



Community Corrections Practices

2013 Report to the Legislature

As required by Second Engrossed Second Substitute Senate Bill 6204, 2012

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This report is the second annual report to the Legislature as directed by Second Engrossed Second Substitute Senate Bill 6204 passed in 2012, and contains information on the implementation of swift and certain sanctioning of offenders under community custody by the Department of Corrections.

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Executive Summary

The Washington State Department of Corrections (DOC) is responsible for the transition and supervision of approximately 15,000 offenders. These offenders are sentenced in superior court to a term of community supervision and are eligible for supervision because they were assessed as having a higher risk to recidivate, have a sentence alternative, or due to their offense of conviction.

Second Engrossed Second Substitute Senate Bill 6204 (6204) was signed into law on May 2, 2012. This is the second annual report required by 6204.

The model implemented through this legislation was developed based upon the promising practices of the Hawaii Opportunity Probation with Enforcement (HOPE) program and shaped by pilots in this state and other jurisdictions. In accordance with the research, the model places the emphasis on the certainty of the sanction and the swiftness with which it is applied, rather than the severity of the sanction. Swift and certain sanctioning increases offender compliance with rules of supervision, improving public safety in the short term and allowing for more effective case management. This method vastly reduces the inconsistencies in both the application and severity of imposed sanctions for offender violation behavior by distinguishing between low and high levels of offender violation behavior and limiting the aggravating and mitigating factors through a written Behavior Accountability Guide which specifies DOC's response. Although the number of arrests for an offender's violation behavior may increase, the amount of time spent incarcerated, at any one time is significantly reduced. While impacting offender behavior, and achieving better short-term results, DOC's overall confinement costs for processing violation behavior are reduced resulting in a considerable savings.

For long term public safety, offenders assessed as having a high risk to commit additional felonies must receive the appropriate treatment or offender change intervention. Through the budget process, a portion of the savings attained by implementing 6204 was reinvested into offender change programming, to include quality assurance.

To implement 6204, numerous changes were made to the way the DOC responds to violation behavior, initiates and applies offender programming, and works with external stakeholders. These changes were accomplished through:

- Continuous policy development and staged implementation of staff training to swift and certain sanctioning and notification procedures for new criminal behavior.

- Establishment and strengthening of partnerships with criminal justice stakeholders in jurisdictions across the state.
- Training of Community Corrections Officers (CCOs) in evidence-based interventions
- Creation of an Offender Change Division to include a Quality Assurance Team to ensure Department fidelity to the chosen interventions.
- Reducing confinement to a 30-day cap for all offenders who violate conditions of their supervision.
- Changing the violation process in regards to new criminal offenses committed while on supervision. Failing to Obey All Law violation standards would only apply to certain cases and crimes committed in the presence of DOC staff would be referred to local police or prosecutor for new charges.

Legislation:

Entering the 2012 Legislative Session anticipating additional budget cuts, DOC looked to utilize the principles of HOPE to reduce jail bed usage and increase offender compliance while initiating the reengineering of supervision. To this end, the Department requested enabling legislation to continue the shift towards integrated evidence-based framework for statewide community supervision.

6204 was signed into law by the Governor on May 2, 2012. This legislation included requirements for the Department to:

- Inform offenders of the new violation process
- Define violations as either low level or high level
- Sanction offenders who commit low level violations with up to three days confinement and those who commit high level violations with up to 30 days confinement.
- Require new crimes committed in an officer's presence to be reported to local law enforcement or filed with the local prosecutor.
- Detain offenders on supervision for one of 21 underlying specified offenses who have been arrested for a new crime for 30 days or until local prosecution files charges.
- Increased the use of evidence-based offender change programming
- Submit reports to the Governor, Legislature, and stakeholder on the progress of implementing these requirements.

Report Overview:

This is the second of two reports due to the Governor, Legislature and stakeholders on the status of the implementation of the legislative requirements of 6204. The first report was delivered December 1, 2012. This report will outline the status of the implementation since that date.

Violations and Sanction Process:

- After the Swift and Certain Training was completed in September of 2012, DOC's implementation team continued to conduct site visits to coach and mentor staff in the new

