



# Swift and Certain Sanctioning

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## 2018 Report to the Legislature

*As required by Substitute Senate Bill 5883 (2017)*

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This is the report to the Legislature as directed by SSB 5883 (2017) and contains information on swift and certain sanctioning completed by the Department of Corrections.

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*2018 Report to the Legislature*

## **Executive Summary**

As passed by the Legislature and signed by the Governor on June 30, 2017, SSB 5883 Section 220(3)(c), requires that *“By January 1, 2018, the Department of Corrections shall provide a report to the Office of Financial Management and the appropriate fiscal and policy committees of the Legislature to include a review of the Department's policies and procedures related to swift and certain sanctioning, and identification of legal decisions that impact caseload and operations. The report shall include recommendations for improving public and staff safety while decreasing recidivism through improved alignment of the Department's policies and procedures with current best practices concerning swift and certain sanctioning. The report shall include a review of department practices, legal decisions that impact caseload and operations, an analysis of current best practices in other jurisdictions that have adopted swift and certain sanctioning, and recommendations to improve the Department's practices and procedures.”*

The information that follows takes a comprehensive look at Swift and Certain (SAC) sanctioning from implementation in 2012 to present day.

## **Background**

In 2009, an evaluation of Hawaii's Opportunity Probation with Enforcement (HOPE) conducted by Angela Hawken, Ph.D., showed considerable improvements in community supervision compliance rates among drug-involved supervised individuals. In 2010, the Department of Corrections (DOC) piloted the Washington Intensive Supervision Program (WISP) which expanded the principles of HOPE to supervised individuals of various criminal profiles and risk classifications. Hawken, with Mark Kleiman, Ph.D., found WISP yielded outcomes similar to HOPE.

The HOPE 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. According to research based on HOPE, SAC sanctioning increases supervised individuals' compliance with conditions 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 supervised individual violation behavior by distinguishing low and high levels of individual behavior and limits the use of aggravating and mitigating factors through a written policy and the Behavior Accountability Guide which outlines DOC's response.

On May 2, 2012, Governor Christine Gregoire signed into law Second Engrossed Second Substitute Senate Bill 6204 (6204). The DOC, through the passage of 6204, implemented a SAC violation response model. This was prompted by the continued economic downturn and the need to strategically cut costs without jeopardizing public safety. The sanctioning model was based on emerging research around SAC sanctioning programs,

intending to increase compliance in the community, while reducing costs associated with confining community violators.

The legislation included requirements for the Department to:

- Inform supervised individuals of the new violation process.
- Define violations as either low level or high level.
- Sanction supervised individuals 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 individuals on supervision for one of the 21 underlying specified offenses who have been arrested for a new crime for 30 days, or until local prosecution files charges.
- Increase the use of evidence-based cognitive change programs.
- Submit reports to the Governor, Legislature, and stakeholders on the progress of implementing these requirements.
- Identify and define mitigating and aggravating factors.

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

- Staged implementation, and continuous policy development and staff training for SAC 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/research-based interventions.
- Creation of a Quality Assurance Team to ensure Department fidelity to the chosen interventions.
- Reducing confinement for those who violate conditions of their supervision from 60 days per violation, to a 30 day maximum per violation process based on research and best practices.
- Changing the violation process in regards to new criminal offenses committed while on supervision. Failing to Obey All Law (FTOAL) 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.

Implementation of these changes were accomplished in collaboration with Labor and staff input.

SAC was the first application of the HOPE model at a statewide level rather than a local jurisdiction. This was a major undertaking that required staged implementation and ongoing process evaluations using interim policies to provide the frame work for operations during the implementation phase. The 6204 implementation team designed a SAC logic model that was used to conduct sustainability or quality assurance reviews with field offices. This allowed for the team to monitor fidelity to the SAC model at an operational level and make adjustments to the SAC model based on observations, data, and feedback from the staff applying the core SAC practices.

