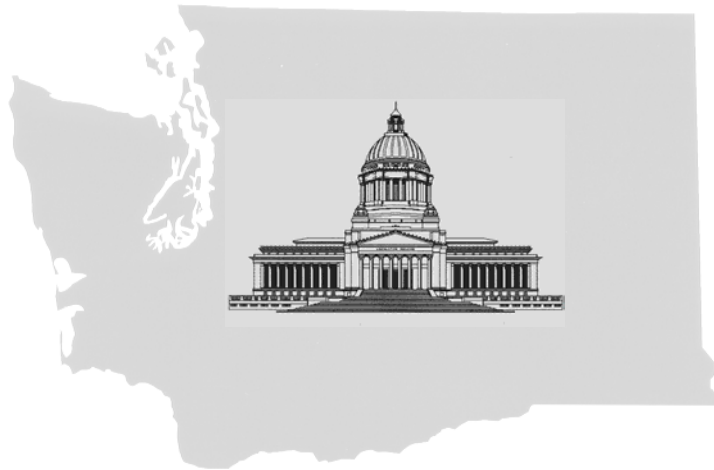


**State of Washington
Joint Legislative Audit and Review Committee (JLARC)**



**Department of Corrections
Community Supervision Study**

Report 02-1

January 9, 2002

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in alternative formats for persons with disabilities.*

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The Joint Legislative Audit and Review Committee (JLARC) carries out oversight, review and evaluation of state-funded programs and activities on behalf of the Legislature and the citizens of Washington State. This joint, bipartisan committee consists of eight senators and eight representatives, equally divided between the two major political parties. Its statutory authority is established in RCW 44.28.

JLARC staff, under the direction of the Committee and the Legislative Auditor, conduct performance audits, program evaluations, sunset reviews and other policy and fiscal studies. These studies assess the efficiency and effectiveness of agency operations, impacts and outcomes of state programs, and levels of compliance with legislative direction and intent. The Committee makes recommendations to improve state government performance and to correct problems it identifies. The Committee also follows up on these recommendations to determine how they have been implemented. JLARC has, in recent years, received national recognition for a number of its major studies.

**DEPARTMENT OF
CORRECTIONS
COMMUNITY
SUPERVISION STUDY**

REPORT 02-1

REPORT DIGEST

JANUARY 9, 2002



STATE OF WASHINGTON

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Overview

As directed in the 2001-03 Operating Budget, this Joint Legislative Audit and Review Committee's (JLARC) operational review focuses on the Department of Corrections' implementation of the 1998 JLARC recommendations about community supervision, the early implementation of the 1999 Offender Accountability Act, and the use of risk-based models for community supervision.

DOC's Implementation Of JLARC Recommendations

JLARC has found progress on implementing these recommendations, but DOC still has considerable work to do.

One recommendation was for DOC to have an effective tracking system to determine whether sentencing conditions are being enforced.

Status: DOC began work in 1999 to replace its old tracking system with its new Offender Management Network Information (OMNI) system. One of the things that this new system is designed to do is track offenders' compliance with their sentencing and supervision conditions, and to incorporate the Offender Accountability Plan for each person under community supervision. However, this tracking function only went on line in October 2001. DOC field staff are still using the older, more cumbersome system for most other functions relating to offender supervision, which has created considerable frustration. Full implementation of OMNI is still several years in the future.

Another recommendation was for DOC to make available to the Legislature workload and budget assumptions, and maintain key historical information.

Status: DOC has made available its workload and budget assumptions for community supervision to the Legislature. However, DOC needs to clearly communicate information about its community supervision caseload. Confusing terminology and caseload counts that cannot be reconciled impair the reliability of the Department's community supervision data for budget preparation, workload determination, and caseload forecasting. Furthermore, the Department's workload assumptions are based on unconfirmed estimates. In the absence of caseload and workload information that can be relied upon, the cost impacts of using the risk-based model of community supervision are difficult to determine. We expect DOC will make some progress in providing information about its workload, pending a consultant study that will verify workload assumptions. However, this new workload information is not intended to answer questions about appropriate levels of service to be provided, and related budget impacts.

Offender Accountability Act

Washington's Offender Accountability Act, passed in the 1999 Legislative Session, became effective on July 1, 2000. This is a comprehensive piece of legislation that changes the way the Department of Corrections supervises offenders in the community. A risk assessment process (discussed on the next page) is a key element in this new community custody approach. Overall, under this new classification system, more violent and sex offenders are being defined as high risk, and more drug offenders are being defined as moderate and low risk than under the system in effect before July 2000.

DOC has implemented major elements of the Act, including: a systematic means to assess community risk; risk assessments for offenders who had a pre-sentence investigation ordered by Superior Court and those who required face-to-face supervision; a system of graduated sanctions for violations and associated hearings of community custody conditions; and a county jail bed utilization protocol.

Risk-Based Models

DOC's current risk-based model uses an assessment tool (Level of Service Inventory-Revised, LSI-R) to evaluate an offender's likelihood to re-offend, and combines this assessment with risk management identification (RMI) criteria to classify offenders into four risk management levels – from highest to lowest risk. Other states using similar tools and approaches are generally positive about their potential impacts for improving public safety. They acknowledge, however, that the potential impacts come at a price – investment of time and money to ensure that risk management is properly planned and implemented, with an emphasis on providing staff with ongoing, appropriate training. Lessons learned from other states are that a risk-based model:

- Can assist the management of caseloads by identifying high-risk offenders and appropriate interventions, and help with assessing treatment needs and assigning supervision based on offenders' risks to re-offend.
- Cannot tell the precise level of supervision resources needed by different types of offenders; which specific supervision conditions or interventions are effective for which offenders; or what types of future offenses will be committed by those at high, or even low, risk of re-offending.
- Should not be tied rigidly to the staff allocation and budget process, which can create incentives for manipulating the model and hence jeopardizing its objectivity.

Using a valid assessment tool to determine risk, however, is an improvement over past DOC practices, as is the Legislature's direction to allocate scarce supervision resources to those posing a higher risk to public safety. Nevertheless, **JLARC's assessment is that presently, neither the Department nor the Legislature can know whether or not the use of this risk-based approach is yielding improvements to public and community safety.** The Washington State Institute for Public Policy's examination of

impacts, over the longer-term, may possibly shed some light about future benefits from this risk-based approach. However, it may be difficult to measure what supervision strategies work best, and how resource allocations to DOC community supervision will affect the way strategies are implemented.

Response From The Field

JLARC found wide support among field staff for the policy change of assessing risk, classifying offenders according to risk, and allocating supervision resources according to risk. However, the implementation of this policy change has led to considerable frustration among field staff. Problems include:

- Community corrections officers spend much more time on data entry, as well as on interpreting rapidly changing policies and procedures, and much less time supervising offenders.
- Supervision is often minimal for low-risk offenders, especially drug offenders, some of whom have the potential—despite their risk classification—of committing crimes.
- Use of professional judgment, and associated approval of it, to override an outcome of the assessment tool is difficult to employ and, thus, is not being used.
- Timely training on the full use of assessment tools is lacking.

Summary Of JLARC Recommendations

1. DOC should ensure that sentencing and supervision conditions are fully enforced.
2. DOC should maintain and communicate an accurate, consistent, and easy-to-understand count of community supervision cases.
3. DOC should develop an accurate workload model to reflect how much time it takes to do various community supervision-related tasks.
4. DOC should develop and implement a plan with staff involvement to improve communication between management and staff.
5. DOC should establish protocols for staff training.
6. DOC and Washington State Institute for Public Policy should re-examine the utility of legislatively mandated evaluation (currently embarked upon by the Institute) for assessing the effectiveness of the Offender Accountability Act.

TABLE OF CONTENTS

CHAPTER I: INTRODUCTION.....	1
DEPARTMENT OF CORRECTIONS BACKGROUND.....	1
STUDY MANDATE	3
METHODOLOGY.....	4
CHAPTER II: DOC’S IMPLEMENTATION OF JLARC’S 1998 RECOMMENDATIONS	5
TRACK OFFENDERS ON COMMUNITY SUPERVISION	5
MAKE AVAILABLE TO THE LEGISLATURE WORKLOAD AND BUDGET ASSUMPTIONS FOR COMMUNITY SUPERVISION	6
CHAPTER III: DOC’S EARLY IMPLEMENTATION OF THE OFFENDER ACCOUNTABILITY ACT	11
OFFENDER ACCOUNTABILITY ACT: KEY ELEMENTS AND CHANGES	11
KEY MILESTONES AND PROJECTED TIMELINES	13
IMPLEMENTATION OF THE RISK ASSESSMENT PROCESS.....	13
FIELD STAFF PERSPECTIVES ON THE IMPLEMENTATION OF THE OFFENDER ACCOUNTABILITY ACT.....	15
CHAPTER IV: RISK-BASED MODELS	19
DOC’S APPROACH TO RISK-BASED CLASSIFICATION AND SUPERVISION.....	19
RISK BASED MODEL: PUBLIC SAFETY AND RECIDIVISM.....	26
NATIONAL RISK-BASED ASSESSMENT PRACTICES.....	27
CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS.....	29
CONCLUSIONS.....	29
RECOMMENDATIONS	30
ACKNOWLEDGMENTS	32
APPENDIX 1 – SCOPE AND OBJECTIVES	33
APPENDIX 2 – AGENCY RESPONSES.....	37
APPENDIX 3 – LEGISLATIVE REQUIREMENTS FOR THE WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY TO EVALUATE OAA.....	47
APPENDIX 4: RECENT EVOLUTION OF COMMUNITY SUPERVISION WITHIN WASHINGTON STATE.....	49
APPENDIX 5—RISK MANAGEMENT IDENTIFICATION FORM.....	51
APPENDIX 6 – OFFENDER ACCOUNTABILITY PLAN	55

CHAPTER I: INTRODUCTION

As directed in the 2001-03 Operating Budget, this Joint Legislative Audit and Review Committee (JLARC) operational review assesses the Department of Correction's (DOC) implementation of JLARC's 1998 recommendations about community supervision, examines DOC's early implementation of the 1999 Offender Accountability Act, and evaluates the use of risk-based models of community supervision. The Washington State Institute for Public Policy, also at legislative direction, is taking a longer-term look at the impacts and cost-effectiveness of these policy changes, with their final report due in 2009.

This chapter provides a brief background of the DOC, as well as discusses the study mandate, scope and objectives, and methodology.

DEPARTMENT OF CORRECTIONS BACKGROUND

DOC was created in 1981 when its functions were separated from those of the Department of Social and Health Services. Chapter 72, Revised Code of Washington contains the authorizing legislation for the Department of Corrections.

DOC is primarily responsible for ensuring the safety of the public, staff, and inmates, and enforcing sentences given by the courts to the offenders for their crimes. Its key functions include:

- Operating eight major institutions, five minimum custody institutions, two pre-release facilities, and 15 work release facilities for incarcerating and housing felony offenders;
- Supervising felony offenders and misdemeanor offenders sentenced in Superior Court who reside in the community;
- Providing targeted intervention programs and services (e.g., mental health services, chemical dependency treatment, sex offender treatment, adult basic education, etc.) for offenders in order to reduce the likelihood of their re-offense; and
- Managing correctional industries to provide incarcerated offenders with opportunities to develop a work ethic and build skills that will help them find work when they are released.

Since the Sentencing Reform Act (SRA) of 1981, additional legislative acts have affected how the Department supervises offenders in the community under its jurisdiction. Recent legislation includes the 1984 Special Sex Offender Sentencing Alternative (SSOSA), the 1996 and 1999 Drug Offender Sentencing Alternative (DOSA), and the 1999 Offender Accountability Act (OAA) to improve community safety.

DOC's Community Supervision Responsibilities

The Offender Accountability Act in particular, was in response to the concern that the existing structure of community supervision did not reflect either the risks posed by offenders in the community or public expectations of the Department of Corrections' ability to monitor offenders and protect the public. The Act applies to offenders who committed crimes after June 30, 2000. The Act requires that the Department assess the offender's risk to re-offend and gives DOC the authority to establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety. Furthermore, the Act requires the Department to "supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court."

DOC is responsible for supervising felony offenders and misdemeanor offenders sentenced in Superior Court who reside in the community. The length of supervision varies with the type of offense committed, but generally ranges from one to four years. Specific DOC community supervision activities include:

- Complete pre-sentence investigation and risk assessment reports for sentencing when ordered by the court.
- Prepare institutions, jails, and out-of-state transition plans for offenders.
- Conduct offender intake and classify offenders based on risk.
- Use the Offender Accountability Plan and Risk Management Teams to manage high-risk offenders.
- Impose and monitor conditions of sentencing and supervision, and report violations to appropriate jurisdictions.
- Forward to the court clerk the legal financial obligation payments.
- Notify the court when an offender under its supervision completes all requirements of sentence.
- Notify local law enforcement and persons enrolled in the Victim/Witness Notification Program of the release of sex offenders, violent offenders, and certain drug offenders.
- Classify sex offenders and certain kidnapping offenders being released from prison as Level I, II, or III offenders for the purpose of sex offender registration and community notification.
- Notify local prosecutors when sex offenders who may qualify for civil commitment as sexually violent predators are about to be released.
- Supervise persons placed on a less restrictive alternative as part of the civil commitment process for sexually violent predators.

