

**Washington State Criminal Sentencing Task Force
Reentry & Reducing Recidivism Working Group
Meeting Summary: August 24, 2020
Digital Conferencing Technology**

Attendees:

- Nick Allen, *Interests of Incarcerated Individuals*
- Lydia Flora Barlow, *Statewide Reentry Council*
- Russ Brown (alt. for Jon Tunheim), *Washington Association of Prosecuting Attorneys*
- Suzanne Cook, *Statewide Family Council*
- Representative Roger Goodman, *Washington State House of Representatives, Democratic Caucus*
- Sonja Hallum, *Washington State Office of the Governor*
- Martina Kartman, *Interests of Crime Victims*
- Representative Brad Klippert, *Washington State House of Representatives, Republican Caucus*
- Chris Poulos (alt. for Lydia Flora Barlow), *Statewide Reentry Council*
- Chief James Schrimpsheer, *Washington State Fraternal Order of Police*
- Secretary Steve Sinclair, *Washington State Department of Corrections*
- Clela Steelhammer (research/data support), *Caseload Forecast Council*
- Jon Tunheim, *Washington Association of Prosecuting Attorneys*

Guests:

- Representative Lauren Davis
- Brooke Davies
- Carl Filler
- Brittany Lovely
- Peggy Papsdorf

Facilitation Team: Molly Stenovec, Amanda Murphy, Maggie Counihan, and Hannah Kennedy

WELCOME & AGENDA REVIEW

Molly welcomed Reentry and Reducing Recidivism Working Group (RWG or working group) members, alternates, and guests and reviewed the meeting agenda. Amanda and Molly briefly walked working group members thorough the Task Force’s September schedule and working plan. Depending on the RWG’s progress today, the working group will either present their third and final offer at the September 10th or September 17th Task Force meeting.

REVIEW AND DISCUSSION OF RECOMMENDATIONS IN PROGRESS

Molly walked the RWG through updated versions of several potential recommendation. Working group members asked clarifying questions and determined whether the potential recs were ready to be presented to the full Task Force. The RWG’s questions/comments/responses are summarized below, organized by potential recommendation.

Potential Recommendation #6: *Create a process which allows for individuals to request relief of interest on restitution.*

Molly noted the Brennan Report provided to the working group by a professor from University of Washington and asked if the group needs more information before presenting this potential recommendation to the Task Force.

- A member noted that they thought the recommendation would actually eliminate the 12% interest rate.
- Another member mentioned that relief of interest is currently only for those who are released.
- There is a difference between process for requesting relief and full elimination of interest, and some groups could not support eliminating the interest rate.
- Another member asked if there is room for something between a process and the complete elimination. Members agreed to have further discussion about it.

Action item: Nick Allen, Suzanne Cook, and Jon Tunheim will discuss this recommendation and report back to the working group at its 9/3 meeting.

Potential Recommendation #7: *Reestablish a statute of limitations on collection of LFOs: The Department of Corrections (DOC) must supervise the offender's compliance with payment of the legal financial obligation for 10 years following conviction or 10 years after the offender is released from total confinement, regardless of the statutory maximum for the crime. If the obligation is not paid 10 years after the offender has been released, the court may extend jurisdiction for an additional 10 years. The DOC is not responsible for supervising the offender during the additional period.*

Molly asked if the group wanted to make any modifications to this potential recommendation before bringing to the full Task Force.

- A member said they had understood the potential recommendation to be broader than how it is currently written and asked if it would be worth a fuller discussion to shorten the length of time (that DOC must supervise compliance with LFO payment), particularly as related to costs and fines.
- Amanda asked if the working group if this potential recommendation would need more time to refine, so perhaps might not make sense to have as a part of the December report.
- A member suggested two ways to approach this potential recommendation: have conversations over the next couple weeks, or months, to craft the policy language. Other members liked this idea.
- Amanda asked if the group is alright keeping the recommendation broad for now and planning to work over the coming weeks to make it more specific. Members said they were okay with a broad recommendation for now and that these conversations are open to others who want to be involved.

Action item: Nick Allen, Jon Tunheim, and Suzanne Cook will discuss this potential recommendation and how to shorten it.

