

1 **H. B. 3206**

2
3 (By Delegate C. Miller)

4 [Introduced February 21, 2011; referred to the
5 Committee on the Judiciary.]
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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §62-12-29, relating
12 to recidivism reduction; providing definitions; implementation
13 of evidence-based practices to reduce recidivism; improvement
14 of policies and practices for crime victims; professional
15 development; data collection, analysis and research; and
16 agency reports.

17 *Be it enacted by the Legislature of West Virginia:*

18 That the Code of West Virginia, 1931, as amended, be amended
19 by adding thereto a new section, designated §62-12-29, to read as
20 follows:

21 **ARTICLE 12. PROBATION AND PAROLE.**

22 **§62-12-29. Recidivism Reduction.**

23 (a) Definitions -- As used in this section, unless the context
24 clearly requires a different meaning:

1 (1) "Agency" means:

2 (A) The Division of Probation Services or the state agency
3 responsible for supervising individuals placed on probation by the
4 courts or serving a period of parole or post-release supervision
5 from prison or jail; and

6 (B) Any regional, local or county governmental agencies
7 responsible for supervising individuals placed on probation by a
8 court or serving a period of parole or post-release supervision
9 from prison or jail, provided such agencies receive state funding.

10 (2) "Evidence-based practices" means supervision policies,
11 procedures, programs and practices that scientific research
12 demonstrates reduce recidivism among individuals on probation,
13 parole, or post-release supervision.

14 (3) "Community supervision" means:

15 (A) The placement of a defendant under supervision, with
16 conditions imposed by a court for a specified period during which:

17 (1) Criminal proceedings are deferred without an adjudication
18 of guilt;

19 (2) A sentence of imprisonment or confinement, imprisonment
20 and fine, or confinement and fine, is probated and the imposition
21 of sentence is suspended in whole or in part; or

22 (B) The placement of an individual under supervision after
23 release from prison or jail, with conditions imposed by the
24 releasing authority for a specified period.

1 ~~(4)~~(3) "Supervised individual" means an individual placed on
2 probation by a court or serving a period of parole or post-release
3 supervision from prison or jail.

4 ~~(5)~~(4) "Supervision officer" means a person appointed or
5 employed by the agency to supervise individuals placed on community
6 supervision.

7 ~~(6)~~(5) ("Criminal risk factors") means characteristics and
8 behaviors that when addressed or changed affect a person's risk for
9 committing crimes. Scientific research identifies these
10 characteristics and behaviors as including: Antisocial attitudes,
11 values, and beliefs; poor impulse control; criminal personality;
12 substance abuse; criminal peers; dysfunctional family; and lack of
13 employment or education.

14 ~~(7)~~(6) "Case plan" means an individualized accountability and
15 behavior change strategy for supervised individuals that:

16 (A) Targets and prioritizes the specific criminal risk factors
17 of the offender;

18 (B) Matches programs to the offender's individual
19 characteristics, such as gender, culture, motivational stage,
20 developmental stage and learning style;

21 (C) Establishes a timetable for achieving specific behavioral
22 goals, including a schedule for payment of victim restitution,
23 child support, and other financial obligations; and

24 (D) Specifies positive and negative actions that will be taken

1 in response to the supervised individual's behaviors.

2 ~~(8)~~(7) "Program" means an intervention that:

3 (A) Is intended to reduce recidivism by supervised
4 individuals; and

5 (B) Is funded ,in whole or in part, by the state or
6 administered by any agency of state government.

7 (C) "Program" does not include medical services.

8 (b) *Implementation of Evidence-Based Practices to Reduce*
9 *Recidivism.*

10 (1) The agency shall adopt policies, rules that within four
11 years of the effective date of this section result in at least X
12 percent of supervised individuals being supervised in accordance
13 with evidence-based practices.

14 (2) The policies, rules shall include:

15 (A) Adoption, validation and utilization of an objective risk
16 and needs assessment tool;

17 (B) Use of assessment scores and other objective criteria to
18 determine the risk level and program needs of each supervised
19 individual, prioritizing supervision and program resources for
20 offenders who are at higher risk to reoffend;

21 (C) Definitions of low, moderate and high risk levels during
22 the period of supervision;

23 (D) Development of a case plan, based on the assessment, for
24 each individual who is assessed to be moderate to high risk;

1 (E) Swift, certain, proportionate and graduated responses that
2 an agency employee will apply in response to a supervised
3 individual's compliant and noncompliant behaviors;

4 (F) Caseload size guidelines that are based on offender risk
5 levels and take into account agency resources and employee
6 workload; and

7 (G) Establishment of protocols and standards that assess the
8 degree to which agency policies, procedures, programs and practices
9 relating to offender recidivism reduction are evidence-based.

10 (3) Within four years of the effective date of this section,
11 X percent of state moneys expended on programs shall be for
12 programs that are in accordance with evidence-based practices.

13 (4) Within four years of the effective date of this section,
14 the agency shall eliminate supervision policies, procedures,
15 programs and practices intended to reduce recidivism that
16 scientific research demonstrates do not reduce recidivism.

17 (c) *Improvement of Policies and Practices for Crime Victims.*

18 The agency shall adopt policies, rules that improve crime
19 victim satisfaction with the criminal justice system, including:

20 (A) Payment by supervised individuals of victim restitution
21 and child support;

22 (B) The opportunity for victims to complete victim impact
23 statements or provide input into pre-sentence investigation
24 reports;

1 (C) Providing victims information about their rights and
2 services, and referrals to access those rights and services;

3 (D) Offering victims the opportunity to complete a "victim
4 satisfaction survey," with data used to measure agency performance;
5 and

6 (E) Facilitate victim-offender dialogue when the victim is
7 willing.

8 (d) Professional Development.

9 (1) The agency shall provide its employees with intensive
10 initial and on-going training and professional development services
11 to support the implementation of evidence-based practices.

12 (2) The training and professional development services shall
13 include assessment techniques, case planning, risk reduction and
14 intervention strategies, effective communication skills, substance
15 abuse and other topics identified by the agency or its employees.

16 (e) Data Collection, Analysis and Research.

17 (1) The Division of Corrections shall allocate a minimum of X
18 percent of its operating budget to support data collection,
19 analysis and research on supervision and programmatic
20 effectiveness.

21 (2) The Division of Corrections may form partnerships or enter
22 into contracts with institutions of higher education or other
23 qualified organizations for assistance with data collection,
24 analysis and research.

1 (f) Agency Report.

2 (1) By March 1 of each year, beginning in 2012, the agency
3 shall submit to the Governor, the Legislature and the judicial
4 branch a comprehensive report on its efforts to implement this
5 section. The report shall include:

6 (A) The percentage of supervised individuals being supervised
7 in accordance with evidence-based practices;

8 (B) The percentage of state moneys expended for programs that
9 are evidence based, and a list of all programs with identification
10 of which are evidence-based;

11 (C) Specification of supervision policies, procedures,
12 programs and practices that were eliminated;

13 (D) The results of victim satisfaction surveys administered
14 under subsection (c) of this section;

15 (E) The agency's recommendations for resource allocation and
16 any additional collaboration with other state, regional or local
17 public agencies, private entities, or faith-based and community
18 organizations.

19 (2) The agency shall make the full report and an executive
20 summary available to the general public on its website.

NOTE: The purpose of this bill is to provide for implementation of evidence-based practices to reduce recidivism. The bill provides for improvement of policies and practices for crime victims. The bill further provides for professional development and data collection, analysis and research.

This section is new; therefore, it has been completely underscored.