout the period under investigation.



Source: Authors' analysis of data provided by the Washington State Administrative Office of the Courts
 Note: Additional months resulting from weapons enhancements were not included in these results.

The results shown in Figures 9 – 11 thus suggest that the nature of the trial penalty has varied over time, and tends to be larger for less severe crimes. The results also provide some support for the idea that legislation such as the POAA has enabled prosecutors to secure longer sentences in cases that are adjudicated through a plea bargain.

But it is not merely the discrepancies between sentences resulting from trials and those resulting from plea bargains that are notable, but also the ranges *within* these groups. Table 3 shows these ranges, which are surprisingly substantial. For example, of those convicted of first degree homicide with an offender score of 0 who went to trial, sentences ranged from 48 months and 900 months. Among those charged with first degree assault with an offender score of zero, some

individuals spent no time in prison, while others were sentenced to 20 years in prison. Very disparate sentences were thus imposed in cases involving the same crime and offender score.

Table 3. Sentence Length Range by Offense and Offender Score			
Crime	Offender Score	Sentence Length Range in Months	
		Trial	Plea
First degree homicide n=811	0	48 – 900	60 – 640
	2	204 – 700	120 – 924
	4	210.75 – 494	216 – 510
First degree assault n=1,754	0	0 – 240	0 – 246
	2	12.03 – 300	11 – 216
	4	20 – 366	1.84 – 246*
Second degree robbery n=35,068	0	0 – 24*	0 – 240
	2	0 – 24	0 – 67.50
	4	0 – 40*	0 – 120*

Source: Authors' analysis of data provided by the Washington State Administrative Office of the Courts

Notes: Cases where only these particular offenses were charged were included (i.e. the offense listed was the only charge sentenced in that case). Any months added for weapons enhancements were excluded from these ranges

*Indicates that LWOP cases were removed from these categories in order to more accurately reflect the range and average. However, it is important to consider that 3 individuals were sentenced to life for committing second degree robbery with an offender score of 0; 4 individuals were sentenced to life for committing second degree robbery with an offender score of 4; and 1 individual was sentenced to life for committing first degree assault with an offender score of 4.

In short, the findings indicate that there is a measurable penalty associated with going to trial. This penalty is larger for less serious offenses, such as second degree robbery, perhaps due to the broader range of charges the prosecutor can bring against the defendant. The magnitude of the trial penalty for this offense was greatest in the 1990s, when many of the prisoners now serving LWOP sentences were convicted. These findings underscore the importance of creating a review

process for prisoners serving LWOP sentences. More generally, these findings indicate that despite the fact that the primary goal of the SRA is to reduce variation in outcomes in similar cases involving similar crimes, significant variation in sentencing outcomes persist even in cases in which the offender score, current charge, and the mode of adjudication is identical.

Findings indicating the existence of a “trial penalty” raise questions about whether the gap between sentences secured through plea bargains and trials result from unconstitutional practices. There is a substantial body of case law regarding possible “prosecutorial vindictiveness.” Appendix B provides a detailed summary of the history of these cases. Our data suggest that defendants who choose to exercise their right to trial after rejecting a plea deal receive significantly longer sentences. This gap may result from practices that are thought to constitute prosecutorial vindictiveness. However, possible instances of prosecutorial vindictiveness are difficult to prove, and often involve cases in which prosecutors add multiple additional charges *after* a defendant elects to go to trial. Since our data include information only about conviction charges, we are unable to address whether this dynamic exists in Washington State.

IIIC. THE FISCAL COST OF LWOP SENTENCES

Life sentences are a burden on both the prisoner and Washington State taxpayers. As noted previously, the costs associated with incarcerating the elderly are much higher than those associated with incarcerating younger prisoners.^{xxx} As a result, Washington State taxpayers are carrying the fiscal burden of incarcerating individuals throughout their elderly years. This burden

has increased over time due to the boom in younger prisoners sentenced to life without parole in the 1980s and 1990s who are now aging behind bars.

The Cost of Incarcerating the Elderly

Elderly individuals are at a greater risk for most health conditions because of natural aging processes. Incarceration exacerbates these health risks, requiring additional medical care and resource. All prisoners are at greater risk for most health conditions when compared to people of the same age outside of prison.^{xxx} Both prisoners' lifestyle before serving time and the prison environment contribute to this increased health risk. That is, prior to entering prison, incarcerated individuals are more likely to have engaged in high-risk behaviors such as drug and alcohol use poor diet, lack of preventative healthcare, and a high-stress environment than their non-incarcerated counterparts.^{10, xxxii}

Once incarcerated, prisoners face a greater risk of infectious disease, poor diet, physical abuse, and high levels of stress, all of which contribute to poor mental and physical health. These factors lead to a greater rate of chronic illness, sickness, and injury.^{xxx} It follows that the elderly prisoner population is a high risk community because they require more medical attention and health care than their non-incarcerated counterparts. In addition to off-site transportation for treatments and procedures, this population may require wheelchairs, walkers, canes, portable oxygen, and hearing aids. Others need daily assistance with using the toilet, bathing, and getting dressed. Furthermore, prisoners dying or battling chronic illness may be incontinent, forgetful,

¹⁰ A 1997 Bureau of Justice Statistics survey revealed that 83% of state prisoners and 73% of federal prisoners reported past drug use in the United States.^{xxxii}

and unable to be left alone for lengthy periods of time. It is important to note that prisoners experience these health issues and normal processes of deterioration more quickly than those who are not incarcerated.^{xxxiv}

Prisons are not equipped to accommodate aging and elderly prison populations. Typically, prisons are unable to implement preventative healthcare measures or monitor chronic conditions. As a result, elderly prisoners require health care and treatment from external providers. Thus, the government must not only pay for the specialized treatment, but also the transportation of the prisoner and the additional (often overtime) wages of officers who accompany the prisoner.^{xxxiv}

To address the specific needs of its aging prison population, Washington State opened an assisted-living unit in the Coyote Ridge correctional facility in 2010. This 74-capacity unit houses disabled prisoners who require a greater level of daily assistance or medical care. To cut costs associated with consistent off-site transportation, the DOC employs two nurses on site at all times and has built in sinks, toilets, and hospital beds in the rooms.^{xxxv}

