

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE.

The meeting was called to order by Chairperson Ward Loyd at 1:30 p.m. on March 19, 2003, in Room 526-S of the Capitol.

All members were present except:

Committee staff present:

Jill Wolters - Revisor of Statutes
Mitch Rice - Revisor of Statutes
Jerry Ann Donaldson - Legislative Research Department
Martha Dorsey - Legislative Research Department
Nicoletta Buonasera - Legislative Research Department
Marilyn Revell for Committee Secretary

Conferees appearing before the committee:

John Settle, Pawnee County Attorney
Kathy Porter, Office of Judicial Administration
Keith Schroeder, Reno County District Attorney
Kyle Smith, Special Agent-Kansas Bureau of Investigation
Pete Ninemire, Kansas Families Against Mandatory Minimums
Dr. Stuart Little, Government Relations Consultant-Kansas Community Corrections Association
Allison Colker, National Conference of State Legislators
Pamela Rodriguez, Executive Vice-President of Treatment Alternatives for Safer Communities

Others attending:

See Attached

SB 123 - Drug Convictions; possessions is a level D4 classification; mandatory drug treatment; border boxes on D4 replaced with probation boxes.

Chairperson Loyd continued the hearing on SB 123.

John Settle, Pawnee County Attorney and President of the Kansas County and District Attorney's Association, was introduced to the committee as an opponent of **SB 123 (Attachment 1)**. Under current sentencing guidelines, treatment is offered as a condition of probation. Since these guidelines are already placing over 85 percent of our drug possessors on probation, then the real problem we are faced with today is proper statewide funding of drug treatment programs and not rewriting sentencing guidelines.

Kathy Porter, Office of Judicial Administration spoke as an opponent to **SB123 (Attachment 2)**. The Judicial Branch is involved in two ways; 1) Court Services Officers would be supervising those offenders in the community who score as low risk, and 2) The use of the LSI-R (Level of Service Inventory-Revised) is recommended and this tool will take more time to administer than the current risk needs assessment, as well as the need for training and on-going administration. Ms. Porter requested three amendments to simplify the bill and the work required to implement its provisions. First, that all offenders meeting the terms of this bill be supervised by community corrections, rather than the current split between court services and community corrections. Second, that the funding for treatment be maintained by either the Department of Corrections or the Sentencing Commission, and that treatment providers be reimbursed directly by the funding entity. Third is to delay the effective date of the bill until January 1, 2004.

Keith Schroeder, Reno County District Attorney was recognized to speak in opposition to **SB 123 (Attachment 3)**. One of the few effective weapons we have in the war on drugs is the deterrent effect of strong drug prosecution laws. Failure to elevate punishment for repeat conduct puts the public at risk. Abandoning enhanced sentences for repeat drug offenders amounts to a form of decriminalization. Mr. Schroeder expressed the wish to establish a prison for criminals convicted of drug related crimes with

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE at 1:30 p.m. on March 19, 2003, in Room 526-S of the Capitol.

elevated treatment programs, not reduced sentences.

Kyle Smith, Special Agent-Kansas Bureau of Investigation spoke in opposition to **SB 123** (Attachment 4). Solving the drug problem in this country requires enforcement, treatment and education. The real need is adequately funded good treatment and that can be done with the existing system. The importance of reducing prison bed space cannot be denied but consideration must be given to public safety and treatment.

Peter Ninemire, Kansas Organizer for Families Against Mandatory Minimums was welcomed to speak to the committee as a proponent for **SB 123** (Attachment 5). Studies have found that treatment of low-level, nonviolent drug offenders is a more cost-effective use of our limited resources than prison sentences.

Dr. Stuart J. Little, Government Relations Consultant for Kansas Community Corrections Association spoke as a proponent for **SB 123** (Attachment 6). Dr. Little expressed concern that special attention be given to adequate funding for treatment and the supervision follows these new offenders to drug treatment programs and supervisory agencies (Community Corrections and Court Services).

Chairperson Loyd introduced Allison Colker with the National Conference of State Legislators (NCSL), Washington, D.C. and Pamela Rodriguez, Executive Vice President of Treatment Alternatives for Safer Communities in the state of Illinois to speak from a neutral position about nationwide treatment programs (Attachments 7-12). Ms. Colker presented a Powerpoint demonstration prepared by Ed Vukich, Washington State Department of Social and Health Services-Division of Alcohol and Substance Abuse, who was unable to attend. In terms of finances, Washington State found a way to formulate the criminal justice savings and rolled that money over to pay for the treatment that was required. Four policy principles that support mandatory treatment are: 1) Treatment works whether it is voluntary or involuntary and the criminal justice system should use its coercive authority to force offenders into treatment; 2) Research indicates that there is a positive correlation between the length of stay in treatment, whether interrupted or uninterrupted, and reduced levels of recidivism; 3) Based on studies done by the Washington State Institute for Public Policy and the Washington State Sentencing Guidelines Commission, the recidivism patterns of drug offenders do not involve violent crime; and, 4) Aside from the benefits of incapacitation and retribution derived from sanctions of total confinement, there is no evident correlation between length of stay in confinement and recidivism. Ms. Colker gave the history of treatment legislation in the state of Washington and plans for future development. (Attachment 13)

Pamela Rodriguez spoke from a neutral position. Her work for the agency of Statewide Offender Care Management and Treatment for Substance Abuse Offenders extends over a twenty-year period. Her organization is responsible for managing a network of treatment services for offenders in Illinois. The goals of such a system should be; 1) Maintain public safety, 2) Reduce recidivism, 3) Increase offender rehabilitation, 4) Restore offender rehabilitation, 5) Restore offenders to citizenship, and, 6) Save tax payer dollars. These goals can be met through a set of system principles:

- Standardized eligibility, access, sanction and exit criteria
- Treatment and supervision support compliment each other
- Match treatment to offender needs and strengths
- Comprehensive continuum of care via network of treatment providers.

Accountability should be built into the system, not only for offenders but for the system players.

The meeting was adjourned at 3:55 p.m. The next meeting is scheduled for March 20, 2003.

**HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE
GUEST LIST**

DATE March 19, 2003

NAME	REPRESENTING
Kyle Smith	KBI
Sonny Scroggins	National Action Network
Barb Tombs	KSC
Brenda Harmon	KSC
Don MAMES	KADSPA
Roger Werholtz	KDOC
Marybeth Keady	GJA
Lee Ann M. McDaniel	NAACP
Deborah Stidham	SRS
Allison Colker	NCSL
Pam Rodriguez	TASC-IL
Kathy Puelis	Judicial Branch
Carole St	Joint Leadership
Diana Collins	KACSD
Mack Gleeson	Judicial Branch
Stuart Little	Ks. Community Corrections Assoc.
Adrian Serene	Student
KEITH SCHROEDER	RENO COUNTY DISTRICT ATTORNEY
Jeff Bo Henberg	State Farm

OFFICERS

John M. Settle, President
Gerald W. Woolwine, Vice-President
Christine Kenney, Secretary-Treasurer
Jerome A. Gorman, Past President
Steve Kearney, Executive Director



DIRECTORS

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Thomas J. Drees
Eric Rucker
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Kansas County & District Attorneys Association

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Good afternoon Chairman Loyd and members of the committee. I am John Settle, Pawnee County Attorney and President of the Kansas County and District Attorney’s Association. The purpose of my testimony today on Senate Bill 123 is to express concerns that the Kansas County and District Attorney's Association has about the bill in its present form. These comments on Senate Bill 123 are based on the collective experiences of Kansas prosecutors in dealing with drug cases since the sentencing guidelines were enacted.

The goal of providing treatment to nonviolent offenders with drug abuse problems is very appropriate and a goal shared by most, if not all prosecutors across Kansas. However, it has been the experience of most Kansas prosecutors that there is no “revolving door for drug addicts” in the Kansas prison system. Quite the contrary, we seem to spend a great amount of time and resources trying to find a door that we can push some of these offenders through because they resist treatment and continue to commit new drug crimes.

Under the sentencing guidelines as they stand today, a person convicted of felony possession of a controlled substance is not likely to see a prison bed during the course of his or her sentence. For all practical purposes, a defendant could be convicted of an illegal drug possession charge three times before he or she faces the potential of DOC custody unless he or she violates the order of probation on more than one occasion.

What happens most often is that a defendant is convicted of a felony possession crime and sentenced to probation, which always includes some level of a treatment program. If the defendant abides by the conditions of probation for 12 months, which is far too short a time, the defendant is released from probation and the case is closed. Many times a defendant will violate probation in some way and face a Motion to Revoke. More than likely, the defendant will have the level of supervision increased and be placed back on probation. The defendant will not face DOC custody unless he or she continues to violate conditions of probation.

The current provisions of Senate Bill 123 could allow a drug offender to be charged and convicted of possession of an illegal substance an unlimited number of times and never face the prospect of incarceration, as long as they continually commit only felony drug possession (See

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Attachment 1

SB123, pg 19, lines 34-41). This cannot work! Unfortunately, many of these offenders are not motivated to comply with any conditions of their probation, much less successfully complete a treatment program, unless they are faced with the prospect of incarceration. Without the ability to eventually incarcerate offenders that are not amenable to treatment, prosecutors and law enforcement will be faced with endlessly chasing repeat offenders through the court system and treatment program cycle without a reasonable chance of success. The local and statewide cost of repeatedly investigating/prosecuting/convicting/ and treating these repeat drug possessors will be extremely high, not only in terms of cost to the court system but also to law enforcement, prosecutor's offices and the treatment program budgets funded by the Kansas Sentencing Commission (SB 123, page 3 at lines 33-43).

Senate Bill 123 targets "nonviolent drug offenders" and such offenders are certainly appropriate for a mandatory treatment program. We should keep in mind though, that there are dozens of cases where formerly "nonviolent drug offenders" have committed violent crimes while under the influence of alcohol or a controlled substance. A program which does not address the risks posed by repeat offenders resistant to treatment will not adequately protect the public.

Funding of this program is a major concern for prosecutors. New Section 9 of Senate Bill 123 (page 22, at lines 27-31) seems to leave the operation of the provisions of this bill up in the air if sufficient funds are not available for treatment. It tells us that if funds are not available to provide programs for all eligible offenders then "the program" will not be offered. In that case, do we revert back to the status of the law before Senate Bill 123 or are we simply left with no treatment programs and endless presumptive probation for offenders charged with possession of illegal drugs? If an offender is prosecuted in the 12th month of the fiscal year and the state is out of money, does that offender go to prison because the state is out of money when up to that point the courts have been allowing similar offenders to go into treatment for the same offense? This needs to be clarified before the bill moves forward.

Under our current sentencing guidelines, treatment is offered as a condition of probation. The Sentencing Commission has already testified to the fact that almost all first time drug possessors receive probation rather than prison time. Their statement of these facts is correct and cannot be disputed. What you should be asking the Sentencing Commission, is do you really need new sentencing guidelines or do you need proper funding for a uniform statewide treatment program under the existing sentencing guidelines? Since the sentencing guidelines are already placing over 85% of our drug possessors on probation, then the real problem we are faced with today is proper statewide funding of drug treatment programs and not rewriting the sentencing guidelines?

We understand the charge of the sentencing commission and are aware how fast our prisons are filling up. However, we are concerned there could be unintended consequences with the passage of SB 123. We cannot predict every circumstance that will occur with this bill. Under our current laws, treatment is available but it is not properly funded. The Kansas County and District Attorney's Association asks that our lawmakers properly fund a statewide treatment program as

SB 123 proposes but that SB 123 not change the current structure of the sentencing guidelines beyond the establishment of a statewide drug treatment program.

Thank you for your attention today and the opportunity to address our concerns regarding Senate Bill 123.

John M. Settle
Pawnee Co. Attorney
President, Kansas County and District Attorney's Association

AT A GLANCE

- Prison capacity issues are a result of the methamphetamine epidemic of the 1990's.
- Treatment will not work for chronic abusers if there are no penalties for failure to comply.
- Properly funded treatment under current sentencing guidelines could attain the desired results of SB 123.
- There are no adequate and uniform treatment programs across the state, making the process more difficult and frustrating for prosecutors and other members of the judicial system.
- Effective treatment programs will save more money over the long run.
- Under current sentencing guidelines, most drug offenders will not see prison until at least a third conviction.
- Current sentencing guidelines have not been given a chance to work with a treatment component that is properly funded and effective.



State of Kansas

Office of Judicial Administration

Kansas Judicial Center

301 SW 10th

Topeka, Kansas 66612-1507

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Testimony Concerning SB 123

House Corrections and Juvenile Justice Committee

March 18, 2003

Kathy Porter

Office of Judicial Administration

The goal of SB 123 is to provide drug treatment to offenders convicted of felony possession of drugs. That is a policy issue for the Legislature to decide, but there are implementation issues addressed in the bill that need to be addressed by those who will be responsible for carrying out the bill's provisions, should it be enacted into law.

It is important to note that this bill impacts the Kansas Judicial Branch in two ways. The most obvious way is that someone must supervise the offenders in the community if these persons are not sent to prison, and under the terms of the bill, Judicial Branch court services officers will provide supervision for some offenders.

Not so obvious from the bill is the second way in which the bill impacts court services officers. The bill requires the use of a statewide, mandatory, standardized risk assessment tool to determine the risk status of the offender. (New Section 1 (b) (2).) Apart from some use by parole officers, the work of obtaining this instrument, training in its use, and using it on all offenders falls on court services officers. This is a "front-end" process. The risk needs instrument is used before the offender is sentenced, and so the work is done by court services officers, not community corrections personnel. The bill contemplates the use of the LSI, or Level of Service Inventory – Revised. Although this has been found to be an effective tool in determining the risk level of offenders, it does take more time to administer than the current risk needs instrument. Training and ongoing administration of the LSI is responsible for the majority of the Judicial Branch's fiscal note on this bill.

My first request of this Committee echoes that of the Sentencing Commission. Please do not separate the funding issues from the policy issues. If the provisions of the bill cannot be funded, please do not enact the bill.

I am requesting three amendments that I think would simplify the bill and the work required to implement its provisions.

① First, I request that all offenders meeting the terms of this bill be supervised by community corrections, rather than the current split between court services and community corrections. This would simplify issues for a variety of reasons. Coordinating treatment and

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3-19-03
Attachment 2




State of Kansas
Office of Judicial Administration

Kansas Judicial Center
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February 11, 2003

To: Duane A. Goossen
Director of the Budget

From: Jerry Sloan 
Budget and Fiscal Officer

Re: SB 123

SB 123 would revise the Kansas Sentencing Guidelines to impose non-prison sanctions against offenders convicted of possession-only drug crimes. The development of drug treatment programs throughout the state would be encouraged as an alternative to incarceration. Offenders who are presently in Department of Corrections custody for the identified crimes would be released to the custody of community corrections. Future offenders would be assigned to either court services officers or to community corrections for supervision, depending on the level of risk assigned to that offender by the treatment program in its presentence drug abuse assessment. Low-risk offenders would be assigned to court services officers and high-risk offenders would be assigned to community corrections.

There are two major areas in which this bill would affect the Judicial Branch. The first is the additional supervision of individuals who would have been sentenced to prison, if not for the passage of this bill, and those persons' qualification for the new non-prison sanction of drug treatment. While not all of these are to be assigned to court services, a sufficient number likely will be and the supervision by court services would be required to complement the services being provided by the drug abuse treatment program. With current caseloads and using national standards for supervision, at least eight additional court services officers would be required throughout the state at a cost of \$326,664.

Another significant impact of SB 123 would be the resulting designation of the Level of Service Inventory-Revised (LSI-R) as the statewide assessment tool for all felony presentence investigations. Although use of the LSI-R would not be limited to offenders eligible for the non-prison sanction in SB 123, it appears if SB 123 passes, that assessment will be implemented for use in all felony cases.

Based on the complexity and length of time required to administer the LSI-R assessment, additional personnel will be necessary if this bill passes. Twenty new court services officers will be required statewide to prepare presentence reports and perform necessary supervision. The addition of 20 court services officers will cost \$816,660.

JCT ATTORNEY
Keith E. Schroeder

DEPUTY DISTRICT ATTORNEY
Thomas R. Stanton

ASSISTANT DISTRICT ATTORNEYS
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March 19, 2003

Committee on Corrections and Juvenile Justice
Kansas State Legislature

RE: Testimony in opposition to Amended Senate Bill No. 123

Dear Members of the Committee,

I was elected by my constituents to be the District Attorney of the 27th Judicial District, Reno County, Kansas, and took office on January 8, 2001. I began working in the District Attorney's Office (then County Attorney's Office) on August 1, 1989.

The number of cases filed on adult criminal matters has doubled in Reno County over the past 15 years. The number of drug related prosecutions has doubled over the past 4 years. Attached to this testimony are graphs depicting these statistics.

Prosecution of drug cases is strangling prosecutor's offices throughout Kansas. For example, Reno County prosecuted 2 cases relating to clandestine methamphetamine laboratories in 1998. The number has doubled every year thereafter. Last year, we prosecuted 95 cases related to clandestine methamphetamine laboratories. This year we are on a pace to double that number again. According to statistics published by the D.E.A. and K.B.I., in 2000 and 2001, Reno County had the 4th highest number of clandestine methamphetamine laboratories in the State.

The increasing high percentage of drug related prosecutions is reflected in the case load being carried by Court Services. In Reno County, a conservative estimate by the Court Service's Office indicates that over 80% of persons being supervised on probation are either being supervised for a drug related conviction or have an identifiable substance abuse problem. Like it or not, the use of illegal drugs is increasing.

Those of us on the front lines of the war on drugs are becoming discouraged. Search warrants, preliminary hearings, jury trials and motions to revoke probation begin to blur together. It seems a fight is being waged that cannot be won. We see budgets being cut for law enforcement and treatment programs. We have watched the loosening of sentencing guidelines to insure more criminals remain out of prison. I oppose the Amended Senate Bill No. 123 and its effort to

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Attachment 3

abandon enhanced sentences for repeat drug offenders. I believe it is a bad idea for three distinct reasons.


First, one of the few effective weapons we have in the war on drugs is the deterrent effect of strong drug prosecution laws. Individuals who are caught possessing illegal drugs are put on notice that repeat conduct will carry substantially higher penalties. Abandoning enhanced sentences for repeat drug offenders will strip many addicts of the motivation to turn their lives around and address their addictions. Repeat conduct will not mandate elevated punishment.

Secondly, nobody can say with a straight face that most persons caught in possession of controlled substances were apprehended the first time. Ordinarily, persons caught possessing controlled substances have a history of such illegal conduct that eventually culminates in an arrest. Their substance abuse problems often cause them to be paranoid and potentially violent. Consistently releasing these persons onto probation is a risk to public safety. They commit crimes to support their addictions, they neglect their dependents and they usually lack motivation to address their substance abuse problems. Failure to elevate punishment for repeat conduct puts the public at risk.

Finally, abandoning enhanced sentences for repeat drug offenders amounts to a form of decriminalization. Those of us on the front lines in the war on drugs are receiving the message that we are not being supported in our struggle. Increased prosecution efforts are rewarded with lower sentences. The answer to an increasing drug problem in Kansas is not to reduce the penalties for illegal drug crimes.

Abandoning enhancement provisions for second and subsequent convictions of drug crimes is a bad idea. Law enforcement, prosecutors and the public we serve need to be assured that there is a strong commitment to fight one of the biggest threats we face today. Establish a prison for criminals convicted of drug related crimes with elevated treatment programs. Don't reduce sentences.

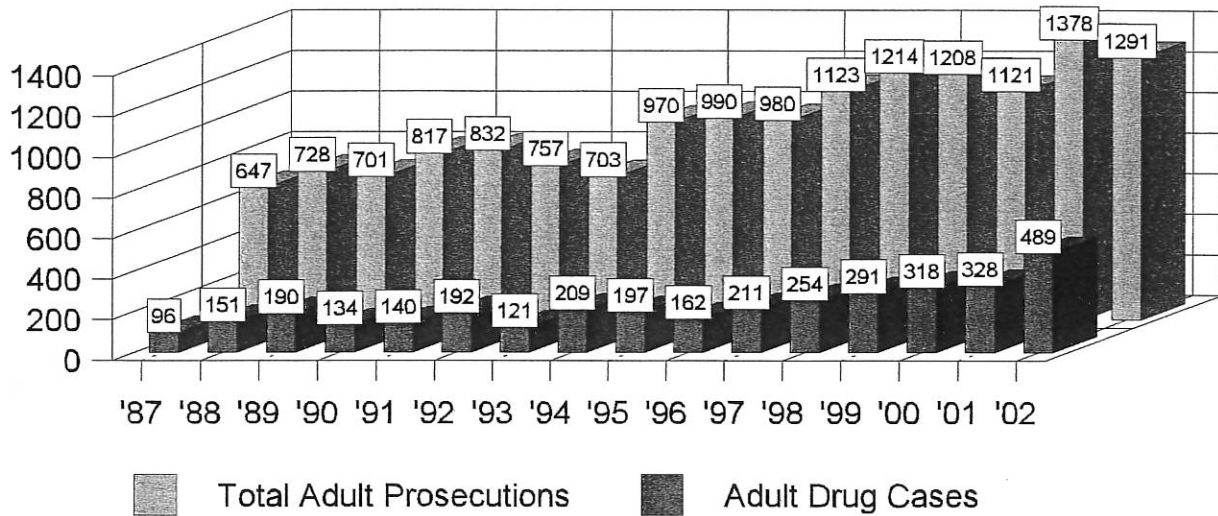
Respectfully,



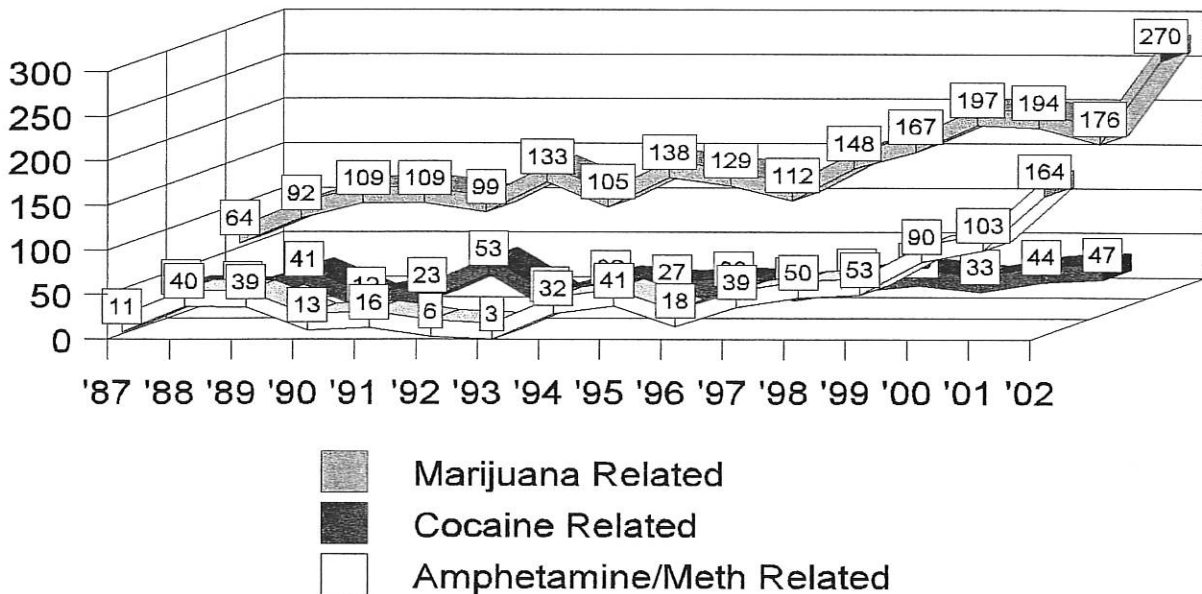
Keith H. Schroeder
Reno County District Attorney

