

SB 5118: Supporting Successful Reentry

WACDL and WDA support the intent of the bill to expand the ways individuals can resolve pending cases. However, we are strongly against the proposed changes in Section 1 that will result in longer prison-based sentences by limiting the ability of incarcerated individuals to resolve untried charges while they are serving prison sentences.

The expansion to include Juvenile Rehabilitation will increase the resolution of cases. Section 1's language to include juvenile rehabilitation will help individuals resolve matters before they are released into the community. We are also supportive of Sec. 3 that would require superintendent to coordinate health care for individuals who are about to be released.

The proposed changes to Section 1(a)-(c) will lead to further delays in resolving cases and to increased prison costs. When an inmate has a warrant for an untried charge, he or she is no longer eligible for programs such as Graduated Re-Entry and other programs that allow for rehabilitative services and early release. By creating a lengthier process to resolve untried charges, the likelihood that an incarcerated person will be successful without the benefit of appointment of defense counsel is low. This will result in longer, costlier prison sentences that could have been avoided if a defendant was able to work to resolve these untried charges.

Further costs are related to the DOC having to update their forms, systems, and training they use to assist defendants in addressing open cases and cases on warrants. Each inmate is assigned a classification counselor while held by DOC. These counselors likely will need to receive new training during a COVID pandemic, reducing their ability to assist individuals and help reduce prison populations.

It creates additional barriers for successful reentry to the community. Most of those who exit from DOC must be on court-ordered supervision, which is called community custody. Community custody, and judgment and sentences signed by the judge require that the defendant stay out of trouble. This bill increases the likelihood that more individuals will have an active warrant upon release that will interfere with their release plans.

Prosecutors benefit from this change which costs DOC more money. Prosecutors are responsible under the Intrastate Detainers Act/RCW 9.98.010 to ensure that defendants are timely brought to trial within 120 days. The proposed exceptions gut any meaningful time from the 120 day calculation resulting in people waiting longer in DOC prisons.

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