The Taxpayer's Burden

Life sentences are a significant fiscal burden on taxpayers. Nationally, the average LWOP sentence results in a 39 year prison stay, with the average prisoner beginning their sentence at age 25 and dying behind bars at age 64.^{xxxvi} Each LWOP sentence will cost Washington State \$51,193 each year for 30 years (until age 55).¹¹ Elderly prisoners over 55 are at least twice as

¹¹ According to the 2010 fiscal year, the average price of incarceration was \$46,897, citing Vera Institute of Justice (2013). *The price of prisons Washington: What incarceration costs taxpayers*. In C. Henrichson & R. Delaney (Eds.) *The Price of Prisons*. Center on Sentencing and Corrections. The figure displayed in

costly to incarcerate than their younger peers.¹² From age 55 until their death at approximately age 64, this prisoner will cost Washington State \$102,386 each year, for a total of nine years. Based on these calculations, the sum of the average cost of a life without parole sentence in Washington State is \$2,457,264 per prisoner.¹³

Table 4. Cost Analysis Methodology	
Average age of incarceration	25 years
Average age of death	64 years
Average length of incarceration (lifers)	39 years
Average annual cost per non-elderly prisoner (under 55)	\$51,193
Average annual cost per elderly prisoner (over 55)	\$102,386
Average total cost of a life sentence	\$2,457,264

Sources: Vera Institute of Justice. (2013). *The Price of Prisons Washington: What Incarceration costs taxpayers*. In C. Henrichson & R. Delaney (Eds.), *The Price of Prisons*. Center on Sentencing and Corrections; American Civil Liberties Union. (2012). *At America's Expense: The Mass Incarceration of the Elderly*.

our report has been converted to 2014 dollars using CPI Inflation Calculator, <http://data.bls.gov/cgi-bin/cpical.pl>, such that the average annual cost per prisoner (under 55) in Washington in 2014 is \$51,193.

¹² The average annual cost per “elderly” prisoner over 55 is double that of a prisoner under 55, totaling \$102,386 in Washington State. According to the ACLU, incarcerating the elderly costs two times the price of incarcerating an average prisoner under age 55. American Civil Liberties Union. (2012). *At America's Expense: The Mass Incarceration of the Elderly*. Given this, $\$46,897 \times 2 = \$93,794$ in 2010 dollars. This number has been converted to 2014 numbers, using CPI inflation calculator displayed in our report.

¹³ From age 25 to 55, then, the average prisoner is incarcerated for 30 years at an average price. The sum over these 30 years is \$1,535,790. From age 55 to 64, an average prisoner is incarcerated for 9 years at an elderly price. The sum over 9 years totals to \$921,474. In total, this cost is \$2,357,264 in 2014 dollars. Algebraically, $(51,193(55-25))+(102,386(64-55))=1,535,790+921,474=2,457,264$.

Historically, life sentences in Washington State resulted in prison stays that resulted in far shorter prison stays than is the case today. Prior to the adoption of the SRA, a life sentence included the possibility of parole, and all prisoners were automatically reviewed after serving the minimum term of 20 years.^{xxxvii} With good behavior, they were entitled to review after 20 years minus one third of this sentence,¹⁴ which is 13 years and 4 months.^{xxxviii} Reports published prior to 1985 indicate that the average time served by lifers was between 15 and 20 years.¹⁵

During this time, life sentences were much less of a fiscal burden on taxpayers. Prior to the SRA, prisoners who served the minimum life term of 13 years and 4 months^{xli} were approximately age 38 upon release.¹⁶ That means their life sentence cost taxpayers an average of \$682,573 per prisoner.^{17,18} In other words, an average life sentence imposed in 1980 cost taxpayers about \$1.8 million less per prisoner than LWOPs imposed today (in 2014 dollars). Those who served a life sentence of 15 years cost taxpayers \$1.7 less than the average LWOP sentence today.¹⁹

¹⁴ Before sentencing reforms, prisoners could serve substantially less time by proving good behavior while in prison, referred to as “good time.”

¹⁵ The average life sentence in Washington resulted in a prison stay of 15 years and 3 months.^{xxxix} The average life sentence in California for first degree homicide resulted, on average, in 12 years behind bars.

¹⁶ 13.3+25.

¹⁷ According to Vera (see 12) and adjusted for inflation, incarceration in Washington State costs \$51,193 per prisoner per year. This number multiplied times 13 years and 4 months (13.33 years) is \$682,573.

¹⁸ These numbers have been adjusted for inflation and are represented in 2014 dollars using CPI Inflation Calculator, <http://data.bls.gov/cgi-bin/cpicalc.pl>.

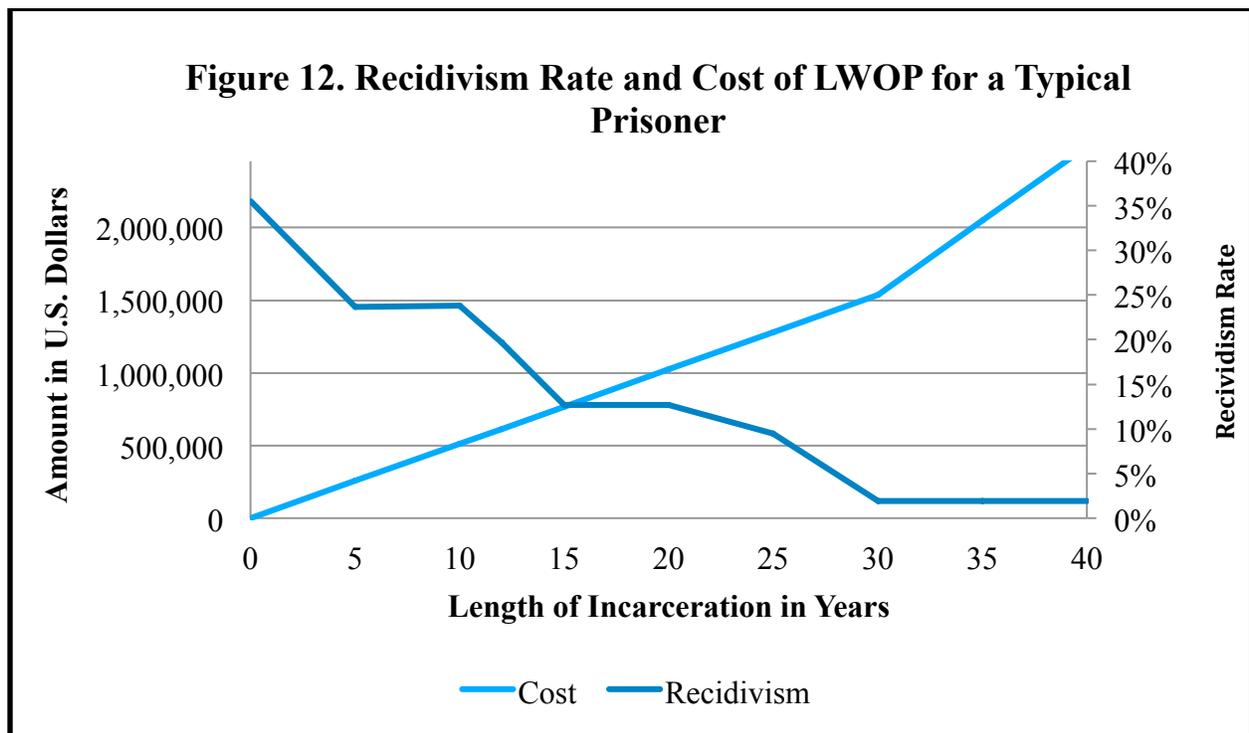
¹⁹ According to Vera (see 12) and adjusted for inflation, incarceration in Washington State costs \$51,193 per prisoner per year. This number multiplied times 15 years is \$767,895. This number subtracted from \$2,457,264 is \$1,689,369.

