

EVIDENCE-BASED COMMUNITY CUSTODY OPTION #1

Supervision of Felons with Jail Sentences: AOC Administers Funds and Quality Assurance.

Proposal: Expand judicial discretion to allow sentencing of certain offenders to county-administered supervision with programming as an alternative to or extension of jail time, in accordance with research related to lowering recidivism and increasing public safety.

Offender Group	Current Law	Proposal	Administration
<p>Felons with a sentence of one year or less</p>	<p>Offenders are sentenced to community custody in accordance with discretionary and mandatory statutes. After they serve their jail time, they are transferred to DOC, which administers the community custody system.</p> <p>Risk and needs assessments are done by DOC staff.</p> <p>The violation process is mostly administered by DOC, although some violations are adjudicated in local courts.</p> <p>DOC provides or contracts for re-entry programs.</p>	<p>Community custody will be administered by county courts, similar to juvenile court operations.</p> <p>Offenders convicted of nonsex felonies may be sentenced to available community custody as an alternative <u>or</u> addition to confinement with appropriate programming, in accordance with an evidence-based risk and needs assessments.</p> <p>Risk and needs assessment will be done locally and may need to be done presentencing</p> <p>The violation process will be a judicial function.</p>	<p>Counties wishing to participate will submit an application to AOC for funds.</p> <p>AOC will support counties, as they begin using assessment instruments and quality control mechanisms for programs, with ongoing evaluation.</p> <p>AOC will staff a county courts/state Quality Assurance Committee and develop a Quality Assurance Plan to ensure adherence to evidence-based practices.</p> <p>This option will require some new funding, in addition to some funds transferred from DOC, allocated through a mechanism developed by AOC, DOC and OFM in coordination with counties.</p>

			<p>An annual report shall be submitted to the legislature by AOC during implementation.</p> <p>This plan may require a year of planning with a plan to be submitted before funds are allocated.</p>
<p>Felons with a sentence of more than a year.</p>	<p>DOC offers re-entry programs through staff and contracts with local agencies.</p>	<p>DOC will continue to administer re-entry programs internally or through contracted vendors.</p> <p>DOC will create a Corrections Re-Entry Program Committee and a Re-Entry Programs Quality Assurance Plan, similar to the system created by the Community Juvenile Accountability Act in 1997.</p> <p>DOC internal and contracted programs will be funded and overseen in accordance with requirements of the plan.</p>	<p>This option may require some new funding, but will maximize the legislature's investment in re-entry to increase public safety by lowering recidivism.</p>

EVIDENCE-BASED COMMUNITY CUSTODY OPTION # 2
Supervision of Felons with Jail Sentences: DOC Administers Funds and Quality Assurance.

Proposal: Expand judicial discretion to allow sentencing of certain offenders to county supervision with local programming as an alternative to or extension of jail time, in accordance with research related to lowering recidivism and increasing public safety.

Offender Group	Current Law	Proposal	Administration
<p>Felons with a sentence of one year or less</p>	<p>Offenders are sentenced to community custody in accordance with discretionary and mandatory statutes. After they serve their jail time, they are transferred to DOC, which administers the community custody system.</p> <p>Risk and needs assessments are done by DOC staff.</p> <p>The violation process is mostly administered by DOC, although some violations are adjudicated in local courts.</p> <p>DOC provides or contracts for re-entry programs.</p>	<p>Community custody will be decided and administered by county courts, similar to juvenile court operations, within allocated funds and with quality assurance oversight.</p> <p>Offenders convicted of nonsex felonies may be sentenced to available community custody as an alternative or addition to confinement with appropriate programming, in accordance with evidence-based risk and needs assessments.</p> <p>Risk and needs assessment will be done locally and may need to be done presentencing.</p> <p>The violation process will be a local judicial function.</p>	<p>Counties wishing to participate will submit an application to DOC for funds.</p> <p>DOC will support counties as they begin using assessment instruments and quality control mechanisms for programs, with ongoing evaluation.</p> <p>DOC will staff a county courts/state Quality Assurance Committee in accordance with a Quality Assurance Plan to ensure adherence to evidence-based practices.</p> <p>This approach will require some new funding, allocated through a mechanism developed by AOC, DOC and OFM in coordination with counties.</p> <p>An annual report</p>