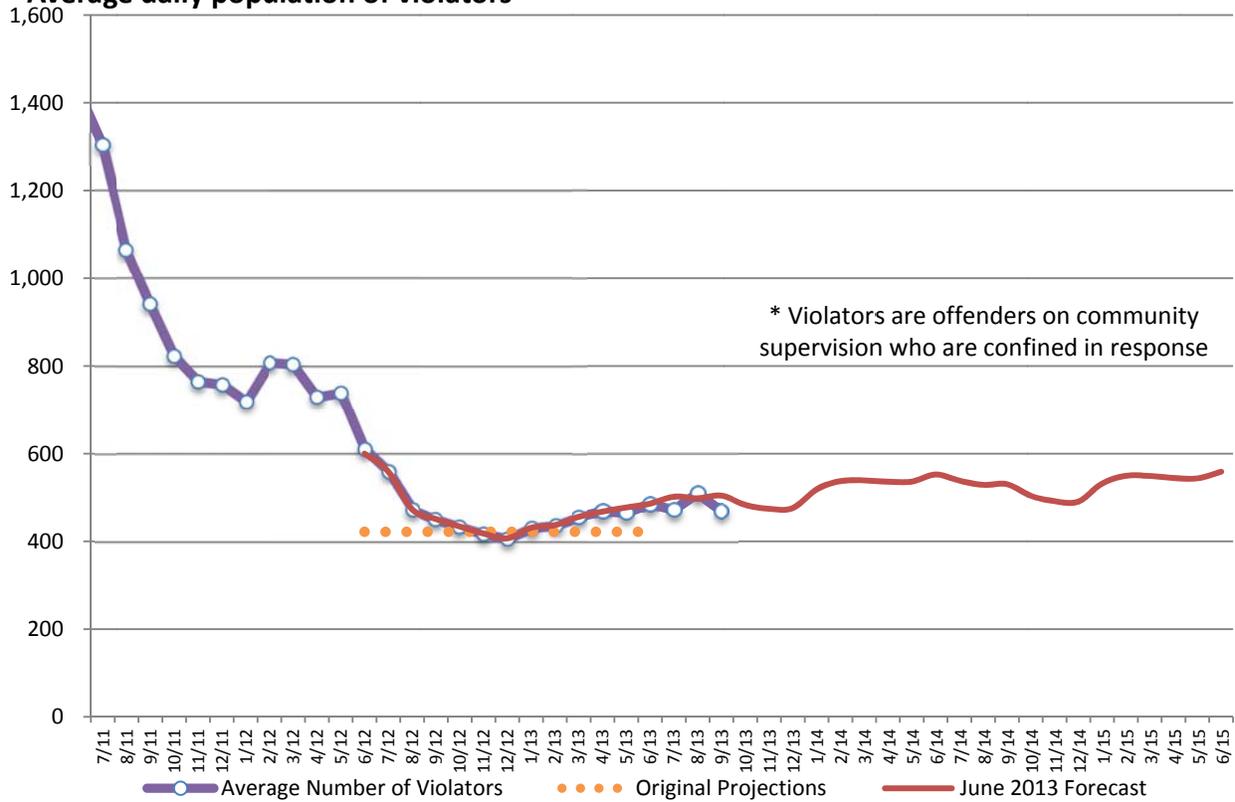
violation process. Case staffings, jail rosters, and duty officer reports were monitored for adherence to the model well into Calendar Year 2013.

- The implementation model used focused on staged implementation. This offered the ability to learn from staff and stakeholders as the training rolled out across the state. To do this effectively, interim policies were created to provide a frame work for operations during the implementation phase. This allowed DOC to make adjustment to these polices as needed based on observations, data and feedback from staff.
- The Implementation team developed a compliance tool to measure adherence to the model by staff. This consisted of randomly selecting a representative sample of Swift and Certain eligible offender cases in each field office. Using a form called a Sustainability Review to document their findings; staff were able to complete every field unit in the state by August of 2013. (Sustainability review in Appendix 1.)

DOC was awarded technical assistance through the Bureau Justice Assistance (BJA), which brought the expertise of Dr. Angela Hawken and her team from the University of Pepperdine to conduct state-wide site visits and provided feedback reports and recommendations (*see BJA information in Appendix 2*).

Following are graphs indicating the actions of staff and of the offender population over the period of implementation. What DOC experienced is what was expected: that there would be a significant decrease in the use of confinement beds, an increase in the number of arrests, and a significant decrease in the number of hearing processes. From the technical assistance provided by BJA, DOC has learned that these trends are similar to those found by other locations that have implemented the swift and certain principles.

