

# Lifetime Supervision for Certain Sex Offenders

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**Sentencing Guidelines Commission Charge Statement:** Sec. 129 (20)(b)(iv) Review community supervision and community custody programs under RCW 9.94A.701 through 9.94A.723 and other related provisions, including, but not limited to: Reviewing and revising eligibility criteria for community custody under RCW 9.94A.701 and 9.94A.702; reviewing the length and manner of supervision for various offenses; reviewing earned time toward termination of supervision; and reviewing the consequences for violations of conditions;

**ISRB Summary:** In 2001 a sentencing change resulted in certain sex offenders were placed under the Indeterminate Sentence Review Board's (ISRB) purview. Those who meet this criteria to be placed under the ISRB's jurisdiction are Class A felony sex offenses and others convicted of Class B or C felony sex offenses who have a previous qualifying offense (RCW 9.94A.507). In addition, those with Class A felonies lifetime community custody after release, Class B have a 10 year term of supervision and Class C have a 5 year term.

## Points of Consideration:

### ➤ **Public Safety**

- **Basing lifetime supervision on crime of conviction does not increase public safety.** Length of supervision is based on offense, rather than risk of the individual. This results in low risk, moderate and high risk individuals' length of supervision being the same.
- **Special Sex Offender Sentencing Alternative (SSOSA) and lifetime supervision.** Individuals receiving a SSOSA sentence are determined to be low risk enough to be treated in the community, however still have lifetime supervision.

### ➤ **Rehabilitative**

- **Effective supervision is more than just surveillance.** Research indicates that community supervision, coupled with treatment and Risk-Needs-Responsivity (RNR) principals, have a positive impact on community safety.
- **Positive incentives are a powerful tool for behavior change.** Allowing opportunities for those with lifetime supervision requirements to petition to eliminate their term of supervision after a set period of time could support positive behavior change and reduce recidivism.
- **Reviewing dynamic factors for mitigation of risk.** Dynamic factors that reduce risk of re-offense include support in the community, compliance with supervision and registration, treatment completion and others could be used to determine level of supervision and length of supervision.

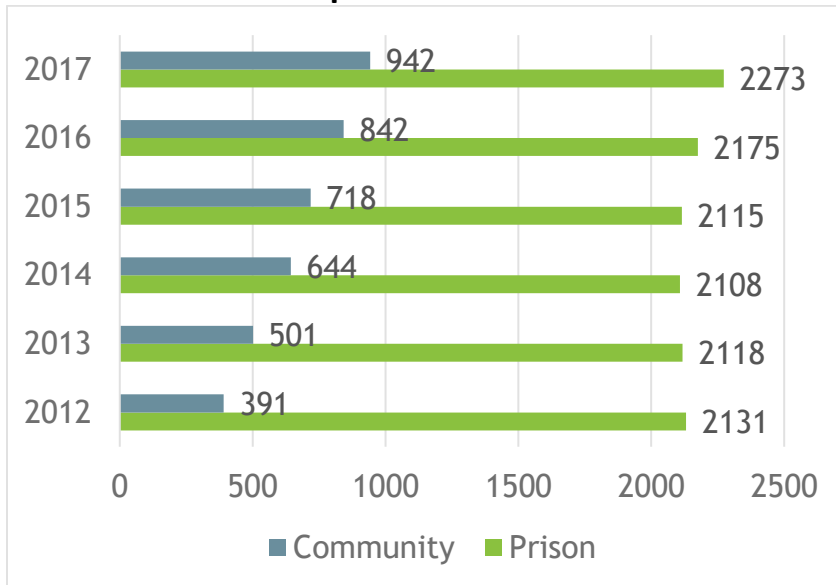
### ➤ **Efficient Use of Resources**

- **Elimination of lifetime supervision should be considered.** The value of mandatory lifetime supervision of certain sex offenders should be considered. Research indicates that as individuals grow older and demonstrate compliance, over-supervising them increases their risk to reoffend.

### ➤ **Data & Policy Informed Decisions**

- **WA State believes in utilizing risk assessments.** WA State uses an evidence-based risk assessment for leveling individuals for community notification, rather than crime of conviction.
- **Research supports focusing supervision on initial release from prison.** Risk of sexual recidivism is highest during the first few years after release and decrease the longer the individuals remain sex-offense free in the community.<sup>i</sup>
- **DOC Sex Offender Treatment and Assessment Program (SOTAP).** Treatment prioritization is based on assessed risk following the RNR principles. RCW 72.09.345

**ISRB Population Trend**



<sup>i</sup> Hanson, Harris, Helmus, Thornton, High-Risk Sex Offenders May Not Be High Risk Forever (2014)