DOC initially experienced a substantial reduction in the length of confinement sanctions applied for violations after SAC was implemented. This generated cost savings, which were reinvested into cognitive behavioral change programs with the aim of further enhancing compliance with community supervision and reducing the risk of re-offense.

SAC was implemented to align with the elements of a risk-need-responsivity (RNR) case management model. RNR entails targeting interventions in proportion to supervised individual's *risk* to re-offend (more intensive interventions for higher risk supervised individuals), focusing interventions on criminogenic *need* (needs specifically associated with re-offending), and using cognitive-behavioral approaches that are *responsive* to a supervised individual's distinct learning style by accounting for such factors such as mental health or cognitive impairments. This required SAC be aligned with RNR as part of a new community supervision model focusing on cognitive-behavioral intervention and improving supervised individual's motivation to engage, in part, through the use of SAC sanctions.

SAC also increased staff safety, in that the continuity of sanctions was an important aspect to ensure that persons under jurisdiction knew what to expect from staff, and similarly, that staff had a similar response to like behaviors which increased their safety.

Early data revealed a decrease in the use of confinement beds, increase in arrests and a significant decrease in hearings processes. There was an initial cost savings of approximately \$6.4 million in Fiscal Year 2013 for the sole purpose of implementing evidence-based risk-needs-responsivity model for community supervision of individuals.

The SAC Implementation Team was dissolved at the end of year 2013, and in October 2014, three Community Corrections Program Managers (CCPM) were hired. They were tasked with implementing a statewide Cognitive Behavioral Intervention (CBI) program. Forty CBI facilitator positions were established and a statewide Thinking for a Change (T4C) program startup guide was developed. Three Administrative Assistants were also established as Resource Program Management Coordinators and to manage the data collection for T4C.

In early 2016, the Secretary formed a work group, the Violator Improvement Team, which consisted of the regional CCPM's and a Strategic Implementation Manager. The focus of this group was to analyze the process of the SAC model and determine how to implement a fairness component. The work group identified a number of tenants of the model that could be enhanced. There were leading indicators that revealed if and where drift was occurring and informed Department Leadership as to the tenants of the model that were not being adhered to in the process. The work group focused on those tenants to increase adherence and made recommendations.

The Department continues to refine SAC, including aligning it with the more contemporary Swift, Certain and Fair (SCF) model. Basic principles of SCF are swiftness, certainty, proportionality and fairness. SAC aligns with the basic principles of SCF. Swiftness is achieved by the supervised individual's immediate arrest and confinement. Certainty is achieved by a clearly defined response that is applied for all violations. Proportionality is achieved by not only the distinction between low and high-level violations, informing

supervised individuals that some behaviors are more serious than others, but also by demarcating the sixth and subsequent low-level violation as requiring a high-level response to establish that continued violation behavior is considered serious. Fairness is achieved by the SAC orientation which makes the supervised individual aware of the rules and consequences and by a consistent response for a defined set of violations. However, there are several opportunities to enhance fairness in the SAC model because fairness was not an explicit focus during SAC implementation.

## Data Analysis

The ability to accurately track individuals under DOC jurisdiction is important to plan for caseload and capacity needs that drive funding requests. While this sounds simple, tracking some aspects of the DOC population is an ongoing challenge due to complicated sentencing structures and the dynamic nature of movements throughout the system. Tracking movements has been particularly challenging for individuals who violate the conditions of their community supervision as a result of complexities within the violator process, ongoing changes in policies and processes, and data limitations.

The average daily population (ADP) of violators confined in local jails increased several times in recent years, most recently in February 2016, and has sustained an ongoing trend in the subsequent year. The conclusion of the early 2016 investigation into the increase was that it was driven by process changes in communication and a computer system update. Updates occurred to violator data entry with the launch of the Offender Management Network Information (OMNI) Violator Improvement Process (VIP) screen in January 2016 that improved tracking of the individuals as they move throughout the violation process. Since then the violator population continued its upward trend, prompting the Data Analytics Team to conduct additional analysis to better understand the factors driving the increase. The team conducted a review of the programming logic used across various methods of determining the violator population, and examined population and policy changes that may explain the increase in violators to inform future policy discussions.

