



STATEWIDE FAMILY COUNCIL
MEETING MINUTES

Date/Time/ November 17, 2018, 2018 10:00 – 2:00
Location: Correctional Industries, Tumwater, WA

MEETING ATTENDEES

Department Co-chair: Scott Russell
Belinda Stewart

Family Co-Chair: Loretta Rafay, MCC

Family secretary: Yoshikovasha Garcia, AHCC

State Council Representatives:

- Melody Simle, CCCC
 - Loretta Rafay, MCC
 - Dora Williams, AHCC
 - Laurie Dawson, WCCW
 - Patti Tilford, WCC
 - Suzanne Cook, WSP
 - Barbara Kaelberer, MCCCW
 - Verna Westman, SCCC
 - Portia Hinton, CRCC
 - Carol Foss, CBCC
 - Jim Jackson, LCC
 - Julie Winkler, OCC
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Family Participants:

- | | |
|--------------------|-----------------------|
| Kehaulani Walker | Wendy Dubinsky |
| Joanne Pfeifer | Jodi Kennedy Thompson |
| Byron Coates | Jennifer Tilford |
| Joanne Todd | Susan Cooksey |
| Diane Sifres | Heather Dockery |
| Felix D’Allesandro | Carla Dishon |
| Carol Welch | Tina Wright |
| Miriam Fry | Vanessa Lewis |
| Jason Rice | Lynn Ausley |
| Lora Dockery | Monica Johnson |

DOC guests:

- | | |
|---------------------|---------------------------|
| Dawn Taylor | Jeremy Barclay |
| Gheorghe Turcin | Mike Steenhout |
| Danielle Armbruster | Senator Jeannie Darneille |
| Susan Leavell | Joanna Carns |

AGENDA

Welcome and Introductions: Belinda Stewart, Loretta Rafay

All attendees introduced themselves and told which organization/facility/department they represent.

Topic	Discussion/Key Points
<p>10:00 am – 10:15am Introductions</p>	<p>Welcome and Announcements</p> <p>JMarie Johnson-Kola is our independent facilitator.</p> <p>jjohnsonkola@live.com (425) 903-0614</p> <p>Gheorghe Turcin gave an update on the KUBI camp.</p> <ol style="list-style-type: none"> 1. On Friday, November 16, I delivered (to DOC HQ) 29 personalized Christmas gifts for the 29 participants in the 2018 KUBI camping trip. These presents will be further sent to the children, by the KUBI camp organizer. FSU forged a strong community partnership with etailz (wholesale business in Spokane) about five years ago. For the last four years, etailz provided 79 Christmas presents for the KUBI camp participants, and hundreds for the children of CCD parents on supervision in Section 1. The spot light shines on Belinda now. Thank you. <p>Belinda shared the new photo poses chart which will be provided to facilities in the near future.</p>
<p>10:15 am – 11:15 am Ombuds</p>	<p>Joanna Carns introduces Senator Darneille who is in attendance. Senator Darneille gives an account of the many years it took to get the ombuds bill passed, acknowledges Melody Simle's involvement.</p> <p>WA Tech is helping Ms. Carns set up database, website, and hotline. She toured Eastern Washington prisons and met with incarcerated, now will tour Western Washington prisons.</p> <p>ATTACHMENT 1 – Presentation to Senate Law and Justice Committee ATTACHMENT 2 – Annual Report – OCO</p> <p>Concern was raised about DOC staff being considered/hired. Joanna described the process indicating that she can only choose from those who apply.</p> <p>Ms. Carns expressed interest in the following:</p> <ul style="list-style-type: none"> • Tracking staff conduct • treatment of women prisoners

- Solitary confinement
- max security

She feels professionalism and positive work environment in good shape at leadership level (DOC HQ and local facility administration), but she sees that families and incarcerated reporting problems at lower levels. She feels leadership is doing a good job communicating down the command chain, yet tier reps and family council concerns are not being resolved.

The Ombuds office will focus on:

- Early resolution
- Hold quarterly public meetings to collect input
- Add calendar for public meetings to website
- Create OCO hotline will be answered by live person and will have similar confidentiality setup to PREA hotline.
- Set up so that incarcerated can communicate with her through DOC kiosks, work on improving tracking system of grievance.
- Identify it as a systemic issue. If they get a lot of repeat individual complaints on an issue.

Priorities: focus will be health, physical safety, abuse, neglect, systemic issues

Review Jurisdiction: address issues that adversely affect the health, safety, welfare, and rights of inmates. Will disclose decision on merits of the complaint on the public website

Incarcerated person has to have reasonably pursued resolution through existing administrative process, but does not have to exhaust the administrative appeal avenues.

Shelley Alden - new medical ombudsman in OCO, former DOC employee. She says she put in one year to see the inside of the prison, what she saw will inform her work in the OCO. She defines “trauma” - deeply distressing or disturbing experience, affects the brain, trauma creates fear, the brain tries to cope with trauma. She recognizes that anyone touched by the prison system is experiencing trauma. Sees this office as something that can help mitigate that trauma. She believes in using factual, evidence-based results. Ms. Alden recognizes the largest aspect of trauma, she wants to work with others to improve lives of our loved ones.

11:15 am – 12:00 pm

Graduated Reentry

Graduated Reentry - Susan Leavell & Danielle Armbruster

ATTACHMENT 3 – Brochure on Graduated Reentry

ATTACHMENT 4 – Graduated Reentry Bill

Law requires that prisoners must:

- spend one year in DOC facility in order to be eligible.
- Must have an approved release address established. DOC does conduct an investigation of that address beforehand.
- NO firearms, alcohol or marijuana in the home.

Handbook that outlines requirements of participants. Use a solution based case management process, strengths based approach. About building relationship with

	<p>those on community corrections. Three transition specialists were established by this legislation. Wrap around services. Model of progressive discipline. Swift and Certain grid is less rigid in community corrections. CCOs can choose to give warning.</p> <p>The Agency will send out an update on the Graduated Reentry Program.</p> <p>ATTACHMENT 5: Update sent out on Graduated Reentry Program</p> <p>Senator Darneille says “we are starting small so we can maintain success rate,” to instill community confidence and support, will build over time. There is no evidence-based practice from another state on what does and doesn’t work. “We are relying on commitment and expertise of staff that are focused on success and creating the best model.”</p>
<p>12:00 pm – 12:45 pm</p>	<p>Potluck Lunch</p> <p>Lunch – JMarie Johnson-Kola conducted a trust building exercise. She has been provided information on Local Family Councils and will be in contact with members.</p>
<p>12:45 pm – 1:30 pm</p>	<p>GENERAL BUSINESS</p> <p>Laurie Dawson on women prisoners’ issues, policy changes for women prisoners in Illinois, lady from that program has come to Washington state to do trauma workshop. Has worked with DOC on Yakima jail issue urging Washington State to follow global best practice standards for treatment of prisoners</p> <ul style="list-style-type: none"> • Body scanner instead of strip searches (pilot program) is finally about to be implemented at WCCW. Will be initially used for visiting room strip searches and workers coming back to the prison <p>BUDGET</p> <p>ATTACHMENT 6 – POWERPOINT RE BUDGET</p> <p>Jeremy Barclay, Director – Engagement and Outreach and Mike Steenhout, Director – Budget – 2019–2021 DOC operating budget</p> <ul style="list-style-type: none"> • Senator Darneille tell us that if the Governor’s budget request advocates for what we would like to see, it is more likely to be listened to by legislature. • All the state agencies have to fight over 24% of the budget • Secretary Sinclair is trying to get a sound base for operations, since mandates have driven operations for so long. • Integrated Scorecard – Outcomes Data for reentry programs to demonstrate to legislature that investments are working. This is a future project, has not started yet. • DOC reentry data are fragmented, goal is to create \$2 million stand alone system to address this need. • For every dollar state invests in work release, WSIPP says we get an \$11 return on investment. <p>Sustainable foods, plants grown inside are being donated to food banks Families concerned: Why can’t food they grow be used to improve nutrition and over all food costs? DOC rep states: incarcerated individuals want to do what they can to help the communities and choose to donate the food they grow.</p> <ul style="list-style-type: none"> • Why can’t residence pay \$7 to rent a lot to grow plants, like at WSP and supplement their diet to avoid illnesses and nutrient deficiencies? • Family member discusses working with WA Health Care Authority to ensure

	<p>better care of whole loved one's body throughout incarceration</p> <ul style="list-style-type: none"> • Medicaid currently only covers low-income people, does not cover the incarcerated. Fed govt. won't allow. May be exceptions for transport to off-site medical facilities? Covered by Medicaid at release? • OCO medical lady – five year study of different platforms for integrating electronic medical records, but the most applicable platform is not willing to adapt their system for corrections. Kevin Bovenkamp and DOC doctors are working on. <p>Human Services & Corrections Committee – Darnelle's senate committee. Start on January 14. AHCC, CRCC, WCC, WSP, MCC – will get hot breakfasts</p>
1:30 pm – 1:45 pm	<p>Elections</p> <p>Suzanne Cook - Elected as new SFC Co-Chair</p> <p>Yoshikovasha Garcia - Re-elected as secretary for SFC</p> <p>Shout Outs to our family/DOC advocates:</p> <p>Loretta Rafay: for her <i>service</i>, commitment and dedication as our past SFC Co-chair.</p> <p>Belinda Stewart</p> <p>For expediting an application for a family to make it possible they got their first visit before moving halfway across the country, moments like this help keep <i>families connected with their loved ones</i>.</p> <p>Colonel Coates</p> <p>Now have an <i>American Legion post at SCCC</i>, success! This is an unprecedented thing. There will be one DOC point of contact. Also follow up for the Federal VA not following case law in regard to incarcerated veterans, they have written a white paper to address <i>Massive improvements to visiting room environment CRCC families</i></p> <p>OCO implementation to work as an external ombudsman, this has been a long anticipated needed.</p>
1:45 pm – 2:00 pm Additional Business and Future Agenda Items	<p>Wrap up</p> <p>January Agenda Items Scott Russell</p> <p><i>Agenda Items for January 19, 2019 meeting:</i></p> <ul style="list-style-type: none"> • JMarie Johnson-Kola, Facilitator • Clela Steelhammer, Legislative Update <p style="text-align: center;"><i>Thanks to everyone for participating!</i></p> <p style="text-align: center;">Next Meeting Date: January 19, 2019</p>

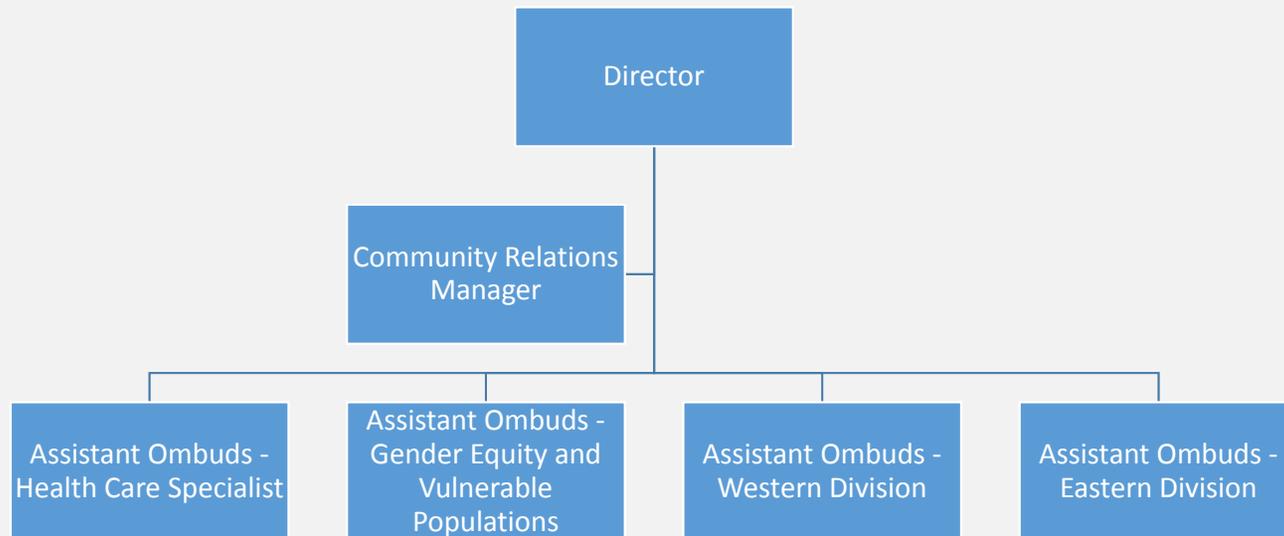
JANUARY: JMarie, Clela – legislative update

