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## Public Safety Committee

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### SSB 5876

**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 Summary of Substitute Bill

- Modifies the statement of legislative intent in the statutes governing the Department of Corrections.
- Establishes the Gender-Responsive and Trauma-Informed Work Group within the Department of Corrections to study and make recommendations on how the state can best implement women's specific programs and gender-responsive and trauma-informed practices for specified operations.
- Requires the Office of the Corrections Ombuds to report on the number and nature of gender-based complaints received by the office.

**Hearing Date:** 3/19/19

**Staff:** Omeara Harrington (786-7136).

#### Background:

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.

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*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.*

Legislative intent is stated in the primary statutory chapter governing the DOC. In that statement, certain objectives for the corrections system are declared, including:

- ensuring public safety.
- punishing offenders for violating the laws of the state of Washington.
- positively impacting offenders by stressing personal responsibility and accountability and by discouraging recidivism.
- treating all offenders fairly and equitably without regard to race, religion, sex, national origin, residence, or social condition.
- ensuring, as much as possible, that the system reflects the values of the community including: avoiding idleness; adopting the work ethic; providing opportunities for self-improvement; linking the receipt or denial of privileges to responsible behavior and accomplishments; and sharing in the obligations of the community.
- providing for prudent management of resources, including avoiding unnecessary public expenditures on the part of offenders and the DOC, and offender accountability to the DOC.
- providing for restitution.
- providing a system of mutual accountability between the citizens and the state.
- meeting national standards that the state determines are appropriate.

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 Bill:**

Terms referring to incarcerated persons as "inmate" or "offender" are changed to "person experiencing incarceration" throughout the definitions section of the primary statutory chapter governing the DOC, as well as the intent section for that chapter. Additional changes are made to the statement of legislative intent for the DOC. The changes include, but are not limited to:

- removing provisions stating that: the system should punish offenders for violating the laws of the state; the system should reflect the values of the community; and the system should treat all offenders fairly and equitably; and
- providing instead that: the system should provide opportunities for rehabilitation and skill-building that support successful reentry; the system should positively impact persons experiencing incarceration by providing individualized change programming and interventions that are founded in risk-need-responsivity principles; the system should be gender-responsive, trauma-informed, and supportive of the principles of diversity, equity, and inclusion, and not discriminate; and the Legislature intends to establish a Gender-Responsive and Trauma-Informed Work Group within the DOC.

"Gender-responsive" is defined as taking into account gender-specific differences that have been identified in gender-specific research including, but not limited to, socialization, psychological development, strengths, risk factors, pathways through systems, responses to treatment intervention, and other unique gender-specific needs facing justice-involved individuals.

Additionally, it is specified that gender-responsive policies, practices, programs, and services must be implemented in a manner that is considered relational, culturally competent, family-centered, holistic, strength-based, and trauma-informed. "Trauma-informed practices" means practices incorporating gender violence research and the impact of all forms of trauma in designing and implementing policies, practices, processes, programs, and services that involve understanding, recognizing, and responding to the effects of all types of trauma with emphasis on physical, psychological, and emotional safety.

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 Office of the Corrections 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:

- 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; 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.

The statutes governing the Office of the Corrections Ombuds are modified to change references to "inmates" to instead refer to "persons experiencing incarceration." In reporting annually on the number of complaints received and resolved by the Ombuds, the Ombuds must include information detailing the number and a description of gender-based complaints.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on March 5, 2019.

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