

10 Ways Washington State Should Begin Criminal Justice Reform

Congratulations on the 10 reforms you've outlined in NW Lawyer, October 2015. As a former employee of the Washington State Department of Corrections, I applaud and agree with every reform you suggest. May I add some thoughts about a few of them?

Let's begin at the end of the list, the Second Look Review Process: As mentioned, the political pressure and risk-without-reward make it nearly impossible for a governor to rationally consider appeals for clemency or pardon. Likewise, the ISRB process is inherently political, with a maddeningly slow rate of review. A citizen panel, not elected or hired, but as volunteers—much like a jury—might be of some help to this process. If juries are capable of considering matters of guilt, why not allow a similar system for considering readiness to rejoin society?

Number 9, Prison Reform: Where to begin? First, the phrase I've heard repeatedly in my years of volunteering since leaving state service: "job security". Yes, this comes from management. My husband (a clinical psychologist and adjunct college faculty) has presented re-entry and self-development programs in prisons as a volunteer for over fifteen years. I joined him (I'm a licensed mental health counselor and sometime college instructor) when I left DOC employment. We volunteer thousands of hours (and dollars) to provide Positive Re-entry Programs and others like it to inmates. Administrators like what we do, and sometimes request it, but they are careful to say that it cannot be done on a large scale because the "workforce must be protected". They honestly use the phrase "job security" with respect to recidivism, and they are not being ironic. In order to truly reform prisons, there must be—as you mention—the emphasis on re-entry from the very first day of incarceration, and the possibility of higher education while incarcerated.

It might help you to know that the inmates see what is actually needed. In 2004 a group of three inmates noticed offenders coming back into the reception center at Shelton, and they were disturbed by it. They started "interviewing" the recidivists to find out what happened that brought them back. Within a few months, they had figured out most of what you're writing about, and they wrote up a proposal to become a non-profit organization, able to collect and distribute the information inmates need to get back a driving license, fulfill or modify their child support obligations, figure out their credit problems. As soon as DOC found out they'd gotten the U of

Washington law school to help them, the inmates who founded the organization were in trouble—but not for long, because it wasn't against any policy or law. They were marginally allowed to collect helpful information and to distribute it. This went on, under the name of Transitioning Offenders Program TOP (www.topwa.org) until last year. At one point, the recidivism was so low among men and women using TOP information (yes, they were able to assist female offenders by sending packets of information through the mail to the law library at WCCW) that DOC offered to *buy* the process from them, but the program founders realized it was the peer-to-peer assistance that made this valuable.

Last year, one of the closed system computers (non-Internet) donated to the TOP program was found to have pornography deeply buried in a file. The program was shut down. The inmate coordinator of the program committed suicide, leaving a letter taking the blame entirely for wrongdoing. The reason I bring this program to your attention is that a small group of offenders—perhaps 40-50—served the needs of any offender in Washington State who wished to plan for release. These men were volunteering their time to help others, and in turn they were helped as well. Men cried when TOP was shut down, in part because they found it so meaningful to be of service. This is a component that is missing in our prisons—service to others. Some of the prisons have Sustainability Programs that are marvelous: they raise frogs, or butterflies; they compost; they recycle and do vermiculture. These are outstanding programs of great promise and merit, but what they lack is the human service to others that truly builds character, and possibly even empathy.

I've digressed. My apologies. Numbers 7 & 8, Three Strikes Law and Multiple Enhancements. You are spot on with these recommendations. Judges need to be able to weigh circumstances and credit their own life experience when imposing sentences. My volunteer experiences have led me to believe that a few offenders serving under the 3-strikes rule have been unfairly sentenced, and possibly feel as if there's "nothing to lose" in violence against staff and peers.

You already know that your reform suggestions are badly needed. I believe the risk-versus-reward issue is holding back legislators, too. No legislator can come out in favor of reduced sentences, or even restorative justice. It's too risky politically. The attorneys have no incentive to help with reform, and DOC certainly has no incentive to encourage rehabilitation and education over fully staffed warehousing. What may be needed is a call to the community to become more involved, not in some huge movement of reform, but in simple volunteering experiences in the institutions of incarceration. I have

taken groups of students—mostly returning adults employed in the community—to meet and discuss issues with inmates. Once you enter a facility and have a conversation, you never see it quite the same way again. There are people in those facilities. And almost all of them will get out *someday*.

I am not an apologist for crime or criminals. There are people that should be locked away forever, I have met some and I do not have a problem with telling them I don't support their ISRB hearing. However, I know many who would benefit from reforms you suggest. Please continue to use your credentials and long-history to push and prod for change. Most all incarcerated people are going to return to the community eventually. We can decide whether they come out better or worse than when they entered.