The analysis suggests that the increase in the confined violator population is not solely explained by an increase in the community supervision population or a higher rate of violations per person. The number of Secretary Warrants issued for violations and the time to resolve those warrants has stayed relatively stable, resulting in a modest decrease in the rate of warrants issued for the population. Although the rate of violation behavior seems to be steady, the average confinement days sanctioned has been gradually increasing since 2014. This corresponds with a similar increasing trend in the proportion of the active supervision population with a SAC count of more than five, which are eligible for up to 30 days confinement for each violation process and cannot have their sanction mitigated to a non-confinement option. Consecutive supervision results in SAC counts running longer than originally anticipated leading to more individuals with 6-plus hearing processes. These longer stays contribute to a larger overall violator population. Initial implementation did not account for the percentage of the population that would continue to be repeat violators, nor did it account for the types of behaviors and subsequent violations that would place this group in excess of 12 or more violation responses.

## Policy Impacts

With the implementation of 6204, the following policies and procedures were impacted, requiring significant changes to current practice. The following is an explanation of those policies and the changes involved.

### DOC 310.100 Intake

CCOs meet with individuals after sentencing to explain the requirements of their sentence and what supervision will entail. As part of this discussion, SAC is explained and the process around violations of supervision. The goal is to have a transparent and consistent system where compliance is acknowledged and there is an understanding of what will occur if conditions of supervision are violated.

### DOC 460.130 Response to Violations and New Criminal Activity

This policy has required many changes and updates. With the implementation of SAC, DOC staff responses to violations were re-developed. Individuals on supervision who were under the Department's jurisdiction to sanction needed to be enrolled in the new violation process and have the consequences of violating supervision explained.

When SAC was initially implemented, every qualifying person started supervision with a violation count of zero. Violations were broken down into two categories, high and low-level violations. The first violation process could be handled with an out of custody option of a stipulated agreement. Low-level violation processes from the second to the fifth process would be addressed with a jail sanction of up to three days and occurred without a full hearing process. Low-level violation processes of the sixth or higher, and all high-level violations, resulted in a high-level violation process including mandatory confinement of up to 30 days and occurred with a full hearing process.

As part of the violation process, a Behavior Accountability Guide was created to define low and high-level violations. Staff may also consider aggravating or mitigating factors to address those outlying behaviors that have to be considered to address dangerous behavior or mitigate behaviors for individuals with known/established medical or mental health issues when confinement would interfere with the stability of medications, treatment, employment, or housing.

New criminal activity was also handled in a new way where if a crime was committed in the presence of a DOC Officer, and law enforcement declined to arrest, the DOC Officer was required to arrest that person who committed a misdemeanor, gross misdemeanor, and/or felony.

DOC staff are required to refer charges for behavior that is considered a criminal offense to the local prosecuting attorney's office within three business days of arrest. For all individuals being supervised for an offense other than those listed under RCW 9.94A.737(5) ("*specified offense*"), they are to be held for three business days, or until the prosecutor files charges. For those being supervised for a specified offense, they are to be held 30 calendar days, or until the prosecutor files charges.

One of the first changes to this policy was to differentiate between supervised individuals that failed to report versus those who absconded from supervision. The Department experienced an unintended consequence of an increased amount of “failing to report violations” after implementing SAC. This resulted in a high number of Secretary’s Warrants being issued. Failing to Report is considered a low-level violation garnering up to three days jail sanction once the supervised individual was apprehended. Once supervised individuals missed a report day, and they knew they were in violation, they continued to abscond from supervision knowing once apprehended they would only face one to three days sanction. This created increased workload challenges for the DOC Warrants and Records staff. It also strained relationship with Law Enforcement partners serving warrants under dangerous conditions only to learn the supervised individual would be released within three days or less. The Bureau of Justice Assistance (BJA) recommended meaningful sanctions are needed to address violations. Therefore, a major change to the policy was adopted to clarify the difference between “Failing to Report” versus “Abscond.” The change allowed a supervised individual to turn themselves in within seven calendar days of the warrant being issued to any DOC Field Office and, if still eligible for a low-level process, receive a one to three day sanction. All supervised individuals apprehended by Law Enforcement or DOC, or who are arrested for a new crime out of state, are now considered an “absconder” and receive a high-level violation process with a sanction of up to 30 days.