Community Supervision

Potential Recommendation #12: *Simplify tolling of supervision terms to provide clarity and transparency regarding end dates for supervision and access to reentry services. Terms of supervision shall be tolled for:*

- *any period of time when an individual has absented themselves from supervision without the prior approval of the entity in whose custody the individual has been placed,*
- *during which a Secretary's Warrant has been issued;*
- *a period of time for which a Bench Warrant has been issued as specified by the court;*
- *while an individual is serving confinement time as part of the original sentence;*

- *gross misdemeanor conviction including pre-sentence confinement if the detention is longer than 30 days;*
- *any period of time in confinement for a subsequent felony conviction (including pre-sentence confinement as confirmed by the detaining facility,*
- *a return per RCE 9.94A.633, or*
- *reclassification per RCW 9.94A.660/664)*

Molly noted that the facilitation team suggested the edit “to provide clarity and transparency” after listening to questions about how this potential recommendation would affect individuals on supervision and hearing responses regarding truth in sentencing. She asked the group if they are ok with that edit.

- A member noted that the tolling request DOC is moving ahead with will be a little different than what is written in this potential recommendation due to budget reduction goals.
- The group discussed the differences between what DOC submitted to the Office of Financial Management (OFM) and this potential recommendation; the bullet on gross misdemeanors was not in the DOC submittal.
- Molly mentioned that point was sent to the facilitation team and Amanda asked the working group if they were ok with presenting this potential recommendation to the Task Force. The group agreed to bring it to the Task Force.

Action item: Sec. Sinclair will talk to folks at DOC to get DOC perspectives on including 30+ days of confinement for gross misdemeanor convictions and confirm tolling events in proposed budget submitted to the Governor’s office.

Roles for Victims in Release and Reentry

Potential Recommendation #14: *Create an accessible, clear, transparent, and meaningful notification process for all named victims when someone is released into the community or transferred to work release, either via local authorities or Department of Corrections.*

Specific suggestions:

- There must be an option to opt in or out of notification at any stage of the criminal justice system process;*
- Written notices must be in plain language without legal jargon;*
- Written notices must be professionally translated by certified interpreters into the victim/survivor’s first language;*
- Verbal communication must be accompanied with a certified interpreters or qualified interpreter in cases when a certified interpreter is not available;*
- There must be notification options via mail, email, text or a phone call;*
- When the information is available, named victims must receive notification at least 90 days prior to a transfer to a work release facility, release to the community or other jurisdiction, addresses being investigated for release of sex offenders, or escorted leave. When information is not available 90 days prior, notification will be sent to named victims at the earliest possible date. Victim notification requirements should not lead to delay in release from incarceration or supervision.*
- Notification must be sent in multiple formats with references to a list of resources including local victim agencies, restorative justice opportunities, and clarity about hearings (see more below).*
- Department of Corrections victim services advocates must be included in the notification process and public disclosure exceptions should be expanded to cover them.*

Molly mentioned discussion the group had at its last meeting, asked members to focus on subpoint f, and asked if they had any additional modifications.

- Members discussed subpoint f and said it was helpful the language “at the earliest possible date” was included.
- Another member noted that making the notification process available in multiple languages and through other methods than are currently used would improve public safety.
- The working group agreed to bring this potential recommendation to the Task Force.

Potential Recommendation #18:

Expand eligibility and access for crime victims’ compensation, and remove barriers faced by the most marginalized survivors. Further widen the safety net for individuals who have no other way to pay expenses resulting from harm to ensure that all victims and survivors receive the support they need to heal and restore a sense of stability in the aftermath of harm. This requires changes to the Crime Victim Compensation program in the following ways:

1. *Expand qualifying harms to include physical injury or mental health trauma as a result of victims of police violence and their families (not dependent on whether there is an arrest or prosecution);*
2. *Bar denial based solely on the contents or absence of a police report and subsequent cooperation with the investigation, and allow WACVC to rely on documentation other than a police report to verify that a crime occurred (i.e., reports from mental health or victim service providers; medical or physical evidence; a restraining order; witness testimony; other evidence), extending flexibility already available to survivors of domestic violence, sexual assault, and trafficking. Bar denials for noncooperation with law enforcement if the survivor has taken actions to support their safety or healing (e.g., seeking mental health or medical treatment, accessing victim services, getting a restraining or protective order), or based on a survivor’s interactions with law enforcement at the scene of the crime.*
3. *Eliminate time period for submission of an application for benefits;*
4. *Eliminate exclusions for survivors or victims’ families who are incarcerated and injured or killed by DOC staff or incarcerated persons during their incarceration;*
5. *Eliminate exclusions for survivors or victims’ families who are injured or killed while committing a felony;*
6. *Eliminate exclusions for individuals who have a criminal conviction;*
7. *Eliminate exclusions for those who owe restitution or fines;*
8. *Eliminate exclusions as the result of your provocation or incitement, and for all survivors, narrow discretion to deny a claim based on perceptions of the victim’s involvement, end compensation denials based on the victim’s alleged actions.*
9. *Increase access to WACVC for individuals or family members who may not be a direct victim but are witness to harm (children exposed to family violence);*
10. *Expand coverage to include more than 12 sessions of grief counseling or mental health treatment;*
11. *Eliminate barriers for eligible low-income applicants by providing an option for crime victim compensation to be paid through a debit card restricted to approved services (like a health spending account);*
12. *Prior to determination of denial, require WACVC office to inform applicants of reasons for potential denial and allow 90-day opportunity to submit additional documentation, provide signature or clarify questions. If denied, provide applicant contact information for victim advocate and legal services providers to counsel application on appeals process;*
13. *Providing resources for qualified interpreters for both the application process and accessing service providers;*
14. *Increase funding and resources to community-based groups and WACVC office to inform the public of these resources through commercials, online resources, and more.*

Molly noted that group members had concerns with some specifics of this potential recommendation and asked if anyone had suggestions or modifications after talking to their respective constituencies.

- Some members said they could not support the potential recommendation as currently written.
- Others said they could support pieces but that some of the language would need to be changed for their constituency to support the full recommendation.
- Amanda asked if members could live with the general part of the recommendation and they said the general part was fine, and that the details were the difficult part.
- Members asked to review each subpoint to get a sense of which all the members support and which ones raise objections. Below is a summary of that discussion:
 - #1: One member had thumbs down. The group discussed potential fiscal impacts of expanding the qualifying harms and some see this as outside the Task Force's scope. The group also discussed justified and unjustified use of force.
 - #2: This tries to remove barriers for people, because lots of folks don't call the police. Others noted they liked the intent of it, but would like more clear and concise language.
 - #3: The timeframe is 2 or 5 years; putting a timeframe on grief is difficult. A member asked: if an application was submitted before conviction, could amounts be added later? Two members agreed to research that question.
 - #4: Members had similar discussions as they did with #1.
 - #5: Members asked for time to think about this one and for more information to be gathered on it before the group's next meeting.
 - #6: Members were mostly in support of this
 - #7: Members expressed support
 - #8: Members expressed support
 - #9: Members expressed support
 - #10: Members expressed support
 - #11: Members expressed support
 - #12: Members expressed support
 - #13: Members expressed support
 - #14: Members expressed support.

NEXT STEPS & ACTION ITEMS

Molly noted the group still needs discuss potential recommendation #24 and receive more information about #27. The group will discuss both these at its 9/3 meeting.

- **Nick Allen, Jon Tunheim, & Suzanne Cook** will work to provide some additional specificity to recommendations #6 & #7. Specifically:
 - rewrite/refine potential rec #6 to include a process for granting discretion for relief. Current rec reads: Create a process which allows for individuals to request relief of interest on restitution.
 - potential rec #7: further define parameters or something to ensure finality regarding to payment of LFOs. Current rec reads: Establish a statute of limitations on collection of LFOs to ensure finality.
- **Sec. Sinclair:** get DOC perspectives on including 30+ days of confinement for gross misdemeanor convictions and confirm tolling events in proposed budget to Gov. office (potential rec #12)
- Follow up related to suggestions with the WA Crime Victims' Compensation fund:
 - **Chief Schrimpsheer, Jon, & Martina** will further clarify sub-bullet #2 to articulate the intent of increased documentation options. *Currently reads: Bar denial based solely on the contents or absence of a police report and subsequent cooperation with the investigation,*

and allow WACVC to rely on documentation other than a police report to verify that a crime occurred (i.e. reports from mental health or victim service providers; medical or physical evidence; a restraining order; witness testimony; other evidence), extending flexibility already available to survivors of domestic violence, sexual assault, and trafficking. Bar denials for noncooperation with law enforcement if the survivor has taken actions to support their safety or healing (e.g. seeking mental health or medical treatment, accessing victim services, getting a restraining or protective order), or based on a survivor's interactions with law enforcement at the scene of the crime.

- **Russ** will gather information on existing process of adding restitution (sub-bullet #3).