

Tolling of Community Custody Terms

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DOC Jurisdiction

- DOC receives a copy of the Judgment and Sentence
 - Prison Sentence:
 - Individual arrives at DOC for a term of confinement which may or may not have a term of community custody (supervision)
 - Non-Prison Sentence:
 - Individual may or may not serve a term of confinement at a county jail which may or many not have a term of community custody (supervision)



Term of Community Custody

- The sentencing court orders a term of Community Custody based on the offense type
 - Length of Community Custody varies based on the offense type and if sentenced to prison
- If a term of Community Custody is ordered, the Department shall supervise certain individuals based on type of offense and by risk level to reoffend

References RCW 9.94A.701, 9.94A.702, and 9.94A.501

When does Community Custody Start

- Upon completion of the term of confinement
- At time of sentencing if no term of confinement is ordered

Note: A consecutive Community Custody Term begins when the prior term ends.

Reference RCW 9.94A.707

What is Toll?

Generally, people think of:

- A charge to use a particular bridge or road
- A number of deaths, casualties, or injuries arising from a particular circumstance



What Is Tolling for Department of Corrections

- Time is paused and the individual does not receive credit towards a confinement or Community Custody term

Reference RCW 9.94A.171



Current Statute-Confinement

- Requires DOC to toll confinement for the following:
 - For any period of time when the individual absents themselves from confinement without prior approval
 - For any period of time the individual spends in total confinement for a new conviction

Current Statute-Community Custody

- Requires DOC to toll Community Custody for the following:
 - For any period of time the individual absents themselves from supervision without prior approval
 - For any period of time a sex offender is in confinement for any reason
 - For any period of time a non sex offender is in confinement for any reason except for time pending a violation hearing and for time serving a sanction for a violation of community custody

How Does the Department Toll?

1. Determine the start and end date for the term of Community Custody.

Start date of Community Custody

+ length of the term

= Scheduled End Date

2. Department determines the number of days the community custody is tolled (paused) and adjusts the Scheduled End Date for the period.

Example

- Start Date of Community Custody
 - 3/12/2019
- 12 month term of Community Custody
 - Initial Scheduled End Date
 - 3/12/2020
- Individual fails to report from 6/4/2019 to 8/10/2019 for 67 days
- Adjusted Scheduled End Date
 - 5/18/2020

Complexity of Tolling

People must understand the rules and actions that generate tolling start and end dates

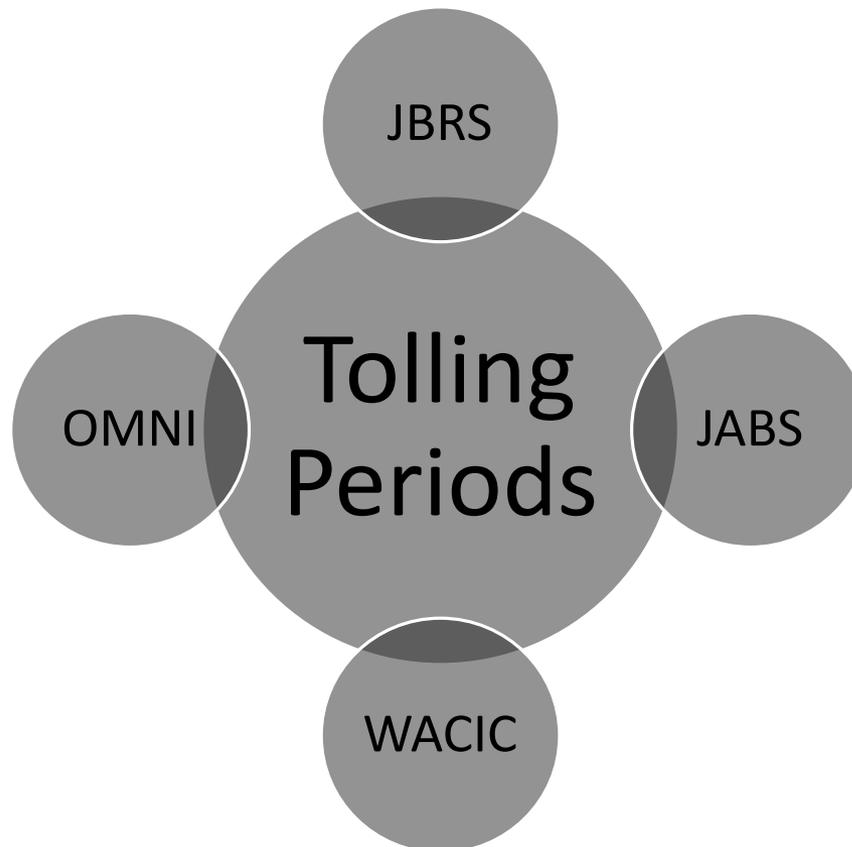
- Significant statute changes in 2012

Jails do not use a centralized data system

- DOC must call to confirm booking/release dates and to confirm the reason for the confinement

Complexity-Continued

Information required for tolling periods are not readily available in one data system



Data Systems

1. Jail Booking and Reporting System

Information must be confirmed to ensure it is related to the correct individual

Has no back up system if the data fails to refresh

2. Judicial Access Browser

Information from Superior, District, and Municipal Courts

Data Systems

3. Criminal History Background Checks ran through the Washington State Patrol
4. DOC Offender Management Network Information System
DOC System that is used to document case specific information
 - Case Managers document information/contacts regarding the individual

Accurate Scheduled End Dates

- Staff must reconcile information from multiple sources in order to determine tolling start and end dates so that the Scheduled End Dates are accurate
 - Staff are identifying the number of days that the individual has successfully and unsuccessfully served on supervision

- Tolling Example

Potential Future State

- Term of Community Custody will toll:
 - For the period of time the individual is on warrant status (DOC Secretary Warrant or Court Bench Warrant)
 - For the period of time the individual is serving confinement time as part of their original sentence
- Eliminates tolling for:
 - confinement for a new arrests
 - Confinement for non DOC sentences
 - Sex offender sanctions
- No proposed changes for tolling the term of confinement

Benefits of the Changes to Tolling

- Reduced complexity for:
 - Department of Corrections
 - Criminal Justice System Stakeholders
 - Individuals under the jurisdiction of DOC
- Creates transparency for all in scheduled end date calculations
- Greater focus on case management:
 - To instill pro-social behaviors through mentoring and coaching
 - To improve public safety
 - To positively change lives

Questions on Tolling