DOC Organization

DOC programs and activities are administered through its headquarters in Olympia and regional offices located in each of the five DOC regions – Northeast, Southeast, Northwest, Southwest, and West Central. The Department supervises offenders on community custody through its 77 community corrections field offices located statewide.¹ The West Central region has the largest number (25) of field offices followed by Northeast (15), Southwest (15), Northwest (12), and Southeast (10).

Community Supervision Expenditures and Staffing

For fiscal year 2001 (the last full fiscal year), expenditures on community supervision were more than \$65 million, or nearly 13 percent of the Department's total expenditures of more than \$520 million. For fiscal year 2001, of the total 1,021 full-time-equivalent (FTE) staff for community supervision, 641 FTE (63 percent) were employed as community corrections officers (CCOs). CCOs have the primary responsibility for supervising offenders. According to Department officials, all of them are employed in the field offices across the five DOC regions. These community corrections officers report to community corrections supervisors, and those supervisors report to field administrators. Field administrators report to regional administrators.

STUDY MANDATE

At the Legislature's direction in its 1999 Offender Accountability Act,² as well as in specific provisos in the 1999-01 and 2001-03 Operating Budgets,³ the Washington State Institute for Public Policy has responsibility for conducting a long-term evaluation of the effectiveness of the Offender Accountability Act. The Institute will be providing periodic progress reports to the Legislature, with a final report due in 2009.

Unlike the long-term evaluation objective assigned to the Institute for Public Policy, this JLARC operational review assesses the "early implementation" of the Offender Accountability Act by the Department of Corrections. This includes reviewing whether the Department has laid the groundwork for a successful implementation process, such as communicating the purpose of the Act with staff, establishing clear and consistent policies and procedures, and providing staff with necessary training and access to an easy-to-use information system.

Specifically, the Legislature directed JLARC to report its findings concerning:

- DOC's community supervision activities,
- The implementation of risk-based classification and community placement models,
- The early implementation of the Offender Accountability Act (OAA) of 1999, and
- The cost impacts of the risk-based models and the Offender Accountability Act.

¹ In addition, there are 77 outstations statewide. These are places in the community (e.g., neighborhood police stations) where stakeholders have invited DOC to locate its community corrections staff.

² E2SSB 5421, Section 16.

³ ESSB 5180 (Section 222) of 1999 and ESSB 6153 (Section 103) of 2001.

In addition, the 2001-03 Biennial Budget directs JLARC to follow up on its 1998 performance audit of the Department of Corrections, with a focus on community supervision. Specifically, that JLARC audit recommended that DOC should:

1. Establish a means for tracking whether conditions of sentencing are being adequately enforced and met for offenders on community supervision.
2. Make available to the Legislature workload and budget assumptions associated with community supervision, and maintain key historical information regarding such workload and budget assumptions.

This JLARC report is due to the Legislature by December 21, 2001. The full text of the study mandate and study scope and objectives are included in Appendix 1. The requirements for the Institute for Public Policy's long-term evaluation of the Offender Accountability Act are included in Appendix 3.

METHODOLOGY

To address the study objectives, we reviewed and analyzed legislative and budget documents and information provided to us by the Department of Corrections. We interviewed legislators and their staff, as well as officials of the Department of Corrections, the Office of Financial Management, the Caseload Forecast Council, and the Washington State Institute for Public Policy.

In order to learn what field staff think about the use of a risk-based model for classifying and supervising offenders in the community and how well the early implementation of the Offender Accountability Act is proceeding, we conducted 10 focus group meetings. Community corrections officers and supervisors and risk management specialists representing all five regions of the Department of Corrections attended these meetings. We also conducted in-depth, phone interviews of regional administrators and/or field administrators in each of the five regions. A consulting firm under contract with JLARC, the Rensselaerville Institute, conducted the focus groups.

Finally, to learn from other states on their use of risk-based models for classifying and supervising offenders in the community, we contacted 13 states – Colorado, Connecticut, Idaho, Indiana, Iowa, Minnesota, North Carolina, North Dakota, Oklahoma, Oregon, Vermont, Virginia, and Wisconsin. A consulting firm, Clegg and Associates, also under contract with JLARC, conducted the survey of other states.

CHAPTER II: DOC'S IMPLEMENTATION OF JLARC'S 1998 RECOMMENDATIONS

In 1998, JLARC recommended ways for DOC to improve its community supervision accountability. Specific recommendations focused on an effective tracking system to ensure that sentencing conditions were being enforced, and making available to the Legislature workload and budget assumptions for community supervision.

Although JLARC found that DOC has made progress on implementing these recommendations, the Department still has considerable work to do. The Department is years away from being able to fully track compliance with conditions of sentencing and supervision and aggregate that compliance data for management use. The Department has made available to the Legislature workload and budget assumptions for community supervision. However, the Department needs to clarify its confusing caseload terminology and counts, as well as develop and maintain budget assumptions based on accurate workload information.

TRACK OFFENDERS ON COMMUNITY SUPERVISION

JLARC's 1998 performance audit of the Department of Corrections found that the Department could not account for how well it complies with its statutory responsibilities to enforce sentencing conditions. The Department lacked aggregate or easily accessible data on what actions had been taken by community corrections officers in supervising offenders.

The Department agreed with the JLARC recommendation to establish a means for tracking whether conditions of sentencing are being adequately enforced and met for offenders on community supervision. The Department said that it was conducting a feasibility study for replacing its information system – the Offender Based Tracking System (OBTS) – in order to improve its tracking and enforcement responsibilities.

According to DOC, the new system, called the Offender Management Network Information (OMNI) system is a multiphase project expected to take eight years to complete. Phase I, funded in the 1999-01 Biennium, included the development of a method for documenting Offender Accountability Plans. The Plans identify and prioritize risk factors and intervention strategies to supervise the offender; include a plan for victims who remain at risk; track offender compliance with their conditions of supervision; and develop a plan for verifying compliance with conditions. A significant change related to monitoring supervision requirements is the supervisor's role in approving the Plan. Phase II of OMNI was funded in the current 2001-03 Biennium. One component of Phase II is to link the Offender Accountability Plan with a verification and a notification system that will alert supervisors of any past due actions by community corrections officers.

Given the gradual and incremental implementation of OMNI, Department staff are still using the OBTS, and will continue to use this older system for several years to come, until the OMNI project is completed. As a result, the Department's inability to fully track compliance with conditions of sentencing and supervision and aggregate that compliance data for management use will continue for some time.

Through our focus group meetings with community corrections officers, supervisors, and risk management specialists, we learned that the continued use of the Offender Based Tracking System is a sore point with the staff. They consider this information system to be obsolete and cumbersome and complain that it requires the use and knowledge of a long list of codes and data screens for entering and retrieving information. Generally, participants of our focus groups agreed that they spend a majority of their time working at their desk on the computer. In a straw poll taken at one of these focus groups, participants estimated that time spent on entering and retrieving data about their caseloads ranged from 65 percent to more than 90 percent.

The staff is looking forward to using the new OMNI system. Regional administrators and field administrators also echoed staff sentiments about the availability and use of the Department's old and new information systems. The new OMNI Offender Accountability Plan had not yet been deployed at the time of the focus group meetings.

In addition to developing a new automated information system, the Department is currently working on an in-house audit process, which will audit a sample of cases to assess how well the conditions of sentencing and supervision are being enforced by community corrections officers. This audit process is in response to a Governor's directive issued last April.

MAKE AVAILABLE TO THE LEGISLATURE WORKLOAD AND BUDGET ASSUMPTIONS FOR COMMUNITY SUPERVISION

The Department makes available to the Legislature its assumptions regarding community supervision workload during the budget development process and at other times as requested or needed. However, the Department needs to clearly communicate information about its community supervision caseload. Confusing terminology and caseload counts that cannot be reconciled impair the reliability of the Department's community supervision data for budget preparation, workload determination, and caseload forecasting. For example, depending on how the data for fiscal year 2001 are sorted, one will get two different numbers for cases that:

- Have been classified based on risk – 15,652 and 18,270 (a difference of nearly 17 percent), and
- Are being monitored for their payments of legal financial obligations only – 26,139 and 27,364 (a difference of nearly 5 percent).

This difficulty in obtaining reliable counts is due to one or more of the following factors:

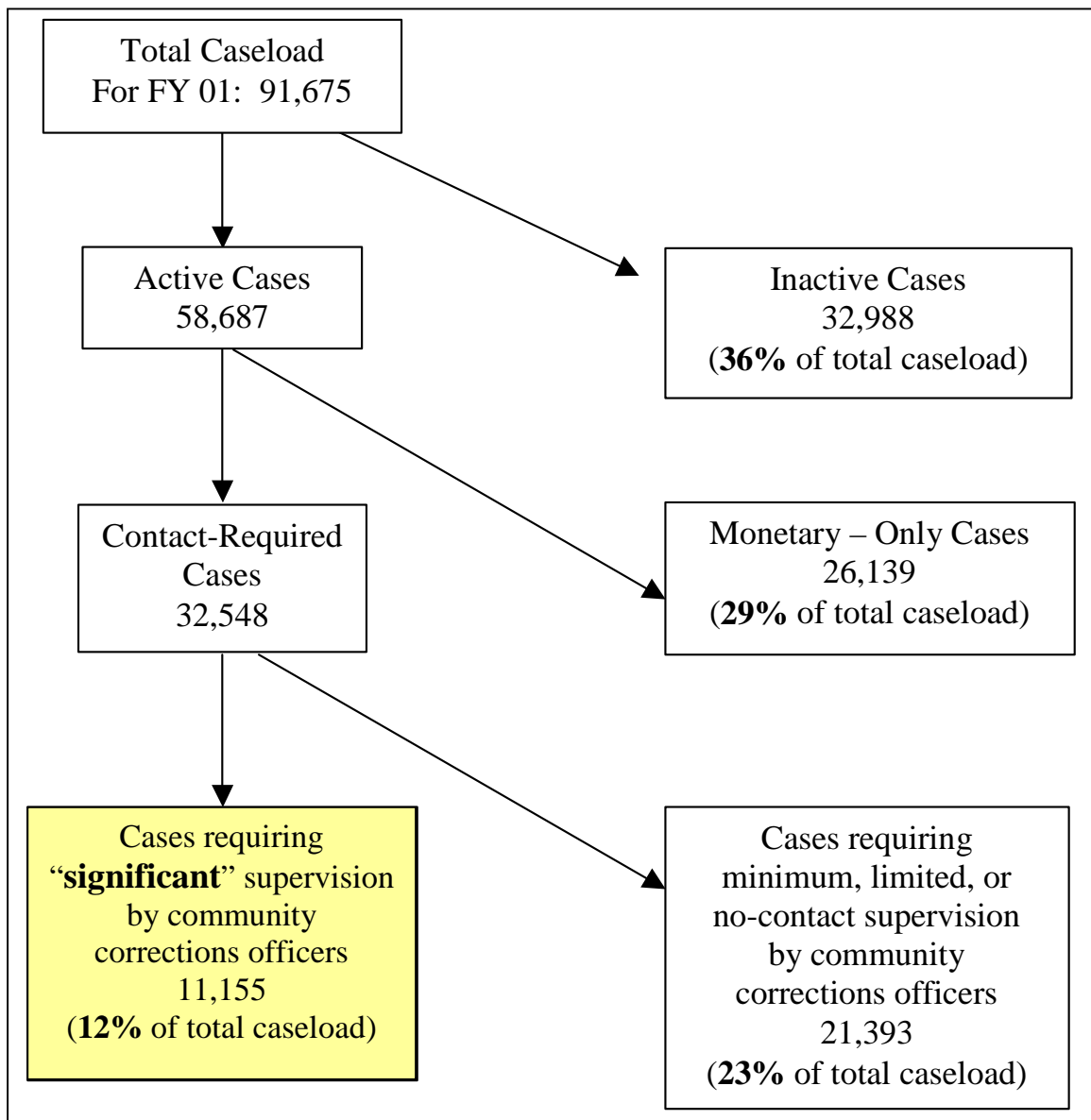
- The Department uses a different nomenclature than the one used by legislative and Caseload Forecast Council staff. The broadest classification used by the Department includes active and inactive cases. On the other hand, legislative and Caseload Forecast Council staff use contact-required, monetary-only, and inactive cases.
- Offenders move from one category to another; for example, from inactive to active status and vice versa.
- Offenders can be in more than one category at a time because of multiple convictions, though they are counted only once, according to Department officials.
- The Department uses 12 different categories of offenders to reflect level of supervision. Some of the classifications are very confusing, and some of the categories overlap.

- Some of the historical caseload information and case status cannot be generated because of the changing nature of offender status.

Figure 2.1 shows how different views and definitions can result in dramatically different views of the caseload, and ultimately the workload, for community supervision.

