

Use of Community Corrections Division Review

Report to King County Council

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In Collaboration With:

The Adult Justice Operational Master Plan Advisory Group:
Department of Adult and Juvenile Detention
Department of Community and Human Services
Department of Judicial Administration
Metropolitan King County Council
District Court
Superior Court
Office of the Prosecuting Attorney
Office of the Public Defender
King County Sheriff's Office

Executive Summary

This report responds to a proviso in the 2008 Adopted Budget (Ordinance 15975) requesting a review of the feasibility of implementing changes in how the county uses its community corrections programs. The proviso directed the Office of Management and Budget (OMB) to reconvene the Adult Justice Operational Master Plan (AJOMP) Advisory Group to: *review the current use of community corrections alternatives and programs and evaluate whether changes in screening, processing, sentencing or monitoring compliance could lead to better utilization of existing community corrections program capacity.*

The AJOMP Advisory Group, comprised of representatives from King County's criminal justice agencies has been meeting regularly since December 2007. The Advisory Group charged a smaller work group with carrying out the research and conducting the necessary analysis to produce an initial set of recommendations for further exploration that are included in this report. The Work Group reviewed background information and data on the alternatives to incarceration and explored the services and programs provided by the Department of Adult and Juvenile Detention's (DAJD) Community Corrections Division (CCD). As part of this process the group drafted - and the Advisory Group approved - a mission, goals and guiding principles for the use of community corrections and alternatives to incarceration in King County.

The Work Group identified a series of possible changes to CCD that need further exploration. The group identified three key areas for further review and 11 possible changes within CCD that may improve the use of community corrections alternatives. All of these ideas require additional discussion and analysis before a determination can be made as to whether or not they should be implemented. This analysis will need to include a review of any associated costs with making the change. The Advisory Group reviewed and approved the following recommendations of the Work Group:

- **Explore changes to the existing programs and structure of DAJD's Community Corrections Division**
 - Improve Community Center for Alternative Programs (CCAP) Basic to include more frequent urinalysis monitoring
 - Consider contracting for a domestic violence treatment module in CCAP
 - Add therapeutic programming, via a contract provider, in all alternatives
 - Add breath alcohol testing and monitoring in Electronic Home Detention (EHD)
 - Expand housing options for EHD and CCAP participants
 - Improve CCD data collection and evaluation
- **Explore changes to the capacity of the Community Corrections Division programs and alternatives**
 - Provide CCAP, Work Education Release (WER), and Community Work Program (CWP) in South King County
 - Consider making CCD alternatives and programs available to cities that contract with the jail
 - Expand CWP to serve felons sentenced in Superior Court

- **Explore the implementation of new models/practices within CCD**
 - Explore the implementation of validated risk and needs assessment screening tools
 - Explore the implementation of a system of Graduated Sanctions

Each of these recommendations for further exploration is discussed in more detail within the body of this report. This discussion includes specific considerations that need to be taken into account for each of these possible changes.

The Work Group also identified three changes for immediate implementation. These recommendations respond to immediate needs identified by the Work Group. The Work Group feels that further exploration of these recommendations is not necessary and the AJOMP Advisory Group has agreed to all three of them.

- **Recommendations for Immediate Implementation**
 - Amend King County Code (specific to community corrections) to be consistent with RCW 9.94A.680 “Alternatives to Incarceration”
 - Provide improved criminal justice system education regarding community corrections alternatives
 - Eliminate EHD Basic

The final section of the report lays out next steps for implementing the above three recommendations and for exploring other possible changes. This process will be co-staffed by the Office of Management and Budget and the Community Corrections Division and will continue to be guided and advised by the AJOMP Advisory Group. Given King County’s current financial position, next steps in exploring any changes to CCD alternatives will need to be carefully evaluated for cost implications as well as possible cost savings to the county.

Introduction

In response to a proviso in the 2008 Adopted Budget (Ordinance 15975), the Adult Justice Operational Master Plan (AJOMP) Advisory Group has conducted a review of the Department of Adult and Juvenile Detention's Community Corrections Division (CCD) programs and alternatives. This report summarizes the work of this committee and identifies possible changes to the use of CCD programs and alternatives that need further exploration. This report also lays out a work plan and timeline for moving forward with next steps and contains three recommendations for immediate implementation. Given King County's current financial position, next steps in exploring any changes to CCD alternatives will need to be carefully evaluated for cost implications as well as possible cost savings to the county.

Proviso

The following is an excerpt from the King County 2008 Adopted Budget, Ordinance 15975, Section 19 Office of Management and Budget, P3.

Of this appropriation, \$25,000 shall not be expended or encumbered until the council reviews, and by motion acknowledges receipt of a report from the OMB detailing a review of the feasibility of implementing changes in how the county uses its community corrections programs. The office shall transmit the report to the council by April 1, 2008. The OMB, working with representatives of the superior court, district court, office of the prosecuting attorney, office of the public defender, sheriff and the departments of adult and juvenile detention and community and human services, shall review the current use of community corrections alternatives and programs and evaluate whether changes in screening, processing, sentencing or monitoring compliance could lead to better utilization of existing community corrections program capacity.