There were also modifications that addressed missed treatment group violations to clarify a violation only resulted from termination from the program.

The FTOAL section of the policy has had the most revisions based on advice received from the Attorney General’s Office. The Department was not consistent in the application of addressing FTOAL violations or violation behavior associated with the new criminal activity, given the complexity.

January 2016 - The Department made a decision regarding responses to violations. This included DOC providing responses for violation behavior that constitutes new criminal behavior, which was previously addressed through the criminal justice process for the new crime. In addition, DOC would address violations committed in the commission of new criminal behavior. DOC staff were directed to forward the FTOAL violations and associated violations to the charging prosecutor notifying them that the new criminal behavior was also a violation of community supervision. The Department would then consider the violations to have been addressed through the adjudication of the alleged offense(s) and the outcomes of the criminal justice process. The Department felt that this approach would satisfy our obligation to address all violations and would also support truth in sentencing by ensuring the outcomes are reflected in the individual’s criminal record.

February 2016 - The Violator Improvement Team wrote a draft policy 460.130 which incorporated the above process and referred to it as “bundling.” The team wrote an outline for a process to formally address all violations via a low-level violation process or high-level violation process, whichever is applicable. The violations were to include FTOAL violations as well as violations which were elements of the crime.

March 29, 2016 - The policy was implemented and high-level discussions determined the best course of action was to make changes in policy rather than statute for addressing FTOAL violations.

August 30, 2016 - Recommendations were made to DOC's Executive Leadership Team, and it was decided the Department would maintain status quo in regards to addressing FTOAL violations, except that FTOAL violations committed by individuals being supervised for a specified offense under RCW 9.94A.737(5) would be handled like all other individuals under community supervision.

This change was made by memorandum and went into effect on September 18, 2016, and as a result, the number of FTOAL violations rapidly increased which resulted in an increase in violator ADP.

### DOC 350.750 Warrants, Detainers, and Holds

Under statute, the Department has the authority to issue or request a warrant/detainer for the arrest/detention of supervised individuals who are accused of violating conditions or requirements of supervision/community custody or make themselves unavailable for supervision.

The supervised individual is considered to have absconded from supervision if s/he willfully;

- a.) Fails to report as directed or makes themselves unavailable, unless s/he turns him/herself in to the Department Field Office within seven calendar days of issuance.
- b.) Travels out of state in violation of his/her conditions or travel permit and is arrested in the other state for new criminal activity.
- c.) Fails to report within one business day of releasing from a hospital or similar facility following a conditional release.

After the first violation process, a person who fails to report or absconds supervision will serve mandatory confinement, although if they turn themselves in on violation process 2 through 5 within seven calendar days they can serve up to three days jail instead of having a full hearing process which results in more jail time served pre-hearing. There were also policy revisions to develop a protocol for CCOs to attempt to make contact with the supervised individual in the community once a warrant was issued.

### DOC 380.200 Community Supervision of Offenders

CCOs perform risk assessments for supervised individuals and their minimum contacts standards are driven by their risk level. The risk levels are currently High Violent, High Non Violent, Moderate, and Low.

The primary responsibility of the CCO is to:

- d.) Carry out the sentence of the court.
- e.) Impose/recommend conditions of supervision.
- f.) Develop supervision plans.
- g.) Complete assessments and reassessments of risk.
- h.) Hold those on supervision accountable to their supervision plans and conditions of supervision.
- i.) Supervise Sexually Violent Predators conditionally released from the Department of Social Health Services.

- j.) Supervise those on supervision under the Indeterminate Sentence Review Board jurisdiction in consultation with the Board.

