

Resentencing

AT DEPARTMENT OF CORRECTIONS

400-GU002
(R. 10/2021)



Reentry Services

for Individuals Impacted by
Resentencing

Reentry Services

What has DOC implemented?

- Multidisciplinary Release Strike Team
- Resources for Individuals Impacted by the Blake Decision
 - Individuals impacted by resentencing other than the Blake decision do not currently have these resources allocated

Reentry Services

Releasing Individuals directly from a DOC facility

Releasing individuals directly from DOC allows for DOC to provide more resources such as:

- Release medications and continuity of care planning
- Needed medical equipment
- Connection to community-based partners

When an individual is transported to a local county for court and is released, DOC generally is not able to assist with releasing planning

The use of virtual hearings can benefit the individual to ensure guidance, support and resources are provided for release planning

Reentry Services

Advanced Notice

Advanced notification of resentencing allows for DOC to complete processes required by RCW, such as:

- Victim Notification
- End of Sentence Review/Civil Commitment
- Proper Law Enforcement Notification

Reentry Services

Advanced Notice (continued)

With advanced notice of resentencing, we are able to work with the incarcerated individual on reentry planning and allows time to:

- Engage with community partners
- Apply for benefits and identification
- Complete Release Needs Survey

Virtual Hearings

Virtual Hearings

- Upon the onset of State v Blake, the Department of Corrections (DOC) began allowing Courts and incarcerated individuals the opportunity to conduct legal hearings virtually or telephonically. The virtual platform is now available for all resentencing hearings.
- DOC will facilitate hearings as indicated in DOC Policy 590.500 Legal Access for Incarcerated Individuals. In addition, we are currently working with DCYF on possibly expanding the list.

Virtual Hearings

- In order to schedule a hearing, the Court (prosecutor, Clerk, legal assistant, etc.) or the defense attorney (for Blake matters only) shall fill out form DOC 02-027 Virtual Hearing Request and email it to the facility Legal Liaison. The liaison will then confirm with the requestor.
- It is very important that the form is filled out in its entirety.
- It is also important that the request is sent at least 7 days in advance of the hearing to allow for staff to schedule the hearing.

Virtual Hearings

- If the hearing will end with an immediate release of the incarcerated individual, please ensure that information is noted on the request form, as there are many steps involved in actually releasing an individual from custody.
- In addition to the above resources, DOC also assists in attorneys scheduling phone calls with the incarcerated individuals. The process consists of the attorney either calling or emailing the Legal Liaison indicating that they would like the incarcerated individual to call them on a certain date and time. The liaison then sends a kiosk message relaying the information.

Virtual Hearings

- DOC will also assist in facilitating psychiatric and mental health evaluations when requested by an outside entity. The process again begins with an email to the Legal Liaison from the requestor. The legal liaison then passes the information on to the facility Health Care Manager who will arrange for the evaluation with facility mental health staff present.

Virtual Hearings

Resources

- DOC Policy 590.500

<https://www.doc.wa.gov/information/policies/glossary.aspx?policy=590.500>

- Virtual Hearing Request Form

<https://www.doc.wa.gov/docs/forms/02-027.pdf>

Records

Records

Information to Prep for Resentence

- Access to DOC Records
 - See DOC Resentencing Contacts and Resource Document (see packet information)
- Information regarding DOC Information
 - Such as:
 - Information about other sentences that are also being served
 - Information about tolling/pending supervision on other sentences
 - Information about detainers
 - Email DOC Resentencing Email Box
 - docresentencing@doc1.wa.gov

Court Orders-What to Avoid

Court Orders-What to Avoid

- Orders to vacate the sentence while confined at DOC.
 - Sentence is what authorizes DOC to confine.
- Orders that credit excess confinement time for application to the community custody term.
 - State v. Jones (see packet information)

Records

Immediate Releases

- DOC will determine if the individual is an immediate release based on the amended confinement term.
 - DOC will consider the following for sentence and time calculations:
 - Pre-sentence credits and credits for jail good time
 - Time served at DOC prior to the resentencing (already calculates)
 - Loss of DOC Earned/Good Time
 - DOC will calculate an adjusted Earned Release Date (ERD) and an adjusted Maximum Expiration Date (Max Ex)

Immediate Releases-Cont.

Immediate Releases (continued)

- For individuals sentenced to a term of community custody:
 - An approved release plan is required prior to release when prior to Max Ex.
- Please use the attached formula to determine Max Ex (see packet information).

Records

DOC Releases

- If DOC determines prior to 3:00 PM the individual is an immediate release, the individual will be released that day.
- If DOC determines after 3:00 PM that the individual is an immediate release, the individual will be released on the next business day.

Data Summary

Data Summary

TOTAL ORDERS RECEIVED 10,997 IMPACTING 7,505 INDIVIDUALS

Total and Partial Confinement	
Impacted Individuals	1371
Immediate Releases	459
Total Orders Received	2465
Vacate	1371
Resentences	884
Other Orders	210

Community Supervision	
Impacted Individuals	6134
Total Orders Received	8532
Vacate	7944
Resentences	77
Other Orders	511

Virtual Hearings (Since 3/12/2021)	
Blake Hearings	Other Hearings
1074	1617

Housing Vouchers
Blake
101

*All data are estimates as of 9/30/2021

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