The report shall identify the executive's plans for negotiating and implementing agreements with the courts to implement any proposed changes, schedules, resources needed for implementing program changes and milestones.

The plan required to be submitted by this proviso must be filed in the form of 11 copies with the clerk of the council, who will retain the original and will forward copies to each councilmember and to the lead staff for the law, justice and human services committee, or its successor.

AJOMP Advisory Group Membership and Process Overview

The AJOMP Advisory Group was reconvened in December 2007 to guide and oversee the process of reviewing the use of CCD alternatives and providing recommendations for changes. The Advisory Group was comprised of one or two representatives from each of King County's criminal justice agencies: Superior Court, District Court, Prosecuting Attorney's Office, Office of the Public Defender, King County Sheriff's Office, and the Departments of Adult and Juvenile Detention and Judicial Administration. It also had

representatives from the King County Council, Office of Management and Budget, and the Department of Community and Human Services. The Advisory Group charged a smaller work group with carrying out the research and conducting the necessary analysis to produce the initial set of recommendations for further exploration that are included in this report. The Work Group was comprised of representatives from criminal justice agencies with a key stake in how the County's alternatives are used. The Advisory Group reviewed and approved the recommendations of the Work Group. Both the Advisory Group and the Work Group made decisions by consensus. See Attachment 1 for a list of Advisory Group members and Attachment 2 for a list of Work Group members.

CCD Background and Data

Through CCD, King County operates a series of alternatives to incarceration which provide the courts with options between jail and release to the community. These programs are referred to as alternatives to incarceration, although some, such as Work Education Release (WER), function as a partial custody program. To varying degrees, CCD alternatives are available to pre-trial defendants and offenders sentenced in either District or Superior Court. Table 4 on pages 9-10 of this report specifies whether the alternative serves pre-trial defendants, sentenced offenders, or both and whether or not it is available to District Court, Superior Court, or both. The courts order defendants directly into one or more specific alternatives. Via a separate order, the court also orders the conditions under which an individual will participate in the alternative. An overview of alternatives available in King County is provided in this report on page 6.

In addition to the alternatives, CCD operates the Intake Services Unit (ISU) which screens individuals booked into secure custody and provides that information to the court. This information is then used to assist the court in decisions to detain, release, or place in individual in an alternative. Using Administrative Court Guidelines, ISU staff members facilitate pre-trial release of defendants who meet the criteria in the guidelines. The ISU Felony Arraignment Notification (FAN) program notifies defendants of their upcoming court dates in an effort to reduce failure-to-appear violations. CCD also provides several education and reentry support programs that support offenders' transition back into the community at the completion of their sentences.

In 2005, Mark Morris Associates – an independent consulting firm with expertise in adult justice systems – reviewed King County's existing community corrections alternatives and provided recommendations for improvement. Their work included a review of best practices and the evaluation data of comparable jurisdictions around the country. Initially, it was intended that the consultant would provide a comprehensive evaluation of the newly established division. Due to issues with the division's data systems, a comprehensive evaluation was not possible. However, the consultant did provide an evaluation design plan for future use.

While an upgrade to CCD's data system is in the planning stages, there will not be available data to conduct a comprehensive evaluation for several years.¹ Given this, there is very limited evaluation and program outcome data available regarding the use and effectiveness of CCD alternatives. Table 1 below provides a demographic and data snapshot of CCD alternatives.

¹ Note - In the 2008 Adopted Budget, CCD received funding to develop requirements and the Request for Proposal for an upgrade to CCD's data system, called ComCor.

Table 1 - CCD Demographics & Data for 2006

Work Education Release (WER)	Gender	91% male 9% female
	Charge	58% felony 42% misdemeanor
	Adjudication Status	12% pre-trial 88% sentenced
	Program Completion	78% completed 22% failed
Electronic Home Detention (EHD)	Gender	75% male 25% female
	Charge	62 % felony 38% misdemeanor
	Adjudication Status	13% pre-trial 87% sentenced
	Program Completion	87% completed 13% failed
Community Center for Alternative Programs (CCAP)	Gender	70% male 30% female
	Charge	86% felony 14% misdemeanor
	Adjudication Status	77% pre-trial 23% sentenced
	Program Completion	49% completed 51% failed
Community Work Program (CWP)	Gender	82% Male 18% Female
	Charge	0% felony 100% misdemeanor
	Adjudication Status	0% pre-trial 100% sentenced
	Program Completion	84% completed 16% failed
Helping Hands Program (HHP)	Gender	65% male 35% female
	Charge	34% felony 66% misdemeanor
	Adjudication Status	0% pre-trial 100% sentenced
	Program Completion	58% completed 42% failed

CCD Mission, Goals & Guiding Principles

The Community Corrections Division was established in 2002 via Ordinance 14561. The ordinance directed that the duties of CCD include: implementation of alternatives to adult detention based on screening criteria approved by the superior and district courts; assessment of the needs of adult persons placed in alternatives to detention; and contracting with private non profit community agencies to provide services for re-licensing offenders. Following this, CCD staff developed a mission and goals for the division.

In reviewing the use of CCD with criminal justice system partners, it became clear that it was necessary for there to be system-wide understanding of, and agreement with, the mission and goals of community corrections. Both the Work Group and the Advisory Group reviewed and agreed to the mission developed by CCD staff. The group then discussed the goals of providing alternatives to incarceration in King County. This discussion indicated the need for the development of and consensus acceptance of goals and guiding principles in the use of alternatives.