Reno County Prosecution Statistics

Statistics Based On Cases In Which Drug Charges Were Primary Charges Filed

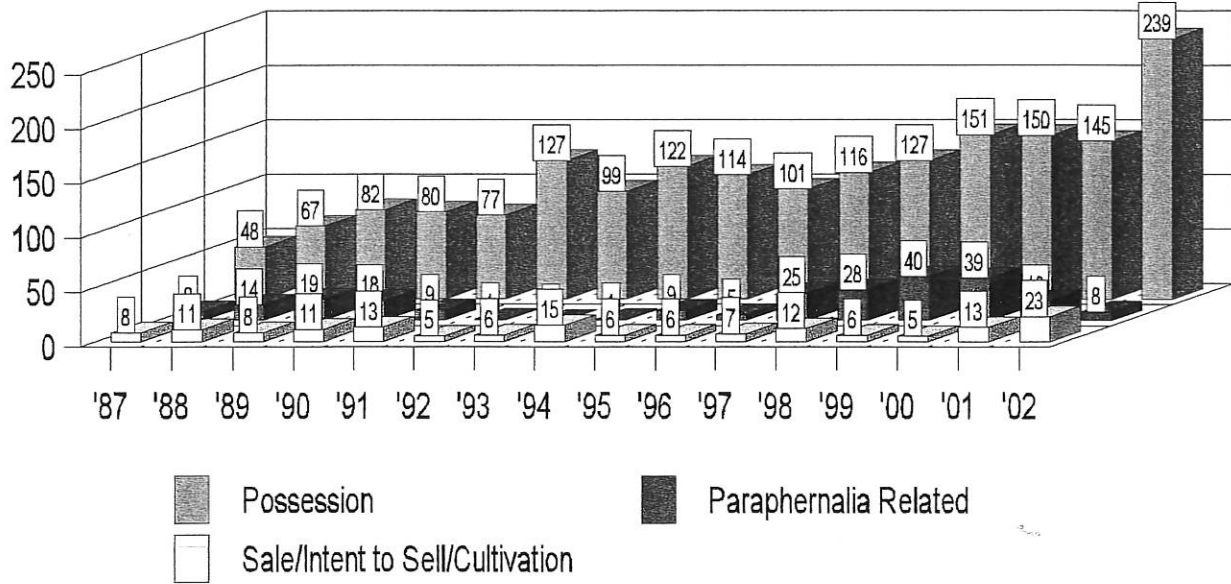


Trends By Most Common Drugs



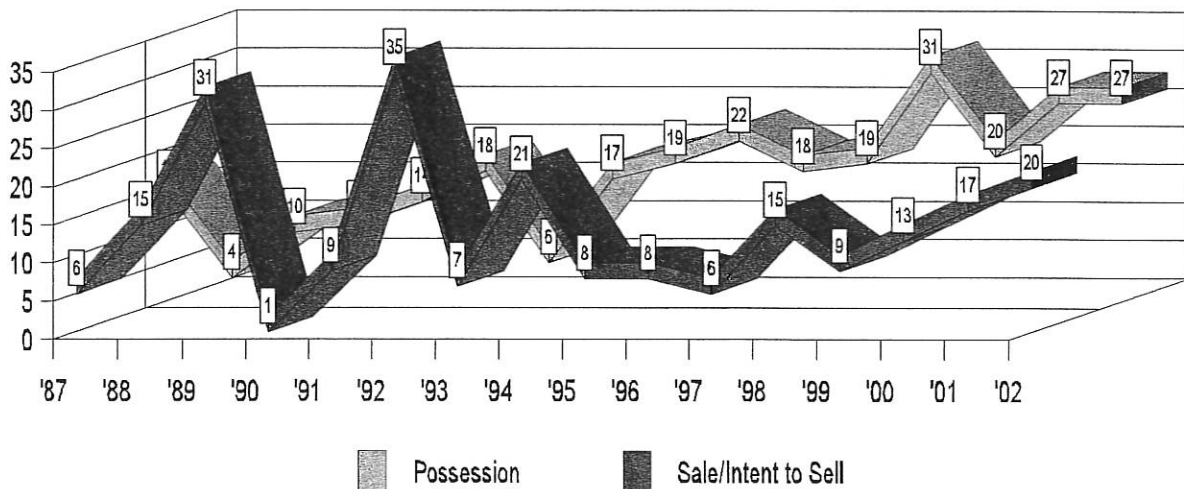
Marijuana Related Prosecutions

Data Based On Primary Charge Filed



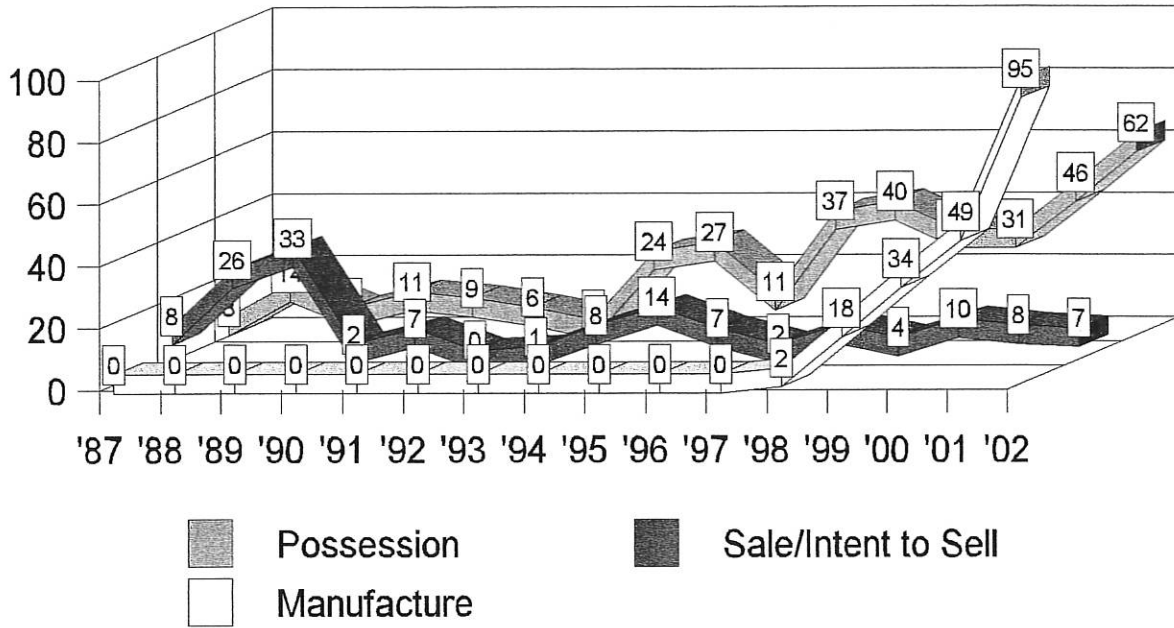
Cocaine Related Prosecutions

Data Based on Primary Charge Filed

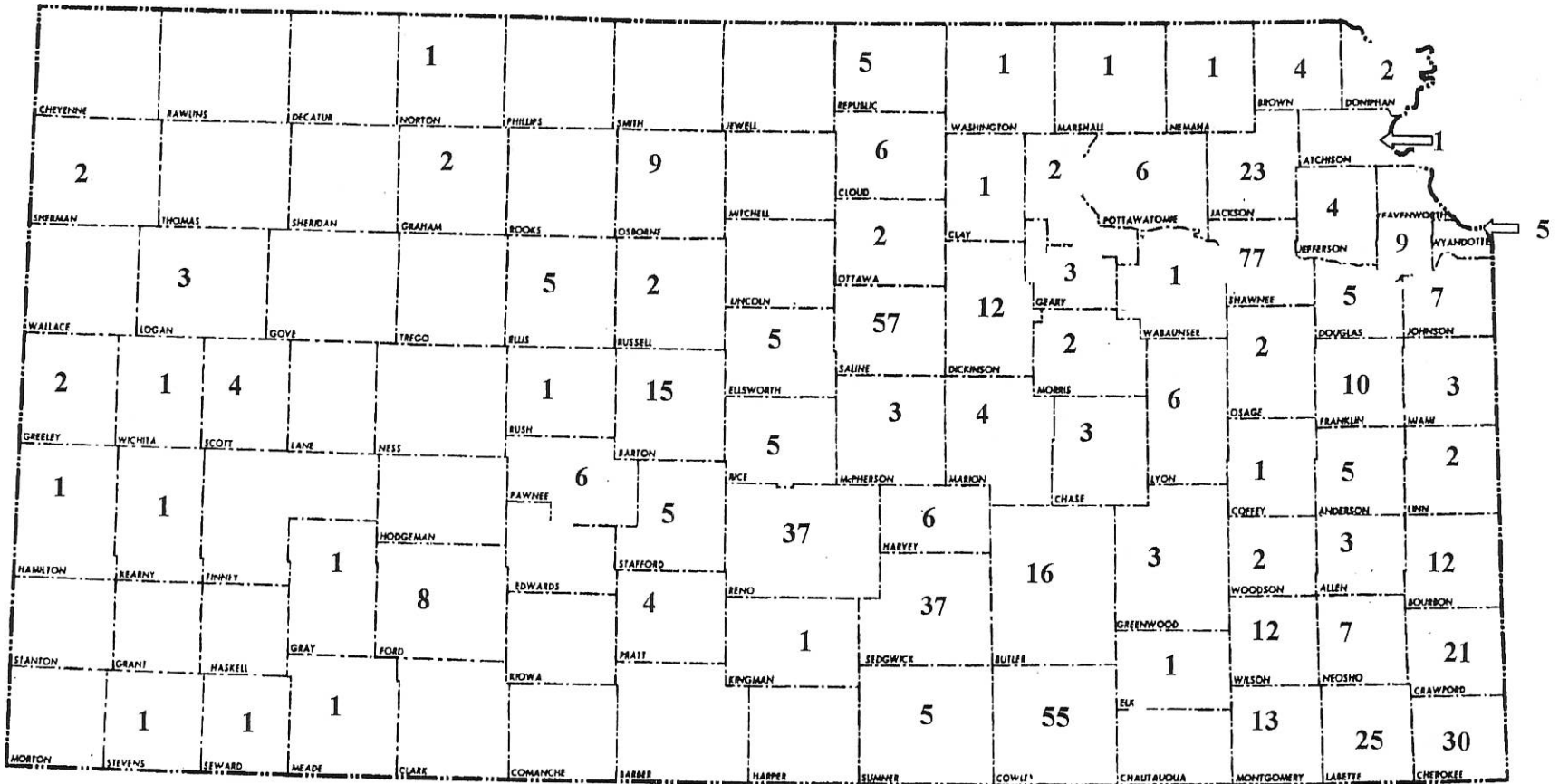


Amphetamine/Meth Related Prosecutions

Data Based On Primary Charge Filed



CLANDESTINE METHAMPHETAMINE LABORATORIES in KANSAS



KBI - DEA - LOCAL Clandestine Labs in Kansas
 2001 Seizures - 648 1-1-01 through 11-01-01)

- | | |
|-------------------------------|-----------------------------|
| Laboratory Seizures - 322 | NAZI cook - 541 |
| Chem/glassware Seizures - 147 | Red P cook - 90 |
| Dumpsites - 179 | Hydrogenation cook - 3 |
| | Tablet extraction cook - 11 |
| | Hydriodic Acid - 3 |

Source: KBI/DEA Records

- 1994 - 4
- 1995 - 7
- 1996 - 71
- 1997 - 99
- 1998 - 189
- 1999 - 511
- 2000 - 702



Kansas Bureau of Investigation

Larry Welch
Director

Phill Kline
Attorney General

Testimony in Opposition of HB 2309 and SB 123
Before the House Corrections and Juvenile Justice Committee

Kyle G. Smith

On behalf of Attorney General Phill Kline,
the Kansas Bureau of Investigation
and the Kansas Peace Officer's Association
March 18, 2003, 2003

Chairman Lloyd and Members of the Committee:

You have probably gathered by now that I'm in favor of tough sentences for drug dealers and manufacturers. It might surprise you today to hear that I actually support the concept of the use of increased treatment for persons convicted of possession charges. I truly believe that solving the drug problem in this country is metaphorically a three-legged stool - enforcement, treatment and education. Without all three legs, we are doomed to fall. Unfortunately, even in the best of times, it has been my observation that education, treatment and law enforcement have not been adequately funded, and given the current economic situation, that seems unlikely to change.

From talking to colleagues in states that have successful treatment programs, I have learned that rigorous supervision, coupled with well-designed and funded treatment, can have a significant and beneficial impact. Shawnee County is running the only felony drug court in the state with very promising results. Treatment can work, but it must well devised, properly funded and backed by consequences.

However, this legislation does not embrace proven treatment approaches nor provide badly needed resources. SB 123 and HB 2309 simply dump hundreds of drug abusers and traffickers out of the prisons and into our local communities, while providing no additional community service workers, probation officers, community corrections officers, treatment professionals or law enforcement officers to deal with this criminal flood. It does this by simply decriminalizing all kinds of drug possession, and, in the case of HB 2039, making decriminalization retroactive.

These bills are not designed to help people with drug addictions.
These bills are is not designed to protect the public.
These bills are designed to save the state money.

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Attachment 4

I have attached an outline by section showing the concerns law enforcement had with the original SB 123, which is the same as HB 2039. For purposes of this testimony and in the interest of time, I will merely hit on some of the low lights.

1. **Contrary to the description in the Calendar, this legislation doesn't just apply to first time or second time offenders.** Under the definition of persons eligible for this "non-prison sanction" in new section 1, the *only* sentence for persons with 2, 10 or 20 prior convictions for felony illegal drug possession, (and a like number of failed treatments) is more treatment. Do we really want to so decriminalize possession of methamphetamine, heroin, crack? I might point out that for the vast majority of drugs, a first conviction is a class A misdemeanor and the courts almost always give probation for a second and third conviction. So we are concerned here with people who have multiple convictions and multiple failures at treatment. Yet, under both bills, unless the person convicted has a conviction record of drug trafficking or multiple serious person felony convictions, the only sentence is "non-prison sanction".
2. Some have argued that a court could depart from the prescribed sentence in such cases. But under section 1(e), *departure is authorized only* for those persons classified under subsection (a)(2) – persons with the prior person felony convictions. The rules of statutory construction dictate that to list one thing is to exclude all others. (*Expressio unius est exclusio alterii*) So for all those felons in (a) (1) (no drug trafficking convictions and no felonies against persons) **departure sentencing is not authorized. So incarceration is never an option at sentencing, regardless of the number of prior felony convictions, regardless of how poorly they have done under supervision or their attitude about future treatment.**
3. Section 1(f)(1) **severely limits discharge from this 'non-prison sanction' to only two reasons:** First, if there is a conviction of a new felony *other than additional new felony convictions for possession of controlled substances*; or second, a *pattern* of intentional conduct demonstrating the offender's refusal to participate in treatment, as established by a judicial finding. So, not only can a person who has multiple prior drug possession convictions, multiple prior failures on probation and parole and multiple prior failures on treatment, be sentenced to non-prison sanction **but even committing the exact same offense over again, there is no further consequence or punishment.** Criminal statutes are construed narrowly against the state so the fact that this legislation spells out only these two ways of discharging a person from the non-prison sanction will likely be interpreted as being the only ways a person can be discharged. (*Expressio unius*, etc. above) So even if the person, after being convicted and sentenced to this 'non-prison sanction', beats his wife, gets a DUI, or commits vehicular homicide, revocation will still not be an option.

4. With no threat of prison for these felony offenses **these bills would decriminalize possession of all drugs; not just marijuana but methamphetamine, crack cocaine, heroin, LSD, etc.** Imagine the deterrence factor of such a law: You can commit the crime as often as you wish and nothing more can be done to you and you will never, ever, do time. **In fact such a law would attract drug addicts to Kansas from across the country.**
5. **Vagueness.** In subsection (f)(1)(B), the wording "pattern of intentional conduct," implies a number of intentional acts. How many times is a 'pattern'? How many times must a person fail to go to treatment or participate? There will be numerous lawsuits as different courts use different standards.
6. Both bills do have consequences for violating the treatment program, page 18, section 7, lines 20-25: "*Offenders who have been sentenced pursuant to section 1, and amendments thereto, and who violate a condition of the drug and alcohol abuse treatment program shall be subject to an additional nonprison sanction.*" Treatment works best when offenders are motivated, either by a desire to change or fear of consequences. We are replacing the hammer over their heads with a nerf ball.
7. I would note the only incarceration possible for failing treatment is up to 60 days in the county jail, **another unfunded mandate** that you are putting on already overstrained county sheriffs and jails.
8. In HB 2039, Section 3 makes this act apply **retroactively** to all persons who are currently incarcerated or on probation or parole for these possession charges. The Senate version has struck this section for a very good reason. **HB 2039 would release hundreds of drug traffickers – drug dealers and manufacturers - as well as drug possessors.** It is a fact that a large number of drug dealing and manufacturing cases are plea bargained down to possession charges. Whether that should have been done or not, it is still a fact. This is particularly true in dealing with methamphetamine manufacturers and dealers as the possession charges 'stair step' up creating easy felony pleas that have a factual basis. **Passage of HB 2039 bill will put these drug dealers and manufacturers back out on the streets.**
9. **These bills reduce the penalty for methamphetamine.** I know you are aware of the incredible problems that methamphetamine has caused Kansas: addiction, poisoned soil and water, burned children, burned homes, injured officers. To save money, do we really want to add to that toll?

10. I would note that this legislation **provides no additional resources**. The treatment that is proposed is to be paid for by the defendants. Section 2(d). Having spent seven years in the narcotics division of the KBI, I would suggest to you that addicts are not a reliable and adequate source of funding. To say that we are moving drug addicts from prison to treatment makes good headlines. But it is a sham unless there are adequate quality treatment options and resources available.
11. I have attached a letter to the editor by Dr. Eric Voth who has treated thousands of chemically dependant people. Dr. Voth points out some of the flaws in this legislation but also makes several suggestions about what kind of treatment would actually work. I've also spoken with Jared Holroyd, coordinator of the Shawnee county felony drug court in Kansas, and he too opposes this legislation as decriminalization and dooming the addicts to repeat their crimes. Ask the treatment professionals in your community about how treatment works. Ask them how many extra beds they have, and ask about the extra time the community corrections and court service officers have to supervise these individuals?
12. **There are not sufficient treatment facilities available.** So these prisoners will be on the streets waiting for treatment. What do you think they will do in the meantime?
13. **Treatment facilities will not take the same people back after they have previously failed.** So you will have people on 'non-prison sanction' ordered to attend treatment that is not available to them.

As has been noted, most of these people do not go to prison directly from sentencing. Under current law, the presumptive sentence for a possession charge is probation, which means almost all of these individuals have already failed, while under supervision, to comply with the court's conditions of probation. So, what this legislation does is dump on the cities and counties of this state hundreds of addicted felons, (and with HB 2039's retroactivity, many of whom are in fact dealers and manufacturers) who have demonstrated their inability or unwillingness to comply with the rules of law. By providing no resources for treatment or supervision, we are dooming them to failure and dooming our citizens to suffer the predation that will result from their return to a life of crime.

On behalf of the law enforcement community, the people who will be stuck cleaning up this mess, we would urge this committee to kill both of these well-intentioned but poorly executed bills.

I'd be happy to stand for questions.

Topeka Capitol Journal

Letters to the Editor

March 4, 2003

Perils of treatment

I never hesitate to enter a good drug policy debate, and the issue of drug treatment for offenders is such an issue. I strongly agree with the commentary of Rick Sargent (Feb. 15) regarding the need for supervision of drug treatment for criminal offenders. It would be a huge mistake to make treatment a "get-out-of-jail-free" card. Evidence is clear that chemically dependent individuals have a higher rate of sobriety if closely supervised and if they have something at stake. In my treatment and supervision of thousands of chemically dependent individuals, this has been very evident.

It is also important that the public understand that much of the movement driving treatment instead of incarceration is driven by groups and individuals seeking to tear down restrictive drug policy. Many of that group do not simply want to reduce cost and be compassionate, but rather to get the criminal justice system off the backs of drug users. They enlist the support of well-meaning but uninformed prominent figures to advance their causes. Examples abound throughout the country. You should also know that many of those jailed for "possession" charges have pleaded down from dealing or other felonious acts. Let's also keep in mind that 70 to 80 percent of violent crime is committed under the influence of alcohol or other drugs.

Specific suggestions that might work include: 1) Drug courts that tightly supervise non-violent low level users. Along with this, intensifying arrests on users and simple possession. Moving to incarceration when there is failure to remain clean. 2) Specific treatment-based incarceration where prison sentences are served instead of hard time as long as the individual remains "clean" and participates. 3) Broad-based demand reduction and prevention programs in schools, workplace, and in prisons to reduce drug use among young people. This could markedly reduce the cost of pure prison incarceration.

Any movement in this arena must be carefully considered and developed by those who understand all the issues and will ultimately be responsible for its outcomes. The last thing we need is more drug abusers running around our streets because of hasty actions on the part of lawmakers.

ERIC A. VOTH, M.D.,
Chairman, The Institute on Global Drug Policy, Topeka



Families Against Mandatory Minimums

F O U N D A T I O N

Dear Representative,

I am the Kansas organizer for Families Against Mandatory Minimums, a national nonprofit, nonpartisan organization with 30,000 members in the U.S. – including hundreds in Kansas. FAMM's mission is to restore judicial discretion in sentencing within flexible sentencing guidelines. We work closely with sentencing commissions across the country, including the Kansas Sentencing Commission.

FAMM supports Senate Bill 123, which mandates drug treatment instead of prison for non-violent drug possession crimes. SB123 was proposed following a comprehensive study conducted by the Commission. That study found that treatment of low-level, nonviolent drug offenders is a more cost-effective use of our limited resources than prison sentences. The study also found that 70 percent of Kansas's citizens support this reform. The Kansas Senate passed SB 123 by a 26 -14 vote on March 14.

Recently, the ^(CASA) National Center on Addiction and Substance Abuse published a study that found that drug-addicted, nonviolent felony offenders with five prior drug arrests and an average of four years behind bars achieved significantly lower recidivism rates and higher employment rates through a drug treatment program than comparable offenders who were sent to prison.

~~Added substance~~
The five-year CASA evaluation found that participants who completed the program and graduated were 33 percent less likely to be rearrested, 45 percent less likely to be reconvicted, and 87 percent less likely to return to prison than the comparable prison group. DTAP graduates were three and one-half times more likely to be employed after graduation than before their arrest. Before their arrest, 26 percent were working either part-time or full-time. Following successful completion of the program, 92 percent had found employment.

These results were achieved at about half the cost of incarceration. The average cost for each DTAP participant for residential drug treatment, vocational training and support services was \$32,975 compared to an average cost of \$64,338 for the time spent in prison for DTAP participants who dropped out.

We hope you will consider these studies and join the Senate in supporting SB 213, a smart on crime, cost-effective approach to low-level drug offenses. If we can provide any further information or support, please do not hesitate to contact me.

Sincerely,

Peter Ninemire, Kansas FAMM
4836 E. Funston, Wichita, KS 67218
(316) 651-5852 - pi9mire@sbcglobal.net

H. Corr & J.J.
3-19-03
Attachment 5

We need to get our priorities straight.

Each year, the portion of your tax dollars that goes to support federal and state prison expenditures grows faster than any other area of government spending. Mandatory sentences for nonviolent drug offenders are driving that increase, but they don't make a dent in the drug problem. Instead mandatory drug sentences sap funds from education and drug treatment where they are needed most.

Mandatory drug sentences add to prison costs.

§ Mandatory drug laws require lengthy, pre-determined prison terms for those convicted of drug offenses. These sentences are determined solely by the weight of the drugs (or in conspiracy cases, the alleged weight), or the presence of a firearm during a felony offense.

§ Nearly nine out of 10 federal drug offenders are low- or medium-level participants in the drug trade, yet they receive the harshest sentences. Low-level drug offenders, couriers, or addicts often have no information to trade with prosecutors for sentence reductions. So-called drug "kingpins," who have information to trade, are more likely to receive reduced sentences.

§ Mandatory sentences are the least cost-effective means of reducing drug use and sales. A 1997 RAND study found that treatment of heavy users is eight times more cost-effective than long sentences in removing cocaine from the market, and conventional enforcement is twice as cost-effective.

Federal mandatory drug sentences (for first offenders)*

Type of drug	5-year sentence'	10-year sentence'
LSD	1 gram**	10 grams
Marijuana	100 plants or 100 kilos***	1,000 plants or 1,000 kilos
Crack cocaine	5 grams	50 grams
Powder cocaine	500 grams	5 kilos
Heroin	100 grams	1 kilo
Methamphetamine	5 grams	50 grams
PCP	10 grams	100 grams

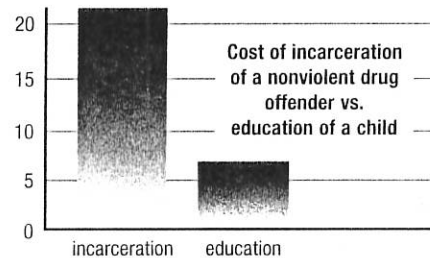
* There is no parole in the federal system.

** A gram is equal to a single packet of sweetener.

*** A kilo is equal to 2.2 lb.

Education is cheaper than incarceration.

§ Federal taxpayers annually spend more than three times as much each year to incarcerate one nonviolent drug offender (\$21,542) than to educate one child (\$7,086). Bureau of Prisons, 2001; Department of Education, 2002



§ It costs more to send someone to federal prison (\$21,542) for a year than a four-year public college or university (\$11,976 for an in-state student, \$17,740 for an out-of-state student, including tuition, costs, books and living expenses). Bureau of Prisons, 2001; College Board, 2002

Drug treatment is cheaper than incarceration.

§ Every dollar invested in drug treatment saves \$7 in societal and medical costs. California Drug and Alcohol Treatment (CALDATA I), and Phillip Lee, former assistant health secretary, 1998

§ Drug treatment can cut crime by 80 percent. A study of female substance abusers in prison found that 25 percent who underwent treatment were later rearrested, compared to 62 percent without substance abuse treatment.

Brown University, 1998

§ Treatment costs range from \$1,800 to \$6,800 per person a savings of \$15,000 per person over incarceration.

National Treatment Improvement Evaluation Study, Center for Substance Abuse Treatment, 1997

"These unwise sentencing policies which put men and women in prison for years not only ruin lives of prisoners and often their family members, but also drain the American taxpayers of funds which can be measured in billions of dollars."

—Judge Myron Bright,
8th Circuit U.S. Court of Appeals

Why should you care?

We all pay a high price for mandatory sentencing laws. The high costs of incarcerating nonviolent, minor drug offenders in federal prisons; the expense of building prisons instead of schools; and the toll our communities pay because there is no money to rehabilitate drug addicts are some of the most obvious ways we pay. But there are other costs as well: taxpayers foot the bill for the children and families left behind when a minor drug offender is sent to prison for 5, 10, 20 or more years. Punishment is essential when laws are broken, but the punishment must fit the crime.

What can you do?

Maybe you know other people who feel the same way we do: people who are frustrated by the way our justice system is run and who are willing to step forward and fight for change. You can help reform mandatory sentencing laws by:

- § writing, calling and visiting your elected officials. (Request the FAMM "Citizen Action Kit" for tips on contacting federal and state lawmakers about mandatory sentencing laws.
- § encouraging federal lawmakers to increase funding for drug treatment instead of incarceration.
- § joining FAMM.
- § visiting www.famm.org on the internet.

