



# Community Parenting Alternative

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2013 Report to the Legislature

*As required by Third Engrossed Substitute Senate Bill 5034*

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# Community Corrections Alternatives

## 2013 Report to the Legislature

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### Executive Summary

The 2013 Legislature directed the Department to evaluate the community parenting alternative program, and make recommendations for increasing participation in the program, with the goals of increasing public safety and decreasing recidivism. The report directed DOC to include recommendations for increasing the placement of eligible offenders into the program and increasing eligibility to other populations.

The Family and Offender Sentencing Alternative (FOSA) and Community Parenting Alternative (CPA) were created in 2010 for offenders with minor children as an option from confinement. Contained in this report is information on Substitute Senate Bill 6639, program elements, stakeholder collaboration, outcomes to date, percentage of the eligible population currently entering the program, increase placement of eligible offenders, increase statutory eligibility to other populations, and the potential costs savings generated by the alternatives.

The DOC program is in its third year and has not reached the three year measurement for recidivism, though early indications are that most offenders have not returned to prison in that period of time. Out of approximately 172 offenders who successfully completed the program, six offenders have been convicted of a new crime and have been sentenced to prison. Of these six offenders, all were women and only one crime was more serious than the original conviction. DOC is excited by this early indication of a break in the cycle of incarceration for this group of offenders.

### Report Overview

The 2013 Legislature directed the Department of Corrections (DOC) to submit a report to the Office of Financial Management and the appropriate fiscal and policy committees of the legislature to evaluate the Department's Community Parenting Alternative program, and make recommendations for increasing participation in the program with the goals of increasing public safety and decreasing recidivism. The evaluation shall include recommendations for:

- Increasing the placement of eligible offenders into the program, and
- Increasing eligibility to other populations.

In making its recommendations the department shall identify:

- The percent of the eligible population currently entering the program,
- Outcomes to-date for program participants, and
- Potential cost savings from increasing placement of offenders into the program.

## Legislation

Substitute Senate Bill 6639 (SSB 6639) was signed into law with an effective date of June 10, 2010. This new law created two new opportunities for offenders who are facing a prison sentence and who are currently incarcerated to be with their minor-aged children in lieu of confinement when it is in the best interest of the child to do so. The population targeted for this program is offenders who are repeat offenders that are high utilizers of the system. The goal of the legislation is to break the intergenerational cycle of crime, mentor offenders in parenting skills, and provide programs such as mental health and substance abuse treatment. The legislation also increased collaboration of DSHS and DOC in working together towards the best interest of the children, while reducing duplicative services by these two agencies.

DOC leads the nation in the development and implementation of such a program in partnership with Department of Social and Health Services (DSHS) in the best interest of children and families while attempting to reduce intergenerational incarceration within our communities. Washington utilizes a state-wide application, transferring offenders from prison to home on electronic monitoring, and utilization of a partnership with DSHS. DOC has specifically trained staff and resources have been developed between agencies to share best practices in working with this population. In addition to DSHS, the Department of Early Learning (DEL) has been instrumental in providing training to staff around pertinent issues such as Adverse Childhood Experiences (ACES) and child and family developmental stages.

### Family and Offender Sentencing Alternative

One alternative created is a judicial sentencing option called the Family and Offender Sentencing Alternative (FOSA) that is an alternative sentence the court may consider when a defendant is facing a prison term and meets the criteria for the alternative. The judge is allowed to waive the prison sentence if he/she determines it is in the best interest of the child for the offender to remain in the community to parent the child, in lieu of a prison term. As part of this alternative, the court also orders 12 months of community custody.

### Community Parenting Alternative

The other alternative created is called the Community Parenting Alternative (CPA) that allows DOC to screen eligible offenders who meet criteria for transfer from prison to home on electronic monitoring for up to the last 12 months of their incarceration, when it is in the best interest of the child. This alternative requires DOC and the Department of Social and Health Services (DSHS)-Children's Administration (CA) to collaborate on open child welfare cases, reduce duplicative services, and for Children's to provide a report of history in the child welfare system when considering cases for the alternatives.