### DOC 420.390 Arrest and Search

To enhance employee and public safety, the Department has the authority to arrest a supervised individual who is accused of violating the conditions or requirements of supervision/community custody, or has committed a crime in an authorized DOC Officer's presence. As mentioned above, staff will follow DOC 460.130 after the supervised individual has been arrested.

Supervised individuals are generally incarcerated in local county or tribal jail facilities as space allows based on defined contractual agreements. Since DOC does not typically operate violator facilities, and is only responsible to house prison commitments, it is imperative that the Department engage in agreements with local stakeholders to house the DOC violator population. While implementation of SAC included stakeholders across the state to include prosecutors, jail administrators, defense attorneys and law enforcement, due to space constraints at local jail facilities, and in some cases limited medical staff, supervised individuals can be transported all over the state to serve their mandatory sanction time.

## Judicial Impacts

### *Grisby v. Herzog*

In October 2015, the Washington State Court of Appeals held in *Grisby v. Herzog*, 190 Wn. App. 786 (2015), that DOC must appoint attorneys at community custody violation hearings and prison infraction hearings in certain circumstances when the individual under DOC jurisdiction has requested representation and the individual could be returned to prison or an alternative drug offender sentence revoked.

The *Grisby* case requires the following case-by-case review by a DOC Hearing Officer to determine whether the DOC must appoint an attorney to represent the individual under DOC jurisdiction at the hearing:

- Is there an unusually complex issue?
- Can the individual under DOC jurisdiction adequately represent him/herself at the hearing?

An estimated 400 hearings per month statewide are eligible for attorney representation, however this number is expected to increase with an expected increase in revocation hearings for Prison Drug Offender Sentencing Alternative (DOSA) individuals. *Grisby* hearings are limited to Prison DOSA individuals and Community Custody Prison (CCP) and Community Custody Inmates (CCI) that have 30 or more days of revocation/return time remaining. If the Hearing Officer decides an attorney is needed, the hearing is rescheduled to appoint an attorney. This results in two scheduled hearings rather than one. In addition, these hearings are longer and more complex, thereby increasing staff workload. This is an expansion of current services and workload; the Department does not currently appoint attorneys to represent individuals under DOC jurisdiction at administrative hearings. The Department will benefit from this work by complying with law, providing individuals under DOC jurisdiction due process, and reducing risk of incarcerated/supervised individual litigation.

### *In re: Blackburn*

The Washington State Supreme Court held in *In re: Blackburn*, 168 Wn.2d 881 (2010), that prior to a violation hearing in which the supervised individual is alleged to have committed a crime, the supervised individual must receive notice that specifically sets forth the alleged facts of the violation and the legal elements of the crime the supervised individual allegedly committed. Every element of the crime must be proven. The *Blackburn* Court said, “An offender whose liberty is in jeopardy should not be misled, subjected to guessing games, or asked to hit a moving target. The realization of these dangers would harm the individual's protected interest in liberty and society's interest in rehabilitating law-abiding offenders.”

For DOC community custody violation hearings, the *Blackburn* decision applies to the enforcement of the “Obey All Laws” condition of community custody. This is a standard condition imposed by the court and the Department. *Blackburn* requires that when an individual on community supervision commits a new crime, the Department must provide notice to the supervised individual that specifically identifies the crime and elements of the crime alleged, and the Department must prove every element of the crime by a preponderance of the evidence.

The challenge with the *Blackburn* requirements is that it essentially turns the violation hearing into a “mini trial.” The Department generally responds to violation behavior within days of the alleged behavior and it is difficult for the CCO, who is not a police officer or prosecutor, to correctly identify the crime and legal elements of the crime, some of which are not expressly included in statute. It is also difficult to gather evidence for a hearing that generally occurs ten days after arrest. For example, police reports are especially hard for the Department to obtain when there is an investigation into a new criminal charge. Finally, supervised individuals at these violation hearings are less willing to participate when they are worried that their testimony will be used against them in a pending criminal court matter.