Exhibit 2 034

			<p>shall be submitted to the legislature by DOC during implementation.</p> <p>This plan may require a year of planning with a plan to be submitted before funds are allocated.</p>
<p>Felons with a sentence of more than a year.</p>	<p>DOC offers re-entry programs through staff and contracts with local agencies.</p>	<p>DOC will continue to administer re-entry programs internally or through contracted vendors.</p> <p>DOC will create a Corrections Re-Entry Program Committee and a Re-Entry Programs Quality Assurance Plan, similar to the system created by the Community Juvenile Accountability Act in 1997.</p> <p>DOC internal and contracted programs will be funded and overseen in accordance with requirements of the plan.</p>	<p>This option may require some new funding, but will maximize the legislature's investment in re-entry to increase public safety by lowering recidivism</p>

Requirements for Evidence-Based Rehabilitation System

Seth Fine
Assistant Chief Criminal Deputy
Snohomish County Prosecutor's Office

An evidence-based rehabilitation system would need to include mechanisms for all of the following:

1. Defining a group of offenders who are potentially eligible for inclusion in rehabilitative programs.
2. Establishing a list of cost-effective programs.
3. Monitoring these programs to ensure that they continue to perform their function in a cost-effective fashion.
4. Obtaining valid risk and needs assessments on potentially eligible offenders.
5. Excluding offenders who have low risk levels or who lack needs that can be met by available programs.
6. Assigning eligible offenders to appropriate programs and imposing other relevant sentence requirements.
7. Monitoring offenders' compliance with sentence requirements.
8. Adjudicating alleged violations and imposing sanctions.
9. Ensuring the availability of adequate resources for supervising, programming, and enforcement of sanctions.
10. Ensuring that any potential tort liability arising from operation of the system does not render the system cost-ineffective.
11. Monitoring and reviewing the system to ensure that it continues to provide cost-effective public benefits.

9/13/08

October 10, 2008

Exhibit 3 of 4

Community Custody - Assignment and Supervision

Offense or Crime Category	Community Custody is Designated by:										Supervised by DOC per RCW 9.94A.501	Supervised by DOC per RCW 9.94A.715 (all but .712)	Is Community Custody Mandatory or Discretionary?	
	9.94A.545	9.94A.715	9.94A.712	9.94A.650	9.94A.670	9.94A.745	9.94A.660	9.94A.680	Jail Sentence	Prison Sentence				
Sex offense	X										Y	Y	Discretionary	Mandatory
Failure to Register - Sex Offender		X									Y		Discretionary	Mandatory
Non-Persistent Offender (Determinate-Plus)				X							Y	Y	Discretionary	Mandatory
Violent Offense	X	X									Y	Y	Discretionary	Mandatory
Crime Against Person	X	X									Y	Y	Discretionary	Mandatory
Domestic Violence Felony (RCW 10.99.020)											Y			
Residential Burglary				X									Discretionary	Mandatory
Violation of 69.50 or 69.52	X			X									Discretionary	
Attempt/Solicitation/Conspiracy to violate 69.50 or 69.52	X												Discretionary	
Violation of Attempt/Solicitation/Conspiracy to Manufacture/Deliver/Possess Meth (69.50.401)											Y	Y	Discretionary	Mandatory
Violation of Attempt/Solicitation/Conspiracy to Deliver controlled substance to a minor (69.50.406)	X										Y	Y	Discretionary	Mandatory
First Time Offender Waiver (FTOW)					X						Y		Discretionary	
Special Sex Offender Sentencing Alternative (SSOSA)									X		Y		Mandatory	
Instate Compact														
Drug Offender Sentencing Alternative (DOSA)										X				
Work Ethic Camp (WEC)														
Gang Member Convicted of Unlawful Possession of Firearm (eff 8/1/09)												Y	Mandatory	Mandatory

* Domestic Violence felony includes the following offenses:

- Assault 3rd
- Assault 4th
- Reckless Endangerment
- Burglary 2nd
- Malicious Mischief 1st
- Malicious mischief 2nd
- Malicious mischief 3rd
- Stalking
- Violation of restraining order, no-contact order, or protection order

>> New to DOC supervision caseload if .501 sunsets

** Will be added to DOC supervision if .501 sunsets. Do not have supervision range or historical sentencing data available to forecast impact, however