

Alternatives & Eligibility - draft of 12.17.21	Program Overview	Intended Purpose	Statutory Eligibility Criteria: Current Offense	Statutory Eligibility Criteria: Prior Record	Statutory Eligibility Criteria: Prior Participation in Alternative	Any past or current efforts or entities looking at potential changes ?
SSOSA	Available for eligible individuals convicted of some sex offenses. Standard range sentence is suspended; court imposes a jail term of up to 12 months and conditions of the sentence may include inpatient and/or outpatient treatment. If individual does not comply, court may revoke the alternative and impose the suspended standard range sentence.	<p>Creation of SSOSA – SHB 1247 in 1984</p> <p>Sexual assault victim advocates were highly concerned about the deterring impacts a determinate model would have on victims seeking support and pursuing justice. The concerns were rooted in the knowledge that the majority of victims are children sexually assaulted by someone they know or to whom they are related. Children were placed in a position of reporting and potentially testifying against a caregiver or other known individual and this also placed the family stability (income and structure) in jeopardy; the rigid sentencing structure provided no consideration of these dynamics.</p> <p>Community treatment providers also expressed concern and their desire to preserve an emerging and promising treatment model. Together, advocates and treatment providers formed an alliance to influence the legislation. Responsive to these concerns and desiring an effective approach, the legislature crafted the SSOSA model. The Special Sex Offender Sentencing Alternative became part of the SRA legislation. The original purpose of SSOSA was to support and encourage family member victims to engage in the criminal justice system, knowing there was opportunity for the offender to receive treatment rather than exclusively a prison term. The creation of SSOSA met both the need to support reporting of familial sexual assault incidents and the preservation of community-based treatment for offenders. This was especially important with the elimination, through SRA, of the inpatient programs at Western State Hospital.</p>	<p>Current conviction of a sex offense that does not include any serious violent sex offenses or Rape in the second degree.</p> <p>If conviction results from a guilty plea, individual must voluntarily and affirmatively admit to committing all elements of the crime to which the individual is pleading guilty.</p> <p>Not have caused substantial bodily harm to victim.</p> <p>Alternative not available to offense charged under North Carolina v. Alford and State v. Newton.</p> <p>Individual must have had an established relationship with, or connection to, the victim such that the sole connection with the victim was not the commission of the crime.</p> <p>Individuals must also have a current offense and criminal history that permits the court to impose a standard range sentence of less than eleven years confinement and may not have any adult convictions for a violent offense that was committed within five years of the date of the current offense.</p>	<p>Person may not have any prior felony sex convictions.</p> <p>No prior adult convictions for a violent offense that was committed within 5 years of the current offense</p>		<p>Sex Offender Policy Board - Special Special Sex Offender Sentencing Alternative Review, 2013 Report https://sgc.wa.gov/sites/default/files/public/sopb/</p> <p>SOPB Findings and Recommendations for Improvements to the SSOSA Process (begin p. 29): <i>Clarify the statute language and/or emphasize adherence to the existing statutory language: "The offender had an established relationship with, or connection to, the victim such that the sole connection with the victim was not the commission of the crime."</i></p> <p><i>Reinstate the Dept. of Corrections supervision to the length of suspended sentence (pre-2001), thus eliminating lifetime supervision to non-revoked SSOSA recipients. This applies to Class A felony offenses.</i></p> <p><i>The state should strengthen oversight of the certification requirements of sex offender treatment providers. The Sex Offender Treatment Provider Advisory Committee should be reinstated and funded to carry out this responsibility.</i></p> <p>Additional concepts for consideration (begin p. 32): <i>Further explore prison-based SSOSA.</i></p> <p><i>Need for data collection and analysis.</i></p> <p><i>Community-based treatment for related crimes.</i></p>
