

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Misdemeanant Corrections
Supervision Enhancement

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Funding is requested for a grant-managed process of assessment and case management for offenders ordered to supervision and conditions by a court of limited jurisdiction. The proposed system targets progressive corrections strategies to frequent misdemeanor level offenders, with a goal to provide meaningful intervention and interrupt criminal progression to more serious behavior.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 450,000	\$ 650,000	\$ 1,100,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	1	1	1

Package Description

The Misdemeanant Corrections Association (MCA) is the Washington state association for misdemeanor probation officers. This funding request is made by the MCA, the District and Municipal Court Judges Association, and supported by the Adult Static Risk Assessment Oversight Committee.

In Washington's Courts of Limited Jurisdiction (CLJ), supervision of offenders can be executed in various ways. Some CLJ, or misdemeanor probation departments, perform pre-trial supervision in addition to post-conviction supervision. Existing probation services perform post-conviction supervision ordered by a CLJ. If no probation department exists, generally, the court

will conduct some form of bench probation - that could mean a court clerk reviewing the case for compliance or it could mean the judge reviewing each case.

This budget package proposes a progressive corrections based system which includes assessment, defined supervision practices, and outcome evaluation for re-offending rates. For a court to be eligible for state funding, the probation division must comply with assessment and case management standards. The proposed system of offender management is optional and outcomes will be measured by re-offending rates.

The Washington State Center for Court Research, in cooperation with Washington State University, is currently researching criminogenic characteristics of frequent CLJ offenders who primarily serve confinement in local jails. County, city and state funders have shared interest in addressing recidivism in a meaningful way with this population of offenders. If meaningful intervention was available, ordered, and supervised, the impact would be felt in two ways: (1) possible reduction in jail costs and population control (including out of county housing costs) and (2) measure overall impact on recidivism rates, including risk to community.

The strategy to measure recidivism in an operational environment, such as CLJ probation, is to consider arrest and violations which has direct relevance for DUI offenders undergoing monitoring. Also, there is current capacity to track prosecution and conviction for re-offending behavior (and severity). The recidivism evaluation should occur at 6-month intervals, beginning with each sentencing. Employment is another relevant outcome, or protective factor, which can be measured at the beginning, during, and at the conclusion of supervision.

The Adult Static Risk Assessment (ASRA) is an automated, validated, actuarially-based assessment that categorizes a defendant's risk to re-offend and risk of violence into the following categories: low, moderate, high property, high drug, and high violent. Case management principles support the use of evidence based interventions to target defendants and offenders who score in the moderate or high risk ranges. The low risk offenders should receive minimal intervention because increased exposure to higher risk populations (even at the court house) is likely to increase their own risky behavior. The use of confinement alternatives, programs, and targeted case management strategies should be available for those who score moderate or high on the ASRA. That categorization of risk will determine the use of enhanced CLJ probation services, which is the basis for the funding request.

State resources are needed to adequately provide staffing for enhanced case management practices of defendants ordered to supervision by a court of limited jurisdiction. There is a relationship between lowering re-offending behavior and effective case management strategies.

This funding proposal articulates a strategy to staff CLJ misdemeanor probation units (some including pre-trial services) to provide an improved level of intervention that includes application of the ASRA. Not only will this provide an immediate impact to jail populations, it will provide long term data and the ability to evaluate offender characteristics that fall between juvenile and felony criminal activity.

The state will see a rapid return on investment by expecting regular reports back on intervention effectiveness on recidivism and criminal filing trends. In theory, the felony filing rate will decrease if the mid-level offenders (generally referred for misdemeanors) experience meaningful intervention as part of their CLJ supervision.

Measure Detail

Impact on clients and service

None

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

ARLJ 11 requires that a risk assessment be conducted on every probationer to determine the level of supervision. If courts use the ASRA to determine risk to re-offend and risk for violence, the data can be shared between courts (via JABS) and the assessment is subject to modern validation studies. Use of ASRA is tied to disbursement of state funding to enhance CLJ probation models, which will be a deliverable listed in a contract between the state and city or county.

Alternatives explored

Not applicable

Distinction between one-time and ongoing costs and budget impacts in future biennia

The package requests grant funding for an opt-in supervision system enhancement at the CLJ supervision level. Within 2 years of state supported supervision practices, the jurisdictions that opted in will be measured for re-offending behavior, and the outcome of that evaluation will demonstrate the effectiveness of applying a system of assessment and case management to the CLJ offender population.

Effects of non-funding

If state funding to enhance case management standards and practices for supervision ordered through a court of limited jurisdiction is not approved or funded, the level of meaningful intervention available to this population of offenders will remain inconsistent in our state, and where it doesn't exist at all, judges or clerks will conduct "bench probation/supervision". The current form of probation can be described as surveillance, and does very little or nothing to change criminogenic attributes.

Expenditure calculations and assumptions and FTE assumptions

The model of funding the system is grant based; Administrative Office of the Courts to local CLJ jurisdiction. State funding will be allotted by the Legislature to the AOC, who will accept applications from CLJ jurisdictions wishing to participate.

In the application process, CLJ jurisdictions will outline case management strategies and court operational enhancements that require funding to meet the standards for assessment and case management.

The ASRA is a defined process with minimal workload impacts. The sophisticated system of case management is based on standards approved by the MCA and vetted by the Washington State Center for Court Research, which requires staff resources. The local improvement plan will include state resources for staff to meet the demands of the outlined system of case management standards. The system improvement for qualified and selected courts will be measured at least every six months based on new referrals from law enforcement to a trial court. Within two years, with regular reporting, the state and local jurisdiction will clearly understand the extent of state and local cost savings. The grant program will operate within the budget allocated.

The amount of state resources allocated will limit the number of courts who can opt into the corrections supervision enhancement.

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 100,000	\$ 100,000	\$ 200,000
Non-Staff Costs	\$ 350,000	\$ 550,000	\$ 900,000
Total Objects	\$ 450,000	\$ 650,000	\$ 1,100,000