

The Department of Corrections (DOC) is seeking changes to provide statutory clarification giving clear direction to DOC to set relationships between multiple terms of community custody as concurrent, unless the court expressly orders it consecutive.

Issue

Current statutes lack clarity on the relationship between a current term of community custody and prior, unfinished term(s) as to whether they should be served concurrently or consecutively.

Different counties have different variations on how the relationships between multiple terms of community custody are reflected on the Judgment and Sentence form (J&S). Most J&Ss are silent on the relationship, some have standard language on the form, and some hand write instructions on the form.

The lack of clarity in the current statute and J&S forms results in added complexity for staff and can result in sentences being carried out differently than the court intends. For individuals that have served their confinement and are releasing, DOC must interpret sentences that were imposed over a period of time for many causes that may have had different statutory requirements because of law changes and/or court decisions.

Proposed Changes

The changes clarify the presumption of community custody to be concurrent for both instances in which multiple terms of community custody can exist:

- (1) Between multiple current counts contained in one sentencing; and
- (2) When individuals have a current term of community custody ordered who also still have a term of community custody from a prior, unfinished term.

The changes allow the courts discretion to expressly order terms be served consecutively. The proposal includes a provision relating to sentences that were imposed prior to the effective date of this bill which gives clear direction to DOC to set the relationship between multiple causes and/or sentences as concurrent, unless the court had ordered otherwise.

Advantages to Proposed Changes

The proposed changes give clear direction regarding relationships between multiple terms of community custody. This change significantly reduces complexity for all records and community corrections staff and will reduce discrepancies in entering sentences into DOC's database and carrying out those orders.

Advantages to Proposed Changes, *continued...*

These changes also allow the Department to create a Reentry pathway to supervision in the community. It will allow us to frontload reentry services for all felony individuals releasing from confinement to supervision and allow the Department to focus on the most recent imposed sentence. With this modified focus staff will then be able to implement a change model of supervision that allows them to focus on reentry and transition, and utilize coaching and mentoring strategies to engage individuals on supervision immediately upon release, rather than focus on surveillance, apprehension or punitive aspects of supervision.

The changes would *increase community and staff safety* by allowing DOC the ability to impose and enforce conditions of supervision immediately for individuals who are serving multiple terms of supervision. Without this change, case management is difficult and can impact community safety when conditions of supervision cannot be imposed and enforced until a consecutive cause becomes active. For example, someone serving a DOSA sentence cannot be revoked for failing to complete treatment until the DOSA community supervision term becomes active.

Focus on period of reentry and transition. The period of transition from confinement to reentry into the community is the most important period of time. By refocusing agency resources and supervision strategies, it will increase the Departments ability to address reentry needs in the beginning of supervision and engage with the individual on those needs that will increase their ability to successfully reenter society.

A PEW publication “*Putting Public Safety First*”, states that “research clearly identifies the period immediately following release from prison and jail as a particularly high-risk time for offenders”.

For more information:

Stefanie Carlson, Executive Policy Office

 Stefanie.Carlson@doc.wa.gov

 (360) 725-8979