Table 5. Cost and Savings According to Sentence Length					
Length of Life Sentence	13 years, 4 months	15 years	20 years	35 years	39 years
Age of Release/Death	38	40	45	60	64
Cost	\$682,573	\$767,895	\$1,023,860	\$2,047,720	\$2,457,264
Savings per Prisoner	\$1,774,691	\$1,589,369	\$1,433,404	\$409,544	\$0

In short, as a result of the increased number of life sentences and the expansive growth of mass incarceration, Washington State is spending billions extra by imposing life sentences without the possibility of parole. This is because the number of prisoners currently serving an LWOP sentence (1,342) multiplied by the 2014 average cost of a life sentence (\$2,457,264) minus the historical cost of a life sentence (\$767,895) is \$2,267,133,198. The Sentencing Reform Act intended to “[m]ake frugal use of the state’s and local governments’ resources.”^{xlii}. Despite this intention, taxpayers are now paying over \$1.4 million more for each LWOP compared with the cost of life sentences prior to the enactment of the SRA.

These costs may be justified if the widespread imposition of LWOPs significantly enhanced public safety. However, any public safety gains associated with this trend are minimal, and therefore do not offset the fiscal costs associated with LWOP sentences. Criminological experts overwhelmingly agree that age is the most consistent predictor of recidivism. A large body of evidence shows that individuals age out of crime.^{xliii} That is, older prisoners are much less likely to reoffend than are younger prisoners. While prisoners under 25 have a re-offense rate of over

34%, those over age 50 have a re-offense rate of only 10%.^{xliv} Moreover, prisoners over age 55 have a recidivism rate of less than 2%.^{20,xlvi} Life sentences overstate the necessity of prolonged incarceration because elderly prisoners are highly unlikely to reoffend. Although prisoners over 55 years old are twice as costly to incarcerate annually, they are 17 times less likely to reoffend upon release than their younger peers.²¹ The costs and recidivism rates are illustrated in Figure 12.



Sources: Castillo, R. et al., United States Sentencing Commission, (2004). *Measuring recidivism: The criminal history computation of the federal sentencing guidelines* (Release I). Washington, D.C.; Hughes, T. A., Wilson, D. J., & Allen, J. B. U.S. Department of Justice, Office of Justice Programs. (2001). *Trends in state parole, 1990-2000* (NCJ 184735). Washington, D.C.: Bureau of Justice Statistics. Note: This figure depicts the cost of incarceration and recidivism rate for one individual throughout an average 39 year sentence.

²⁰ Refers only to parole violations for those “55 or older.”

²¹ 34 percent divided by 2 percent equals 17.

It is also important to note that lifers in particular have exceptionally low recidivism rates. For example, a California Department of Corrections and Rehabilitation (CDCR) study compared recidivism rates among prisoners released after serving life sentences with those who did not receive life sentences. The CDCR found that lifers were 10 times *less* likely to be convicted of a misdemeanor or felony within three years of release than those who did not receive life sentences. Specifically, lifers had a re-conviction rate of 4.8%, whereas other parolees had a re-conviction rate of 51.5%. Moreover, when released lifers did reoffend, the offense was very likely to be a comparatively minor one.^{xlvii} Other studies have also found the especially low recidivism rates among the lifer population.²²

In sum, the Sentencing Reform Act sought to address the increasing costs of Washington State's criminal justice system, yet the amount spent on corrections has skyrocketed, in part because of the high cost of incarcerating the elderly. If Washington were to return to historical sentencing standards, the State would save well over \$1 million per life sentence. Our analysis suggests that any sentence exceeding 24 years is fiscally unwise. On average, sentence of this length would allow the average prisoner to be released at age 50. At this age, prisoners pose little risk to public safety. What is more, prisoners released at this age could have the opportunity to qualify for federally-funded social services. This would shift much of the fiscal burden from Washington State taxpayers to the federal government. For these reasons, we argue that prisoners deserve to be reevaluated and possibly released from state custody.

²² Irwin, J. (2009). *Lifers: Seeking Redemption in Prison* (1st ed.). Routledge.

V. POLICY RECOMMENDATIONS

BACKGROUND: THE ISRB TODAY

With the enactment of the SRA in 1981 and its implementation three years later, Washington State eliminated its parole board and instituted the Indeterminate Sentence Review Board (ISRB). The ISRB currently consists of four members with backgrounds in corrections or law who are appointed by the governor to serve five-year terms.^{xlviii} As noted previously, two categories of prisoners may be considered for release by the ISRB. First, the ISRB acts as a parole board for prisoners who committed their crimes before July 1, 1984 and were given indeterminate sentences that included the possibility of parole (PRE prisoners). A sentence is considered indeterminate because at the time of sentencing it is not known how much time will be served. Instead, a maximum sentencing length was set by the judge based on statutory maximums, and the ISRB determined the minimum amount of time a prisoner must serve before they are granted a preliminary review by the board.^{xlix} At the minimum sentencing date, the offender was eligible for an ISRB hearing, which may lead to release. In 2011, there were 325 PRE prisoners in Washington State.^{xlix}

Second, the board also reviews cases involving determinate-plus sentences, which are imposed in cases that involve certain kinds of sex offenses committed after August 31, 2001.^{23, 24} In these cases, the judge sets the minimum term the prisoner must serve. When the minimum term is

²³These are also referred to as CCB cases (Community Custody Board).

