

HOUSE BILL REPORT

SSB 5876

As Reported by House Committee On: Public Safety

Title: An act relating to creating a gender-responsive and trauma-informed work group within the department of corrections.

Brief Description: Creating a gender-responsive and trauma-informed work group within the department of corrections.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Darneille, Rivers, Rolfes, Wilson, C., Kuderer, Walsh, Randall, Brown, Keiser, Saldaña, Frockt, Warnick, Cleveland, Das and Nguyen).

Brief History:

Committee Activity:

Public Safety: 3/19/19, 4/1/19 [DPA].

Brief Summary of Substitute Bill (As Amended by Committee)

- Establishes the Gender-Responsive and Trauma-Informed Work Group within the Department of Corrections (DOC) to study and make recommendations for effective implementation of gender-specific programs, classification systems, and organizational structures within the DOC.
- Requires the Office of the Corrections Ombuds to report on the number and nature of gender-based complaints received and resolved by the office.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass as amended. Signed by 11 members: Representatives Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Appleton, Graham, Griffey, Lovick, Orwall, Pellicciotti and Pettigrew.

Staff: Omeara Harrington (786-7136).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Department of Corrections (DOC) has 12 prison facilities with custody levels ranging from minimum to maximum security. Two of these DOC facilities house women inmates: Mission Creek Corrections Center for Women, with 321 minimum custody inmates; and the Washington Corrections Center for Women, with 738 minimum, medium, and close custody inmates. These facilities offer a variety of academic, vocational, and therapeutic programs. In addition, eight work-release facilities around the state house women, either exclusively or in combination with male work-release offenders.

Pursuant to legislation enacted in 2018, an Office of the Corrections Ombuds (Ombuds) was created within the Office of the Governor for the purpose of providing information to DOC inmates and their families; promoting public awareness and understanding of the rights and responsibilities of inmates; identifying system issues; and ensuring compliance with relevant statutes, rules, and policies. Among other duties, the Ombuds must submit an annual report to the Governor and the Legislature that, in part, details the number of complaints received and resolved by the Ombuds.

Summary of Amended Bill:

The Gender-Responsive and Trauma-Informed Work Group (work group) is established within the DOC until June 30, 2021, with membership consisting of, at a minimum:

- representatives specializing in the medical and psychological treatment of women;
- representatives from the financial, faith-based, educational, arts, and cultural communities;
- representatives from the DOC Reentry Division, Prison Division, Community Corrections Division, Correctional Industries, and Human Resources;
- a family member of a person experiencing incarceration;
- individuals with training and experience in developmental psychology, parenting, trauma-informed practices, and adverse childhood experiences;
- a representative from an organization supporting crime victims, and interested and willing victims of crimes;
- a representative of the Ombuds;
- any interested members of the Legislature;
- at least two individuals who have experienced incarceration and who have successfully reentered the community; and
- a representative familiar with aging and disability services.

The work group must develop suggestions and recommendations and report to the Governor and the Legislature by December 1, 2020. Specifically, the work group must make recommendations for the following items and, to the extent possible, provide an estimation of the costs associated with implementation:

- evidence-based, gender-responsive, and trauma-informed practices that govern operations and programs for women experiencing incarceration;
- appropriate ongoing training, orientation, and curriculum about gender-responsive and trauma-informed practices, and a plan for how the training should incorporate emerging best practices and be delivered to the DOC staff;

- how best to implement validated gender-responsive classification and placement instruments, as well as a validated gender-responsive assessment tool and case management system that is based on the risk-need-responsivity model;
- how best to implement policies, practices, and programs to address differences in physical conditions of incarceration and physical health needs for men and women;
- how to create and implement a women's division within the DOC; and
- how to ensure staff responsible for supervision of females under mandatory supervised release are appropriately trained in evidence-based practices in community supervision, gender-responsive practices, and trauma-informed practices.

In its annual report to the Governor and the Legislature, the Ombuds must include information detailing the number and a description of gender-based complaints that it received and resolved.

Amended Bill Compared to Substitute Bill:

The section of the bill making changes to the statement of legislative intent for the DOC is removed, along with the corresponding definitions of "gender-responsive" and "trauma-informed practices." Intent language pertaining to the policies in the bill is modified and placed in a stand-alone section. The assignment of the work group is expanded to require development of recommendations for the creation and implementation of a women's division within the DOC. The work group must also include in its report, to the extent possible, an estimation of the costs associated with implementing its recommendations. Current law references to "inmate" (rather than "person experiencing incarceration" in the underlying bill) are reinstated in the remaining amendatory section outlining the duties of the Ombuds.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill started with the hope of creating a women's division within the DOC, and was amended into its current form as a work group. The motivation for this bill came from visiting the Yakima jail, where the DOC has housed up to 47 women at a time due to overcrowding. Discussions about gender-based services and classification tools are important in light of overcrowding issues. The conditions of incarceration at the Yakima jail were distasteful and raised questions regarding safety. Women who had long been incarcerated under the DOC's value system, which includes rebuilding skills and fostering a therapeutic environment, were put into a situation at odds with that value system. Women did not have their own underwear, food was marginal, religious liberties were not honored, and women with disabilities were not being accommodated. Women were neglected.

This bill is an important step in the process of building a correctional system on the belief that women in incarceration deserve to be rehabilitated. The intent language in the DOC's statutory intent section was archaic. Gender matters, and there is a lot of trauma for incarcerated women. Risk assessments are geared toward men, resulting in women being overclassified because of gender. Things like strip searching for visits is very degrading for women. Incarcerated women, even in the lowest classification units, have suffered re-traumatization. Other issues, like obtaining a suitable bra or shoes designed for women, have proven very challenging. Thailand has adopted global best practices for incarcerated women.

(Opposed) None.

(Other) Women enter the DOC by different pathways than men. For example, women often commit crime because of the relationships they are in. The five nationally accepted tenets of gender responsiveness are those listed in the bill. Assessment tools are currently normed for men and are not strengths-based. They look at criminogenic needs, but strengths are also relevant because they reduce recidivism. The factors listed in the definition of gender-responsive do not take away from the behavior committed by incarcerated women, and they allow for appropriate assessment and classification.

Persons Testifying: (In support) Senator Darneille, prime sponsor; Laurie Dawson, Paula Bond, and Lori James, Washington Corrections Center for Women, Family Council.

(Other) Jeneva Cotton, Department of Corrections.

Persons Signed In To Testify But Not Testifying: None.