

**Washington State Criminal Sentencing Task Force**  
**Reentry & Reducing Recidivism Working Group**  
**Meeting Summary: August 10, 2020**  
Digital Conferencing Technology

**Attendees:**

- Nick Allen, *Interests of Incarcerated Individuals*
- 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*
- Mac Pevey (alt. for Secretary Sinclair), *Washington State Department of Corrections*
- Chris Poulos (alt. for Lydia Flora Barlow), *Statewide Reentry Council*
- Clela Steelhammer (research/data support), *Caseload Forecast Council*
- Secretary Steve Sinclair, *Washington State Department of Corrections*
- Chief James Schrimpscher, *Washington State Fraternal Order of Police*

**Guests:**

- Representative Lauren Davis
- Whitney Hays
- Susie Leavell
- Brittany Lovely
- Geoff Nelson
- Peggy Papsdorf
- Sarah Systma

**Facilitation Team:** Molly Stenovet, Chris Page, and Maggie Counihan

**WELCOME & AGENDA REVIEW**

Molly welcomed Reentry and Reducing Recidivism Working Group (RWG or working group) members, alternates, and guests. She reviewed the agenda for this and the next two working group meetings. The meeting focus was a presentation from DOC's Reentry Division and reviewing and discussing potential recommendations related to roles for victims during release and reentry.

Molly and Chris reminded the group to think about what potential recommendations need the Task Forces' support and what their respective constituencies plan on putting forth regardless of support from the Task Force.

**PRESENTATION – DEPARTMENT OF CORRECTIONS (DOC) REENTRY DIVISION:** *Presenters: Whitney Hays, Susie Leavell, Sarah Systma*

Molly reminded the working group that members requested this presentation to have more information before finalizing potential recommendations for the Task Force to consider for consensus in the fall. Sec. Sinclair mentioned that DOC provided a lot of information by email in the hopes of helping the working group understand what DOC is doing.

*Below is a high-level summary of the presentation.*

- The Reentry Division has three sections: Operations, Service alignment, Administrative/Programs

Operations:

- Work/Training release (WTR): 12 program facilities, existed since 1967. DOC is starting to work toward making the facilities more part of the community, but has had to make a 19% reduction in WTR capacity due to COVID-19.
- Parenting Sentencing Alternative (PSA): operating for around 10 years. 78% of participants complete the programs, only 11% have a return to prison rate.
- Graduated Reentry (GRE): started in September 2018. Have had 485 total participants with 403 successful completions, using a coaching model.
- Individual reentry plans (IRPS): a three-step process (prepare, transition, stabilization) Is intended to start from entrance into the system, to build skills as participants go through the program.
- Veterans services: established the first prison-based American Legion post, identify veterans' benefits that need to be stopped when entering the system and restarted when released.

Service Alignment:

- Executive Order 16-05: directed state agencies to
  - Create fewer barriers to housing, employment, and other needs for incarcerated individuals reentering communities.
  - Work collaboratively and create mechanisms to allow individuals to prescreen for federal and state benefits before leaving a correctional facility.
- Via a partnership with the Department of Licensing (DOL), this program issued 2,000+ ID's in FY2020
- Modifications to child support: 97% of new parental admissions were reached by Division of Child Support in the first 18 months of the program, resulting in \$112,000 in reduction of missed payments per month.
- Cash food benefits: Piloted at two correctional facilities. 100% of individuals released due to COVID-19 received applications.
- Housing vouchers: these average about 320 per month, and an average of 21% of releases utilize an Earned Release Date voucher.

Administrative/Programs:

- Vocational education: over 16,000+ participants in educational programs, looking to expand the internet pilot, and looking into wi-fi at work release facilities.
  - Correctional industries (CI): 2,100 incarcerated workers as of May 2020
    - TRAC (Trades-Related Apprenticeship Coaching is a program at WCCW (Washington Corrections Center for Women) and Mission Creek, an eight-week program that has produced 154 graduates with about 5% recidivism rate.
    - Workforce development: 75% employment for releases.
  - Case management services: The Washington ONE risk-needs-responsivity (RNR) assessment tool was implemented in December 2017, with eight needs/goal domains. It provides a foundation for individualized case planning.
  - Cognitive behavioral intervention (CBI): 100% utilization before COVID-19 and 62% utilization during COVID-19 (where program exists). This is a program that DOC continues to focus on.
  - Strength in families (SIF): this is a federal grant that provides parenting classes
- Reentry outlook: DOC is working to enhance its partnerships with the WA Dept. of Transportation and community partnerships/organizations and make greater utilization of technology.