The contact-required cases include 11 different sub-categories of offenders requiring a broad range of supervision activities. Based on the level of supervision required by community corrections officers, we grouped these 11 categories into two for the purpose of generalization— (1) cases requiring “significant” supervision,⁴ and (2) cases requiring minimum, limited, or no

Figure 2.1 Community Supervision: Caseload Configurations



contact supervision.⁵ As shown in Figure 2.1, using fiscal year 2001 caseload numbers, we estimated that only 11,155 cases, or about 12 percent of the total number of cases, require “significant” supervision by community corrections officers.

As is clear from Figure 2.1, staff-to-caseload ratios are meaningful only when caseloads are defined, and when there is a common definition and agreement on what caseload should be counted. Figure 2.2, below, shows different ratios of community corrections officers to caseload for fiscal year 2001. For that year, the Department had 641 community corrections officers.

Figure 2.2
Staff to Caseload Ratios (Fiscal Year 2001)

Types of Caseloads ¹	Total Number	Staff to Caseload Ratio
Total Caseload	91,675	1 : 143
Active Caseload	58,687	1 : 92
Contact-Required Caseload	32,548	1 : 51
Caseload Requiring “Significant” Supervision	11,155	1 : 17

Source: Prepared by JLARC staff using Department of Corrections data.

Exacerbating the problems relating to how cases are counted and defined is the fact that DOC does not have a process in place to ensure that the data reported are accurate and are reported consistently. As long as this problem persists, it will be difficult for DOC to implement JLARC’s 1998 recommendation that it maintain key workload and budget information.

The Department’s workload and budget information is developed using a point system, which is equal to one hour available per month to a community corrections officer to do direct caseload work. These points are based on estimates about how much time for each type of case, based on risk classifications of offenders, that community corrections officers spend, or need to spend, on supervision. For example, high-risk offenders are given eight points, corresponding to an assumed eight hours of supervision-related tasks per month.

Using this point system, we estimated that more than half of the community corrections officers’ (CCO) time available for supervision is spent on high- and medium-risk offenders, who account for only six percent of the total active caseload. Furthermore, low-risk offenders – nearly 12 percent of the total active caseload – require more than 30 percent of the CCO hours. The remaining 82 percent of the cases use only about 18 percent of the CCO hours. Clearly high-

⁴ This includes offenders who are classified as Maximum and Medium under the old classification system prior to the 1999 Offender Accountability Act and offenders in the top three of the four—RM-A, RM-B, and RM-C—risk categories under the new classification system.

⁵ This includes offenders who are classified as Minimum under the old classification system and offenders belonging to RM-D risk category under the new classification system. In addition, it includes offenders classified into OM-A (Minimum Management A), LCT (Limited Contact), and AD-A and AD-B (Administrative Status A and B) categories.

and medium-risk offenders are the budget drivers even though they are only a small percent of the total active caseload.

The weakness of this information is that it is based on unconfirmed estimates. The Department has recently contracted with a consulting firm to do a workload study of its community corrections staff.⁶ Results from that study are expected to help the Department better manage its community supervision caseload. Potentially, this workload study will also provide better information on the actual amount of time that staff spend on different kinds of cases.

⁶ The study is due by June 30, 2002.

CHAPTER III: DOC'S EARLY IMPLEMENTATION OF THE OFFENDER ACCOUNTABILITY ACT

This chapter discusses key changes to community supervision resulting from the 1999 Offender Accountability Act (OAA) and its implementation by the Department of Corrections. To gauge the effectiveness of this implementation, JLARC conducted a series of focus groups with community supervision staff in each of DOC's five regions.

Most staff were supportive of the Department's new directions and believe that assessing risk, and classifying offenders according to risk, is a good idea and that this policy change improves their ability to supervise certain high-risk offenders. However, they expressed concern that they spend too much time on data entry, and that supervision is often minimal for low-risk offenders. A common theme was that poor communication of policies and procedures within the Department is a major problem in the implementation of the Offender Accountability Act and the risk-based model. They also observed that training is not always timely or of adequate quality.

OFFENDER ACCOUNTABILITY ACT: KEY ELEMENTS AND CHANGES

The Offender Accountability Act, which became effective on July 1, 2000, is a comprehensive piece of legislation that changes the way the Department of Corrections supervises offenders in the community. One change has been that community supervision was redefined as community custody. Offenders are given a range of community custody, from nine to 48 months depending on the nature of their offenses. The Offender Accountability Act essentially modifies the Sentencing Reform Act of 1981. Appendix 4 shows the evolution of community supervision within Washington State and compares the key aspects of the Offender Accountability Act with the Sentencing Reform Act and with the system that existed prior to 1981.

A major component of the Act is the **risk assessment**. The Act requires the Department of Corrections to assess an offender's risk of re-offense by applying an objective instrument supported by research. The assessment shall take into consideration "the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims."

The Act further directs the Department to supervise offenders in the community on the basis of their risk to community safety and conditions imposed by the court. The Act authorizes the Department to establish and modify additional conditions of supervision, and expands the Department's jurisdiction to hold hearings and sanction offenders. The Department may transfer the offender to a more restrictive form of confinement, or may impose less severe sanctions including work release, home detention with electronic monitoring, work crew, community service, inpatient treatment, counseling, daily reporting, and curfew.

Figure 3.1 below shows the key elements of the Offender Accountability Act relating to community supervision and their implementation status as it relates to the Department of Corrections.

Figure 3.1
Offender Accountability Act Requirements and Their Implementation Status

OAA Requirements	Implementation Completed	Implementation Is in Progress or Plan to Implement
Complete risk assessments of offenders.	OAA related policies and procedures have been developed and put in effect, and a new risk-based classification system has been developed and deployed.	
Establish a systematic means of assessing the risk to community safety.	The electronic Offender Accountability Plan (OAP) form has been developed to document, coordinate, and communicate individual offender management and intervention strategies.	
Develop a structure of graduated sanctions for violations.	A graduated violation sanction grid has been developed to provide more options to address violation behavior.	
Develop due process procedures for alleged violations of supervision conditions.	A hearing unit has been established and staffed to hold administrative hearings for alleged violations.	
Establish 1998 jail bed utilization rate.	DOC and the Washington Association of Sheriffs and Police Chiefs have developed a proposed agreement establishing criteria for housing violators in county jails based on risk.	
Develop and monitor transition and relapse prevention strategies for sex offenders.	Risk management specialist positions established and transition plans and relapse prevention strategies are being developed.	
May arrange to transfer collection of legal financial obligations to county clerks or other entities.		Discussion with each county clerk's office is underway regarding transferring of collection of offender legal financial obligations.
Deploy community correction officers on the basis of the geographic distribution of offenders.		The Department plans to deploy staff based on high-risk offender concentrations.

Source: Prepared by JLARC staff based on information provided by DOC.

KEY MILESTONES AND PROJECTED TIMELINES

The Department's new OMNI, web-based data system will take about five more years for completion. It is a multi-phase change, and the first phase – the electronic version of the Offender Accountability Plan – of the system recently went on line for staff to use in October 2001. This Plan is designed to help staff and management better coordinate, monitor, and accomplish activities relating to the Offender Accountability Act.

The Department anticipates that it will accomplish the following within the coming year:

- Advanced skills training of staff in risk assessment/supervision plan development, and cooperative offender management with community participants;
- Development and deployment of mentoring and leadership training for supervisors;
- Use of an audit tool or quality assurance process; and
- A workload study to determine the Offender Accountability Act's impact on community correction staff activities.⁷

IMPLEMENTATION OF THE RISK ASSESSMENT PROCESS

The Department has completed the implementation of its risk assessment process which involves assessing the likelihood of offenders to re-offend through the use of the Level of Service Inventory-Revised (LSI-R) tool and classifying offenders into four risk management levels (RM-A, RM-B, RM-C, and RM-D) ranging from high to low risk to the community. This risk assessment process is discussed in detail in Chapter IV of this report. The following sections discuss the impact of the risk assessment process on the distribution of the Department's community supervision caseload.

More Offenders Are Being Classified as Moderate and Low Risk Under the New Risk-Based Classification System.

Prior to the implementation of the risk-based model in July 2000, the Department classified its cases based on the history of the offender and the length of the offender's sentence. Under the old system, offenders that required supervision were classified into three levels: Maximum, Medium, and Minimum. Figures 3.2 and 3.3 show⁸ that under the new classification system, significantly more offenders are classified as low risk than under the old system (34 vs. 23 percent). On the other hand, fewer offenders are being classified as high risk – nearly 20 percent under the old system and 11 percent under the new system.

⁷ In a directive dated April 23, 2001, the Governor asked the Department to retain an outside consultant to study workloads under the Offender Accountability Act, and make use of the consultant's findings to ensure adequate coverage for all high-risk offenders and violation-related activities. In September 2001, the Department contracted with Sterling Associates for a workload study on all duties performed by community corrections officers and supervisors. This report is to be completed by June 30, 2002.

⁸ Total numbers of offenders shown in both Figures 3.2 and 3.3 do not correspond to any of the numbers listed in Figure 2.1 on page 7, because these numbers only constitute a part of the caseload that is classified as "contact required."

Figure 3.2
 Old Classification of Community Supervision Cases
 Before the Implementation of New Risk-Based Model
 (Fiscal Year 2000)

Maximum	Medium	Minimum	Total
3,178	9,430	3,727	16,335
19.5%	57.7%	22.8%	

Source: Prepared by JLARC staff using DOC data.

Figure 3.3
 New Risk-Based Classification of Community Supervision Cases
 (Fiscal Year 2001)

RM-A (High Risk)	RM-B (Medium risk)	RM-C (Moderate Risk)	RM-D (Low Risk)	Total
2,000	2,380	7,650	6,240	18,270
10.9%	13.0%	41.9%	34.2%	

Source: Prepared by JLARC staff using DOC data.

More Sex Offenders and Other Violent Offenders Are Being Classified as High Risk Under the New Classification System.

The two figures on the following page show how different types of offenders are distributed under the old and new classification systems. Under the old system, 28 percent of sex offenders were classified as Maximum, while under the new system, 29 percent are also of the highest risk (RM-A). Under the old system, however, there was a large “Medium” group that included 61 percent of sex offenders, but the new system shows an additional 28 percent needing close scrutiny (RM-B), with 43 percent falling into lighter supervision categories/requirements (RM-C and RM-D). Thus, the supervision resources are intended to be better concentrated on those with the higher probabilities to re-offend in dangerous ways.

More Drug Offenders Are Classified as Moderate and Low Risk Under the New System.

Eighty-seven percent of the drug offenders are classified as moderate and low risk categories (RM-C and RM-D). Under the old system, a significant number of offenders were classified as Maximum or Medium: 22 percent Maximum, 59 percent Medium, and 19 percent as Minimum. This change in classification of drug offenders has caused concern among the community corrections field staff. For details, see the following section.

Figure 3.4
Distribution of Community Supervision Cases Under Old Classification
(Fiscal Year 2000)

	Sex Crimes		Other Violent Crimes		Drug Crimes		Property & Other Crimes		All Crimes - Total
Maximum	595	28%	537	16%	850	22%	1,196	17%	3,178
Medium	1,305	61%	1,815	53%	2,315	59%	3,995	58%	9,430
Minimum	230	11%	1,067	31%	750	19%	1,680	24%	3,727
Total	2,130	100%	3,419	100%	3,915	100%	6,871	100%	16,335

Source: Prepared by JLARC staff using DOC data.

Figure 3.5
Distribution of Community Supervision Cases Under New Risk Classification
(Fiscal Year 2001)

	Sex Crimes		Other Violent Crimes		Drug Crimes		Property & Other Crimes		All Crimes Total
RM-A (High Risk)	620	29%	734	23%	172	3%	474	6%	2,000
RM-B (Medium Risk)	590	28%	486	15%	484	10%	820	10%	2,380
RM-C (Moderate Risk)	905	42%	1,059	33%	2,574	51%	3,112	40%	7,650
RM-D (Low Risk)	30	1%	933	29%	1,844	36%	3,433	44%	6,240
Total	2,145	100%	3,212	100%	5,074	100%	7,839	100%	18,270

Source: Prepared by JLARC staff using DOC data.

FIELD STAFF PERSPECTIVES ON THE IMPLEMENTATION OF THE OFFENDER ACCOUNTABILITY ACT

To learn field staff perspectives, JLARC contracted with the Rensselaerville Institute to conduct 10 focus group meetings with community corrections officers, supervisors, and risk management specialists from each of the five DOC regions. JLARC staff also conducted interviews with regional administrators and field administrators in those regions.

DOC's Communication of Policies and Procedures

In spite of the Department's efforts to have effective communication and coordination, we learned from our focus group meetings with field staff that ineffective communication of policies and procedures has been a major problem during the implementation of the Offender Accountability Act.

The initial, early communication with field staff about the overall purpose of the risk-based model and the Offender Accountability Act was clear to most focus group participants. Most were supportive of the Department's new directions. However, many newer staff (both community corrections officers and supervisors) said they are struggling to understand the historical and contextual reasons for implementation of the risk-based model and the Offender Accountability Act. Furthermore, staff reported that they have had to deal with multiple sources (e.g., e-mails, Intranet, implementation memos, and paper copies of draft and final policies) of inconsistent and frequently changing policies.

