

**Washington State Criminal Sentencing Task Force
Sentencing Alternatives Subgroup
Meeting Notes - 07.29.21 | 1:30pm - 3:00pm
Meeting via Zoom**

Attendees:

- Rep. Goodman, *Washington State House of Representatives*
- Keri-Anne Jetzer (alt. for Judge St. Clair), *Sentencing Guidelines Commission*
- Mac Pevey, *Department of Corrections*
- Waldo Waldron Ramsey, *Representing Interests of Incarcerated Persons*
- Clela Steelhammer (research & data support), *Caseload Forecast Council*
- Judge Wesley St. Clair, *Sentencing Guidelines Commission*

Guests: Bruce Glant, Joanne Smieja, Carsen Nies

Presenter: Susie Leavell and Angela Dame, Department of Corrections

Facilitation Team: Chris Page, Molly Stenovec, Amanda Murphy

WELCOME & MEETING PURPOSE

Chris welcomed the Subgroup members and provided an overview of the agenda.

Updates from the Facilitation Team:

- Guests are welcome to listen to meetings and submit questions and comments related to the work of the Sentencing Alternatives Subgroup. The Facilitation Team will include those comments/questions in the meeting notes.
- Based on input from the first meeting of this group, today will focus on the Parenting Alternative, since many have cited this alternative as an example of success.

PARENTING SENTENCING ALTERNATIVE

Susie Leavell, an administrator for the Parenting Sentencing Alternative (PSA) for the Department of Corrections, provided an overview of the Parenting Sentencing Alternative.

Takeaways from the presentation:

- The authorizing legislation created two alternatives to incarceration for parents of minor-aged children to either be diverted from prison OR transferred from confinement to community supervision:
 - Judicial sentencing option: Family & Offender Sentencing Alternative (FOSA, or Parenting Sentencing Alternative) allows judges to waive a sentence at the high end of the standard sentence range for the current offense that is greater than one year and instead impose 12 months of community supervision along with conditions for treatment and programming for eligible individuals facing a prison sentence.
 - Transfer from incarceration: Community Parenting Alternative (CPA) allows DOC to transfer an individual to electronic home monitoring for up to the final 12 months of their sentence.

- Eligibility to the Parenting Sentencing Alternative has evolved.
- FOSA is intended to reduce intergenerational incarceration
- Parenting Sentencing Alternative: program elements of community supervision include phases that frontload access to support and resources and include a partnership between DOC and the Department of Social and Health Services to provide wraparound services and support.
- Ways in which PSA works well:
 - DOC/DSHS partnership has developed a program focused on the best interest of the child(ren)
 - DOC/DSHS partnership provides an opportunity for holistic access to services and supports
 - Criminal history is not a barrier for an individual to access cash and food supports, if they otherwise qualify
- Challenges:
 - If court finds an individual eligible, then the judge waives the sentence; sometimes there can be a delay in access to resources and programs as the individual moves from court to DOC jurisdiction.
 - Court-authorized alternative: utilization requires court authorization, which can vary based on individual/jurisdiction support, so access to the program varies county by county, election cycles.
 - Need to conduct outreach and education for new judges.
 - Violations get reviewed by the court and outcomes vary.
 - Lack of understanding and awareness of the programmatic elements of community supervision required and how supports taper with individual success

Discussion:

Q: What happens if someone has a positive urine analysis (UA)?

R: Recognizing that people make mistakes, DOC has a progressive discipline approach and looks to an individual's circumstances and exhausts all resources to help a person get the support they need. A positive UA is not an automatic return to confinement.

Q: Will you send the bibliography?

R: Facilitation team will send the pdf of the presentation.

Q: How are the parent's potential social connections and relationships as possible barriers to a person having access to this program?

R: DOC asks parents to be specific and purposeful about interactions to support positive relationships and interactions. For example, working with a mentor who has lived experience is allowed and interactions with individuals with active warrants is discouraged.

Q: How do DOC and DSHS provide supports/programs for kids and the whole household? Who pays?

R: The program includes at least three sessions of solution-based therapy and authorizes extended therapy for the family based on need.

Q: Are three sessions sufficient, given trauma, cultural norms, etc.?

R: Three sessions are the minimum. Solutions based therapy, coupled with solutions case management really help an individual understand the resources and tools available.

Q: How does the recidivism rate compare to those not part of the program?

R: About 10% recidivism rate over the past 10 years among individuals who successfully complete the Parenting Sentencing Alternative, compared to an approximately 30% recidivism rate overall, over a three-year period.

Q: Can you talk a little bit about what trauma-informed practices looks like?

R: Trauma informed lens really helps the practitioners better understand the triggers and what the behavior means. If a person has a hard time waking up in the morning – would a slightly different schedule help that individual be more successful?

Q: What are some of the components of this program that really help someone be successful and how can other alternatives emulate? Can you talk about a person's ability to apply for cash assistance, etc.?

R: DOC relationship with DSHS has been paramount for creating and implementing a holistic program that serves the best interests of the children. A DSHS social worker and DOC community corrections officer conduct visits together because many families need services and supports from both. If inmate status is the only barrier to eligibility to social programs, then DSHS will accept the application.

Comment: Have some concerns about the entities implementing this program. Not all community corrections officers are equal in supporting an individual on reentry, and DSHS has sometimes contributed to the trauma of individuals (i.e., pathway from foster care to prison/jail).

R: DOC has worked with other entities for some trainings and appreciate the caution on just relying on DSHS.

Q: Can you talk about the benefit of extending family visits?

R: Visitation policies are not perfect—there is work yet to be done—but DOC views visitations as a component of becoming a more human-centric agency, not a privilege that can be revoked.

FIRST TIME WAIVER/PREP FOR NEXT MEETING:

Prep for next meeting: What information does the group need for its discussion on this sentencing alternative? Who can provide?

- Facilitation Team will reach out to Greg Link and Jon Tunheim to see if one of them/someone else can bring a defense and prosecution perspectives to the conversation.
- Clela will provide information on the evolution of this alternative and how many people are facing their first conviction.

APPENDIX: COMMENTS/QUESTIONS FROM GUESTS

I know Chris gave a broad over stroke of the possible areas of the grid might be eligible for Sentencing Alternatives, however I believe Rep Goodman also referred to Alternative Sentencing for crimes that harm no one, regardless of their placement on the grid, and in fact might be in the upper right part of the grid with higher serious levels. (Bruce Glant)

Why are all people convicted of a current or prior sex offense excluded from FOSA? Why can't people convicted of a non-violent, non-crime against a person sex offense be included? (Joanne Smieja)

Has this alternative been considered for those 25 and under with the new information of brain science development? (Bruce Glant)

However they are not allowed to have an EFV, Extended Family Visit if they are appealing their case. We have gone 4 1/2 years without an EFV because we are going through the process of an appeal, and now a PRP. (Bruce Glant)

How about all crimes that don't harm anyone? (Bruce Glant)