For these reasons, the Department developed a process to track the criminal case and address the violation after conviction of the new criminal offense. Hearing Officers review and dismiss pending violations of FTOAL without prejudice. While all other violations are addressed soon after the behavior is committed, this particular violation is tracked by the CCO until the criminal court makes a final decision. If the court convicts the supervised individual, the CCO brings the Judgment and Sentence as evidence of the new conviction, thereby alleviating the *Blackburn* challenges of identifying the specific crime and proving each element of the crime prior to conviction. If the court or prosecutor dismisses the charges, or the court finds the supervised individual not guilty, the Department dismisses the pending FTOAL allegation with prejudice.

This workaround has significantly impacted operations. About 60 FTOAL violations are reviewed, approved, and entered onto a statewide tracking log each day. CCOs continually monitor and track each of these pending criminal matters through to completion, and each pending violation has to be closed out on the log.

Perhaps more significantly, splitting up the FTOAL violations from all other violations has increased hearing and sanctioning processes. Supervised individuals who have other violations besides the FTOAL violation will have the other violations addressed before conviction and will have the FTOAL violation addressed after

conviction. This often results in two violation processes and two confinement sanctions for the same behavior.

Example: A supervised individual is arrested for drunk driving and an open container is found in the car. The violation of possessing alcohol will be addressed before conviction and the FTOAL violation is addressed after conviction of the Driving Under the Influence offense. The supervised individual could be sanctioned twice by DOC for the same behavior in addition to any sanction imposed by a Court related to the new criminal conviction.

While the *Blackburn* decision has created more complexity, the workaround allows the Department to meet its statutory obligation to address all violations. “If an offender is accused of violating any condition or requirement of community custody, the department shall address the violation behavior.” RCW 9.94A.737. The Department continues to explore solutions to increase efficiencies in the violation response process while adhering to evidence based practices for changing behavior.

## Best Practices

Research states for SAC sanctioning to be most effective it must incorporate community based sanctions. In other locations best practices include incentives and community based sanctions. The Department does not currently have any built in incentives or community based sanctions. The following are best practices that have come from the implementation of SAC:

- **Mitigating Factors** – Mitigation of violations for individuals who are mentally ill or have medical issues focuses on public safety by allowing the supervised individual to stay engaged in treatment and maintain housing. Allows staff to look at the willfulness of violation behavior and continue to build rapport with supervised individuals while maintaining continuity of care. This addresses the need part of the RNR model.
- **Consistent Response to Violations** – All violation behavior receives a sanction.
- **Sanctions Based on Seriousness of Behaviors** – Identification of high and low-level violations based on risk and seriousness of violation. It provides a consistent response to violations.
- **Aggravating Factors** - Enables the Department to address low-level behavior through a high-level process and provides an option for specific offense cycle behavior.
- **Swift and Certain Response** – CCOs now have the ability to respond quickly and certainly to violation behavior.
- **Consistent Expectations** – Orientation process provides consistency so supervised individual know what to expect.

- **Response to Absconding Behavior** – Distinction between Abscond and FTR in order to disincentive absconding and maintain supervised individual engagement.
- **External Stakeholder Agreements** – Allowed the Department to implement SAC by providing confinement facilities and charging processes.
- **Imposed Conditions** - Continued ability to impose conditions based on risk to reoffend and/or community safety for the purposes of risk reduction and monitoring compliance with supervision requirements.
- **Quality Assurance** – Maintain fidelity of the model to ensure it remains fully executed as it was intended.
- **Staged Implementation** - Interim policies ensured SAC policies were available to impacted offices through the staged implementation. Additionally Subject Matter Experts were established for each section, to provide ongoing support and guidance.
- **DOC Community Custody Violation Hearings** - Continued ability to conduct administrative hearings and sanction internally.

## Recommendations

The following recommendations for legislative changes will allow the Department to incorporate best practices from the more contemporary SCF models implemented in other locations, including having a more balanced approach incorporating more of “the carrot” to incentivize compliance. Additionally, the following recommendations will further enhance the SAC model and eliminate some of the operational challenges the Department has experienced through continued implementation.