At its meeting on February 14, 2008, the AJOMP Advisory Group agreed to the mission for the Community Corrections Division and to the goals and guiding principles for alternative sanctions in King County that are provided in Table 2 below.

Table 2 – CCD Mission, Goals & Guiding Principles

<p><u>CCD Mission:</u> <i>The Community Corrections Division (a division of the Department of Adult & Juvenile Detention) provides the court system as well as the offender with pre-trial and sentenced alternatives to secure confinement aimed at reducing the jail population, decreasing the offender's failure to appear rate, increasing the offender's accountability, and reducing the offender's rate of re-offense.</i></p> <p><u>Goals of Community Corrections/Alternatives to Incarceration:</u></p> <ul style="list-style-type: none">• Provide targeted and integrated community corrections programming that is well-understood by criminal justice agencies.• Decrease offenders' involvement in the Criminal Justice System, through:<ul style="list-style-type: none">○ Fewer bench warrants resulting from either failure to appear (FTA) or failure to comply (FTC);○ Improved accountability to court process and conditions of release;○ Reduction in the rate and severity of re-offense.• Decrease jail usage and slow the rate of jail and criminal justice expenditures.• Support offenders in reintegrating into the community through the provision of therapeutic and education programs within the continuum of alternative sanctions. <p><u>Guiding Principles for the Use of Community Corrections/Alternatives to Incarceration:</u></p> <ul style="list-style-type: none">• Provide cost-effective programs.• Provide community corrections alternatives to secure detention in the least restrictive environment without compromising public safety.• Provide programs that are proven effective and/or reflective of promising practices;• Improve the quality of life of offenders by providing linkages to ongoing treatment and services in the community following discharge from alternatives.• Support offenders to make positive behavior change.

Continuum of Sanctions in King County

Table 3 below provides a graphic representation of the continuum of sanctions in King County. The Work Group used this as a framework for better understanding the degree of restriction of each of the alternatives, as well as to see how the varying alternatives relate to one another.

The Work Group also attempted to identify success criteria for CCD alternatives. This was done via a literature review and discussions with CCD program staff. It was difficult to identify specific criteria for each program that contribute to an individual client's success. However, the literature was very clear regarding what contributes to overall success of alternative sanctions, as measured by recidivism rates.

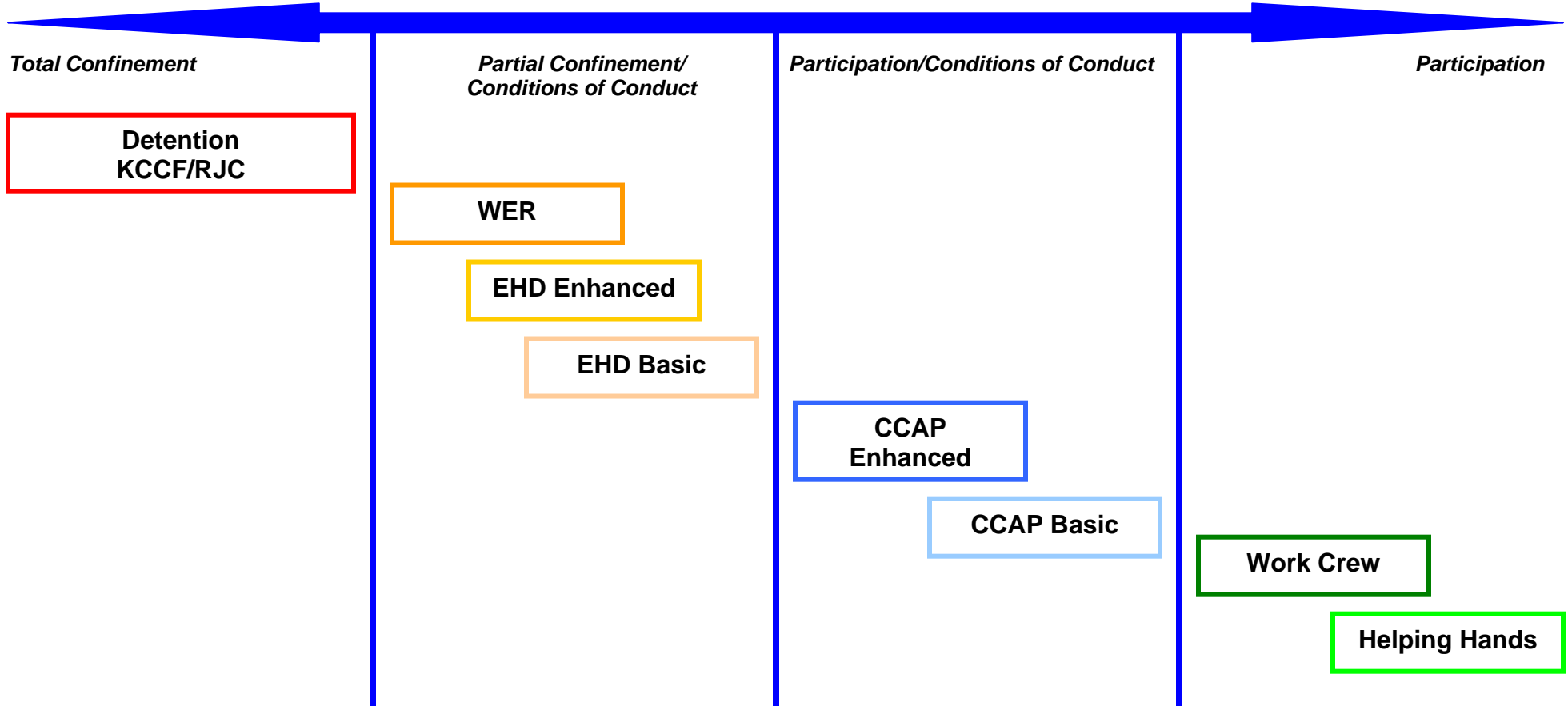
In general, a review of the literature clearly indicates that the most effective alternatives link surveillance with treatment programs of some sort. Most importantly, the literature indicates that the most effective alternatives appropriately match offender risks and needs with programs. Offenders who are low-risk for re-offense require minimal programming, while those deemed high-risk for re-offense benefit from increased programming. For high-risk offenders, more intense and longer lasting interventions are more effective. The literature also indicates that effective programs incorporate incentives for compliance and consequences for non-compliance and inappropriate behavior. Holding people accountable improves overall program success.