Virtually all field staff who participated in our focus group meetings find the extensive problems with policies and procedures to be very serious and one of the most frustrating parts of their job. For most participants, these problems overshadow most other benefits they see resulting from the risk-based model and the Offender Accountability Act. The only positive statements about communication were those of a few staff who, in addition to noting problems, mentioned that the frequent policy changes did demonstrate that their system is dynamic and capable of changing what is not working.

Regional and field administrators also acknowledged the field staff's frustration with policy changes. However, they observed that one reason for these changes is the magnitude and complexity of the Offender Accountability Act.

Implementation of the Risk-Based Model

Many participants said that assessing risk, and classifying offenders according to risk, is a good idea and that this policy change improves their ability to supervise certain high-risk offenders. However, the groups cited two concerns with the community supervision system they believe constitute fundamental problems:

1. **Community corrections officers said they spend far less time in the field *than they need to spend to monitor the behavior of offenders (and far less time than they used to)*.** They said this is due primarily to: (a) attempts to clarify, respond to, and operate with unclear, inconsistent, and changing policies and procedures; and (b) the need to enter, retrieve, and track much more information about offenders than previously, while using an archaic and cumbersome data system.
2. **Focus group members perceive that offender supervision is minimal or absent for moderate- and low-risk offenders classified as RM-C and RM-D.** Many of these offenders are drug users. Staff believe that some of these offenders may have the potential to commit crimes as violent as offenders classified as high and medium risk (RM-A and RM-B), who are expected to receive intensive supervision. Staff also identified these issues:
 - The primary classification tool, the LSI-R, does not result in correct classification of some offenders who may pose future danger.
 - Workload and the cumbersome nature of the hearings process mean that existing risk management tools (e.g., conditions and sanctions applied by community corrections officers), that would allow some supervision for RM-C and RM-D offenders on a selective basis, are not being used by most community corrections officers.

In addition, focus group participants said that they hesitate to add conditions to an Offender Accountability Plan (OAP) that could create a burden for themselves or other staff, as well as a potential liability for the Department of Corrections. Their perception is that there are insufficient system resources available for, or allocated to, the supervision of such individuals.

Most participants reported favorably on initial LSI-R training. However, most observed that Risk Management Identification (RMI) training was not adequate. Training of new officers on risk management tools was often not timely and was not of the same quality as the original training. Training is often given too early (long before implementation) or too late (e.g., after the use of risk assessment tool had begun). Given the frequent changes in policy and procedures, participants said that they are confused about their jobs and how to supervise offenders, even after training.

CHAPTER IV: RISK-BASED MODELS

DOC's current risk-based model uses an assessment tool (LSI-R) to evaluate an offender's likelihood to re-offend, and combines this assessment with risk management identification (RMI) criteria to classify offenders into four risk management levels – from high to low risk. Other states using similar tools and approaches are generally positive about their potential impacts for improving public safety. They acknowledge, however, that the potential impacts come at a price – investment of time and money to ensure that risk management is properly planned and implemented, with an emphasis on providing staff with ongoing, appropriate training.

JLARC's assessment is that, presently, neither the DOC nor the Legislature can know whether or not the use of this risk-based approach is yielding improvements to public and community safety. The Washington State Institute for Public Policy's examination of impacts, over the longer-term, may possibly shed some light about future benefits from this risk-based approach, but it may be difficult to measure what supervision strategies work best, and how resource allocations to DOC community supervision will affect the way strategies are implemented.

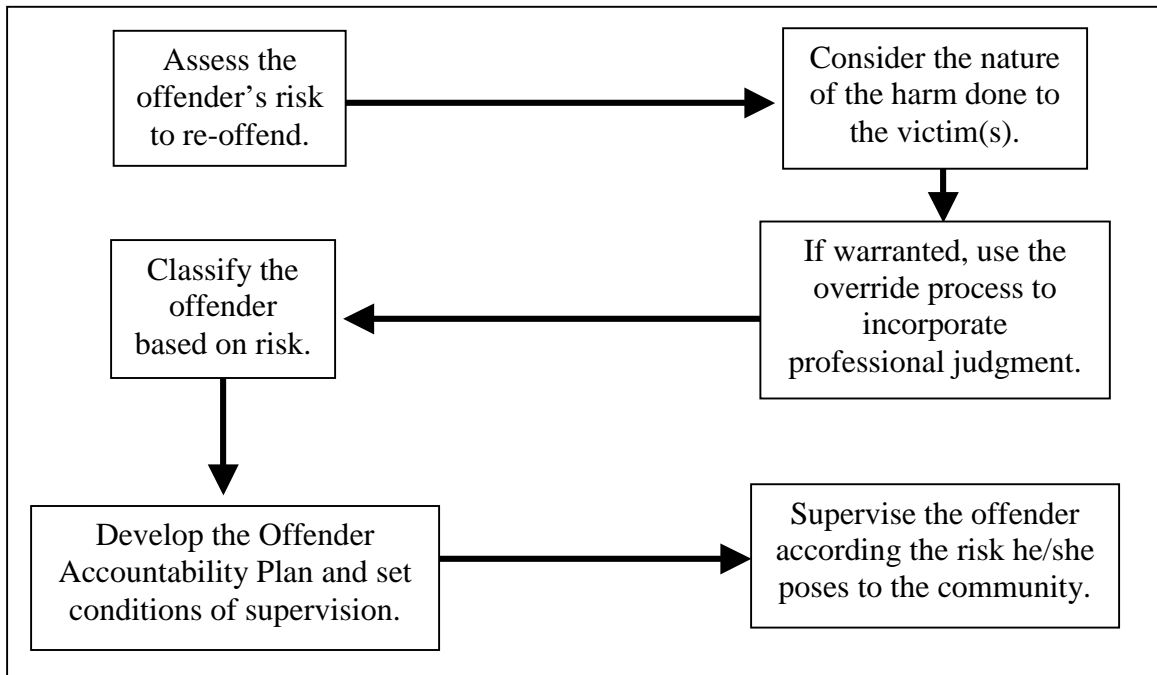
DOC'S APPROACH TO RISK-BASED CLASSIFICATION AND SUPERVISION

Risk-based classification and community placement models can provide the Department of Corrections with a system to direct its resources toward offenders who pose the greatest risk of re-offending and causing harm in the community. Such models use objective assessment tools, yet also allow for decisions based upon professional judgment. These models also take into consideration the following factors:

- The nature of the harm done by the offender (as part of the past or present criminal behavior for which he/she has been convicted and sentenced);
- Place and circumstances of the offender related to risk (that is, where the offender resides, circumstances relating to the harm done, and his/her relationship to the community);
- The offender's relationship to a victim or potential victim; and
- Information about the offender and other circumstances provided to the Department by victims.

As shown in Figure 4.1 on the following page, the Department's risk-based supervision of offenders in the community is a six-step process: (1) assess the offender's risk to re-offend, (2) consider the nature of harm done by the offender, (3) if warranted, use an "override" process to account for professional judgment, (4) classify the offender, (5) develop the Offender Accountability Plan, and (6) supervise the offender.

Figure 4.1
Flow Chart of the Risk-Based Model of Community Supervision



Source: Prepared by JLARC staff.

The first three steps leading to the offender classification comprise the Department's process of assessing an offender's risk to community safety. The first step involves the use of the Level of Service Inventory-Revised (LSI-R) as the primary risk/needs assessment tool to assess an offender's risk to re-offend. The second step is the use of a Risk Management Identification (RMI) worksheet to address the nature of the harm done. And the third step is a formal override process to incorporate professional judgment of staff. These three steps together lead to classifying the offender into one of the four categories that reflect the level of risk an offender poses to the community. The offenders are classified into four categories, ranging from high to low risk.

Level Of Service Inventory-Revised (LSI-R)

The Department uses LSI-R as its primary risk/needs assessment tool for offenders under its jurisdiction. The tool is used to predict the likelihood an offender will re-offend in the absence of intervention or treatment.

LSI-R is a validated, objective assessment tool supported by research⁹ for assessing both static (fixed) and dynamic (changeable) factors, which correlate to re-offense. Static factors include

⁹ D. A. Andrews and James Bonta. LSI-R: The Level of Service Inventory-Revised. Multi-Health Systems, Inc., 1995.

James Bonta and D. A. Andrews. The Level of Supervision Inventory: An Overview. *The International Association of Residential and Community Alternatives Journal on Community Corrections*, January 1993, pp. 6-8.

D. A. Andrews. Recidivism Is Predictable and Can Be Influenced: Using Risk Assessments to Reduce Recidivism. *Forum on Corrections Research*, Vol. 1, No. 2, 1989, pp. 11-18.

historical or demographic information pertaining to an offender's personal past and criminal history. Dynamic factors are those offender characteristics that are subject to change and contribute to criminal behavior. Examples of dynamic factors include alcohol and drug abuse, patterns of unemployment, and association with those involved in criminal activities.

LSI-R contains 54 items relating to static and dynamic factors pertaining to an offender's history and characteristics. These factors are grouped in 10 sub-components:¹⁰

1. Criminal History – Past and present contacts with the criminal justice system both as an adult and juvenile;
2. Education/Employment – Personal achievements relating to education level and employment history;
3. Financial – Current financial status and reliance on welfare;
4. Family/Marital – Quality of relationships and social support of parents and relatives, as well as criminal behavior relating to family and spouse;
5. Accommodation – Stability (frequency of address change) and type of neighborhood;
6. Leisure/Recreation – Types of leisure and recreational activities;
7. Companions – Types of friends and acquaintances, including any criminal contacts;
8. Alcohol/Drug Problem – Past and present alcohol and drug abuse;
9. Emotional/Personal – Moderate and severe mental health issues and mental illness diagnosis; and
10. Attitude/Orientation – Attitudes rationalizing criminal behaviors, attitudes toward criminal justice system and supervision, and motivation toward behavior change.

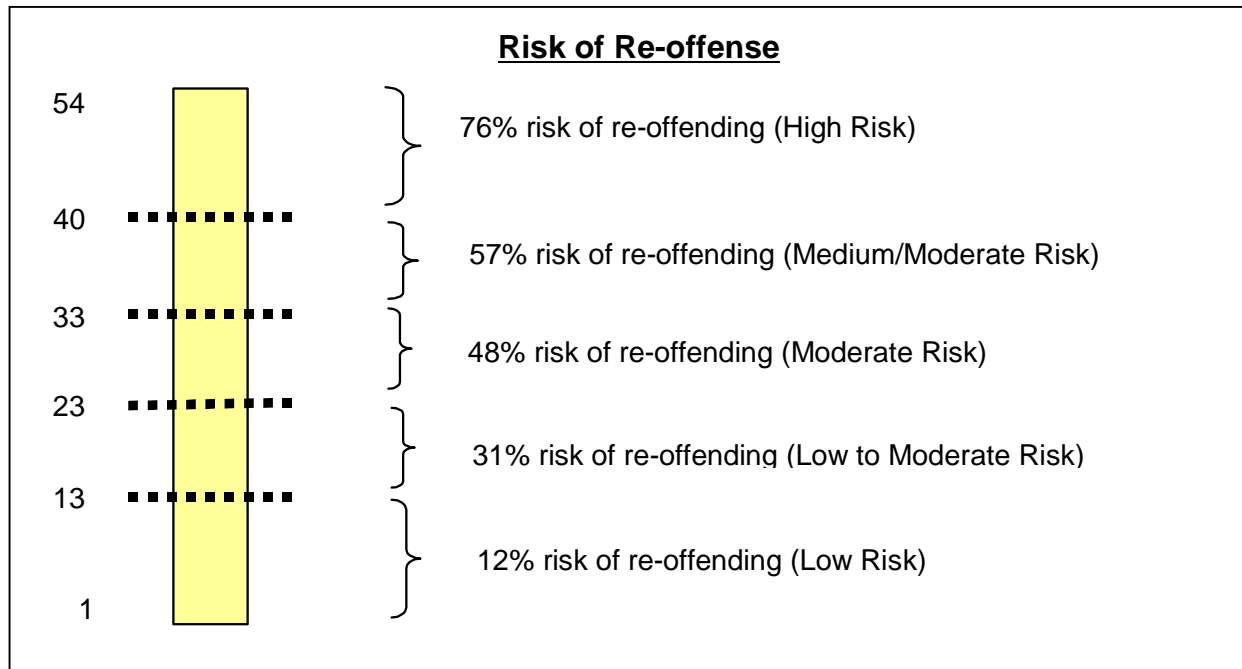
The Department's community corrections officers administer the assessment tool to offenders through interviews. When the offender's answers (verified by the corrections officer) to the 54 items are tabulated, the total score (1 – 54) reflects the risk of re-offending and the need for intervention. As shown in Figure 4.2 on the following page, a score of 41 and higher is considered high risk. Within this classification, 76 percent of offenders would be expected to re-offend in the absence of any kind of intervention. Conversely, a score of 13 and less reflects low risk (approximately 12 percent chance) of re-offending.

Paul Gendreau, Francis Cullen, and James Bonta. Intensive Rehabilitation Supervision: The Next Generation in Community Corrections? In *Community Corrections: Probation, Parole, and Intermediate Sanctions*. Joan Petersilia (editor). Oxford University Press, 1998, pp. 198-206.

