

# Changing Community Supervision

## *A Shift Towards Evidence Based Corrections*

### Introduction

Department of Corrections (DOC) is in the process of redefining its community supervision model based on an integrated framework of evidence based and promising practices in an effort to reduce offender recidivism. Using the principles of effective intervention, the process will:

- Identify and implement evidence based practices to reduce offender recidivism in a cost effective manner
- Deliver evidence based cognitive behavioral therapy, with adherence to fidelity, to higher risk/higher need offenders under field supervision
- Improve offender motivation to change through the identification and use of a combination of incentives and swift and certain sanctions to ensure compliance with requirements of supervision

Treatment and programs will be prioritized according to an offender's needs based on a dynamic needs assessment, and be delivered as frequently as indicated and available using current evidence based practices.



### Governing Laws

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- [Second Engrossed Second Substitute Senate Bill 6204 \(2E2SSB 6204\) – Modifying Community Supervision Provisions](#)
- [Engrossed Substitute Senate Bill 5891 \(ESSB 5891\) – Criminal Justice - Cost Savings](#)
- [Engrossed Substitute Senate Bill 5288 \(ESSB 5288\) entitled, “Supervision of Offenders”](#)
- [Substitute Senate Bill 6162 \(SSB 6162\) entitled, “Community Custody – Serious Violent Offenses”](#)

### For more information

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## Background

With more than 2.3 million people locked up, the U.S. has the highest incarceration rate in the world. One out of 100 American adults is behind bars; while one out of 32 is on probation or parole.

The recent economic crisis has had a significant impact on the nation. States are realizing that this level of response to crime comes at a high cost. Throughout the nation, state and local governments are facing the stark reality of having to choose between public safety and other vital services in order to balance their budgets.

In response, Washington State has enacted laws in recent years that significantly reduced the number of offenders under community supervision, mostly those with a low or moderate risk to reoffend (see Chart 1).

- In 2003, the Legislature passed a law that ended community supervision for certain low-risk offenders, offenders released from jail, as well as those offenders with only monetary obligations which resulted in a caseload reduction from more than 65,000 to fewer than 30,000 offenders.
- In 2009, a law went into effect that ended community supervision for nearly 10,000 low- and moderate-risk offenders, dropping the caseload below 20,000.
- A law that was passed in 2010 is projected to decrease the offender caseload by over 2,000 offenders.

The cumulative effect of these legislative changes is a smaller, but higher-risk offender population. Two-thirds of offenders supervised in the community today are considered high risk to reoffend. And more than half of low- and moderate-risk offenders are supervised for violent crimes or sex offenses (see Chart 2).

Chart 1: Community Supervision Caseloads and Prison Population; Fiscal Years 1990 - 2011

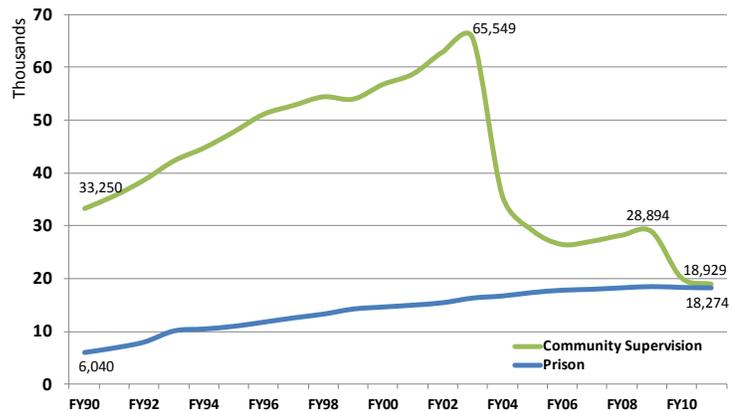
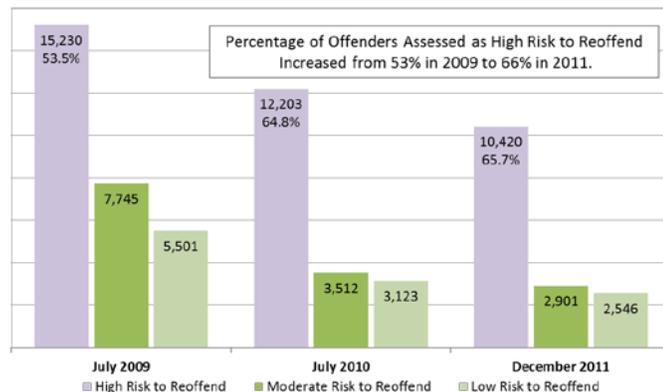


Chart 2: Change in distribution of risk level after major law changes



## The Current State

While there are positive signs that the economy is improving, state and local governments continue to struggle to find ways to balance the budget without significant impacts to programs and services, including public safety.

Simply cutting caseloads through legislation is not a long-term solution, but was needed to balance the state budget. For the long-term, however, a shift in policy and practice must be adopted to provide effective supervision of offenders residing in Washington communities.

The first step in this shift occurred back in 2008 when the DOC adopted a new static risk tool used to classify offenders according to their risk for future re-offense and enable DOC to prioritize resources on higher risk offenders. The primary tool to protect communities was to intervene and interrupt offender criminal behavior through the use of confinement. This focus on jail confinement comes with a high cost without decreasing long-term recidivism. The research is clear. Intensive, surveillance-only supervision is not effective for reducing future crime. A change is necessary.

## The Shift

The change is a shift in policy and practice toward an evidence based, integrated offender supervision model. This change is the most significant change to policy, in over a decade, since the Offender Accountability Act (OAA) was passed in 1999.