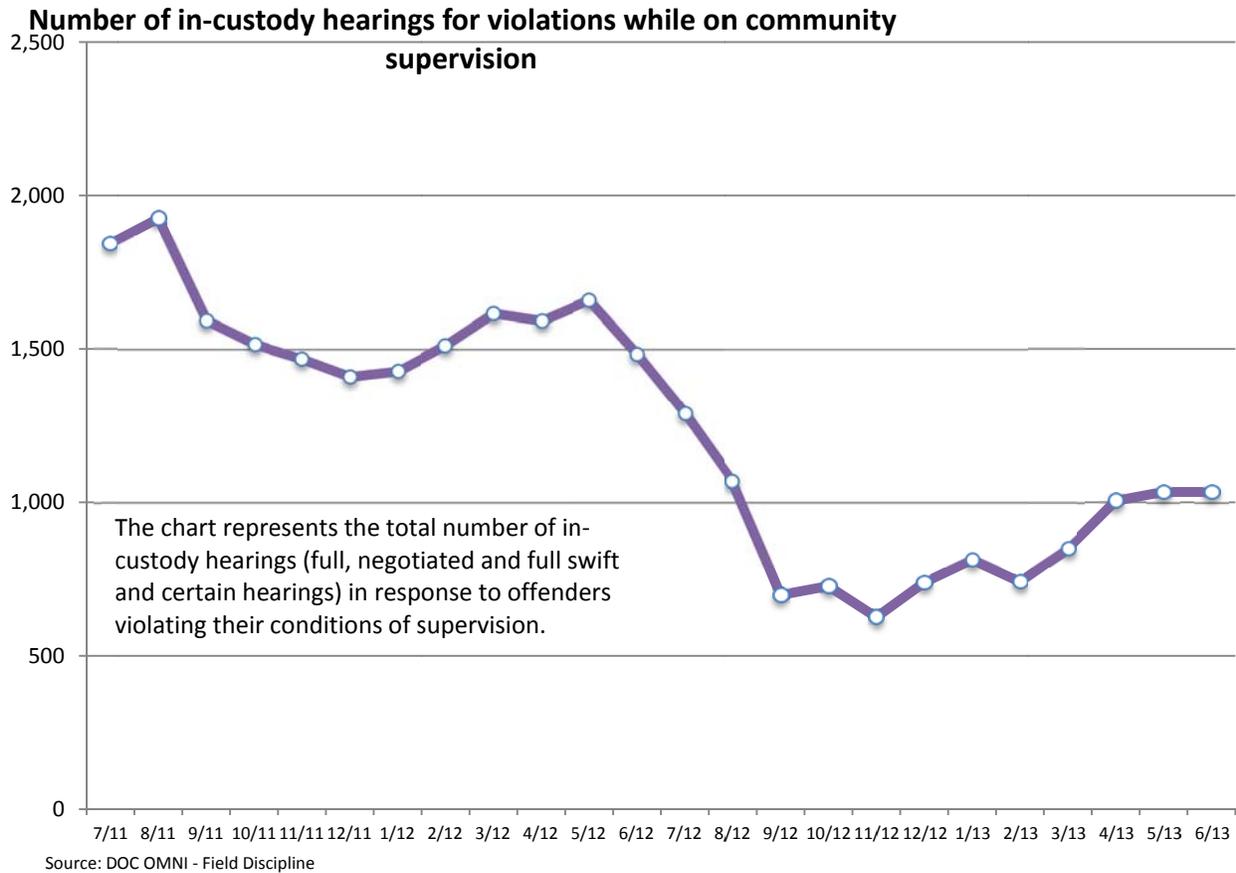
Average daily population of violators*



Sources: June 2013 Forecast - Caseload Forecast Council; All Other Data - DOC OMNI

Number of offender arrests while on community supervision





In order to gain improved adherence to the principles of swift and certain identified below, DOC has changed violation policies. The trends charted above will be monitored for the expected change. In addition, there are a number of practices that will be piloted in sections of the state to mitigate any increase in confinement or hearings. These processes will be reviewed and examined closely both by the Department, and by BJA as part of the technical assistance.

In just over a year’s time, after collection of data; feedback from staff and external stakeholders; operational observations from the implementation team; and recommendations from BJA, revisions were made to the interim policies to make them final. Significant changes to these policies include:

1. Differentiating the difference between “Failing to Report” and “Abscond” violations.

DOC witnessed an unintended consequence of an increased amount of “Failing to Report violations” after implementing Swift and Certain. This resulted in a high number of Secretary’s Warrants being issued. Failing to Report is considered a low level violation which garnered a 1 to 3 day jail sanction once the offender was apprehended. Once offenders missed a report day and they knew they were in violation they continued to abscond from supervision knowing that when they were apprehended they would only face a 1 to 3 day sanction. This created increased workload challenges with our Warrant’s Desk Staff and Records Department. Feedback from our Law Enforcement partners indicated that

it strained our working relationship due to Police Officers serving our warrants under dangerous circumstances only to learn that our offenders were being released from jail in 3 days or less. Feedback from BJA recommended that meaningful sanctions need to meet the violations. As a result, one of the major changes was clarifying the difference between “Failing to Report” vs. “Abscond” and adjusting the sanction accordingly.

- Offenders who turn themselves in to a DOC Field Office within 7 calendar days after a warrant has been issued will be eligible for a “Failing to Report” violation subject to a 1-3 day confinement sanction. Those offenders who are apprehended by law enforcement, DOC, or are arrested for a new crime out of Washington State will be considered an “Absconder” which is a High level violation subject to a hearing with a possible confinement sanction of up to 30 days.

2. Attempting to locate offenders in the community once a Secretary Warrant was issued.

- After observations and reviewing data, it was noted that a high number of offenders on warrant status were being apprehended at their last known address. Policy revisions included developing a protocol for Community Corrections Officers to attempt to make contact with the offender in the community once a warrant was issued.

3. Modifications to the Behavioral Accountability Guide:

- High level violations were redefined and the number of aggravating factors that could be used by staff was limited.

4. Developed protocol for offender absences in treatment programs:

- Community Corrections Officers, following the tenets of Swift and Certain, were arresting offenders who missed sessions of treatment. Placing offenders in confinement interrupted their programming progress and sometimes required them to be re-referred. Statewide directive now clarifies that missed sessions of treatment will only result in a violation if the offender is terminated from that program.

Offender Notification:

- As a result of the Sustainability Reviews, the notification of DOC’s violation process was completed 99% of the time and within the prescribed time frames 98% of the time.
- In November of 2013 when the Behavior Accountability Guide was modified, staff were directed to post a copy of the revised document in the lobby of all the field units. Staff were also trained to meet with offenders and explain the changes.

Stakeholder Collaboration:

- DOC staff continue to have ongoing contact with county courts, local law enforcement, county and tribal jails, treatment facilities, etc., working through the challenges created by implementing the new processes associated with the 6204 Legislation.

Staff Training:

- **Failure to Obey All Laws:** As reported in December of 2012, the training that was developed for staff which entailed how to refer criminal charges for prosecution of crimes that were committed in Community Corrections Officers' presence, handling of evidence, drafting detainers, etc., was completed on target by March 2013.
- **New Employee Training:** In addition to the statewide implementation following the initial Swift and Certain Training, the Implementation Team trained over 80 new employees in the last year.
- **Swift and Certain Policy Revision Training:** The implementation team developed and facilitated Policy Revision Training to explain the changes to staff statewide. Utilizing a facilitated training approach was necessary to communicate the modifications made to the interim policies. The training was completed by November 2013, in time for the release of the revised final policies.

