

**Washington State Criminal Sentencing Task Force  
Reentry & Reducing Recidivism Working Group  
Meeting Summary: September 3, 2020  
Digital Conferencing Technology**

**Attendees:**

- Nick Allen, *Interests of Incarcerated Individuals*
- Suzanne Cook, *Statewide Family Council*
- Representative Roger Goodman, *Washington State House of Representatives, Democratic Caucus*
- Representative Brad Klippert, *Washington State House of Representatives, Republican Caucus*
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- Mac Pevey (alt. for Secretary Sinclair), *Washington State Department of Corrections*
- 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
- Carl Filler
- Brittany Lovely

**Facilitation Team:** Molly Stenovec, Amanda Murphy, Chris Page, and Hannah Kennedy

**WELCOME & AGENDA REVIEW**

Molly welcomed Reentry and Reducing Recidivism Working Group (RWG or working group) members, alternates, and guests. She thanked folks for their work in between meetings, said today's goal is to get through nine recommendations, and discuss the potential recommendation emailed by a guest at the August Task Force meeting. Amanda briefly reviewed the Task Force working plan and September schedule.

**REVIEW AND DISCUSSION OF RECOMMENDATIONS IN PROGRESS**

**Potential Recommendation #6: Address interest on restitution:**

- *Change current law to give judges the discretion to impose interest on restitution, rather than it being mandatory.*
- *Where imposed, allow accrual of interest to begin following release from the term of total confinement.*
- *Lower the current 12% interest rate.*
- **C:** If this recommendation were to move forward, several details would need to be fleshed out.

- **C:** Based on past legislative attempts to adjust interest rates, technical barriers may prevent clerks from tracking multiple interest rates, meaning the interest rate would either have to be eliminated or left the same. **R:** Some working group members expressed that such a computing problem could be overcome.
- **Q:** Are we talking about giving the judges the option to impose interest on restitution? **R:** Increased judicial discretion would allow judges to determine a) whether interest applies, b) when the interest starts to accrue, and c) if the interest can be waived due to an individual's inability to pay.
- **Q:** Would imposing interest be an opt-in or opt-out decision for judges?

*Action item: The working group agreed to bring this recommendation before the full Task Force.*

**Potential Recommendation #7:** Address the courts' statute of limitations to enforce collection of Legal Financial Obligations (LFOs).

- Reduce available time for which the court has jurisdiction to collect LFOs
- Give court discretion to retain jurisdiction where restitution is owed and there is a willful failure to pay
- **C:** The only concern I have is about those who might try to dodge payments by simply letting the clock run out; I'm glad we added the language about "willful failure to pay."

*Action item: The working group agreed to bring this recommendation before the full Task Force.*

### 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 (**bold = in 2021-23 Biennium Budget Reduction Strategy**, underlined = suggested revisions to RCW 9.94A.171):

- 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, (has absconded from supervision),
- **while an individual is serving confinement time as part of the original sentence;**
- 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;
- any period of time in confinement for a subsequent felony conviction (including pre-sentence confinement as confirmed by the detaining facility,
- a return per RCW 9.94A.633, or
- reclassification per RCW 9.94A.660/664).
- **C:** As part of budget reduction exercises, the Department of Corrections (DOC) contemplated limiting tolling to just individuals who have absconded. This would greatly reduce complexity for DOC staff and would save costs, as the Department currently dedicates 40 FTE to conducting tolling/supervision calculations.
- **C:** The working group also talked about tolling for gross misdemeanors, but DOC staff noted this could increase complexity as the Department does not receive all information on misdemeanors, and because people charged with minor offenses are often in and out of custody and can have alternatives to confinement not always served in continuous amounts.

*Action Item: The working group agreed to remove the bullet point suggesting tolling for confinement greater than 30 days (including pre-sentencing) for gross misdemeanors and will present the revised recommendation to the full Task Force.*

**Potential Recommendation #13:** *Because addressing liability concerns will be an important element of any new supervision model, parties directly affected should address this issue and keep the Task Force updated on their work.*

Molly summarized the RWG's discussion of tort reform/liability concerns to date. Since any reform efforts would need to engage non-Task Force parties, the working group revised this recommendation to denote general support for ongoing and future efforts aimed at addressing liability concerns related to a new supervision approach. Representative Goodman and Senator Dhingra recently met with Washington's plaintiff's bar. The legislators suggested progress could be made on this issue; it has been 15-20 years since tort reform has been addressed and most parties seem open to further discussion.

- **Q:** Are we really recommending anything here, or are we just noting this needs attention? **R:** Several working group members agreed that #13 read more as a statement rather than a policy recommendation.
- **C:** The perception of liability risk may guide DOC supervision staff decisions, so this issue needs work. We want to make sure DOC staff make the right decisions for individuals under supervision rather than focusing on risk aversion.
- **Q:** Could this get added as a contextual bullet point to the potential recommendation addressing DOC's community supervision model? **R:** The Task Force could add it as a note on that potential recommendation, but if it doesn't get included as a stand-alone recommendation the final report should highlight it, since liability concerns are an important issue for at least two Task Force members.
- **C:** Survivors' voices should also be included in any discussion of liability concerns.

Action Item: The working group agreed to ask the full Task Force to include the issue of tort reform/liability concerns in the final report narrative.

**Potential Recommendation #18 (yellow highlighted text = new revisions as of 9/2):** *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.*

- **Q:** How does the working group feel about this recommendation? Are these items within the scope of this Task Force? **R:** These are vital issues, but this Task Force may not be the appropriate forum to address them.
- Representative Goodman indicated he would like to convene a separate legislative working group to address the victim compensation issues.
- **C:** Some of these bullet points may be non-starters for certain parties but I think folks should be able to reach common ground around the highlighted points.
- **C:** This conversation should include Labor and Industry.