²⁴This date was determined by the passage of RCW 9.94A.507, which restructured the guidelines for sex offender sentencing.

reached, the board holds a hearing to determine if the prisoner is ready for release.^{xlviii} Both determinate-plus and PRE cases have two possible outcomes: either the prisoner is released, or the ISRB sets a future review date.

The ISRB considers several factors before granting parole to a prisoner. These include: the likelihood that the prisoner will commit another offense, the length of time already served, the original recommendation of the trial judge, the defendant's participation in prison programs, the victim and victim's family's concerns, behavior in prison, and threats to reoffend.^{xlviii} The ISRB recommends release in 45% of determinate-plus hearings and 38% of PRE hearings. This averages to a release rate of approximately 40% of all cases heard by the board.^{xlix} These numbers are similar to the release rates of parole boards that hear a wider range of cases. For example, New York State's parole board, before which nearly all prisoners are entitled to appear, has a release rate of 36%.^{li} In New York, only 1,346 prisoners are ineligible for parole and must serve the entirety of their sentence regardless of successful rehabilitative programming or good behavior.

In order to develop our recommendations, we also acquired information about parole boards and pre- and post-release rehabilitative programs offered in other states where parole continues to exist.²⁵ We discovered that each state has a unique parole board. The table shown in Appendix C demonstrates the varying policies, mission statements, and board compositions of parole boards

²⁵ A DOC or its equivalent, as well as rehabilitative programs were researched in AL, AK, AZ, CA, CO, CT, DE, FL, GA, HI, IA, KS, LA, ME, MD, MA, ME, MI, MN, MS, MO, MT, NV, NH, NJ, NY, OH, OK, RI, SC, SD, TX, UT, VT, WA, WI and WY. Research was conducted via the internet and personal contact via phone interviews.

nationwide, and clearly shows that there is significant variation in the structure of parole across the country. Moreover, these findings indicate that many states structure their parole boards that allow for greater emphasis on the importance of creating rehabilitative programming and providing an opportunity for release for prisoners who have successfully engaged in this programming.

RECOMMENDATION I. REINTEGRATE REHABILITATION

According to the United States Department of Justice, approximately ten thousand prisoners a week are released from state and federal prisons, all of whom will eventually find their way back into communities throughout the nation.^{lii} We recommend the adoption of programs and processes before, during, and after release that adequately prepare prisoners for the challenges of life beyond prison walls. More generally, we recommend that Washington State reevaluate the “just deserts” punishment model embodied by the SRA. This model limits judicial discretion, de-prioritizes rehabilitation, and mandates that judges disregard circumstances that may have played a key role in the motivation and actualization of the crime.

The paramount function of the penal system should be the rehabilitation of prisoners. Individuals who are released without reintegration guidance and the tools to effectively participate in society may threaten public safety. Because of the holistic, multi-faceted nature of rehabilitation, we have also incorporated pre- and post-rehabilitative programs into our recommendation that Washington implement a PREP. This emphasis on rehabilitation has implications for sentencing policy. Absent the possibility of sentence review and release from prison, the system provides no incentive for prisoners to pursue rehabilitation.^{liv} Pre-release rehabilitation, PREP board

evaluation, and post-release programming must function cohesively to ensure that prisoners are afforded their greatest chance to become productive members of society. By naming this three part process PREP, we aim to draw greater attention to the rehabilitative process while distancing ourselves from the political failures of Washington’s former parole system.

A first step in this process would be to review and update Washington’s Department of Corrections’ mission statement to reflect the centrality of rehabilitative goals. The current statement emphasizes the need “to protect public safety” but fails to address rehabilitation and reintegration.^{lv} Many of the states we studied provide examples for Washington to follow in this regard. For example, the Texas Department of Criminal Justice explicitly states their goal to promote “positive change in offender behavior” and to “reintegrate offenders into society.”^{lvi} Alaska’s Department of Corrections mission statement emphasizes “reformative programs.”^{lvii}, while Colorado’s Department of Corrections aims for prisoners to “become law-abiding, productive citizens”.^{lviii} We recommend that the Washington Department of Corrections incorporate these terms into a new mission statement.

This re-orientation should also inform pre-release programs in Washington State. Parole board members and non-profit post-release service providers nationwide find that the four most important programs affecting prisoners’ successful reintegration into society are: cognitive therapy while incarcerated, addiction and anger management therapy, education opportunities, and assistance securing housing upon release.^{lvix,lx} Cognitive therapy involves identifying and addressing the thoughts and feelings associated with psychological disturbances. Anger and addiction therapies address underlying problems with social behavior and help teach coping

strategies to positively affect prisoners' future lives and relationships. Educational opportunities raise prisoners' actual and perceived social value and impart important skills and knowledge. One recent report found that individuals who participated in educational programs while incarcerated were 13% more likely to obtain employment upon release and 43% less likely to recidivate.²⁶ The report ultimately concludes that “providing correctional education can be cost-effective when it comes to reducing recidivism.”^{lxii}

We recommend that Washington State significantly expand pre-release rehabilitative programs. Many states offer models of how this might be done. Texas, a historically conservative state, has an entire division within its Department of Justice dedicated to rehabilitative programs. In addition to standard sex offense and drug treatment programs, these programs include non-traditional offerings such as faith-based pre-release programs, the “Baby and Mother Bonding Initiative”, programs tailored to former participants in the sex industry, rehabilitation for prisoners who have experienced solitary confinement, and opportunities to pursue higher education within a school district that exclusively serves Texas State prisons. This is important because prisoners who participate in correctional education programs are 43% less likely to reoffend than those who do not.^{lxiii} We recommend that the Washington Department of Corrections incorporate programs similar to those of Texas in order to better prepare prisoners to reintegrate into society. We also recommend that Washington State repeal its prohibition on the use of state dollars to support the education of prisoners.

