



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

PO Box 40927 • Olympia, Washington 98504-0927
(360) 407-1050 • FAX (360) 407-1043

February 13, 2009

MEMORANDUM

TO: SGC

FROM: Jean Soliz-Conklin 

RE: Evidence-Based Community Custody Planning Workplan

ACTIONS REQUESTED:

Please review and improve this Workplan and appoint Community Custody Planning Committee Members

Staff from AOC and SGC have met and recommend:

1. Co-chairs of the Community Custody Planning Committee (CCPC) from the SGC and the SCJA;
2. A CCPC of 8 or 9 members, which will fairly represent the entities and organizations necessary to a comprehensive plan for an evidence-based system of community custody.

Background

In 2008, the Legislature reorganized and simplified Washington's community custody statutes in SHB 2719, directing the Sentencing Guidelines Commission to work with the courts to propose policy changes that will further simplify and improve the Sentencing Reform Act relating to the supervision of offenders.

After reviewing the national research and the success of the evidence-based juvenile rehabilitation system in Washington State, the Sentencing Guidelines Commission (SGC) and the Superior Court Judges' Association (SCJA) recommended the creation of an evidence-based community custody system for adult felony offenders to the Legislature in SB 5325 and HB 1689.

Problem Statement

Since passage of the Sentencing Reform Act, the Legislature has incrementally implemented a community custody system to supervise selected felony offenders after incarceration or in lieu of incarceration. Although the intent of community custody is to improve public safety, the community custody laws were passed incrementally, which has resulted in inconsistencies, confusion, and a lack of adherence to evidence-based principles. The costs of community custody have grown rapidly, making it imperative that resources are targeted carefully.

SGC/SCJA

Workplan

February 13, 2009

A plan to create a comprehensive system is needed to ensure appropriate targeting of offenders and programming for adult felons. The availability of research and the success of Washington's juvenile rehabilitation evidence-based system make it an opportune time to plan a cohesive adult system that will increase public safety and lower costs to taxpayers.

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.

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.

A critical component of this plan and its implementation will be ongoing evaluation and annual reporting to the Governor and Legislature.

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

Developing an Evidence-Based Community Custody System for Adult Felons in Washington State

ATTACHMENT A: ROLES

I. SGC and SCJA Sentencing and Supervision Workgroup

- Appoint representatives to the Community Custody Planning Committee
- Jointly oversee the planning process
- Approve phased planning milestones
- Oversee the “Research and Data Gathering”
- Oversee “Stakeholder Consultation”
- Vote the final plan.

II. Community Custody Planning Committee

- Break the planning into manageable components
- Identify key milestones for reporting back to SGC and SCJA
- Include stakeholder input
- Develop the Plan
- Revise in accordance with stakeholder feedback and SGC/SCJA decisions

III. Research Agencies

- Washington State Institute for Public Policy (WSIPP)
The Institute’s mission is to carry out practical, non-partisan research—at legislative direction—on issues of importance to Washington State.
Roll: Advise on implementation design, evidence-based research and programs; Conduct research on questions of interest to the SGC/SCJA (if funded and approved by the WSIPP Board).
- Center for Court Research (CCR):
CCR is a division of the Administrative Office of the Courts. It provides ongoing data collection and monitoring of Washington State’s Juvenile Justice System, and conducts research on a variety of projects requested by the Courts.
Roll: advise on implementation design, and development of ongoing system quality assurance and performance monitoring
- PEW The Pew Center on the States Public Safety Performance Project (The Project works with five national partners, the Council of State Governments Justice Center, the National Center for State Courts, the National Conference of State Legislatures, the National Governors Association and the Vera Institute of Justice, to provide expert, nonpartisan information and assistance to states.)

IV. Stakeholders

This planning process requires ongoing, inclusive stakeholder input. The CCPC will be comprised of criminal justice experts and staffed with knowledgeable professionals, who will consult with stakeholders, including:

- The Department of Corrections
- The Office of the Governor
- The Legislature
- Local government
- Prosecutors
- Defense attorneys
- Victim advocates
- Law enforcement
- The Washington Federation of State Employees, and
- Any other persons or groups deemed appropriate by the Sentencing Guidelines Commission or the Courts

V. Staffing

Staff will be assigned by the guidelines commission and the Administrative Office of the Courts to support this planning process during calendar year 2009.



