

FINAL BILL REPORT

2E2SSB 6204

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Synopsis as Enacted

Brief Description: Modifying community supervision provisions.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senator Hargrove; by request of Department of Corrections).

Senate Committee on Human Services & Corrections
Senate Committee on Ways & Means
House Committee on Public Safety & Emergency Preparedness
House Committee on Ways & Means

Background: In Washington, the court is required to sentence a person convicted of the following offenses to the corresponding terms of supervision with the Department of Corrections (DOC):

Sex offense	3 years
Serious Violent offense	3 years
Violent Offense	18 months
Crimes Against Persons	12 months
1st Felony Failure to Register	12 months
Certain Drug Offenses	12 months

Out of those populations, DOC must supervise persons convicted of a serious violent offense, a sex offense, or a failure to register, regardless of the offender's risk classification. DOC must supervise offenders convicted of the other listed offenses when the offender is assessed at a high risk to reoffend.

DOC currently supervises approximately 16,000 offenders. Offenders on community custody may be sanctioned for violating any condition or requirement of a sentence, including conduct that constitutes a new crime. An offender who commits a violation may be sanctioned with up to 60 days confinement or a variety of other sanctions, including work release, home detention, treatment, or other community based sanctions. DOC has historically relied significantly on jail sanctions in response to violation behavior. During fiscal year 2011, DOC spent \$38.5 million on jail sanctions, which translates to 17,193 jail bed days.

Research has shown that traditional surveillance-based supervision, without treatment, is not effective in reducing recidivism and has little effect on re-arrest rates of released offenders.

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.

In contrast, intensive supervision coupled with treatment geared to the risk and needs of the offender produces an average reduction in recidivism of 16 percent. Studies have also found that the threat of imprisonment generates a small general deterrent effect. Increasing the severity of a penalty does little to increase deterrence, but rather increasing the certainty of apprehension and punishment demonstrates a significant deterrent effect.

In 2004 Hawaii launched its Opportunity Probation with Enforcement program (HOPE) utilizing a system of immediate but graduated sentences. Technical infractions result in jail terms that occur in the same week as the violation, but last only a few days. A one-year, randomized controlled trial showed HOPE probationers were 55 percent less likely to be arrested for a new crime; 72 percent less likely to use drugs; and 53 percent less likely to have their probation revoked.

Summary: A new violation process for offenders on community custody is outlined. DOC will adopt rules creating a structured violation process that includes presumptive sanctions, aggravating and mitigating factors, and definitions for low-level and high-level violations. DOC must define aggravating factors that may present a current and ongoing foreseeable risk and therefore elevate an offender to a high-level violation process. DOC is not civilly or criminally liable for a decision to elevate or not elevate an offender's behavior to a high-level violation unless it acted with reckless disregard. For low-level violations, DOC may sanction an offender to one or more non-confinement sanctions. For second and subsequent low-level violations, DOC may sanction the offender to not more than three days in total confinement. After an offender has received five low level violation sanctions, all subsequent violations must be treated as high level violations. For high-level violations, DOC may sanction an offender to not more than 30 days in total confinement per hearing. An offender accused of committing a high-level violation is entitled to a hearing.

When an offender on community custody commits a new crime in the presence of a community corrections officer, the officer may arrest the offender and report the crime to local law enforcement or the local prosecuting authority. DOC will not hold the offender more than three days from the time of notice to law enforcement. If the offender has a specified underlying offense, the offender will be held in total confinement for 30 days from the time of arrest or until a prosecuting attorney files new charges against the offender, whichever occurs first.

As part of its implementation of the new sanctioning system, DOC must establish stakeholder groups, communicate with law enforcement, and periodically survey community custody officers for ideas and suggestions. DOC must report back to the Legislature at the end of 2012 and 2013.

Votes on Final Passage:

Senate 45 2

First Special Session

Senate 43 2

House 77 21 (House amended)

Senate 45 2 (Senate concurred)

Effective: May 2, 2012 (Section 2)
June 1, 2012 (Sections 1, 3-9, and 11-14)
August 1, 2012 (Section 10)