**Remove Violation Process Counts** – Focus would be on the supervised individual’s risk and violation behavior. Currently supervised individuals are being arrested and brought to full hearings on minor or technical violations due to the SAC count of six or more. Removing six plus as a high-level violation, and instead, addressing violations as high or low, based on supervised individual behavior, is more adherent to the RNR model. This requires a statutory change to implement.

**Positive Achievement Time (PAT)/Community Custody Earned Time (CCET)** – An incentivized means of allowing supervised individuals to earn time off their supervision based on a specified time period of compliance and also to have that time removed for non-compliance similar to earning good time in the prison. This requires a statutory change to implement.

**Concurrent Supervision** – Eliminate consecutive supervision and have all causes run concurrent, as to enforce conditions immediately for individuals who are serving multiple terms of supervision. This proposal would also mandate, as written in statute that all county jails run DOC CCD sanctions concurrent to any and all local

charges/convictions unless otherwise mandated by a court of competent jurisdiction or a DOC Hearing Officer. This increases the ability to positively impact the person on jurisdiction and make more consistent use of interventions as well as response to violations. This requires a statutory change to implement.

**Resource Centralized Oversight FTEs** – An increase in dedicated staff would provide centralized oversight to ensure the tenets of SAC are being followed and adaptation is minimized. Additional funds would be required to implement.

**Violator Jail Bed Rate Increase** – Provide a jail bed rate increase for DOC’s use of violator population in local jails. This increase allows DOC to remain competitive with other competing stakeholders and sufficiently fund those facilities to hold our violators for the time needed. This increase would also potentially allow additional jails to enter into contracts with the Department for its violator population. This requires a statutory change to implement.

**Tort Reform** – Moving to the gross negligent standard will empower staff to apply the principles of RNR rather than taking the more punitive approach. This will allow for the increased utilization of community based sanctions.

**Non-Confinement Options** – Within statute, grant the Department the ability to determine and utilize non-confinement community based sanctions to address violation behavior. This requires a statutory change to clarify and implement.

**Resource Transport Teams** – Some staff are transporting between three and eight hours per arrest, given the lack of local jail capacity. The Department has piloted transport teams in parts of the state where there are significant geographical and capacity issues. There is an inherent need to evaluate the effectiveness of the transport units to determine long term feasibility and establishment. DOC has requested resources.

**Resource Additional Warrant Apprehension Teams** – DOC does not have the necessary resources to actively search for supervised individuals on warrant, beyond the five day warrant check and given the competing priorities of case management, which is the swift portion of SAC. Additional funds would be necessary to implement.

**Modify Underlying 21 FTOAL Language in Statute** – Remove statutory language regarding a sub-category of individuals that have specific sanctioning requirements per RCW’s 9.94A.737, 9.94A.716, and 9.94A.631. These statutes were amended in 2012 to require offenders who are being supervised for one of 21 underlying offenses (Underlying 21) specified in RCW 9.94A.737 to be held when a new crime is committed while under supervision. Not only is there complexity concerning the sanctioning of these offenders, there is also inconsistencies within the statutes (9.94A.631, 9.94A.716, and 9.94A.737) that govern sanctioning for Underlying 21 offenders. This would need a statutory change to implement.

**SAC Workload Evaluation** – Fund a comprehensive study to evaluate SAC, relative to impacts on recidivism and workload. The agency is scheduled to implement the Washington One, Risk and Needs Assessment Tool in addition to the Continuous Case Management System during the first fiscal cycle. With implementation, the

associated workload will once again change and develop as the tool and system mature. At the present time there is no system in place to capture the new work and how it will intersect with current workload and policy directives. The benefits for conducting a workload study include creating efficiencies and to prioritize the work that is necessary for the organization to achieve its strategic goals. An updated workload model will also enable the agency to clearly articulate the staffing needs to the legislature to secure appropriate funding in order to carry out the mission of the agency.