²⁶ Recidivism is defined in multiple ways in these studies, including rearrests, conviction, incarceration and technical parole violations. The length of time considered varied from 6 months since release to 10 years since release. The majority of the 50 studies on which this report relied used re-incarceration as the measure and 1-3 years as time frame.^{lxii}

In addition to its Rehabilitation Programs Division, the Texas Department of Criminal Justice also formed the Re-Entry and Integration Division. Their statement of purpose emphasizes “the successful reentry and [re]integration of offenders into the community.” The Re-Entry and Integration Division (RID) provides prisoners with case managers that help prisoners develop a comprehensive release plan.²⁷ The RID also orders birth certificates and social security cards for eligible prisoners prior to their release. Employment opportunities for former prisoners also increased in 2013 when Texas passed legislation that limits the liability of employers who hire persons with criminal backgrounds.^{lxiii} We recommend that Washington implement these procedures in order to promote post-release rehabilitation.

Prisoners face a variety of societal, economic, and community challenges upon release from prison. These issues include inadequate access to social programming, job opportunities, education, assistance with substance abuse, struggles with family life, and housing. Post-release programs enhance public safety because they provide monetary, physical, and emotional resources to individuals who may otherwise engage in criminal behavior to fulfill their financial and emotional needs. For this reason, any consideration of the implementation of parole, or in our case, the PREP, must incorporate an array of programming opportunities for formerly incarcerated individuals reentering society. In advocating for PREP, we are calling for the creation and implementation of a wraparound service for prisoner reentry.

²⁷ This plan deals with issues such as identification, housing, employment and education, health care, substance abuse, transportation, clothing/food/amenities, financial resources, and support systems.

There are two approaches to reentry that aim to address the barriers prisoners face when they return to society. One approach separately targets housing, employment, and substance abuse treatment. This fragmented approach focuses on programs that address specific challenges that formerly incarcerated individuals face during reentry. Although used regularly, this approach can be problematic because it forces formerly incarcerated individuals to seek help from separate service providers. Conversely, the second approach, called a wraparound approach, simultaneously addresses reentry barriers.^{lxiv, lxv} The purpose of this approach is to identify and fill gaps in services, to mitigate the accessibility and usage of services, and to conserve institutional resources.

In 2007, Washington State applied the wrap-around approach in a program called the Reentry Housing Pilot Program (RHPP). RHPP provided recently released high-risk prisoners in Spokane, Clark, and King counties with 12-month housing under the condition that they commit to treatment, employment, and self-sustainability. The state also introduced programs funded by the Housing Grant Assistance Program (HGAP) to create similar opportunities for prisoners released in several other counties.^{lxvii} RHPP and HGAP participants were then compared to others in order to measure the effectiveness of these programs. After three years of evaluation, RHPP and HGAP participants were significantly less likely than non-participants to return to prison.^{lxviii} These programs thus provide a model upon which post-release programming could be extended.

RECOMMENDATION II. ADOPT A POSSIBLE RELEASE REVIEW PROCESS

In addition to reintegrating rehabilitation, we recommend the creation of a review board and process that will give each lifer in Washington State the opportunity for reevaluation. The existence of this board and process would motivate prisoners to work towards rehabilitation while also protecting the public from prisoners who are not ready to be released.

Specifically, our recommendation is that the board re-adopt Washington State's past definition of minimum duration of confinement as established by legislative action.^x This would mean that those serving LWOP sentences would be eligible for evaluation after 13 years and 4 months served. We also recommend the adoption of a review board consisting of seven members, at least five of whom must be present during all PREP hearings. These board members should be appointed by the Governor to four year terms, as this will mitigate political pressures that board members may feel if it were an elected position. A board consisting of members with varied professional backgrounds and experiences will reduce personal bias in board decisions and protect against the arbitrariness of Washington's former parole system.^{xvi,xiv} We also recommend that a third party, nonpartisan adjudicator audit and evaluate board decisions on an annual basis. We recognize that any system reliant on humans has the potential to involve bias. Nonetheless, the purpose of these recommendations is to mitigate the effects of bias and to enhance public confidence in the board's decisions.

Our recommended board would consist of a community member with a social service background, a retired judge, a psychologist, two former Department of Corrections employees,

an addiction specialist, and a formerly incarcerated person. This diversity of skill sets and backgrounds assures a holistic evaluation of rehabilitative progress. To alleviate potential costs associated with prisoner transportation and technology, we recommend that the board conduct hearings using one of three recommended formats.²⁸

A recent national trend in parole hearing procedures enhances the victim's role in their assailant's hearing. For example, California's 2009 Victim's Bill of Rights^{lxix} extends special considerations for victims and their families in parole hearings.^{lxx} Subsequently, multiple other states have adopted similar legislation.^{xxi} Victim involvement has unfortunately led to the assumption that "the offender's gain is the victim's loss" and vice versa.^{lxix} While the victim's preferences arguably should be considered at the time of sentencing, the prisoner's rehabilitative progress should be the primary focus of the parole hearing. Other states have recognized and embraced the need for this shift in focus. For example, New Jersey's legislature will only use the victim's written statement if they identify a substantial or pressing issue.^{29 lxxii,lxxiii} In addition, we recommend that victims, in conjunction with a state sponsored victim's advocate, be allowed to contact the board through a written statement. This will allow the board to evaluate the victim's concerns without turning the parole hearing into a retrial of the original crime.

²⁸ Colorado has conducted research and found no measurable differences between having hearings over the phone, through video conferences, or in person.^{vii}

²⁹ The report may include a written statement concerning the continuing nature and extent of any physical harm or psychological or emotional harm or trauma suffered by the victim, the extent of any loss of earnings or ability to work suffered by the victim and the continuing effect of the crime upon the victim's family.

In an attempt to emphasize the importance of rehabilitation, we suggest that the board focus on the latter third of time served. This recommendation stems from recognition of the fact that prisoners are more likely to receive infractions in the first two thirds of their sentence due to difficulties adjusting to prison life. By weighing the latter third of time served, the board would recognize that rehabilitation is a process. In addition to this weighted evaluation process, we recommend the board focus on the prisoner's involvement within the prison community and participation in rehabilitative programs. This will ensure that the board values rehabilitation over the course of a sentence above minor infractions. Under our proposed evaluative board, prisoners denied parole will receive suggestions for improvement and a mandatory follow-up review date scheduled within a maximum of five years of the previous review. This timeframe sets an obtainable goal for the prisoner, incentivizes good behavior, and ensures public safety by only releasing prisoners who are prepared to reenter society.

