

**Washington State Criminal Sentencing Task Force**  
**Meeting Summary: September 17, 2020 | 8:45am-12:45pm**  
 Virtual Meeting via ZOOM

**Task Force Member & Alternates Attendees:**

- Judge Veronica Alicea-Galvan
- Nick Allen
- Lydia Flora Barlow, Co-Chair
- DeVitta Briscoe (alt. for Martina Kartman)
- Russ Brown (alt. for Jon Tunheim)
- Sarai Cook (alt. for Tarra Simmons)
- Suzanne Cook
- Lew Cox
- Sen. Manka Dhingra
- Rep. Roger Goodman, Co-Chair
- Keri-Anne Jetzer (alt. for Judge Rumbaugh)
- Martina Kartman
- Gregory Link
- Mac Pevey (alt. for Sec. Sinclair)
- Christopher Poulos (alt. for Lydia Flora Barlow)
- Judge Roger Rogoff
- Judge Stanley Rumbaugh
- Sec. Stephen Sinclair
- Chief James Schrimpscher
- Melody Simle (alt. for Suzanne Cook)
- Tarra Simmons
- Nick Straley (alt. for Nick Allen)
- Clela Steelhammer (alt. for Elaine Deschamps)
- Councilmember Derek Young

**Additional Participants:**

- Devon Adams
- Michael Althausen
- Megan Allen
- Christopher Bonnington
- Jeri Costa
- Tinisha Ferguson
- Kelsey-Anne Fung
- Omeara Harrington
- Jaime Hawk
- Davina Kerrelola
- Lauren Knoth
- Sheila Lewallen
- James McMahan
- Bridget Molina
- Lisa Mulligan
- Peggy Papsdorf
- Waldo Ramsey
- Dan Satterberg
- Joanne Smieja
- Karlina Tasker
- Lauren Taylor
- David Trieweiler
- Matt Tremble
- Kehaulani Walker
- Adrienne Wentworth
- Shannon Wilson

**Facilitation Team:** Amanda Murphy, Chris Page, Molly Stenovec, Hannah Kennedy, Maggie Counihan – William D. Ruckelshaus Center

**MEETING GOALS:** • Check-ins and updates from members • Present and discuss “third offer” of potential recommendations from Working Groups • Review upcoming Task Force meetings and overall work plan

**WELCOME, REVIEW AGENDA and GROUND RULES**

Amanda welcomed Task Force members, alternates, guests, introduced the Facilitation Team and reminded participants that the meeting was being recorded for posting on TVW. Chris reviewed key ground rules and noted the recent article in the Seattle Times about DOC proposed budget cuts. Amanda reviewed the agenda: the meeting would focus on a “third offer” of potential recommendations from both Working Groups.

**INTRODUCTIONS**

Task Force members and alternates introduced themselves and shared organizational affiliations and constituencies they represent on the Task Force. Amanda and Chris reminded observers they could send questions to the facilitation team through chat or save them for the time reserved at the end of the meeting.

- Sarai Cook is the new alternate for Tarra Simmons.

### **CO-CHAIR UPDATES**

Rep. Goodman, Jon Tunheim, and Lydia Flora Barlow noted the tremendous amount of work being done and thanked Task Force members and alternates for their time and effort.

### **FACILITATION TEAM UPDATES**

Amanda reminded the Task Force it would have two monthly meetings from September through December. The meeting on 10/1 will focus on a “final offer” of potential recommendations from the Working Groups.

### **“THIRD OFFER” OF POTENTIAL RECOMMENDATIONS & DISCUSSION**

Amanda reminded the Task Force that she and Chris will read each potential recommendation, members and alternates will have time for discussion, and then Task Force members (or alternates, if member of a certain position were not present) would indicate their support for the proposed recommendation via a “temperature read” process of showing thumbs-up, thumbs-down, or thumb-sideways.

### **Potential Recommendation #32:**

*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.*

### Discussion:

- Members discussed adding the words “maintain” or “enhance” to address work already being done by DOC victims services.
- Members also mentioned clarifying that this applies to the end of sentences and it is not meant to delay release.
- The current system is an opt-out notification system and that it is important to have updated contact information.

**Consensus Practice:** The “temperature read” had 16 thumbs up.

**Potential Recommendation #34:**

*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 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.*

Discussion:

- Members expressed support for restorative justice (RJ) and facilitated dialogues but said currently volunteers face barriers when doing RJ work, including the ability to scale up and provide more opportunities for individuals interested in engaging in the process.
- Members had concern about lifting no-contact orders and how the courts or judges would receive notification, mentioning the need for a statutory change.
- Members suggested to have approved RJ programs listed as exceptions to lifting no-contact orders. The policy could keep a no-contact order in place and allow RJ as an option for people who were interested.
- Action item: a few members will work together to address implementation strategies.