OFFICE OF
CORRECTIONS OMBUDS

DIRECTOR JOANNA CARNS

- Executive Director of the Correctional Institution Inspection Committee (2010-2016), a legislative committee in Ohio with oversight of adult and juvenile corrections departments.
- Vice President of Government Affairs and Public Advocacy for Planned Parenthood of Greater Ohio (2017-2018)
- Juris Doctor, Georgetown University Law Center (2009)

STAFF



ACTIVITIES

- Attended week-long United States Ombudsman Association conference, with “New Ombuds” training
- Conducted an introductory survey of family council members and stakeholders to determine priorities
- Established organizational chart, drafted position descriptions, and hired all but one of the positions thus far
- Worked toward establishing an intern program, including discussions re housing office at TESC

ACTIVITIES

- Worked with WaTech to establish the database, website, and statutorily mandated toll free hotline – all should be live by the end of November.
- Held introductory meetings with DOC leadership, legislators, union members, and coalition stakeholders.
- Toured the following prisons: Washington State Penitentiary (WSP), Airway Heights Corrections Center (AHCC), Coyote Ridge Corrections Center (CRCC), Clallam Bay Corrections Center (CBCC) and Olympic Corrections Center (OCC)

STAKEHOLDER SURVEY

- Common themes included:
 - Concerns about women, particularly the placement at Yakima Jail, and sexual assaults;
 - Staff accountability (staff conduct, training, tracking complaints regarding);
 - Health care

FACILITY TOURS

- WSP, AHCC, CBCC, OCC, and CRCC
- First impressions
 - Impressed with the professionalism of DOC staff and the commitment by leadership for a just, safe, and humane correctional system.
 - Despite this, concerns from inmates and family members persist; evaluation is needed to ensure resolution of concerns at lowest level.
 - Concern re food issues at WSP and CBCC

END OF YEAR GOALS

- First quarterly public meeting
- Establish legislator outreach plan with quarterly activity reports
- Implement stakeholder outreach plan
- Office is fully operational: all positions filled, intern program begun, toll free call line open, investigations begun.

QUESTIONS?



STATE OF WASHINGTON
OFFICE OF CORRECTIONS OMBUDS

November 1, 2018

To Governor Inslee, the Washington Legislature, and the Statewide Family Council:

First, I sincerely thank you for both the honor and the opportunity to serve the people of Washington in this critical role. It is truly humbling and I will do everything in my power to be found worthy of the high level of trust that you have placed in me.

Please accept this letter and attachments as the first annual report of the office, statutorily mandated to be submitted by November 1. My official start date in this office was September 24, 2018 and since that time, I have:

- Attended a week-long United States Ombudsman Association conference, including a two-day “New Ombudsman” training. The training included elements of investigations, report writing, and making findings/recommendations. The conference allowed for in-person information-sharing on best practices for Ombuds around the country and also established critical mentoring relationships for me to use as I am building this office.
- Conducted an introductory survey of family council members and stakeholders to determine priorities and needs of the office (see Attachment A). A common issue raised by the responses was a need for more attention on women incarcerated within Washington, particularly in regard to complaints of sexual assault and the more recent practice of transfers to the Yakima County Jail. In response to this issue, I created a position within my organizational chart titled, “Assistant Ombuds – Gender Equity and Vulnerable Populations” that will be able to dedicate time to not only the women, but other marginalized populations, including LGBTIQ individuals, non-native speakers, non-citizens, individuals with disabilities, and others. A second concern raised pertained to quality of healthcare for inmates. This is a common issue in any correctional setting and again, I have created within my office’s organizational structure an Assistant Ombuds who will be solely dedicated to handling, investigating, and resolving healthcare-related complaints.
- As relayed above, I have developed the organizational chart for my office (see Attachment B). In addition to the two specialized positions indicated above, the office will also include two Assistant Ombuds who can handle general complaints who will be

split between the Western and Eastern prisons. Last, I am initiating a Community Relations Manager, who will act both as an office executive assistant, but also conduct the necessary outreach to stakeholders, such as families, and also will be responsible for ensuring that all complaints to this office are appropriately received and logged.

- Related to the Community Relations Manager position, I plan to institute an extensive intern program to assist with complaint intake, including ensuring that the statutorily mandated 1-800 number call line is manned, as well as to conduct policy research and communications assistance. I hope to have this program instituted prior to the start of 2019.
- All positions have been publicly posted and interviews are in the process of being conducted. The first position filled was that of Assistant Ombuds – Health Care Specialist, who will start on November 1. The second position to be filled is that of the Gender Equity and Vulnerable Populations Specialist – given the candidate’s personal schedule, they will start in January. The other positions should be filled prior to the end of the year.
- I am working with WATech to create the official website and have drafted content as well as created a Twitter account. The website should go live in November.
- I am also working with WATech to create the database to log the complaints, which will be an important tool to have in place prior to opening the office to receive complaints. The database, which is currently planned to be modeled off the Office of Education Ombuds database re-design, is expected to be in place by November 6.
- I have held introductory phone calls and in-person meetings with several state legislators on both sides of the aisle and across the chambers. I am developing a legislator outreach strategy to ensure that all legislators feel informed about my office and comfortable in using it.
- I have held introductory meetings with the DOC Secretary, DOC Executive Team, and DOC Superintendents to introduce myself, explain the purpose of the office, and answer any questions. I have also started to tour the DOC correctional facilities, starting with Clallam Bay and Olympic Corrections Center, Airway Heights, and the Washington State Penitentiary. Tours include meetings with the executive team, speaking with inmate tier representatives, viewing housing units, and going cell to cell to speak with inmates being held in segregation. I expect to complete tours of all of the facilities before the end of 2018. I also attended a DOC legislator tour of Correctional Food Industries to learn more and even taste the food that is prepared for inmates.
- I have also had at least one meeting with a representative from both the Teamsters and AFSCME. I plan to have additional meetings with union leadership, as they are an important stakeholder in the corrections department.

- I am working on drafting a Memorandum of Understanding with the DOC to establish mutually-understood procedures, and I have reached out to both the Prison and Probation Ombudsman in the UK and the Canada Office of Correctional Investigator to learn more about their procedures in an effort to emulate any best practices.
- I attended a Reentry Council meeting, which I hope to continue attending as an interested party, and also met with members of the coalition that lobbied to bring this office into being.

I am also working to create the policies necessary for office management, including maintaining confidentiality, ensuring adequate access to DOC records for the purposes of investigation, and making appropriate contacts. I am considering office location needs as our current location in the Insurance Building is temporary. Finally, I am engaging in ongoing outreach to stakeholders and creating materials to educate inmates, the public, and others on the duties of the office.

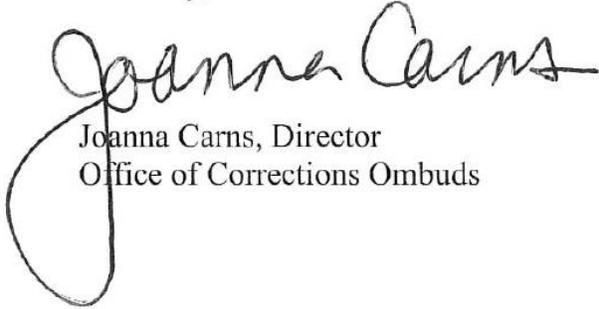
As I look ahead to the needs of the office, my expectation is that by the end of the year, I will have filled all of the positions; the office will be actively taking complaints via phone, mail, and through the website; a database will be in place to log the complaints and generate reports; a procedures manual will have been implemented for all staff to follow in the investigation of complaints; and, I will have held the first statutorily mandated public meeting. I am confident in my ability to achieve this goal.

In addition to the above, the following items are statutorily required to be included in my annual reports:

- Total Budget for the Office - \$1,216,000 FY 2019
- Total Appropriations as of September 2018 - \$3,940
- Number of Complaints Received and Resolved by the Ombuds – 0 YTD (as noted above, I expect to begin receiving complaints in November)
- Description of Significant Systemic or Individual Investigations or Outcomes Achieved by the Ombuds during the Prior Year – None as the office has just opened.
- Any Outstanding or Unresolved Concerns or Recommendations of the Ombuds – None as the office has just opened.
- Input and Comments from Stakeholders, including the Statewide Family Council, regarding the Ombuds' Activities during the Prior Year – None regarding the prior year; however, as mentioned above and attached, I conducted a brief survey of family members and stakeholders regarding the Ombuds office and have attached it for your review.

Thank you again for the privilege to serve in this role. I look forward to working with you and for you to better serve the people of Washington.

Sincerely,

A handwritten signature in black ink that reads "Joanna Carns". The signature is written in a cursive style with a large, looping initial "J" that extends downwards and to the left.

Joanna Carns, Director
Office of Corrections Ombuds

Attachment A

Office of Corrections Ombuds Introductory Stakeholder Survey

Persons/organizations represented: Family Councils (Cedar Creek, Washington State Penitentiary, Monroe, WCCW), Quaker Voice, Post-Prison Education, Prison Voice, What's Next Washington

What in your opinion should be the immediate priorities of the Office of Corrections Ombuds in the next three months?

- Outreach and listening sessions. Learning DOC policy. Setting up the office for immediate intake of INDIVIDUAL complaints. Establishing procedures and relationships with DOC staff to investigate complaints.
- Food
- Listen to families and incarcerated people (attend Statewide Family Council meetings - 9/15, 11/17, etc.), establish a well functioning robust office, review and identify problem Policies and Programs
- Hiring a quality team of savvy, diplomatic, and tenacious staff; 2) establishing a regular quarterly stakeholders' meeting inside the prisons that allows the incarcerated, the Teamsters Local 117, DOC leadership, the internal DOC ombudsman, families of the incarcerated, interested legislators, and any other relevant stakeholders to sit at a table together to come up with ideas on how to eliminate the hostility and communications breakdown that is at the root of the majority of problems in our system; 3) working with each of the aforementioned stakeholder groups to identify the top systemic concern(s) for each; and 4) having all ombuds office staff rapidly learn as much as they can about DOC history
- Re-entry, classification processes and bed space at work release.
- Commitment to global best practice concerning the treatment of prisoners: Tokyo, Mandela and Bangkok Rules 2. Stopping the Yakima Jail transfers of women prisoners 3. Creating a women's division to address the specific needs of incarcerated women and implementing alternatives to strip search.
- There needs to be a clear separation of policies and procedures for women's facilities and inmates and the men's. Stop the transfer of inmates to Yakima County Jail. Get the body scanner that the state legislature has approved and funded installed at WCCW.
- Bringing the values of the agency back to the RCW 72.09.010.
<https://app.leg.wa.gov/rcw/default.aspx?cite=72.09.010>
- Studies like this one to learn and understand the challenges inmates and families of inmates face each day.
- Ensure all inmates, family members, and prison staff are aware of your new position and establish the preferred method to communicate with you.
- Health care and transparency. Establishing credibility with the para-military brass at the DOC to the point that they won't fight you at every turn.
- Build trust with families and friends of inmates; establish trusted relationship with Carlos Lugo the DOC ombuds; set up administrative structure
- Gain trust from both "sides"
- Sexual assaults against women, especially in WCCW, long ago became an epidemic.

- Do what I'm told you are already planning on doing. Check out the entire system from top to bottom and become aware of all the disconnects, all the individual "rice bowls" individual offices and organizations are trying to protect or isolate from change.
- Understanding and becoming involved in the Sentencing Guidelines Commission's assessment of the "new" criminal justice scheme put into effect in 1984, particularly the addition of a second look/parole system.
- Meet with stakeholders, get a sense of what problems need to be addressed.
- Advocate to stop immediately the transfer of women inmates to Yakima jail.
- Stop inmates from going to Yakima unless they want to.
- Meet with various stakeholders and organizations, obtain qualified staff. Be visible and at the same time take the time to get to know and work within a deeply political state government.
- To go into the housing units to speak with the men/tier reps to get their perspective on the issues that is occurring within the facility to help you better understand how to tackle these issues.