In the future, once CCD has an improved data system and an evaluation plan in place specific factors or criteria that contribute to an individual's success in an alternative will be able to be more easily identified. The recommendations for further exploration in this report specifically address possible changes that will improve the overall success of alternatives to incarceration in King County.

Table 3 - Continuum of Sanctions in King County

Most Restrictive Sanctions

Least Restrictive Sanctions



Use of alternative sanctions for felonies is directed by state law RCW 9.94A.680 which states:

Alternatives to total confinement are available for offenders with sentences of one year or less. These alternatives include the following sentence conditions that the court may order as substitutes for total confinement:

- (1) One day of partial confinement may be substituted for one day of total confinement;
- (2) In addition, for offenders convicted of nonviolent offenses only, eight hours of community restitution may be substituted for one day of total confinement, with a maximum conversion limit of two hundred forty hours or thirty days. Community restitution hours must be completed within the period of community supervision or a time period specified by the court, which shall not exceed twenty-four months, pursuant to a schedule determined by the department; and
- (3) For offenders convicted of nonviolent and non-sex offenses, the court may authorize county jails to convert jail confinement to an available county supervised community option and may require the offender to perform affirmative conduct pursuant to RCW 9.94A.607.

For sentences of nonviolent offenders for one year or less, the court shall consider and give priority to available alternatives to total confinement and shall state its reasons in writing on the judgment and sentence form if the alternatives are not used.

Table 4 - CCD Alternatives Overview

<u>Program Description:</u>	<u>Program Details:</u>
<p>Detention – King County Correctional Facility (KCCF) / Maleng Regional Justice Center (RJC) Secure detention facilities housing pre-trial defendants and sentenced offenders. KCCF is in downtown Seattle and the RJC is in Kent.</p>	<p>Capacity: 3039, 2008 target 2584 Average Daily Population (ADP) 2007 ADP: 2465* Population: Pre-trial & sentenced Limitations: None Pre-trial Credit for Time Served: Yes, detainees may also receive “good time” credit</p>
<p>Work Education Release (WER) Partial custody program which allows inmates to go to work, school, or treatment during the day/evening and return to the secure WER facility at night. Participants must remain drug and alcohol free, urinalysis (UA) is conducted as required.</p>	<p>Capacity: 2008 target 162 ADP 2007 ADP: 146* Population: Pre-trial & sentenced Limitations: Physical space Pre-trial Credit for Time Served: Yes, participants may also receive “good time” credit Violations: return to secure confinement</p>
<p>Electronic Home Detention (EHD) – Basic & Enhanced Partial custody program using an electronic monitoring system that restricts participants to their home, except to go to work, school, treatment or court hearings. Participants wear and are monitored by an electronic bracelet. UA is conducted as ordered by the court. BASIC: Employment or enrollment in school is verified at admission. ENHANCED: Employment or enrollment in school is verified at admission and attendance is monitored and verified.</p>	<p>Capacity: 2008 target 110 ADP (basic + enhanced) 2007 ADP: 115 (basic + enhanced)* Population: Pre-trial & sentenced (enhanced), pre-trial only (basic) Limitations: As set forth in RCW 9.94A.734 Pre-trial Credit for Time Served: Yes, participants in EHD enhanced may also get “good time” credit Violations: return to secure confinement</p>
<p>Community Center for Alternative Programs (CCAP) – Basic & Enhanced BASIC: Non-custody program that requires the participant to phone his/her status in daily. Some are required to do twice monthly random UA, as ordered by the court. ENHANCED: Non-custody day reporting program in downtown Seattle that requires the participant to attend a daily itinerary of classes and treatment. Participants are monitored for random UA as ordered by the court. All treatment is supplied via contract.</p>	<p>Capacity: 2008 target 99 Average Daily Enrollment (ADE) (basic + enhanced) 2007 ADE: 187 (basic + enhanced)* Population: Pre-trial & sentenced (enhanced), pre-trial only (basic) Limitations: Staffing/space/geographic, CCAP basic is available to Superior Court only Pre-trial Credit for Time Served: No Violations: Superior Court - return to secure confinement, District Court - notification to court</p>

