

FOSA IS A POSITIVE SOLUTION FOR PUBLIC SAFETY

Research shows children of incarcerated parents are significantly more likely to end up in the criminal justice system themselves. The goal of this program is to help stop that cycle of criminal activity.



DEPARTMENT OF CORRECTIONS

Working Together for Safe Communities

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P377 (07/2010)



What you need to
know about the

Family & Offender Sentencing Alternative



Family & Offender Sentencing Alternative—Substitute Senate Bill 6639

WHAT IS THE FAMILY & OFFENDER SENTENCING ALTERNATIVE?

The Washington Legislature in 2010 approved SSB 6639, a bill supported by the Department of Corrections (DOC) and the Department of Social and Health Services (DSHS), that makes



some nonviolent offenders who have minor children eligible for supervision and treatment in lieu of prison. This bill creates an alternative that will be called the Family & Offender Sentencing Alternative or FOSA.

WHAT ARE THE SENTENCE OPTIONS?

FOSA allows judges to waive a sentence that is at the high end of the standard sentence range for the current offense that is greater than one year and impose 12 months of community custody along with conditions for treatment and programming for eligible offenders facing a prison sentence. Offenders will be supervised by a Community Corrections Officer who is responsible for a low, specialized caseload of offenders who are sentenced under FOSA.

WHICH OFFENDERS ARE ELIGIBLE FOR FOSA?

Offenders are eligible for FOSA if they meet the following conditions:

- Offender must have physical custody of minor child(ren) or be a legal guardian of a minor child with physical custody at the time of the offense
- The high end of the offender's sentence is more than one year
- Offender may not have current or prior convictions for a felony sex and/or violent offense
- Offender may not be subject to a deportation order
- Offender must sign a release of information waiver regarding current and/or prior child welfare cases to include tribal involvement.

IS THERE A FOSA OPTIONS FOR PEOPLE ALREADY IN PRISON?

Yes. The bill allows DOC to create a new Community Parenting Alternative (CPA) for eligible offenders. The Department may transfer the offender to the community under electronic monitoring to serve up to the last 12 months of his or her sentence. Offenders will be monitored by a Community Corrections Officers who is responsible for a specialized caseload. These cases will be screened for eligibility by DOC/DSHS with input from community stakeholders. Final approval will be granted by the DOC Secretary.

Please see the website for additional criteria.

CAN A FOSA/CPA OFFENDER BE REVOKED?

For FOSA, DOC will provide quarterly progress reports to the court regarding the offender's progress in programming, treatment and other supervision requirements. Judges have the authority to require the offender to appear at court to evaluate progress and can modify conditions or impose confinement within the standard range for the current offense. The time spent in the community will not be credited toward the confinement time.

For CPA, DOC hearings officers will conduct an administrative hearing to adjudicate any infraction behavior that occurs while on this alternative. CPA offenders may be returned to prison due to infraction behaviors.

WHEN CAN WE BEGIN USING FOSA/CPA?

The law is effective June 10, 2010. FOSA may be used for offenders who commit an offense on or after June 10, 2010.

WHAT HELPS DETERMINE IF FOSA/CPA IS APPROPRIATE?

Judges may request that DOC complete a risk assessment report or chemical dependency screening prior to sentencing. At the Court's request, the Children's Administration will inform the court if the agency has an open child welfare case or if there were prior substantiated referrals of abuse or neglect involving the offender. Children's Administration will provide a report to the court within seven business days.