What are the top THREE issues within the DOC that need to be addressed?

- location of incarceration, medical neglect and staff misconduct to include punitive use of solitary
- Food, solitary confinement, educational opportunities for the incarcerated
- Medical care (medical vs custody & cost), Grievance program and harmful (always) punitive sanctions & policies, A process to rebut, repair false reporting by staff and "official" documents.
- There seems to be no proactive unified tracking of complaints filed against specific staff via the grievance system, internal ombudsman, or external avenues of complaint from visitors and families of the incarcerated. There also seems to be no proactive tracking of the ways in which many prison facility staff are misusing the Washington ONE/Advance Corrections OMNI (Offender Management Network Information) Behavioral Observations system.
- The more powerful the Teamsters Local 117 union becomes, the more afraid local prison facility supervisors are to discipline line staff.
- The internal agency policies and WACs (Washington Administrative Code) written by DOC do not appear to be assessed by any sort of independent experts or review board to determine their potential negative impact on the following: success of family connections through incarceration, reentry outcomes, mental health of the incarcerated and their families, and nutrition for the incarcerated.
- County of origin issues, re-entry processes and one - process for all institutions in the state for counselors with paperwork.
- Lack of safety for women in prison 2. Lack of trauma care for women in prison 3. Strip search of women prisoners
- Evaluating the hiring and training of DOC staff that are directly connected to inmates. Evaluating the medical care provided. Address the decline and lack of programs that help inmates adjust to their environment both inside and upon release.
- I understand that security officers (guards) deal day in and day out with very difficult personalities. However, I feel that in many cases they could act with more respect and less "power tripping" when dealing with inmates.

- I feel that many inmates are just languishing within Prison. Many DO find purpose, but not all. They ALL should have some type of work, responsibilities or training to help within communities and give them something to care about.
- Medical treatment (physical and mental)
- Food quality (conform to the governor's nutritional mandate)
- Education (prepare for return to society)
- According to the DOC personnel who responded to the Senate's FIXDOC survey, nepotism and frozen internal communications. A third is the fundamental and nearly philosophical question of whether they see themselves as law enforcement or as social services. Within that third issue, concretely, rehabilitation programs don't seem to get enthusiasm from the care-custody-control experts.
- Trusted communications channels established: legislative to DOC; family to DOC; inmates to DOC
- medical
- Sexual assaults against women in WCCW; food-diet; access to meaningful programs which have the proven ability to reduce recidivism and re-admission among the prisoners who comprise 77% of recidivists.
- My particular concern here has been the failure on the part of DOC to facilitate and encourage use of the GI Bill by the incarcerated Veteran Community to pursue higher education. Other than that, top three: (1) Revamp DOC's Mission Statement - Re-formulation of DOC's Mission Statement from "To Improve Public Safety" to "Improve Public Safety by Transforming Lives." (2) Systems/Policy Integration - Everyone from top to bottom needs to be pulling in the same direction, with the same focus, with the same priorities. (3) Integration of Family into the processes at every level.
- 1) Holding DOC employees accountable. The DOC must to be able to fire incompetent, hostile people. 2) Barriers and delays affecting outside programming and guests need to be examined and removed whenever possible. Each time the DOC rewrites policy, lead times and requirements get longer and more complicated. Volunteers and prisoners should be involved in policy writing.3) The DOC is hamstrung by its schizophrenic mission of public safety and punishment. The mission and culture need to be changed to rehabilitating prisoners and preparing them for release. Almost forgot: the Offender Betterment Fund. How is it being spent vs how it was conceived.
- Resolve prisoner concerns, mediate disputes, develop confidence among persons in prison, administration, guards (officers), and families of prisoners.
- 1.Stopping the transfer of women from WCCW to the Yakima Jail. 2.Advocate the governor immediately release 30% of the female population at WCCW to stop overcrowding, through community-resourced programs. 3.Demand gender sensitive procedures for handling the women at WCCW, from it's insensitive, tone-deaf warden.
- Medical, Communication, Visiting
- Yakima, strip searches, lack of immediate and proper health care.
- Non responsive and poor health services for inmates within institutions (this would also include the proper treatment of diagnosed mental illness among the institutionalized populations; (2) the continued use of segregation as punishment/form of behavior modification and the arbitrary and often capricious means by which it is dispensed; (3) Sexual and physical assault issues at the WCCW at Purdy.

- Accountability- (1)Using aggression, (2)excessive force and (3)Authority when it isn't needed.

What sort of information would you like to see the Office of Corrections Ombuds provide to the inmates or to the public?

- Thorough reports that paint a clear picture of issues that affect the incarcerated, families, advocacy groups, volunteers and DOC. Inmates: clear information how to contact your office and get relief for unfair treatment and neglect.
- Please communicate to the incarcerated that this office for created and for what purpose, offer an open communication where they don't have to be afraid to raise issues like they do with the DOC worrying about retaliation.
- What you have discovered and what & how your office will respond and address the issues at hand.
- In-depth annual reports, to be posted online, that educate the incarcerated and the public on the following: 1) key issues of concern identified by the ombudsman's office and how the issues were resolved; 2) key issues of concern that will be addressed in the upcoming year with proposed plans for resolving them; and 3) an analysis of key DOC policies that impact family connections, quality of life for the incarcerated (especially those with lengthy, LWOP, or death penalty sentences), and reentry outcomes.
- The results of this survey and the perspectus on getting the changes met.
- Information concerning global best practice standards (Tokyo, Mandela and Bangkok Rules) and information on restorative practice/restorative justice
- What issues are currently being addressed and outcomes of issues that have been resolved. Best practices to ensure an issue is given due process.
- The truth about what is actually happening within the system.
- Providing timely reports to inmates and families of what the office of Corrections Ombuds is addressing at any particular time. In other words, let us know what is going on within the office regularly.
- what efforts are being made to reform sentencing guidelines, to make them consistent across counties. Efforts to decrease use of solitary. Efforts to improve rehabilitation and re-entry programs
- What topics your office can assist with and how to contact you with concerns.
- Examples of situations that you have been able to resolve
- Others can answer this better than I, and specifically you might ask someone on your staff to go to prisontalk.com and look at what questions loved ones of inmates have that they can't get answered through channels.
- Unbiased assessment of sources of legitimate areas of neglect and need; unbiased in the sense of fairly articulating the positions of various perspectives and working toward shared input and solutions.
- statistics on types of complaints and outcomes
- Your availability. The law.
- As a taxpayer - what I'm looking for is how your actions and activities facilitate the transformation of lives from felon to productive citizen.
- The inmates - they need to feel a part of the transformative team. How about an Ombudsman Newsletter in which you generically share with all what you are working on? It's

vital that anonymity be maintained in terms of who has said what to whom but an advocate newsletter read by all in which you share initiatives, or focus, or direction would nip the "inmate radio" in the bud and lessen the stress on the part of inmates that they just aren't important and nobody cares or listens to them.

- What their rights are in a variety of areas. They have lost some rights as prisoners but have retained others. For example, do they have a right to receive and send letters to their families in Spanish if that is their language.
- Conditions in prisons, concerns of those living in prison, opportunities and techniques for resolving concerns
- How our justice system can be made fairer and more capable of achieving it's supposed mission. Instead of perpetrating ancient punishment regimens which defeat the entire concept of 'rehabilitation'.
- That you are new, You are there to support inmates and help me navigate the system, and an explanation of exactly what that means.
- Publish clear and concise rules, procedures and how hearings and or review of legitimate issues are conducted by the OCO. Be clear as to what cannot be expected of the office. Make sure that the OCO website is professionally produced, easy to use and current on a daily basis. Provide examples of how to make the process easier or better understood by families of inmates, inmates, and the public. A do and don't list based on OCO experience.
- We as visitors and inmates would like to see and hear what your plans and your focus will be once you gather your information on the Department of Corrections and their unfavorable treatment toward families and inmates.

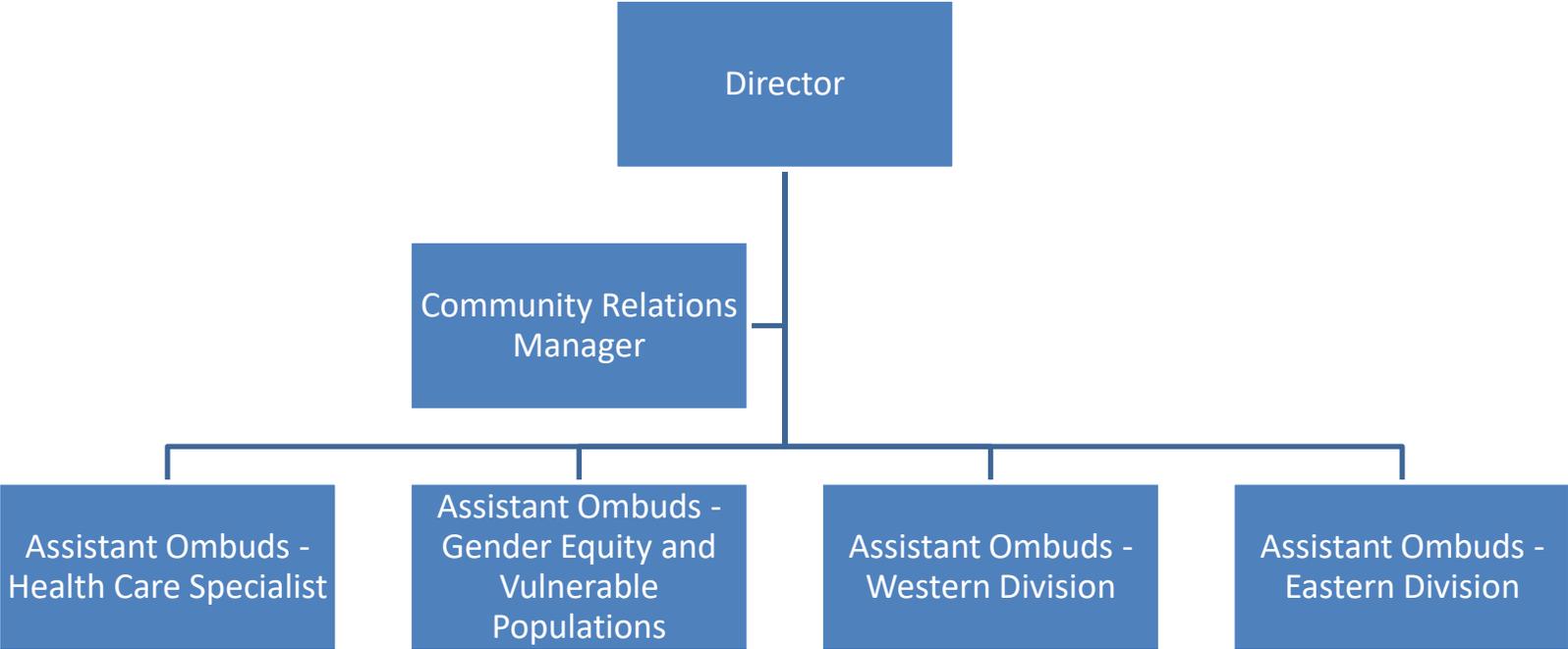
In your opinion, what will make the Office of Corrections Ombuds successful?

- Independence above all. An understanding that everyone has an agenda. A deep belief and desire to speak truth to power. High standards of humanity, care, and dignity.
- Speed of problem resolution, fair assessment, advocacy for the incarcerated as well as their vulnerable family members, follow up, transparency.
- A tenacious, fearless approach to the WA DOC with an office staff willing to dig deep, assess and respond adequately, with resolve to eliminate the systems of harm to our incarcerated loved ones (and families).
- Using individual cases as opportunities to address systemic issues.
- Facilitation of innovative collaboration and conflict resolution opportunities and processes within DOC.
- True impartiality and inclusiveness of all stakeholders. No stakeholder can be demonized, excluded, or given more power/access than any other for this office to be effective.
- Transparency and clear communication that is not "canned" communication.
- Courage and commitment to the implementation global best practice standards
- Good communication between inmates and their families and the DOC
- Integrity, ethics and standing up for what is right and maintains the human dignity of incarcerated individuals no matter what the political powers believe.
- Easy access to information. Let us know of the hard work that is being done within this office. Give us ways to give input. Let us see what is being done in behalf of inmates and their families. Visit our local family council meetings so you know of our concerns and challenges. Let us know what you can do to help. Let us see your face often so we know who you are and what you are accomplishing.