<p>Community Work Program (CWP) Non-custody program that requires persons to perform manual labor such as noxious weed removal, street cleaning and landscaping under CCD supervision and as ordered by the court.</p>	<p>Capacity: 2008 target 185 ADE** 2007 ADE: 358* Population: Sentenced misdemeanor offenders and court involved individuals needing to pay off fines Limitations: Staffing/space/geographic, available to District Court only, sex offenders may not participate Pre-trial Credit for Time Served: NA – option for sentenced offenders only Violations: Possible termination and sanctions at the discretion of sentencing judge</p>
<p>Helping Hands Program (HHP) Non-custody program that matches persons sentenced to community service hours to groups that need volunteer labor. Person is seen once for orientation and initial placement and for follow-up meetings as required. Generally, participants have up to two years to complete their assigned community service hours. Completed and non-completed hours are reported to the court.</p>	<p>Capacity: 650 clients Population: Sentenced offenders assigned to community service and not under DOC supervision Limitations: Staffing/space/geographic, available to Superior Court only Pre-trial Credit for Time Served: No – option for sentenced offenders only Violations: notification to sentencing court</p>

*Data source: DAJD Detention and Alternatives Report, December 2007

** ADE for Community Work Program does not reflect daily participation in this alternative. Daily participation, called average daily workload, was 37 in 2007.

Identification of Changes for Further Exploration

The AJOMP Advisory Group reviewed the current use of community corrections alternatives to evaluate whether changes in screening, processing, sentencing or monitoring compliance could lead to better utilization of existing community corrections program capacity. This review included participation and collaboration across the criminal justice system – the discussions were productive and energizing. They led to the identification of a series of options that need further exploration. The group identified three key areas for further review that may improve the use of community corrections alternatives. These areas are:

- Structure of existing programs within the Community Corrections Division.
- Capacity and geographic location of the community corrections programs and alternatives.
- New models/practices.

Each of these areas is discussed below in more detail and with specific examples of what should be considered and explored further. All of these ideas require further discussion and additional analysis before a determination can be made as to whether or not they

should be implemented. This analysis will need to include a review of any associated costs with making the change. This process also identified three needs that can be addressed immediately. They are also discussed below.

The final section of this report includes next steps and a work plan for moving forward with exploring these options and making decisions for implementation.

Explore changes to the existing programs and structure of DAJD's Community Corrections Division

(Note: the Community Corrections Division provides alternatives to incarceration and within those alternatives a series of programs. CCD does not provide any housing or treatment. Both housing and treatment services are provided via contract by community based agencies. Any discussion of treatment below assumes that the services would be part of an expanded contract with a community treatment provider.)

- Improve CCAP Basic to include more frequent urinalysis monitoring – CCAP Basic was created in order to remind clients of their upcoming court dates. Feedback from judges indicates that the primary reason for sending pre-trial inmates to CCAP Basic is for random urinalysis (UA) to ensure compliance with conditions of release from custody. Some judges would like to be able to order random UA more frequently than the current twice monthly standard of the program. Further consideration of this recommendation needs to review associated costs of staffing and laboratory expenses as well as the physical space needed to conduct UA. King County's Mental Illness and Drug Dependency Action Plan strategy #12d includes funding for additional UA in community corrections.
- Consider contracting for a domestic violence treatment module in CCAP – Currently, CCAP includes domestic violence (DV) education for program participants. Individuals with a DV conviction must, by statute, participate in “batterers treatment.” While CCD is not required to provide batterers treatment, including it in the programming available via CCAP may help offenders comply with this requirement of their sentencing. Further consideration of contracting for DV treatment in CCAP should assess both the benefits of batterers treatment and incorporating it into the existing programs, include review of best/promising practices, weigh any public safety implications, review the feasibility of transitioning treatment to community resources when the offender's sentence is completed and determine costs associated with this program change. Moving forward with this recommendation should include seeking input from the King County Domestic Violence Council and reviewing funding priorities for the coming years.
- Add therapeutic programming, via a contract provider, in all alternatives – With minor exceptions, CCAP is the only community corrections alternative that includes therapeutic programming, which is provided by a contract service provider. Best practice research indicates that cognitive behavioral therapy targeting crime producing behavior is effective in decreasing failure to appear/comply violations as well as recidivism of defendants/offenders placed in alternative sanctions.

Individuals in Work and Education Release, Electronic Home Detention, and/or Community Work Program (CWP) would benefit from therapeutic programs. Provision of therapeutic programs should be coordinated with conducting needs assessments (discussed below). To the extent therapeutic programming includes mental health and substance abuse treatment, this presents a potential opportunity for coordination with King County's Mental Illness and Drug Dependency Action Plan.