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**Q:** Is the GRE policy signed and complete? **R:** It is not finalized yet, but DOC hopes to have it finalized soon. Even though it is not finalized, the program is still functioning.

**Q:** How many people have gone through the GRE program? **R:** The total so far is 485 participants. It is not as much as we would like.

**C:** A member wanted to know how many people are given the opportunity to go through the program.

**R:** Susie noted they are working to get the program to the larger population of incarcerated persons, but don't yet have the level of staffing they need.

**Q:** A member had a question about why programs are being assigned if it is holding up people to release. **R:** Sometimes people don't want to go through the CBI program even though they need to. We have room to grow, to get people going at a faster pace through the programs.

**Q:** Can there be a faster way to get people out of isolation faster? **R:** We look to reduce individuals' time in isolation as much as possible.

**Q:** GRE success is based on who completes the GRE without violation(s), and not a recidivism rate, correct? **R:** We are talking about individuals who get through the GRE spectrum and successfully reenter.

Molly thanked the guests from DOC for the presentation and asked the working group to think about possible changes to potential recommendation #21. Chris asked if there is one in the group that can't live with potential recommendation #21:

*Support partnerships among Department of Corrections, Reentry Council, Department of Commerce, and entities delivering vocational/education programming to increase access to skill building opportunities, both while individuals are incarcerated and on supervision, and connect individuals with employment opportunities upon release. Increase funding and accessibility for vocational training and education within DOC facilities and jails.*

- **Q:** Is the goal to develop specific policy recommendations related to the general recommendation?
- **R:** We can always use more support/resources to get resources to individuals, but I'm not sure what we could get from this general of a recommendation.
- **C:** A member noted that there is a spectrum of recommendations and this one seems really general.
- **C:** A member noted the Executive Order 16-05 directs the Reentry Council to do specific things related to this recommendation.
- **C:** A member noted that it might require a budget request to enable other entities to provide programming because DOC already has programs in place.

Action Item: Chris Poulos said he would be able to add more specifics to this recommendation.

#### **POTENTIAL RECOMMENDATIONS: ROLES FOR VICTIMS DURING RELEASE & REENTRY**

Molly reminded the group to think about recommendations "good enough" for the Task Force to review and consider aiming for a balance of high-level guidance and specific guidance. Martina noted that some of the potential recommendations she had developed might not be the right fit for this group and that would be fine. She convened groups of victims' and survivors' advocates to help craft these recommendations.

#### **POTENTIAL RECOMMENDATION #14:**

*Create a clear, transparent and meaningful notification process for all named victims. This means:*

- a. There must be an option to opt in or out of notification at any stage of the criminal justice system process;*
- b. Written notices must be in plain language without legal jargon;*

- c. *Written notices must be professionally translated by certified interpreters into the victim/survivor's first language;*
- d. *Verbal communication must be accompanied with a certified interpreters or qualified interpreter in cases when a certified interpreter is not available;*
- e. *There must be notification options via mail, email, text or a phone call;*
- f. *Named victims must receive notification 90 days prior regarding transfer to a work release facility, release to the community or other jurisdiction, addresses being investigated for release of sex offenders, or escorted leave;*
- g. *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); and*
- h. *Department of Corrections victim services advocates must be included in the notification process and public disclosure exceptions should be expanded to cover them.*

Discussion:

- **Q:** Is this recommendation specifically for individuals at DOC? **R:** I think that folks meant it for everyone, but really when something is changing in someone's sentence.
- **C:** A member said they appreciate where victims are coming from, but it could delay release of individuals. **R:** Martina said that it's not the intent to delay release.
- Molly asked if the first sentence be the policy and the points below would be specific suggestion? Martina said she liked that idea.
- **C:** A member they don't know if it wants to be a post sentence recommendation or across the whole system. **R:** I can bring this question back to the advocate group
- **C:** Clela noted that a prior notification system about work release held up releases. The RCW 72.09 explains the notification requirement.