- open forums with the public. Anonymous ways for DOC officers and staff and inmates and family members to submit concerns.
- If the stakeholders are confident that bringing up issues to your office provides satisfactory results.
- Earning the grudging trust and respect of the DOC. Securing a commitment from the Governor to protect your independence. Skillfully avoiding the toxic politics the Governor and Legislature have been having over DOC issues the last few years.
- Establishment of mutual trust among the DOC, inmates, family, public and legislators
- Resist the Us vs Them mentality. Work to build trust. Emphasis that your office does not represent the DOC nor does it represent inmates.
- Doing what you are prohibited from doing: suing.
- Your office needs to have an "effective corrections practices" education proponent. You have a podium by which to be heard. You are Independent, at least in name, so use that independence to say what needs saying irrespective of all the various interest groups. What works? What doesn't work. What programs are most effective at reducing recidivism? Offer answers to those kinds of questions.
- Independence from the DOC, deep commitment to fairness, courage to stand up against pressure, willingness to confront the DOC and talk with legislators when compromise doesn't work. Though neutrality is certainly a key to fairness, DOC employees already have their own union plus their own ombudsman, while the prisoners have nothing, so the power imbalance between the DOC and the prisoners and their families is already huge.
- Gain confidence of all concerned, resolve concerns and disputes informally if possible, moving to formal methods if needed.
- I'm skeptical you'll be able to change anything. But good luck.
- An honest person with integrity who is not going to get sucked into the Negative mentality of DOC, Someone who is willing to stand on true principles, and support inmates as real human beings and really listen to them to hear what they're saying and what they're not saying
- A thorough understanding of the different cultures and populations of our institutions. Honest engagement with the family councils, and a willingness to make difficult decisions that they will not necessarily agree with, but that the facts demand. Conduct thorough investigations, as the bill that establishes the powers of the OCO, grants the OCO considerable authority when addressing issues of inmate health, welfare and safety. Be transparent, honest and direct when dealing with inmates, as their perspective, is constantly tempered by their confinement; and based on personal experience, do not suffer bureaucratic foolishness lightly.
- Being able to stand up to DOC and the Union and not let them get away with hatred and being unfair to the population of men/and or women as well as the families.

Attachment B

Washington Corrections Ombuds Organizational Chart



Work Release

This program expands work release eligibility to up to the last 12 months of the incarcerated individual's prison sentence. These participants may transfer from work release to electronic monitoring for up to the last six months of their incarceration.

Home Detention

Six months prior to their release date, eligible participants may transfer into the community to spend their final months on electronic monitoring in their approved residence.

Conditions

For the participant to remain on electronic monitoring they must continue to do the following:

- Abide by all rules established for electronic monitoring in the community.
- Participate in programming, work, and treatment as required by the department.
- Report and be accountable to a department assigned community corrections officer who will monitor compliance and support the transition from incarceration to the community.
- Participants and corrections staff work collaboratively on their individualized reentry plan.

Contact Information

There are seven community corrections officers and three transition specialists across the state to serve the graduated reentry population.

The unit also has an assigned community corrections specialist and supervisor whose role is to identify those individuals for graduated reentry.

Susie Leavell | Program Administrator
susan.leavell@doc.wa.gov

Supervisor

Scott Harris | Tacoma
scott.w.harris@doc.wa.gov

Specialist

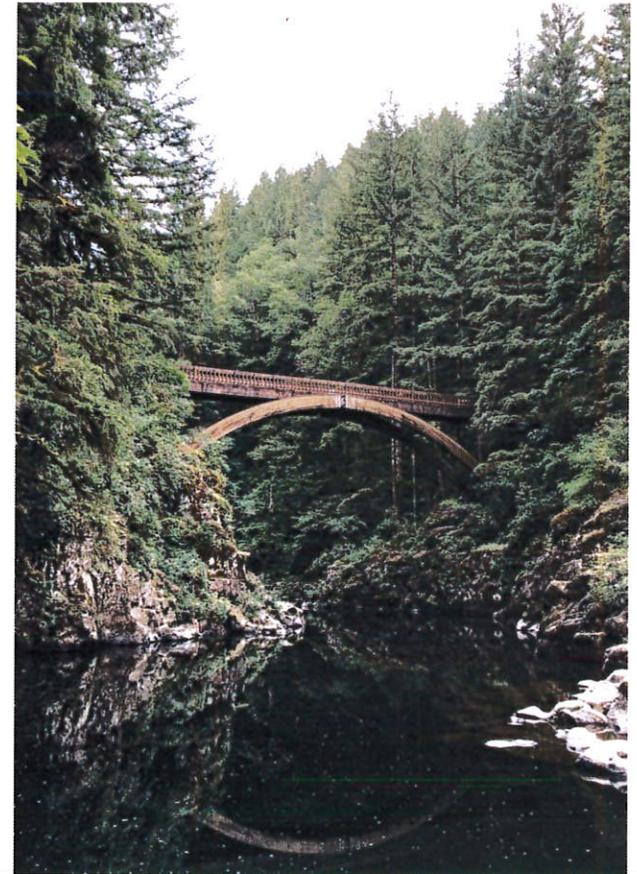
Rosetta Jones | Tacoma
rosetta.jones@doc.wa.gov

docgraduatedreentry@doc1.wa.gov

www.doc.wa.gov

400-BR014 (rev. 7/2018)

Graduated Reentry



What is Graduated Reentry?

In 2018 the Washington State Legislature approved bill SHB 2638 Graduated Reentry. This legislation allows incarcerated individuals an opportunity to serve an expanded portion of their sentence in work release (up to 12 months) and in the community on electronic monitoring (up to six months).

Successful reentry relies on positive support systems such as family, employment, education, and targeted treatment in order to reduce the likelihood of returning to prison

The intent of Graduated Reentry is to improve public safety by targeting interventions and programs for incarcerated individuals' successful transition into the community.

There are two ways someone can be placed on electronic monitoring:

- Expansion of work release to twelve months with up to the last six months being served in the community on electronic monitoring.
- Transfer to electronic monitoring up to the last six months of their prison sentence.

In either track, the incarcerated individual **MUST** have served a minimum of 12 months confinement in a state correctional facility.

Eligibility

Successful reentry takes place when incarcerated individuals, corrections staff, community members, and families team up to develop an individualized graduated plan from incarceration to the community.

Some of the requirements that must be met in order to be eligible include:

- Must have served at least one full year total confinement in a state correctional or contracted facility. (jail time does not count towards the one year confinement).
- Must participate in education, WA ONE risk assessment, employment, or programming based on an individual's identified needs.
- A residence must be approved by the Department of Corrections prior to the incarcerated individual's transfer to electronic monitoring.
 - These individuals are eligible for rental vouchers for a period not to exceed 6 months if an approved residence cannot be found without the assistance of a voucher.

The department will consider criminal history, nature of harm of offense, victim concerns, discipline, and participation in programming, treatment, and education while incarcerated.

Principles

Graduated Reentry practices innovative and effective strategies with incarcerated individuals so they can sustain community living.

- Graduated Reentry provides incarcerated individuals with an opportunity to build skills needed to reenter communities and promote community safety.
- Graduated Reentry values treating all persons with dignity and respect while showing compassion and understanding for individuals.
- Graduated Reentry relies on collaboration with incarcerated individuals, families, community organizations, and each other.

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2638

65th Legislature
2018 Regular Session

Passed by the House March 6, 2018
Yeas 85 Nays 13

Speaker of the House of Representatives

Passed by the Senate March 7, 2018
Yeas 35 Nays 13

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2638** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2638

Passed Legislature - 2018 Regular Session

State of Washington 65th Legislature 2018 Regular Session

By House Public Safety (originally sponsored by Representatives Goodman, Pettigrew, Appleton, and Ortiz-Self; by request of Department of Corrections)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to creating a graduated reentry program of
2 partial confinement for certain offenders; amending RCW 9.94A.030,
3 9.94A.734, and 9.94A.190; reenacting and amending RCW 9.94A.728; and
4 adding a new section to chapter 9.94A RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A
7 RCW to read as follows:

8 (1) No more than the final six months of the offender's term of
9 confinement may be served in partial confinement as home detention as
10 part of the graduated reentry program developed by the department.
11 However, an offender may not participate in the graduated reentry
12 program under this section unless he or she has served at least
13 twelve months in total confinement in a state correctional facility.

14 (2) The secretary of the department may transfer an offender from
15 a department correctional facility to home detention in the community
16 if it is determined that the graduated reentry program is an
17 appropriate placement and must assist the offender's transition from
18 confinement to the community.

19 (3) The department and its officers, agents, and employees are
20 not liable for the acts of offenders participating in the graduated

1 reentry program unless the department or its officers, agents, and
2 employees acted with willful and wanton disregard.

3 (4) All offenders placed on home detention as part of the
4 graduated reentry program must provide an approved residence and
5 living arrangement prior to transfer to home detention.

6 (5) While in the community on home detention as part of the
7 graduated reentry program, the department must:

8 (a) Require the offender to be placed on electronic home
9 monitoring;

10 (b) Require the offender to participate in programming and
11 treatment that the department shall assign based on an offender's
12 assessed need; and

13 (c) Assign a community corrections officer who will monitor the
14 offender's compliance with conditions of partial confinement and
15 programming requirements.

16 (6) The department retains the authority to return any offender
17 serving partial confinement in the graduated reentry program to total
18 confinement for any reason including, but not limited to, the
19 offender's noncompliance with any sentence requirement.

20 (7) The department may issue rental vouchers for a period not to
21 exceed six months for those transferring to partial confinement under
22 this section if an approved address cannot be obtained without the
23 assistance of a voucher.

24 (8) In the selection of offenders to participate in the graduated
25 reentry program, and in setting, modifying, and enforcing the
26 requirements of the graduated release program, the department is
27 deemed to be performing a quasi-judicial function.

28 **Sec. 2.** RCW 9.94A.728 and 2015 c 156 s 1 and 2015 c 134 s 3 are
29 each reenacted and amended to read as follows:

30 (1) No person serving a sentence imposed pursuant to this chapter
31 and committed to the custody of the department shall leave the
32 confines of the correctional facility or be released prior to the
33 expiration of the sentence except as follows:

34 (a) An offender may earn early release time as authorized by RCW
35 9.94A.729;

36 (b) An offender may leave a correctional facility pursuant to an
37 authorized furlough or leave of absence. In addition, offenders may
38 leave a correctional facility when in the custody of a corrections
39 officer or officers;

1 (c)(i) The secretary may authorize an extraordinary medical
2 placement for an offender when all of the following conditions exist:

3 (A) The offender has a medical condition that is serious and is
4 expected to require costly care or treatment;

5 (B) The offender poses a low risk to the community because he or
6 she is currently physically incapacitated due to age or the medical
7 condition or is expected to be so at the time of release; and

8 (C) It is expected that granting the extraordinary medical
9 placement will result in a cost savings to the state.

10 (ii) An offender sentenced to death or to life imprisonment
11 without the possibility of release or parole is not eligible for an
12 extraordinary medical placement.

13 (iii) The secretary shall require electronic monitoring for all
14 offenders in extraordinary medical placement unless the electronic
15 monitoring equipment interferes with the function of the offender's
16 medical equipment or results in the loss of funding for the
17 offender's medical care, in which case, an alternative type of
18 monitoring shall be utilized. The secretary shall specify who shall
19 provide the monitoring services and the terms under which the
20 monitoring shall be performed.

21 (iv) The secretary may revoke an extraordinary medical placement
22 under this subsection (1)(c) at any time.