Staff Survey:

- Since the initial implementation of this model, Community Corrections operations continue to solicit feedback from all levels of staff. This input has been evaluated on a weekly basis with regard to public safety and program effectiveness. The results of these continuous evaluations were incorporated into the now finalized versions of the policies. They will continue to be evaluated for public safety and program effectiveness on an ongoing basis.
- A staff survey was also launched statewide to solicit comments regarding work load implications.
- BJA conducted site visits and interviewed staff across the state regarding the Swift and Certain model.

Moving Forward:

It is anticipated that a number of adjustments will need to be made as the process moves forward with Swift and Certain response to violations. Continuously evaluating the effectiveness of the Swift and Certain structure will lead to effective and meaningful change to existing practices.

- Continue to apprehend violators on warrants status in a timely manner
- Identifying and maintaining jail bed space to house violators who are in violation. Prior to Swift and Certain implementation, DOC went from utilizing 21 jail contracts to over 60.
- Addressing work load demands associated with Swift and Certain sanctioning to include increased arrests, transports, and associated documentation and tracking.
- Maintaining positive relationships with our criminal justice partners.
- Assisting DOC staff to identify a new role in how response to violations of the offenders supervised occurs and to engage with those offenders through Cognitive Behavioral Training (CBTs)
- Developing non-confinement options to certain low level violations that are consistent with the Swift and Certain sanctioning model.

Appendix 1

Final Statewide Swift and Certain Sustainability Report
September 27, 2013

Statewide Swift and Certain Sustainability Report

SAC Sustainability Reviews were completed statewide on August 30, 2013. 1720 offenders were reviewed Statewide, which comprises about 16% of our total SAC-eligible population. The statewide, region, and section results are very encouraging. Staff completed orientations in a timely manner 98% of the time. 88% of Secretary's Warrants were issued within policy timelines and 97% of staff arrests were done so at the earliest opportunity. The 1720 reviewed offenders committed a total of 3197 violations, with (2456 low level, 549 high level, and 192 unaddressed). The unaddressed violations accounted for only 6% of all violation behavior.

Swift and Certain Violation Process Compliance	Total # of Processes	Percentage of Compliance
1. Was offender orientation of the Notification of Department Violation Process completed?	1720	99%
1a. Was the orientation completed within 10 days of training, 30-days of intake, or upon reporting after apprehension?	1720	98%
2. If applicable was a warrant issued per policy?	1432	88%
3. Was the offender arrested at the earliest opportunity?	1199	97%
4. Did the offender serve a low level sanction according to the BAG?	2456	97%
5. If low level, were aggravating factors present but not utilized?	3	
6. Did the offender serve a high level sanction?	549	18%
6a. If yes, high level due to High Violation?	47	
6a. If yes, high level due to 6+ violation processes?	293	
6a. If yes, high level due to aggravating factors?	209	
6b. Were violations listed as high level according to the BAG?	46	98%
6c. Was the 6+ process counted correctly?	287	98%
6d. Was the aggravating factor clearly articulated in chronological entry?	169	81%
7. Was the arrest process mitigated?	32	N/A
8. Did supervisor/designee document arrest decision in the offender's electronic file?	1150	63%
9. Was the violation(s) entered into Field Discipline and is the entry complete?	3005	90%
10. Were there unaddressed violations?	192	6%
	Mean	Median
11a. What was the mean number of days from warrant entry request to warrant entry	2.0	N/A
11b. What was the mean & median number of days from warrant entry request to apprehension	31.9	15.0

Appendix 2

Dr. Angela Hawken and her team from Pepperdine University, through the Bureau of Justice Assistance, collaborated with the Department in a number of endeavors in order to assess the state of our Swift and Certain violations process. First, they conducted site visits at Community Corrections field offices throughout the state. Staff willing to participate were interviewed regarding the Swift and Certain violations process, specifically about their perspectives and suggestions for improvement. Second, the team developed and distributed surveys to all staff members willing to participate. These surveys further expanded the original questions to all those staff members not visited directly. Third, a significant amount of data was collected and analyzed regarding past and present violation responses and offender behavior. The information gained as a result of the interviews, surveys, and data analysis was compiled and presented to the Department at the Community Corrections Summit on August 13, 2013. The following is the PowerPoint used by Dr. Hawken during that presentation:

SAC 2

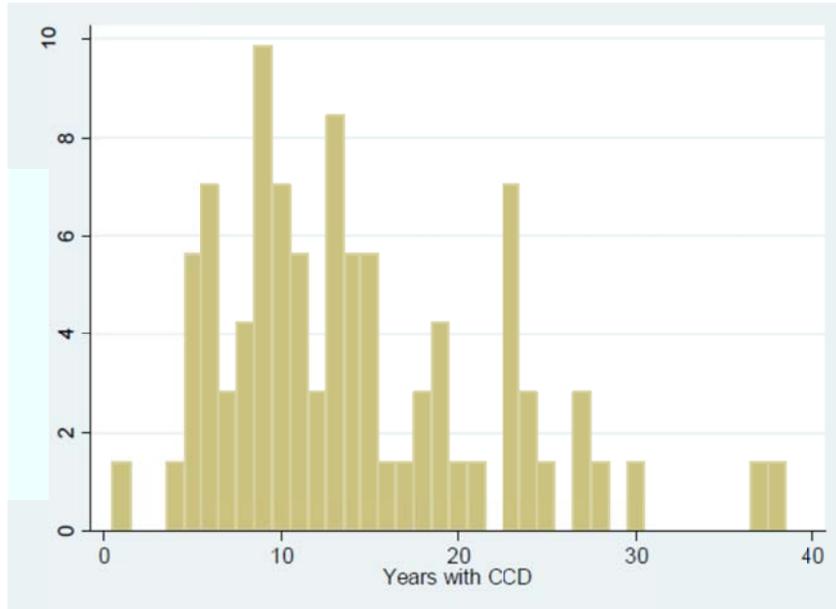
What Have We Learned?

- Site visits
- CCO Survey
- DOC data

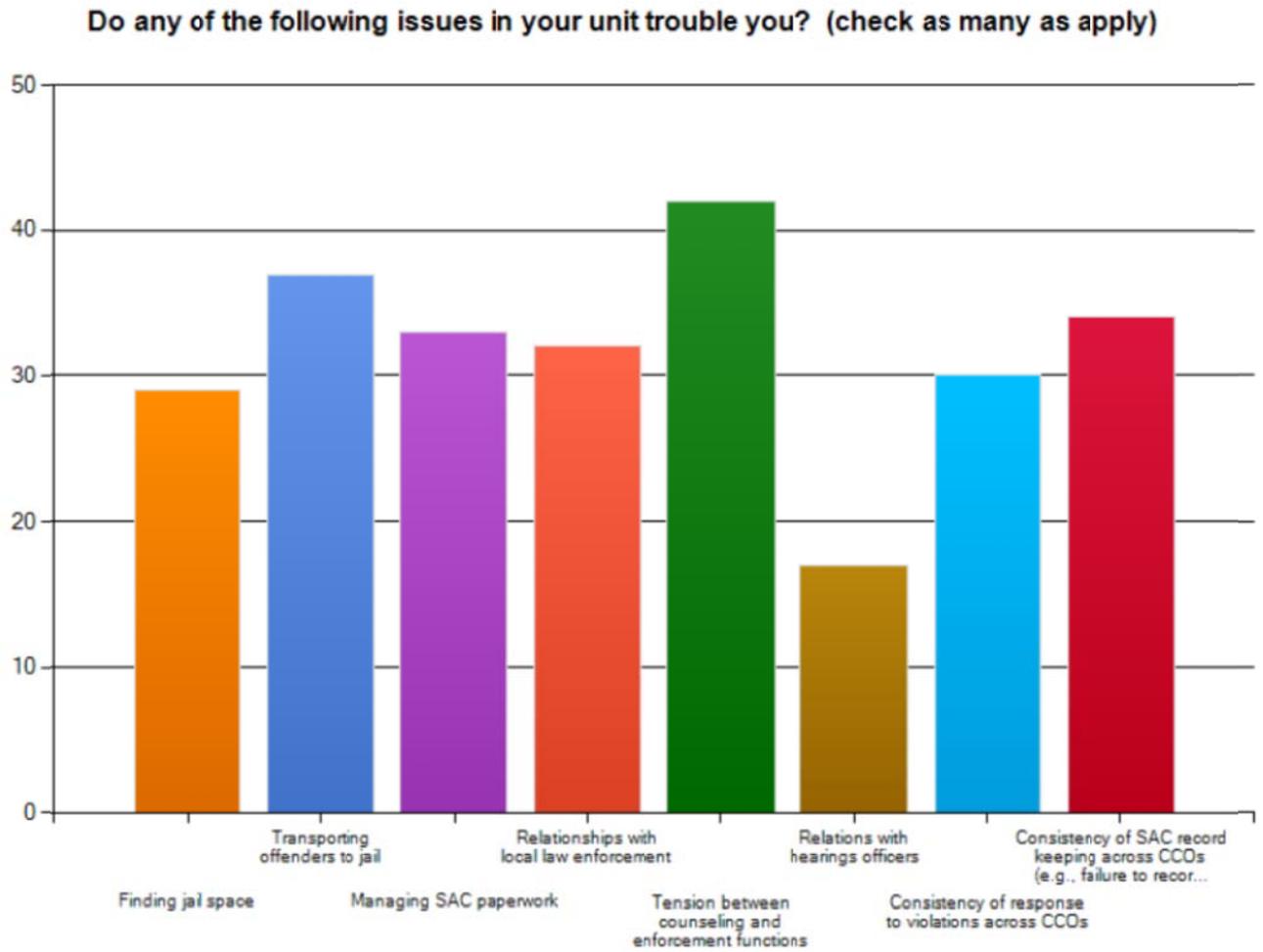
CCO Survey

- CCOs given an opportunity to give their perspective via a survey
- n=130 gave us permission to communicate
- They were asked for their perspective on SAC and areas for improvement
- 10 need to learn their addresses
- 75% of email receipts responded to