pDOSa	Available for certain chemically dependent individuals. Sentence length may depart from the standard range and consists of a period of total confinement in a state facility for one-half the midpoint of the standard sentence range or 12 months, whichever is greater; and one-half the midpoint of the standard sentence range as a term of community custody, which must include appropriate substance abuse treatment.	The Drug Offender Sentencing Alternative (DOSa) is designed to provide substance use disorder treatment and community supervision for individuals diagnosed with a substance disorder who have committed a drug or other statutory eligible crimes. The goal of DOSa is to reduce or eliminate confinement time for individuals in exchange for full participation and completion of substance use disorder treatment and adherence to strict supervision requirements.	<p>maximum of the standard sentence range for the current offense is greater than one year</p> <p>current offense is not a violent offense</p> <p>current offense is not a sex offense (prior to 7-1-2021). Effective 7-1-2021, a sex offense that requires registration</p> <p>current offense does not have a weapon enhancement,</p> <p>current offense is not a felony driving while under the influence of intoxicating liquor or any drug,</p> <p>current offense is not a felony physical control of a vehicle while under the influence of intoxicating liquor or any drug, and</p> <p>if the current offense constitutes a violation under the Uniform Controlled Substance Act, the court must determine that the offense involved a small quantity of the controlled substance.</p>	<p>No prior violent offenses within ten years of the current offense,</p> <p>Have any prior sex offense (effective before 7-1-2021). No prior sex offense convictions for which the individual is currently required to register (effective 7-1-2021)</p> <p>Have any prior sex offense (effective before 7-1-2022). No prior sex offense convictions for which the individual is currently required to register (effective 7-1-2022)</p> <p>For individuals with a Robbery 2 in their criminal history (a violent offense), if the offense did not involve a weapon or was not reduced from Robbery 1, the person becomes eligible after 7 years, rather than 10 years.</p>	<p>Have not received more than one DOSa in the last 10 years</p>	<p>Upcoming Legislative Session: Drug Offender Sentencing Alternative for persons convicted of felony impaired driving offenses.</p>

			Individual is not subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence.			
rDOSA	Available for certain chemically dependent individuals. Sentence consists of a term of community custody equal to one-half the midpoint of the standard range sentence or two years, whichever is greater, conditioned on the individual entering and remaining in residential chemical dependency treatment for a period up to 6 months.	The Residential Drug Offender Sentencing Alternative is a court sentencing alternative that allows eligible individuals to receive residential substance use disorder treatment in the community in lieu of serving time in prison. The court-referred individual receives a substance use disorder assessment prior to sentencing and must agree to enter, participate and complete residential treatment in the community and abide by all other supervision requirements in order to successfully serve the entirety of their sentence in the community. Failure to participate, complete substance use disorder treatment or adhere to supervision requirements may lead to a revocation of the DOSA. The sentencing court is given statutory authority to revoke the DOSA.	midpoint of the standard range is twenty-four months (until 7-1-2021) and twenty-six months or less effective 7-1-2021, jail sentences eligible			
			current offense is not a violent offense	No prior violent offenses within ten years of the current offense,		
			Current offense is not a sex offense (prior to 7-1-2022). Effective 7-1-2022, a sex offense that requires registration	Have any prior sex offense (effective before 7-1-2022). No prior sex offense convictions for which the individual is currently required to register (effective 7-1-2022)		
			Current offense does not have a weapon enhancement			
			Current offense is not a felony driving while under the influence of intoxicating liquor or any drug,			
			Current offense is not a felony physical control of a vehicle while under the influence of intoxicating liquor or any drug, and			
			if the current offense constitutes a violation under the Uniform Controlled Substance Act, the court must determine that the offense involved a small quantity of the controlled substance.			
				For individuals with a Robbery 2 in their criminal history (a violent offense), if the offense did not involve a weapon or was not reduced from Robbery 1, the person becomes eligible after 7 years, rather than 10 years.		
	Individual is not subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence.					