## Program Elements

The supervision of cases on these alternatives operates from a solution-focused model with the foundation being the five protective factors of strengthening families:

- Parental Resilience,

- Social Connection,
- Concrete Support in Times of Need,
- Knowledge of Parenting and Child Development; and
- Social and Emotional Competence of Children.

The program operates on a phase-based system with the most intensive supervision occurring in the first three month period and then decreasing in contact as the later months occur, as long as the offender is not in violation of the program elements. There are contact standards and expectations of all participants to practice *present parenting*; meaning to be clean and sober and put their kids first in daily decision making. Additional expectations include reading with their children daily for at least 20 minutes, homework time, daily itineraries of their activities, having dinner without distraction of television, consistency with routine and discipline, financial, organizational, and time management, structured job search, and approval of community activities. Additional conditions exist depending on re-offense risk and court-ordered obligations. This program focuses attention not only on the offender but in family management strategies in utilization of the solution based case management model in order to assist in building sustainable families within our communities.

### **Stakeholder Collaboration**

To implement these alternatives that involved a more intensive supervision model, DOC identified skills and abilities of staff that were needed to balance the needs of community safety, children and families, and provide structure and guidance in parenting for offenders. Committees with cross-agency representation were formed so that the Department would have information and best practices identified as staff were hired and a supervision model was developed. The staff needed to support these alternatives, a program administrator, program manager, and specialized Community Corrections Officer positions (CCOs) were hired June of 2010. Training began on assessing inmates for movement onto the CPA option of the alternative.

The first offender that had received a FOSA sentence occurred near the end of July 2010. Each of the alternatives operates from a strengths-based approach to supervision which utilizes the solution-based case management model adopted by DSHS Children’s Administration. DOC staff supporting these alternatives received additional training on these concepts ensure an understanding of family dynamics and functions. The CCOs who manage the FOSA and CPA cases blend corrections and social work strategies setting a new trend in correctional practice. There are identified regional contacts within the Children’s Administration that work with DOC staff in order to assist with determining what the “best interest of the child” is and who exchange information pertaining to current cases and historical involvement with the child welfare system.

Twenty-Seven of the cases had an open child welfare case documented from July 1, 2010 through June 30, 2013. This is about 8% of the total FOSA and CPA program populations. In these cases, DOC CCOs and DSHS social workers are required to perform field work together quarterly. There is information shared on a monthly basis, as required in the contact standards for the CCOs, with assigned social workers. For all the other cases, or if there are other questions or issues that arise, there are identified

regional contacts with the Children’s Administration who work with DOC staff in assessing and managing cases for the best interests of children and public safety.

To assist with placement recommendations for CPA offenders, a multi-disciplinary screening committee made up of agencies, non-profit organizations, and others who have experience working with children and families was formed in order to assist the Department in making the determination of the “best interest of the child” as required by the law. This group meets monthly and assesses cases based on the following information:

- Length of incarceration
- Institutional behavior
- Institutional programming
- Nature of harm in offense
- Location and care of child(ren)
- Release address and planning
- Involvement of or with Child Protective Services (CPS)
- Community resources and connection
- Victim and community concerns

### Outcomes To-date for Program Participants

Total Participants: 306

	Completed	Terminated/Revoked	Active	Total
<b>CPA</b>	110 (71%)	21 (14%)	23	<b>154</b>
<b>FOSA</b>	62 (41%)	32 (21%)	58	<b>152</b>
<b>TOTAL</b>	172	53	81	<b>306</b>

Gender Breakdown:

	Male	Female
<b>CPA</b>	38	116
<b>FOSA</b>	30	122
<b>TOTAL</b>	<b>68</b>	<b>238</b>
	22%	78%

Of the 172 offenders that successfully completed either alternative between June of 2010 and 2013, there have been six offenders with a new felony commitment to prison. Of these offenders, all are from the CPA alternative. None of the offenders who successfully completed the FOSA program have returned to prison on a new felony within the three year period.

## **The Percent of the Eligible Population Currently Entering the Program**

DOC is unable to determine the percent of the eligible population that either receive a FOSA sentence or are transferred to the community in CPA, without doing a case by case screening. For FOSA sentences, it is dependent upon the court to determine eligibility prior to sentencing. For DOC to determine if an offender is eligible for CPA, many steps occur before the final determination. Upon referral to the program, the DOC CPA program manager ensures the offender meets statutory eligibility, such as crime of conviction. Of those offenders that are determined to have an eligible offense, an additional screening is conducted to review placement of the child, support of caregiver or spouse, nature of harm in current offense or history. For the offenders that meet these standards, the program manager schedules interviews and completes the transfer plans in preparation for review by the multi-disciplinary committee.