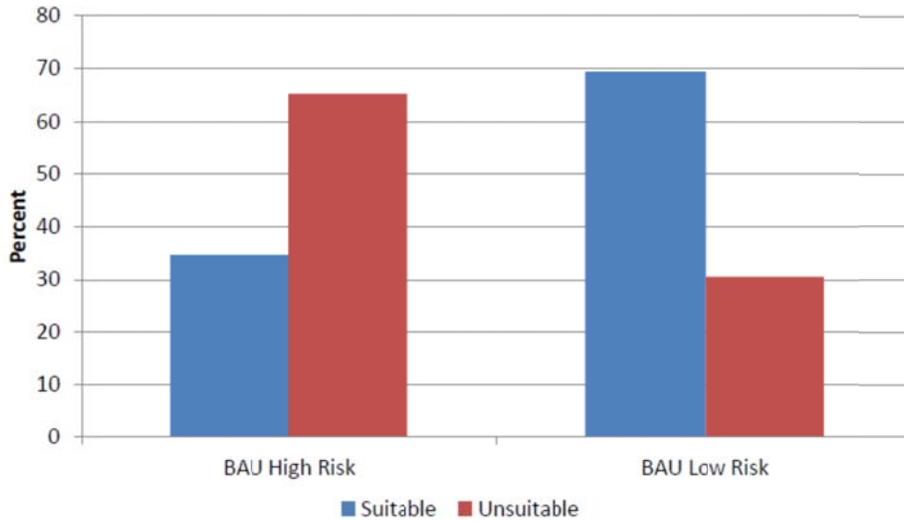
Years with CCD (mean = 14)



What Are Their Concerns?

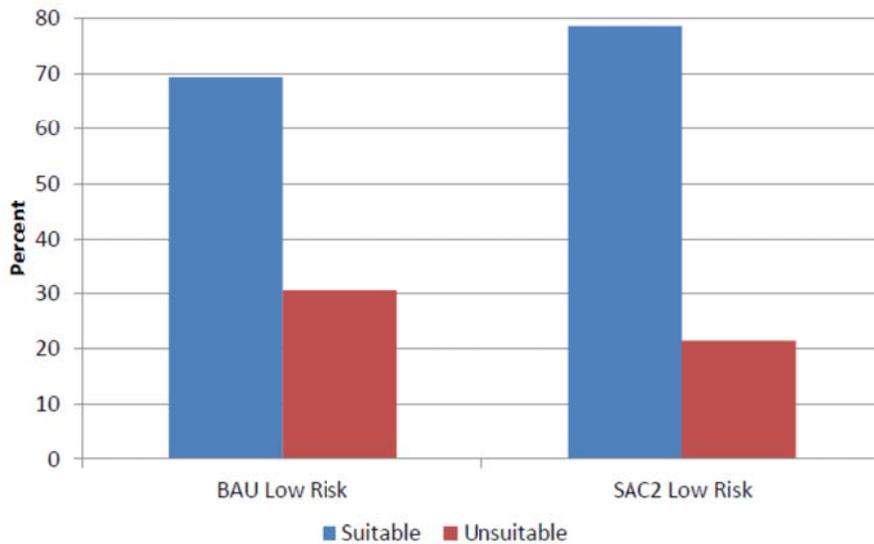


SAC Suitability (by risk level)

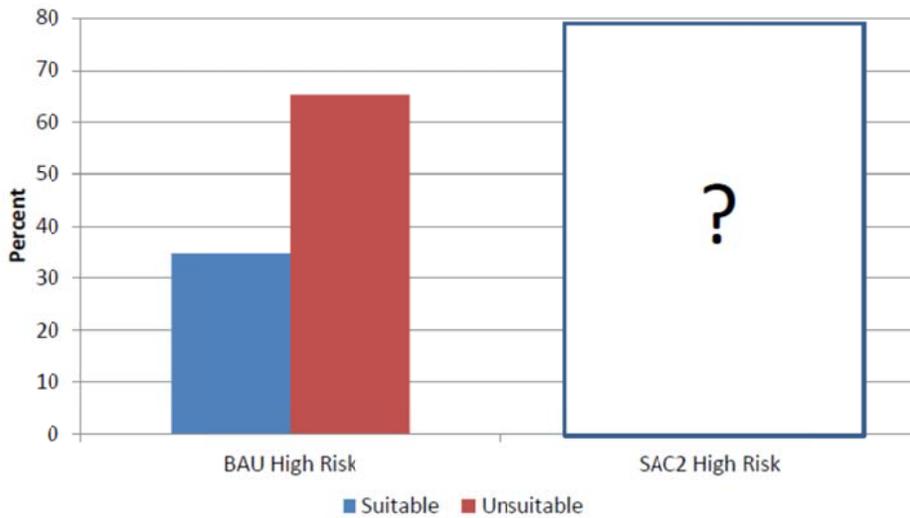


How suitable is SAC for offenders who are at high/low risk of reoffending?