Chapter 9: Prediction of Criminal Behavior and Classification of Offenders. In *The Psychology of Criminal Conduct*. D. A. Andrews and James Bonta. Anderson Publishing Co., Cincinnati, OH, 1998, p. 211-248.

¹⁰ LSI-R is a copyrighted (1995) assessment tool, which is authored by D.A. Andrews and James L. Bonta. For additional information, contact Multi-Health Systems Inc., 908 Niagara Falls Blvd., North Tonawanda, NY 14120-2060. Phone: 800-456-3003. At the Washington State Department of Corrections, contact Kevin Mauss (360-664-9264 or KWMAUSS@DOC1.WA.GOV) for additional information on the Department's use of LSI-R.

Figure 4.2
LSI-R Scores and Associated Risk of Re-Offending



Source: Prepared by JLARC staff based on LSI-R cut-off scores used by the developer of the tool.

Risk Management Identification (RMI)

The second step in the Department's use of this risk-based model incorporates a Risk Management Identification (RMI) worksheet (see Appendix 5 for the complete worksheet). The RMI worksheet addresses the nature of the harm done through an offender's criminal behavior and assists in identifying offenders who may not score high on LSI-R but are likely to present a significant risk to community safety. The RMI criteria target those offenders who:

- Have committed sex offenses;
- Have committed predatory violent acts or violent acts against strangers;
- Target vulnerable victims, which includes children five years or younger, developmentally disabled, people with physical or mental disabilities, and those physically unable to resist;
- Are considered dangerously mentally ill;
- Have committed hate crimes (such as violent acts or threats of violence directed toward institutions or groups in the community, including religious, ethnic, or racial groups); and
- Continue to demonstrate an imminent threat toward past or future victims.

If the offender meets any of these RMI offender criteria, the offender's risk management classification level will be adjusted in accordance with assumed risk posed regardless of the offender's LSI-R score. The RMI criteria incorporate additional risk assessment tools that have been validated on specific populations, such as the Minnesota Sex Offender Screening Tool for sex offenders and the Violence Risk Appraisal Guide for violent offenders. According to Department officials, they use these two additional screening tools when deemed necessary.

Override Process

The third step in the Department's use of this risk-based model is a potential formal override process. The Department acknowledges that there are no "perfect" supervision or offender classification models. While the LSI-R and the RMI criteria can inform staff of the potential risks offenders may present to the community, they cannot capture all of the nuances of every case that may warrant the attention of community corrections staff. Therefore, when aggravating or mitigating factors are present that are not taken into consideration by the LSI-R or RMI criteria, the Department's community corrections staff are responsible for documenting those factors and using their professional judgment to request an override from their supervisors.

According to Department policy, the following criteria are used for approving overrides:

- Risk management levels A and B may be overridden up or down with the Field Administrator's approval.
- Risk management levels C and D may be overridden up or down with the supervisor's approval.
- Sex offenders may be overridden up or down based on the sex offender notification level established by law enforcement.
- Offenders on supervision for legal financial obligation only cannot be overridden.

Risk Management Levels

The next step is to classify offenders based on risk. The Department classifies offenders into four Risk Management (RM) Levels – RM-A, RM-B, RM-C, and RM-D. These levels are determined using the LSI-R score, the risk management identification (RMI) factors, and the professional judgment of the staff.

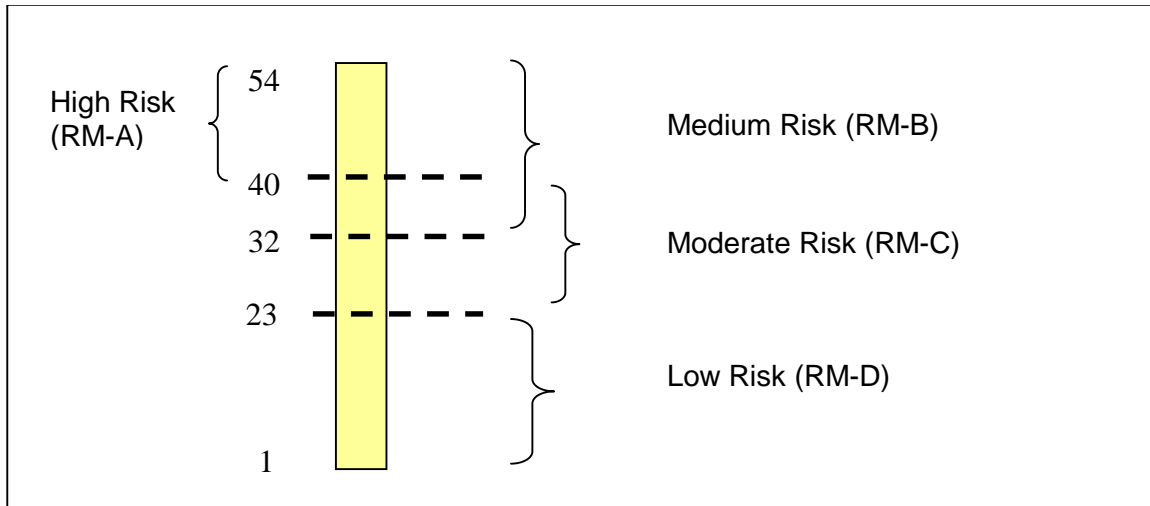
Figure 4.3 on the following page shows the risk management levels in relation to LSI-R scores. The cut off points on the LSI-R scores are based on Department policy and a study of its 375 community supervision cases that were analyzed using the LSI-R assessment tool.¹¹ The following is a description of each of the four risk management levels, as well as the Department's minimum criteria for supervision.

Risk Management A (RM-A). This is the highest risk level, which is assigned to those offenders who meet one or more of the following criteria:

- LSI-R score of 41 or more and convicted of a violent crime
- Level III sex offenders
- Designated as Dangerous Mentally Ill Offenders

¹¹ Development of Cut-off Scores for the Application of the LSI-R in Washington State. T³ Associates, November 1998.

Figure 4.3
DOC Risk Management Levels in Relation to LSI-R Score



Source: Prepared by JLARC staff.

In addition, an offender is classified as an RM-A if he/she does not meet the above criteria but has committed any of the following:

- Violent act involving a victim unknown to the offender
- Predatory act of violence directed toward strangers or individuals
- Violent act where the victim was vulnerable due to age, physical condition, mental disability, or ill health
- Violent acts or made threats of violence directed toward institutions or groups
- History of violent acts and continues to exhibit behavior demonstrating a current threat to the victim (e.g., domestic violence and sexual offenses)

Risk Management B (RM-B). Offenders are assigned an RM-B level if they do not meet the RM-A criteria but meet one or more of the following:

- LSI-R score of 41 or over
- LSI-R score of 32 to 40 and have been convicted of violent crime
- Level II sex offenders
- Offenders with high levels of needs (e.g., developmentally disabled or seriously mentally ill)

Risk Management C (RM-C). Offenders are assigned an RM-C level if they do not meet the RM-A or RM-B criteria but meet one or more of the following:

- LSI-R score of 24 to 40
- Level I sex offenders

Risk Management D (RM-D). Offenders are assigned an RM-D level if they do not meet the criteria for RM-A, RM-B, or RM-C and have scored between 1 and 23 on LSI-R. This is the lowest risk level.

Offender Accountability Plan (OAP)

The Department uses an Offender Accountability Plan for high-risk offenders as the primary method for documenting, coordinating, and communicating individual offender risk management strategies. The Plan identifies resources to address the offender's risk and needs and includes a protection plan for victims who remain at risk. It also identifies and prioritizes risk factors and intervention strategies to supervise the offender effectively. The Plan is specific to the community where the offender resides and addresses the safety needs of past and potential victims.

According to its policy, the Department uses the Offender Accountability Plan for all offenders under its jurisdiction, except Risk Management–D (RM-D) offenders in the community. The Plan has six components (see Appendix 6 for a blank OAP form):

1. Offender History Summary – Narrative identifying the potential risk posed by the offender; that is, who is at risk and under what circumstances;
2. Risk Factors – Information about the offender from risk assessments, including LSI-R;
3. Intervention Strategies – Discussion of treatment, prohibition, and reparation activities for the offender;
4. Conditions – List of conditions of supervision ordered by the court and any additional conditions determined by Department staff;
5. Verification – Minimum activities that must occur to ensure the offender is in compliance with the conditions and intervention; and
6. Transition – Plan for the offender to transition from incarceration into the community.

Risk Management Teams (RMT)

The Offender Accountability Plan is developed by the community corrections officer and the Risk Management Team. The teams are formed for all high-risk offenders (RM-A and RM-B) and for low-risk offenders (RM-C) if resources are available.

The teams are responsible for developing intervention strategies to deal with offender risk factors and facilitating transition from prison to the community for high-risk offenders (RM-A and RM-B). The team is composed of the offender, the community corrections officer, a law enforcement representative, and may include guardians who are in positions to watch, monitor, treat, or otherwise encourage and support offenders in the community. These guardians may be neighbors, friends, employers, community volunteers, or service providers.

Supervision of Offenders

Once the risk assessment is completed, the offender classified, and the Offender Accountability Plan developed, the final step in the community supervision process begins – supervision of the offender. With respect to actually supervising offenders in the community, the Department does not specify a minimum level of supervision activities for community corrections officers to carry out.

According to the Department policy (DOC 320.410), specific supervision activities depend on the offender’s risk management level (i.e., RM-A, RM-B, RM-C, or RM-D) and are in accordance with the Offender Accountability Plan. Figure 4.4 shows what DOC deems to be the requirements for minimum supervision activities for each of the four risk management levels. As can be seen, however, the requirements provide general guidance about what is required, but no information about how much staff time and effort constitutes a minimum level of supervision.

Figure 4.4
Requirements for Minimum Supervision Activities

Offender Types	Requirements
RM-A and RM-B Offenders	<p>Specific supervision activities will depend on the prioritized conditions identified by the Risk Management Team. The following guidelines may be considered:</p> <ul style="list-style-type: none"> • The community corrections officer and members of the Risk Management Team will contact the offender consistent with the verification plans addressing the imposed conditions in the Offender Accountability Plan. • The community corrections officer will ensure documentation of verified activities that have occurred and the offender’s compliance with conditions of the Offender Accountability Plan. The verification will be documented in the electronic record.
RM-C Offenders	<p>“As a guideline, supervision will include monthly reporting by the offender. An assigned staff member will review potential violations and take action if appropriate.”</p>
RM-D Offenders	<p>“An assigned staff member will review potential violations when the Department is notified of events that indicate a potential violation of court ordered conditions and take action if appropriate.”</p>

Source: Prepared by JLARC staff based on DOC Policy 320.410.

RISK BASED MODEL: PUBLIC SAFETY AND RECIDIVISM

The Department of Corrections risk-based model has two key components – (1) use of LSI-R assessment tool for determining an offender’s likelihood to re-offend, and (2) use of risk management identification criteria in conjunction with LSI-R to classify offenders into four risk management levels. It is the first part – use of LSI-R – that is based on research and validation as discussed earlier in this chapter. However, the second part – risk management identification criteria and their use for classification of offenders – is a Department policy based on professional judgment and experience and risk assessment as defined by the Offender Accountability Act.

What Does the Risk-Based Model Do and What Does It Not Do?

The risk-based model provides the Department with a systematic method for the allocation of limited resources to offenders who appear to be the most likely to re-offend or those that will inflict the greatest harm to the community if they re-offend. The model also allows for updating the criteria based on research, best practices, and current public policy. A risk-based model allows for the following:

- Identification of the highest risk offenders; and
- Help with decisions to assign resources to those offenders who represent the most significant risk to the community, and those who would benefit the most from that allocation of resources.

The risk-based model can also be a resource tool for policy makers to ensure that available resources are directed to the high-risk offender.

The Department's risk-based model **does not** tell the following about the four levels of offenders:

- What types of supervision conditions are effective for a particular group of offenders,
- How much supervision is needed for each group of offenders, or
- What type of harm the offenders pose if they re-offend.

Furthermore, no empirical data exist to show if LSI-R is a valid assessment tool for domestic violence offenders, sex-offenders, and dangerously mentally ill offenders. It also does not measure factors contributing to dangerousness and imminent risk. The Risk Management Identification (RMI) criteria discussed earlier were developed by the Department to try to overcome some of the limitations of LSI-R.

NATIONAL RISK-BASED ASSESSMENT PRACTICES

In order to learn of other states' use of risk-based models for classifying and supervising offenders in the community, we contacted 13 states – Colorado, Connecticut, Idaho, Indiana, Iowa, Minnesota, North Carolina, North Dakota, Oklahoma, Oregon, Vermont, Virginia, and Wisconsin. These states were selected based on the results of a literature review, conversations with experts familiar with the use of the LSI-R, and an Internet search. JLARC engaged a consulting firm, Clegg and Associates, to conduct a survey of these states.

The survey revealed lessons learned about the use of the LSI-R, including both its strengths and limitations, and recommended training protocols.

Lessons Learned

- LSI-R is valid for identifying the risk of many (but not all) types of offenders without intervention after being released. It needs to be used in conjunction with other tools.
- LSI-R and similar tools do not dictate how to intervene or what level of intervention is warranted.