What is FAMM?

Families Against Mandatory Minimums (FAMM) is a national nonprofit organization founded in 1991 in response to inflexible and excessive penalties triggered by mandatory sentencing laws. FAMM promotes sentencing policies that give judges the discretion to distinguish between defendants and sentence them according to their role in the offense, seriousness of the offense, and potential for rehabilitation. FAMM's 25,000 members include inmates and their families, attorneys, judges, criminal justice experts and concerned citizens.

*For more information,
please contact:*



Families Against Mandatory Minimums

1612 K Street NW ■ Suite 1400

Washington, D.C. 20006

Phone: 202-822-6700 ■ FAX: 202-822-6704

famm@famm.org ■ <http://www.famm.org>

22,000

22,000

DO YOU KNOW WHERE YOUR TAXES GO?

FAMILIES AGAINST MANDATORY MINIMUMS

JUSTICE FOR ALL

\$22,000 PER YEAR IS SPENT TO INCARCERATE EACH NONVIOLENT DRUG OFFENDER TWENTY-TWO THOUSAND

U.S. TAXPAYERS

SPEND \$7,000 PER YEAR TO EDUCATE EACH AMERICAN CHILD

IT'S TIME TO GET OUR NATIONAL PRIORITIES STRAIGHT

Peter Winemire

DRUG POLICY ALLIANCE

Reason. Compassion. Justice.

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Home > News > Drug Treatment Alternative Reduces Crime, Prison Costs



DRUG POLICY NEWS

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IN THIS SECTION

- > Overview
- > Press Room

LATEST ACTION ALERT

Congress Threatens Live Music and Dancing!!

TAKE ACTION

RELATED RESOURCES

- > For Our Health & Safety: Joining Forces To Defeat Addiction
- > Drug Treatment Alternative Reduces Crime, Prison Costs
- > Prestigious, Bipartisan State Commision Evaluates CA

> more

ORGANIZED PARTNERS

- > NAACP Supports Drug Policy Reform/Measure 62
- > A New PATH (Parents for Addiction Treatment and Healing)
- > Campaign for New Drug Policies

Drug Treatment Alternative Reduces Crime, Prison Costs

Wed, March 12, 2003

Drug-addicted, non-violent felony offenders with five prior drug arrests and an average of four years behind bars achieved significantly lower recidivism rates and higher employment rates through a drug treatment program than comparable offenders who were sent to prison, according to findings published in a White Paper - Crossing the Bridge: An Evaluation of the Drug Treatment Alternative-to-Prison (DTAP) Program - released by The National Center on Addiction and Substance Abuse (CASA) at Columbia University.

These rates were achieved at about half the cost of incarceration, the CASA evaluation found. "This DTAP (Drug Treatment Alternative-to-Prison) program demonstrates that we don't have to throw away the key for repeat drug addicted offenders, even those who sell drugs to support their habit. Prosecutors can help repeat felony offenders become responsible citizens if they combine treatment and vocational training with the certainty of punishment for noncompliance," says Joseph A. Califano, Jr., CASA president and former U.S. Secretary of Health, Education and Welfare. "In this time of burgeoning prison populations and shrinking federal and state budgets, every prosecutor in the nation can follow the lead of Brooklyn District Attorney Charles J. Hynes and try this program. DTAP offers prosecutors the same kind of effective alternative to incarceration that drug courts offer judges."

The DTAP program provides 15 to 24 months of residential drug treatment, vocational training, and social and mental health services to drug-addicted, nonviolent repeat offenders who face mandatory punishment under New York State's second felony offender law. Participants are abusers of heroin, crack and powder cocaine among other substances. They plead guilty to a felony, thereby ensuring a mandatory prison sentence if they abscond from the program. Sentencing is deferred upon program participation; if participants complete the program, their guilty plea is withdrawn and the charges dismissed.

The five-year CASA evaluation found that participants who completed the program and graduated were 33 percent less likely to be rearrested, 45 percent less likely to be reconvicted, and 87 percent less likely to return to prison, than the comparable prison group. DTAP graduates were three and one-half times more likely to be employed after graduation than before their arrest. Before their arrest, 26

MARIJUANA: THE FACTS

WHAT'S WRONG WITH THE DRUG WAR?

SAFETY FIRST: PARENTS, TEENS AND DRUGS

DRUG BY DRUG

STATE BY STATE

REDUCING HARM: TREATMENT AND BEYOND

DRUGS, POLICE & THE LAW

WOMEN, GLBT, AND OTHER COMMUNITIES

RACE AND THE DRUG WAR

DRUG POLICY AROUND THE WORLD

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SIGN UP!

JOIN THE ALLIANCE

Join the Drug Policy Alliance's work to promote drug policies based on common sense, science, public health and human rights.

5-4

percent were working either part-time or full-time. Following successful completion of the program, 92 percent had found employment.

JOIN

"This program in which failure is a one-way ticket to prison shows the effectiveness of coerced treatment," says Califano. The CASA evaluation was funded by the National Institute on Drug Abuse (NIDA). The effectiveness of coerced treatment remains a controversial issue and CASA and its funder NIDA have a reputation among social science researchers for producing methodologically suspect work. After years of refusing to subject research through the peer review process, CASA finally had a peer reviewed article published in the February 2003 edition of The Journal of the American Medical Association. Peer review notwithstanding, the JAMA study was subjected to intense criticism. Sociology Professor David Hanson of the State University of New York responded to an equally critical editorial in the Washington Times with a letter stating that "CASA's distortion and fear mongering are useful in increasing the visibility of the organization and bringing in money and lots of it... Joseph Califano, head of CASA, is not a scientist but a lawyer. That may explain, but it certainly can't excuse, the credibility-destroying inadequacies of CASA's report." CASA was created in 1992 at the request of the White House Office of National Drug Control Policy.

STUART J. LITTLE, Ph.D.
Government Relations Consultant

March 18, 2003

Testimony before House Corrections and
Juvenile Justice Committee
Senate Bill 123

Dear Chairman Loyd and Members of the House Corrections and Juvenile Justice
Committee,

I appear before you today on behalf of the Kansas Community Corrections
Association in support of Senate Bill 123. Community Corrections programs provide
cost-effective community-based supervision for adult and juvenile offenders with lower
severity level offenses (although the offenders are increasingly more high-risk). The
courts determine whether an offender is assigned to regular probation (through the courts)
or intensive supervised probation in a community corrections program.

KCCA supports enhanced drug treatment for substance abusing offenders defined
within SB 123. Our concern is that adequate funding for treatment and the supervision of
these new offenders follows them to drug treatment programs and supervision agencies
(community corrections and court services). These funding issues will be a matter of
action in the appropriations process and we anticipate a favorable vote on SB 123 will
have to be matched with a favorable vote in the appropriations process to fund treatment
and supervision.

800 SW JACKSON, SUITE 1300 • TOPEKA, KANSAS • 66612
PHONES: (OFFICE) 785-235-2555 (MOBILE) 785-845-7265 • FAX: 785-354-8092

H. Corr § J.J.
3-19-03
Attachment 6

**Kansas House of Representatives
Corrections and Juvenile Justice Committee
An Overview of Washington State's Experience
in Judicially Supervised Treatment-focused
Drug Offender Sentencing Reform**

March 19, 2003

Prepared by

Ed Vukich

Washington State Department of Social & Health Services

Division of Alcohol and Substance Abuse

(360) 438-8496

vukicem@dshs.wa.gov

H. Corr. & J.J.
3-19-03
Attachment 7

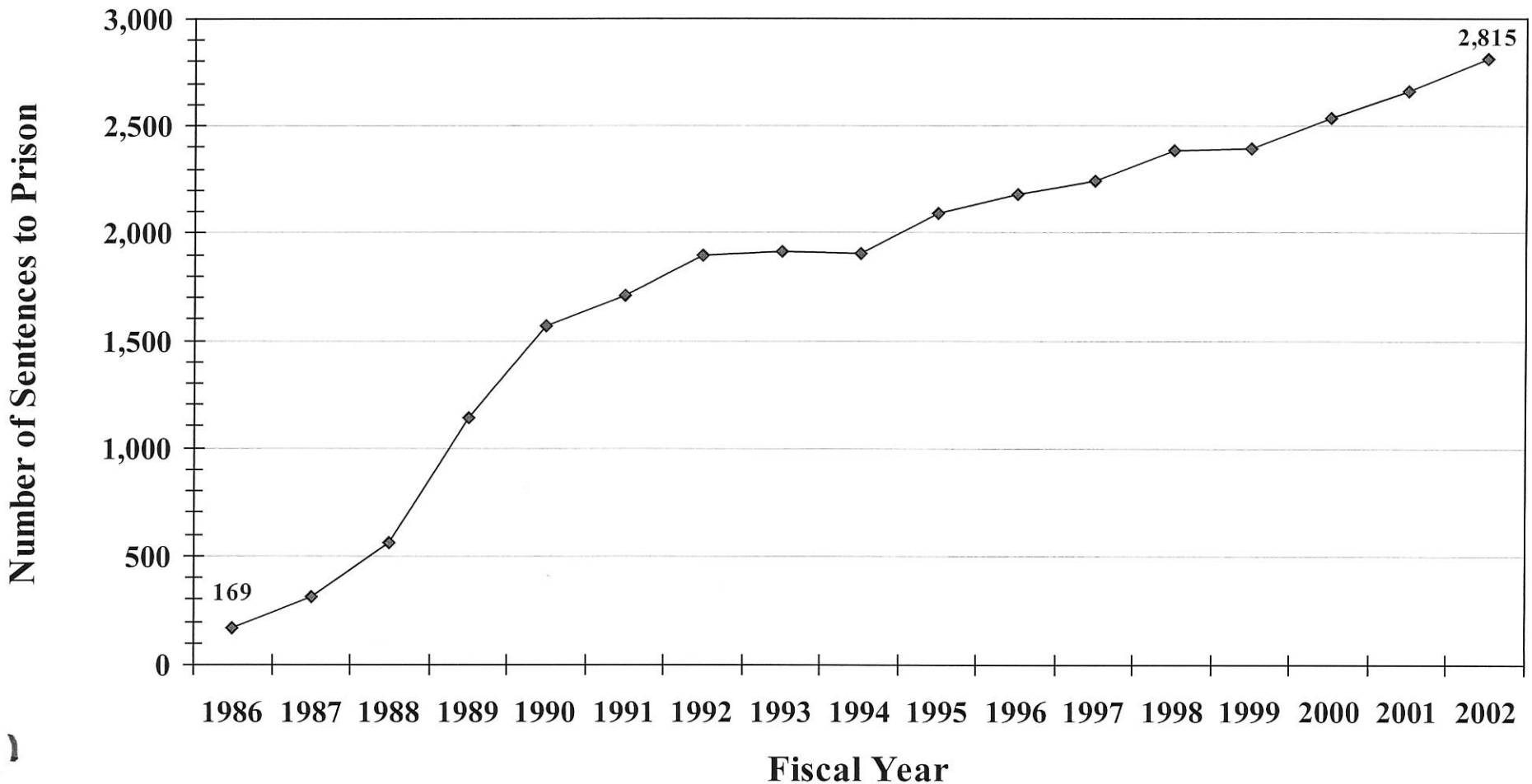
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3-19-03
Attachment 7

The Problem

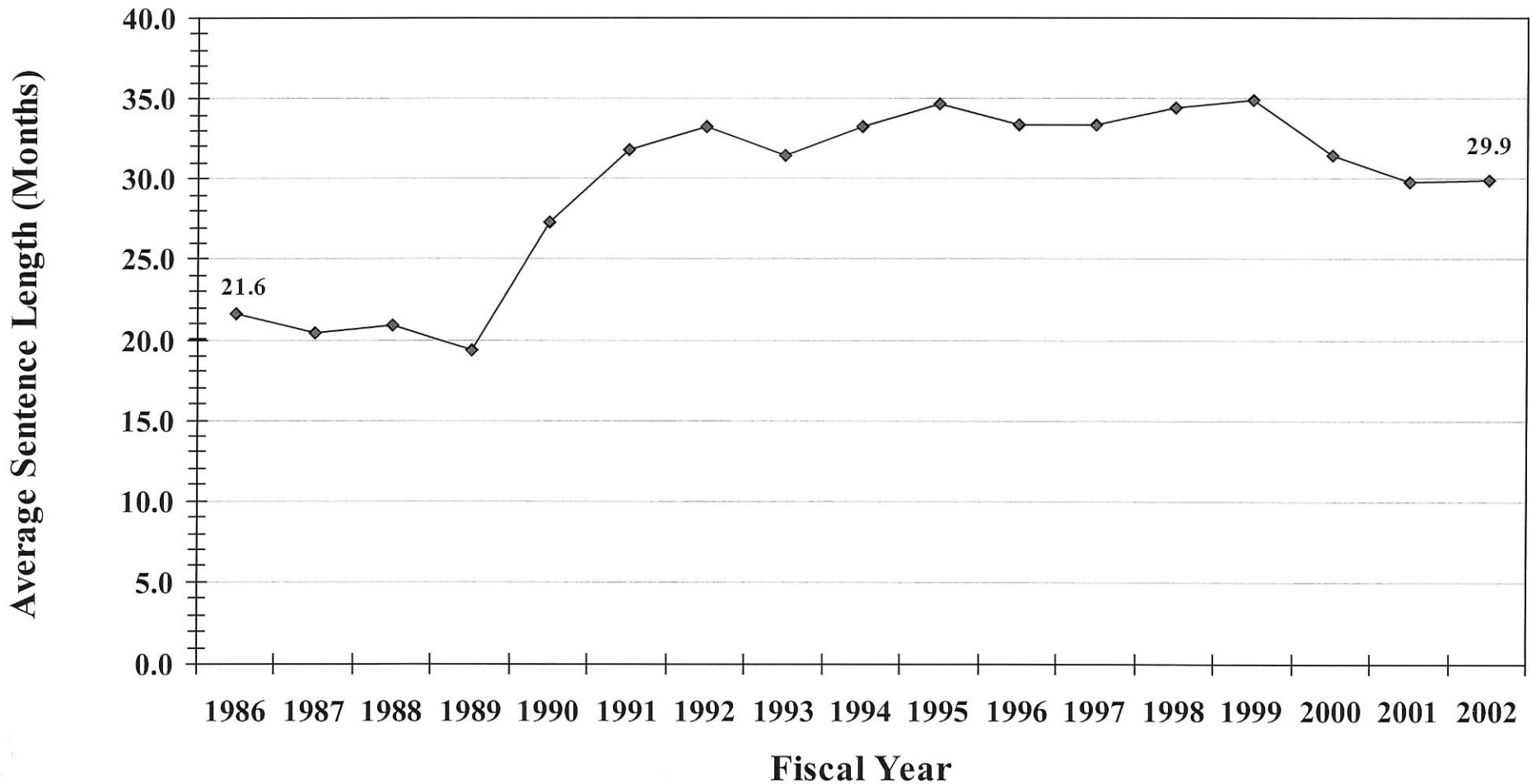
- Increasing numbers of sentences for drug offenses, and
- Lengthier sentences for drug offenses due to law changes, resulting in
- Increasing expenditures on drug offenders, with
- Non-comparable increases in treatment expenditures.

Washington's adult sentencing manual has increased from 304 pages (46 for the actual statute) when first published in 1984, to 636 pages (173 for the actual statute) in 2002.

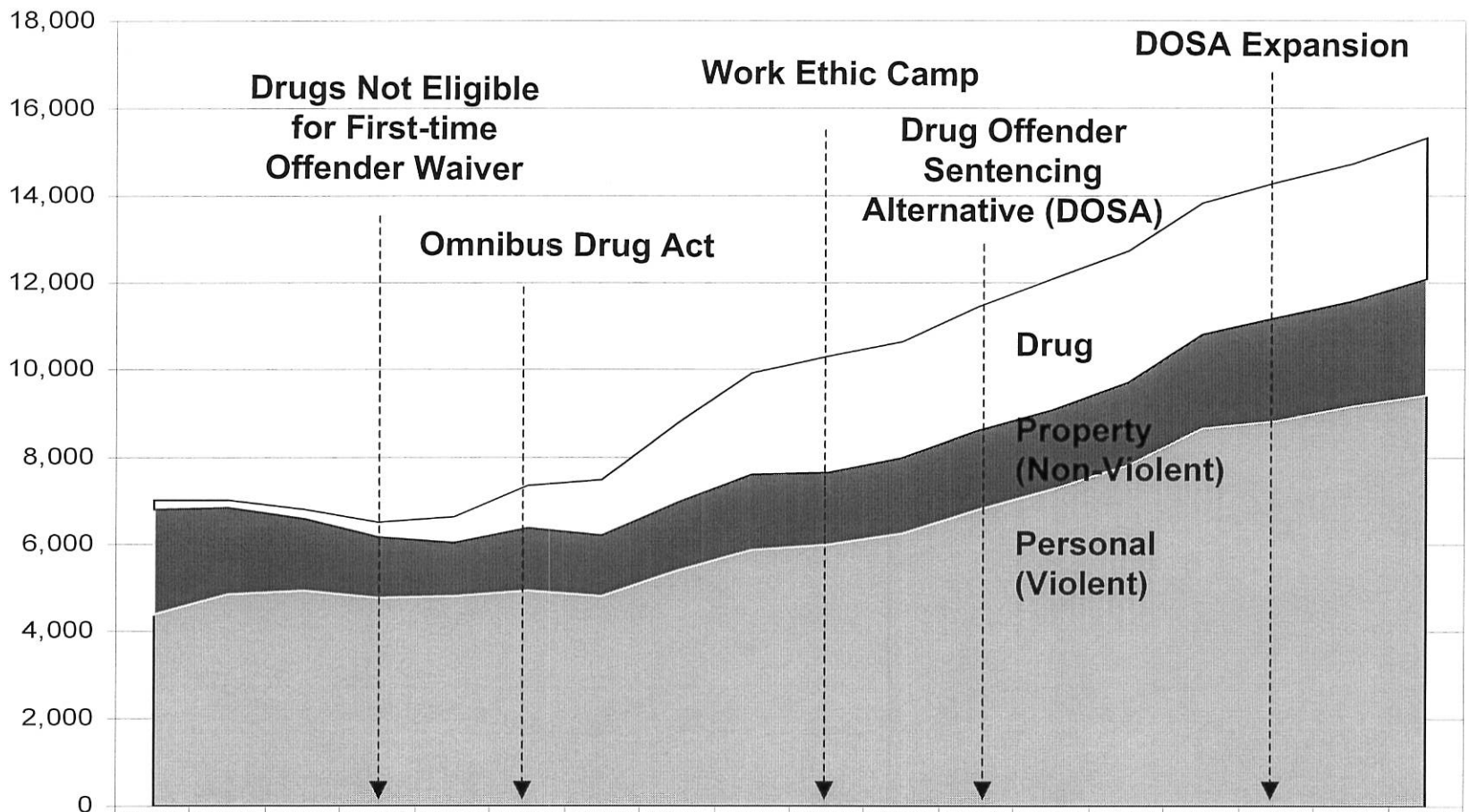
Number of Sentences to Prison for Drug Offenses Fiscal Year 1986 Through Fiscal Year 2002



Average Prison Drug Offense Sentence Length Fiscal Year 1986 Through Fiscal Year 2002



Growth and Change in the Prison Population (End of Fiscal Year 1984 – 2001)



	FY84	FY85	FY86	FY87	FY88	FY89	FY90	FY91	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01
□ DRUG	208	175	202	318	608	995	1,259	1,822	2,318	2,677	2,667	2,834	3,028	2,999	3,030	3,105	3,115	3,222
■ PROPERTY	2,431	2,005	1,679	1,387	1,198	1,447	1,432	1,584	1,733	1,643	1,733	1,808	1,828	1,923	2,150	2,345	2,430	2,647
▒ PERSON	4,355	4,825	4,904	4,775	4,814	4,918	4,784	5,384	5,879	5,985	6,240	6,803	7,254	7,813	8,670	8,850	9,175	9,436

The Solution

- Target drug offenders.
- Increase the emphasis on judicially supervised treatment and decrease the emphasis on incarceration.
- Encourage local jurisdictions to develop judicially-supervised treatment models.

The Players - Pro

- **King County (Seattle) Prosecutor Norm Maleng**^(Key Testimony)
- **Democrat and Republican Legislators**
- **Department of Corrections**^(Key Testimony - Joe Lehman, Secretary)
- **Sentencing Guidelines Commission**
- **Division of Alcohol and Substance Abuse**^(Key Testimony – Ken Stark, Director)
- **Governor’s Executive Policy Office**
- **Washington Association of Prosecuting Attorneys**
- **Washington Association of Criminal Defense Lawyers**
- **Washington Defender Association**
- **Superior Court Judges Association**
- **Washington Association of Sheriffs and Police Chiefs**
- **Washington State Association of Counties**
- **Washington Association of Drug Court Professionals**
- **King County Bar Association**
- **American Civil Liberties Union**
- **Drug Treatment Providers**
- **Friends Committee on Washington State Public Policy**

Evidence Supporting Change

- Treatment works whether it is voluntary or involuntary, and the criminal justice system should use its coercive authority to force offenders into treatment.*

7.9 *Please see Supplemental Handout #1 for further information.

Evidence Supporting Change

- Research indicates that there is a positive correlation between the length of stay in treatment, whether interrupted or uninterrupted, and reduced levels of recidivism.*

*Please see Supplemental Handout #1 for further information.

Evidence Supporting Change

- Based on studies done by the Washington State Institute for Public Policy and the Washington State Sentencing Guidelines Commission, the recidivism patterns of drug offenders do not involve violent crime. They tend to reoffend via repetitive drug offenses or property crimes.*

Evidence Supporting Change

- Aside from the benefits of incapacitation and retribution derived from sanctions of total confinement, there is no evident correlation between length of stay in confinement and recidivism.*

7
*Please see Supplemental Handout #1 for further information .

The First Attempt – 2001

2SSB 5419

- Passed in the Senate.
- Died in the House.

7-12

7-12

The Second Attempt – 2002

2SHB 2338*

- The bill is not about reducing incarceration costs, it is about long term benefits. Increased treatment will keep offenders out of prison and reduce substance abuse, thereby reducing recidivism and benefiting society in general.
- **Treatment is not a cost, it's an investment.**
 - Passed by the House on March 14, 2002.
 - Passed by the Senate on March 13, 2002.
 - Signed into law by Governor Gary Locke on April 1, 2002.

7.3

*Please see Supplemental Handout #2 for the bill report.

2SHB 2338 – Major Provisions

Sentencing – Phase I

- Reduces the seriousness level for the manufacture, delivery, or possession with intent to deliver heroin or cocaine from Level VIII to Level VII on the adult felony sentencing grid, for offenders without a sex or serious violent offense in history.
 - The standard range for an offender with a score of zero (no history/first-time offender) is reduced from 21-27 months to 15-20 months.*
 - The standard range for an offender with a score of nine or more is reduced from 108-144 months to 87-116 months.*

7-14

*Please see Supplemental Handout #3 for the adult felony sentencing grid.

2SHB 2338 – Major Provisions Sentencing – Phase I (Continued)

- Eliminates “triple scoring” for statutory drug offenses, except for offenders with a sex or serious violent offense in history, or for the manufacture of methamphetamine against the manufacture of methamphetamine.
 - The standard range for an (eligible) offender convicted of a Level VIII statutory drug offense, with three prior statutory drug offenses, would be reduced from 108-144 months to 36-48 months (offender score is reduced from nine to three).*

7-15

*Please see Supplemental Handout #3 for the adult felony sentencing grid.

2SHB 2338 – Major Provisions

Sentencing – Phase II*

- Establishes a drug offender sentencing grid, whereby all drug-related offenses currently ranked on the adult felony sentencing grid are removed from it and ranked on the new drug offender sentencing grid.
 - The new drug grid has larger standard ranges, allowing for more discretion in sentencing, and it encourages treatment in lieu of incarceration.

*Please see Supplemental Handout #3 for the drug offender sentencing grid.

2SHB 2338 – Major Provisions Treatment

- Of the estimated prison savings (resulting from the sentencing provisions) calculated* each biennium:
 - 25% is mandated for substance abuse treatment for offenders in prison.
 - 75% (to an adjustable maximum of \$8,250,000 per fiscal year) is mandated for substance abuse treatment for offenders at the local level.
 - The money is distributed to the counties by the Division of Alcohol and Substance Abuse – 70% via a funding formula and 30% via a grant program.

*Please see Supplemental Handout #4 for the estimation methodology.

Five Levels of Savings – #1

Direct Criminal Justice Savings

- Phase I – Level and Scoring Changes*
 - These changes became effective July 1, 2002. The amount of the estimated savings from these for the first biennium will be the amount of money mandated for treatment under the act for the first biennium (July 1, 2003 through June 30, 2005).
 - The savings from other provisions will be incorporated with these provisions to calculate the estimated savings for future biennia.

7-18

*Please see Supplemental Handout #5 for the first biennial savings estimate.

Five Levels of Savings – #2

Direct Criminal Justice Savings

- Phase II – The New Drug Grid
 - These changes are effective July 1, 2004. This provision will be incorporated with the other provisions when calculating the estimated savings for the second biennium under the act (July 1, 2005 through June 30, 2007), as well as for all future biennia.

