

Washington State Criminal Sentencing Task Force  
DRAFT Potential Recommendations for Discussion at September 17, 2020 ZOOM Meeting

**\*Note: Potential Recommendations are listed in the order they will be discussed during the meeting.**

**POTENTIAL RECOMMENDATION #32:**

(Review at 9.17.20 Task Force meeting)

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.
- a) **Reduces complexities and errors:** Changing this process will increase likelihood of receipt of the notification and ensuring that it's meaningful for named victims.
  - b) **Improves effectiveness of the sentencing system:** see a.
  - c) **Promotes/improves public safety:** Named victims need sufficient notice to allow opportunity to move, make safety plans etc. Victim/survivor safety is an essential part of reentry.

**POTENTIAL RECOMMENDATION #34:**

(Review at 9.17.20 Task Force meeting)

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

- The court of conviction automatically temporarily lift or modify no contact orders and

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- 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);
- Provide resources and facilitation training/capacity building for community-based organizations to facilitate these processes through coordination with the Department of Corrections or local jurisdictions.
    - a) **Reduces complexities and errors:** Increases the timeframe for when a victim/survivor could request a facilitated dialogue.
    - b) **Improves effectiveness of the sentencing system:** National data suggests VOD can improve satisfaction of the process, especially in cases of serious crimes.
    - c) **Promotes/improves public safety:** Facilitated dialogues can ease the transition of reentry for incarcerated individuals and victims and survivors; increase satisfaction in the process, and aid in the development of reentry plans.

**POTENTIAL RECOMMENDATION #35:**

(Review at 9.17.20 Task Force meeting)

Increase clarity and purpose for victim testimony during sentencing and release decisions: Communicate clear boundaries and expectations for victim testimony and impact statements and how that information will be considered. This means:

- 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.
- a) **Reduces complexities and errors:** Will make the process more transparent for victims and increase understanding of how information they provide will be considered.
- b) **Improves effectiveness of the sentencing system:** see above
- c) **Promotes/improves public safety:** see above

**POTENTIAL RECOMMENDATION #36**

(Review at 9.17.20 Task Force

meeting)

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.

- a) **Reduces complexities and errors:** Will reduce challenges for domestic violence survivors to apply for and receive a domestic violence protection order while still incarcerated.
- b) **Improves effectiveness of the sentencing system:** will provide increased opportunities for domestic violence survivors to have a DVPO in place upon their release.
- c) **Promotes/improves public safety:** will provide increased opportunities for domestic violence survivors to have a DVPO in place upon their release.

**POTENTIAL RECOMMENDATION #37**

(Review at 9.17.20 Task Force

meeting)

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

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

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- Provide timely notice of modification and termination of no contact orders to victims so they have an opportunity to contest.
- a) **Reduces complexities and errors** Changing this process will increase likelihood of receipt of the notification and ensuring that it's meaningful for named victims.
- b) **Improves effectiveness of the sentencing system:** see above.
- c) **Promotes/improves public safety:** See above. Victim/survivor safety is an essential part of reentry.

**POTENTIAL RECOMMENDATION #27:**

*(Second review at 9.17.20 Task Force*

*meeting)*

Develop and implement a formal motivational & coaching focused supervision model, which includes trauma informed care and core correctional practices and allows for a more responsive and individualized case management approach to facilitate successful transitions and reentry to the community. This supervision model should consider staffing needs, caseload, and program/service delivery, including how community corrections officers dress during routine home and work checks.

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.

- a. **Reduces complexities and errors:** N/A
- b. **Improves effectiveness of the sentencing system:** Focusing correctional & reentry programming and practices on these needs [thinking patterns, substance addictions, etc.] can help build a roadmap for creating individualized case plans and identifying interventions that will be most effective in reducing recidivism." CSG Reentry Matters, 2018.
- c. **Promotes/improves public safety:** Opportunity to refocus and reframe DOC work to align a supervision model to research from the Sentencing Guidelines Commission. Allow flexibility to respond to specific individual needs. First year of release is a critical time.

**POTENTIAL RECOMMENDATION #38:**

*(Review at 9.17.20 Task Force meeting)*

Support Department of Corrections programs and policy changes which increase opportunities and accessibility for family engagement, when appropriate, during reentry planning.