- Tying risk assessment to allocations and budgets (1) will be based on judgment and policy and (2) may result in incentives to change risk scoring (up or down) and make the instrument less objective and thereby less useful.
- Use of LSI-R requires sophisticated training, and poses challenges to resource allocation and management.

Overall, it can be said that proper use of LSI-R, can provide useful information on offenders' risk to re-offend and areas where interventions might help to mitigate risk. However, it does not determine the method or type of intervention to use to mitigate risk. Moreover, the use of this tool comes at a cost in terms of system maintenance, management oversight and planning, and ongoing staff training, to ensure that benefits will be derived from it.

Conclusion

JLARC's assessment is that, presently, neither the Department of Corrections nor the Legislature can know whether or not the use of this risk-based approach is yielding improvements to public and community safety. The Washington State Institute for Public Policy's examination of impacts, over the longer-term, may possibly shed some light about future benefits from this risk-based approach, but it may be difficult to measure what supervision strategies work best, and how resource allocations to DOC community supervision will affect the way strategies are implemented.

CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

This JLARC operational review focused on three areas of the Department of Corrections Community Supervision:

1. The Department of Corrections' implementation of the 1998 JLARC recommendations relating to improving the Department's community supervision accountability,
2. The early implementation of the 1999 Offender Accountability Act, and
3. The use of risk-based models to classify and supervise offenders in the community.

Overall, we found that the Department has made progress in implementing JLARC's 1998 recommendations on community supervision. However, considerable work still needs to be done to track compliance with conditions of sentencing and supervision, to clearly communicate caseload information that can be relied upon, and to maintain workload information based on confirmed estimates. Absent such information, it is difficult to accurately determine the cost implications of DOC's implementation of either the Offender Accountability Act or of the use of the risk-based model of community supervision. Current DOC efforts relating to phasing in of the new information system and conducting a workload study are steps in the right directions.

With respect to the implementation of the Offender Accountability Act, the Department has implemented most of the key requirements that relate to community supervision. A major part of the Act is to establish a system of classifying and supervising offenders based on risk. The Department has accomplished this task by implementing a risk-based model, and is now transitioning into the next phase of targeting its resources for supervising high-risk offenders.

The use of a risk-based model can identify high-risk offenders and assist management with decisions to assign supervision levels based on offender risk. However, the use of the model is not a panacea, and it comes at a cost. A risk-based model does not tell the precise level of supervision resources needed by different types of offenders; which supervision conditions or interventions are effective for which offenders; and what types of future offenses will be committed by those at high, or even low, risk of re-offending. Furthermore, an investment of time and effort is needed to ensure that risk management is properly planned and implemented, with an emphasis on providing staff with ongoing, appropriate training. JLARC received feedback from the Department of Corrections' community supervision field staff that adequate training on the full use of risk assessment tools is lacking.

JLARC's assessment is that presently, neither the Department of Corrections nor the Legislature can know whether or not the use of this risk-based approach is yielding improvements to public and community safety. The Washington State Institute for Public Policy's examination of impacts, over the longer-term, may possibly shed some light about

future benefits from this risk-based approach. However, it may be difficult to measure what supervision strategies work best to increase public safety and reduce recidivism, and how resource allocations to the Department's community supervision will affect how strategies are implemented.

The potential successful implementation of the Offender Accountability Act and the risk-based model for classifying and supervising offenders in the community by the Department of Corrections will depend in large part on the following:

- The ability to effectively track supervision-related information, such as enforcement of conditions of sentencing and supervision;
- The ability to use historical information for making management decisions, including determining what and how much resources are needed for what purposes;
- Knowing accurate counts of different types of cases that the Department has under its jurisdiction;
- Knowing accurately how much time it takes to perform a particular activity for a specific type of case;
- Communicating policies and other management decisions to community corrections staff in a clear and consistent manner; and
- Providing adequate, on-going staff training on the full use of risk assessment tools.

RECOMMENDATIONS

In order to successfully implement the 1999 Offender Accountability Act, including one of its major components of establishing a risk-based model for classifying offenders and supervising them accordingly, JLARC directs five recommendations to the Department of Corrections (DOC):

Recommendation 1

In continuing its full implementation of JLARC's 1998 recommendation, DOC should improve its tracking of compliance with sentencing and supervision conditions for community supervision offenders under its jurisdiction. In particular, DOC should:

- a. Immediately start using its newly developed Offender Accountability Plan to ensure that sentencing and supervision conditions are being effectively enforced. In addition, DOC should ensure that verification and notification features of Phase II of its new information system (OMNI), which is currently being phased in, are implemented to effectively track the enforcement of sentencing and supervision conditions.

Legislation Required:	No
Fiscal Impact:	None (The Phase II of OMNI, which has been funded for the 2001-03 Biennium, includes features for tracking sentencing and supervision conditions.)
Completion Date:	July 2002 (as part of the agency budget proposal to the Office of Financial Management for the 2003-05 Biennium)

- b. Immediately start using its newly developed audit process to review compliance with conditions of sentencing and supervision. Audit findings should be tracked and reported to management (both at the regional and headquarters levels) for taking corrective actions.

Legislation Required: No
Fiscal Impact: None
Completion Date: July 2002 (as part of the agency budget proposal to the Office of Financial Management for the 2003-05 Biennium)

Recommendation 2

DOC should establish quality control measures to ensure data reliability of its community supervision cases. DOC should maintain and communicate an accurate, consistent, and easy-to-understand count of community supervision cases under its jurisdiction by type of risk classification and supervision requirements.

Legislation Required: No
Fiscal Impact: None
Completion Date: July 2002 (as part of the agency budget proposal to the Office of Financial Management for the 2003-05 Biennium)

Recommendation 3

DOC should develop an accurate workload model showing how much time it takes to supervise offenders in each risk level, and how much time it takes to perform other supervision related activities.

Legislation Required: No
Fiscal Impact: None
Completion Date: December 2002

Recommendation 4

DOC should develop and implement a plan with sufficient field staff involvement, which will ensure that Department policies, procedures, and other management decisions are being communicated to its staff in a clear and consistent manner.

Legislation Required: No
Fiscal Impact: None
Completion Date: December 2002

Recommendation 5

DOC should establish training protocols, which will ensure that community supervision field staff receive adequate, on-going training on the full use of risk assessment tools and the related use of information systems.

Legislation Required:	No
Fiscal Impact:	None
Completion Date:	December 2002

Further, considering that it may be difficult to measure what supervision strategies work best, and how resource allocations will affect how strategies are implemented, JLARC directs an additional recommendation to DOC and the Washington State Institute for Public Policy.

Recommendation 6

DOC and the Washington State Institute for Public Policy should re-examine the utility of the current evaluation embarked upon by the Institute to ensure accurate and periodic reporting of the impact of the Offender Accountability Act on reducing recidivism and increasing public safety. The results of this re-examination should be reported to the Legislature and the Office of Financial Management.

Legislation Require:	No
Fiscal Impact:	None
Completion Date:	March 2002

AGENCY RESPONSES

We have shared the report with the Department of Corrections (DOC), the Office of Financial Management (OFM), and the Washington State Institute for Public Policy (WSIPP). Their written responses are included in Appendix 2.

ACKNOWLEDGMENTS

We appreciate the cooperation and assistance provided by Department of Corrections management and staff in conducting this study. We would like to recognize, in particular, the efforts of Doug Hasselbach who served as the Department's key contact on this study.

We would also like to acknowledge the contributions of our consultants Judith Clegg and Jennifer Moon of Clegg and Associates and Denise Klein and LaVonne Douville of the Rensselaerville Institute.

This study was conducted by Rakesh Mohan of the JLARC staff, with Bob Thomas serving as project supervisor. Robert Krell and Kendra Dahlen of JLARC staff also provided assistance on this project.

Thomas M. Sykes, Legislative Auditor

On January 9, 2002, this report was approved for distribution by the Joint Legislative Audit and Review Committee.

Representative Val Ogden, Chair

APPENDIX 1 – SCOPE AND OBJECTIVES

Study scope and objectives follow on pages 35 and 36.

REVIEW OF THE DEPARTMENT OF
CORRECTIONS COMMUNITY
SUPERVISION

Scope and Objectives

SEPTEMBER 26, 2001



STATE OF WASHINGTON
JOINT LEGISLATIVE AUDIT AND REVIEW
COMMITTEE

STUDY TEAM

Rakesh Mohan
Robert Krell
Bob Thomas

LEGISLATIVE AUDITOR

TOM SYKES

Joint Legislative Audit & Review Committee
506 16th Avenue SE
Olympia, WA 98501-2323
(360) 786-5171
(360) 786-5180 Fax
Website: <http://jlarc.leg.wa.gov>
e-mail: neff_ba@leg.wa.gov

MANDATE

The 2001-03 Biennial Budget directs JLARC to follow up on its 1998 performance audit of the Department of Corrections (DOC), with a focus on community supervision. The budget proviso asks JLARC to review:

- Community supervision activities,
- The implementation of risk-based classification and community placement models,
- The early implementation of the Offender Accountability Act of 1999, and
- The cost impacts of the risk-based models and the Offender Accountability Act.

The study is due to the Legislature by December 21, 2001.

BACKGROUND

In its 1998 performance audit of DOC, JLARC made two recommendations for improving the department's accountability of community supervision activities. Specifically, the audit recommended that DOC should (1) establish a means for tracking whether conditions of sentencing are being adequately enforced and met for offenders on community supervision, and (2) make available to the Legislature workload and budget assumptions associated with community supervision, and maintain key historical information.

The following year, the Legislature enacted the Offender Accountability Act (E2SSB 5421) to enhance supervision of offenders in the community. The Act applies to offenders who commit crimes after July 1, 2000.

The Act requires that DOC "assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety." Furthermore, the Act requires DOC to "supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court."

Through this study, the Legislature wants to know what DOC has done to mitigate the risk posed by offenders on community supervision and to improve its accountability in the area of community supervision.

STUDY SCOPE

As directed, JLARC's study will focus on community supervision. The study will first follow up on those recommendations of our 1998 performance audit of the DOC that relate to community supervision.

Furthermore, the study will review, from an operational perspective, how well DOC has implemented the risk-based classification and community placement models and the Offender Accountability Act. The Washington State Institute for Public Policy is conducting a long-term evaluation of the impact and cost-effectiveness of the Offender Accountability Act as directed by the Legislature.

STUDY OBJECTIVES

In response to the legislative directive, the study will answer the following questions:

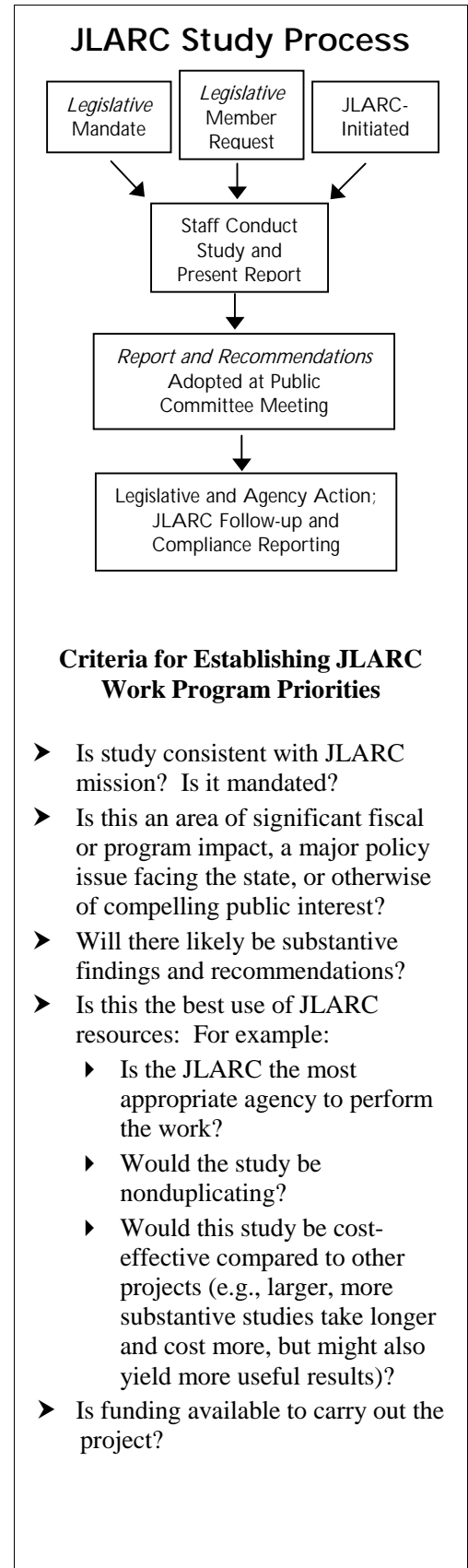
1. What community supervision activities does DOC perform to address its statutory responsibilities?
2. Has DOC implemented the JLARC recommendation to establish a means for tracking whether conditions of sentencing are being adequately enforced and met for offenders on community supervision?
3. What is a risk-based classification and community placement model? Describe the model(s) currently used by DOC.
4. How does DOC know that the use of its risk-based model increases the safety in the community and reduces the risk of recidivism?
5. What does the risk-based model do and what does it not do?
6. What are the key elements of the Offender Accountability Act? What changes does this bring to community supervision?
7. To what extent has the Act been implemented so far? What has changed, what will change, and what will not change? What are the key milestones and projected timelines?
8. Has DOC implemented the JLARC recommendation to make available to the Legislature workload and budget assumptions, and maintain key historical information about community supervision?
9. What are the cost implications (budget drivers) of implementing the risk-based model and the Offender Accountability Act?

