

**Washington State Criminal Sentencing Task Force  
Reentry & Reducing Recidivism Working Group  
Meeting Summary: June 29, 2020  
Zoom Digital Conferencing Technology**

**Attendees:**

- Mac Pevey
- Jon Tunheim
- Chief James Schrimpsker
- Sec. Steve Sinclair
- Martina Kartman
- Suzanne Cook
- Rep. Brad Klippert
- Rep. Roger Goodman
- Rep. Lauren Davis (Guest)
- Brittany Lovely (Guest)

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

**WELCOME & INTRODUCTIONS**

Molly welcomed working group members and thanked them for their hard work. Amanda reviewed the agenda and asked members what they feel is most important for the full group to bring forward to the full Task Force—as opposed to the legislative priorities of individual member organizations.

Working group members reviewed potential recommendations about relief from legal financial obligations (LFOs) and community supervision that had outstanding questions/input from the full Task Force. Discussion summary below.

**Potential Recommendations – Relief from Legal Financial Obligations**

*Potential Recommendation 2: Automatic Waiver of existing non-restitution interest.*

- Task Force Input: does the constitutional prohibition of “gifting” money to the people apply?
  - Members asked legislative or judicial staff to do research on “gifting” to address this.

*Potential Recommendation 6: Fine adjustment*

- Task Force Input: most cases are settled in plea agreements, with the expectation the person has considered their ability to pay, but an individual’s circumstances can change.
  - There is currently no specific statute to ask for a waiver of fines; most are discretionary. There is a statute related to costs.
  - Members discussed changing the recommendation to acknowledge the creation of statutory authority to waive fines. All agreed.
  - Potential recommendation was changed to: “create statutory authority for courts to review and adjust or waive fines”.

*Potential Recommendation 7: Transfer of LFOs to collection agencies*

- Members discussed when and why LFOs are transferred to collection agencies. It varies widely, based on the type of court and what county it is in.
- A member asked if they could get information on each county’s practice to determine what needs to be addressed. Others agreed that more information would be helpful.
- Suggestion: make the recommendation more of a general principle instead of a specific mandate—members agreed, and changed the potential recommendation to: “consider developing and implementing guidance for local jurisdictions to follow governing the transfer of LFOs to collection agencies.”

## Potential Recommendations – Community Supervision

*Potential Recommendation 1: 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.*

- Input from the Task Force: need additional information how motivational/coaching approach is guided by research and data.
- The facilitation team had combined two previous recommendations into one and members had no objections to the language.
  - This potential recommendation is central to the Task Force and could be more concrete.
  - Funding will be challenging because of the current economy.
  - **Q:** If custody time lessens, funds could be saved and put towards a coaching model? **R:** We have talked about this idea, commonly called justice reinvestment.
  - People who leave incarceration should have what they need to lead successful lives.
  - It could be difficult to ask community corrections officers to change to a coaching style.
  - Members discussed previous comments around separating enforcement and case management. Noted it could be a challenge to put it into operation.
  - A member noted the recommendation is focusing on non-violent offenders.
- For a potential recommendation on home and work supporting successful reentry, members suggested it fit better into a agency-implemented policy change instead of a legislative recommendation.

*Potential Recommendation 4: Simplify tolling of supervision terms by limiting tolling to absconders.*

- Task Force Input: concern around the elimination of all tolling events, recognition of administrative challenges for short (1-2 day) tolling events. What additional tolling events could continue?
- Mac Pevey shared changes to the draft tolling statute:
  - It takes away the 1-2 days stays and provides clarity for the department and staff.
  - Tolling would happen if the Secretary (of the Department of Corrections) issues a warrant, if a bench warrant is served, if individuals are serving confinement time as part of an original sentence, and for any period of confinement time for a subsequent felony.
- Members discussed and agreed to update the potential recommendation based on the changes: *“simplify tolling of supervision terms: terms of confinement shall be tolled for any period of time when an individual has absented themselves from supervision without 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; and 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)”.*
- The Task Force will review the updated potential recommendation at its next meeting.

*Potential Recommendation 5: Tort Reform*

- Members discussed needing more time to develop a recommendation, suggesting gathering more information and having presentations from the Attorney General’s office on the topic.
- This is a complex topic and will be a vital piece of a new supervision model.
- A member suggested a side group to discuss tort reform in a parallel process. While another member noted concern about the process of utilizing a side group, the working group tentatively agreed to it.

### **Potential Recommendations – Voting**

The group discussed restoring voting rights to incarcerated persons. A member noted that the Legislature considered a bill on this last session, and that a legislator has plans to introduce a similar bill in the coming session. Working group members agreed for the facilitators to call the group member who suggested the potential recommendation to see if they would be content to let the legislative process play out on this.

**Remaining Potential Policy Change Categories** – Rehabilitative Programs & Services; Community-Based Involvement; Tort Reforms; Human-Centered Approach; Change Terminology of “Offender”

- Members will review the potential recommendations and get back to the group with thoughts.

### **Adjourn**