RECOMMENDATION 3: REPEAL THE PERSISTENT OFFENDER ACCOUNTABILITY AND HARD TIME FOR ARMED CRIME ACTS

It is imperative that Washington State re-evaluate its sentencing practices. The POAA accounts for half of the official LWOP cases in Washington State, many of which involve crimes other than homicide. We also recommend reforming the Hard Time for Armed Crime Act of 1995. Additional time for weapons enhancements must be proportional to the offense and properly restricted. For example, our data identified an individual who received over 1,000 months (or 83 years) from weapons enhancements alone. While this case is an outlier, it demonstrates the harshness of weapons enhancements in sentencing. If repeal of this law is not feasible, allowing

judges to allow sentences flowing from weapons enhancements concurrently rather than consecutively may provide some relief.

V. CONCLUSION

In Washington State, the implementation of the Sentencing Reform Act, coupled with the adoption of harsh sentencing laws, led to a dramatic rise in the number of people sentenced to die in prison. Lifelong imprisonment without the possibility of review arguably denies the fundamental human right to dignity. In fact, the European Court of Human Rights recently ruled that life without the possibility of parole sentences violate human rights because they are “incompatible with the provision on human dignity in the basic law for the state forcefully to deprive a person of his freedom without at least providing him with a chance to someday regain that freedom.”³⁰ Washington State’s sentencing practices are thus not only fiscally imprudent, but, according to international human rights standards, are also in violation of the human right to dignity. We recognize that deciding if LWOP sentences constitute a human rights violation is a contentious and ongoing debate. However it is impossible to ignore that fact that life without parole eliminates prisoners’ chance to go in front of a review board and demonstrate how they have grown and changed since the time of sentencing. Denying this opportunity to an already invisible population is, we contend, morally costly to the state of Washington.

³⁰ See Castle, S. (2013, July 9). “Court Rules Against Britain in Life Terms for 3 Convicts.” *The New York Times*.

In addition, lifelong imprisonment without the opportunity for review is disproportionately imposed on black men, is very expensive, and yields little in terms of public safety. Moreover, our findings suggest that one of the primary goals of the SRA – achieving greater uniformity in sentencing outcomes – has not been achieved. It thus appears that the SRA has entailed a very significant cost – the growth of the LWOP population – but has not achieved its primary objective.

A Post-Rehabilitation Evaluation Process (PREP) is the most immediate and effective remedy to this statewide problem. We recognize that current sentencing laws cannot accommodate a fully-functioning parole board in the short term. As an interim step, implementation of the PREP would propel the adoption of rehabilitative programming and a review processes that may ultimately comprise a successful parole system. Although the return of a comprehensive parole board after over three decades may be controversial, public concern surrounding the issues of mass incarceration has continued to increase regardless. The use of LWOPs and extreme sentences have played a notable role in contributing to the human and financial costs associated with mass incarceration. Controversial first steps may need to be taken in order to ultimately address a far more urgent, problematic issue facing our state and nation. PREP would begin to amend the effects of the elimination of parole and other legislation on the Washington LWOP population, a first step towards creating a policy framework aimed at enhancing human rights, public safety, fiscal responsibility, and rehabilitation.

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APPENDIX A. ACQUIRING DATA REGARDING PAROLE BOARDS

As noted previously, we interviewed administrators who are knowledgeable about parole boards in all states where such boards continue to exist. The interviews were semi-structured: every interview began with the same questions, but due to natural flow of conversation, we allowed the discourse to shift when it needed to. The questions that we started from were:

- 1) Do you consider parole in your state to be a success? If yes, how do you define success?
- 2) Of those that are seen by the parole board, how many are released?
- 3) Do you see certain aspects of your parole board as more or less effective?
- 4) Is there anything that you would change about the current system?
- 5) Do you feel that parole motivates good or bad behavior from within prison?
- 6) If your state has recently brought back parole, why? How has the transition been for members of the DOC?
- 7) Would you like to see parole boards given broader jurisdiction, or would you rather that their powers be limited?

We also acquired information about parole board structure and process from the following websites:

Alabama - <http://www.doc.state.al.us/>
Alaska - <http://www.correct.state.ak.us/corrections/index.jsf>
Arizona - <https://corrections.az.gov/>
Arkansas -- <http://adc.arkansas.gov/Pages/default.aspx>
California - <http://www.cdcr.ca.gov/>
Colorado - <http://www.doc.state.co.us/>
Connecticut - <http://www.ct.gov/doc/site/default.asp>
Delaware - <http://www.doc.delaware.gov/>

Florida - <http://www.dc.state.fl.us/>
Georgia - <http://www.dcor.state.ga.us/>
Hawaii - <http://dps.hawaii.gov/>
Idaho - http://www.idoc.idaho.gov/content/probation_and_parole
Illinois - <http://www.illinois.gov/idoc/Pages/default.aspx>
Indiana - <https://indianasavin.in.gov/Default.aspx>
Iowa - <http://www.doc.state.ia.us/>
Kansas - <http://www.doc.ks.gov/>
Kentucky - <http://corrections.ky.gov/Pages/default.aspx>
Louisiana - <http://www.doc.louisiana.gov/>
Maine - <http://www.state.me.us/corrections/>
Maryland - <http://www.dpscs.state.md.us/>
Massachusetts - <http://www.mass.gov/eopss/agencies/doc/>
Michigan - <http://michigan.gov/corrections>
Minnesota - <http://www.doc.state.mn.us/PAGES/>
Mississippi - <http://www.mdoc.state.ms.us/>
Missouri - <http://doc.mo.gov/>
Montana - <http://www.cor.mt.gov/default.mcpX>
Nebraska - www.corrections.nebraska.gov
Nevada - <http://doc.nv.gov/>
New Hampshire - <http://www.nh.gov/nhdoc/>
New Jersey - <http://www.state.nj.us/corrections/pages/index.shtml>
New Mexico - <http://cd.nm.gov/>
New York - <http://www.doccs.ny.gov/>
North Carolina - <http://www.doc.state.nc.us/DOP/index.htm>
North Dakota - <http://www.nd.gov/docr/>
Ohio - <http://www.drc.ohio.gov/>
Oklahoma - <http://www.ok.gov/doc/>
Oregon - <http://www.oregon.gov/doc/pages/index.aspx>
Pennsylvania - <http://www.cor.pa.gov/Pages/default.aspx#.VVqQpGYbsnI>
Rhode Island - <http://www.doc.ri.gov/index.php>
South Carolina - <http://www.doc.sc.gov/pubweb/>
South Dakota - <http://www.doc.sc.gov/pubweb/>
Tennessee - <http://www.state.tn.us/correction/>
Texas - <http://tdcj.state.tx.us/>
Utah - <http://tdcj.state.tx.us/>
Vermont - <http://www.doc.state.vt.us/>
Virginia - <http://vadoc.virginia.gov/offenders/>
Washington - <http://www.doc.wa.gov/>
West Virginia - <http://www.wvdoc.com/wvdoc/>
Wisconsin - <http://doc.wi.gov/Home>
Wyoming - <http://doc.state.wy.us/>