- a) **Reduces complexities and errors:**
- b) **Improves effectiveness of the sentencing system:**
- c) **Promotes/improves public safety:** Family engagement during reentry planning can promote healthy families and reduce recidivism. There are some circumstances when this is not advisable: i.e., no contact order, ongoing abusive relationships, certain victim circumstances, etc.

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**POTENTIAL RECOMMENDATION #39:**  
*(Review at 9.17.20 Task Force meeting)*

Amend 72.09.270(8)(a) related to County of Origin to allow: 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 (eg proximity to programs, resources, family and pro-social relationships, housing, employment, etc) when determining release locations.

- a) ***Reduces complexities and errors:***
- b) ***Improves effectiveness of the sentencing system:*** In circumstances where there will not be adverse impacts to victims or survivors, proximity to family and programs and resources upon release can increase opportunities for successful reintegration into the community upon release.
- c) ***Promotes/improves public safety:*** See above.

**POTENTIAL RECOMMENDATION #40:**  
*(Review at 9.17.20 Task Force meeting)*

Support policy changes and establishment of criteria which allow individuals to engage with faith leaders, mentors, and/or volunteers prior, during, and following release.

- a) ***Reduces complexities and errors:*** Currently, DOC can make exceptions for individuals to maintain relationships post-incarceration. This recommendation supports the development of criteria/protocols for communications and interactions among volunteers, staff, and individuals post incarceration.
- b) ***Improves effectiveness of the sentencing system:*** Promotes successful reentry by enabling individuals to build and maintain relationships while incarcerated and upon release.
- c) ***Promotes/improves public safety:*** see above.

**POTENTIAL RECOMMENDATION #41:**  
*(Review at 9.17.20 Task Force meeting)*

Continue to provide resources for the Statewide Reentry Council and Department of Commerce to partner with community organizations which provide reentry services, mentorship, and credible messaging to individuals prior, during, and following release. Prioritize support to organizations which employ people with lived experience.

- a) ***Reduces complexities and errors:***
- b) ***Improves effectiveness of the sentencing system:***
- c) ***Promotes/improves public safety:***

**POTENTIAL RECOMMENDATION #42:**  
*(Review at 9.17.20 Task Force meeting)*

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:

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- Support the development of a program delivery action plan among Department of Corrections, 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 Corrections, Dept. of Commerce, & Reentry Council are currently administering grants to community organizations such as 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, groceries.
  - a) **Reduces complexities and errors:**
  - b) **Improves effectiveness of the sentencing system:**
  - c) **Promotes/improves public safety:** Investments in skills training provides pathways to employment for individuals post-incarceration.

**POTENTIAL RECOMMENDATION #43:**

*(Review at 9.17.20 Task Force meeting)*

Provide resources to DOC and community-based organizations to continue and expand comprehensive and individualized reentry planning. This includes:

- Planning for incarceration period and reentry;
- Treatment for substance addictions and/or mental health services, if applicable;
- Appropriate sequencing of programs and training;
- Opportunities for engagement with family and community-based organizations (if appropriate); and
- Connections to employment opportunities, housing, housing assistance programs, and reentry programs/services.
  - a) **Reduces complexities and errors:**
  - b) **Improves effectiveness of the sentencing system:**
  - c) **Promotes/improves public safety:** Providing substance use and mental health treatment to all who need it upon system entry will increase institutional safety, productivity, and ultimately promote successful reentry and healthier families and communities.

**POTENTIAL RECOMMENDATION #44:**

*(Review at 9.17.20 Task Force meeting)*

Support current and ongoing efforts to develop incentives for businesses and organizations that hire individuals who complete vocation/educational programming while incarcerated.

- a) **Reduces complexities and errors:**
- b) **Improves effectiveness of the sentencing system**
- c) **Promotes/improves public safety:**

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**POTENTIAL RECOMMENDATION #45:**

*(Review at 9.17.20 Task Force meeting)*

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, or public land to be developed into reentry housing.
  - Establishing performance-based criteria for contracts with reentry housing providers.
- a) **Reduces complexities and errors:** Will reduce complexities and barriers facing individuals as they seek to find and secure housing after release from incarceration.
  - b) **Improves effectiveness of the system:** Individuals with safe and secure housing situations are better able to address other needs such as mental health and substance use treatment, employment, and healthcare.
  - c) **Promotes/improves public safety:** Individuals with safe and secure housing are better able to positively reengage with their families and communities.