Washington is not alone. Over the past two decades, many jurisdictions across the nation and Canada have enacted legislation to reform corrections. By emphasizing such evidenced based best practices as risk-based intensive supervision coupled with programming and increased use of intermediate swift and certain sanctions, states are benefitting by lower costs, higher compliance by offenders, and promising effects related to rates of re-offense and recidivism.

Research shows that a supervision model which emphasizes intensive, surveillance-only supervision without treatment had no detectable effects on recidivism. With the addition of treatment, outcomes in the change in crime are favorable.

Researchers have spent years formulating the principles of effective intervention strategies for correctional populations. Many support the risk-need-responsivity (RNR) model which demonstrates that the risk and needs of the offender should determine the strategies appropriate for addressing the individual's criminogenic factors before and after release. The RNR model is based on the following three principles:<sup>1</sup>

- **Risk principle.** Match the level of service to the offender's risk of reoffending, based on static factors (e.g., age at first arrest, gender) and dynamic factors (e.g., substance abuse, antisocial attitudes). High risk offenders should receive more intensive supervision.
- **Need principle.** Assess criminogenic needs and target them in treatment. High risk offenders should receive intensive treatment, while lower risk offenders should receive minimal or no treatment.
- **Responsivity principle.** Maximize the offender's ability to learn from a rehabilitative intervention by providing cognitive behavioral treatment and tailoring the intervention to the learning style, motivation, abilities, and strengths of the offender.

In 2011, the City of Seattle collaborated with the Department of Corrections to conduct a one year pilot program called the Washington Intensive Supervision Program (WISP). This program was modeled using the principles of the successful Hawaii Opportunity Probation with Enforcement (HOPE) program. Although WISP was a modified version of HOPE, it shared each of the research based tenets of the original HOPE program to reduce drug use, new crimes, and incarceration. The HOPE program relies on swift and certain but modest sanctions in response to every violation of any term of supervision, including failure to appear for an appointment and positive tests for illicit drugs.

The WISP pilot concluded in February 2012. Early outcomes are extremely promising but conclusions are limited by the small sample size. Key findings included: reduced drug use, reduced incarcerations, and reduced criminal activity. Future research of this study is recommended.



## Additional Readings

- "What Works" in Community Supervision – Interim Report by Washington Institute for Public Policy (2011). ([link](#))
- <sup>1</sup> Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation by James Bonta and D. A. Andrews (2007). ([link](#))

## Benefits

- A statewide approach to community supervision that is consistent, evidence based, and built on the strengths of our agency
- Utilizes existing staff and resources to reduce recidivism and increase compliance
- Increases offender success rates and decreases violations by adopting evidence based practices and programs in collaboration with the offender and their community support system
- Uses community based behavioral interventions and short term sanctions resulting in lower rates of reconviction than using long term jail sanctions
- Creates measureable outcomes allowing Corrections to adapt and change based on practice and program effectiveness

## How can we measure success?

### Internal Measurement

- Rate and severity of violations of the conditions of supervision
- Rate and effectiveness of behavioral interventions
- Participation and successful completion of evidence based programming and interventions
- Percent of homeless offenders
- Percent of offenders employed
- Rate of revocation and supervision terminations
- Rate of successful discharges off of community supervision
- Rate of return to either prison or community supervision

### External Measurement

- DOC has contacted researchers with Washington State University to conduct research and measure program effectiveness
- Additional external researchers may be utilized in future studies

## The Future

In the 2012 Legislative Session, DOC requested enabling legislation to continue the shift from our current supervision model toward evidence based integrated offender change and supervision models. In April 2012, this legislation, Second Engrossed Second Substitute Senate Bill 6204 (2E2SSB 6204) – Modifying Community Supervision Provisions was passed with overwhelming support by the Legislature and signed into law by Governor Christine Gregoire on May 2, 2012. Essential components of this legislation include:

- **Intensive supervision with treatment.** Matches the level of supervision to the offender's risk of reoffending, based on static factors High risk offenders should receive more intensive supervision.
- **Evidenced based treatment.** Assesses offender criminogenic needs used in targeting treatment. High risk offenders may receive chemical dependency treatment and/or cognitive behavioral treatment based on their assessed needs. By targeting treatment dollars to offenders that are high risk to reoffend and have high assessed needs, lower risk offenders will receive minimal or no treatment. Treatment is funded by reinvesting savings due to lower cost of violation beds.
- **Swift and Certain behavioral interventions.** Provides modest, but swift and certain, jail sanctions for violations of conditions of supervision. High level violations, low level violations with aggravating factors, and offenders with a number of violations will still be heard through the hearing process and may receive sanctions up to 30 days. Only offenders sentenced under the Offender Accountability Act are eligible for swift and certain sanctioning. The violation hearings process for other offenders under the jurisdiction of the Indeterminate Sentence Review Board (ISRB) or sentenced by the courts under sentencing alternatives will remain the same.
- **New crime notification.** Notifies local law enforcement of offenders who commit new crimes. DOC will detain most offenders for up to three (3) days pending notification. Current practice wastes taxpayer dollars by duplicating efforts by DOC and local criminal justice partners in response to the new crime. This enterprise approach focuses critical resources, reduces redundant efforts, and addresses new crime offense behavior by the offender through sentencing by the courts rather than internal violation process.

All of the components of this model follow evidence based principles. They have been successfully implemented by a number of jurisdictions across the country and are considered to be best practice among academics, researchers and correctional professionals. However no jurisdiction has implemented it statewide. Washington State will lead the nation in this effort by implementing these promising practices in our state and sharing our experiences with others.

This legislation is a substantial change to policy, practice and our culture. Change is not easy, but it is necessary and the right strategy to move community supervision practices in our state forward. Implementation by our project teams will be thoughtful and comprehensive. It will require continued support from state government leaders, collaboration from our criminal justice partners in local communities, and dedication from our staff.