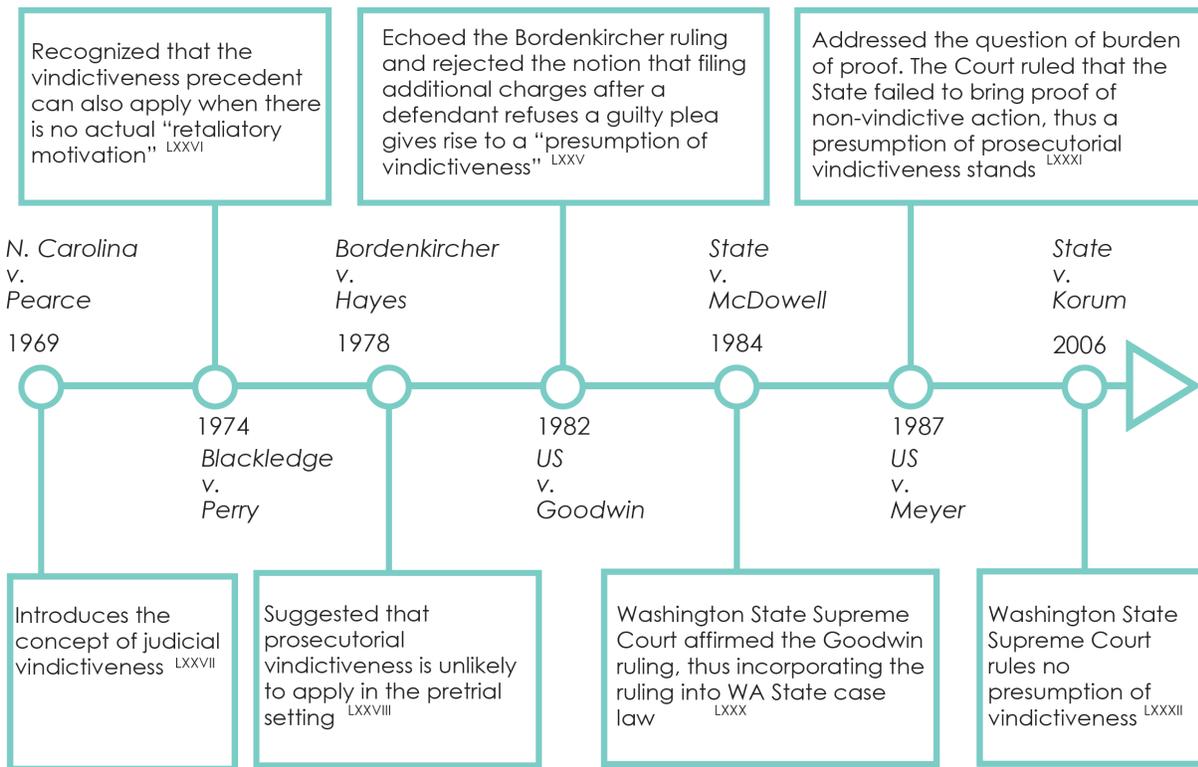
APPENDIX B. CASE LAW REGARDING PROSECUTORIAL VINDICTIVENESS

The SRA is a determinate sentencing scheme that transfers discretionary power from the judge to the prosecutor. This gives the prosecutor greater power to negotiate plea bargains. The data analyzed show that in Washington State, 95% of felony cases are resolved through plea bargain. By contrast, two thirds of LWOP cases were adjudicated through jury trials. This correlation between life sentences and plea deal rejections raises concerns about the viability of defendant's' right to a trial.

The term “prosecutorial vindictiveness” refers to a situation in which the government acts vindictively against a defendant by additional charges against them when the defendant invokes a legally protected right.^{31, lxxv} The Supreme Court has established two ways in which a defendant can show prosecutorial vindictiveness. First, the defendant can show “actual vindictiveness” on the part of a prosecutor, which is difficult to prove. Second, the defendant can establish a “presumption of vindictiveness” given the facts and circumstances of the case. A presumption of vindictiveness means that the state must bring “objective evidence” to justify the prosecutor’s actions.^{lxxvi} The timeline depicted below demonstrates the development of this concept of vindictiveness over time.

³¹ This can include their decision to attack a conviction or to a trial *de novo* among other situations. This generally entails the prosecution filing additional charges against the defendant after they have chosen to exercise this right, equating in a longer or more severe punishment upon conviction.

Figure B1: Prosecutorial Vindictiveness Timeline



North Carolina v. Pearce (1969). This case introduced the concept of judicial vindictiveness. The court decided that in order to defeat the presumption of vindictiveness, the prosecutor must supply new evidence. If the defendant fears a vindictive prosecution “for having successfully attacked his first conviction,” in trial, then this may “unconstitutionally deter a defendant’s exercise of the right to appeal,” constituting a Fourteenth Amendment due process violation. ^{lxxvii}

Blackledge v. Perry (1974). The court recognized that the vindictiveness precedent can also apply when there is no actual “retaliatory motivation.” ^{lxxvi} After a physical altercation, Perry was

charged with misdemeanor assault with a deadly weapon. When he sought a trial *de novo*, the prosecution increased the charges to felony assault with a deadly weapon with intent to kill or inflict serious bodily injury. The *Blackledge* majority first cited *Pearce*'s ruling that "fear of such vindictiveness" could discourage a defendant from exercising their right to appeal a conviction due to "retaliatory motivation on the part of the sentencing judge" and thus violate their due process right.^{lxxvii} The court then determined that this was applicable to *Blackledge*. Recognizing that the defendant had the right to a trial *de novo* under state law for a misdemeanor charge, the Court determined a fear of the State bringing more serious charges would violate the defendant's Fourteenth Amendment Due Process rights.^{lxxvi}