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ATTACHMENT B: TIMELINE

Community Custody Planning Committee Creation February 13, 2009

Phase I: Pre-Planning March 13, 2009

The Community Custody Planning Committee (CCPC) will report to the SGC/SCJA regarding a detailed meeting schedule and planning process.

Phase II: Research and Data Gathering/Initial Design/Evaluation Planning May 30, 2009

Research and Data Gathering

Under the direction of the Community Custody Planning Committee, staff will:

A. Washington's System of Community Custody

Structure: Staff will collect, compile and prepare for presentation information on laws and sentencing, including:

- a) statutory structure
- b) jail and prison authority
- c) current sentencing practices
- d) costs, and administrative issues.

Offenders: Staff will work with local government and the Department of Corrections to collect, compile and

prepare for presentation data on the existing community custody population, including:

- a) demographics;
- b) criminal history;
- c) risk levels; and
- d) other relevant factors.

B. Research

Staff will collect, compile and prepare for presentation evidence-based research on:

- a) identification of offenders for whom rehabilitative programs are cost effective;
- b) identification of cost-effective rehabilitation programs;
- c) monitoring the system to ensure that it operates in a cost-effective manner;
- d) sentencing; and
- e) the correlation of these aspects to the purposes of the planning process.

Initial Design**By June 12, 2009**

The CCPC will make recommendations for SGC/SCJA approval. As follows:

Milestone #1: Allocation of Responsibility

The CCPC will conduct a policy analysis and make recommendations for which system entities will bear responsibility for each component of the evidence-based community custody system.

Milestone #2: Creating a System

The allocation of responsibility, as approved by the SGC and the SCJA, will be developed into a system.

Phase III: Stakeholder Consultation and Information Sharing**By July 10, 2009**

With (possible) assistance from the PEW Center on the States Public Safety Performance Project The SGC and SCJA will offer events* tailored to interest groups (i.e. prosecutors, defense counsel, local government officials, DOC staff, etc.).

The events will include presentations on the research related to Evidence-Based Community Custody and the current community corrections system in Washington. Events will include a process for attendees to provide information on issues and concerns from their perspectives as criminal justice system professionals.

* Many interest group members may attend an all-day conference; but some groups may benefit from an individualized presentation.

Phase IV: Initial Evidence-Based Community Custody Plan**August 14, 2009****Milestone# 3: Detailed Implementation Plan**

The CCPC will develop a detailed implementation plan, adjusting in accordance to information learned from stakeholders.

Milestone #4: Cost Modeling

The CCPC will work with experts to do cost-modeling of plan options and the current system, for comparison.

Phase V: Initial Plan**September 11, 2009**

The Community Custody Planning Committee will present an initial plan to the SGC and SCJA Sentencing and Supervision Workplan.

Phase VI: Field Testing**October 9, 2009**

By the October SGC meeting, the SGC and SCJA will have facilitated a process to seek feedback on the Initial Plan and discuss the results at the September SGC meeting. Hopefully, there will be resources to initiate cost-modeling, too.

Phase VII: Final Plan Adoption

November 13, 2009

The CCPC will revise the Initial Plan, after consideration of information gathered during the Field Testing, and present a final plan to the November SGC meeting.

Phase VIII: Submission

December 1, 2009

Upon approval by the SGC and the SCJA, the Final Plan and Report will be submitted to the Governor and Legislature.

Evaluation Planning

Ongoing

Staff from the SGC, SCJA, CCR and WSIPP will meet to formulate a workplan that includes:

- a) ongoing consultation to the design process;
- b) a data availability analysis;
- c) review of similar evaluation plans and processes (including the juvenile system);
and
- d) a timeline that complements the CCPC process.

The Evaluation Planning Team will report to the CCPC and the SGC/SCJA on a schedule compliments this timeline.