

SENATE BILL REPORT

ESSB 6157

As Amended by House, April 21, 2007

Title: An act relating to reducing offender recidivism by increasing access and coordination of offender services in communities through inventories of services and community transition coordination network pilot programs.

Brief Description: Changing provisions affecting offenders who are leaving confinement.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senator Prentice).

Brief History:

Committee Activity: Ways & Means: 4/18/07 [DPS].

Brief Summary of Proposed Substitute Bill

- The Department of Corrections and local governments are encouraged to collaborate in establishing networks and providing services to offenders returning to the community.
- DOC is required to address offender risks and deficits through assessment and the provision of programming such as education, employment services and treatment.
- Offenders are provided greater opportunities for employment and housing to assist in their transition from prison to the community.

Passed Senate: 4/20/07, 43-4.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6157 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom.

Ways & Means Committee Staff: Richard Ramsey (786-7412)

Human Services and Corrections Committee Staff: Shani Bauer (786-7468)

Background: According to the Department of Corrections (DOC), approximately 8,500 offenders return to the community from Washington prisons each year after completing their sentences and over 25,900 offenders are currently on active supervision in the community.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Research from the Washington State Institute of Public Policy (WSIPP) shows that approximately 54 percent of these offenders will commit a new felony within 13 years. Further, the Washington Caseload Forecast Council estimates that under existing policies, Washington's incarceration rate will increase 23 percent by the year 2019.

In 2005, the Legislature directed the WSIPP to report, by October 2006, whether evidence-based and cost-beneficial policy options exist to alleviate the need to build more prisons. WSIPP concluded that several programs directed to adult offenders can have a positive impact on recidivism and produce significant cost savings for the state of Washington (see Steve Aos, Marna Miller, and Elizabeth Drake (2006). Evidence-Based Public Policy Options to Reduce Future Prison Constructions, Criminal Justice Costs, and Crime Rates. Olympia: Washington State Institute for Public Policy).

The 2006 Legislature created the Joint Task Force on Offenders Programs, Sentencing, and Supervision (SSB 6308). The legislation required the Task Force to review offender programs, sentencing, and supervision of offenders upon reentry into the community with the stated goals of increasing public safety, maximizing rehabilitation of offenders, and lowering recidivism. The Task Force made many recommendations, several of which are incorporated in this bill.

Summary of Bill: The bill as referred to committee not considered.

SUMMARY OF RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Ways & Means): PART I - Community Transition Coordination Networks: Each county or group of counties are required to conduct an evaluation of the services available in the county or region to assist offenders in reentering the community and present its assessment to the policy advisory committee no later than January 1, 2008.

A community transition coordination network program (CTCN) is created within the Department of Community, Trade and Economic Development (CTED). The CTCN program is a pilot project to be conducted in up to four counties for a period of four years and is limited to offenders under county or city misdemeanor probation.

CTED must invite counties or groups of counties to apply for grant funds to facilitate partnerships between supervision and service providers. Among other components, it is anticipated that a county or group of counties wishing to implement a network will collaborate with DOC, address methods to identify offenders' needs, and connect the offender with needed resources and services that support successful transition to the community.

Counties receiving grant funds must work with WSIPP to establish data tracking mechanisms and conduct an evaluation at the completion of the pilot program. CTED must convene a policy advisory group to receive status reports on the implementation of the networks and review annual evaluations. The grant program expires June 30, 2013.

The purview of Local Law and Justice Councils is expanded to include issues related to mechanisms for communication of information about offenders and partnerships between the department and local community policing and supervision programs.

PART II - Individual Reentry Plan: DOC is required to develop an individual reentry plan for every offender committed to the jurisdiction of the department.

An individual reentry plan is the result of a comprehensive assessment of an offender initiated at the time the offender is committed to the jurisdiction of the department. The plan should address both the risks and needs of the offender and describe actions needed to prepare an individual for release, define terms and conditions of release, and address the supervision and services needed in the community.

In determining the county of discharge for an offender on community supervision, community custody, or community placement, the offender must be returned to his or her county of origin unless it is determined that returning the offender to that county would be inappropriate. County of origin is defined as the county of the offender's first felony conviction in Washington. If the department returns the offender to a location other than the county of origin, the department must notify the Local Law and Justice Council in writing.

PART III - Partial Confinement and Supervision: WSIPP is required to conduct an analysis of reentry and work release programs to identify evidence-based practices for the state of Washington. The institute should identify optimal services or combination of services to be provided to offenders reentering the community through work release programs. DOC is, in turn, required to review its policies to transform its work release facilities into effective residential reentry centers.

DOC must continue to establish Community Justice Centers (CJC) throughout the state. In addition to the six existing facilities, three more facilities must be added by December 1, 2011. DOC must notify the county and/or city prior to locating a new CJC in the community. DOC must make efforts to enter into memoranda of understanding or agreements with the local community policing and supervision programs to address efficiencies in sharing space or resources, mechanisms of communication, and partnerships between police and corrections' officers in conducting supervision.