At committee, the offenders are screened and reviewed to consider: current placement of child and adjustment, home evaluation, child welfare history information, institutional behavior and programming, visitation and family/child connection, and whether the transfer of the offender would be in the best interest of the child. If the committee recommends participation, then the case goes to the Assistant Secretary of the Community Corrections Division for final review and then to the Secretary for final approval. Reasons for denial on final approval or movement are due to behavior problems after screening, family support changes, or approved housing cannot be obtained. There are many factors that are considered at each of the intersections of the screening process that impact the ability to place all the offenders as are referred to the program.

For background, in the three year period of the program, there have been 2,012 cases referred to the DOC CPA program manager. Referrals are generally made by the counselor, offender, family member, social worker, or attorney. Because of the reasons mentioned above, only 269 of the 2012 cases referred were moved forward to the committee for consideration. Of the 269 that were considered by the committee, approximately 57% (154) were approved for participation and moved into the community on the alternative. Examples of why offenders were denied placement include: lack of pro-social connections, institutional behavior, and that movement was not in the best interest of the child.

## **Increase Placement of Eligible Offenders**

### Community Parenting Alternative

Currently the Department is assessing, referring, and screening all possible offenders that are eligible and appropriate for this program. The only population not considered for participation is offenders currently sentenced to a Drug Offender Sentencing Alternative (DOSA). Based on stakeholder input when the program was initially developed, policy was developed to exclude these offenders from eligibility. It is likely that some offenders serving a DOSA sentence could also benefit from the parenting alternative. Based on recent stakeholder collaboration with the Washington Association of Prosecuting Attorneys, DOC plans to include in eligibility review of offenders serving a prison DOSA sentence for

transfer to the community. It was agreed that DOC will consider these offenders for transfer only when they are within six months of release, rather than 12 months, and reevaluate after some experience with this population is gained. This change will increase the numbers of candidates and increase the total population of this alternative.

Offenders at the Washington Correctional Center for Women receive information regarding the CPA program upon admission at orientation by the program manager. Male offenders entering the prison system at the Washington Correction Center (WCC) were given information about the alternative during earlier program implementation, but have not consistently been receiving the information since that time. Efforts are being made to reinstitute this process at the male reception center at WCC so that all male offenders receive initial information. Most of the male institutions, except for Olympic Corrections Center, Clallam Bay Corrections Center, and Stafford Creek Corrections Center, have had the program staff present information to the staff and offenders regarding the CPA. To effectively meet the need to screen all male offenders and expand the screening process, an additional staff position housed at the WCC would allow additional male candidates for consideration and maintain a presence and direct referral base at the male facilities. Currently the program manager is housed at the female facility, WCCW, and performs these duties for all eligible female offenders and does screening of male offenders, if a referral is made.

#### Family and Offender Sentencing Alternative

DOC will continue to work with our criminal justice partners in sharing data, success, and outcomes in an effort to increase use by the courts of the FOSA alternative. Now that the program has been operating for three years, data can be shared to provide more information to the judges, prosecutors, and defense attorneys as to the value, structure, and strengths of the alternative.

### **Increase Statutory Eligibility to other Populations:**

#### Community Parenting Alternative

DOC has considered expansion of the statutorily eligible offenders and does not see an ability to expand the eligibility for the CPA population at this time. Because of the need to be sensitive to the family and child aspect of this program, it is not in the best interest of the program to expand to include offenders that have been convicted of violent or sex offenses on the current incarceration. All other referred offenders are considered if they meet the eligibility requirements of the law and program.

#### Family and Offender Sentencing Alternative

The current statute could be expanded for eligibility to include offenders who have a history that includes a violent offense. Currently the statute prohibits offenders who have a history or current conviction for a violent or sex offense and this can include offenses that occurred when the offender was a juvenile or that occurred many years ago. If the statute were amended to allow offenders to be considered if the offense occurred more than five years prior to the current conviction, the pool of eligible offenders for consideration would be expanded. The court currently assesses all aspects of the case prior to sentencing to the alternative and can weigh the significance of the criminal history as the

appropriateness of the alternative is considered. DOC would not support expansion of these criteria as it pertains to sex offenders.

