

Court's authority to impose a Community Custody term

- For a term of **confinement more than 365 days** with the Department of Corrections, RCW 9.94A.701:
Court **shall** impose a term based on offense (non-discretionary)
- For a term of **confinement less than 365 days**, RCW 9.94A.702:
Court **may** impose up to 12 months (discretionary)

Authority to Impose

Factors to consider:

- Offense type
- Date of offense (may need to refer to prior versions of the Adult Sentencing Manual)
- Sentencing Alternatives
- Type and length of supervision is related to the offense type and the date of offense.

Note: For Community Custody, an exception sentence may increase/decrease term's length when the offense is eligible for a term of community custody.

Eligible Offenses

Offense	Confinement 365 days or less	Confinement greater than 365 days
Sex offenses	Up to 12 months	36 months (if not sentenced under RCW 9.94A.507)
Serious Violent offenses		36 months
Violent offenses	Up to 12 months	18 months
A Crime Against a Person under RCW 9.94A.411(2)	Up to 12 months	12 months
A felony offense under Chapter 69.50 or 69.52 RCW	Up to 12 months	12 months
Offense involving the Unlawful Possession of Firearm (RCW 9.41.040) where the person is a criminal street gang member/associate		12 months

(Created from the 2022 Washington State Adult Sentencing Guidelines Manual)

Sentencing Alternatives:

- See eligibility and sentencing requirements based on each alternative
 - Drug Offender Sentencing Alternative, Special Sex Offender Sentencing Alternative, First-Time Offender Sentencing Alternative, Motor Vehicle Supervision Program, Mental Health Sentencing Alternative, and Parenting Sentencing Alternative.

DOC authority to supervise individuals convicted of misdemeanors, gross misdemeanors, and felonies, RCW 9.94A.501

Authority to Supervise

- DOC does not supervise every individual ordered to a term of community custody.
 - To determine supervision eligibility, DOC will conduct a risk assessment to determine risk to reoffend.
 - Once the risk is determined, DOC will screen for supervision eligibility.
- For felony convictions, **DOC will supervise** those:
 - At high risk to reoffend
 - Sex or serious violent offenses regardless of risk
 - Sentencing alternatives
 - Under the Indeterminate Sentence Review Board release authority
 - DOC designation of dangerous mentally ill
 - Current failure to register conviction with a sentence for more than 365 days at DOC
 - Current conviction for a domestic violence felony offense where domestic violence has been pleaded and proved (only for offenses committed after July 24, 2015)
- For felony convictions, **DOC will not supervise** those:
 - Not at high risk to reoffend for:
 - violent offenses
 - crimes against a person
 - drug offenses.
- For misdemeanor convictions, DOC only supervises the following offenses:
 - Sexual misconduct with a minor, second degree
 - Custodial sexual misconduct, second degree
 - Communication with a minor for immoral purposes
 - Violation of RCW 9A.44.132(2) failure to register
 - Individuals with a current conviction for repetitive domestic violence where domestic violence was pleaded and proven after 8/1/2011 **and** a prior conviction for repetitive domestic violence offense or domestic violence felony offense where domestic violence has been pleaded and proven after 8/1/2011.

Resource: 2022 Washington State Adult Sentencing Guideline Manual

Note: Use the year the offense(s) were committed.