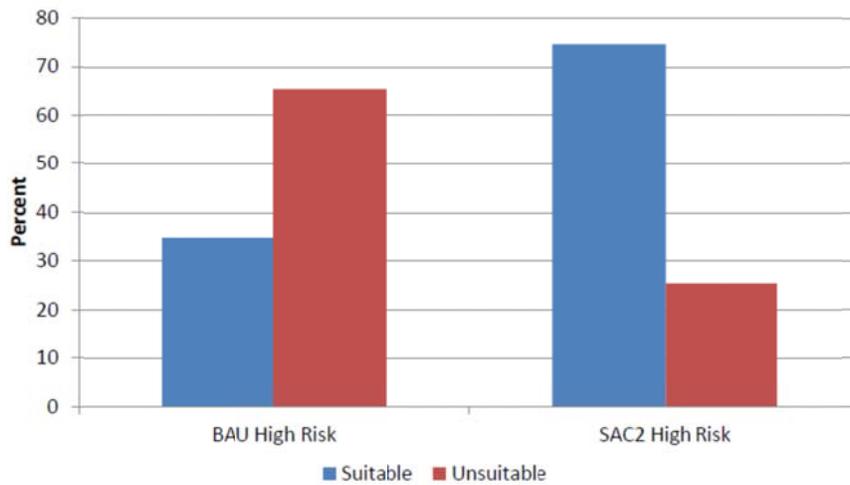
SAC Suitability Low Risk (BAU v SAC2)



SAC Suitability High Risk (BAU v SAC2)

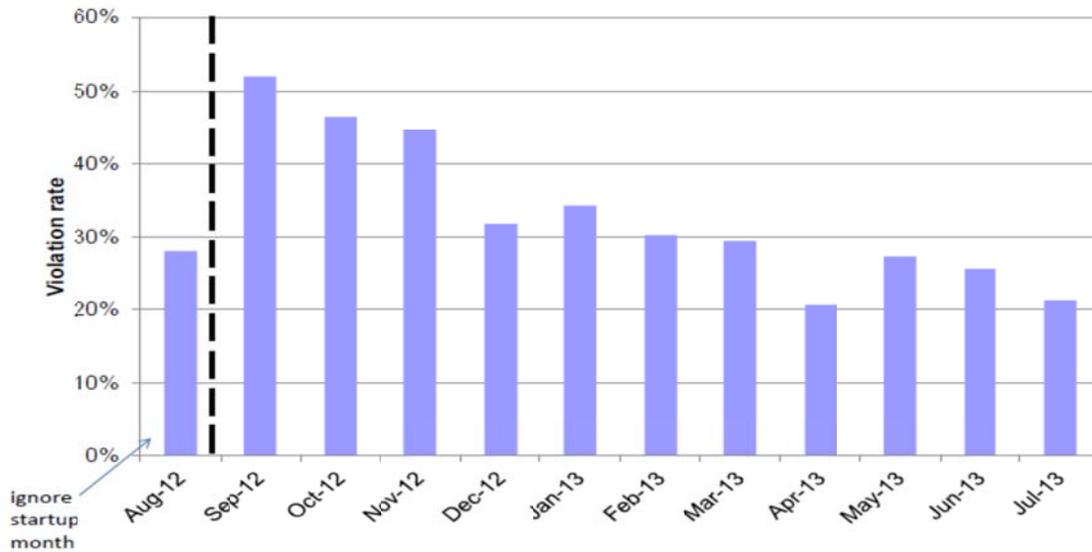


SAC Suitability High Risk (BAU v SAC2)

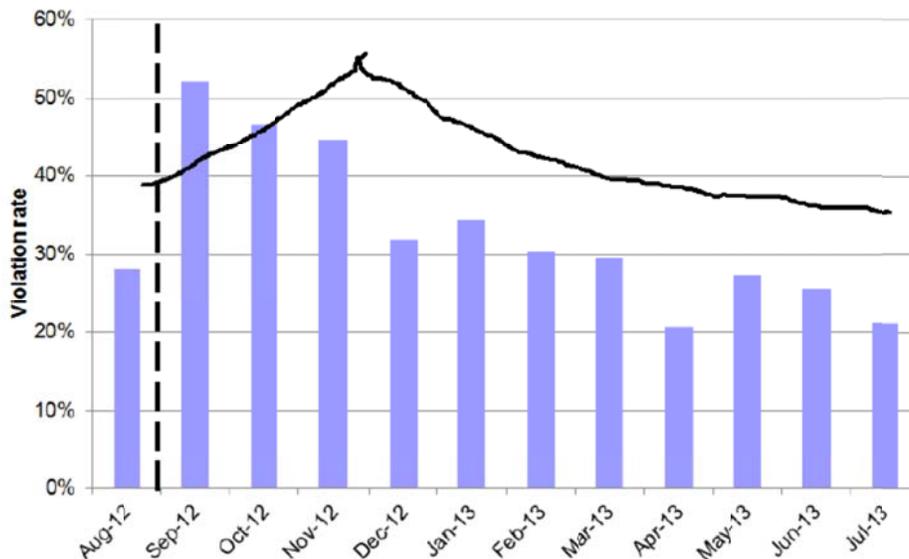


What Happens to Violations When You Get Implementation Right?