23 (v) Persistent offenders are not eligible for extraordinary
24 medical placement;

25 (d) The governor, upon recommendation from the clemency and
26 pardons board, may grant an extraordinary release for reasons of
27 serious health problems, senility, advanced age, extraordinary
28 meritorious acts, or other extraordinary circumstances;

29 (e) No more than the final ~~((six))~~ twelve months of the
30 offender's term of confinement may be served in partial confinement
31 ~~((designed to aid))~~ for aiding the offender ~~((in))~~ with: Finding work
32 ~~((and))~~ as part of the work release program under chapter 72.65 RCW;
33 or reestablishing himself or herself in the community ~~((or no more~~
34 ~~than the final twelve months of the offender's term of confinement~~
35 ~~may be served in partial confinement))~~ as part of the parenting
36 program in RCW 9.94A.6551. This is in addition to that period of
37 earned early release time that may be exchanged for partial
38 confinement pursuant to RCW 9.94A.729(5)(d);

39 (f) No more than the final six months of the offender's term of
40 confinement may be served in partial confinement as home detention as

1 part of the graduated reentry program developed by the department
2 under section 1 of this act;

3 (g) The governor may pardon any offender;

4 ~~((g))~~ (h) The department may release an offender from
5 confinement any time within ten days before a release date calculated
6 under this section;

7 ~~((h))~~ (i) An offender may leave a correctional facility prior
8 to completion of his or her sentence if the sentence has been reduced
9 as provided in RCW 9.94A.870;

10 ~~((i))~~ (j) Notwithstanding any other provisions of this section,
11 an offender sentenced for a felony crime listed in RCW 9.94A.540 as
12 subject to a mandatory minimum sentence of total confinement shall
13 not be released from total confinement before the completion of the
14 listed mandatory minimum sentence for that felony crime of conviction
15 unless allowed under RCW 9.94A.540; and

16 ~~((j))~~ (k) Any person convicted of one or more crimes committed
17 prior to the person's eighteenth birthday may be released from
18 confinement pursuant to RCW 9.94A.730.

19 (2) Offenders residing in a juvenile correctional facility
20 placement pursuant to RCW 72.01.410(1)(a) are not subject to the
21 limitations in this section.

22 **Sec. 3.** RCW 9.94A.030 and 2016 c 81 s 16 are each amended to
23 read as follows:

24 Unless the context clearly requires otherwise, the definitions in
25 this section apply throughout this chapter.

26 (1) "Board" means the indeterminate sentence review board created
27 under chapter 9.95 RCW.

28 (2) "Collect," or any derivative thereof, "collect and remit," or
29 "collect and deliver," when used with reference to the department,
30 means that the department, either directly or through a collection
31 agreement authorized by RCW 9.94A.760, is responsible for monitoring
32 and enforcing the offender's sentence with regard to the legal
33 financial obligation, receiving payment thereof from the offender,
34 and, consistent with current law, delivering daily the entire payment
35 to the superior court clerk without depositing it in a departmental
36 account.

37 (3) "Commission" means the sentencing guidelines commission.

38 (4) "Community corrections officer" means an employee of the
39 department who is responsible for carrying out specific duties in

1 supervision of sentenced offenders and monitoring of sentence
2 conditions.

3 (5) "Community custody" means that portion of an offender's
4 sentence of confinement in lieu of earned release time or imposed as
5 part of a sentence under this chapter and served in the community
6 subject to controls placed on the offender's movement and activities
7 by the department.

8 (6) "Community protection zone" means the area within eight
9 hundred eighty feet of the facilities and grounds of a public or
10 private school.

11 (7) "Community restitution" means compulsory service, without
12 compensation, performed for the benefit of the community by the
13 offender.

14 (8) "Confinement" means total or partial confinement.

15 (9) "Conviction" means an adjudication of guilt pursuant to Title
16 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,
17 and acceptance of a plea of guilty.

18 (10) "Crime-related prohibition" means an order of a court
19 prohibiting conduct that directly relates to the circumstances of the
20 crime for which the offender has been convicted, and shall not be
21 construed to mean orders directing an offender affirmatively to
22 participate in rehabilitative programs or to otherwise perform
23 affirmative conduct. However, affirmative acts necessary to monitor
24 compliance with the order of a court may be required by the
25 department.

26 (11) "Criminal history" means the list of a defendant's prior
27 convictions and juvenile adjudications, whether in this state, in
28 federal court, or elsewhere, and any issued certificates of
29 restoration of opportunity pursuant to RCW 9.97.020.

30 (a) The history shall include, where known, for each conviction
31 (i) whether the defendant has been placed on probation and the length
32 and terms thereof; and (ii) whether the defendant has been
33 incarcerated and the length of incarceration.

34 (b) A conviction may be removed from a defendant's criminal
35 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,
36 9.95.240, or a similar out-of-state statute, or if the conviction has
37 been vacated pursuant to a governor's pardon.

38 (c) The determination of a defendant's criminal history is
39 distinct from the determination of an offender score. A prior
40 conviction that was not included in an offender score calculated

1 pursuant to a former version of the sentencing reform act remains
2 part of the defendant's criminal history.

3 (12) "Criminal street gang" means any ongoing organization,
4 association, or group of three or more persons, whether formal or
5 informal, having a common name or common identifying sign or symbol,
6 having as one of its primary activities the commission of criminal
7 acts, and whose members or associates individually or collectively
8 engage in or have engaged in a pattern of criminal street gang
9 activity. This definition does not apply to employees engaged in
10 concerted activities for their mutual aid and protection, or to the
11 activities of labor and bona fide nonprofit organizations or their
12 members or agents.

13 (13) "Criminal street gang associate or member" means any person
14 who actively participates in any criminal street gang and who
15 intentionally promotes, furthers, or assists in any criminal act by
16 the criminal street gang.

17 (14) "Criminal street gang-related offense" means any felony or
18 misdemeanor offense, whether in this state or elsewhere, that is
19 committed for the benefit of, at the direction of, or in association
20 with any criminal street gang, or is committed with the intent to
21 promote, further, or assist in any criminal conduct by the gang, or
22 is committed for one or more of the following reasons:

23 (a) To gain admission, prestige, or promotion within the gang;

24 (b) To increase or maintain the gang's size, membership,
25 prestige, dominance, or control in any geographical area;

26 (c) To exact revenge or retribution for the gang or any member of
27 the gang;

28 (d) To obstruct justice, or intimidate or eliminate any witness
29 against the gang or any member of the gang;

30 (e) To directly or indirectly cause any benefit, aggrandizement,
31 gain, profit, or other advantage for the gang, its reputation,
32 influence, or membership; or

33 (f) To provide the gang with any advantage in, or any control or
34 dominance over any criminal market sector, including, but not limited
35 to, manufacturing, delivering, or selling any controlled substance
36 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
37 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88
38 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual
39 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter
40 9.68 RCW).

1 (15) "Day fine" means a fine imposed by the sentencing court that
2 equals the difference between the offender's net daily income and the
3 reasonable obligations that the offender has for the support of the
4 offender and any dependents.

5 (16) "Day reporting" means a program of enhanced supervision
6 designed to monitor the offender's daily activities and compliance
7 with sentence conditions, and in which the offender is required to
8 report daily to a specific location designated by the department or
9 the sentencing court.

10 (17) "Department" means the department of corrections.

11 (18) "Determinate sentence" means a sentence that states with
12 exactitude the number of actual years, months, or days of total
13 confinement, of partial confinement, of community custody, the number
14 of actual hours or days of community restitution work, or dollars or
15 terms of a legal financial obligation. The fact that an offender
16 through earned release can reduce the actual period of confinement
17 shall not affect the classification of the sentence as a determinate
18 sentence.

19 (19) "Disposable earnings" means that part of the earnings of an
20 offender remaining after the deduction from those earnings of any
21 amount required by law to be withheld. For the purposes of this
22 definition, "earnings" means compensation paid or payable for
23 personal services, whether denominated as wages, salary, commission,
24 bonuses, or otherwise, and, notwithstanding any other provision of
25 law making the payments exempt from garnishment, attachment, or other
26 process to satisfy a court-ordered legal financial obligation,
27 specifically includes periodic payments pursuant to pension or
28 retirement programs, or insurance policies of any type, but does not
29 include payments made under Title 50 RCW, except as provided in RCW
30 50.40.020 and 50.40.050, or Title 74 RCW.

31 (20) "Domestic violence" has the same meaning as defined in RCW
32 10.99.020 and 26.50.010.

33 (21) "Drug offender sentencing alternative" is a sentencing
34 option available to persons convicted of a felony offense other than
35 a violent offense or a sex offense and who are eligible for the
36 option under RCW 9.94A.660.

37 (22) "Drug offense" means:

38 (a) Any felony violation of chapter 69.50 RCW except possession
39 of a controlled substance (RCW 69.50.4013) or forged prescription for
40 a controlled substance (RCW 69.50.403);

1 (b) Any offense defined as a felony under federal law that
2 relates to the possession, manufacture, distribution, or
3 transportation of a controlled substance; or

4 (c) Any out-of-state conviction for an offense that under the
5 laws of this state would be a felony classified as a drug offense
6 under (a) of this subsection.

7 (23) "Earned release" means earned release from confinement as
8 provided in RCW 9.94A.728.

9 (24) "Electronic monitoring" means tracking the location of an
10 individual, whether pretrial or posttrial, through the use of
11 technology that is capable of determining or identifying the
12 monitored individual's presence or absence at a particular location
13 including, but not limited to:

14 (a) Radio frequency signaling technology, which detects if the
15 monitored individual is or is not at an approved location and
16 notifies the monitoring agency of the time that the monitored
17 individual either leaves the approved location or tampers with or
18 removes the monitoring device; or

19 (b) Active or passive global positioning system technology, which
20 detects the location of the monitored individual and notifies the
21 monitoring agency of the monitored individual's location.

22 (25) "Escape" means:

23 (a) Sexually violent predator escape (RCW 9A.76.115), escape in
24 the first degree (RCW 9A.76.110), escape in the second degree (RCW
25 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
26 willful failure to return from work release (RCW 72.65.070), or
27 willful failure to be available for supervision by the department
28 while in community custody (RCW 72.09.310); or

29 (b) Any federal or out-of-state conviction for an offense that
30 under the laws of this state would be a felony classified as an
31 escape under (a) of this subsection.

32 (26) "Felony traffic offense" means:

33 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
34 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
35 run injury-accident (RCW 46.52.020(4)), felony driving while under
36 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),
37 or felony physical control of a vehicle while under the influence of
38 intoxicating liquor or any drug (RCW 46.61.504(6)); or

1 (b) Any federal or out-of-state conviction for an offense that
2 under the laws of this state would be a felony classified as a felony
3 traffic offense under (a) of this subsection.

4 (27) "Fine" means a specific sum of money ordered by the
5 sentencing court to be paid by the offender to the court over a
6 specific period of time.

7 (28) "First-time offender" means any person who has no prior
8 convictions for a felony and is eligible for the first-time offender
9 waiver under RCW 9.94A.650.

10 (29) "Home detention" is a subset of electronic monitoring and
11 means a program of partial confinement available to offenders wherein
12 the offender is confined in a private residence twenty-four hours a
13 day, unless an absence from the residence is approved, authorized, or
14 otherwise permitted in the order by the court or other supervising
15 agency that ordered home detention, and the offender is subject to
16 electronic monitoring.

17 (30) "Homelessness" or "homeless" means a condition where an
18 individual lacks a fixed, regular, and adequate nighttime residence
19 and who has a primary nighttime residence that is:

20 (a) A supervised, publicly or privately operated shelter designed
21 to provide temporary living accommodations;

22 (b) A public or private place not designed for, or ordinarily
23 used as, a regular sleeping accommodation for human beings; or

24 (c) A private residence where the individual stays as a transient
25 invitee.

26 (31) "Legal financial obligation" means a sum of money that is
27 ordered by a superior court of the state of Washington for legal
28 financial obligations which may include restitution to the victim,
29 statutorily imposed crime victims' compensation fees as assessed
30 pursuant to RCW 7.68.035, court costs, county or interlocal drug
31 funds, court-appointed attorneys' fees, and costs of defense, fines,
32 and any other financial obligation that is assessed to the offender
33 as a result of a felony conviction. Upon conviction for vehicular
34 assault while under the influence of intoxicating liquor or any drug,
35 RCW 46.61.522(1)(b), or vehicular homicide while under the influence
36 of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal
37 financial obligations may also include payment to a public agency of
38 the expense of an emergency response to the incident resulting in the
39 conviction, subject to RCW 38.52.430.