DOC must prepare a list of counties in which work release facilities, CJsCs, and other community-based correctional facilities are anticipated to be located within the next three years and transmit the list to OFM and the counties on the list. In preparing the list, the county must make substantial efforts to provide for the equitable distribution of facilities among counties. Equitable distribution is defined.

In order to qualify for 50 percent earned release an offender must participate in programming and must not have committed a new felony while under supervision. If DOC denies transfer to community custody in lieu of earned early release, DOC may transfer an offender to partial confinement in lieu of earned early release for up to three months.

If an offender has not completed his or her maximum term of total confinement and is found to have committed a violation of his or her community custody at a third violation hearing, DOC must return the offender to total confinement in a state correctional facility to serve up to the remaining portion of his or her sentence. DOC may choose not to return the offender to confinement if it determines that returning the offender would interfere with the offender's rehabilitation and reintegration into the community.

An offender who is arrested while on community custody for a new felony offense must be held in total confinement until a DOC hearing on the violation or until being formally charged by the prosecutor, whichever is earlier.

A legislative Task Force is created to review current law and policy related to community custody and community supervision. The Task Force must convene by August 1, 2007 and report to the Governor and the legislature by November 1, 2007.

DOC must conduct an updated community corrections workload study and report the results of the study to the Governor and the Legislature on or before November 1, 2007.

PART IV - Education: DOC is to fund basic academic skills through obtaining a high school diploma or its equivalent; achievement of vocational skills necessary for purposes of work programs and for an inmate to qualify for work upon release; and additional work and education programs necessary for compliance with an offender's individual reentry plan (except post-secondary education).

Other appropriate vocational, work or education programming that does not meet the above requirements must be paid by the inmate according to a sliding scale formula.

A third party may pay all or a portion of the costs and tuition for any programming. Payments for this purpose must not be subject to any of the deductions as provided in Chapter 72.09 RCW.

A postsecondary education degree program is created. An inmate must pay for the program by paying for the program themselves, receiving funding from a third party, or by obtaining a loan from the department. The loan program may only be used to pay for associate or two year degree programs to prepare an offender for employment. DOC must establish a process for awarding loans to the extent that funds are appropriated or donated for that purpose. The inmate must repay the loan beginning two years after release. The loan will accrue interest at a rate set by DOC. Money collected is reinvested in the loan program.

DOC and the State Board for Community and Technical Colleges must investigate and review methods to optimize educational and vocational programming opportunities for offenders. DOC and the State Board must report to the Governor and the Legislature no later than July 1, 2008.

WSIPP must conduct a comprehensive analysis and evaluation of evidence-based correctional education programs and the extent to which Washington's programs are in accord with these practices. The Institute must report to the Governor and the Legislature no later than November 1, 2007.

PART V - Employment Barriers: The Department of Licensing (DOL) and DOC must enter into an agreement to assist offenders in obtaining drivers' licenses. The DOL is also required to convene a work group to review and recommend changes to occupational licensing laws and policies to encourage the employment of individuals with criminal convictions while ensuring the safety of the public.

PART VI - Housing: A landlord who rents to an offender is not liable for civil damages arising from the criminal conduct of the tenant if the landlord discloses to residents that he or she has a policy of renting to offenders and takes steps to repeat or halt known criminal activity on the landlord's premises. Housing authorities are encouraged to formulate policies that are not unduly burdensome to previously incarcerated individuals.

CTED must establish a pilot program in a minimum of two counties to provide grants to eligible organizations to provide housing assistance to offenders reentering the community who are in need of housing. The pilot program must be operated in collaboration with a CJC, offer transitional supportive housing, and provide housing assistance for a period of time not to exceed twelve months. DOC is required to cooperate with organizations receiving grant funds to identify appropriate housing solutions, facilitate an offender's application for housing and assist the offender in accessing appropriate services. The state and local entities providing housing assistance to offenders are not liable for civil damages arising from the criminal conduct of an offender solely due to the placement of the offender in housing.

An offender may obtain the release of funds from his or her personal inmate savings account prior to discharge for the purpose of securing appropriate housing.

Amounts are appropriated for: a community corrections workload study; additional conditions placed on offenders to earn 50 percent earned early release; offenders on community custody arrested for a new felony offense who must be held in total confinement until a hearing on the violation or until being formally charged by the prosecutor; and for an offender under community custody, who, upon the third violation hearing, is returned to confinement.

Appropriation: \$2.6 million.

Fiscal Note: Available.

Committee/Commission/Task Force Created: Yes.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: None.

Persons Testifying: No one.

House Amendment(s): The post-secondary education loan program and all references to the loan program are removed.