



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

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Evidence-Based Community Custody Planning Workplan

Introduction

This memorandum contains the agreement of the Sentencing Guidelines Commission (SGC) and the Superior Court Judge's Association (through the Sentencing and Supervision Workgroup) to co-facilitate a planning process to develop an evidence-based system of community custody for adult felons in Washington State.

Background

In 2005, the Washington State Legislature directed the Institute for Public Policy (WSIPP) to study options to stabilize future prison populations. The Sentencing Guidelines Commission was directed to examine changes that could be made to Washington's sentencing laws, including sentencing alternatives and the use of risk factors in sentencing. These options are to be analyzed in conjunction with the work by WSIPP. The goal of these policy choices is to allow the legislature to consider different combinations of options that have the ability to keep crime rates under control while also lowering the long-run fiscal costs of Washington's state and local criminal justice system. (*ESSB 6094, Section 708, Chapter 488, Laws of 2005*).

In late 2006, WSIPP issued its report entitled *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rate* by Steve Aos, Marna Miller, and Elizabeth Drake. Olympia: Washington State Institute for Public Policy.

The Sentencing Guidelines Commission began its work by preparing legislation to make the community custody statutes readable, following twenty years of piecemeal legislation.

In 2008, the Legislature reorganized and simplified Washington's community custody statutes in SHB 2719, a bill requested by the Sentencing Guidelines Commission. The Commission then began to work with the courts to propose policy changes to further improve the Sentencing Reform Act relating to the supervision of offenders by using evidence-based practices.

After reviewing the national research and the success of the evidence-based juvenile rehabilitation system in Washington State, the Sentencing Guidelines Commission and

the Superior Court Judges' Association (SCJA) decided to embark on the creation of an evidence-based community custody system for adult felony offenders. An initial workplan was approved on February 13, 2009.

The Legislature is currently considering legislation to underscore their intent to adopt an evidence-based system. This year's legislative session is crisis-oriented because of the state's huge revenue shortfall. While this has increased the policymakers' interest in a new community custody plan, they are concentrating on critical immediate bills. Right now the plan is to pass a budget proviso (with no new funds) to restate their support of this planning process.

The planning will take place in two phases. Phase I will focus on the sentencing and supervision of the 70% of felons who serve the incarceration portion of their sentence in jails. Phase II will focus on felons who are incarcerated in prisons and then serve a community custody term as well.

Purpose

The purpose of this process, which is a joint effort of the SGC and the Sentencing and Supervision Workgroup of the SCJA, is to develop a multi-year plan to implement an evidence-based system for community custody of adult felons. This planning will be done in conjunction with the Washington State Institute for Public Policy (WSIPP).

The goals of the evidence-based system are to:

- a) increase public safety through decreased recidivism;
- b) produce significant cost savings for the state and local government; and
- c) simplify and improve the sentencing reform act relating to the supervision of offenders.

The evidence-based system of community custody will, at a minimum, include provisions for (a) identifying offenders for whom rehabilitative programs are cost-effective; (b) identifying cost effective rehabilitative programs; (c) monitoring the system to ensure that it operates in a cost-effective manner; and (d) providing annual reports to the legislature on the costs and benefits of the system.

Process (Please see “Attachment A: Roles” and “Attachment B: Timeline”)