Timeframe for the Study

Staff will present its preliminary and final reports at the JLARC meetings in December 2001 and January 2002, respectively.

JLARC Staff Contact for the Study

Rakesh Mohan (360) 786-5179 mohan_ra@leg.wa.gov



APPENDIX 2 – AGENCY RESPONSES

- Department of Corrections
- Office of Financial Management
- Washington State Institute for Public Policy



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STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF CORRECTIONAL OPERATIONS
P.O. Box 41126 • Olympia, Washington 98504-1126

December 27, 2001

Thomas M. Sykes, Legislative Auditor
Joint Legislative and Audit Review Committee
506 16th Ave SE
Olympia, WA 98501-2323

RE: COMMUNITY SUPERVISION STUDY REPORT

Dear Mr. Sykes:

Thank you for the opportunity to respond to the report of the Washington State Department of Corrections Performance Audit. The Department recognizes the difficult and complex task in performing an audit, especially with the constraint of the time frames. We commend you and your staff for your work. The Department of Corrections welcomes the opportunity to benefit from this review.

The audit report transitioned from preliminary to final, prior to our submission of written feedback. We recognize the reasons for this change from normal practice. We were, however, afforded opportunities to verbally provide technical review. The Department continues to have concerns regarding chart 2.2. It does not reflect the methodology used by DOC, OFM or the Legislature in applying workload factors. Our concern is that this may confuse the reader.

Attached to this letter is a copy of the Department of Corrections (DOC) response to the JLARC recommendations.

Please contact Anne Fiala at (360) 586-0844 if you have any questions.

Sincerely,

Joseph Lehman
by Anne L Fiala
Joseph D. Lehman
Secretary

AF:rc
Enclosure

Cc: Eldon Vail
Cindi Yates
Patria Robinson-Martin
Anne Fiala
Lynne Delano

"Working Together for SAFE Communities"

DOC RESPONSE TO JLARC RECOMMENDATIONS

RECOMMENDATION IN CONTINUING ITS FULL IMPLEMENTATION OF JLARC'S 1998 RECOMMENDATION	AGENCY POSITION	COMMENTS
<p>Recommendation 1: DOC should improve its tracking of compliance with sentencing and supervision conditions for community supervision offenders under its jurisdiction. In particular, DOC should:</p> <ul style="list-style-type: none"> a. Start immediately using its newly developed Offender Accountability Plan to ensure that sentencing and supervision conditions are being effectively enforced. In addition, DOC should ensure that verification and notification features of Phase II of its new information system (OMNI), which is currently being phased in, are implemented to effectively track the enforcement of sentencing and supervision conditions. b. Start immediately using its newly developed audit process to review compliance with conditions of sentencing and supervision. Audit findings should be tracked and reported to management (both at the regional and headquarters levels) for taking corrective actions. 	<p>Recommendation 1(a): Concur (June 2003) *Note different date. OMNI Phase II will be completed at the end of the biennium.</p> <p>Recommendation 1(b): Concur</p>	<p>1(a) The Department has complied with the 1998 JLARC recommendation to track compliance. The Legislature has funded the departments considerable investment in creating a new information system (OMNI), to reflect the new business practices of OAA and allow the use of data at the aggregate level for management purposes. The Offender Accountability Plan allows Community Corrections Officers and management to monitor the compliance of conditions of supervision. The Offender Accountability Plan includes a verification plan, which outlines the Community Corrections Officer's strategy to verify compliance with conditions. During the 2001-03 Biennium this feature of the Offender Accountability Plan will be expanded to link the verification plan in the Offender Accountability Plan with a notification system that will alert supervisors of any upcoming or past due actions by Community Corrections Officers or offenders.</p> <p>1(b) The audit tool has been developed and field-tested during the last 6 months. During that period we have audited 10 community corrections offices. The complete audit system will be on line in January 2002 and continue through this fiscal year. The future of the audit system beyond that date will depend on funds available. Presently this function is not within the existing budget allotment.</p>

<p>Recommendation 2: DOC should establish quality control measures to ensure data reliability of its community supervision cases. DOC should maintain and communicate an accurate, consistent, and easy-to-understand count of community supervision cases under its jurisdiction by type of risk classification and supervision requirements.</p>	<p>Concur</p>	<p>As reported by JLARC the Department complied with the 1998 JLARC recommendation of making the workload data available to the Legislature. The Department is currently assisting the Caseload Forecast Council to develop a new methodology to Community Corrections forecasting. As a result of this work, agreed upon caseload categories will be developed and maintained. In addition, the Department will verify data reliability through an audit process.</p>
<p>Recommendation 3: DOC should develop an accurate workload model showing how much time it takes to supervise offenders in each risk level, and how much time it takes to perform other supervision related activities.</p>	<p>Concur</p>	<p>The Department is currently conducting a workload study related to the supervision of offenders in the community. The study will produce information about resource utilization and allocation which, in the end, will result in development of a comprehensive and sustainable resource allocation model.</p>
<p>Recommendation 4: DOC should develop and implement a plan with sufficient field staff involvement, which will ensure that Department policies, procedures, and other management decisions are being communicated to its staff in a clear and consistent manner.</p>	<p>Concur</p>	<p>The Department will review and revise the existing practices for the dissemination of new and updated policies in both the electronic and hard copy format to include a more predictable schedule for staff to expect policy changes to be announced. The first deliverable of the Department's new information system, Offender Management Network Information (OMNI) was designed with electronic help text, tutorials and a direct link to the policy, applicable to the section being worked by staff. This enables the user to reference current policy immediately. In addition, the Deputy for Operations will use a performance measurement to ensure critical policy changes are discussed in meetings with managers, supervisors and Community Corrections Officer's. The Federation will be consulted for input and discussion on how to best implement these changes.</p>

<p>Recommendation 5: DOC should establish training protocols, which will ensure that community supervision field staff receive adequate, on-going training on the full use of risk assessment tools and the related use of information systems.</p>	<p>Concur</p>	<p>Training for the risk assessment process has been revised, based on recent policy changes, for new and existing case management staff both in prisons and in community corrections. We will begin to deliver that training in January and continue until completed. In addition, the department is working closely with the Criminal Justice Training Commission to put the infrastructure in place to offer information system training at the Adult Services Academy for the first time in the Department's history. The first deliverable of the department's new information system, Offender Management Network Information (OMNI), was designed with electronic help text and tutorials which employees report are useful tools. OMNI Offender Accountability Plan training has begun and will continue until delivered to all new and existing case management staff both in prisons and in community corrections. Consistent with the use of the OAP, supervisors will be the primary avenues through which training will be presented to staff.</p>
<p>Recommendation 6: DOC and the Washington State Institute for Public Policy should re-examine the utility of the current evaluation embarked upon by the Institute to ensure accurate and periodic reporting of the impact of the Offender Accountability Act on reducing recidivism and increasing public safety. The results of this re-examination should be reported to the Legislature and the Office of Financial Management.</p>	<p>Concur</p>	<p>The Department will continue to partner with the Washington State Institute for Public Policy regarding their evaluation of the Offender Accountability Act.</p>



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STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

Insurance Building, PO Box 43113 • Olympia, Washington 98504-3113 • (360) 902-0555

December 19, 2001

Mr. Tom Sykes, Legislative Auditor
Joint Legislative Audit and Review Committee
P.O. Box 40910
Olympia WA 98504-0910

Dear Mr. Sykes:

Thank you for the opportunity to review the Joint Legislative Audit and Review Committee's preliminary report entitled "Department of Corrections Community Supervision Study." We have provided our comments below.

Table with 3 columns: RECOMMENDATION, AGENCY POSITION, and COMMENTS. It contains two rows of data regarding DOC implementation of the 1998 JLARC recommendation and quality control measures.



3. DOC should develop an accurate workload model showing how much time it takes to supervise offenders in each risk level, and how much time it takes to perform other supervision related activities.	Concur	
4. DOC should develop and implement a plan with sufficient field staff involvement, which will ensure that Department policies, procedures, and other management decisions are being communicated to its staff in a clear and consistent manner.	Concur	Implementing the recommendation will require constructive involvement by field staff and employee representatives.
5. DOC should establish training protocols, which will ensure that community supervision field staff receive adequate, on-going training on the full use of risk assessment tools and the related use of information systems.	Concur	
6. DOC and the Washington State Institute for Public Policy should re-examine the utility of the current evaluation approaches embarked upon by the Institute to ensure accurate and periodic reporting of the impact of the Offender Accountability Act on reducing recidivism and increasing public safety. The results of this re-examination should be reported to the Legislature and the Office of Financial Management.	Concur	

If you have any questions, please contact Dick Van Wagenen at 902-0651.

Sincerely,



Marty Brown
Director

DEC 14 2001

JLARC

December 14, 2001

Institute Comments on JLARC's Preliminary "Department of Corrections Community Supervision Study"

This communication offers the comments of the Washington State Institute for Public Policy on one recommendation in JLARC's Preliminary Report: "Department of Corrections Community Supervision Study" (December 12, 2001). For more information, contact Steve Aos at 360-586-2740, saos@wsipp.wa.gov.

JLARC Recommendation	WSIPP Position	Comments
<p>Recommendation 6:</p> <p>DOC and the Washington State Institute for Public Policy should re-examine the utility of the current evaluation approaches embarked upon by the Institute to ensure accurate and periodic reporting of the impact of the Offender Accountability Act on reducing recidivism and increasing public safety.</p>	<p>Concur</p>	<p>The legislature intended that the Offender Accountability Act (OAA) would produce lower recidivism. The legislature directed the Washington State Institute for Public Policy to <i>conduct a study of the effect of the use of community custody under this Act. The study shall include the effect of this Act on recidivism and other outcomes.</i></p> <p>The legislative interest in knowing whether the OAA works to lower recidivism remains pertinent. In the Institute's review of all the formal criminal justice evaluations conducted in the United States since 1975, we found that very few states ever evaluate whether what they do has any effect.¹ Thus, the legislature's desire to measure whether the OAA is effective continues to be a worthwhile objective, and it is quite unique among the states.</p> <p>The Institute first published its research approach to the OAA in January 2000 when the implementation of the OAA was in its infancy.² Now that the OAA is more fully implemented, the evaluation methods the Institute will use to determine if the OAA lowers recidivism can be more precisely defined.</p> <p>In our upcoming report to the legislature on the OAA (due January 2002), we describe our revised methodology for the next steps in the outcome evaluation.</p> <p>Our bottom line is this: We believe that our planned methods will be able to provide the legislature with valuable information on whether the OAA works (or does not work) to lower recidivism. This is the</p>

¹ Steve Aos, Polly Phipps, Robert Barnoski, Roxanne Lieb, *The Comparative Costs and Benefits of Programs to Reduce Crime*, Washington State Institute for Public Policy, May 2001, available at: <http://www.wa.gov/wsipp/crime/pdf/costbenefit.pdf>

² Steve Aos, Polly Phipps, Robert Barnoski, Roxanne Lieb, *Evaluation Plan for the Offender Accountability Act*, Washington State Institute for Public Policy, January 2000, available at: <http://www.wsipp.wa.gov/crime/pdf/offenderacctact.pdf>



JLARC Recommendation	WSIPP Position	Comments
		<p>main outcome the legislature identified in the OAA. We believe this information will be useful for subsequent budget and policy initiatives of the legislature.</p> <p>In the 1998 JLARC report on the Department of Corrections, JLARC retained researchers from the University of Maryland to judge the overall methodological quality of different research studies that have been done in the United States in the adult corrections field. The Maryland researchers used a 1-to-5 point rating scale to judge methodological quality, with a "level 5" study being the best (a "level 5" study is one with "random assignment," which can rarely be undertaken in real world evaluations). That JLARC study considered all studies with a rating of "level 2" or higher. The methods the Institute will be able to employ for our evaluation of the OAA will be at "level 4" and "level 3" on the Maryland scale. This means that our proposed approaches can be relied on to produce valuable information.</p> <p>The degree to which particular sub-components of the OAA can be evaluated, however, will be dependent on the types of offender information DOC records in its OMNI database system. This is a point the new JLARC report makes in its Recommendation 1 (that DOC should ensure this type of tracking information is contained in OMNI). To the degree DOC does not record certain types of information in OMNI, the Institute will be limited in its ability to evaluate particular subcomponents of the OAA.</p>

APPENDIX 3 – LEGISLATIVE REQUIREMENTS FOR THE WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY TO EVALUATE OAA

Through the Offender Accountability Act and specific provisos in the 1999-01 and 2001-03 operating budgets, the Legislature has directed the Washington State Institute for Public Policy to answer if the Offender Accountability Act:

- Reduces recidivism.
- Affects the number and seriousness of violations of conditions of community custody.
- Increases the use of graduated sanctions by the Department of Corrections.
- Reduces the unauthorized absences from supervision.
- Increases the payment of legal financial obligation by offenders.
- Reduces the use of unlawful controlled substances by offenders.
- Reduces the use of alcohol when abstention or treatment for alcoholism is a condition of supervision.
- Increases the number of offenders who are employed or participate in vocational rehabilitation.
- Increases participation in vocational and education programs.
- Reduces the use of public assistance.