1 (32) "Minor child" means a biological or adopted child of the
2 offender who is under age eighteen at the time of the offender's
3 current offense.

4 (33) "Most serious offense" means any of the following felonies
5 or a felony attempt to commit any of the following felonies:

6 (a) Any felony defined under any law as a class A felony or
7 criminal solicitation of or criminal conspiracy to commit a class A
8 felony;

9 (b) Assault in the second degree;

10 (c) Assault of a child in the second degree;

11 (d) Child molestation in the second degree;

12 (e) Controlled substance homicide;

13 (f) Extortion in the first degree;

14 (g) Incest when committed against a child under age fourteen;

15 (h) Indecent liberties;

16 (i) Kidnapping in the second degree;

17 (j) Leading organized crime;

18 (k) Manslaughter in the first degree;

19 (l) Manslaughter in the second degree;

20 (m) Promoting prostitution in the first degree;

21 (n) Rape in the third degree;

22 (o) Robbery in the second degree;

23 (p) Sexual exploitation;

24 (q) Vehicular assault, when caused by the operation or driving of
25 a vehicle by a person while under the influence of intoxicating
26 liquor or any drug or by the operation or driving of a vehicle in a
27 reckless manner;

28 (r) Vehicular homicide, when proximately caused by the driving of
29 any vehicle by any person while under the influence of intoxicating
30 liquor or any drug as defined by RCW 46.61.502, or by the operation
31 of any vehicle in a reckless manner;

32 (s) Any other class B felony offense with a finding of sexual
33 motivation;

34 (t) Any other felony with a deadly weapon verdict under RCW
35 9.94A.825;

36 (u) Any felony offense in effect at any time prior to December 2,
37 1993, that is comparable to a most serious offense under this
38 subsection, or any federal or out-of-state conviction for an offense
39 that under the laws of this state would be a felony classified as a
40 most serious offense under this subsection;

1 (v)(i) A prior conviction for indecent liberties under RCW
2 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.
3 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),
4 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW
5 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,
6 until July 1, 1988;

7 (ii) A prior conviction for indecent liberties under RCW
8 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
9 if: (A) The crime was committed against a child under the age of
10 fourteen; or (B) the relationship between the victim and perpetrator
11 is included in the definition of indecent liberties under RCW
12 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,
13 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,
14 1993, through July 27, 1997;

15 (w) Any out-of-state conviction for a felony offense with a
16 finding of sexual motivation if the minimum sentence imposed was ten
17 years or more; provided that the out-of-state felony offense must be
18 comparable to a felony offense under this title and Title 9A RCW and
19 the out-of-state definition of sexual motivation must be comparable
20 to the definition of sexual motivation contained in this section.

21 (34) "Nonviolent offense" means an offense which is not a violent
22 offense.

23 (35) "Offender" means a person who has committed a felony
24 established by state law and is eighteen years of age or older or is
25 less than eighteen years of age but whose case is under superior
26 court jurisdiction under RCW 13.04.030 or has been transferred by the
27 appropriate juvenile court to a criminal court pursuant to RCW
28 13.40.110. In addition, for the purpose of community custody
29 requirements under this chapter, "offender" also means a misdemeanor
30 or gross misdemeanor probationer ordered by a superior court to
31 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and
32 supervised by the department pursuant to RCW 9.94A.501 and
33 9.94A.5011. Throughout this chapter, the terms "offender" and
34 "defendant" are used interchangeably.

35 (36) "Partial confinement" means confinement for no more than one
36 year in a facility or institution operated or utilized under contract
37 by the state or any other unit of government, or, if home detention,
38 electronic monitoring, or work crew has been ordered by the court or
39 home detention has been ordered by the department as part of the
40 parenting program or the graduated reentry program, in an approved

1 residence, for a substantial portion of each day with the balance of
2 the day spent in the community. Partial confinement includes work
3 release, home detention, work crew, electronic monitoring, and a
4 combination of work crew, electronic monitoring, and home detention.

5 (37) "Pattern of criminal street gang activity" means:

6 (a) The commission, attempt, conspiracy, or solicitation of, or
7 any prior juvenile adjudication of or adult conviction of, two or
8 more of the following criminal street gang-related offenses:

9 (i) Any "serious violent" felony offense as defined in this
10 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a
11 Child 1 (RCW 9A.36.120);

12 (ii) Any "violent" offense as defined by this section, excluding
13 Assault of a Child 2 (RCW 9A.36.130);

14 (iii) Deliver or Possession with Intent to Deliver a Controlled
15 Substance (chapter 69.50 RCW);

16 (iv) Any violation of the firearms and dangerous weapon act
17 (chapter 9.41 RCW);

18 (v) Theft of a Firearm (RCW 9A.56.300);

19 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);

20 (vii) Malicious Harassment (RCW 9A.36.080);

21 (viii) Harassment where a subsequent violation or deadly threat
22 is made (RCW 9A.46.020(2)(b));

23 (ix) Criminal Gang Intimidation (RCW 9A.46.120);

24 (x) Any felony conviction by a person eighteen years of age or
25 older with a special finding of involving a juvenile in a felony
26 offense under RCW 9.94A.833;

27 (xi) Residential Burglary (RCW 9A.52.025);

28 (xii) Burglary 2 (RCW 9A.52.030);

29 (xiii) Malicious Mischief 1 (RCW 9A.48.070);

30 (xiv) Malicious Mischief 2 (RCW 9A.48.080);

31 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);

32 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

33 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW
34 9A.56.070);

35 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW
36 9A.56.075);

37 (xix) Extortion 1 (RCW 9A.56.120);

38 (xx) Extortion 2 (RCW 9A.56.130);

39 (xxi) Intimidating a Witness (RCW 9A.72.110);

40 (xxii) Tampering with a Witness (RCW 9A.72.120);

1 (xxiii) Reckless Endangerment (RCW 9A.36.050);
2 (xxiv) Coercion (RCW 9A.36.070);
3 (xxv) Harassment (RCW 9A.46.020); or
4 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);
5 (b) That at least one of the offenses listed in (a) of this
6 subsection shall have occurred after July 1, 2008;
7 (c) That the most recent committed offense listed in (a) of this
8 subsection occurred within three years of a prior offense listed in
9 (a) of this subsection; and
10 (d) Of the offenses that were committed in (a) of this
11 subsection, the offenses occurred on separate occasions or were
12 committed by two or more persons.
13 (38) "Persistent offender" is an offender who:
14 (a)(i) Has been convicted in this state of any felony considered
15 a most serious offense; and
16 (ii) Has, before the commission of the offense under (a) of this
17 subsection, been convicted as an offender on at least two separate
18 occasions, whether in this state or elsewhere, of felonies that under
19 the laws of this state would be considered most serious offenses and
20 would be included in the offender score under RCW 9.94A.525; provided
21 that of the two or more previous convictions, at least one conviction
22 must have occurred before the commission of any of the other most
23 serious offenses for which the offender was previously convicted; or
24 (b)(i) Has been convicted of: (A) Rape in the first degree, rape
25 of a child in the first degree, child molestation in the first
26 degree, rape in the second degree, rape of a child in the second
27 degree, or indecent liberties by forcible compulsion; (B) any of the
28 following offenses with a finding of sexual motivation: Murder in the
29 first degree, murder in the second degree, homicide by abuse,
30 kidnapping in the first degree, kidnapping in the second degree,
31 assault in the first degree, assault in the second degree, assault of
32 a child in the first degree, assault of a child in the second degree,
33 or burglary in the first degree; or (C) an attempt to commit any
34 crime listed in this subsection (38)(b)(i); and
35 (ii) Has, before the commission of the offense under (b)(i) of
36 this subsection, been convicted as an offender on at least one
37 occasion, whether in this state or elsewhere, of an offense listed in
38 (b)(i) of this subsection or any federal or out-of-state offense or
39 offense under prior Washington law that is comparable to the offenses
40 listed in (b)(i) of this subsection. A conviction for rape of a child

1 in the first degree constitutes a conviction under (b)(i) of this
2 subsection only when the offender was sixteen years of age or older
3 when the offender committed the offense. A conviction for rape of a
4 child in the second degree constitutes a conviction under (b)(i) of
5 this subsection only when the offender was eighteen years of age or
6 older when the offender committed the offense.

7 (39) "Predatory" means: (a) The perpetrator of the crime was a
8 stranger to the victim, as defined in this section; (b) the
9 perpetrator established or promoted a relationship with the victim
10 prior to the offense and the victimization of the victim was a
11 significant reason the perpetrator established or promoted the
12 relationship; or (c) the perpetrator was: (i) A teacher, counselor,
13 volunteer, or other person in authority in any public or private
14 school and the victim was a student of the school under his or her
15 authority or supervision. For purposes of this subsection, "school"
16 does not include home-based instruction as defined in RCW
17 28A.225.010; (ii) a coach, trainer, volunteer, or other person in
18 authority in any recreational activity and the victim was a
19 participant in the activity under his or her authority or
20 supervision; (iii) a pastor, elder, volunteer, or other person in
21 authority in any church or religious organization, and the victim was
22 a member or participant of the organization under his or her
23 authority; or (iv) a teacher, counselor, volunteer, or other person
24 in authority providing home-based instruction and the victim was a
25 student receiving home-based instruction while under his or her
26 authority or supervision. For purposes of this subsection: (A) "Home-
27 based instruction" has the same meaning as defined in RCW
28 28A.225.010; and (B) "teacher, counselor, volunteer, or other person
29 in authority" does not include the parent or legal guardian of the
30 victim.

31 (40) "Private school" means a school regulated under chapter
32 28A.195 or 28A.205 RCW.

33 (41) "Public school" has the same meaning as in RCW 28A.150.010.

34 (42) "Repetitive domestic violence offense" means any:

35 (a)(i) Domestic violence assault that is not a felony offense
36 under RCW 9A.36.041;

37 (ii) Domestic violence violation of a no-contact order under
38 chapter 10.99 RCW that is not a felony offense;

1 (iii) Domestic violence violation of a protection order under
2 chapter 26.09, 26.10, 26.26, or 26.50 RCW that is not a felony
3 offense;

4 (iv) Domestic violence harassment offense under RCW 9A.46.020
5 that is not a felony offense; or

6 (v) Domestic violence stalking offense under RCW 9A.46.110 that
7 is not a felony offense; or

8 (b) Any federal, out-of-state, tribal court, military, county, or
9 municipal conviction for an offense that under the laws of this state
10 would be classified as a repetitive domestic violence offense under
11 (a) of this subsection.

12 (43) "Restitution" means a specific sum of money ordered by the
13 sentencing court to be paid by the offender to the court over a
14 specified period of time as payment of damages. The sum may include
15 both public and private costs.

16 (44) "Risk assessment" means the application of the risk
17 instrument recommended to the department by the Washington state
18 institute for public policy as having the highest degree of
19 predictive accuracy for assessing an offender's risk of reoffense.

20 (45) "Serious traffic offense" means:

21 (a) Nonfelony driving while under the influence of intoxicating
22 liquor or any drug (RCW 46.61.502), nonfelony actual physical control
23 while under the influence of intoxicating liquor or any drug (RCW
24 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an
25 attended vehicle (RCW 46.52.020(5)); or

26 (b) Any federal, out-of-state, county, or municipal conviction
27 for an offense that under the laws of this state would be classified
28 as a serious traffic offense under (a) of this subsection.

29 (46) "Serious violent offense" is a subcategory of violent
30 offense and means:

31 (a)(i) Murder in the first degree;

32 (ii) Homicide by abuse;

33 (iii) Murder in the second degree;

34 (iv) Manslaughter in the first degree;

35 (v) Assault in the first degree;

36 (vi) Kidnapping in the first degree;

37 (vii) Rape in the first degree;

38 (viii) Assault of a child in the first degree; or

39 (ix) An attempt, criminal solicitation, or criminal conspiracy to
40 commit one of these felonies; or

1 (b) Any federal or out-of-state conviction for an offense that
2 under the laws of this state would be a felony classified as a
3 serious violent offense under (a) of this subsection.