- Add breath alcohol testing and monitoring in EHD – EHD does not include any sort of GPS tracking system or breath alcohol testing and monitoring if an individual has a DUI charge. As a result, this alternative is not typically used for individuals with DUI charges. Other jurisdictions conduct breath alcohol monitoring for EHD participants. Further review of this should evaluate the pros, cons, cost and risk management implications of making changes in technology used in EHD.
- Expand housing options for EHD and CCAP participants – There are individuals appropriate for EHD, but they do not have the necessary housing or land phone line. People without stable housing have difficulty maintaining schedules and complying with requirements that they be in a specific place at a specific time. Coupling CCD placement with placement in supportive housing, via a contractual or referral arrangement, may improve compliance, allow greater access to mental health and chemical dependency treatment, and decrease recidivism over time. Exploration of this option should be coordinated with the Criminal Justice Initiative and the Mental Illness and Drug Dependency Action Plan.
- Improve CCD data collection and evaluation – A thorough review of community corrections alternatives and programs is hindered by the fact that data is not readily available or easily accessible in a single system. CCD is currently developing requirements and an RFP for a single case management system for all alternatives and programs. Funding has not been allocated for next steps - software purchase and implementation – for a new case management system for CCD. If a new system is implemented, it would ideally have an evaluation plan in place so that the data can be collected immediately. Formal evaluation of CCD programs and alternatives would inform future program decisions. Exploration of developing an evaluation plan to be implemented in conjunction with the new data system should include review of performance measurement and indicators of success. Additionally, it should include the ability to match data with other systems.

Explore changes to the capacity of the Community Corrections Division programs and alternatives

- Provide CCAP, WER, and CWP in South King County – Given that these alternatives are located in Downtown Seattle, it can be difficult for individuals residing in South King County to participate in them. If CCD alternatives were available in closer proximity to where individuals live, more RJC judges may use them. Exploration of this option requires working with Facilities Management Division (FMD) and the Office of Management and Budget (OMB) in the broader consideration of space needs, program site, funding availability and possible community resistance to these

types of programs. An assessment needs to be done regarding accessibility by bus/train from various parts of the county to determine the best location. This exploration also needs to consider the importance of matching criminal justice resources at RJC and Downtown.

- Consider making CCD alternatives and programs available to cities that contract with the jail – If use of alternatives were made available, recovering appropriate costs, to other jurisdictions, it may free up secure jail beds and ultimately result in resource savings. Consideration of this option would need to be done in conjunction with consideration of location and timing for general CCD expansion, development of a cost model and in conjunction with the next jail contract re-opener.
- Expand CWP to serve felons sentenced in Superior Court – In order for felons to participate in CWP, state law requires abstinence from alcohol and controlled substances as demonstrated by urinalysis and breath alcohol monitoring. King County currently does not have this capability for its CWP and thus it only serves misdemeanants. Further exploration should weigh costs and benefits of adding UA and breath alcohol monitoring to CWP, review public safety issues, and meeting the other requirements laid out in RCW 9.94A.725, *Offender Work Crews*, so the program can accept defendants serving a felony sentence.

Explore the implementation of new models/practices within CCD

- Explore the implementation of validated risk and needs assessment screening tools – The purpose of implementing a risk assessment screening tool is to guide placement decisions. On the one hand, the tool may be helpful in identifying low-risk individuals who would be good candidates for pre-trial release or alternative sanctions. Conversely, it may also help identify higher risk individuals who should remain in custody.

Risk assessment screening tools use objective criteria and actuarial calculations to assess static and dynamic risk factors for offender recidivism. Static risk factors include those that won't change, such as criminal history. Dynamic risk factors, such as drug dependence, may change over time and through treatment or intervention. Risk classification tools are typically based on identified principles that guide the offender assessment and classification process. Most well known is *the risk principle which states that the intensity of services and supervision should be matched to the level of offender risk* (Lowenkamp and Latessa 2004). Typically, risk assessment tools are administered in conjunction with a needs assessment tool to identify crime producing behavior and service needs that should be targeted for intervention.

The resulting information could be used to determine and justify offender placement, service needs, and supervision levels. A well-designed screening instrument will ensure that detention, alternatives, and probation/community supervision are used appropriately based on the risks posed by individual offenders. Programs and interventions could then be targeted commensurate with the determined risk level of the offender. Studies show that higher risk offenders should receive more attention

and services than those deemed lower risk for recidivism. For lower risk offenders, decreased recidivism is best achieved by minimizing their contact with offenders at higher risk for recidivism and avoiding disruption of contact with employment or education programs, positive family and community relationships and other protective factors.

The completed assessment is then made available to guide judicial decision-making. The information obtained through the administration of risk and needs assessment tools can inform a system of graduated sanctions (discussed below) and can determine offender needs in the assignment of therapeutic programming. An ideal outcome of the use of validated risk assessment tools is that the judicial process is consistent and fair with similar decisions made for similarly situated offenders.

It should be noted that through CCD's Intake Services Unit, detainees that meet pre-determined criteria are interviewed for possible pre-trial release. Information obtained from the interview, along with criminal history information, is provided to the courts at the first appearance and arraignment hearings to help inform judicial decision-making.