Action Items: Martina will reword this recommendation. Sec. Sinclair will work with Martina on notification ideas.

**POTENTIAL RECOMMENDATION #15:**

*Increase accessibility to victims and their families for therapy, case management, moving costs if needed, and connection to community-based organizations and victim advocates to create safety plans, emotional support maps, and wellness resources.*

Discussion: Chris asked the working group if there were any reservations about bringing this to the Task Force. Request to add the phrase "outside of CVC" (Crime Victims Compensation) and with that, members agreed the potential recommendation was ready for the Task Force.

**POTENTIAL RECOMMENDATION #16:**

*Expand the opportunity for victims to be consulted on restorative justice and offered an opportunity for restorative justice if that would aid in their healing. Allow community-based organizations to facilitate restorative justice processes when a person is incarcerated, work release, in community supervision or upon their reentry. Would require that:*

1. *The court of conviction automatically temporarily lift or modify no contact orders and notifies Department of Corrections and DOC automatically temporarily lift prohibited contact order for the discrete purpose of restorative justice dialogue at a survivor's request;*
2. *Provide resources and facilitation training/capacity building for community-based organizations to facilitate these processes. DOC not to facilitate the processes themselves.*

Discussion: Martina noted that there are times the court won't lift a no contact order even if both individuals want it lifted.

- **Q:** Are you talking about the RJ (restorative justice) umbrella as a whole or specifically VOD (victim-offender dialog)? **R:** The group stayed away from that phase because it is starting to be used less. The group agreed to forward this potential recommendation to the Task Force for review.

**POTENTIAL RECOMMENDATION #17:**

*CLARITY FOR VICTIM TESTIMONY - Communicate clear boundaries and expectations for victim testimony and impact statements. This means:*

1. *For notification in the case of release or potential release, named victims should be notified of opportunities to communicate their needs related to reentry conditions in cases involving victim injury. A clear statement of the purpose of reentry conditions should benefit victims by making the process more transparent and not raising expectations.*

Discussion: Martina noted it would be helpful to get clearer about specifics.

**POTENTIAL RECOMMENDATION (not numbered since it got combined with another potential recommendation)**

*Increase resources and capacity building support for culturally relevant, community-based anti-violence agencies and for community members to engage in robust prevention, and intervention including flexible financial assistance.*

The group decided to combine this recommendation with potential recommendation #15.

**POTENTIAL RECOMMENDATION #16:**

*Expand the opportunity for victims to be consulted on restorative justice and offered an opportunity for facilitated dialog if that would aid in their healing. Allow community-based organizations to facilitate these processes when a person is incarcerated, work release, in community supervision or upon their reentry. Would require that:*

1. *The court of conviction automatically temporarily lift or modify no contact orders and notifies Department of Corrections and DOC automatically temporarily lift prohibited contact order for the discrete purpose of restorative justice dialogue at a survivor's request (with approval from DOC Victims Services);*
2. *Provide resources and facilitation training/capacity building for community-based organizations to facilitate these processes. DOC not to facilitate the processes themselves.*

The group agreed to forward 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.

#### Discussion:

- Martina noted this is pulled from California legislation. She noted that it also contains things related to federal legislation, but they tried to leave those out of the list.
- C: A member noted that they are glad to see a long list of what will have to be negotiated.
- Martina said that people shared reasons why they didn't access services due to specific eligibility rules.
- C: Members noted they would have to talk to their groups but said that the CVC is a limited fund.
- Martina noted that they didn't want to create more pressure on courts to collect funds.

#### **POTENTIAL RECOMMENDATION (not numbered since the RWG opted not to bring to Task Force)**

*Explore alternatives to mandatory arrest requirements for police officers responding to domestic violence incidents. An alternative response would include:*

1. Center survivor safety and self-determination;
2. Involves meaningful input from the alleged victim regarding what intervention they need or prefer;
1. Increased training for first responders regarding the elements and characteristics of stalking, strangulation, power and control dynamics;
2. Developing a method to separate parties for a "cooling off" period that does not automatically result in arrest, and prosecution.