*Action Item: The working group agreed to hold off present this recommendation to the full Task Force. The Facilitation Team will follow-up with members representing crime victims to determine whether this potential recommendation is within the scope of the Task Force.*

**Potential Recommendation #24:** *In circumstances where there will not be adverse impacts to victims or survivors, increase Department of Corrections ability to consider factors which will increase opportunities for successful reentry and long-term support (e.g., proximity to programs, resources, family and pro-social relationships, housing, employment, etc.) when determining release locations.*

- **C:** This recommendation should call out the county of origin statute ([RCW 72.09270](#)). The county of origin (defined as where an individual receives their first adult felony conviction) statute determines where an individual can be released, but does not take time or residency into consideration.
- **C:** There may be opposition to eliminating the county of origin statute, particularly from larger counties (e.g., King, Pierce, etc.). There would likely be more support for amending the statute to allow DOC more discretion.
- **Q:** Why is this an issue for some counties? **R:** Based on population, there is a perception that King and Pierce Counties receive the majority of releases—and by eliminating or altering the county of origin statute, these counties worry they would receive more individuals released from incarceration.

- **C:** Anecdotally, it seems the counties are most anxious about individuals released after serving time for sexually violent crimes. Perhaps we could consider amending the statute to make a distinction based on the type of underlying crime.
- **Q:** How many people get released in each county?

*Action Item: Mac Pevey will gather data on the number of DOC releases by location. [COMPLETE]*

*Action Item: The working group agreed to revise the recommendation, calling out RCW 72.09270, and will present the latest version to the full Task Force.*

**Potential Recommendation #27:** *Increase the delivery of and access to (both while individuals are incarcerated and on supervision) vocational/educational programming that has been proven effective at promoting successful reentry and connecting individuals with employment opportunities upon release. Specifically:*

- *Support the development of a program delivery action plan among DOC, Reentry Council, Department of Commerce, and entities delivering vocational/educational programming.*
- *Increase funding to support the capacity and infrastructure needed to increase accessibility for vocational training and education within DOC facilities and jails.*
- *Provide the necessary funding to increase the delivery and access to advanced trade/job skills training programs such as TRAC and higher education.*
- *Provide the necessary funding to support the ability of community organizations to help facilitate successful reentry programs. For example, the Dept. of Commerce and Reentry Council is currently administering grants to community organizations including DADS, Tacoma Urban League, House of Mercy, Freedom Project, and Revive Reentry. These grants provide for the basic needs of people exiting, or who have recently exited correctional facilities, including but not limited to: housing, transportation, cell phone, and groceries.*

Chris Poulos described the Reentry Council's grant program to support community-based programming. He noted that the Council would like to see more programming in the community to support individuals.

- **C:** Although we are in a budget crisis that will likely last for some time, it is important to note that recidivism has a public financial cost and by supporting individuals with communications, housing, job training, and other needs, we can ensure more folks successfully reenter the community, ultimately reducing costs.

*Action Item: The working group agreed to present this potential recommendation to the full Task Force.*

**Potential Recommendation #29:** *Support current and ongoing efforts to develop incentives for businesses and organizations which hire individuals who complete vocation/educational programming while incarcerated.*

Chris Poulos noted that this potential recommendation was left intentionally broad, simply asking the Task Force to recognize and support the need for gainful employment upon reentry, because several entities (i.e., the Reentry Council and others) are already doing this work.

- **C:** At least one member suggested creating a tax incentive for hiring, similar to one that exists at the Federal level. Others felt more comfortable leaving this potential recommendation broad.

*Action Item: The working group will present this potential recommendation to the full Task Force.*

**Potential Recommendation #30:** *Support efforts to address housing concerns for individuals impacted by the criminal justice system. This includes:*

- *Legislative efforts to address landlord practices that exclude individuals with any arrest record or conviction record from rental housing.*
- *Current and ongoing efforts (among DOC, Reentry Council, Dept. of Commerce) to increase access to safe, affordable, and quality housing options for individuals upon reentry.*
- *Developing incentives for reentry housing providers and landlords.*
- *Providing housing assistance.*
- *Increasing opportunities for vacant buildings/units to be developed into reentry housing.*
- *Establishing performance-based criteria for contracts with reentry housing providers.*

Chris Poulos noted that the Reentry Council is working to improve access to housing upon reentry and that the Council welcomes ideas and feedback.

- **C:** If the recommendation *mandates* landlords to allow individuals with past incarceration to rent housing, I don't think I could support it and believe it would be a non-starter for other Task Force members. **R:** The recommendation is not that specific. Currently, there is no guidance at the state level on if/when/how individuals with records can be barred from housing.

*Action Item: The working group agreed to present this potential recommendation to the full Task Force.*

#### **LETTER FROM MEMBER OF THE PUBLIC**

After the RWG finished reviewing the remaining potential recommendation, Molly asked the group for input on a letter submitted to them by a member of the public. Molly briefly reviewed the letter, which asked the group to consider drafting a potential recommendation related to lifetime supervision terms. She also noted that DOC proposed eliminating lifetime supervision terms as part of a potential cost-saving strategy. Ultimately, the working group agreed that the issue of lifetime supervision terms was best considered by the Sentencing Effectiveness Working Group.

#### **NEXT STEPS AND ACTION ITEMS**

- **The RWG** will present their third and final offer of potential recommendations at the 9/10 (and possibly 9/17) Task Force meetings.
- **The Facilitation Team** will follow-up with Martina Kartman about potential recommendation #18 possibly being outside the scope of the Task Force. (Done)
- **Mac Pevey** will compile data on the number of DOC release by location.