

Sarah Cusworth Walker, PhD
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September 30th 2025

To: Chair Girmay Zahilay

Re: King County Prosecuting Attorney's Office Memorandum on Restorative Community Pathways and Recidivism

Dear Chair Zahilay and Council members,

We became aware of the King County Prosecuting Attorney's Office memo sent July 17, 2025 explaining the PAO's decision to pause felony referrals to Restorative Community Pathways. As experts in justice policy and residents of King County, we hope our analysis of the evaluation cited in the memo and the PAO's decision might be useful to the council. Below, we address: 1) the justification provided for the alternate evaluation; 2) the approach taken by the evaluator; 3) the reasonableness of the PAOs conclusions and decision to stop referring youth referred for felony level crimes to RCP.

Justification for the evaluation

The PAO memo notes their decision to secure a separate evaluator from the county council's selection came after reviewing "the initial evaluation plan and having discussions with those managing that evaluation plan." While not expressed explicitly, the memo suggests the PAO did not believe the evaluation plan or evaluator commissioned by the council would provide an accurate assessment of outcomes. The memo does not explain how or why the PAO's office came to this conclusion. The memo notes the PAO wanted an "objective evaluation," which appears to mean competent and focused specifically on recidivism. The memo does not provide an explicit reason why they believe the evaluator chosen by the PAO was more competent or more likely to be accurate in evaluating recidivism than the county's evaluator. Consequently, the reason for securing a separate evaluator does not appear to be well-justified.

Evaluation approach

The evaluation approach undertaken by Dr. Portner, as described in the memo, was focused on observing rates of recidivism for youth referred to the RCP after 6, 12 and 24 months. The analysis, as it is described, appears to be done competently and with sufficient rigor. However, Dr. Portner notes several limitations in the data. Most substantively, the absence of a comparison group means that the analysis does not lend itself to any substantive or meaningful conclusions about RCP.

We agree with several of the limitations noted by Dr. Portner, including 1) the absence of a meaningful comparison group from within King County; 2) the data were drawn during a period of unusual social upheaval that makes comparison to historical data within King County problematic; 3) no comparable samples from other counties during the same time

period were included. While the memo notes the intent to collect these additional data, we agree with the evaluator that the analysis as it stands cannot be used to draw conclusions about the RCP's effectiveness.

Decision to pause referrals

In the absence of comparison group, the PAO provides benchmark data to anchor the observational analysis of the RCP against other published recidivism rates. This is an acceptable approach to guide public policy decisions, which are often characterized by uncertainty and the lack of perfect information. When using benchmark data, it is desirable to find as close a comparison as possible.

The PAO memo cites the 2018 WSCCR youth recidivism report, which we agree is a good source of benchmark data as the most recently reported state level youth recidivism data. However, the most appropriate benchmark data from the WSCCR report is not reported in the PAO memo. We would argue, based on descriptions available in the 2018 report, that the most approach benchmark data available is recidivism for youth who had prior felony dispositions.

The 18-month recidivism rate for a statewide cohort of youth with previous felony dispositions in the WSCCR report is 54%. The recidivism incidence reported for youth with a felony crime from the PAO analysis was 41.3% for 12 months and 53.2% for 24 months. While direct and controlled comparisons are preferable, the best available benchmark data thus show very comparable rates of recidivism for youth with previous felony crimes.

Taken together, the lack of a direct comparison in the PAO analysis, along with the best available benchmark data showing comparable recidivism rates, lead us to conclude that the PAO's decision to pause referral to the RCP is unsupported by the available data.

Conclusion

Overall, it is unclear what the PAO hoped to gain from pursuing a separate evaluation for RCP. We are concerned, as residents and justice policy experts, that this might signal a pattern of separately commissioned studies to make county level decisions around youth justice. We do not believe this is a productive approach for making these decisions. The concerns raised by the PAO about the evaluator selected by the Council suggest there are broader concerns about governance and trust that we would hope will be addressed directly rather than through a fragmented and contentious approaches to program evaluation.

Sincerely,

Sarah Cusworth Walker, PhD
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