

Washington State Criminal Sentencing Task Force
Reentry & Reducing Recidivism Working Group
Meeting Summary: June 15, 2020
Digital Conferencing Technology

Attendees:

- Nick Allen, *Interests of Incarcerated Individuals*
- Dianne Ashlock (research/data support), *Caseload Forecast Council*
- Sonja Hallum, *Washington State Office of the Governor*
- Representative Brad Klippert, *Washington State House of Representatives, Republican Caucus*
- 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*
- Jon Tunheim, *Washington Association of Prosecuting Attorneys*

Guests:

- Brittany Lovely

Facilitation Team: Molly Stenovec, Amanda Murphy, Chris Page and Maggie Counihan

WELCOME & AGENDA REVIEW

Molly welcomed the Reentry and Reducing Recidivism Working Group members and guests and reviewed the agenda. Chris noted that the working groups may be looking at potential policy recommendations that individual entities would push forward regardless of whether the Task Force reached consensus. He asked the group to think about which recommendations need to be brought to the larger Task Force with the knowledge of the time constraints on members and the Task Force as a whole. Amanda asked the group to think about what recommendations they need to be united on to have the strength to move them forward.

COMMUNITY SUPERVISION

Mac Pevey presented potential recommendations for Community Supervision. Below is a list of the recommendations (not in a ranked order) and the comments, questions, and responses for each.

Potential recommendation: Supervision should be based on an individual's Risk, Needs, and Responsivity (RNR) and research and evidence-based practices, and not solely on their conviction(s).

- Mac noted that the current Revised Code of Washington (RCW) specifies certain offenses as eligible for supervision by crime type or the sentencing alternative they receive.
- Gaps exist at the time of sentencing as to whether someone is going to get supervision.
- An RNR approach should inform who, how, and how long to supervise someone.
- Pre-sentence investigations give a lot of the needed information and there is a benefit to getting that information up-front.

Questions/Comments/Guidance:

C: The potential recommendation should not say "expanding range," it should be based on an individual's RNR assessment. There may need to be another recommendation around pre-sentence investigation (PSI). **R:** Another member said they would support a recommendation for more PSIs.

C: This potential recommendation may need additional organizations to assist the Department of Corrections (DOC) with some elements of supervision.

Q: At what point in time is someone's risk gauged to determine their needs? **R:** At a practitioner level supervision is looked at an alternative way to achieve accountability (prosecutors used to only have incarceration as an option). Supervision should be an option for all felonies, which would allow prosecutors more options besides incarceration. Prosecutors use RNR to figure out what is the intensity of the supervision.

C: A member mentioned they are not a fan of supervision in its current form, having heard from people in it who report not having much constriction on folks.

Q: What would you like to see supervision look like? **R:** The case management system needs to be developed.

C: Another member said they want to help incarcerated individuals prepare for life after incarceration by having them spend less time behind bars and making sure help is provided afterwards.

C: There are things we can improve upon regarding supervision. To support individuals in reentry, we can come up with new options.

C: Another member suggested focusing on county jails and people who leave there or cycle through, when discussing expanding the range of individuals under supervision. **R:** Thank you for bringing up the individuals in jail because I think they get forgotten sometimes.

C: A member said their concerns are with supervision overall and the disproportionate impacts of sanctions associated with supervision.

Potential recommendation: Early access to reentry services for all individuals being released from confinement associated with felony convictions. Services are currently prioritized based on release date. Some counties do not have a lot of resources and some fear having specific treatments available (e.g., sex offender treatment).

Questions/Comments/Guidance:

C: There are certain things need to be done upfront, such as addressing untreated substance abuse disorder. Sometimes people are only eligible for services for a certain period of time. We should start planning to provide early and continuous access to services along with a "reentry team" to provide support. These team members would not be new positions, but combinations of people doing planning, including community members.

Q: Does this require a shift of resources or new resources? **R:** I think both some new funding and shifting resources within the existing budget. Community members and/or providers can do some of the work that is currently being done by DOC staff or not being done at all.

C: It is important to find ways to overcome the limited resources that some counties (notably rural areas) have. Are there systems or processes that can be offered to cities and counties to help sustain?

Potential recommendation: Simplify tolling of supervision terms by limiting tolling to absconders.

Mac noted that tolling has created complexity for everyone involved: it is burdensome for the Department of Corrections (DOC) because it requires a lot of resources and staff time for record-keeping (there is no centralized record-keeping between DOC and county jails, and consistent language does not get used). Tolling seems like an add-on to some individuals. A recommendation could be to eliminate tolling completely.

Questions/Comments/Guidance:

C: A few members said they do not support eliminating tolling but are open to further conversation.

C: There are areas where we should toll, for example, absconding from supervision.

C: The group needs to make sure that our frame of reference is on changing supervision and connecting people to services. The group should look at things beyond absconders; perhaps it is based on a certain amount of conviction time. What instances are we going to toll?

Q: Is there a time when a period of confinement means individuals don't receive reentry services? **R:** I think that's the difference between jails and prisons. Jails have less resources to offer.

C: If the administrative burden is too high, it does not make a whole lot of sense to turn the toll on and off for a day or two in jail.

Next steps for tolling recommendation: Mac will outreach to other folks on this call to come up with a second offer for the working group.

Potential recommendation: Support a staffing model similar to programs like Graduated Reentry (GRE) that allows for a more intensive, responsive and individualized case management approach to facilitate successful transitions and reentry to the community

Mac noted that it helps individuals walk through the transition process. Typical DOC caseload is 35-40 cases, which GRE would reduce to about 20. GRE provides a focused approach, in which case managers can take individual to specific services.

Questions/Comments/Guidance:

Q: Is there a model that you have seen that would work better? **R:** It looks good on paper and in theory, but I see programs put into law that do not get the resources they need to succeed.

Q: What kind of metrics would you need to see? Or desired outcomes? **R:** If a policy is not created it does not matter. I would like to see DOC take this seriously. Implementation is critical.

Mac: You are right, we have not published a policy related to this. It is currently in draft form. We have implemented the program and we do care about it. I can check to see the timeline for the policy.

C: It seems we would need the supervision model we want first before the staffing model. **R:** Maybe it is more conceptual.

C: Prosecutors became cynical around supervision based on past caseloads. To be successful, we need to make sure the caseloads are manageable. I support making sure we are conscious of the case load.

C: Maybe the staffing recommendation and coaching model¹ recommendation need to be combined. **R:** A member suggested removing the staffing model recommendation because the coaching recommendation speaks to it. Members agreed to remove the staffing model recommendation. Molly suggested moving the coaching recommendation to the top.

Potential recommendation: Tort reforms

Mac noted there are no limits to the number of claims that can be brought against the department. The money that gets paid out is taxpayer dollars. DOC often settles cases based on the circumstances of the case. He mentioned staff are worried about being sued.

Questions/Comments/Guidance:

Q: Would the group would want to work on this for next year? Instead of including it in the December 2020 report, perhaps doing some information gathering (joint fact-finding).

C: The group would benefit from more information. Presentations could help, maybe from the Attorney General's (AG's) office representative(s) that DOC uses.

¹ **POTENTIAL RECOMMENDATION:** Develop and implement a formal motivational & coaching focused supervision model, which includes trauma informed coaches and core correctional practices. This supervision model should consider staffing needs, program/service delivery, including how community corrections officers dress during routine home and work checks.

C: This is a vital issue and presentations from AG's office would help get the entire Task Force more informed. It seems very tied to the success of potential legislation to change the supervision model. The group agreed that more information is needed.