

**Washington State Criminal Sentencing Task Force  
Reentry & Reducing Recidivism Working Group  
Meeting Summary: September 21, 2020  
Digital Conferencing Technology**

**Attendees:**

- Nick Allen, *Interests of Incarcerated Individuals*
- Russ Brown (alt. for Jon Tunheim), *Washington Association of Prosecuting Attorneys*
- Suzanne Cook, *Statewide Family Council*
- Representative Roger Goodman, *Washington State House of Representatives, Democratic Caucus*
- Sonja Hallum, *Washington State Office of the Governor*
- 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*
- Tarra Simmons, *Interests of Incarcerated Individuals*
- Secretary Steve Sinclair, *Washington State Department of Corrections*
- Clela Steelhammer (research/data support), *Caseload Forecast Council*
- Jon Tunheim, *Washington Association of Prosecuting Attorneys*

**Guests:**

- Brittany Lovely
- Peggy Papsdorf
- Matt Tremble

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

**WELCOME & AGENDA REVIEW**

Molly welcomed Reentry and Reducing Recidivism Working Group (RWG or working group) members, alternates, and guests. She thanked everyone for all the hard work so far. She noted that the Facilitation Team made clarifications to some of the potential recommendations based on Task Force input from the last meeting. Chris reminded the group to focus on the three policy goals of the Task Force.

**REVIEW AND DISCUSSION OF RECOMMENDATIONS IN PROGRESS**

**Potential Recommendation #46:**

*Require DOC to develop and implement formal processes to prioritize rehabilitation, including:*

- *Staff training that prioritizes supporting successful rehabilitation and reentry.*
- *Each facility working with relevant organizations to provide input in decision-making around incarcerated students' learning and/or access to programming.*
- *A formal review process to review requests and decisions that impact incarcerated students and/or the organizations that support programming*

Discussion:

Working group members discussed the values and mission of DOC, which has begun a culture change. Culture change takes time. Members pointed out that more incarcerated individuals are in local jails than state prisons and suggested this recommendation focus on a systemwide basis, not just DOC facilities/policies.

**Potential Recommendation #47:** *Require DOC to establish (or revise existing) clear and enforceable code of conduct for officer behavior that emphasizes respectful, equitable, and fair treatment of all individuals under DOC jurisdiction.*

Discussion:

- Members asked to talk to the working group member who drafted the potential recommendations to hear the rationale behind codifying such DOC processes, instead of keeping it as policy at the agency level.
- Others noted this could be good context to include in the report.

**Potential Recommendation #48:** *Until custody staff have sufficient preparation and incentive to support and prepare individuals for release, there should be greater eligibility requirements for DOC commanding officers (COs), Sergeants, Lieutenants etc., seeking to become Counselors and/or Correctional Program Managers.*

**Potential Recommendation #49:**

*DOC should reevaluate policy through a process that accords equal weight to rehabilitation as it does to security.*

Discussion:

A couple members expressed support that these potential recommendations, important to families, are being discussed. Others brought up the importance of not losing the change starting within DOC, if top administration leaves in the future.

**Potential Recommendation #50:**

*Eliminate mandatory nature of the Victim Penalty Assessment (VPA): Certain LFOs are mandatory. For these LFOs, the legislature has divested the sentencing court of any ability to consider a defendant's ability to pay, thus these LFO must be imposed. In 2018, the legislature passed 1783, which made changes to several mandatory LFOs: 1) the DNA collection fee, which previously was imposed in every felony judgment and sentence, was amended so that it now can only be imposed one time; 2) the \$200 criminal filing fee, which now cannot be imposed if the person is indigent at the time of sentencing; 3) the jury demand fee, which also now cannot be imposed if the person is indigent at sentencing.*

*However, the victim penalty assessment (RCW 7.68.035) remains a mandatory LFO that must be imposed when anyone is convicted in a superior court. For felony and gross misdemeanor convictions, the VPA is \$500; for misdemeanors, the amount is \$250. The VPA cannot be waived, modified or converted, meaning that indigent persons, have no way of addressing this assessment. In many counties, the VPA can be the sole source of LFOs owed on a conviction, and if a person has multiple convictions, the likelihood of payment becomes even less likely as the \$500 VPAs rack up. The VPA is not restitution. It is imposed on every person convicted of a crime regardless of whether the crime involved a victim.*

*The specific recommendation is that 1) the court be given discretion to impose the VPA at sentencing based on a person's ability to pay; and 2) the court be given the discretion to waive the VPA post sentencing if an individual later lacks the ability to pay. This waiver opportunity should apply*

*retroactively to previously imposed VPAs and other mandatory LFOs that were prospectively amended in 2018.*

Discussion:

- Members discussed that this would apply to folks who simply cannot (and would not ever be able to) pay.
- Since VPA funds stay at the local level to help fund victim's services, a different funding stream would help.

General Discussion:

- Members
  - wanted to make sure the potential recommendations apply system wide (i.e., in jails along with prisons),
  - questioned if they are within the scope of the Task Force, and
  - wondered how they are different from what DOC is already doing.
- Sen. Dhingra noted these potential recommendations came from people who interact with the system who want to see more integration between the services provided and DOC.
- Members discussed presenting these potential recommendations to the Task Force with the conversations about codifying changes, potential legislation, and whether to include a statement expressing conceptual support for prioritizing rehabilitation.
- Members pointed out that there needs to be a safety valve for those who are unable to pay LFO's.
- Some support giving courts discretion to waive DNA collection fees (currently, those fees are waived or imposed based on when the law was passed).

Supplemental information:

RWG members shared the following links during the meeting to provide more information:

- [SSB 6203](#): sponsored by Sen. Darneille. Bill focused on rehabilitation and reentry.
- [DOC mission statement](#)
- [DOC strategic plan](#)
- WA State Supreme Court opinion: [State of WA v. Catling](#): provided during conversation about LFO's.