Five Levels of Savings – #3

Direct Criminal Justice Savings

- Offenders kept out of incarceration due to increased treatment capacity.
 - Beginning July 1, 2003, the first monies from the estimated savings for the first biennium under the act will be distributed to the counties, thereby increasing their treatment capacity. The increased capacity will allow more offenders to be treated in lieu of incarceration.
 - Initially, up to 4,000 offenders per year. With 35% failing, an estimated 2,600 offenders per year (normally jail or prison bound) can be successfully treated.

7-20

Five Levels of Savings – #4

Indirect Criminal Justice Savings

- With more offenders treated for their substance abuse problems, levels of substance abuse among these offenders will decrease, which will, in turn, decrease levels of recidivism.

Five Levels of Savings – #5

Societal Savings

- With more offenders treated for their substance abuse problems, levels of substance abuse among these offenders will decrease. By reducing levels of substance abuse, the greater societal costs associated with substance abuse (e.g., medical costs, domestic violence, child abuse, child neglect, unemployment, psychiatric problems and reliance on public assistance, *etc.*) will decrease.

Appendix

7-23

7-23

Substance Abuse Prevention and Treatment in Washington State

- Washington Has a Comprehensive System
 - Assessment
 - Detoxification
 - Outpatient
 - Intensive Outpatient
 - Medication Assisted Outpatient (*e.g.*, Methadone)
 - Residential (Short-term and Long-term)
 - Involuntary Commitment
 - Specialty Programs (Including Drug Court)

Substance Abuse Prevention and Treatment in Washington State

- Budget
 - \$115 Million Per Year (60% State, 40% Federal)
 - State
 - Sin Taxes, General Fund, TANF, Public Safety Education Account and the Savings From the Drug Bill.
 - Federal
 - Substance Abuse Prevention/Treatment Block Grant, Medicaid, Byrne Grant and Federal Agency Competitive Grants
 - Group Medical Insurance

Substance Abuse Prevention and Treatment in Washington State

- Even with a comprehensive system and the current levels of funding, Washington State only has the resources to treat 20-25% of those in need and who are eligible for publicly funded treatment.

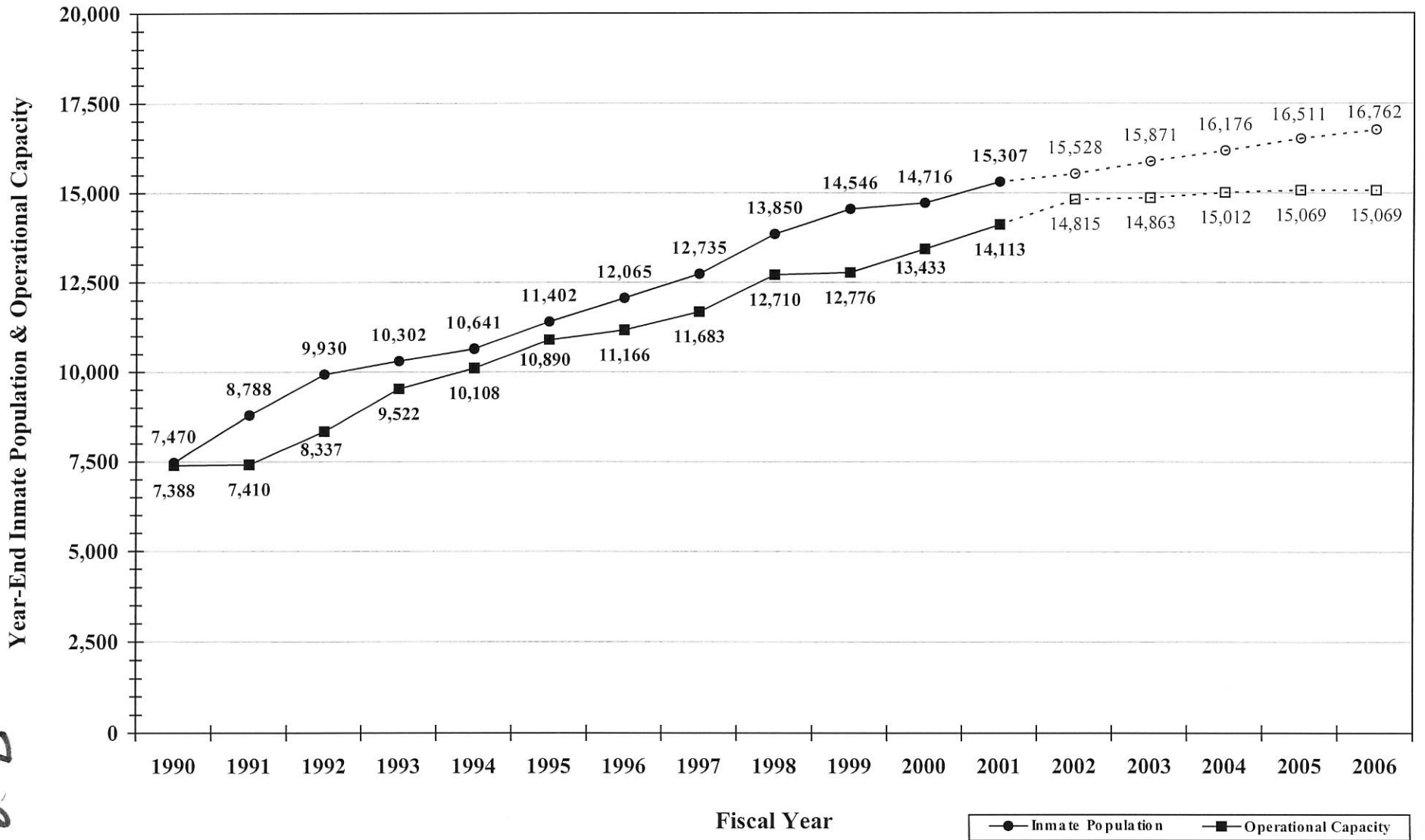
Sentencing Reform Act of 1981

- Ensure proportionate punishment.
- Promote respect for the law.
- Ensure commensurate punishment.
- Protect the public.
- Provide opportunities for offender self-improvement.
- Make frugal use of government resources.
- Reduce the risk of reoffending.

Comprehensive Review of the SRA 2000-2001

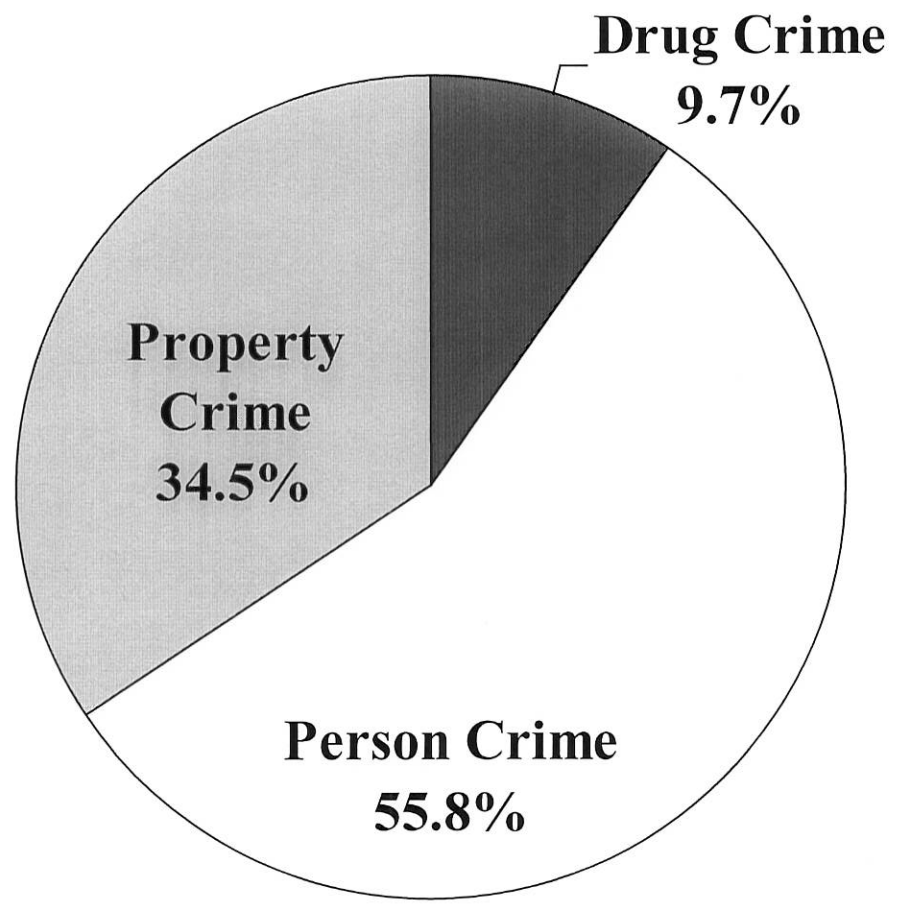
- The Sentencing Guidelines Commission was directed to review current sentencing law and determine whether the law remains consistent with the purposed of the Sentencing Reform Act. And, among specific directives,
- *Examine practices with respect to confinement of violent offenders and the use of alternatives to confinement for nonviolent offenders.*

Washington State Department of Corrections Year-End Inmate Population & Operational Capacity Fiscal Year 1990 Through Fiscal Year 2006



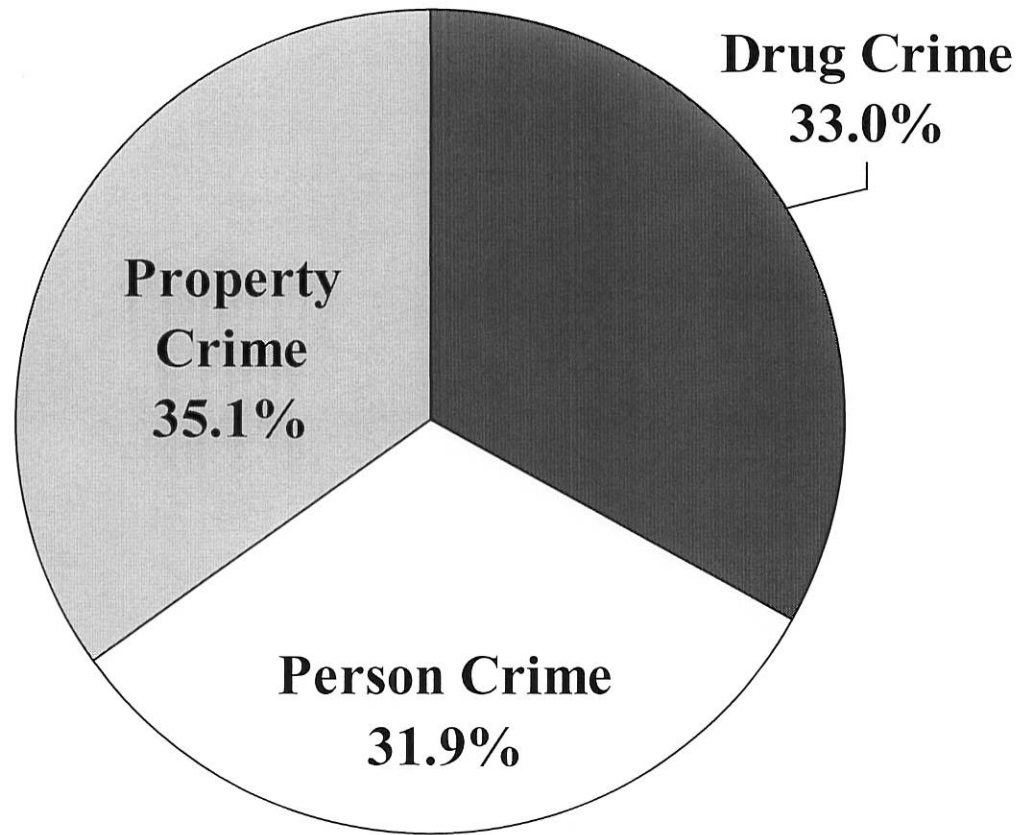
79

Sentences to Prison Fiscal Year 1986



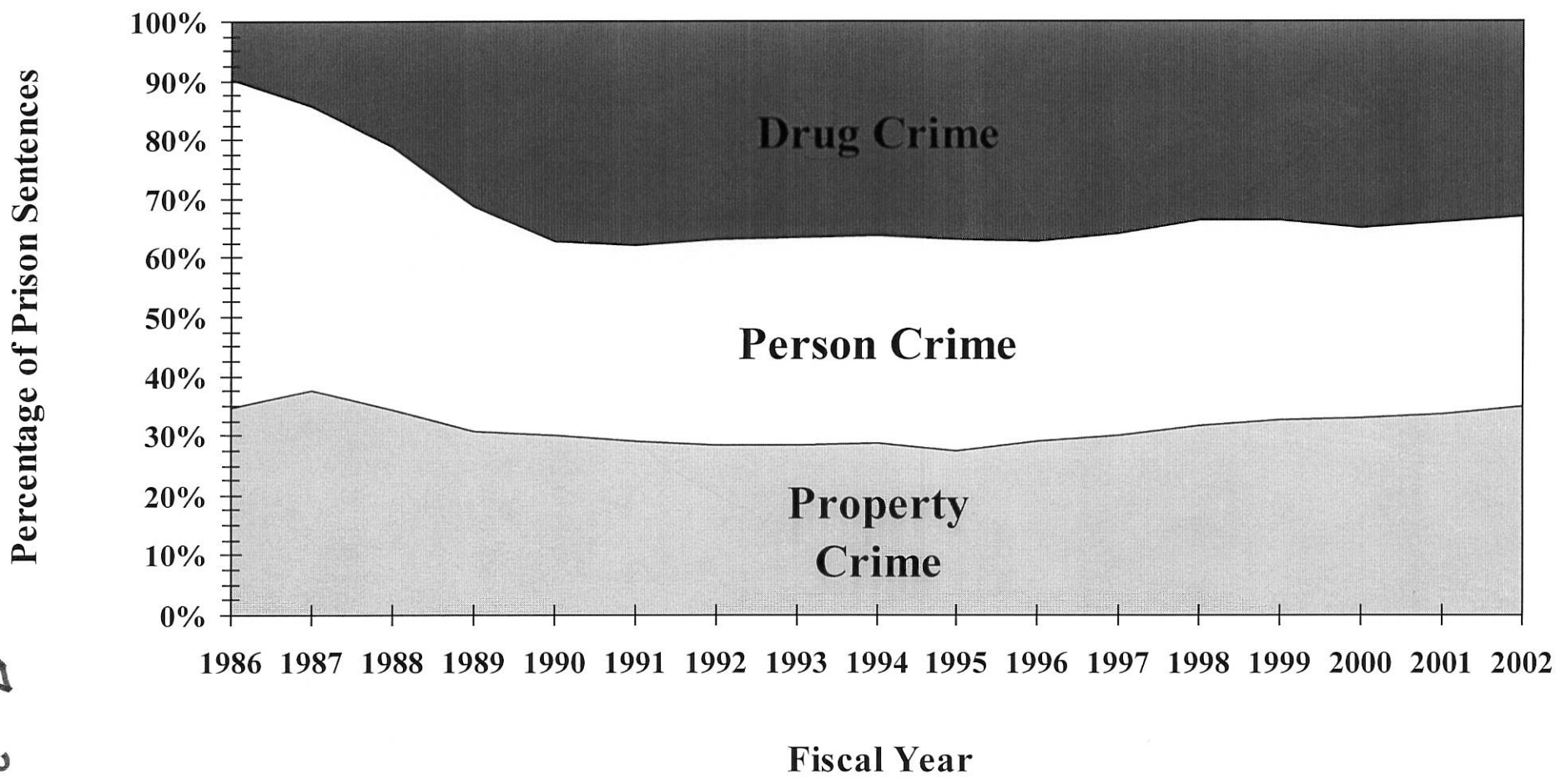
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Sentences to Prison Fiscal Year 2002



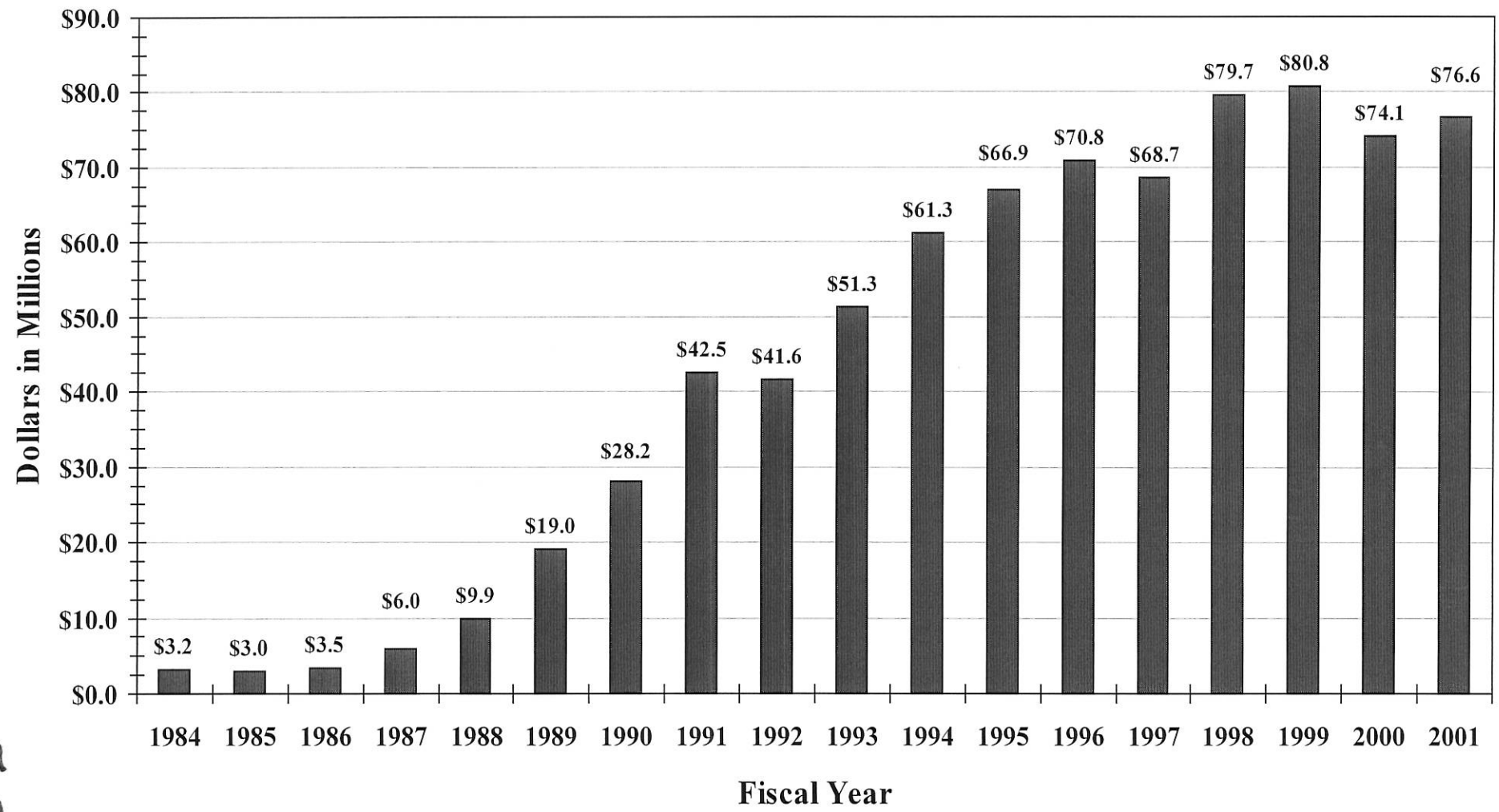
Sentences to Prison

Fiscal Year 1986 Through Fiscal Year 2002



7. 2

Estimated Cost of Drug Laws on Prison Fiscal Year 1984 Through Fiscal Year 2001



33

**An Overview of Washington State's Efforts
at Judicially Supervised Treatment-focused
Drug Offender Sentencing Reform
March 19, 2003**

Supplemental Handout

#1

H. Corr & J.J.
3-19-03
Attachment 8

TREATMENT WORKS:

Research Supporting Changes in Washington State Drug Sentencing Laws

**WASHINGTON STATE
DIVISION OF ALCOHOL AND SUBSTANCE ABUSE
January 17, 2001**

DIVISION OF ALCOHOL AND SUBSTANCE ABUSE
January 17, 2001

Treatment works whether it is voluntary or involuntary and the criminal justice system should use its coercive authority to force offenders into treatment.

Miller, N., & Flaherty, J. (2000). Effectiveness of Coerced Addiction Treatment (Alternative Consequences: A Review of the Clinical Research. Journal of Substance Abuse Treatment 18 (2000), 11

- “The studies to date uniformly supported that coerced addiction treatment resulted in favorable outcomes in these patient/criminal populations. The coerced convicts complied equally as well as those who are not mandated to treatment. The studies also showed a reduction in criminal activity and improved psychosocial status from compliance with addiction treatment.”

Satel, Sally. (1999). Drug Treatment: The Case for Coercion. American Enterprise Institute, pp. 45-46

- “Coercion has been applied in the service of rehabilitating addicts for more than seventy years. The experience has yielded a powerful clinical lesson: Addicts need not be internally motivated at the outset of treatment in order to benefit from it. Indeed, addicts who are legally pressured into treatment may outperform voluntary patients, because they are likely to stay in treatment longer and are more likely to graduate. Without formal coercive mechanisms, the treatment system would not attract many of the most dysfunctional addicts, and surely could not retain them.

“But although official bodies – especially criminal justice organizations – are accustomed to wielding such leverage, they do not do so systematically enough to yield maximum benefit.”

Institute of Medicine. (1990). Treating Drug Problems, Volume 1 – A Study of the Evolution, Effectiveness, and Financing of Public and Private Drug Treatment Systems, pp. 10-11.

“There is frequent favorable reference to “mandatory,” “compulsory,” or “required” treatment. Contrary to earlier fears among clinicians, criminal justice pressure does not necessarily vitiate treatment effectiveness and probably improves retention. Yet the most important reason to consider these or related schemes to compel more of the criminal justice population to seek treatment is not that coercion may improve the results of treatment but that treatment may improve the rather dismal record of plain coercion – particularly imprisonment –

- in reducing the level of intensively criminal behavior that ensues when the coercive grip is relaxed.”

National Institute on Drug Abuse. (1988). Compulsory Treatment of Drug Abuse: Research and Clinical Practice – Research Monograph Series 86, p. 246.

- In a review of findings regarding compulsory treatment, advantages of compulsory treatment are summarized as an approach that:
 - helps get drug abusers into treatment;
 - appears to keep drug abusers in treatment longer if managed by the treatment system;
 - makes treatment available before a crime is committed.

Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. (1992). Drugs, Crime, and the Justice System, p. 201.

- ”On most measures, those compelled to enter treatment did at least as well in treatment as those who sought treatment voluntarily. The criminal activity, drug use, and employment of voluntary and legally referred individuals often improved significantly with treatment and were directly related to the length of time spent in treatment.”
- “A few controlled studies of prison therapeutic communities and other residential programs with strong post-release community supervision and/or treatment show that they reduce rearrest by as much as a fourth to a half. In correctional programs, as in strictly community-based programs, positive therapeutic outcomes have been clearly correlated with time in treatment.”

U.S. Bureau of Prisons. (1999). Triad Drug Treatment Evaluation – Six-Month Interim Report

- The Bureau of Prisons has undertaken an evaluation of its residential drug abuse treatment program, designed to monitor inmates up to three years following release from custody. Inmates who completed the program were 72.7% less likely to be re-arrested within the first six months following release compared with inmates who did not receive such treatment. In addition, inmates who completed treatment were 44.1% less likely to use drugs in the first six months following release compared with inmates who did not receive treatment.

Rand Drug Policy Research Center. (1997). Research Brief: Are Mandatory Minimum Drug Sentences Cost-Effective?

- The study compared the cost-effectiveness of treating heavy users of cocaine with conventional enforcement or providing for longer prison sentences. Treatment was found to be five times more cost-effective in preventing cocaine consumption.

Carney, M., & Donovan, D. (2000). Fact Sheet: Washington State Outcomes Project – Clinical Improvement from the Adult Residential Treatment System 6 Months Post Discharge.

- Self-reported illegal activity among a sample of more than 570 adults discharged from publicly funded chemical dependency residential treatment declined 85% (from an average of 4.1 days engaged in illegal activities in the 30 days prior to treatment admission to 0.6 days in the 30 days prior to the six-month follow-up.)

McKay et al. (2000). Evaluation of Full v. Partial Continuum of Care in the Treatment of Publicly Funded Substance Abusers. Washington State TOPPS I Project Final Report

- Publicly funded adult residential chemical dependency treatment patients reported a 93% reduction in days spent in criminal activities, such as drug dealing, prostitution, and sale of stolen goods (from an average of 2.5 days engaged in illegal activities in the 30 days prior to treatment admission to 0.2 days in such activities in the 30 days prior to the six-month follow-up.)

Baxter, B. & Stevenson, J. (1998). Changes in Clients' Alcohol/Other Drug Use and Lifestyles During Publicly Supported Chemical Dependency Treatment in Washington State: October 1996 – September 1997 Discharges

- A study of 11,253 publicly funded chemical dependency outpatient clients during treatment found an 86.9% reduction in criminal arrests during treatment compared to the year prior to treatment (from 61% to 8%). Drug offenses declined 93.3% in the same period.

Baxter, B. & Albert, D. (2001). Management Report – Determining the Value of Opiate Substitution Treatment

- A study of 744 publicly funded patients receiving and then discharged from opiate substitution treatment (methadone) in 1999-2000 found a 63% reduction in drug offense arrests, 64% drop in property crime arrests, and 54% decline in overall arrests during treatment compared with the year prior to treatment. Reductions are even greater for those in treatment more than one year. Only 8% of patients receiving opiate substitution treatment for more than one year and discharged (average 1,024 days) reported any arrest during the entire period of treatment.