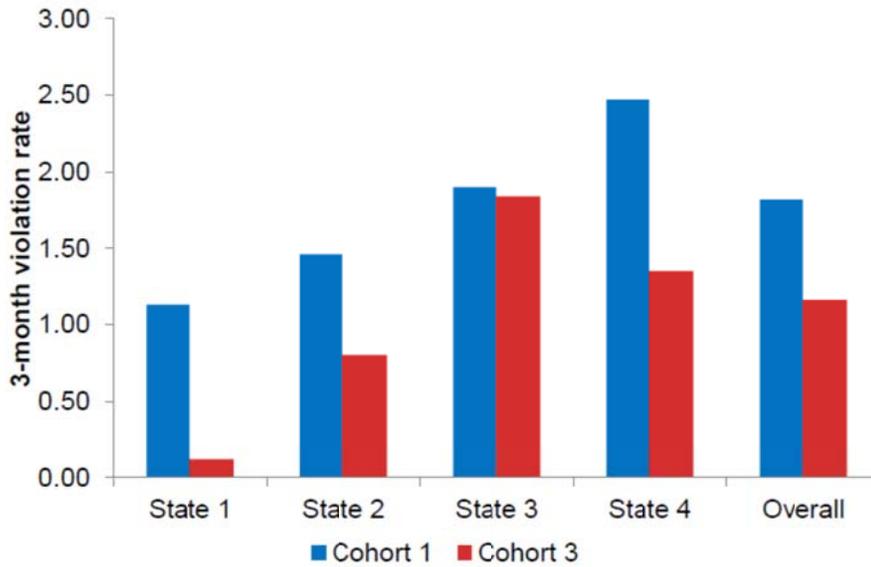
HOPE DFE Violation Rate Over Time



DFE & SAC Violation Rate Over Time



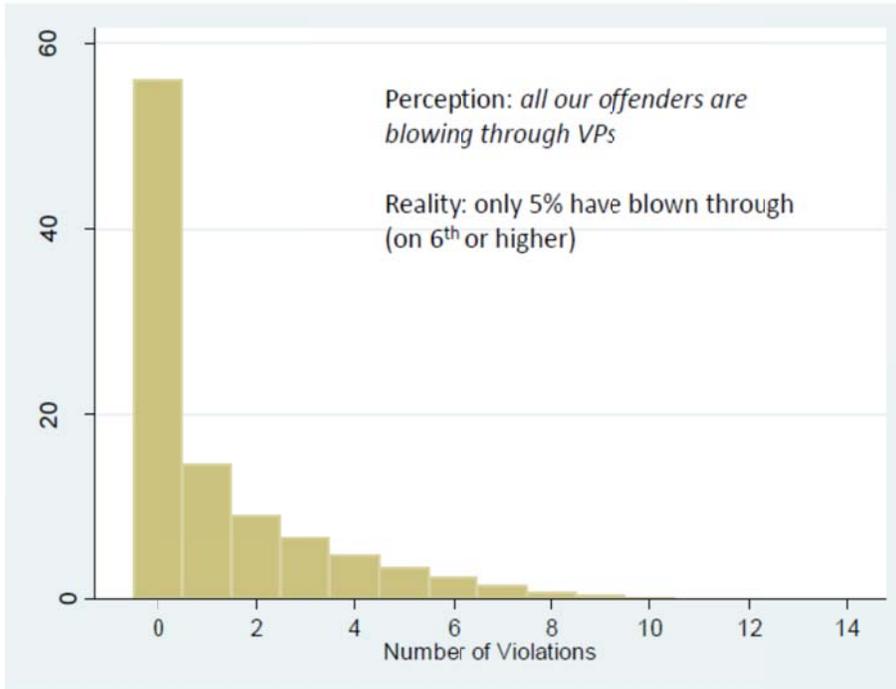
DFE Reputation Effect



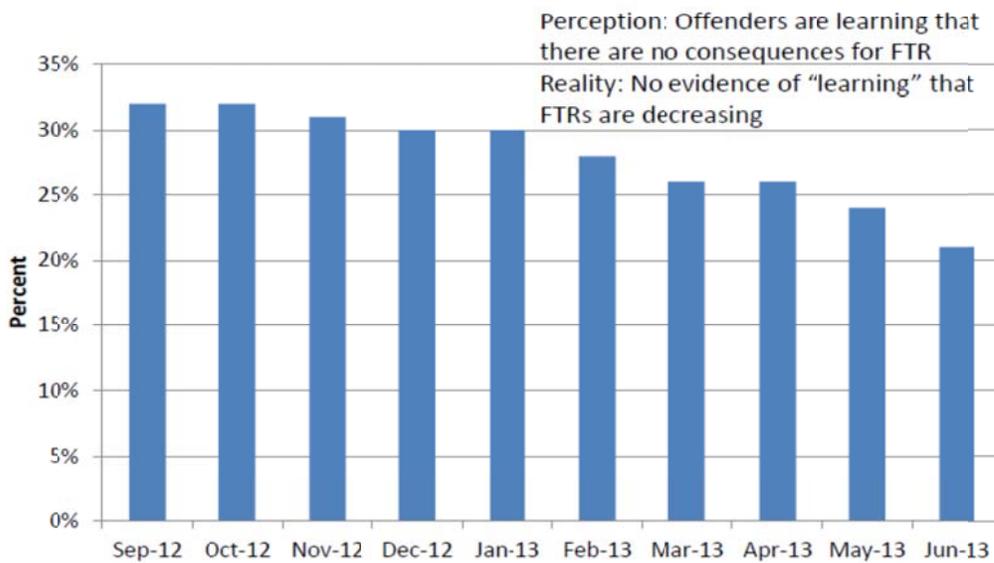
The Value of Information

- Massive disconnect between perceptions and actual data
 - SAC/HOPE primer
 - SHOW them the data....

Number of Violation Responses



Failure To Report



Cost

- Under current conditions (there have been important changes)
- 6.5% of violations now considered low level would move to high level if we assumed NO behavioral response
- What are you willing to give?
 - CCOs would like non-jail sanctions applied for a specific list of small missteps
 - What's the magic number of days? 15, 21, 30?