APPENDIX 4: RECENT EVOLUTION OF COMMUNITY SUPERVISION WITHIN WASHINGTON STATE

Key Aspects of Community Supervision	Prior to 1981	1981 Sentencing Reform Act (SRA)	1999 Offender Accountability Act (OAA)
<i>Type of sentencing system / key features</i>	<ul style="list-style-type: none"> Indeterminate Sentencing System. Maximum terms set by court based on statute. Minimum or “actual” term set by Parole Board (later re-named Indeterminate Sentencing Review Board). 	<ul style="list-style-type: none"> Determinate Sentencing System. Actual terms set by court based on established sentencing range for each crime type. 	<ul style="list-style-type: none"> Determinate system as under the SRA. Key features of OAA include: 1) focusing resources on high-risk offenders; 2) holding offenders accountable; and 3) developing a community-oriented approach to offender management.
<i>Types of community supervision</i>	<ul style="list-style-type: none"> Probation: community-based supervision either in addition to jail time (less than 12 months), or in lieu of incarceration. Parole: community-based supervision following release from prison (more than 12 months) 	<ul style="list-style-type: none"> Probation re-named “Community Supervision.” Parole originally eliminated. In 1988, certain crimes made eligible for supervision following release from prison, and termed “Community Placement.” 	<ul style="list-style-type: none"> All community supervision re-named “Community Custody.” Includes: <ul style="list-style-type: none"> > Community Custody in addition to or in lieu of jail, and > Community Custody following release from prison.
<i>General nature of supervision, including community involvement</i>	<ul style="list-style-type: none"> Supervision is offender focused, responding to violations after the fact. Little community involvement 	<ul style="list-style-type: none"> Supervision is offender focused, responding to violation behavior, with limited intervention efforts. Some limited involvement by community based service providers. 	<ul style="list-style-type: none"> Supervision is community focused and risk based, with resources directed toward high-risk offenders. Community members involved in developing and monitoring supervision plans in order to prevent violent behavior before it occurs.

DEPARTMENT OF CORRECTIONS COMMUNITY SUPERVISION STUDY

Key Aspects of Community Supervision	Prior to 1981	1981 Sentencing Reform Act (SRA)	1999 Offender Accountability Act (OAA)
<i>How nature of community supervision determined in individual cases</i>	<ul style="list-style-type: none"> Determined by DOC based on crime type. 	<ul style="list-style-type: none"> From 1984-1993: determined by DOC based on crime title and court imposed conditions. From 1993-2000: based on court imposed conditions and risk to re-offend as assessed by a risk-assessment tool (LSI-R) 	<ul style="list-style-type: none"> Determined by DOC based on a model that includes use of the LSI-R to determine the risk to re-offend, and a second assessment tool (RMI) that identifies the nature of harm done by an offender and risk to commit future violent acts.
<i>DOC discretion for modifying conditions of supervision</i>	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> 1984-1996: None 1996-2000: DOC authorized to impose conditions on community custody only cases, including “affirmative” acts such as requiring treatment. 	<ul style="list-style-type: none"> DOC can impose conditions at any time on any case sentenced under the Offender Accountability Act in order to enhance community safety.
<i>Role of community corrections staff within the community</i>	<ul style="list-style-type: none"> Community Corrections Officer (CCO) is primary agent of supervision. Little community involvement. Physically located in single or multiple-unit field office centrally located within a geographic region. 	<ul style="list-style-type: none"> CCO remains primary agent of supervision. Limited involvement by community based service providers. Physically located in single or multiple-unit field office centrally located within a geographic region. 	<ul style="list-style-type: none"> CCOs have more community contacts and involvement. “Risk Management Specialist” position established to assist in assessment process and development of community resources. Staff are stationed in high crime areas to assist in crime prevention efforts.
<i>Special provisions related to sex offenders</i>	<ul style="list-style-type: none"> Court or Parole Board could order treatment as a condition of supervision. 	<ul style="list-style-type: none"> Special Sex Offender Sentencing Alternative gave court the option to suspend a prison commitment and place selected offenders under Community Supervision with a requirement that they be involved in treatment. 	<ul style="list-style-type: none"> Sex offenders are required to have transition and relapse prevention plan prior to release from prison. Treatment providers must be state certified to provide treatment to offenders.

APPENDIX 5—RISK MANAGEMENT IDENTIFICATION FORM



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

RISK MANAGEMENT IDENTIFICATION FORM

SECTION 1: INITIAL ASSESSMENT

OFFENDER NAME	DOC NUMBER	LSI R SCORE
CC / CCO NAME		DATE

LSI R 41+ Violent _____ DMIO _____ Sex Offender Level III _____	VIOLENCE TYPE			DECISION BOX	
	Stranger	Y	N	DK	Risk Management Assignment
	Predatory	Y	N	DK	RM-A _____
	Vulnerable Victim	Y	N	DK	RM-B _____ <i>See criteria on Page 2</i>
	Hate Crime	Y	N	DK	RM-C _____
	Imminent Threat	Y	N	DK	RM-D _____

VIOLENCE CRITERIA				
	OFFENSE TITLE	DATE	SOURCE	COMMENT
Stranger				
Predatory				
Vulnerable Victim				
Hate Crime				
Imminent Threat				

Request for Additional Assessment	
VRAG _____	Other _____
Requested by _____	
Date _____	
Completed by _____	
Date _____	
Findings _____	

Override
Recommendation _____
Rationale _____

CC / CCO _____

DATE _____

CUS / CCS APPROVAL _____

DATE _____

- Directions for CC / CCO**
- For every YES on the violence criteria, indicate offense title, date, and source.
 - Indicate additional relevant information in the Comment field.
 - For every DK, give a brief explanation in the Comment field.
 - Review decision with Supervisor.

- Directions for CUS / CCS**
- Review the selection criteria.
 - Clarify basis of classification decision.
 - Review for override criteria.
 - Authorize selection.

CRITERIA FOR RISK MANAGEMENT LEVELS A – D

RISK MANAGEMENT A (RM-A)

Offenders will be assigned Risk Management Level A if they meet one or more of the following criteria

- a Offenders with an LSI R score of 41 or over and have been convicted of a violent crime
- b Level III sex offenders
- c Offenders how have been designated as Dangerous Mentally Ill Offender (DMIO) by the CPU and / or
- d Offenders who do not meet the above criteria but through documented history meet any of the following
 - (1) Have committed a violent act involving a victim who was unknown to the offender
 - (2) Have committed a predatory act of violence directed toward strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization
 - (3) Have committed a violent act where the victim was vulnerable due to age (5 years or younger), physical condition, mental disability, or ill health where the victim was incapable of resisting the offense, or with significantly impaired ability to protect him / herself
 - (4) Have committed violent acts or made threats of violence directed toward institutions or groups in the community, including, but not limited to, religious, ethnic, or racial groups
 - (5) Have a history of violent acts and continues to exhibit behavior demonstrating a current threat to the victim(s) including, but not limited to, domestic violence or sexual offenses

RISK MANAGEMENT B (RM-B)

Offenders who do not meet the criteria to be assigned to RM A, will be assigned Risk Management Level B if they meet one or more of the following criteria

- a Have an LSI R score of 41 or over
- b Have an LSI R score of 32-40 and have been convicted of a violent crime
- c Level II sex offenders and / or
- d Offenders with identified high level of needs including, but not limited to, those who are developmentally disabled or seriously mentally ill as determined by a qualified service provider

RISK MANAGEMENT C (RM-C)

- a Offenders who do not meet the criteria to be assigned to RM A or RM B, with a LSI R score of 24 to 40, will be assigned to Risk Management Level C
- b Level I sex offenders will be assigned to RM C

RISK MANAGEMENT D (RM-D)

Offenders who do not meet the criteria to be assigned to RM A, RM B, or RM C with a LSI R score of 0-23 will be assigned to Risk Management Level D

SECTION 2: REASSESSMENT

Revised Risk Management Level

RM A	_____	Rationale	_____
RM B	_____		_____
RM C	_____		_____
RM D	_____		_____

CC / CCO	_____	DATE	_____
CUS / CCS APPROVAL	_____	DATE	_____

Revised Risk Management Level

RM A	_____	Rationale	_____
RM B	_____		_____
RM C	_____		_____
RM D	_____		_____

CC / CCO	_____	DATE	_____
CUS / CCS APPROVAL	_____	DATE	_____

Revised Risk Management Level

RM A	_____	Rationale	_____
RM B	_____		_____
RM C	_____		_____
RM D	_____		_____

CC / CCO	_____	DATE	_____
CUS / CCS APPROVAL	_____	DATE	_____

APPENDIX 6 – OFFENDER ACCOUNTABILITY PLAN



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

OFFENDER ACCOUNTABILITY PLAN

Plan Information					
Offender Name				DOC Number	
Date Developed				Revision Date	
Offender Information					
RM Level	Custody Level	VRAG Bin #	Guardian	RM Team	Offender Signature
DMIO	Level 3	41+ Violent Conviction	RMA Other	SOTP	CPU
Earliest Release Date			Maximum Release Date		
Earliest Community custody End Date			Scheduled End Date		
Facility/Officer					
CC/CCO Name			Facility/Officer Telephone		
Facility RMS			Community RMS		
Sentence Information					
Prefix	County	Cause Number	Crime Description		
Collaborator Information					
Name			Type		
Risk Factors					
LSI-R Risk Factors	Initial	Current	Percentile	Need Rating	Targeted
Criminal History					<input type="checkbox"/>
Education/Employment					<input type="checkbox"/>
Financial					<input type="checkbox"/>
Family/Marital					<input type="checkbox"/>
Accommodation					<input type="checkbox"/>
Leisure/Recreation					<input type="checkbox"/>
Companions					<input type="checkbox"/>
Alcohol/Drugs					<input type="checkbox"/>
Emotional/Personal					<input type="checkbox"/>
Attitudes/Orientation					<input type="checkbox"/>
LSI-R Score Totals	_____				

Other Risk Factor	Targeted
Sexual Deviancy	<input type="checkbox"/>
Cognitive Impairment	<input type="checkbox"/>
Mental Health	<input type="checkbox"/>
Medical	<input type="checkbox"/>
Other	<input type="checkbox"/>
Narrative	

Offender Risk/Need Summary
Criminal History
Education/Employment Narrative
Financial Narrative
Family/Marital Narrative
Accommodation Narrative
Leisure/Recreation Narrative
Companions Narrative
Alcohol/Drugs Narrative
Emotional/Personal Narrative
Attitudes/Orientation Narrative
Description of Violence
Victim and Community Concerns
Risk Analysis Narrative
Risk Analysis Narrative Summary

Intervention Strategies for Targeted Risk Factor		
Affirmative Acts		
Condition/Strategy	Sanctioning Authority	Compliance
Narrative		
Verification Plan Statement		
Prohibitions		
Condition/Strategy	Sanctioning Authority	Compliance
Narrative		
Verification Plan Statement		
Compliance Narrative:		

DEPARTMENT OF CORRECTIONS COMMUNITY SUPERVISION STUDY

Reparations		
Condition/Strategy	Sanctioning Authority	Compliance
Narrative		
Verification Plan Statement		
Compliance Narrative:		

Conditions Per Cause		
Cost of supervision Assessment \$	Cost of Supervision Balance \$	
County Cause #		
LFO Payment Scheduled Amount \$	LFO Balance \$	LFO as of Date
CSH Balance (hours)	CSH Work Site Name	CSH as of Date
Conditions:	Authority:	Compliance:

Conditions Per Cause		
County Cause #		
LFO Payment Scheduled Amount \$	LFO Balance \$	LFO as of Date
CSH Balance (hours)	CSH Work Site Name	CSH as of Date
Conditions:	Authority:	Compliance:

Transition Plan Status	
Plan Status	Status Date

Transition Plan Residence Information			
Street line 1			
Street line 2			
City	State	ZIP Code	Telephone
Sponsor Name	Sponsor Relationship	Sponsor Date of Birth	Sponsor Gender
Sponsor Home Phone	Sponsor Work Phone	Best Time to Reach Sponsor	

Others Living at Residence	

DEPARTMENT OF CORRECTIONS COMMUNITY SUPERVISION STUDY

Transition Plan Information	
Treatment Needs and Availability	
Community Concerns/Access to Potential Victims	
Support System	
Available Resources	
Employment	
Transportation	
Additional Information	

Investigation Review	
Investigator Position ID	Investigator Name
Investigator Telephone	Date Residence Verified
Residence	
Treatment Needs and Availability	
Community Concerns/Access to Potential Victims	
Support System	
Available programs	
Employment	

Document History				
Date	Document	New State	Author	Position ID

OAP 080801 SR