Discussion: The group discussed that there is legislation being worked on currently. Based on this, the group opted not to bring this potential recommendation to the Task Force.

**POTENTIAL RECOMMENDATION #19:**

*Provide relief to criminalized survivors preventing further victimization of individuals who have endured domestic and sexual violence at the hands of their abusers by creating meaningful opportunities for pre and post arrest diversion, resentencing and record sealing for individuals who committed crimes due to coercion by an abuser, and against or at the behest of an abuser.*

1. *Allow prosecuting attorneys and judges to reduce prison sentences and redirect sentencing from incarceration to community-based programs, which has proven far more effective in rehabilitating survivors;*
2. *Permit currently incarcerated survivors to apply for resentencing and earlier release due to their prior victimization;*
3. *Create process for record sealing.*

Discussion:

- A member said they would like to see information from New York related to this.
- Molly asked if this potential recommendation would fit better with the Sentencing Effectiveness Working group (SEWG). Martina said it would fit with both working groups, so the facilitation team asked her to present it to SEWG.

**POTENTIAL RECOMMENDATION #20:**

*Expand Community Parenting Alternative and Family Offender Sentencing Alternative (FOSA):*

1. *Explore sponsor requirements to make them more inclusive to DV survivors and former foster care youth so that parents are not penalized for not having extended family and supportive co-parents to sponsor them;*
2. *Eliminate blanket restrictions for individuals with violent offenses, and undocumented individuals*

Discussion:

- A member noted that the undocumented restrictions have already been removed.
- E2SSB Bill 5291 made changes to “current or prior” for both the firearm deadly weapon enhancements, and expanded FOSA and the Community Parenting Program.
- Martina noted a difference in feasibility and values.
- It was noted that there are member concerns related to #2.

**POTENTIAL RECOMMENDATION #21:**

*Create pathway for domestic violence survivors who do not have an attorney to apply for a domestic violence protection order (DVPO) from prison in preparation for their release.*

Martina noted a desire for victims to have the ability to apply for a DVPO before the release of the incarcerated individual to the community. She also mentioned that her advocate group said courts wait until there is “current harm” before being able to apply.

The group agreed to forward this potential recommendation to the Task Force.

**POTENTIAL RECOMMENDATION #22:**

*Increase communications and streamline processes regarding potential changes to no contact orders and prohibited contact. Specifically:*

1. *Streamline the process to lift or modify no contact orders when it is victim-initiated;*

2. *Provide timely notice of modification and termination of no contact orders to victims so they have an opportunity to contest.*

Discussion:

- **C:** A member said that for him it is related to the mandatory arrest discussion.
- **C:** Another member requested more information.
- **C:** Some issues could be related to the notification system for DV.

**NEXT STEPS & ACTION ITEMS**

- **Sec. Sinclair, Chris Poulos, & Nick Allen:** will add specific suggestions to policy recommendation #21, particularly considering opportunities to scale up some of the programs, etc. in Executive Order 16-05 (Building Safe and Strong Communities Through Successful Reentry).
- **Sec. Sinclair and Martina Kartman** will talk about how to improve the mechanics of the notification process.
- **Martina & Clela** on potential recommendation #14: revise notification timeline so that victims and survivors have notice of when someone will be coming back to community without also extending an individual's time of incarceration.
- **Facilitation Team:** integrate "resources and capacity building support for culturally relevant, community based, anti-violence agencies for community members to engage in robust prevention and intervention including flexible financial assistance" into policy rec #15.
- **Martina:** add language re: how rec #15, 17, 22 meets policy goals of the Task Force.
- **All:** review possible changes (1-14) to Crime Victims' Compensation fund with constituencies, provide specific suggestions to Reentry WG at 8/24/20 meeting.
- Alternatives to mandatory arrest: workgroup does not recommend developing a recommendation, but **Jon Tunheim, Russell Brown, Chief Schrimpsheer, Martina Kartman** would like to work with **Rep. Goodman** and **Rep. Davis** to address this since those two Representatives indicated their intent to develop a bill.
- **Facilitation Team:** present rec #19, #20 to SEWG
- **All:** review rec #20 and come to 8.24 Reentry WG meeting with specific suggestions/modifications.