Bordenkircher v. Hayes (1978). During negotiations, the prosecutor warned that the defendant would obtain additional charges carrying a harsher punishment if he chose to reject the plea deal, failing to "save the court the inconvenience and necessity of a trial." The defendant rejected the deal. Subsequently, a jury trial convicted him of all charges and the judge ordered a life sentence under Kentucky's recidivist statute. The prosecutor had all of the evidence at the time of the original indictment and only added these more severe charges after the defendant rejected the plea deal. Nonetheless, the court determined that the standard process of plea negotiation occurs prior to trial, thus changes made during this time are permissible. Differentiating *Bordenkircher* from *Pearce* and *Blackledge*, the court suggests that prosecutorial vindictiveness is unlikely to apply in the pretrial setting.^{lxxviii}

United States v. Goodwin (1982). This case echoes the *Bordenkircher* ruling and rejected the notion that filing additional charges after a defendant refuses a guilty plea gives rise to a

“presumption of vindictiveness.” In this case, the defendant rejected a plea deal in favor of trial and the prosecutor increased the charges. The court largely cited *Bordenkircher* when it stated that it was unlikely that there would be a presumption of vindictiveness in the pretrial setting, compared to the post trial setting.^{lxxix}

State v. McDowell (1984). Washington State Supreme Court affirmed the *Goodwin* ruling, thus incorporating the ruling into Washington State case law. The defendant refused a diversion program for a reckless endangerment misdemeanor. At trial in the Superior Court of Washington, the prosecutor filed information to charge the defendant with second-degree assault. The defendant filed to dismiss this charge on the grounds of prosecutorial vindictiveness, but the appeals court and Supreme Court of Washington affirmed that there had been no due process violations, affirming *Goodwin*'s decision regarding the pretrial setting.^{lxxx}

U.S. v. Meyer (1987). This case addressed the question of the burden of proof in cases involving allegations of prosecutorial vindictiveness. The Court ruled that the State failed to bring proof of non-vindictive action, thus a presumption of prosecutorial vindictiveness stands. The court recognized that a prosecutor's decision to significantly change the charges against a defendant, when taken into consideration with other facts, can, but will not always, qualify as a presumption of vindictiveness. *Meyer* relies heavily on a discussion of *Goodwin*, noting the cases' similarities. The court determined “the facts indicate a realistic likelihood of vindictiveness,” and thus a there is a presumption of which the government must “come forward with objective evidence justifying the prosecutorial action.”^{lxxx}

State v. Korum (2006). Washington State Supreme Court ruled that no presumption of vindictiveness occurred. *State v. Korum* is an important case for Washington State case law because it sets a precedent that makes it difficult for defendants to prove a presumption of vindictiveness. In this case, the court chose not to rule on whether prosecutorial vindictiveness could occur in the pretrial setting (but recognized that *Bordenkircher*, *Goodwin*, and Washington State's *McDowell* suggested that it cannot). Additionally, *Korum* also recognized that *McDowell* suggests the defendant must prove actual vindictiveness and not just a presumption of vindictiveness. However, the court again declined to make a concrete decision on this issue. Instead, the court ruled that no presumption of vindictiveness existed in *Korum*. The court cites Washington State's SRA, which notes that the "other charges should be filed if they are necessary to strengthen the State's case at trial". Thus, the court determined that the prosecution's decision to add charges after Korum withdrew his plea deal in favor of a trial was "not only within the prosecuting attorney's discretion," but also "supported by the SRA guidelines and strengthened the State's case."^{32, lxxxii}

Individuals sentenced to life without parole sentences are significantly more likely to exercise their right to a jury trial, which can make them more vulnerable to "prosecutorial vindictiveness." The defendant's decision to go to trial can prove consequential when prosecutors add charges as reprisal for rejecting a plea deal. Although *United States v. Meyer*.^{lxxxii} recognized 'prosecutorial vindictiveness' at the federal level^{lxxxii}, this case is the exception and

³² The Court also cited the SRA by emphasizing its purpose which is to "[e]nsure that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history." (7).

not the rule. Many prisoners we spoke with reported that they received additional charges after exercising their Sixth Amendment right.

An example of disparity between the sentence offered during plea bargaining and the one issued at trial is the case of Nick Hacheny, a prisoner at the Washington State Reformatory. Prosecutors initially offered Hacheny a plea deal of 84 months, but he later received LWOP at trial. Hacheny appealed and received a sentence of 320 months, still nearly four times longer than the original plea offer.^{lxxxiii} Hacheny's case illustrates the human consequences of 'prosecutorial vindictiveness' as established in previous cases. The prosecutor originally determined that Hacheny would no longer pose a threat to society after seven years of incarceration, but he was sentenced to LWOP at trial. Hacheny's case demonstrates the need to reevaluate whether current practices serve the SRA's goal to "[p]romote respect for the law by providing punishment which is just."^{lxxxiv} Although the Sixth Amendment guarantees "the right to a speedy and public trial, by an impartial jury"^{lxxxv}, Hacheny most likely received a significantly longer sentence for exercising this right.

APPENDIX C.

Many states structure their parole boards that allow for greater emphasis on the importance of creating rehabilitative programming and providing an opportunity for release for prisoners who have successfully engaged in this programming. Table C1 summarizes the wide variation in prison practices and parole processes across selected states that have retained parole.

TABLE C1. VARIATION IN PRISON PROGRAMMING AND PAROLE BOARD STRUCTURE							
	WA		TX	CO	NJ	AK	MA
EDUCATIONAL OPPORTUNITIES AVAILABLE TO PRISONERS							
GED	X		X	X	X	X	X
Vocational Programs	X		X	X	X	X	X
Higher Education			X		X	X	X
VICTIM IMPACT STATEMENTS							
Written Victim Impact Statement Allowed			X	X	X	X	X
Verbal Victim Impact Statement Allowed	X			X	X	X	
BOARD MEMBER COMPOSITION							
Law	X			X	X		X
Appointed by Districts						X	
Corrections/Justice	X		X	X	X		X
Social Work				X	X		X
Mental Health			X		X		X
MISSION STATEMENT EMPHASIS							
Reform						X	
Reintegration			X			X	
Behavioral Change			X	X			
Public Safety	X					X	X
POST-RELEASE PROGRAMS							
Left to private parties	X						X
Limited liability for employers of the formerly incarcerated			X				
Case managers			X				
Reentry prep courses					X		
RELEASE RATES	WA CCB	WA PRE	TX (2014)	CO (2014)	NJ (2014)	AK (2013)	MA (2013)
Parole Release Rate	45%	38%	38%	36%	53%	41%	59%

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