If King County determines that the current interview/screening process should be replaced with a validated risk assessment tool, implementation planning will need to include a decision as to where in the adjudication process the risk assessment tool should be conducted. The Washington State Department of Corrections is in the process of implementing a custom static risk assessment tool created for them by the Washington State Institute for Public Policy. King County may be able to use this tool. Follow-up work would need to understand associated costs and whether or not the tool would need to be specifically validated to King County's population.

When an individual is sent or sentenced to CCAP, staff conduct a needs assessment that is used to place people in appropriate programs within the alternative assigned by the judge. Further exploration of this should determine when a needs assessment should be conducted, if that information should be provided to the courts to inform judicial decision-making, and how to coordinate timing so that both risk and needs assessment data is used for maximum benefit.

The King County Sheriff's Office and Juvenile Court Services currently use risk assessment tools and these agencies may provide useful advice as this recommendation is explored further. We also have approached a local expert on validated risk assessment tools and he has agreed to meet with a group from King County to brainstorm issues and next steps. This concept needs to be explored in coordination with the Prosecuting Attorney's Office Civil Division and King County Risk Management. Feasibility of this approach will also depend on whether the cost to implement is worth the expected benefits and savings.

- Explore the implementation of a system of graduated sanctions - In a system of graduated sanctions, incremental responses to both compliant and non-compliant behavior are employed. The intent is to make immediate, but modest restrictions on a

non-compliant individual so as to deter future non-compliant behavior. For example, an offender sentenced to CCAP who is non-compliant might be required to report more frequently or be assigned to electronic home monitoring for a few days as punishment for the violation. The graduated sanction is imposed before revocation is considered. Individuals who are successfully completing program requirements may advance to a less restrictive sanction, based on pre-agreed upon criteria, as a reward for their compliance.

Under the current system in King County, pre-trial defendants and sentenced offenders are assigned to one or more specific sanctions by a judge. A court order assigns the individual to the sanction and a separate Conditions of Conduct order establishes compliance expectations. CCD staff report violations of the Conditions of Conduct order to the court and these violations may result in the violator being remanded back into secure custody.

Employing a system of graduated sanctions in King County would maintain judicial authority and decision-making. However, it would change how violations are handled. Further exploration of this option would require substantial discussion and negotiation with the courts, prosecutors, and public defense bar to develop agreed-upon processes that manage risk, ensure the decision-making rests with the appropriate authority, and uses graduated sanctions to expand resources and capacity within the existing community corrections and secure detention structure. These discussions would need to explore options for decision-making in a way that was acceptable to judges as well as prosecutors and defense attorneys. And consideration should include what structure needs to be in place to maximize the opportunity of graduated sanctions. This might involve developing new administrative orders, establishing specialty courts or some other system to ensure that appropriate judicial authority is maintained and that clear direction is provided to program staff. This review will also need to examine the current differences in practices and response to violations between District and Superior Courts.

Based on preliminary research and discussion, the AJOMP Advisory Group has agreed that the above options should be explored further. Further consideration of each of the changes presented above will include additional research and information and answering specific questions and may include data gathering, expert consultation, conducting cost/benefit analysis, and review by the King County Risk Management and the Prosecuting Attorney's Office Civil Division.

Recommendations for Immediate Implementation

The following three recommendations respond to immediate needs identified through the CCD review. None of them require further exploration and the AJOMP Advisory Group has agreed to all three recommendations.

- Amend King County Code to be consistent with RCW 9.94A.680 "Alternatives to Incarceration" – The CCD review revealed a need to change King County code

regarding the Community Corrections Division so that the language is consistent with RCW 9.94A.680 *Alternatives to Total Confinement*, a state law which directs counties to make alternative sanctions available for felony sentences of one year or less. The RCW states: “For offenders convicted of nonviolent and non-sex offenses, the court may authorize county jails to convert jail confinement to an available county supervised community option and may require the offender to perform affirmative conduct pursuant to RCW 9.94A.607.” King County Code should incorporate language to make explicit that CCAP is a “county supervised community option.” This language confirms that for offenders convicted of nonviolent and non-sex offenses, the use of this alternative, in lieu of jail confinement, may be used for felony sentences of one-year or less.

- Provide improved criminal justice system education regarding community corrections alternatives – Throughout the course of developing this report, it became clear that there is a varied and inconsistent understanding of community corrections alternatives. As a result, some alternatives may be under utilized and/or used inappropriately. Although training is currently provided, it needs to be done more frequently, coincide with judicial rotations, and given to all parts of the criminal justice system. There is also a need to develop a variety of education materials, including an easily referenced desk top tool (paper and web-based), so that all criminal justice system partners are well informed about CCD and alternative options.
- Eliminate EHD Basic – This program is not well understood by the criminal justice system which may result in inappropriate assignments to this program. EHD Basic was initially set up as a system for decreasing failure to appear for those being released from secure custody. There is initial verification of employment, but location is not verified when the individual is “out of home” which raises the question as to the purpose that it serves. As this alternative is currently structured, it was not intended as a sanction as evidenced by the fact that there are no consequences for violations. In spite of this limited accountability, pre-trial defendants in EHD Basic receive credit for time served.