Parenting Sentencing Alternative: FOSA	There are two alternatives to the Parenting Sentencing Alternative - FOSA and CPA. The Family Offender Sentencing Alternative (FOSA) is an alternative for parents of minor-aged children. Allows judges to waive a prison sentence for eligible individuals and impose 12 months of community supervision along with conditions for treatment and programming. An attorney for either the prosecution or defense refers the individual to the program. The supervision requirements for FOSA participants result from coordination between the Court and the assigned community corrections officer. Requirements are more individualized to each person for FOSA participants compared to CPA participants.	Passed in Washington State in 2010 to assist individuals who have minor children in their care with the reentry process by strengthening family bonds to ease the transition from incarceration to their homes and communities. The mission of the Parenting Sentencing Alternative is to build sustainable families, reduce intergenerational incarceration, reduce duplicative services, and maintain family and community safety. Goals include encouraging successful reentry, maintaining family units by providing structure and support, and intervening at the lowest level if violations occur.	for individuals who have physical custody of his or her minor child, is an expectant parent, or is a legal guardian of a minor child; or is a biological parent, adoptive parent, custodian, or stepparent with a proven, established, ongoing, and substantial relationship with the minor child that existed at the time of the offense			
			if the top end of the standard sentence range for the current offense is greater than one year			
			No current conviction for a violent offense			
			Current offense is not a felony offense where the person was armed with a firearm or other deadly weapon in the commission of the offense,	No prior conviction where the person was armed with a firearm or other deadly weapon in the commission of the offense,		
			Current offense is not categorized as a serious violent offense,	No prior conviction for serious violent offense		
			Current offense is not categorized a felony sex offense	No prior conviction for an adult felony sex offense		
				No prior convictions for an juvenile adjudication offenses classified as sex, serious violent, or the offense was committed while the individual was armed with a firearm or other deadly weapon.		
			signs release of information waivers required to allow info regarding current or prior child welfare cases to be shared with the department and the court.			
FTOW	FTOW is a sentencing alternative available for	Provides incentives to first time offenders so they will not	Current offense is not categorized as a violent offense	No prior felony offense	No deferred prosecution	

	<p>individuals convicted of their first felony offense. If imposed, the court waives the standard range and may sentence the individual up to 90 days confinement AND 6 months community custody, OR 12 months community custody if treatment is ordered.</p>	<p>commit additional crimes.</p> <p>FTOW offered sentencing options more inline with traditional probationary sentences.</p> <p>Original estimation was that 57% of convicted persons would receive a FTOW</p>	<p>Current offense is not categorized as a sex offense</p> <p>Current offense is not categorized as Manufacture, Delivery, or Possession with intent to Manufacture or Deliver a Controlled Substance Classified in Schedule I or II</p> <p>Current offense is not categorized as Manufacture, Delivery, or Possession with intent to Deliver Methamphetamine,</p> <p>Current offense is not categorized as Selling for Profit any Controlled Substance or Counterfeit Controlled Substance Classified in Schedule 1 (except for leaves or flowering tops of marijuana),</p> <p>Current offense is not categorized as Felony Driving while Under the Influence or Physical Control of a Vehicle while under the Influence</p>			
<p>Mental Health Sentencing Alternative</p>	<p>Available for individuals diagnosed with a serious mental health illness. If imposed, court waives the imposition of a sentence within the standard range and imposes a term of community custody between 12 and 24 months if the midpoint of the standard range is 36 months or less, and if over 36 months a term of community custody between 12 and 36 months. If the individual does not comply, the court may revoke the alternative and impose the standard range sentence.</p>	<p>Provides treatment and support for individuals with serious mental illness</p>	<p>have been convicted of a felony that is not a serious violent or sex offense;</p> <p>have been diagnosed with a serious mental health illness recognized by the diagnostic manual in use by mental health professionals at the time of sentencing;</p> <p>would benefit, along with the community, from supervision and treatment (as determined by the judge); and</p> <p>are willing to participate in the alternative.</p>			