**Consensus Practice:** The “temperature read” had 10 thumbs up and 4 sideways.

**Potential Recommendation #35:**

*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.*

Discussion:

- Members want to make sure people are aware of role Judges have when making pre vs. post-trial release decisions.
- Members want victims/survivors to have a clear understanding of their right to make a statement and would like to make sure there is guidance for them without telling them what they can or cannot say.
- Members expressed support for the principle of this potential recommendation but were not sure how it would be legislated.

**Consensus Practice:** The “temperature read” had 8 thumbs up and 6 sideways.

**Potential Recommendation #36:**

*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.*

Discussion:

- Currently, individuals in prison cannot apply for a DVPO while in confinement.
- A member articulated concern about potential power/control imbalance that could exist.

**Consensus Practice:** The “temperature read” had 8 thumbs up and 4 sideways.

**Potential Recommendation #37:**

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

Discussion:

- Members agreed to table this potential recommendation.

**Potential Recommendation #38:**

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

Discussion:

- Members tended to favor this recommendation, explaining that family support is a critical part of successful reentry.

**Consensus Practice:** The “temperature read” had 12 thumbs up.

**Potential Recommendation #39:**

*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.*

Discussion:

- Current law says an individual is release to the county of their first felony. They noted that it does not take into account if a person has a support system elsewhere, which is what this potential recommendation is asking for.

**Consensus Practice:** The “temperature read” had 13 thumbs up and 1 sideways.

**Potential Recommendation #40:**

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

Discussion:

- Those types of relationships are conducive to successful reentry and DOC plans to move forward with these internally.
- Members asked if DOC might have liability issues here; a waiver of liability or a similar mechanism might be needed.
- A member asked, “if it gets resolved prior to the Task Force’s final report, does it need to be included?” Some members said it would be important to include it in the report to help hold institutions accountable.

**Consensus Practice:** The “temperature read” had 11 thumbs up and 1 sideways.

**Potential Recommendation #41:**

*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.*

Discussion:

- Members discussed also listing “Department of Corrections” in the potential recommendation because DOC partners with reentry services and provide grants and contracts.
- There were questions if research is available about employing people with lived experiences. Lauren Knoth (WSIPP, or Washington State Institute for Public Policy) said there is available research. She will look for it and provide it to the Facilitation Team to distribute to the Task Force.

**Consensus Practice:** The “temperature read” had 12 thumbs up 2 sideways.

**Potential Recommendation #42:**

*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 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.*

Discussion:

- This requires resources and the state is facing a budget crisis; however, there will not always be a budget crisis and it may be less expensive to invest in these areas in the long run.
- Members asked if there will be a prioritization of the potential recommendations. Amanda noted that all the potential recommendations are interconnected and that prioritizing some recommendations over others could erode trust within the group.
- There was a suggestion to call out WA State Student Achievement Council and the State Board of Community and Technical Colleges in the first sub-point since both agencies are involved in educational programming.

**Consensus Practice:** The “temperature read” had 13 thumbs up

**Potential Recommendation #43**

*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.*

Discussion:

- Members cited the need to think about equitable distribution of resources to community organizations.
- Members agreed to combine this potential recommendation with #42.

**Potential Recommendation #44:**

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

Discussion:

- On this potential recommendation, the Reentry Working Group wanted the Task Force's help.
- Members wanted to discuss more about potential incentives.
- A member suggested approaching this in a similar way as post-conviction review: the Task Force would put the idea forward and someone else would work on the details.

**Consensus Practice:** The "temperature read" on supporting the suggested approach had 13 thumbs up.

**Potential Recommendation #45**

*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.*

Discussion:

- The Reentry Council has found that the lack of safe housing is a primary barrier to successful reentry.
- There may be legislation regarding the first sub-point.

**Consensus Practice:** The "temperature read" had 10 thumbs up.

**WORKPLAN, REFLECTIONS, ACTION ITEMS, & NEXT STEPS**

Amanda reminded the Task Force the next meeting is October 1 at 8:45am.

**QUESTIONS FROM OBSERVERS**

Molly shared questions and comments from guests that had been sent in through chat.

- A guest suggested creating a fact sheet to provide to victims and survivors regarding potential recommendation #35.
- Another commented about the importance of keeping recommendations in the report even if there are no resources available now.
- A guest asked where the recommendations come from. Amanda noted they get discussed first in the working groups and come from members/alternates and their constituencies.

**ADJOURN**