

SENATE BILL REPORT

SB 5429

As Reported By Senate Committee On:
Human Services & Corrections, February 14, 2005

Title: An act relating to offender risk assessments.

Brief Description: Requiring written justification when a risk assessment is reduced.

Sponsors: Senators Carrell, Berkey, Schoesler, Rasmussen, Hargrove, Pflug, Johnson, Benson, Esser, Morton, Franklin, Honeyford, Shin and Stevens.

Brief History:

Committee Activity: Human Services & Corrections: 2/1/05, 2/14/05 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5429 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, McAuliffe and Thibaudeau.

Staff: Fara Daun (786-7459)

Background: The Department of Corrections (DOC) performs risk assessments on offenders under its authority. Risk assessments consist of both static factors such as criminal history and dynamic factors including employment, successful completion of treatment, or a crisis in the offender's life. Dynamic factors can change an offender's risk level to a higher or lower risk and the change may be of short or long duration.

DOC assesses all offenders at least once and offenders who serve their period of incarceration in a DOC facility may be assessed several times. Sex offenders are assessed prior to sentencing and the assessment is used with or as part of a pre-sentence report to the court. All offenders who enter DOC facilities are assessed during reception and the assessment is used for security, housing, and treatment decisions. Offenders may be reassessed at any point that DOC determines it is necessary to do so. This includes but is not limited to determining whether the offenders should remain at the same security level, is suitable for a particular program, or prior to transfer to an different facility. Offenders are also assessed either prior to release to supervision in the community or, if the offender to be supervised comes to DOC supervision from a jail, at the time the offender enters supervision. Offenders, both in confinement and in the community may be reassessed at any time their dynamic risk factors appear to change.

Summary of Substitute Bill: DOC may not reduce an offender's risk level if the offender is under supervision in the community without providing written justification documenting that the department's review and why DOC believes that the risk to the public will not be compromised and DOC liability will not be increased. The documentation must show that

DOC has reviewed the initial risk assessment and pre-sentence reports, including any victim impact statements, the person's criminal history, prosecutor and defense arguments, arguments by the offender or an investigative law enforcement officer, and any history of infractions or violations in the community.

Substitute Bill Compared to Original Bill: The population of offenders to whom the bill applies is the population of offenders in the community. The list of considerations in making a change is modified to clarify victim statements are victim impact statements and to include any history of violations in the community or infractions.

Appropriation: None.

Fiscal Note: Requested on January 27, 2005.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: DOC performs risk assessments on offenders in the community and in some cases is unable to verify some of the answers that the offender gives. In 2002, there were some offenders convicted of murder and rape of a child whose risk assessment concerned the sponsor. There is concern that DOC is considering cost controls in its risk assessments more heavily than liability concerns.

Testimony Against: None.

Who Testified: PRO: Senator Mike Carrell, prime sponsor.