Washington State Institute for Public Policy. (1999). Can Drug Courts Save Money for Washington State Taxpayers?

- A study of Washington drug courts found that they can reduce the rate of subsequent criminal offending by about 16%, and that this reduction translates into an average savings of about \$4,900 in subsequent criminal justice costs for each drug court participant. If drug courts cost an extra \$2,000 per participant, then taxpayers receive roughly \$2.45 for every dollar spent on drug courts.

DIVISION OF ALCOHOL AND SUBSTANCE ABUSE
January 17, 2001

Research indicates that there is a positive correlation between length of stay in treatment whether interrupted or not and reduced levels of substance abuse and crime.

Satel, Sally. (1999). Drug Treatment: The Case for Coercion. American Enterprise Institute, p. 19

- “It is length of exposure to treatment that powerfully predicts patient success, no matter what the treatment setting.”

Nemes, S., Wish, E., & Messina, N. (1998). The District of Columbia Treatment Initiative. Center for Substance Abuse Treatment

- Two groups of addicts receiving treatment were compared. One received ten months of residential care followed by two months of outpatient care. The other received six months of residential care followed by six months of outpatient care. Regardless of the treatment scheme to which patients were assigned, those who completed the entire twelve-month course of treatment had the best outcomes. Those most likely to complete were patients under probation, parole, or pretrial supervision.

Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. (1992). Drugs, Crime, and the Justice System, p. 201

- “There is general agreement that –
 - legal pressure is important to induce drug users to enter treatment and to stay in treatment;
 - length of time in treatment is the strongest predictor of positive post-treatment outcomes;
 - linkage between jail- or prison-based programs and subsequent community supervision and treatment participation improves outcomes;
 - benefit-cost analyses suggest that treatment costs are recovered in avoided costs of continued drug use.”

Baxter, B. & Albert, D. (2001). Management Report – Determining the Value of Opiate Substitution Treatment

- A study of 744 publicly funded patients receiving and then discharged from opiate substitution treatment (methadone) in 1999-2000 found a 63% reduction in drug offense arrests, 64% drop in property crime arrests, and 54% decline in overall arrests during treatment compared with the year prior to treatment. Length of treatment is closely associated with even better outcomes. Only 8% of patients receiving opiate substitution treatment for more than one year and discharged (average 1,024 days) reported any arrest during the entire period of treatment. For those in treatment more than one year, there is an 78.0% drop in daily use of heroin, and a 71.9% increase in those reporting no use in the previous month.

DIVISION OF ALCOHOL AND SUBSTANCE ABUSE
January 17, 2001

Based on studies done by the Institute for Public Policy and the Sentencing Guidelines Commission the recidivism patterns of drug offenders do not involve violent crime. They tend to recidivate in repetitive drug offense or property crimes.

Washington State Institute for Public Policy. (March 12, 1999). Presentation to the Standards and Ranges Committee of the Sentencing Guidelines Commission

- Of 942 drug offenders released from prison in 1990, 51.8% (488) committed at least one other felony in the eight years following their release. More than half of these (58%) were reconvicted in the first two years following release, 83% in the first four years.
- The 488 reoffenders were reconvicted for a total of 666 offenses. 88.3% of these offenses were drug- or property-related (66.4% drug offenses; 23.9% property crimes.) Only 11.7% of the convictions were for crimes against persons, of which 5.9% were for assault, and 4.0% for robbery.

Washington State Sentencing Guidelines Commission (June 2000). Recidivism in Groups Targeted by the Offender Accountability Act.

- Of individuals targeted by the Offender Accountability Act, 38% of drug offenders (n=504) were found to have committed another felony within five years of release. 83% of subsequent offenses were either for drug or property crimes. Less than 10% of offenses involved violence.
- According to the study, the “finding suggest that programs should concentrate on the first years following prison release. Program focus should include drug treatment, employment and establishing community support system.

Berecochea, J. and Jaman, D. (1981). "Time Served and Release Performance: A Research Note." Journal of Research in Crime and Delinquency. 13pp. 127-132.

- Berecochea and Jaman (1981) found that time served in prison could be reduced without affecting overall post-release recidivism.

Sims, B. and O'Connell, J. (1985) "Early Release: Prison Overcrowding and public Safety Implications." *Olympia, WA, Office of Financial Management*.

- Sims and O'Connell compared offenders who were release 4.6 months earlier than expected with offenders release after serving their full sentence. They were able to conclude, "In general, the recidivism rates of the early release offenders at one, two, and three years of follow-up were lower or about equal to the recidivism rates for the comparison group.

Austin, J. (1986). "Using Early Release to Relieve Prison Crowding: A Dilemma for Public Policy." Crime and Delinquency. 34(4):pp. 404-502.

- Evaluating the recidivism rates in a sample of 1,428 compared to offenders who served their full sentence during the same time, Austin found that early release had *no* impact on overall recidivism rates.

DIVISION OF ALCOHOL AND SUBSTANCE ABUSE
January 17, 2001

Aside from the benefits of incapacitation and retribution derived from sanctions of total confinement, there is no evident correlation between length of stay and recidivism.

Gottfredson, D.M., Neithercutt, M.G., Nuffeld, J. and O'Leary, V. (1973). "Four Thousand Lifetimes: A Study of Time Served and Parole Outcomes." National Council on Offending. New York, pp. 72-82.

- In a study of 104,182 male prisoners on parole, Gottfredson, *et al.*, found that, "While on parole, offenders with the longest time served generally had higher recidivism rates than offenders with the shortest time served."

Beck, J.L. and Hoffman, P.B. (1976). "Time Served and Release Performance: A Research Note." *Journal of Research in Crime and Delinquency*. 13 pp. 387-395.

- In a study of 1,546 adult federal prisoners in the United States followed over a two-year period, Beck and Hoffman (1976) found that, "There was no substantial association between time served and the recidivism rates."

Gottfredson, D.M., Gottfredson, M.R. and Garofalo, J. (1977). "Time Served in Prison and Parole Outcomes Among Parolee Risk Categories." *Journal of Criminal Justice*. 5: pp. 1-12.

- After studying 5,349 male prisoners for one year after release, Gottfredson, *et al.* (1977), was able to conclude, "Overall, Increased length of time served did not reduce recidivism."

Weisburd, David, Elin Waring and Ellen Chayet (1995). "Specific Deterrence in a Sample of Offenders Convicted of White-Collar Crimes." *Criminology*. 33:4.

- Weisburd, *et al.*, found that, "Time served in prison does not have a specific deterrent impact upon the likelihood of re-arrest over a long follow-up period."

**An Overview of Washington State's Efforts
at Judicially Supervised Treatment-focused
Drug Offender Sentencing Reform
March 19, 2003**

Supplemental Handout

#2

H. Corr & J.J.
3-19-03
Attachment 9

FINAL BILL REPORT

2SHB 2338

C 290 L 02

Synopsis as Enacted

Brief Description: Revising sentences for drug offenses.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Kagi, Ballasiotes, O'Brien, Lantz, Dickerson, Linville, McIntire, Conway and Wood).

House Committee on Criminal Justice & Corrections

House Committee on Appropriations

Senate Committee on Judiciary

Senate Committee on Ways & Means

Background:

Statistics from the Washington Sentencing Guidelines Commission show that 80 percent of Washington's incarcerated offenders were arrested for a drug offense or a crime that was a result of a chemical dependency. Most of these offenders are sentenced to a term of confinement in jail or prison while the remaining offenders are placed in alternative sentencing programs such as the state's Drug Offender Sentencing Alternative (DOSA) or a county-operated Drug Court.

The DOSA program authorizes a judge to waive imposition of an offender's prison sentence within the standard range. An offender participating in the DOSA program spends a portion of his or her sentence in prison and the remainder of his or her sentence in the community while participating in a mandatory alcohol and substance abuse treatment program.

Drug Courts. Drug courts, unlike traditional courts, divert non-violent drug criminals into court-ordered treatment programs rather than jail or prison. The program allows defendants arrested for drug possession to choose an intensive, heavily supervised rehabilitation program in lieu of incarceration and a criminal record.

Counties are authorized to establish drug court programs, but are not required to establish minimum requirements for offenders participating in the program.

The term "drug court" is defined as a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance-abusing offenders by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

Drug courts operate in approximately 12 counties throughout Washington.

Sentencing for Drug-related Crimes. A controlled substance is generally defined as a drug, substance, or immediate precursor that is included in the Uniform Controlled Substance Act and listed in various schedules with regard to its potential for abuse.

Generally, under the Uniform Controlled Substance Act, it is illegal for any person to possess, sell, manufacture, or deliver controlled substances. A person convicted of a controlled substance offense receives a sentence within the standard range for the offense which, under the Sentencing Reform Act (SRA), is calculated using the seriousness level of the current offense and the extent of the offender's criminal history. Most violations of the Uniform Controlled Substance Act are ranked from a seriousness level I to a level VIII depending upon the offense.

For example, the crime of manufacturing, delivering, or possessing with intent to deliver heroin or cocaine is a seriousness VIII felony offense. A first time offender convicted of this crime would generally receive a presumptive sentence range of 21 to 27 months in prison.

Sentencing Grid. The seriousness level ranking for all violations of the Uniform Controlled Substance Act, listed on the felony sentencing grid within the SRA, along with the presumptive sentencing range for a first time offender, are as follows:

Level X (Five years in prison)

- Manufacture of methamphetamine
- Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18.

Level IX (Three years in prison)

- Controlled Substance Homicide
- Over 18 and deliver narcotic from Schedule III, IV, or V or a non-narcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and three years junior.

Level VIII (Two years in prison)

- Deliver or possess with intent to deliver methamphetamine
- Manufacture, deliver, or possess with intent to deliver amphetamine
- Manufacture, deliver, or possess with intent to deliver heroin or cocaine
- Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine
- Selling for profit (controlled or counterfeit) any controlled substance.

Level VII (18 months in prison)

- Involving a minor in drug dealing.

Level VI (13 months in prison)

- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV.

Level V (Nine months in jail)

- Delivery of imitation controlled substance by person 18 or over to person under 18.

Level IV (Six months in jail)

- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam).

Level III (Two months in jail)

- Delivery of a material in lieu of a controlled substance
- Maintaining a dwelling or place for controlled substances
- Manufacture, deliver, or possess with intent to deliver marijuana
- Manufacture, distribute, or possess with intent to distribute an imitation controlled substance
- Unlawful use of building for drug purposes.

Level II (Zero - 90 days in jail)

- Create, deliver, or possess a counterfeit controlled substance
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV
- Possession of phencyclidine (PCP).

Level I (Zero - 60 days in jail)

- Forged prescription
- Forged prescription for a controlled substance
- Possess controlled substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam).

Scoring. In the case of multiple prior convictions for the purpose of computing an offender's score, if the present conviction is for a drug offense, an offender receives three points for each adult prior felony drug conviction and two points for each juvenile drug offense.

Summary:

The scoring process is revised and incarceration sentences are reduced for certain offenders convicted of heroin and cocaine drug offense, beginning on July 1, 2002. In addition, a new sentencing grid takes effect July 1, 2004, for the sole purpose of sentencing offenders convicted of drug crimes. A portion of the savings resulting from the combination of reduced sentences, the new drug sentencing grid, and the revised scoring process is redirected back to the community and the state to fund chemical dependency treatment and support services for drug offenders.

Drug Courts. Counties are required to establish minimum requirements for the participation of offenders in their county-operated drug court. The drug court may adopt local requirements that are more stringent; at a minimum, however, the requirements must include the following:

- The offender will benefit from substance abuse treatment;
- The offender has never been convicted of a serious violent or sex offense; and
- The offender is currently not charged or convicted of an offense that involves a firearm, a sex offense, a serious violent offense, or an offense that caused substantial or great bodily harm or death to another person.

By March 1, 2003, the Washington State Institute for Public Policy must report on the cost-effectiveness of existing drug courts in Washington and their impacts on reducing recidivism.

Sentencing for Drug-related Crimes. Effective for crimes committed on or after July 1, 2002, the seriousness level is decreased from a level VIII to a level VII for an offender convicted of a manufacturing, delivering, or possessing with intent to deliver heroin or cocaine when the offender does not have a previous criminal record that includes a sex or serious violent offense. A first time offender convicted of this crime would receive a presumptive sentence range of 15 to 20 months in prison.

Sentencing Grid. An offender convicted of a drug offense committed on or after July 1, 2004, receives a sentence that is calculated using a drug offense sentencing grid instead of the standard SRA sentencing grid for all felony violations. Violations of the Uniform Controlled Substance Act are ranked from a seriousness level I to a level III on the drug offense sentencing grid depending upon the offense.

The seriousness level ranking listed on the drug offense sentencing grid, along with the presumptive sentencing range and sentencing alternatives available for a first time offender with no prior criminal history, are as follows:

Level III (51-68 months in prison or DOSA)

- Any drug offense that involves a deadly weapon special verdict
- Manufacture of methamphetamine
- Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18
- Controlled Substance Homicide
- Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and three years junior
- Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine
- Selling for profit (controlled or counterfeit) any controlled substance
- Involving a minor in drug dealing
- Delivery of imitation controlled substance by person 18 or over to person under 18.

Level II (12 - 20 months in prison, Drug Court, or DOSA)

- Deliver or possess with intent to deliver methamphetamine

- Manufacture, deliver, or possess with intent to deliver amphetamine
- Manufacture, deliver, or possess with intent to deliver heroin or cocaine
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam)
- Delivery of a material in lieu of a controlled substance
- Maintaining a dwelling or place for controlled substances
- Manufacture, distribute, or possess with intent to distribute an imitation controlled substance
- Create, deliver, or possess a counterfeit controlled substance.

Level I (Zero - 6 months in jail or Drug Court)

- Manufacture, deliver, or possess with intent to deliver marijuana
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV
- Forged prescription
- Forged prescription for a controlled substance
- Possess controlled substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam)
- Possession of phencyclidine (PCP).
- Unlawful use of a building for drug purposes.

The new drug offense sentencing grid does not include an entitlement for any defendant to a specific sanction, sentence option, or treatment. Any sentence imposed within the standard range under the drug offense sentencing grid is not appealable.

The Washington State Institute for Public Policy must evaluate the effectiveness of the drug offense sentencing grid in reducing recidivism and its financial impact. A preliminary report to the Legislature is due by December 1, 2007, and a final report is due by December 1, 2008.

Scoring. Triple and double scoring is eliminated for purposes of calculating an offender's score for a drug offense. All drug offenses are counted as one point for each prior adult drug conviction and 0.5 point for each prior juvenile drug conviction, with the exception of cases involving manufacturing methamphetamine and cases where the offender has a previous criminal history that includes a sex or serious violent offense.

In the case of multiple prior convictions for the purpose of computing an offender's score, if the present conviction is for a "manufacturing of methamphetamine" offense, an offender receives three points for each adult prior conviction involving "manufacturing of methamphetamine," and two points for each juvenile prior conviction involving a "manufacturing of methamphetamine" offense.

Joint Select Committee. A Joint Select Committee on the Drug Offense Sentencing Grid is established consisting of persons who represent the following: one member from each of the two largest caucuses of the Senate, appointed by the President of the Senate; one member from each of the two largest caucuses of the House of Representatives, appointed by the Speaker of the House; a superior court judge, selected by the Superior Court Judges Association; a prosecuting attorney, selected by the Washington Association of Prosecuting Attorneys; a member selected by the Washington State Bar Association, whose practice includes a significant amount of time devoted to criminal defense work; an elected sheriff or a police chief, selected by the Washington Association of Sheriffs and Police Chiefs; a representative from the Division of Alcohol and Substance Abuse (DASA) in the Department of Social and Health Services; a member of the Sentencing Guidelines Commission (SGC); a member of the Caseload Forecast Council; a representative from the Office of Financial Management (OFM); a representative from the Department of Corrections (DOC); a representative from the Washington State Association of Counties; a county chemical dependency treatment provider; and a representative from the Washington State Association of Drug Court Professionals. The chair and vice chair of the committee must be chosen by the members of the committee.

The committee must review and make recommendations by June 1, 2003, to the Legislature and the Governor regarding the Drug Offense Sentencing Grid. In preparing the recommendations, the committee must:

- establish a methodology of determining the fiscal consequences to the state and local governments, including the calculation of savings to be dedicated to substance abuse treatment, resulting from the implementation of the grid and any recommended revisions to the grid;
- review and recommend any changes in the sentencing levels and penalties in the drug sentencing grid;
- consider the proportionality of sentencing based on the quantity of controlled substances;
- examine methods for addressing issues of racial disproportionality in sentencing;
- recommend a statewide method of evaluating the success of drug courts in terms of reducing recidivism and increasing the number of persons who participate in drug court programs and remain free of substance abuse;
- review and make any appropriate revisions in statewide criteria for funding substance abuse treatment programs for defendants and offenders; and
- review and make any recommendations for changes in the method of distributing funding for defendant and offender drug treatment programs.

The staff of the Legislature, the SGC, and the Caseload Forecast Council must provide support to the committee.

Non-legislative members of the committee must serve without compensation. Committee members will be reimbursed for travel expenses.

The committee expires December 31, 2003.

Savings for Treatment. A criminal justice treatment account is created in the state treasury. Revenues to the criminal justice treatment account consist of savings resulting from the reduced drug sentencing and any other revenues appropriated or deposited into the account. Funds in the account may be spent solely for substance abuse treatment and support services for offenders with a chemical dependency problem against whom charges are filed by a prosecuting attorney in Washington and for nonviolent offenders participating in drug courts. No more than 10 percent of the funds may be spent for support services.

The DOC, the SGC, the OFM, and the Caseload Forecast Council must develop a methodology for calculating the projected biennial savings resulting from the reduced seriousness level in drug sentencing. Savings must be projected for the fiscal biennium beginning on July 1, 2003, and for each biennium thereafter. By September 1, 2002, the proposed methodology must be submitted to the Governor and the appropriate committees of the Legislature. The methodology is deemed approved unless the Legislature enacts legislation to modify or reject the methodology.

In each biennial budget request, the DOC must use the approved methodology to calculate savings to the state general fund for the ensuing fiscal biennium resulting from reductions in drug offender sentencing. The department must report the dollar amount of the savings to the Office of the State Treasurer, the OFM, and the fiscal committees of the Legislature.

For the fiscal biennium beginning July 1, 2003, and each fiscal biennium thereafter, the treasurer must transfer 25 percent of the funds saved into the violence reduction and drug enforcement account to be used solely for providing drug and alcohol treatment services to offenders confined in a state correctional facility, who are receiving a reduced sentence under the new sentencing schemes and who have been assessed with an addiction or a substance abuse problem. Any remaining funds may be used to provide treatment to offenders confined in a state correctional facility who are assessed with an addiction or a substance abuse problem that contributed to the crime.

The remaining 75 percent of the savings amount reported for that biennium must be transferred into the criminal justice treatment account to be appropriated to the DASA. The amount of savings transferred to the criminal justice treatment account may not exceed a limit of \$8.25 million per fiscal year. Following the first fiscal year in which the amount of savings to be transferred equals or exceeds \$8.25 million, the limit will be increased on an annual basis by the implicit price deflator. Savings in excess of the criminal justice treatment account limit remain in the state general fund.

The DASA, serving as the fiscal agency, must distribute 70 percent of the amount of money transferred to them to counties based upon a formula that is established in

consultation with a panel of people representing the following agencies: the DOC, the SGC, the Washington State Association of Counties, the Washington State Association of Drug Court Professionals, the Superior Court Judges' Association, the Washington Association of Prosecuting Attorneys, representatives of the criminal defense bar, representatives of substance abuse treatment providers, and any other person deemed by the division to be necessary. County and regional plans for the expenditure of funds must be submitted to and approved by the panel. The DASA is prohibited from utilizing criminal justice treatment account moneys for administrative expenses until July 1, 2004.

Thirty percent of the remaining funds appropriated to the DASA must be distributed as grants for the purpose of treating offenders against whom charges are filed by a county prosecuting attorney. The DASA must appoint a panel of representatives from the following agencies: Washington Association of Prosecuting Attorneys, the Washington Association of Sheriffs and Police Chiefs, the Superior Court Judges' Association, the Washington State Association of Drug Court Professionals, the Washington State Association of Counties, the Washington Defender's Association or the Washington Association of Criminal Defense Lawyers, the DOC, a substance abuse treatment provider, and the DASA. The panel must approve and award the grants to eligible counties or groups of counties that submit plans for the grant funds. The panel must attempt to ensure that treatment, as funded by the grants, is available to offenders statewide.

Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment. Each plan that is submitted by a county or group of counties must be submitted jointly by the county chemical dependency specialist, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and a drug court professional if available.

Any funds received by a county or group of counties may be used to supplement and not supplant, other federal, state, and local funds used for substance abuse treatment.

An entitlement program is not created for any defendant sentenced under the Drug Grid.

Votes on Final Passage:

House 72 25
Senate 36 11 (Senate amended)
House 71 26 (House concurred)
House 67 30 (House reconsidered)

Effective: June 13, 2002
April 1, 2002 (Sections 1, 4-6, 12, 13, 26, 27)
July 1, 2004 (Sections 7-11, 14-23)

**An Overview of Washington State's Efforts
at Judicially Supervised Treatment-focused
Drug Offender Sentencing Reform
March 19, 2003**

Supplemental Handout

#3

H. Corr & J.J.
3-19-03
Attachment 10

RCW 9.94A.510 Table 1—Sentencing grid. For Crimes Committed After July 24, 1999

		Offender Score									
		0	1	2	3	4	5	6	7	8	9 or More
Seriousness Level	XVI	Life Sentence Without Parole/Death Penalty									
	XV	23y 4m 240 - 320	24y 4m 250 - 333	25y 4m 261 - 347	26y 4m 271 - 361	27y 4m 281 - 374	28y 4m 291 - 388	30y 4m 312 - 416	32y 10m 338 - 450	36y 370 - 493	40y 411 - 548
	XIV	14y 4m 123 - 220	15y 4m 134 - 234	16y 2m 144 - 244	17y 154 - 254	17y 11m 165 - 265	18y 9m 175 - 275	20y 5m 195 - 295	22y 2m 216 - 316	25y 7m 257 - 357	29y 298 - 397
	XIII	12y 123 - 164	13y 134 - 178	14y 144 - 192	15y 154 - 205	16y 165 - 219	17y 175 - 233	19y 195 - 260	21y 216 - 288	25y 257 - 342	29y 298 - 397
	XII	9y 93 - 123	9y 11m 102 - 136	10y 9m 111 - 147	11y 8m 120 - 160	12y 6m 129 - 171	13y 5m 138 - 184	15y 9m 162 - 216	17y 3m 178 - 236	20y 3m 209 - 277	23y 3m 240 - 318
	XI	7y 6m 78 - 102	8y 4m 86 - 114	9y 2m 95 - 125	9y 11m 102 - 136	10y 9m 111 - 147	11y 7m 120 - 158	14y 2m 146 - 194	15y 5m 159 - 211	17y 11m 185 - 245	20y 5m 210 - 280
	X	5y 51 - 68	5y 6m 57 - 75	6y 62 - 82	6y 6m 67 - 89	7y 72 - 96	7y 6m 77 - 102	9y 6m 98 - 130	10y 6m 108 - 144	12y 6m 129 - 171	14y 6m 149 - 198
	IX	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	4y 6m 46 - 61	5y 51 - 68	5y 6m 57 - 75	7y 6m 77 - 102	8y 6m 87 - 116	10y 6m 108 - 144	12y 6m 129 - 171
	VIII	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	4y 6m 46 - 61	6y 6m 67 - 89	7y 6m 77 - 102	8y 6m 87 - 116	10y 6m 108 - 144
	VII	18m 15 - 20	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	5y 6m 57 - 75	6y 6m 67 - 89	7y 6m 77 - 102	8y 6m 87 - 116
	VI	13m 12+ - 14	18m 15 - 20	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 6m 46 - 61	5y 6m 57 - 75	6y 6m 67 - 89	7y 6m 77 - 102
	V	9m 6 - 12	13m 12+ - 14	15m 13 - 17	18m 15 - 20	2y 2m 22 - 29	3y 2m 33 - 43	4y 41 - 54	5y 51 - 68	6y 62 - 82	7y 72 - 96
	IV	6m 3 - 9	9m 6 - 12	13m 12+ - 14	15m 13 - 17	18m 15 - 20	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57	5y 2m 53 - 70	6y 2m 63 - 84
	III	2m 1 - 3	5m 3 - 8	8m 4 - 12	11m 9 - 12	14m 12+ - 16	20m 17 - 22	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57	5y 51 - 68
	II	45d 0 - 90 ^(Days)	4m 2 - 6	6m 3 - 9	8m 4 - 12	13m 12+ - 14	16m 14 - 18	20m 17 - 22	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57
	I	30d 0 - 60 ^(Days)	45d 0 - 90 ^(Days)	3m 2 - 5	4m 2 - 6	5m 3 - 8	8m 4 - 12	13m 12+ - 14	16m 14 - 18	20m 17 - 22	2y 2m 22 - 29

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2

Drug Offense Sentencing Grid
Chapter 290 §8, Laws of 2002

Seriousness Level	Offender Score 0 to 2	Offender Score 3 to 5	Offender Score 6 to 9+
Level III	51 to 68 Months	68+ to 100 Months	100+ to 120 Months
Level II	12+ to 20 Months	20+ to 60 Months	60+ to 120 Months
Level I	0 to 6 Months	6+ to 18 Months	12+ to 24 Months

**An Overview of Washington State's Efforts
at Judicially Supervised Treatment-focused
Drug Offender Sentencing Reform
March 19, 2003**

Supplemental Handout

#4

H. Corr & J.J.
3-19-03
Attachment 11

Methodology for Estimating Caseload Savings

**A Report to the Washington State Legislature as Required by
Chapter 290, Laws of 2002 [2SHB 2338]**

September 1, 2002

Department of Corrections
Sentencing Guidelines Commission
Office of Financial Management
Caseload Forecast Council

SUMMARY

This report is submitted to the Governor and appropriate committees of the legislature, as required by Chapter 290, Laws of 2002.