4 (47) "Sex offense" means:

5 (a)(i) A felony that is a violation of chapter 9A.44 RCW other
6 than RCW 9A.44.132;

7 (ii) A violation of RCW 9A.64.020;

8 (iii) A felony that is a violation of chapter 9.68A RCW other
9 than RCW 9.68A.080;

10 (iv) A felony that is, under chapter 9A.28 RCW, a criminal
11 attempt, criminal solicitation, or criminal conspiracy to commit such
12 crimes; or

13 (v) A felony violation of RCW 9A.44.132(1) (failure to register
14 as a sex offender) if the person has been convicted of violating RCW
15 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130
16 prior to June 10, 2010, on at least one prior occasion;

17 (b) Any conviction for a felony offense in effect at any time
18 prior to July 1, 1976, that is comparable to a felony classified as a
19 sex offense in (a) of this subsection;

20 (c) A felony with a finding of sexual motivation under RCW
21 9.94A.835 or 13.40.135; or

22 (d) Any federal or out-of-state conviction for an offense that
23 under the laws of this state would be a felony classified as a sex
24 offense under (a) of this subsection.

25 (48) "Sexual motivation" means that one of the purposes for which
26 the defendant committed the crime was for the purpose of his or her
27 sexual gratification.

28 (49) "Standard sentence range" means the sentencing court's
29 discretionary range in imposing a nonappealable sentence.

30 (50) "Statutory maximum sentence" means the maximum length of
31 time for which an offender may be confined as punishment for a crime
32 as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute
33 defining the crime, or other statute defining the maximum penalty for
34 a crime.

35 (51) "Stranger" means that the victim did not know the offender
36 twenty-four hours before the offense.

37 (52) "Total confinement" means confinement inside the physical
38 boundaries of a facility or institution operated or utilized under
39 contract by the state or any other unit of government for twenty-four
40 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

1 (53) "Transition training" means written and verbal instructions
2 and assistance provided by the department to the offender during the
3 two weeks prior to the offender's successful completion of the work
4 ethic camp program. The transition training shall include
5 instructions in the offender's requirements and obligations during
6 the offender's period of community custody.

7 (54) "Victim" means any person who has sustained emotional,
8 psychological, physical, or financial injury to person or property as
9 a direct result of the crime charged.

10 (55) "Violent offense" means:

11 (a) Any of the following felonies:

12 (i) Any felony defined under any law as a class A felony or an
13 attempt to commit a class A felony;

14 (ii) Criminal solicitation of or criminal conspiracy to commit a
15 class A felony;

16 (iii) Manslaughter in the first degree;

17 (iv) Manslaughter in the second degree;

18 (v) Indecent liberties if committed by forcible compulsion;

19 (vi) Kidnapping in the second degree;

20 (vii) Arson in the second degree;

21 (viii) Assault in the second degree;

22 (ix) Assault of a child in the second degree;

23 (x) Extortion in the first degree;

24 (xi) Robbery in the second degree;

25 (xii) Drive-by shooting;

26 (xiii) Vehicular assault, when caused by the operation or driving
27 of a vehicle by a person while under the influence of intoxicating
28 liquor or any drug or by the operation or driving of a vehicle in a
29 reckless manner; and

30 (xiv) Vehicular homicide, when proximately caused by the driving
31 of any vehicle by any person while under the influence of
32 intoxicating liquor or any drug as defined by RCW 46.61.502, or by
33 the operation of any vehicle in a reckless manner;

34 (b) Any conviction for a felony offense in effect at any time
35 prior to July 1, 1976, that is comparable to a felony classified as a
36 violent offense in (a) of this subsection; and

37 (c) Any federal or out-of-state conviction for an offense that
38 under the laws of this state would be a felony classified as a
39 violent offense under (a) or (b) of this subsection.

1 (56) "Work crew" means a program of partial confinement
2 consisting of civic improvement tasks for the benefit of the
3 community that complies with RCW 9.94A.725.

4 (57) "Work ethic camp" means an alternative incarceration program
5 as provided in RCW 9.94A.690 designed to reduce recidivism and lower
6 the cost of corrections by requiring offenders to complete a
7 comprehensive array of real-world job and vocational experiences,
8 character-building work ethics training, life management skills
9 development, substance abuse rehabilitation, counseling, literacy
10 training, and basic adult education.

11 (58) "Work release" means a program of partial confinement
12 available to offenders who are employed or engaged as a student in a
13 regular course of study at school.

14 **Sec. 4.** RCW 9.94A.734 and 2015 c 287 s 2 are each amended to
15 read as follows:

16 (1) Home detention may not be imposed for offenders convicted of
17 the following offenses, unless imposed as partial confinement in the
18 department's parenting program under RCW 9.94A.6551 or the graduated
19 reentry program under section 1 of this act:

20 (a) A violent offense;

21 (b) Any sex offense;

22 (c) Any drug offense;

23 (d) Reckless burning in the first or second degree as defined in
24 RCW 9A.48.040 or 9A.48.050;

25 (e) Assault in the third degree as defined in RCW 9A.36.031;

26 (f) Assault of a child in the third degree;

27 (g) Unlawful imprisonment as defined in RCW 9A.40.040; or

28 (h) Harassment as defined in RCW 9A.46.020.

29 Home detention may be imposed for offenders convicted of possession
30 of a controlled substance under RCW 69.50.4013 or forged prescription
31 for a controlled substance under RCW 69.50.403 if the offender
32 fulfills the participation conditions set forth in this section and
33 is monitored for drug use by a treatment alternatives to street crime
34 program or a comparable court or agency-referred program.

35 (2) Home detention may be imposed for offenders convicted of
36 burglary in the second degree as defined in RCW 9A.52.030 or
37 residential burglary conditioned upon the offender:

38 (a) Successfully completing twenty-one days in a work release
39 program;

1 (b) Having no convictions for burglary in the second degree or
2 residential burglary during the preceding two years and not more than
3 two prior convictions for burglary or residential burglary;

4 (c) Having no convictions for a violent felony offense during the
5 preceding two years and not more than two prior convictions for a
6 violent felony offense;

7 (d) Having no prior charges of escape; and

8 (e) Fulfilling the other conditions of the home detention
9 program.

10 (3) Home detention may be imposed for offenders convicted of
11 taking a motor vehicle without permission in the second degree as
12 defined in RCW 9A.56.075, theft of a motor vehicle as defined under
13 RCW 9A.56.065, or possession of a stolen motor vehicle as defined
14 under RCW 9A.56.068 conditioned upon the offender:

15 (a) Having no convictions for taking a motor vehicle without
16 permission, theft of a motor vehicle or possession of a stolen motor
17 vehicle during the preceding five years and not more than two prior
18 convictions for taking a motor vehicle without permission, theft of a
19 motor vehicle or possession of a stolen motor vehicle;

20 (b) Having no convictions for a violent felony offense during the
21 preceding two years and not more than two prior convictions for a
22 violent felony offense;

23 (c) Having no prior charges of escape; and

24 (d) Fulfilling the other conditions of the home detention
25 program.

26 (4) Participation in a home detention program shall be
27 conditioned upon:

28 (a) The offender obtaining or maintaining current employment or
29 attending a regular course of school study at regularly defined
30 hours, or the offender performing parental duties to offspring or
31 minors normally in the custody of the offender;

32 (b) Abiding by the rules of the home detention program; and

33 (c) Compliance with court-ordered legal financial obligations.

34 (5) The home detention program may also be made available to
35 offenders whose charges and convictions do not otherwise disqualify
36 them if medical or health-related conditions, concerns or treatment
37 would be better addressed under the home detention program, or where
38 the health and welfare of the offender, other inmates, or staff would
39 be jeopardized by the offender's incarceration. Participation in the
40 home detention program for medical or health-related reasons is

1 conditioned on the offender abiding by the rules of the home
2 detention program and complying with court-ordered restitution.

3 (6)(a) A sentencing court shall deny the imposition of home
4 detention if the court finds that (i) the offender has previously and
5 knowingly violated the terms of a home detention program and (ii) the
6 previous violation is not a technical, minor, or nonsubstantive
7 violation.

8 (b) A sentencing court may deny the imposition of home detention
9 if the court finds that (i) the offender has previously and knowingly
10 violated the terms of a home detention program and (ii) the previous
11 violation or violations were technical, minor, or nonsubstantive
12 violations.

13 (7) A home detention program must be administered by a monitoring
14 agency that meets the conditions described in RCW 9.94A.736.

15 **Sec. 5.** RCW 9.94A.190 and 2010 c 224 s 10 are each amended to
16 read as follows:

17 (1) A sentence that includes a term or terms of confinement
18 totaling more than one year shall be served in a facility or
19 institution operated, or utilized under contract, by the state, or in
20 home detention pursuant to RCW 9.94A.6551 or the graduated reentry
21 program under section 1 of this act. Except as provided in subsection
22 (3) or (5) of this section, a sentence of not more than one year of
23 confinement shall be served in a facility operated, licensed, or
24 utilized under contract, by the county, or if home detention or work
25 crew has been ordered by the court, in the residence of either the
26 offender or a member of the offender's immediate family.

27 (2) If a county uses a state partial confinement facility for the
28 partial confinement of a person sentenced to confinement for not more
29 than one year, the county shall reimburse the state for the use of
30 the facility as provided in this subsection. The office of financial
31 management shall set the rate of reimbursement based upon the average
32 per diem cost per offender in the facility. The office of financial
33 management shall determine to what extent, if any, reimbursement
34 shall be reduced or eliminated because of funds provided by the
35 legislature to the department for the purpose of covering the cost of
36 county use of state partial confinement facilities. The office of
37 financial management shall reestablish reimbursement rates each even-
38 numbered year.

1 (3) A person who is sentenced for a felony to a term of not more
2 than one year, and who is committed or returned to incarceration in a
3 state facility on another felony conviction, either under the
4 indeterminate sentencing laws, chapter 9.95 RCW, or under this
5 chapter shall serve all terms of confinement, including a sentence of
6 not more than one year, in a facility or institution operated, or
7 utilized under contract, by the state, consistent with the provisions
8 of RCW 9.94A.589.

9 (4) Notwithstanding any other provision of this section, a
10 sentence imposed pursuant to RCW 9.94A.660 which has a standard
11 sentence range of over one year, regardless of length, shall be
12 served in a facility or institution operated, or utilized under
13 contract, by the state.

14 (5) Sentences imposed pursuant to RCW 9.94A.507 shall be served
15 in a facility or institution operated, or utilized under contract, by
16 the state.

--- END ---

Update on Graduated Reentry

Since implementation of Graduated Reentry (GRE), staff are in place around the state, including 7 CCOs. Referrals and screenings are occurring for participation in work release and electronic home monitoring.

There are 2 tracks to GRE:

Track 1 (12 month): Expansion of work release to 12 months with the target of transfer to electronic home monitoring with up to the last 6 months of incarceration remaining. Incarcerated individuals either release with supervision or no supervision at their earned release date.

Track 2 (6 month): Directly transfer from a DOC institution to electronic home monitoring with up to the last 6 months of their prison sentence. Incarcerated individuals either release with supervision or no supervision at their earned release date.

In order to be eligible, the incarcerated individual must:

- Have served at least 1 year in total confinement on the current incarceration
- Be serious infraction free for 6 months
 - Category A infraction free for 3 years
 - Category B1 infraction free for 1 year
- Have no felony detainers or warrants (extraditable or not)
- Not be terminated from DOSA and found guilty of 762 infraction on the current incarceration
- Not be serving a prison sentence for Escape 1 from a correctional facility
- Not be serving a sentence that has consecutive time owed to another jurisdiction
- Not have an out of state release plan
- Not have a current End of Sentence Review recommending civil commitment
- Not have refused work release placement while on current offense

DOC will consider the following when screening:

- Nature of Harm of offense
- Victim issues/concerns
- Domestic violence, including violations of no contact orders
- Significant community concerns as documented by the GRE Community Corrections Supervisor

Although there are few restrictions of crime classification of incarcerated individuals, there are limited slots for entry due to limited resources and the number of participants assigned to CCOs. As we gain success through implementation and putting in place the needed programs, we hope to expand the opportunity to a larger portion of the incarcerated population.

Please note that meeting the eligibility criteria does not guarantee or mean you will be selected for the program as limited spaces are available.

