

Lifetime Supervision Policies Proposals from SOPB:

1. Establish a tiered pathway off lifetime supervision based on assessed risk level.

- Level I risk: Will be discharged after 5 years so long as they have no disqualifying event and do not otherwise pose a significant risk of sexual recidivism.
- Level II risk: Eligible for discharge after 10 years so long as they have no disqualifying event. Individuals are eligible for discharge 5 years after their last disqualifying event date. No guarantee of release for those eligible for review.
- Level III risk: Eligible for discharge after 10 years so long as they have no disqualifying event. Individuals are eligible for discharge 3 years after their disqualifying event if it occurs between the 12 and 15th year of supervision. No guarantee of release for those eligible for review.

2. Establish eligibility disqualifiers to ensure community safety.

- The creation of a pathway off of lifetime supervision does not automatically mean each individual is eligible for release from lifetime supervision.
- Disqualifying criteria should be included to 1) prioritize community safety and 2) determine readiness on an individualized basis for release from supervision.
- Examples of recommended disqualifying criteria includes: no new felony or misdemeanor sex offenses (as defined in RCW 9A.44.128 or 9.94A.030), failure to complete recommended and/or required treatment and ISRB conditions, noncompliance with supervision conditions, and more.

3. Establish annual reporting requirements by DOC and ISRB to include I) the number of individuals eligible for discharge, II) the number of individuals granted discharge, and III) the number of individuals who, subsequent to discharge, are investigated for a recent overt act or new sex offense.

Rationale

- Absent a pathway off lifetime supervision, DOC community caseloads will continue to grow, largely with individuals who are at a low risk of recidivism which is an inefficient use of state resources.
- Risk of recidivism is the same as the general population around 10-15 years after release, even for those assessed initially as "high risk." Proposed tiered system is consistent with research on recidivism risk.
- Pathways off registration may also reduce collateral consequences that can further reduce the likelihood of recidivism (e.g., employment, pro-social relationships, mental health).
- While there is a presumption of release for the lowest risk (Level I), greater levels of discretion are maintained for Level II and Level III risk profiles.
- Previous research in Washington indicates the risk of rearrest is highest in the first 5 years after release and the risk of arrest drops below the risk for the general public by year 9 post release.

Costs of Lifetime Supervision:

Monetary

- Average length of time under lifetime community supervision is 27.9 years
- Estimated cost for a low-risk individual is \$2,436 per year and \$67,934 total.

Collateral Costs

- Impact the ability to establish and maintain pro-social family relationships.
 - o An individual on lifetime supervision is supervised by the state until their death, requiring system involvement to the individual and their family/community
- Difficulty obtaining gainful employment.
- Impacts to mental health related to ongoing stigma, stress of navigating change in community corrections officers, etc.