Section 4(4)(a) of Chapter 290, Laws of 2002, (2SHB 2338), states that:

The department of corrections, the sentencing guidelines commission, the office of financial management, and the caseload forecast council shall develop a methodology for calculating the projected biennial savings under this section. Savings shall be projected for the fiscal biennium beginning on July 1, 2003, and for each biennium thereafter. By September 1, 2002, the proposed methodology shall be submitted to the governor and the appropriate committees of the legislature. The methodology is deemed approved unless the legislature enacts legislation to modify or reject the methodology.

This report outlines the state forecasting process and the methodology for calculating projected biennial savings to the General Fund resulting from implementing the sentence reductions in the enacted law.

The 2002 Legislature enacted Second Substitute House Bill 2338, which:

- Reduces standard sentence ranges for adults who deliver heroin or cocaine, effective July 1, 2002, by reducing the seriousness level from VIII to VII and the point value of offenses defined as Drug Offenses in RCW 9.94A.030 from three to one. The effect is a 15-20 month range (instead of 21-27 months) for a first offense, a 21-27 month range (instead of 36-48 months) for a second offense, a 26-34 month range (instead of 67-89 months) for a third offense, etc.
- Directs state savings in prison costs to substance abuse treatment in the criminal justice system; and
- Establishes a new drug-sentencing grid effective in 2004. The new grid distinguishes between typical sales and more serious ones involving weapons, minors, methamphetamine manufacture, and similar factors. A person convicted of the sale of heroin or cocaine would receive 12-20 months for the first three offenses; a fourth-time sale would be assigned a range of 20-60 months. If the sale were to a child or involved a weapon, or if the crime was manufacturing methamphetamine, the first three offenses would receive 51-68 months, and the fourth would get 68-100 months.

STATE FORECASTING BACKGROUND:

The Caseload Forecast Council, established by the Washington State Legislature in 1997, is charged with forecasting the entitlement caseloads for the state of Washington. As defined by RCW 43.88C.010(7), an entitlement caseload is “. . . the number of persons expected to meet entitlement requirements and require the services of public assistance programs, **state correctional institutions**, state correctional non-institutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support”.

The Caseload Forecast Council (CFC) has established technical workgroups to facilitate the free flow of information, as well as legislative and executive input into the forecasting process. These technical workgroups consist of staff from the CFC, the Office of Financial Management (OFM), legislative fiscal and policy committees, the Legislative Evaluation and Accountability Program Committee (LEAP), and, depending on the specific forecast, staff from the Department of Social and Health Services (DSHS), Department of Corrections, Superintendent of Public Instruction, and anyone else interested in participating.

The technical workgroups meet frequently to provide an arena to discuss all aspects of the forecast process. All substantive decisions regarding the caseload forecasts are discussed at the workgroup meetings. Such decisions include, but are not limited to:

- Assumptions underlying each forecast;
- The specific model and time period for evaluation; and
- Incorporation of policy changes into the forecast.

By law, forecasts adopted by the CFC “. . . shall be the basis of the governor’s budget document as provided in RCW 43.88.030 and utilized by the legislature in the development of the omnibus biennial appropriations act” (RCW 43.88C.020(5)).

METHODOLOGY

The Drug Offender Sentencing bill (2SHB 2338) changes adult felony sentencing for drug offenses in two stages. The initial stage, which became effective July 1, 2002, reduces, in most cases, the manufacture, delivery or possession with intent to deliver heroin or cocaine from Seriousness Level VIII to Seriousness Level VII. This first stage also eliminates multiple scoring, in most cases, for most statutory drug offenses. The second stage establishes a new drug offense sentencing grid effective July 1, 2004. The methodology of calculating the anticipated savings from these law changes are also proposed in two parts.

The estimated General Fund-State savings generated from reducing standard sentence ranges will be utilized for drug and alcohol treatment in the local and state criminal justice system. Seventy-five percent of this estimated savings is directed to the local criminal justice system, through the criminal justice treatment account, under Section 4(4)(c) of the new law. Twenty-five percent of this estimated savings is directed to the state prison system through the violence reduction and drug enforcement account, under Section 4(4)(d) of the new law.

Part I: Sentencing Reductions (03-05 biennium):

Since the level change and scoring provisions became effective July 1, 2002, there is no historical baseline for directly forecasting these changes in the inmate population. Accordingly, the cost savings should be estimated using a "fiscal note" approach. Under this approach, Sentencing Guidelines Commission (SGC) will conduct a prison bed analysis utilizing FY 2002 adult felony sentencing data, and comparing sentences before and after the implementation of 2338, the net difference calculates the estimated prison bed savings. In addition, any assumptions incorporated into the official caseload forecast issued by the Caseload Forecast Council will also be included in the SGC's analysis.

Part II: Drug Inmate Population (05-07 biennium and on):

In future biennia, estimated prison bed savings will be estimated by comparing the pre-2338 drug-offender caseload baseline with the official drug-inmate caseload forecast (i.e., post-2338 forecast).

Pre-2338 Caseload Baseline:

The baseline prison drug-inmate caseload forecast, calculated as part of the November 2002 official caseload forecast, will be the point of comparison for future drug-inmate forecasts. This is the forecast of the drug offenders who would be in prison if 2338 had not taken effect. This baseline forecast will be adjusted to account for changes in the size of the state's general at-risk¹ population, using assumptions parallel to those used in the official caseload forecast.

¹ Persons 16 to 54 years of age.

Post-2338 Caseload Baseline:

The post-2338 drug-inmate caseload is the total forecasted drug-inmate population as forecasted in the official inmate forecast.

The official caseload forecast incorporates adjustments typically made to the inmate forecast, which includes assumptions by the Sentencing Guidelines Commission regarding conviction rates and percent of convictions entering the State prison system; forecasts of demographic changes by the Office of Financial Management; length of prison stay distributions garnered by recent historical data; and policy changes such as new legislation. The new law also establishes a new drug-sentencing grid, to be implemented in FY 2004, and a Joint Select Committee on the Drug Offense Sentencing Grid. One of the responsibilities of this Joint Select Committee is to determine the method of calculating the fiscal consequences to governments resulting from the grid. Therefore, the Part II of this methodology will be subject to review and change by that subcommittee.

Caseload Savings:

For any given year, the caseload savings will be estimated by using either the Sentencing Reductions, as described in Part I of the methodology, or by the Drug Inmate Population, as described in Part II of the methodology net difference.

This net difference is then multiplied by the prior year's average state cost of incarceration per inmate, equating to the General Fund-State dollars savings.

Section 4(4)(b), **Chapter 290, Laws of 2002, (2SHB 2338)**, states that:

When the department of corrections submits its biennial budget request to the governor in 2002 and in each even-numbered year thereafter, the department of corrections shall use the methodology approved in (a) of this subsection to calculate savings to the state general fund for the ensuing fiscal biennium resulting from reductions in drug offender sentencing as a result of sections 2 and 3, chapter 290, Laws of 2002 (sections 2 and 3 this act) and sections 7, 8, and 9, chapter 290, Laws of 2002 (sections 7, 8, and 9 this act). The department shall report the dollar amount of the savings to the state treasurer, the office of financial management, and the fiscal committees of the legislature.

The Department of Corrections will submit the calculated savings utilizing the methodology prescribed above. Since the department is required to submit its biennial budget request to the Governor before the November 2002 forecast is adopted, the department will submit a placeholder based on the last adopted forecast. Upon adoption of the November 2002 official prison caseload forecast, the department will revise the savings estimate. This revision will be reported to the State Treasurer, OFM, and the fiscal committees of the Legislature.

Joseph Lehman, Secretary
Department of Corrections

Professor David Boerner, Chair
Sentencing Guidelines Commission

Marty Brown, Director
Office of Financial Management

Representative Jim McIntire
Caseload Forecast Council

**An Overview of Washington State's Efforts
at Judicially Supervised Treatment-focused
Drug Offender Sentencing Reform
March 19, 2003**

Supplemental Handout

#5

H. Corr & J.J.
3-19-03
Attachment 12

CHAPTER 290, LAWS OF 2002
2003-2005 BIENNIUM CALCULATION UNDER §4(4)
Sentencing Guidelines Commission
November 2, 2002

SUMMARY OF THE “DRUG OFFENDER SENTENCING BILL”

Under 2SHB 2338 – Chapter 290, Laws of 2002 – the savings to the Department of Corrections resulting from implementation of the bill shall be calculated on a biennial basis. Section 4(4)(b) stipulates:

When the department of corrections submits its biennial budget request to the governor in 2002 and in each even-numbered year thereafter, the department of corrections shall use the methodology approved in (a) of this subsection to calculate savings to the state general fund for the ensuing fiscal biennium resulting from reductions in drug offender sentencing as a result of sections 2 and 3, chapter . . . , Laws of 2002 (sections 2 and 3 this act) and sections 7, 8, and 9, chapter . . . , Laws of 2002 (sections 7, 8, and 9 this act). The department shall report the dollar amount of the savings to the state treasurer, the office of financial management, and the fiscal committees of the legislature.

Section 4(4)(a) provides that:

The department of corrections, the sentencing guidelines commission, the office of financial management, and the caseload forecast council shall develop a methodology for calculating the projected biennial savings under this section. Savings shall be projected for the fiscal biennium beginning on July 1, 2003, and for each biennium thereafter. By September 1, 2002, the proposed methodology shall be submitted to the governor and the appropriate committees of the legislature. The methodology is deemed approved unless the legislature enacts legislation to modify or reject the methodology.

The methodology mandated by Section 4(4)(a), entitled *Methodology for Estimating Caseload Savings: A Report to the Washington State Legislature as Required by Chapter 290, Laws of 2002 [2SHB 2338]*, was developed and subsequently submitted to the Governor and the Legislature on September 1, 2002. It outlines the procedures to be employed for calculating the estimated savings, realized under the provisions of the bill, on a biennial basis.

Since the sentencing provisions of 2SHB 2338 are implemented at two separate times, the methodology for estimating the savings is two-fold. For 2005-2007 Biennium and beyond, the savings will be calculated by the Department of Corrections, based on the official adult inmate population caseload forecast prepared by the Caseload Forecast Council. The 2003-2005 Biennium savings are to be calculated by the Department of Corrections based on a bed impact estimate prepared by the Sentencing Guidelines Commission, in accordance with recognized procedures employed in preparing fiscal notes and including assumptions incorporated into the Caseload Forecast Council's official adult inmate population caseload forecast. It should be noted that under Section 12(4)(a), the Joint Select Committee on the Drug Offense Sentencing Grid may amend or replace the methodology in future biennia.

This document represents the Sentencing Guidelines Commission's estimate of the bed impacts for the 2003-2005 Biennium, under 2SHB 2338. The estimates contained herein have been incorporated into the Caseload Forecast Council's official adult inmate population caseload forecast.

PROVISION OF 2SHB 2338 RELEVANT TO THE FY03-05 BIENNIUM SAVINGS CALCULATION

While the bill has many provisions, and does provide for a new drug grid as of July 1, 2004, only the following provisions have bearing on this first biennial savings calculation (2003-2005 Biennium):

- Section 2 reduces manufacture, delivery or possession with intent to deliver heroin or cocaine, for offenders who do not have a serious violent offense or a sex offense in criminal history, from Serious Level VIII to Seriousness Level VII on the adult felony sentencing grid.
- Section 3 amends the offender scoring rules by eliminating triple scoring of drug offenses with prior adult drug offense convictions, for offenders who do not have a serious violent offense or a sex offense in criminal history. This scoring amendment does not apply to manufacture of methamphetamine offenses when the offender has a prior adult conviction for the manufacture of methamphetamine.
- Section 3 additionally amends the offender scoring rules by eliminating double scoring of all drug offenses with prior juvenile drug offense convictions, for offenders who do not have a serious violent offense or a sex offense in criminal history. This scoring amendment does not apply to manufacture of methamphetamine offenses when the offender has a prior juvenile conviction for the manufacture of methamphetamine.

Given the above provisions, the bill has the following effects.

- The standard ranges for manufacture, delivery or possession with intent to deliver heroin or cocaine, for offenders who do not have a serious violent offense or a sex offense in criminal history, are reduced from
21-27 months to 108-144 months in prison depending on the offender's prior history, to
15-20 months to 87-116 months in prison depending on the offender's prior history;
resulting in shorter prison sentences for most offenders convicted of manufacture, delivery or possession with intent to deliver heroin or cocaine.
- Additionally, most offenders sentenced for drug offenses, who do not have a serious violent offense or a sex offense in criminal history, who have other current drug offenses or prior drug offenses, will be sentenced within a lower standard range, since most other current drug offenses and prior drug offenses will count as one point (for adult convictions) or one-half point (for juvenile convictions) toward the offender score rather than three. This change will result in
shorter prison sentences;
shorter jail sentences; and a
shift of some sentences from prison to jail.

ASSUMPTIONS EMPLOYED IN ESTIMATING THE BED IMPACTS

The jail and prison bed impacts for this bill were calculated under the following assumptions.

- Sentences are based on Sentencing Guidelines Commission Fiscal Year 2002 data, and include assumptions on crime rates, the percentage of sentences to prison and the at-risk population, *etc.* (*i.e.*, there will *not* be an identical number of sentences each year), provided by the Caseload Forecast Council.
- Only those sentences that are actually affected by the provisions of the bill are included in the analysis (*e.g.*, some scoring changes do not result in reduced sentences).
- Exceptional sentences are excluded from the analysis.
- Non-exceptional out of range sentences are excluded from the analysis.
- Sentences for attempts and conspiracies are excluded from the analysis.
- Sentences under the First-time Offender Waiver are excluded from the analysis.
- Sentences with a recommendation to the Work Ethic Camp Program are excluded from the analysis.
- Standard range sentences are resentenced to the same relative point in the proposed policy range that they were in the current policy range.
- Sentences under the proposed policy that fall to a standard range that is not eligible for the Drug Offender Sentencing Alternative (DOSA) are resentenced to the midpoint of the proposed policy standard range.
- Sentences under current policy that are at the statutory maximum punishment for the offense before they reach the standard range for the offense, which fall to a standard range that is at least partially under the statutory maximum sentence, are resentenced to the midpoint of the proposed policy standard range.
- Pierce County DOSA sentences were resentenced to the midpoint of the current policy standard range, and then resentenced to the midpoint of the proposed policy standard range.
- Sentences are distributed evenly by month.
- For jail sentences, length of stay in jail is calculated using a figure for average earned release, based on a survey of local jails by the Sentencing Guidelines Commission, the Office of Community Development and the Washington State Association of Counties.
- For prison sentences, average time spent in jail prior to transfer to the Department of Corrections is based on Department of Corrections' historical data for drug offenders, calculated and provided by the Caseload Forecast Council.
- For prison (DOSA) sentences, length of stay in prison is calculated using a figure for average percent of sentence served in prison for (DOSA) drug offenders, which is based on Department of Corrections' historical data, calculated and provided by the Department of Corrections.
- For prison (non-DOSA) sentences, length of stay in prison is calculated using a figure for average percent of sentence served in prison for (non-DOSA) drug offenders, which is based on Department of Corrections' historical data, calculated and provided by the Department of Corrections.
- Bed impacts are calculated with the phase-in factor for drug offenses, which is based on Department of Corrections' historical data, calculated and provided by the Caseload Forecast Council.

IMPACT ON JAIL AND PRISON BEDS

The provisions relevant to the 2003-2005 Biennium savings calculation, enumerated and explained on page 3, will have the following bed impacts in the 2003-2005 Biennium.

The bill results in a maximum jail bed impact of four beds, first reached at 15 months after implementation (three months into the 2003-2005 Biennium). Additionally, the bill will result in a maximum prison (DOSA) bed impact of -172 beds by the end of the 2003-2005 Biennium, and a maximum prison (non-DOSA) bed impact of -219 by the end of the 2003-2005 Biennium. This yields a total prison bed savings of 392 beds by the end of the 2003-2005 Biennium.

- Under current policy, there are 24 jail sentences with an average length of 8.354 months. These sentences earn an estimated average of 2.339 months of earned release, resulting in an estimated average length of stay of 6.015 months. Additionally, there are 39 prison sentences under current policy that become jail sentences under the proposed policy. These 39 prison sentences have an estimated average length of stay in jail of 2.486 months prior to transfer to the Department of Corrections.

Under the proposed policy, there are 63 jail sentences with an average length of 6.463 months. These sentences earn an estimated average of 1.810 months of earned release, resulting in an estimated average length of stay of 4.653 months.

- Under current policy, there are 502 prison (DOSA) sentences with an average length of 23.900 months. This results in an estimated average length of stay of 13.240 months after time spent in jail and earned release (an estimated average of 10.659 months) are taken into account.

Under the proposed policy, there are 481 prison (DOSA) sentences with an average length of 16.412 months. This results in an estimated average length of stay of 9.092 months after time spent in jail and earned release (an estimated average of 7.320 months) are taken into account.

- Under current policy, there are 473 prison (non-DOSA) sentences with an average length of 48.769 months. This results in an estimated average length of stay of 28.579 months after time spent in jail and earned release (an estimated average of 20.191 months) are taken into account.

Under the proposed policy, there are 455 prison (non-DOSA) sentences with an average length of 33.077 months. This results in an estimated average length of stay of 19.383 months after time spent in jail and earned release (an estimated average of 13.694 months) are taken into account.

Additionally, there are 39 prison sentences under current policy that will become jail sentences under the proposed policy, thereby resulting in 30 fewer sentences per year to 9-12 months of community custody under the Offender Accountability Act. However, under the proposed policy, these 39 sentences may include up to 12 months of community custody in addition to confinement in jail

Average Monthly Population Jail and Prison Impacts
Chapter 290, Laws of 2002, §4(4) - 2003-2005 Biennium Calculation
Sentencing Guidelines Commission
November 2, 2002

	Fiscal Year									
	FY03	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11	FY12
Jail AMP	1	4	4	5	5	5	5	5	5	5
Prison AMP (DOSA)	-13	-89	-152	-186	-198	-203	-206	-209	-211	-212
Prison AMP (Non-DOSA)	-5	-59	-169	-266	-332	-378	-406	-421	-429	-434
Prison AMP (Total)	-18	-148	-321	-452	-529	-580	-612	-630	-639	-646

	Fiscal Year									
	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22
Jail AMP	5	5	5	5	5	5	5	5	5	5
Prison AMP (DOSA)	-214	-216	-218	-219	-221	-222	-222	-223	-223	-223
Prison AMP (Non-DOSA)	-438	-442	-445	-449	-452	-455	-457	-459	-459	-460
Prison AMP (Total)	-652	-657	-663	-668	-672	-677	-680	-681	-682	-682

End of Year Jail and Prison Bed Impacts
Chapter 290, Laws of 2002, §4(4) - 2003-2005 Biennium Calculation
Sentencing Guidelines Commission
November 2, 2002

	Fiscal Year									
	FY03	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11	FY12
Jail Beds	3	4	4	5	5	5	5	5	5	5
Prison Beds (DOSA)	-40	-124	-172	-193	-200	-204	-208	-210	-212	-213
Prison Beds (Non-DOSA)	-16	-106	-219	-300	-356	-393	-415	-425	-431	-436
Prison Beds (Total)	-56	-230	-392	-493	-556	-598	-622	-635	-643	-649

	Fiscal Year									
	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22
Jail Beds	5	5	5	5	5	5	5	5	5	5
Prison Beds (DOSA)	-215	-217	-218	-220	-221	-222	-223	-223	-223	-223
Prison Beds (Non-DOSA)	-440	-443	-447	-450	-453	-456	-458	-459	-460	-460
Prison Beds (Total)	-655	-660	-665	-670	-675	-678	-681	-682	-682	-683

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Current Policy - Jail Bed Estimate
Chapter 290, Laws of 2002, §4(4) - 2003-2005 Biennium Calculation
 Sentencing Guidelines Commission
 November 2, 2002

Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.
1	6	0	6	61	6	6	22	121	6	6	23	181	6	6	24
2	6	0	11	62	6	6	22	122	6	6	23	182	6	6	24
3	6	2	15	63	6	6	22	123	6	6	23	183	6	6	24
4	6	4	17	64	6	6	22	124	6	6	23	184	6	6	24
5	6	4	19	65	6	6	22	125	6	6	23	185	6	6	24
6	6	4	20	66	6	6	22	126	6	6	23	186	6	6	24
7	6	5	21	67	6	6	22	127	6	6	23	187	6	6	24
8	6	5	21	68	6	6	22	128	6	6	23	188	6	6	24
9	6	5	21	69	6	6	22	129	6	6	23	189	6	6	24
10	6	6	21	70	6	6	22	130	6	6	23	190	6	6	24
11	6	6	21	71	6	6	22	131	6	6	23	191	6	6	24
12	6	6	21	72	6	6	22	132	6	6	23	192	6	6	24
13	6	6	21	73	6	6	22	133	6	6	23	193	6	6	24
14	6	6	21	74	6	6	22	134	6	6	23	194	6	6	24
15	6	6	21	75	6	6	22	135	6	6	23	195	6	6	24
16	6	6	21	76	6	6	22	136	6	6	23	196	6	6	24
17	6	6	21	77	6	6	22	137	6	6	23	197	6	6	24
18	6	6	21	78	6	6	22	138	6	6	23	198	6	6	24
19	6	6	21	79	6	6	22	139	6	6	23	199	6	6	24
20	6	6	21	80	6	6	22	140	6	6	23	200	6	6	24
21	6	6	21	81	6	6	22	141	6	6	23	201	6	6	24
22	6	6	21	82	6	6	22	142	6	6	23	202	6	6	24
23	6	6	21	83	6	6	22	143	6	6	23	203	6	6	24
24	6	6	21	84	6	6	22	144	6	6	23	204	6	6	24
25	6	6	21	85	6	6	22	145	6	6	23	205	6	6	24
26	6	6	22	86	6	6	22	146	6	6	23	206	6	6	24
27	6	6	22	87	6	6	22	147	6	6	23	207	6	6	24
28	6	6	22	88	6	6	22	148	6	6	23	208	6	6	24
29	6	6	22	89	6	6	22	149	6	6	23	209	6	6	24
30	6	6	22	90	6	6	22	150	6	6	23	210	6	6	24
31	6	6	22	91	6	6	22	151	6	6	23	211	6	6	24
32	6	6	22	92	6	6	22	152	6	6	23	212	6	6	24
33	6	6	22	93	6	6	22	153	6	6	23	213	6	6	24
34	6	6	22	94	6	6	22	154	6	6	23	214	6	6	24
35	6	6	22	95	6	6	22	155	6	6	23	215	6	6	24
36	6	6	22	96	6	6	22	156	6	6	23	216	6	6	24
37	6	6	22	97	6	6	23	157	6	6	23	217	6	6	24
38	6	6	22	98	6	6	23	158	6	6	23	218	6	6	24
39	6	6	22	99	6	6	23	159	6	6	23	219	6	6	24
40	6	6	22	100	6	6	23	160	6	6	23	220	6	6	24
41	6	6	22	101	6	6	23	161	6	6	23	221	6	6	24
42	6	6	22	102	6	6	23	162	6	6	23	222	6	6	24
43	6	6	22	103	6	6	23	163	6	6	23	223	6	6	24
44	6	6	22	104	6	6	23	164	6	6	23	224	6	6	24
45	6	6	22	105	6	6	23	165	6	6	23	225	6	6	24
46	6	6	22	106	6	6	23	166	6	6	23	226	6	6	24
47	6	6	22	107	6	6	23	167	6	6	23	227	6	6	24
48	6	6	22	108	6	6	23	168	6	6	23	228	6	6	24
49	6	6	22	109	6	6	23	169	6	6	23	229	6	6	24
50	6	6	22	110	6	6	23	170	6	6	24	230	6	6	24
51	6	6	22	111	6	6	23	171	6	6	24	231	6	6	24
52	6	6	22	112	6	6	23	172	6	6	24	232	6	6	24
53	6	6	22	113	6	6	23	173	6	6	24	233	6	6	24
54	6	6	22	114	6	6	23	174	6	6	24	234	6	6	24
55	6	6	22	115	6	6	23	175	6	6	24	235	6	6	24
56	6	6	22	116	6	6	23	176	6	6	24	236	6	6	24
57	6	6	22	117	6	6	23	177	6	6	24	237	6	6	24
58	6	6	22	118	6	6	23	178	6	6	24	238	6	6	24
59	6	6	22	119	6	6	23	179	6	6	24	239	6	6	24
60	6	6	22	120	6	6	23	180	6	6	24	240	6	6	24

Proposed Policy - Jail Bed Estimate
Chapter 290, Laws of 2002, §4(4) - 2003-2005 Biennium Calculation
 Sentencing Guidelines Commission
 November 2, 2002

Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.
1	6	0	6	61	6	6	27	121	6	6	28	181	6	6	29
2	6	0	11	62	6	6	27	122	6	6	28	182	6	6	29
3	6	2	15	63	6	6	27	123	6	6	28	183	6	6	29
4	6	4	17	64	6	6	27	124	6	6	28	184	6	6	29
5	6	4	19	65	6	6	27	125	6	6	28	185	6	6	29
6	6	4	21	66	6	6	27	126	6	6	28	186	6	6	29
7	6	4	22	67	6	6	27	127	6	6	28	187	6	6	29
8	6	5	23	68	6	6	27	128	6	6	28	188	6	6	29
9	6	5	24	69	6	6	27	129	6	6	28	189	6	6	29
10	6	5	24	70	6	6	27	130	6	6	28	190	6	6	29
11	6	5	24	71	6	6	27	131	6	6	28	191	6	6	29
12	6	5	25	72	6	6	27	132	6	6	28	192	6	6	29
13	6	5	25	73	6	6	27	133	6	6	28	193	6	6	29
14	6	5	25	74	6	6	27	134	6	6	28	194	6	6	29
15	6	5	25	75	6	6	27	135	6	6	28	195	6	6	29
16	6	5	25	76	6	6	27	136	6	6	28	196	6	6	29
17	6	6	25	77	6	6	27	137	6	6	28	197	6	6	29
18	6	6	25	78	6	6	27	138	6	6	28	198	6	6	29
19	6	6	25	79	6	6	27	139	6	6	28	199	6	6	29
20	6	6	25	80	6	6	27	140	6	6	28	200	6	6	29
21	6	6	26	81	6	6	27	141	6	6	28	201	6	6	29
22	6	6	26	82	6	6	27	142	6	6	28	202	6	6	29
23	6	6	26	83	6	6	27	143	6	6	28	203	6	6	29
24	6	6	26	84	6	6	27	144	6	6	28	204	6	6	29
25	6	6	26	85	6	6	27	145	6	6	28	205	6	6	29
26	6	6	26	86	6	6	27	146	6	6	28	206	6	6	29
27	6	6	26	87	6	6	27	147	6	6	28	207	6	6	29
28	6	6	26	88	6	6	27	148	6	6	28	208	6	6	29
29	6	6	26	89	6	6	27	149	6	6	28	209	6	6	29
30	6	6	26	90	6	6	27	150	6	6	28	210	6	6	29
31	6	6	26	91	6	6	27	151	6	6	28	211	6	6	29
32	6	6	26	92	6	6	27	152	6	6	28	212	6	6	29
33	6	6	26	93	6	6	27	153	6	6	28	213	6	6	29
34	6	6	26	94	6	6	27	154	6	6	28	214	6	6	29
35	6	6	26	95	6	6	27	155	6	6	28	215	6	6	29
36	6	6	26	96	6	6	27	156	6	6	28	216	6	6	29
37	6	6	26	97	6	6	27	157	6	6	28	217	6	6	29
38	6	6	26	98	6	6	27	158	6	6	28	218	6	6	29
39	6	6	26	99	6	6	27	159	6	6	28	219	6	6	29
40	6	6	26	100	6	6	27	160	6	6	28	220	6	6	29
41	6	6	26	101	6	6	27	161	6	6	28	221	6	6	29
42	6	6	26	102	6	6	27	162	6	6	28	222	6	6	29
43	6	6	26	103	6	6	27	163	6	6	28	223	6	6	29
44	6	6	26	104	6	6	27	164	6	6	28	224	6	6	29
45	6	6	26	105	6	6	27	165	6	6	28	225	6	6	29
46	6	6	26	106	6	6	27	166	6	6	28	226	6	6	29
47	6	6	26	107	6	6	27	167	6	6	28	227	6	6	29
48	6	6	26	108	6	6	27	168	6	6	28	228	6	6	29
49	6	6	26	109	6	6	28	169	6	6	29	229	6	6	29
50	6	6	26	110	6	6	28	170	6	6	29	230	6	6	29
51	6	6	26	111	6	6	28	171	6	6	29	231	6	6	29
52	6	6	26	112	6	6	28	172	6	6	29	232	6	6	29
53	6	6	27	113	6	6	28	173	6	6	29	233	6	6	29
54	6	6	27	114	6	6	28	174	6	6	29	234	6	6	29
55	6	6	27	115	6	6	28	175	6	6	29	235	6	6	29
56	6	6	27	116	6	6	28	176	6	6	29	236	6	6	29
57	6	6	27	117	6	6	28	177	6	6	29	237	6	6	29
58	6	6	27	118	6	6	28	178	6	6	29	238	6	6	29
59	6	6	27	119	6	6	28	179	6	6	29	239	6	6	29
60	6	6	27	120	6	6	28	180	6	6	29	240	6	6	29

Jail Bed Impact
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November 2, 2002

Month	Pop.	Month	Pop.	Month	Pop.	Month	Pop.	Month	Pop.
1	0	49	5	97	5	145	5	193	5
2	0	50	5	98	5	146	5	194	5
3	0	51	5	99	5	147	5	195	5
4	0	52	5	100	5	148	5	196	5
5	1	53	5	101	5	149	5	197	5
6	1	54	5	102	5	150	5	198	5
7	2	55	5	103	5	151	5	199	5
8	2	56	5	104	5	152	5	200	5
9	2	57	5	105	5	153	5	201	5
10	3	58	5	106	5	154	5	202	5
11	3	59	5	107	5	155	5	203	5
12	3	60	5	108	5	156	5	204	5
13	3	61	5	109	5	157	5	205	5
14	3	62	5	110	5	158	5	206	5
15	4	63	5	111	5	159	5	207	5
16	4	64	5	112	5	160	5	208	5
17	4	65	5	113	5	161	5	209	5
18	4	66	5	114	5	162	5	210	5
19	4	67	5	115	5	163	5	211	5
20	4	68	5	116	5	164	5	212	5
21	4	69	5	117	5	165	5	213	5
22	4	70	5	118	5	166	5	214	5
23	4	71	5	119	5	167	5	215	5
24	4	72	5	120	5	168	5	216	5
25	4	73	5	121	5	169	5	217	5
26	4	74	5	122	5	170	5	218	5
27	4	75	5	123	5	171	5	219	5
28	4	76	5	124	5	172	5	220	5
29	4	77	5	125	5	173	5	221	5
30	4	78	5	126	5	174	5	222	5
31	4	79	5	127	5	175	5	223	5
32	4	80	5	128	5	176	5	224	5
33	4	81	5	129	5	177	5	225	5
34	4	82	5	130	5	178	5	226	5
35	4	83	5	131	5	179	5	227	5
36	4	84	5	132	5	180	5	228	5
37	4	85	5	133	5	181	5	229	5
38	4	86	5	134	5	182	5	230	5
39	4	87	5	135	5	183	5	231	5
40	4	88	5	136	5	184	5	232	5
41	5	89	5	137	5	185	5	233	5
42	5	90	5	138	5	186	5	234	5
43	5	91	5	139	5	187	5	235	5
44	5	92	5	140	5	188	5	236	5
45	5	93	5	141	5	189	5	237	5
46	5	94	5	142	5	190	5	238	5
47	5	95	5	143	5	191	5	239	5
48	5	96	5	144	5	192	5	240	5

Current Policy - Prison Bed Estimate (DOSA Beds)
Chapter 290, Laws of 2002, §4(4) - 2003-2005 Biennium Calculation
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Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.
1	45	0	45	61	46	45	602	121	48	47	627	181	49	49	649
2	45	0	89	62	46	45	603	122	48	47	627	182	49	49	649
3	45	0	134	63	46	45	604	123	48	47	628	183	49	49	650
4	45	0	178	64	46	45	604	124	48	47	628	184	49	49	650
5	45	1	221	65	46	45	605	125	48	47	629	185	49	49	650
6	45	4	262	66	46	46	605	126	48	47	629	186	49	49	650
7	45	8	298	67	46	46	606	127	48	47	629	187	49	49	650
8	45	15	328	68	46	46	606	128	48	47	630	188	49	49	650
9	45	18	355	69	46	46	606	129	48	47	630	189	49	49	650
10	45	20	380	70	46	46	607	130	48	47	630	190	49	49	650
11	45	23	401	71	46	46	607	131	48	48	631	191	49	49	650
12	45	25	421	72	46	46	607	132	48	48	631	192	49	49	650
13	45	28	438	73	46	46	608	133	48	48	631	193	49	49	650
14	45	30	452	74	46	46	608	134	48	48	632	194	49	49	651
15	45	32	466	75	46	46	609	135	48	48	632	195	49	49	651
16	45	34	477	76	46	46	610	136	48	48	633	196	49	49	651
17	45	34	487	77	46	46	610	137	48	48	633	197	49	49	651
18	45	35	496	78	46	46	611	138	48	48	634	198	49	49	651
19	45	35	506	79	46	46	611	139	48	48	634	199	49	49	651
20	45	36	515	80	46	46	612	140	48	48	635	200	49	49	651
21	45	36	524	81	46	46	612	141	48	48	635	201	49	49	651
22	45	37	532	82	46	46	612	142	48	48	635	202	49	49	651
23	45	38	538	83	46	46	613	143	48	48	635	203	49	49	651
24	45	38	545	84	46	46	613	144	48	48	636	204	49	49	651
25	45	39	551	85	47	46	613	145	48	48	636	205	49	49	651
26	45	40	556	86	47	46	614	146	48	48	637	206	49	49	651
27	45	40	561	87	47	46	614	147	48	48	637	207	49	49	651
28	45	40	566	88	47	46	615	148	48	48	638	208	49	49	651
29	45	41	570	89	47	46	615	149	48	48	638	209	49	49	651
30	45	41	574	90	47	46	616	150	48	48	638	210	49	49	651
31	45	41	577	91	47	46	616	151	48	48	639	211	49	49	651
32	45	42	580	92	47	46	616	152	48	48	639	212	49	49	651
33	45	42	583	93	47	46	617	153	48	48	639	213	49	49	651
34	45	42	586	94	47	46	617	154	48	48	639	214	49	49	651
35	45	42	589	95	47	47	617	155	48	48	640	215	49	49	651
36	45	44	589	96	47	47	618	156	48	48	640	216	49	49	651
37	45	44	590	97	47	47	618	157	49	48	640	217	49	49	651
38	45	44	591	98	47	47	619	158	49	48	641	218	49	49	651
39	45	44	592	99	47	47	619	159	49	48	641	219	49	49	651
40	45	44	593	100	47	47	619	160	49	48	642	220	49	49	651
41	45	44	594	101	47	47	620	161	49	48	642	221	49	49	651
42	45	44	595	102	47	47	620	162	49	48	643	222	49	49	651
43	45	45	595	103	47	47	621	163	49	48	643	223	49	49	651
44	45	45	596	104	47	47	621	164	49	48	643	224	49	49	651
45	45	45	596	105	47	47	621	165	49	48	644	225	49	49	651
46	45	45	596	106	47	47	622	166	49	49	644	226	49	49	651
47	45	45	596	107	47	47	622	167	49	49	644	227	49	49	651
48	45	45	597	108	47	47	622	168	49	49	644	228	49	49	651
49	46	45	597	109	47	47	623	169	49	49	645	229	49	49	651
50	46	45	598	110	47	47	623	170	49	49	645	230	49	49	651
51	46	45	598	111	47	47	623	171	49	49	646	231	49	49	651
52	46	45	599	112	47	47	624	172	49	49	646	232	49	49	651
53	46	45	599	113	47	47	624	173	49	49	647	233	49	49	651
54	46	45	600	114	47	47	625	174	49	49	647	234	49	49	651
55	46	45	600	115	47	47	625	175	49	49	648	235	49	49	651
56	46	45	601	116	47	47	625	176	49	49	648	236	49	49	651
57	46	45	601	117	47	47	625	177	49	49	648	237	49	49	651
58	46	45	601	118	47	47	626	178	49	49	649	238	49	49	651
59	46	45	602	119	47	47	626	179	49	49	649	239	49	49	651
60	46	45	602	120	47	47	626	180	49	49	649	240	49	49	651

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Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.
1	44	0	44	61	44	44	402	121	46	45	413	181	47	47	428
2	44	0	89	62	44	44	402	122	46	45	414	182	47	47	428
3	44	0	133	63	44	44	402	123	46	45	414	183	47	47	428
4	44	0	176	64	44	44	402	124	46	45	414	184	47	47	428
5	44	2	218	65	44	44	402	125	46	45	415	185	47	47	428
6	43	5	257	66	44	44	403	126	46	46	415	186	47	47	428
7	43	11	290	67	44	44	403	127	46	46	415	187	47	47	428
8	43	18	315	68	44	44	403	128	46	46	415	188	47	47	428
9	43	22	336	69	44	44	403	129	46	46	415	189	47	47	428
10	43	25	355	70	44	44	403	130	46	46	416	190	47	47	428
11	43	29	369	71	44	44	403	131	46	46	416	191	47	47	428
12	43	31	381	72	44	44	403	132	46	46	416	192	47	47	428
13	43	34	390	73	45	44	403	133	46	46	416	193	47	47	428
14	43	37	396	74	45	44	403	134	46	46	417	194	47	47	428
15	43	38	401	75	45	44	404	135	46	46	417	195	47	47	428
16	43	40	404	76	45	44	404	136	46	46	417	196	47	47	428
17	43	40	406	77	45	44	404	137	46	46	418	197	47	47	428
18	43	41	409	78	45	44	405	138	46	46	418	198	47	47	428
19	43	40	411	79	44	44	405	139	46	46	418	199	47	47	428
20	43	40	414	80	44	44	405	140	46	46	418	200	47	47	428
21	43	40	417	81	44	44	405	141	46	46	419	201	47	47	428
22	43	41	419	82	44	44	405	142	46	46	419	202	47	47	428
23	43	42	420	83	44	44	405	143	46	46	419	203	47	47	428
24	43	42	421	84	44	44	405	144	46	46	419	204	47	47	428
25	43	42	422	85	45	44	406	145	46	46	419	205	47	47	428
26	43	43	422	86	45	44	406	146	46	46	420	206	47	47	428
27	43	42	423	87	45	44	406	147	46	46	420	207	47	47	428
28	43	42	423	88	45	44	407	148	46	46	420	208	47	47	428
29	43	43	423	89	45	45	407	149	46	46	421	209	47	47	428
30	43	43	423	90	45	45	407	150	46	46	421	210	47	47	428
31	43	43	422	91	45	45	407	151	46	46	421	211	47	47	428
32	43	44	422	92	45	45	407	152	46	46	421	212	47	47	428
33	43	44	421	93	45	45	408	153	46	46	421	213	47	47	428
34	43	44	421	94	45	45	408	154	46	46	421	214	47	47	428
35	43	44	420	95	45	45	408	155	46	46	421	215	47	47	428
36	43	46	417	96	45	45	408	156	46	46	422	216	47	47	428
37	43	45	415	97	45	45	408	157	47	46	422	217	47	47	428
38	43	45	414	98	45	45	408	158	47	46	422	218	47	47	428
39	43	45	412	99	45	45	409	159	47	46	423	219	47	47	428
40	43	44	411	100	45	45	409	160	47	46	423	220	47	47	428
41	43	44	410	101	45	45	409	161	47	46	423	221	47	47	428
42	43	44	409	102	45	45	410	162	47	46	424	222	47	47	428
43	43	45	408	103	45	45	410	163	47	47	424	223	47	47	428
44	43	44	407	104	45	45	410	164	47	47	424	224	47	47	428
45	43	44	406	105	45	45	410	165	47	47	424	225	47	47	428
46	43	44	405	106	45	45	410	166	47	47	424	226	47	47	428
47	43	44	404	107	45	45	410	167	47	47	424	227	47	47	428
48	43	44	403	108	45	45	410	168	47	47	424	228	47	47	428
49	44	44	403	109	45	45	411	169	47	47	425	229	47	47	428
50	44	44	403	110	45	45	411	170	47	47	425	230	47	47	428
51	44	44	403	111	45	45	411	171	47	47	426	231	47	47	428
52	44	44	403	112	45	45	412	172	47	47	426	232	47	47	428
53	44	44	403	113	45	45	412	173	47	47	426	233	47	47	428
54	44	44	402	114	45	45	412	174	47	47	427	234	47	47	428
55	44	44	402	115	45	45	412	175	47	47	427	235	47	47	428
56	44	44	402	116	45	45	412	176	47	47	427	236	47	47	428
57	44	44	402	117	45	45	413	177	47	47	427	237	47	47	428
58	44	44	402	118	45	45	413	178	47	47	427	238	47	47	428
59	44	44	402	119	45	45	413	179	47	47	428	239	47	47	428
60	44	44	401	120	45	45	413	180	47	47	428	240	47	47	428

Prison Bed Impact (DOSA Beds)
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Month	Pop.	Month	Pop.	Month	Pop.	Month	Pop.	Month	Pop.
1	0	49	-194	97	-210	145	-217	193	-222
2	0	50	-195	98	-210	146	-217	194	-222
3	-1	51	-196	99	-210	147	-217	195	-222
4	-2	52	-196	100	-210	148	-217	196	-222
5	-3	53	-197	101	-210	149	-217	197	-222
6	-5	54	-198	102	-211	150	-217	198	-222
7	-9	55	-198	103	-211	151	-218	199	-222
8	-13	56	-199	104	-211	152	-218	200	-222
9	-19	57	-199	105	-211	153	-218	201	-223
10	-25	58	-200	106	-211	154	-218	202	-223
11	-32	59	-200	107	-211	155	-218	203	-223
12	-40	60	-200	108	-212	156	-218	204	-223
13	-48	61	-201	109	-212	157	-218	205	-223
14	-57	62	-201	110	-212	158	-219	206	-223
15	-65	63	-202	111	-212	159	-219	207	-223
16	-73	64	-202	112	-212	160	-219	208	-223
17	-81	65	-202	113	-212	161	-219	209	-223
18	-88	66	-203	114	-212	162	-219	210	-223
19	-94	67	-203	115	-213	163	-219	211	-223
20	-101	68	-203	116	-213	164	-219	212	-223
21	-107	69	-204	117	-213	165	-219	213	-223
22	-113	70	-204	118	-213	166	-220	214	-223
23	-119	71	-204	119	-213	167	-220	215	-223
24	-124	72	-204	120	-213	168	-220	216	-223
25	-129	73	-205	121	-213	169	-220	217	-223
26	-134	74	-205	122	-214	170	-220	218	-223
27	-139	75	-205	123	-214	171	-220	219	-223
28	-143	76	-206	124	-214	172	-220	220	-223
29	-147	77	-206	125	-214	173	-220	221	-223
30	-151	78	-206	126	-214	174	-220	222	-223
31	-155	79	-206	127	-214	175	-221	223	-223
32	-158	80	-207	128	-214	176	-221	224	-223
33	-162	81	-207	129	-215	177	-221	225	-223
34	-166	82	-207	130	-215	178	-221	226	-223
35	-169	83	-207	131	-215	179	-221	227	-223
36	-172	84	-208	132	-215	180	-221	228	-223
37	-175	85	-208	133	-215	181	-222	229	-223
38	-178	86	-208	134	-215	182	-222	230	-223
39	-180	87	-208	135	-215	183	-222	231	-223
40	-182	88	-208	136	-216	184	-222	232	-223
41	-184	89	-208	137	-216	185	-222	233	-223
42	-186	90	-209	138	-216	186	-222	234	-223
43	-187	91	-209	139	-216	187	-222	235	-223
44	-189	92	-209	140	-216	188	-222	236	-223
45	-190	93	-209	141	-216	189	-222	237	-223
46	-191	94	-209	142	-216	190	-222	238	-223
47	-192	95	-210	143	-217	191	-222	239	-223
48	-193	96	-210	144	-217	192	-222	240	-223

Current Policy - Prison Bed Estimate (Non-DOSA Beds)
Chapter 290, Laws of 2002, §4(4) - 2003-2005 Biennium Calculation
 Sentencing Guidelines Commission
 November 2, 2002

Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.
1	42	0	42	61	43	39	1,187	121	45	44	1,267	181	46	46	1,313
2	42	0	84	62	43	39	1,192	122	45	44	1,268	182	46	46	1,314
3	42	0	126	63	43	39	1,196	123	45	44	1,269	183	46	46	1,314
4	42	0	168	64	43	40	1,199	124	45	44	1,270	184	46	46	1,315
5	42	0	210	65	43	41	1,201	125	45	44	1,270	185	46	46	1,315
6	42	0	252	66	43	41	1,204	126	45	44	1,271	186	46	46	1,316
7	42	0	294	67	43	41	1,207	127	45	44	1,272	187	46	46	1,316
8	42	0	335	68	43	41	1,209	128	45	44	1,273	188	46	46	1,316
9	42	0	377	69	43	41	1,211	129	45	44	1,273	189	46	46	1,317
10	42	1	418	70	43	41	1,214	130	45	44	1,274	190	46	46	1,317
11	42	2	458	71	43	41	1,216	131	45	44	1,275	191	46	46	1,318
12	42	2	497	72	43	41	1,218	132	45	44	1,275	192	46	46	1,318
13	42	7	533	73	44	41	1,220	133	45	44	1,276	193	46	46	1,318
14	42	9	566	74	44	42	1,222	134	45	44	1,277	194	46	46	1,319
15	42	11	597	75	44	42	1,224	135	45	44	1,278	195	46	46	1,319
16	42	13	626	76	44	42	1,226	136	45	45	1,279	196	46	46	1,319
17	42	15	653	77	44	42	1,227	137	45	45	1,280	197	46	46	1,319
18	42	15	681	78	44	42	1,229	138	45	45	1,281	198	46	46	1,320
19	42	17	706	79	44	42	1,230	139	45	45	1,281	199	46	46	1,320
20	42	17	731	80	44	42	1,232	140	45	45	1,282	200	46	46	1,320
21	42	18	755	81	44	42	1,233	141	45	45	1,283	201	46	46	1,320
22	42	20	777	82	44	43	1,234	142	45	45	1,284	202	46	46	1,321
23	42	21	798	83	44	43	1,235	143	45	45	1,284	203	46	46	1,321
24	42	21	820	84	44	43	1,237	144	45	45	1,285	204	46	46	1,321
25	42	23	839	85	44	43	1,238	145	46	45	1,286	205	46	46	1,321
26	42	24	857	86	44	43	1,239	146	46	45	1,287	206	46	46	1,321
27	42	24	876	87	44	43	1,240	147	46	45	1,288	207	46	46	1,321
28	42	26	892	88	44	43	1,241	148	46	45	1,288	208	46	46	1,322
29	42	27	908	89	44	43	1,242	149	46	45	1,289	209	46	46	1,322
30	42	27	923	90	44	43	1,243	150	46	45	1,290	210	46	46	1,322
31	42	28	937	91	44	43	1,244	151	46	45	1,291	211	46	46	1,322
32	42	28	951	92	44	43	1,245	152	46	45	1,291	212	46	46	1,322
33	42	29	964	93	44	43	1,245	153	46	45	1,292	213	46	46	1,322
34	42	29	978	94	44	43	1,246	154	46	45	1,293	214	46	46	1,322
35	42	29	990	95	44	43	1,247	155	46	45	1,293	215	46	46	1,322
36	42	30	1,002	96	44	43	1,247	156	46	45	1,294	216	46	46	1,323
37	43	31	1,014	97	44	43	1,248	157	46	45	1,295	217	46	46	1,323
38	43	31	1,026	98	44	43	1,249	158	46	45	1,296	218	46	46	1,323
39	43	31	1,038	99	44	43	1,250	159	46	45	1,297	219	46	46	1,323
40	43	32	1,048	100	44	44	1,251	160	46	45	1,297	220	46	46	1,323
41	43	33	1,058	101	44	44	1,252	161	46	45	1,298	221	46	46	1,323
42	43	33	1,068	102	44	44	1,253	162	46	45	1,299	222	46	46	1,323
43	43	33	1,077	103	44	44	1,254	163	46	45	1,300	223	46	46	1,323
44	43	33	1,086	104	44	44	1,254	164	46	45	1,300	224	46	46	1,323
45	43	34	1,095	105	44	44	1,255	165	46	45	1,301	225	46	46	1,323
46	43	35	1,103	106	44	44	1,256	166	46	45	1,302	226	46	46	1,323
47	43	35	1,110	107	44	44	1,256	167	46	45	1,302	227	46	46	1,323
48	43	36	1,117	108	44	44	1,257	168	46	45	1,303	228	46	46	1,323
49	43	36	1,124	109	45	44	1,258	169	46	45	1,304	229	46	46	1,323
50	43	36	1,131	110	45	44	1,259	170	46	45	1,305	230	46	46	1,323
51	43	36	1,138	111	45	44	1,260	171	46	45	1,306	231	46	46	1,323
52	43	37	1,145	112	45	44	1,261	172	46	45	1,306	232	46	46	1,323
53	43	37	1,150	113	45	44	1,261	173	46	46	1,307	233	46	46	1,323
54	43	38	1,155	114	45	44	1,262	174	46	46	1,308	234	46	46	1,323
55	43	38	1,161	115	45	44	1,263	175	46	46	1,309	235	46	46	1,323
56	43	38	1,166	116	45	44	1,263	176	46	46	1,310	236	46	46	1,323
57	43	38	1,170	117	45	44	1,264	177	46	46	1,310	237	46	46	1,323
58	43	38	1,175	118	45	44	1,265	178	46	46	1,311	238	46	46	1,323
59	43	39	1,179	119	45	44	1,265	179	46	46	1,312	239	46	46	1,324
60	43	39	1,183	120	45	44	1,266	180	46	46	1,312	240	46	46	1,324

Proposed Policy - Prison Bed Estimate (Non-DOSA Beds)
Chapter 290, Laws of 2002, §4(4) - 2003-2005 Biennium Calculation
 Sentencing Guidelines Commission
 November 2, 2002

Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.
1	42	0	42	61	42	41	828	121	43	43	831	181	45	44	859
2	42	0	84	62	42	41	828	122	43	43	832	182	45	44	860
3	41	0	125	63	42	41	829	123	43	43	832	183	45	44	860
4	41	0	166	64	42	42	828	124	43	43	833	184	45	44	860
5	41	0	208	65	42	42	828	125	43	43	833	185	45	44	861
6	41	0	249	66	42	42	827	126	43	43	834	186	45	44	861
7	41	0	290	67	42	42	827	127	43	43	834	187	45	44	861
8	41	1	330	68	42	42	826	128	43	43	834	188	45	44	861
9	41	1	370	69	42	42	826	129	43	43	835	189	45	44	861
10	41	2	409	70	42	42	826	130	43	43	835	190	45	44	861
11	41	4	446	71	42	42	825	131	43	43	836	191	45	44	862
12	41	5	482	72	42	42	825	132	43	43	836	192	45	44	862
13	41	10	512	73	42	42	824	133	44	43	836	193	45	44	862
14	41	13	539	74	42	42	824	134	44	43	837	194	45	44	862
15	41	15	565	75	42	42	824	135	44	43	838	195	45	44	862
16	41	18	587	76	42	42	824	136	44	43	838	196	45	44	862
17	41	20	608	77	42	42	824	137	44	43	839	197	45	44	862
18	41	21	628	78	42	42	823	138	44	43	839	198	45	44	862
19	41	23	646	79	42	42	823	139	44	43	840	199	45	44	862
20	41	24	663	80	42	42	823	140	44	43	840	200	45	44	863
21	41	25	678	81	42	42	823	141	44	43	841	201	45	44	863
22	41	28	691	82	42	42	822	142	44	43	841	202	45	44	863
23	41	29	703	83	42	42	822	143	44	43	841	203	45	44	863
24	41	29	714	84	42	42	822	144	44	43	842	204	45	44	863
25	41	32	723	85	42	42	822	145	44	43	842	205	45	44	863
26	41	32	732	86	42	42	822	146	44	43	843	206	45	44	863
27	41	33	740	87	42	42	822	147	44	43	843	207	45	44	863
28	41	34	746	88	42	42	822	148	44	43	844	208	45	45	863
29	41	35	752	89	42	43	822	149	44	43	844	209	45	45	863
30	41	36	757	90	42	42	822	150	44	43	845	210	45	45	863
31	41	36	762	91	42	42	822	151	44	43	845	211	45	45	863
32	41	36	766	92	42	42	822	152	44	43	846	212	45	45	863
33	41	36	771	93	42	42	822	153	44	44	846	213	45	45	863
34	41	36	775	94	42	42	822	154	44	44	847	214	45	45	863
35	41	36	779	95	42	42	822	155	44	44	847	215	45	45	863
36	41	37	783	96	42	42	822	156	44	44	847	216	45	45	863
37	41	37	787	97	43	42	823	157	44	44	848	217	45	45	863
38	41	37	791	98	43	42	823	158	44	44	848	218	45	45	863
39	41	37	795	99	43	42	823	159	44	44	849	219	45	45	863
40	41	38	798	100	43	42	824	160	44	44	849	220	45	45	863
41	41	38	801	101	43	42	824	161	44	44	850	221	45	45	863
42	41	38	804	102	43	42	824	162	44	44	850	222	45	45	863
43	41	38	807	103	43	42	825	163	44	44	851	223	45	45	864
44	41	38	809	104	43	42	825	164	44	44	851	224	45	45	864
45	41	38	812	105	43	42	825	165	44	44	852	225	45	45	864
46	41	39	814	106	43	42	825	166	44	44	852	226	45	45	864
47	41	39	816	107	43	42	826	167	44	44	853	227	45	45	864
48	41	40	817	108	43	42	826	168	44	44	853	228	45	45	864
49	41	40	819	109	43	42	826	169	45	44	854	229	45	45	864
50	41	40	821	110	43	43	827	170	45	44	854	230	45	45	864
51	41	39	823	111	43	43	827	171	45	44	855	231	45	45	864
52	41	40	824	112	43	43	828	172	45	44	855	232	45	45	864
53	41	40	825	113	43	43	828	173	45	44	856	233	45	45	864
54	41	41	825	114	43	43	829	174	45	44	856	234	45	45	864
55	41	41	826	115	43	43	829	175	45	44	857	235	45	45	864
56	41	41	827	116	43	43	829	176	45	44	857	236	45	45	864
57	41	41	827	117	43	43	830	177	45	44	858	237	45	45	864
58	41	41	827	118	43	43	830	178	45	44	858	238	45	45	864
59	41	41	827	119	43	43	830	179	45	44	859	239	45	45	864
60	41	41	828	120	43	43	830	180	45	44	859	240	45	45	864

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Prison Bed Impact (Non-DOSA Beds)
Chapter 290, Laws of 2002, §4(4) - 2003-2005 Biennium Calculation
Sentencing Guidelines Commission
November 2, 2002

Month	Pop.	Month	Pop.	Month	Pop.	Month	Pop.	Month	Pop.
1	0	49	-305	97	-426	145	-444	193	-456
2	0	50	-311	98	-426	146	-444	194	-457
3	-1	51	-316	99	-427	147	-444	195	-457
4	-2	52	-320	100	-428	148	-444	196	-457
5	-2	53	-325	101	-428	149	-445	197	-457
6	-3	54	-330	102	-428	150	-445	198	-457
7	-4	55	-335	103	-429	151	-445	199	-457
8	-5	56	-339	104	-429	152	-446	200	-458
9	-7	57	-343	105	-430	153	-446	201	-458
10	-9	58	-348	106	-430	154	-446	202	-458
11	-12	59	-352	107	-431	155	-446	203	-458
12	-16	60	-356	108	-431	156	-447	204	-458
13	-21	61	-360	109	-432	157	-447	205	-458
14	-26	62	-363	110	-432	158	-447	206	-458
15	-32	63	-367	111	-432	159	-448	207	-458
16	-38	64	-371	112	-433	160	-448	208	-459
17	-45	65	-374	113	-433	161	-448	209	-459
18	-52	66	-377	114	-433	162	-448	210	-459
19	-60	67	-380	115	-434	163	-449	211	-459
20	-68	68	-383	116	-434	164	-449	212	-459
21	-77	69	-386	117	-435	165	-449	213	-459
22	-86	70	-388	118	-435	166	-449	214	-459
23	-96	71	-391	119	-435	167	-450	215	-459
24	-106	72	-393	120	-436	168	-450	216	-459
25	-116	73	-395	121	-436	169	-450	217	-459
26	-126	74	-398	122	-436	170	-451	218	-459
27	-136	75	-400	123	-437	171	-451	219	-459
28	-146	76	-402	124	-437	172	-451	220	-459
29	-156	77	-404	125	-437	173	-451	221	-459
30	-166	78	-406	126	-438	174	-452	222	-459
31	-175	79	-407	127	-438	175	-452	223	-460
32	-185	80	-409	128	-438	176	-452	224	-460
33	-194	81	-410	129	-438	177	-452	225	-460
34	-202	82	-412	130	-439	178	-453	226	-460
35	-211	83	-413	131	-439	179	-453	227	-460
36	-219	84	-415	132	-440	180	-453	228	-460
37	-227	85	-416	133	-440	181	-454	229	-460
38	-235	86	-417	134	-440	182	-454	230	-460
39	-243	87	-418	135	-440	183	-454	231	-460
40	-250	88	-419	136	-441	184	-454	232	-460
41	-257	89	-420	137	-441	185	-455	233	-460
42	-264	90	-421	138	-441	186	-455	234	-460
43	-270	91	-422	139	-442	187	-455	235	-460
44	-277	92	-423	140	-442	188	-455	236	-460
45	-283	93	-423	141	-442	189	-456	237	-460
46	-289	94	-424	142	-443	190	-456	238	-460
47	-295	95	-425	143	-443	191	-456	239	-460
48	-300	96	-425	144	-443	192	-456	240	-460

Current Policy - Prison Bed Estimate (Total Beds)
Chapter 290, Laws of 2002, §4(4) - 2003-2005 Biennium Calculation
 Sentencing Guidelines Commission
 November 2, 2002

Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.
1	87	0	87	61	89	85	1,790	121	93	91	1,894	181	95	95	1,962
2	87	0	173	62	89	85	1,795	122	93	91	1,895	182	95	95	1,963
3	87	0	260	63	89	85	1,799	123	93	91	1,896	183	95	95	1,964
4	87	0	346	64	89	86	1,803	124	93	91	1,898	184	95	95	1,964
5	87	1	431	65	89	86	1,806	125	93	92	1,899	185	95	95	1,965
6	87	4	514	66	89	86	1,809	126	93	92	1,900	186	95	95	1,965
7	87	8	592	67	89	86	1,812	127	93	92	1,901	187	95	95	1,966
8	87	15	663	68	89	87	1,815	128	93	92	1,902	188	95	95	1,966
9	87	18	732	69	89	87	1,818	129	93	92	1,903	189	95	95	1,967
10	87	21	797	70	89	87	1,820	130	93	92	1,904	190	95	95	1,967
11	87	25	859	71	89	87	1,823	131	93	92	1,905	191	95	95	1,968
12	87	27	918	72	89	87	1,825	132	93	92	1,906	192	95	95	1,968
13	87	34	970	73	90	87	1,828	133	94	92	1,908	193	95	95	1,969
14	87	39	1,018	74	90	87	1,831	134	94	92	1,909	194	95	95	1,969
15	87	42	1,062	75	90	88	1,833	135	94	92	1,911	195	95	95	1,969
16	87	47	1,102	76	90	88	1,836	136	94	92	1,912	196	95	95	1,970
17	87	49	1,140	77	90	88	1,838	137	94	92	1,913	197	95	95	1,970
18	87	50	1,177	78	90	88	1,840	138	94	92	1,914	198	95	95	1,970
19	87	52	1,212	79	90	88	1,841	139	94	92	1,916	199	95	95	1,971
20	87	53	1,246	80	90	88	1,843	140	94	92	1,917	200	95	95	1,971
21	87	54	1,279	81	90	88	1,845	141	94	92	1,918	201	95	95	1,971
22	87	57	1,309	82	90	89	1,846	142	94	93	1,919	202	95	95	1,971
23	87	59	1,337	83	90	89	1,848	143	94	93	1,920	203	95	95	1,972
24	87	59	1,364	84	90	89	1,849	144	94	93	1,921	204	95	95	1,972
25	87	62	1,390	85	91	89	1,851	145	94	93	1,922	205	95	95	1,972
26	87	63	1,414	86	91	89	1,853	146	94	93	1,923	206	95	95	1,972
27	87	64	1,437	87	91	89	1,855	147	94	93	1,925	207	95	95	1,972
28	87	65	1,459	88	91	89	1,856	148	94	93	1,926	208	95	95	1,972
29	87	68	1,478	89	91	90	1,857	149	94	93	1,927	209	95	95	1,973
30	87	69	1,497	90	91	90	1,859	150	94	93	1,928	210	95	95	1,973
31	87	69	1,514	91	91	90	1,860	151	94	93	1,929	211	95	95	1,973
32	87	70	1,531	92	91	90	1,861	152	94	93	1,930	212	95	95	1,973
33	87	71	1,548	93	91	90	1,862	153	94	93	1,931	213	95	95	1,973
34	87	71	1,564	94	91	90	1,863	154	94	93	1,932	214	95	95	1,973
35	87	72	1,579	95	91	90	1,864	155	94	93	1,933	215	95	95	1,973
36	87	74	1,592	96	91	90	1,865	156	94	93	1,934	216	95	95	1,973
37	88	75	1,605	97	91	90	1,866	157	95	93	1,935	217	95	95	1,973
38	88	75	1,618	98	91	90	1,868	158	95	93	1,937	218	95	95	1,974
39	88	75	1,630	99	91	90	1,869	159	95	93	1,938	219	95	95	1,974
40	88	77	1,641	100	91	90	1,871	160	95	93	1,939	220	95	95	1,974
41	88	77	1,652	101	91	90	1,872	161	95	94	1,940	221	95	95	1,974
42	88	77	1,662	102	91	90	1,873	162	95	94	1,941	222	95	95	1,974
43	88	78	1,672	103	91	90	1,874	163	95	94	1,943	223	95	95	1,974
44	88	78	1,682	104	91	90	1,875	164	95	94	1,944	224	95	95	1,974
45	88	78	1,691	105	91	90	1,876	165	95	94	1,945	225	95	95	1,974
46	88	80	1,699	106	91	91	1,877	166	95	94	1,945	226	95	95	1,974
47	88	80	1,707	107	91	91	1,878	167	95	94	1,946	227	95	95	1,974
48	88	81	1,714	108	91	91	1,879	168	95	94	1,947	228	95	95	1,974
49	89	81	1,722	109	92	91	1,881	169	95	94	1,949	229	95	95	1,974
50	89	81	1,729	110	92	91	1,882	170	95	94	1,950	230	95	95	1,974
51	89	81	1,737	111	92	91	1,883	171	95	94	1,951	231	95	95	1,974
52	89	82	1,743	112	92	91	1,884	172	95	94	1,953	232	95	95	1,974
53	89	82	1,750	113	92	91	1,885	173	95	94	1,954	233	95	95	1,974
54	89	83	1,755	114	92	91	1,887	174	95	94	1,955	234	95	95	1,974
55	89	83	1,761	115	92	91	1,888	175	95	94	1,956	235	95	95	1,974
56	89	83	1,766	116	92	91	1,889	176	95	94	1,958	236	95	95	1,974
57	89	84	1,771	117	92	91	1,890	177	95	94	1,959	237	95	95	1,974
58	89	84	1,776	118	92	91	1,890	178	95	94	1,960	238	95	95	1,974
59	89	84	1,781	119	92	91	1,891	179	95	95	1,960	239	95	95	1,974
60	89	84	1,785	120	92	91	1,892	180	95	95	1,961	240	95	95	1,974

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Proposed Policy - Prison Bed Estimate (Total Beds)
Chapter 290, Laws of 2002, §4(4) - 2003-2005 Biennium Calculation
 Sentencing Guidelines Commission
 November 2, 2002

Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.
1	86	0	86	61	86	85	1,229	121	89	88	1,244	181	92	91	1,287
2	86	0	172	62	86	85	1,230	122	89	88	1,245	182	92	91	1,288
3	85	0	258	63	86	85	1,231	123	89	88	1,246	183	92	91	1,288
4	85	0	343	64	86	86	1,231	124	89	88	1,247	184	92	91	1,288
5	85	2	426	65	86	86	1,230	125	89	88	1,248	185	92	91	1,288
6	85	5	505	66	86	86	1,230	126	89	88	1,249	186	92	91	1,289
7	84	11	579	67	86	86	1,229	127	89	88	1,249	187	92	91	1,289
8	84	19	645	68	86	86	1,229	128	89	88	1,250	188	92	91	1,289
9	84	23	706	69	86	86	1,229	129	89	89	1,250	189	92	91	1,289
10	84	27	763	70	86	86	1,228	130	89	89	1,251	190	92	91	1,290
11	84	33	815	71	86	86	1,228	131	89	89	1,251	191	92	91	1,290
12	84	36	862	72	86	86	1,227	132	89	89	1,252	192	92	91	1,290
13	84	45	901	73	87	86	1,228	133	90	89	1,253	193	92	92	1,290
14	84	50	935	74	87	86	1,228	134	90	89	1,254	194	92	92	1,290
15	84	54	965	75	87	86	1,228	135	90	89	1,255	195	92	92	1,290
16	84	58	991	76	87	86	1,228	136	90	89	1,256	196	92	92	1,290
17	84	60	1,015	77	87	87	1,228	137	90	89	1,257	197	92	92	1,291
18	84	61	1,037	78	87	87	1,228	138	90	89	1,257	198	92	92	1,291
19	84	63	1,058	79	87	87	1,228	139	90	89	1,258	199	92	92	1,291
20	84	64	1,077	80	87	87	1,228	140	90	89	1,259	200	92	92	1,291
21	84	65	1,095	81	87	87	1,228	141	90	89	1,259	201	92	92	1,291
22	84	69	1,110	82	87	87	1,228	142	90	89	1,260	202	92	92	1,291
23	84	71	1,122	83	87	87	1,227	143	90	89	1,260	203	92	92	1,291
24	84	71	1,135	84	87	87	1,227	144	90	89	1,261	204	92	92	1,291
25	84	74	1,145	85	87	87	1,228	145	90	89	1,262	205	92	92	1,291
26	84	75	1,154	86	87	87	1,228	146	90	89	1,263	206	92	92	1,291
27	84	75	1,162	87	87	87	1,228	147	90	89	1,263	207	92	92	1,291
28	84	76	1,170	88	87	87	1,229	148	90	89	1,264	208	92	92	1,291
29	84	78	1,175	89	87	87	1,229	149	90	90	1,265	209	92	92	1,291
30	84	79	1,180	90	87	87	1,229	150	90	90	1,266	210	92	92	1,291
31	84	79	1,184	91	87	87	1,229	151	90	90	1,266	211	92	92	1,291
32	84	80	1,188	92	87	87	1,229	152	90	90	1,267	212	92	92	1,291
33	84	80	1,192	93	87	87	1,230	153	90	90	1,267	213	92	92	1,292
34	84	80	1,196	94	87	87	1,230	154	90	90	1,268	214	92	92	1,292
35	84	80	1,199	95	87	87	1,230	155	90	90	1,268	215	92	92	1,292
36	84	83	1,200	96	87	87	1,230	156	90	90	1,269	216	92	92	1,292
37	84	82	1,202	97	88	87	1,231	157	91	90	1,270	217	92	92	1,292
38	84	82	1,205	98	88	87	1,231	158	91	90	1,271	218	92	92	1,292
39	84	82	1,207	99	88	87	1,232	159	91	90	1,272	219	92	92	1,292
40	84	83	1,209	100	88	87	1,233	160	91	90	1,273	220	92	92	1,292
41	84	83	1,211	101	88	87	1,233	161	91	90	1,273	221	92	92	1,292
42	84	82	1,213	102	88	87	1,234	162	91	90	1,274	222	92	92	1,292
43	84	83	1,214	103	88	87	1,234	163	91	90	1,275	223	92	92	1,292
44	84	82	1,216	104	88	87	1,235	164	91	90	1,275	224	92	92	1,292
45	84	82	1,218	105	88	87	1,235	165	91	90	1,276	225	92	92	1,292
46	84	83	1,219	106	88	87	1,236	166	91	90	1,276	226	92	92	1,292
47	84	84	1,220	107	88	88	1,236	167	91	91	1,277	227	92	92	1,292
48	84	84	1,221	108	88	88	1,236	168	91	91	1,277	228	92	92	1,292
49	85	84	1,222	109	88	88	1,237	169	92	91	1,278	229	92	92	1,292
50	85	83	1,224	110	88	88	1,238	170	92	91	1,279	230	92	92	1,292
51	85	83	1,226	111	88	88	1,239	171	92	91	1,280	231	92	92	1,292
52	85	84	1,227	112	88	88	1,239	172	92	91	1,281	232	92	92	1,292
53	85	84	1,228	113	88	88	1,240	173	92	91	1,282	233	92	92	1,292
54	85	85	1,228	114	88	88	1,241	174	92	91	1,283	234	92	92	1,292
55	85	85	1,228	115	88	88	1,241	175	92	91	1,284	235	92	92	1,292
56	85	85	1,229	116	88	88	1,242	176	92	91	1,285	236	92	92	1,292
57	85	85	1,229	117	88	88	1,242	177	92	91	1,285	237	92	92	1,292
58	85	85	1,229	118	88	88	1,243	178	92	91	1,286	238	92	92	1,292
59	85	85	1,229	119	88	88	1,243	179	92	91	1,286	239	92	92	1,292
60	85	85	1,229	120	88	88	1,243	180	92	91	1,287	240	92	92	1,292

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Prison Bed Impact (Total Beds)
Chapter 290, Laws of 2002, §4(4) - 2003-2005 Biennium Calculation
Sentencing Guidelines Commission
November 2, 2002

Month	Pop.	Month	Pop.	Month	Pop.	Month	Pop.	Month	Pop.
1	0	49	-500	97	-636	145	-660	193	-679
2	-1	50	-505	98	-637	146	-661	194	-679
3	-2	51	-511	99	-637	147	-661	195	-679
4	-3	52	-517	100	-638	148	-662	196	-679
5	-5	53	-522	101	-638	149	-662	197	-680
6	-8	54	-528	102	-639	150	-662	198	-680
7	-13	55	-533	103	-640	151	-663	199	-680
8	-19	56	-538	104	-640	152	-663	200	-680
9	-26	57	-543	105	-641	153	-664	201	-680
10	-34	58	-547	106	-642	154	-664	202	-680
11	-44	59	-552	107	-642	155	-665	203	-681
12	-56	60	-556	108	-643	156	-665	204	-681
13	-69	61	-560	109	-643	157	-666	205	-681
14	-83	62	-565	110	-644	158	-666	206	-681
15	-97	63	-569	111	-644	159	-666	207	-681
16	-111	64	-572	112	-645	160	-667	208	-681
17	-126	65	-576	113	-645	161	-667	209	-681
18	-140	66	-580	114	-646	162	-667	210	-681
19	-154	67	-583	115	-646	163	-668	211	-681
20	-169	68	-586	116	-647	164	-668	212	-681
21	-184	69	-589	117	-647	165	-669	213	-682
22	-199	70	-592	118	-648	166	-669	214	-682
23	-214	71	-595	119	-648	167	-669	215	-682
24	-230	72	-598	120	-649	168	-670	216	-682
25	-245	73	-600	121	-649	169	-670	217	-682
26	-260	74	-603	122	-650	170	-671	218	-682
27	-275	75	-605	123	-650	171	-671	219	-682
28	-289	76	-607	124	-651	172	-671	220	-682
29	-303	77	-609	125	-651	173	-672	221	-682
30	-317	78	-612	126	-652	174	-672	222	-682
31	-330	79	-614	127	-652	175	-673	223	-682
32	-343	80	-615	128	-653	176	-673	224	-682
33	-356	81	-617	129	-653	177	-673	225	-682
34	-368	82	-619	130	-654	178	-674	226	-682
35	-380	83	-621	131	-654	179	-674	227	-682
36	-392	84	-622	132	-655	180	-675	228	-682
37	-403	85	-624	133	-655	181	-675	229	-682
38	-413	86	-625	134	-655	182	-675	230	-682
39	-423	87	-626	135	-656	183	-676	231	-682
40	-432	88	-627	136	-656	184	-676	232	-682
41	-441	89	-628	137	-657	185	-676	233	-682
42	-450	90	-630	138	-657	186	-677	234	-682
43	-458	91	-631	139	-658	187	-677	235	-682
44	-466	92	-632	140	-658	188	-677	236	-683
45	-473	93	-633	141	-659	189	-678	237	-683
46	-480	94	-633	142	-659	190	-678	238	-683
47	-487	95	-634	143	-660	191	-678	239	-683
48	-493	96	-635	144	-660	192	-678	240	-683

Statewide Offender Care Management and Treatment for Substance Abuse Offenders Principles and Strategies

House Committee on Corrections and Juvenile Justice

Sponsored by:
National Conference of State Legislatures

Pam Rodriguez
Illinois TASC
3/19/03

System Goals

- Maintain public safety
- Reduce recidivism
- Increase offender rehabilitation
- Restore offender rehabilitation
- Restore offenders to citizenship
- Save tax payer dollars

System Principles

- Standardized eligibility, access, sanction and exit criteria
- Treatment and supervision support and compliment each other
- Match treatment to offender needs and strengths
- Comprehensive Continuum of Care via network of treatment providers

H. Corr & J.J.
3-19-03
Attachment 13

Standard Service Delivery Criteria

- Eligibility legally defined
- Access in all jurisdictions
- Sanctions for failing to comply or demonstrate progress
- Predictable and equally applied measures of success and failure

Treatment and Supervision Complement

- Balance public safety and offender rehabilitation
- Both are necessary, neither is sufficient in isolation
- Clarify goals, roles and responsibilities
- MOU and training - memorandum of understanding
- On-going negotiation, partnership

of understanding

Match Treatment to Offender Needs and Strengths

- Independent and standardized, valid assessment
- Treatment needs
- Recovery capital - someone who has a job, family
- Continuum of care
- Treatment is not punishment or incarceration, it is hard work

support system, a sponsor

Treatment Networks and a Continuum of Care

- ASAM levels of care
- Mental health, co-morbid care
- Cultural and gender competency
- Cognitive interventions
- Male responsibility, citizenship, gang violence, balanced and restorative justice interventions
- HIV and Hepatitis C
- Child, family and parenting interventions

assessment of levels of care needed

Accountability

- Process
 - MOU with all system components
 - Communications internal/external
 - Cross-training
 - Annual reviews

Accountability

- Outcomes
 - Treatment provider profiling
 - Conviction statistics
 - Cost comparisons
 - Offender rehabilitation and successes
 - Community perception
 - Annual review of success, gaps, needs and strengths of system

Strategies to Accomplish

- Single independent and objective system of offender care management
- MOU with partners
- Development and train on protocols
- Fund via DOC savings

Statewide Development of Continuum Care

- Analyze current capacity
- Standards for accessibility
- Prioritize offender services
- Block grant and Medicaid
- State DOC Funds

Local Initiatives to Meet Special Needs

- County funding, Foundations, TCE, other grants
- Ethnicity, dual diagnosis, women

**Web-Based Real-Time Data
Collection**

- Information sharing
- Communication
- Analysis
- Outcome management

Reasonable Expectations

- Offender recovery
- System change
- Savings
- Expect success

Maintain Public Support

- Public support for alternatives to incarceration
- Ongoing communication and education