## **Potential Cost Savings from Increasing Placement of Offenders into the Program**

### Community Parenting Alternative

In Fiscal Year (FY) 2013, the cost per offender per day for direct supervision for the parenting alternative program was \$35.78. The offsetting savings for reduced time served in prison, based on the direct variable cost per offender of \$15.28 per day for females and \$12.22 per day for males. The direct variable cost (DVC) is defined as those items that directly affect the cost of one offender incarcerated in a prison facility to include (but not limited to), clothing, food, laundry, bedding, utilities, and medical. As the population does not reach the level needed to close a living unit, savings related to staffing are not included; savings would be much greater if this level was achieved. The offender days are a one for one cost vs. savings as the same number of days are saved in prison as spent in the community in the parenting program.

Savings/Cost Calculation:

Based on the calculations above, the community parenting alternative is a cost to DOC of \$20.50 ( $\$35.78 - \$15.28 = \$20.50$ ) per day for females and \$23.56 ( $\$35.78 - \$12.22 = \$23.56$ ) per day for males. For the time period of June 2010 through June 2013, the average time spent in the community for this population was 190 days.

### Family and Offender Sentencing Alternative

Savings for average daily population sentenced by the courts to the parenting alternative program includes increased savings as offenders are detoured from prison where they would have a longer stay than in the community parenting program. The average stay in prison for an offender convicted of a non-violent, non-sex offense that met the criteria for this program is estimated at 18 months or 548 days. In addition, approximately 43% of these offenders would have been sentenced to community supervision at an average length of stay of 15 months or 456 days.

Savings/Cost Calculation:

Cost of the Family and Offender Sentencing Alternative for offender savings from prison avoidance is \$15.28 for female and \$12.22 for males per day with an average prison length of stay of 18 months. An additional savings is realized of \$19.06 per day based on FY2013 community supervision cost per offender data at an average length of stay of 15 months for the offenders that would have had a term of community supervision upon release (43%).

Savings calculation

Total estimated cost based on the duration of time included in the program and subsequent savings associated with an offender estimated length of stay in prison and on community supervision.

Female – Cost for FOSA supervision ( $\$35.78 \times 365 \text{ days} = \$13,060$ ) offset by savings of ( $\$15.28 \times 548 \text{ days} = \$8,373$ ) plus ( $\$19.06 \times 456 \text{ days} \times 43\% = \$3,737$ ) for a net cost of \$950 per offender participant.

Male – Cost ( $\$35.78 \times 365 \text{ days} = \$13,060$ ) offset by savings of ( $\$12.22 \times 548 \text{ days} = \$6,697$ ) plus ( $\$19.06 \times 456 \text{ days} \times 43\% = \$3,737$ ) for a net cost of \$2,626 per offender participant.

Additional savings have been realized through the avoidance of foster care costs (average \$1,012 per child, per month) due to children remaining, or reuniting with, their family.

**Foster Care Cost Avoidance:**

	<b>Number of Offenders</b>	<b>Number of Children Coming from Foster Care</b>	<b>Prevented from going to Foster Care</b>
<b>FOSA</b>	22	12	24
<b>CPA</b>	19	2	24
<b>Total</b>	41	14	48

*Average cost per child, per month on foster care: \$1,012*

Additional savings include intangibles such as avoidance of potential capital costs to address prison capacity requirements. Preliminary outcomes have shown a substantial decrease in the return to prison rate that indicates a long-term savings effect on recidivism for offenders completing this program. For the population that are receiving both DOC and DSHS services (85% of the program participants), additional savings for the state are achieved through a reduction in duplicative services such as parenting, chemical dependency, mental health so that both agencies are not absorbing the same cost.

DOC is pleased to acknowledge the success of the program as shown in the reduced recidivism for program completers, the positive outcomes in strengthening families, and the increased collaboration with DSHS. DOC is committed to continuing the partnerships with state, local and tribal entities for furthering the success of this program.