A revised ordinance will be drafted and transmitted soon after the transmittal of this report. Next steps for improved criminal justice system education include the development of immediate and ongoing education plans and associated materials. Finally, regarding the recommendation to eliminate EHD Basic, committee members feel strongly that this sanction is not well understood, nor is it used appropriately and doesn't serve the county's goals in providing alternative sanctions. Implementation of this recommendation would require notification of criminal justice system partners and minor administrative changes within CCD. All three of these recommendations have minimal staff time and cost implications for King County.

Next Steps Plan

The following work plan identifies some high-level next steps for implementing the three recommendations outlined in this report and for conducting the additional analysis needed to fully evaluate the changes recommended for further exploration. This process will be co-staffed by the Office of Management and Budget and the Community Corrections Division and will continue to be guided and advised by the AJOMP Advisory Group. It is likely that one or more expert consultants will need to be hired for executing these work plan steps. In addition, this work may also be informed by the work of the Justice Management Institute (JMI), which has been hired by Superior Court to review the existing criminal case flow system. The JMI consultants will also conduct a national innovations review and provide recommendations based on this review and on their analysis of King County's existing system. These recommendations will likely provide guidance as this work plan is executed.

	Work Plan Task/Steps	Schedule Estimate
Implement Recommendations	Amend King County Code to be consistent with RCW 9.94A.680 "Alternatives to Incarceration"	May 2008
	Implement Criminal Justice System Education <ul style="list-style-type: none"> • Develop revised training curriculum • Review of curriculum by CCD staff and AJOMP Work Group • Deliver training to necessary CJ agencies • Develop plan for on-going CJ system training 	4 th Quarter 2008
	Implement the Elimination of EHD Basic <ul style="list-style-type: none"> • Determine the necessary communication and administrative changes • Communicate with courts and CCD staff • Implement change 	3 rd Quarter 2008
Explore Recommendations for Possible Changes to CCD	AJOMP Advisory Group Prioritization of Recommendations for further review <ul style="list-style-type: none"> • Determine those recommendations that can be implemented quickly and at no or low cost • Determine which recommendations require additional data and/or expert consultation • Prioritize recommendations for further exploration 	3 rd Quarter 2008
	Develop Detailed Next Steps Plan Based on Prioritization <ul style="list-style-type: none"> • Determine resources needed for consultation and work plan execution 	4 th Quarter 2008
	Conduct Analysis/Exploration <ul style="list-style-type: none"> • Hire consultants as necessary • Communicate with criminal justice system partners • Negotiation as needed with courts regarding any proposed changes 	2 nd Quarter 2009
	Make final recommendations for changes and develop implementation plan	2 nd Quarter 2009

Attachment 1 - AJOMP Proviso Advisory Group Members

- Bob Cowan, Director, Office of Management & Budget
- Nate Caldwell, Community Corrections Division Director, Department of Adult & Juvenile Detention
- Clifton Curry, Senior Principal Legislative Analyst, Metropolitan King County Council
- Tricia Crozier, Chief Administrative Office, King County District Court
- Robin Fenton, Field Operations Chief, King County Sheriff's Office
- Michael Gedeon, Senior Policy Analyst, Executive Office of Management and Budget
- The Honorable Helen Halpert, Assistant Presiding Judge, King County Superior Court
- The Honorable Bruce Hilyer, Presiding Judge, King County Superior Court
- David Hocraffer, King County Public Defender
- Reed Holtgeerts, Director, Department of Adult & Juvenile Detention
- Mary Jane Ferguson, Program Analyst, Office of the Public Defender
- Mark Larson, Chief Criminal Prosecutor, Office of the Prosecuting Attorney
- The Honorable Barbara Linde, Presiding Judge, King County District Court
- Jackie MacLean, Director, Department of Community and Human Services
- Leesa Manion, Chief of Staff, Office of the Prosecuting Attorney
- Barb Miner, Clerk of the Court and Director, Department of Judicial Administration
- The Honorable Sue Rahr, King County Sheriff
- Toni Rezab, Chief Administrative Officer, Department of Adult & Juvenile Detention
- The Honorable Daniel Satterberg, King County Prosecuting Attorney
- Paul Sherfey, Chief Administrative Officer, King County Superior Court
- Amnon Shoenfeld, Mental Health Chemical Abuse & Dependency Services Division Director, Department of Community and Human Services
- The Honorable Linda Thompson, Assistant Presiding Judge, King County District Court

Advisory Group Staff:

- Jeannie Macnab, Senior Policy Analyst, Office of Management & Budget

Attachment 2 – AJOMP Work Group Members

- Nate Caldwell, Community Corrections Division Director, Department of Adult & Juvenile Detention
- Clifton Curry, Senior Principal Legislative Analyst, Metropolitan King County Council
- Michael Gedeon, Senior Policy Analyst, Executive Office of Management and Budget
- The Honorable Helen Halpert, Assistant Presiding Judge, King County Superior Court
- Mary Jane Ferguson, Program Analyst, Office of the Public Defender
- Mark Larson, Chief Criminal Prosecutor, Office of the Prosecuting Attorney
- Jeannie Macnab, Senior Policy Analyst, Executive Office of Management and Budget
- Barb Miner, Clerk of the Court and Director, Department of Judicial Administration
- Toni Rezab, Chief Administrative Officer, Department of Adult & Juvenile Detention
- The Honorable Linda Thompson, Assistant Presiding Judge, King County District Court