Initially, DOC did restrict certain offenses and risk levels; however, as we have moved forward with implementation, those have evolved and individuals of various risk levels and offenses are participating in the program.

At this time, DOC is not placing sex offenders on GRE.

2019-21 Operating Budget Submittal

NOVEMBER 17, 2018

JEREMY BARCLAY



2019-21 Operating Budget Submittal

The Department of Corrections submitted the following requests for consideration in the 2019-21 Operating Budget submittal in September 2018.

2019-21 Budget Development	# of Requests	Estimated Biennial FTE Request	Estimated Biennial Funding Request
Maintenance Level	34	467.6	\$ 187,272,000
Policy Level	24	218.8	\$ 99,478,000
Grand Total	58	685.9	\$ 286,750,000

The proposed funding requests are informed by partner agencies and other stakeholders and align with the agency's mission and commitments by:

- Stabilizing the base budget
- Expanding integrated reentry efforts
- Addressing chronic overcapacity
- Increasing officer and community safety
- Managing risk, vendor rates and IT infrastructure

Stabilizing the Base Budget

Unfunded non-discretionary costs are eroding the agency's ability to meet its mission of improving public safety. The lack of full funding for direct patient health care, including outpatient and specialty care, nurse staffing costs, and medication effects staff and patient safety, and creates legal risks.

Health Care Needs – 19.5 FTE's and \$20,762,000

- **Direct Patient Care - \$7,110,000**

Includes funding for the increased cost of health care services due to the changing health care needs of the incarcerated population and general cost increases of specialist care.

- **Critical Nursing Relief – 19.5 FTE's and \$5,414,000**

Includes funding for relief needs and holiday overtime for Registered Nurse (RN), Licensed Practical Nurse (LPN), and Nursing Assistant job classifications.

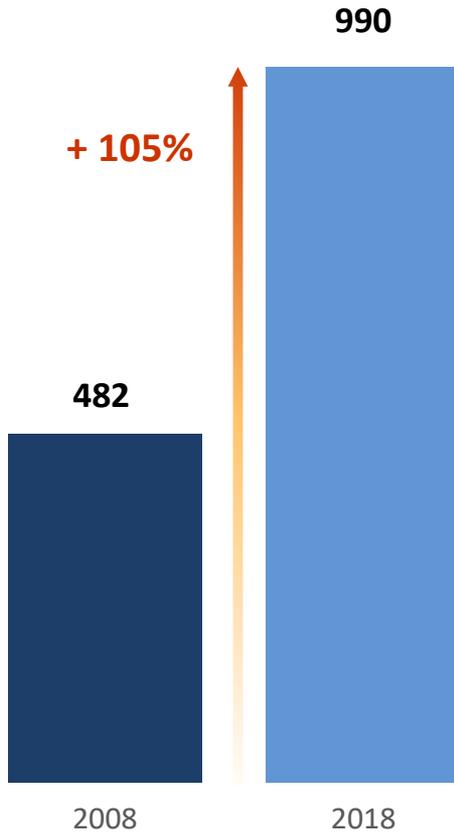
- **Medical Inflation - \$8,238,000**

Includes funding for prescription rate increases for medical and mental health care of the incarcerated population.

Aging Population of DOC Patients

Population increase for patients over 60

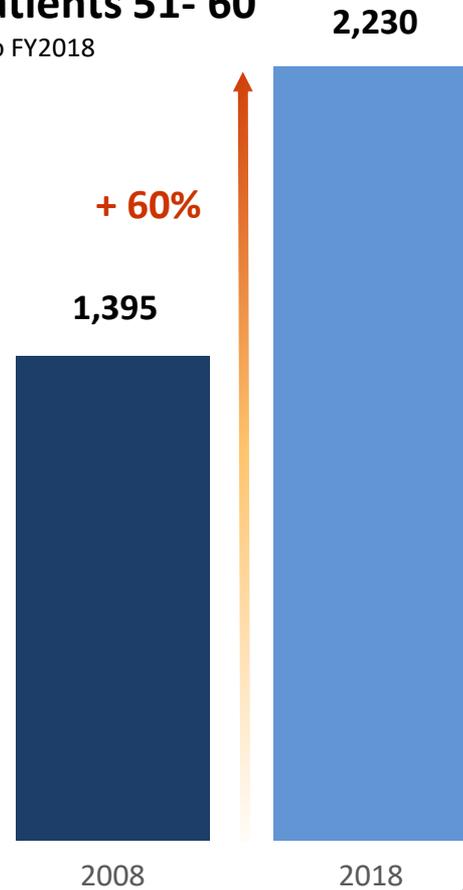
FY2008 to FY2018



SOURCE: DOC Data Warehouse – Patient Population.

Population increase for patients 51- 60

FY2008 to FY2018



SOURCE: DOC Data Warehouse – Patient Population.

Stabilizing the Base Budget

Custody/Community Corrections – 201.5 FTE's and \$39,928,000

- Increased costs from interest arbitration and increased training causes mandatory overtime that contributes to corrections fatigue, can jeopardize the safety and security of staff and incarcerated individuals, and lead to increased turnover.
- More funding is needed for off-site medical transportation, hospital watch posts, close observation watch, and posts within Mental Health Living Units.
- Increased funding for dedicated transport teams in the Community Corrections Division due to an increase in arrests driven by changes to RCW and decreased access to jail beds.

Integrated Reentry

Individuals releasing from correctional facilities face substantial barriers to successful reentry, including needs around housing, employment, education, mental health, substance abuse, and medical problems. These needs are challenging to navigate. Without adequate support in both pre- and post-release, there is an increased likelihood to return to prison.

Corrections requested increased funding to improve and increase transition support for individuals reentering the community. To accomplish this, Corrections needs to expand the system-wide reentry process, recognizing the need for a more coordinated and collaborative effort among state agencies and community partners, modeled after the Second Chance Act (SCA) program.

Integrated Reentry

Community Transition Services – 10.0 FTE's and \$11,768,000

- **Reentry Transition Support Services:** contract funding for community-based organizations to provide pre- and post-release support, such as mentorship, essential needs support, and other release readiness program services that are based on individualized case planning needs
- **Expand Transition Resource Programs:** resources to expand programs that provide transitional assistance, case plans, expand public awareness of the challenges of reentry, and several other efforts supporting successful reentry.
- **Increase Housing Voucher Resources:** extend the maximum allowable period from three (3) months to six (6) months, expand the number of housing vouchers available, and increase the monthly amount by \$100.
- **Identicard:** funding to ensure that every eligible individual is provided identification prior to release from confinement.

Education - \$2,348,000

- **Building Trades Pre-Apprenticeship Program:** implement a building trades pre-apprenticeship program and establish apprenticeship navigator support.
- **Expanded Programming:** expand educational programming within prison facilities to serve 660 additional students per year.
- **Reentry Navigation for Higher Education:** expand reentry navigation for higher education services to serve 900 more students per year.

Integrated Reentry

Health Care – 12.0 FTE’s and \$3,537,000

- Expand Substance Use Disorder (SUD) Assessments at Reception Centers: additional resources to increase the numbers of individuals assessed, allowing for the highest need individuals to be treated. Corrections estimates approximately 2,000 more individuals will be assessed per year.
- Health Care Discharge Planning: additional resources to support continuity of care for ongoing medical, mental health, and SUD needs for individuals as they reenter the community.

Reentry Scorecard & Data Tracking - \$2,180,000

- Development of a reentry scorecard and data solution to track reentry efforts, results, and performance outcomes.

Integrated Reentry Staff Training - 10.9 FTE’s and \$911,000

- Development and delivery of new reentry focused training to be provided to every agency employee.

Integrated Reentry Summary – 32.9 FTE’s and \$20,744,000



Addressing Chronic Overcapacity

The department is chronically overcapacity for both female and male populations. Without investment to increase capacity, Corrections may need to start housing out-of-state as early as FY 2020. Aging systems at correctional facilities and/or increasing capacity projections could also increase the likelihood of housing outside Washington state.

Statistics for 2018 for female and male populations are as follows and increases reflect current projections without change to law or practices:

Incarcerated Male Population:
exceeds capacity by >600 (3.9%),
increasing to >1,280 (8.0%) in 2028

Incarcerated Female Population:
exceeds capacity by >110 (7.9%),
increasing to >225 (17.1%) in 2028

Populations are housed at security levels higher than assigned custody level due to shortages of beds in lower security environments. The higher assignment, though currently necessary, conflicts with classification policy, is more expensive, and impacts programming.

Addressing Chronic Overcapacity

Funding is requested is for the following four (4) items to expand female and male capacity to alleviate capacity needs and enhance the classification of individuals:

- **Work Release (WR) Expansion – 102.1 FTE’s and \$23,941,000:** funding to expand WR beds in four (4) counties to increase total capacity by 461 beds.
- **Washington Corrections Center for Women (WCCW) Unit W – 5.9 FTE’s and \$984,000:** funding to operate Unit W at WCCW to alleviate female prison overcrowding.
- **Yakima Jail Therapeutic Community – 2.5 FTE’s and \$2,162,000:** funding to establish 60 bed prison-based therapeutic communities for substance abuse treatment.
- **Gender Responsivity Classification Tool – 1.0 FTE’s and \$2,661,000:** funding for a gender responsive classification tool to better classify individuals.

Other options that will need to be considered will be new prison beds, changed sentencing laws, and increased work release capacity.

Addressing Chronic Overcapacity

Funding is requested for operating costs related to capital projects that were funded in the 2017-19 Capital Budget. These projects include the addition of programming space as well as new prison and work release capacity to help resolve chronic capacity issues statewide.

- **Ahtanum View Work Release (AVWR) 41 Bed Capacity – 21.4 FTE’s and \$2,196,000:** adds an additional 41 WR beds by renovating existing space at AVWR.
- **Maple Lane Corrections Center (MLCC) 128 Bed Minimum Camp for Women – 77.5 FTE’s and \$14,925,000:** establishes a 128-bed minimum security prison for women by renovating the existing segregation units located at MLCC.
- **Washington State Penitentiary (WSP) Program and Support Building – 10.0 FTE’s and \$1,850,000 (beginning in FY2022):** provides space for education, treatment, and programming for incarcerated individuals.

Addressing Chronic Overcapacity Summary – 220.4 FTE’s and \$48,719,000

Increasing Officer and Community Safety

Funding is requested to improve safety and security of staff working in prisons and in the community, incarcerated and supervised individuals, and the public. These investments will also increase staff morale and help us retain experienced well-trained employees, avoiding the expense of training and onboarding new staff.

Officer, Incarcerated and Supervised Individual Safety – 35.7 FTE's and \$21,947,000

Requests related to the safety of officers, incarcerated and supervised individuals include the following:

- Prevent the introduction and movement of dangerous contraband;
- Replace obsolete and failing security electronics systems;
- Add critical security positions within prison facilities;
- Repair aging equipment and infrastructure; and
- Provide hot breakfast at five (5) additional locations and have more healthy food options.

Increasing Officer and Community Safety

Community Safety – 32.4 FTE's and \$4,985,000

Requests related to the safety of the public include the following:

- Address community corrections training and addressing safety concerns, including pre-employment psychological evaluation and drug testing, technology for staff to communicate with other law enforcement agencies and provide information regarding staff physical location at any given minute, and install resistant laminated security glass and forensic video camera systems in some offices;
- Address the risk of inaccurate sentence calculation;
- High risk treatment resources for those individuals convicted of sex crimes; and,
- Implement electronic home monitoring for those supervised individuals convicted of domestic violence crimes.
- **Increasing Officer & Community Safety Summary – 68.1 FTE's and \$26,932,000**

Risk, Rates & Infrastructure

Funding is requested to reduce risk and provide vendor rate increases:

- Caseload (prison, violator, and community)
- ADA compliance for hearing impaired
- Jail bed rate increase
- Food provider costs

Funding is requested for needed information technology (IT) infrastructure.

- Implementation of an electronic health records system to track health care services;
- Modernization of the OMNI network to maintain functionality; and,
- Ensure continuity of operations of critical IT infrastructure and applications.

Risk, Rates, & Infrastructure Summary – 147.5 FTE's and \$71,530,000

Questions?

