

# SB 5819: WASHINGTON'S CHANCE FOR A "SECOND LOOK"

## Issue: A Growing and Greying Prison Population

There are currently more than 1,000 people in Washington who have served decades in prison and have no hope of release. Despite presenting a low risk to the community, these inmates will die in prison, at very high cost to them, their communities, and taxpayers. This year, advocates in the community, and those behind the prison walls, have helped draft legislation that creates a post-conviction review process to evaluate prisoners for potential release. We believe that no person is beyond redemption and that providing rehabilitative programming and a prospect of release will bring hope to our prisons and our communities.

## Solution: SB 5819 Provides a "Second Look"

SB 5819 creates a post-conviction review process for people who have served more than 15 years in prison. This review would be conducted by a Governor appointed board, which would assess whether an inmate is safe to be released to the community. This "second look" is not an open door to release— it is simply an evaluation of whether a person has been rehabilitated after decades of incarceration. Before being released to supervision, eligible inmates would be offered education and job skills training, as well as therapeutic programs in order to prepare them for reentry. Crime survivors would also be offered additional services and supports.

### Data supports post-conviction review

- *DOC projects exceeding its total prison capacity by almost 800 people by the year 2021.*
- *Studies indicate that incarcerating people for more than 15 years has no additional deterrent impact*
- *18% of Washington's current prison population is over the age of 50 and hundreds have been deemed low risk to reoffend.*

## What factors would be considered when deciding if someone is ready for supervised release?

- ◆ Public safety
- ◆ Underlying crime and victim statements
- ◆ Evidence of remorse and rehabilitation, including any participation in the victim-offender dialogue program
- ◆ Institutional behavior, including infraction history
- ◆ Participation in work, job skills training, educational achievements, and involvement in therapeutic or behavioral change programs
- ◆ Available supports and community ties may also be taken into consideration

## **Racial Disparities in Sentencing**

African-Americans make up just over 4% of Washington State's overall population but more than 18% of its state prison population.

This racial disparity in incarceration rates is magnified among those who have been sentenced to life or long sentences, with black people making up 22% of those serving life without parole.

“Second-look” legislation will help address historically disparate sentencing by giving these inmates an opportunity for review.

Placing representatives from communities most impacted by crime and incarceration on the review board furthers Washington's commitment to fair and just sentencing practices.

## **Who would review people for potential release?**

Under the new proposal, the DOC's Indeterminate Sentence Review Board (ISRB) would be dissolved and the current members of that board would be relocated to a Post-Conviction Review Board, within the Governor's Office.

Historically, the ISRB has not contained representatives from the communities most impacted by crime and incarceration. This new bill seeks to change that by directing that the Governor consider issues of racial equity in his Post-Conviction Review Board appointments and by adding members to the board that have unique insight into rehabilitation and the racial inequities that have plagued our criminal justice system.

The expanded board membership would include representatives with a racial justice and reentry background, a former judge, and a mental health practitioner.

## **Why isn't the clemency process enough?**

Washington's clemency process is extremely limited, with only a handful of people released each year. The process can take years to complete and often favors people who can afford legal counsel or those who have connections in the community that can help complete the extensive application.

Similarly, while inmates with terminal illnesses can apply for extraordinary medical placement in the hopes of being released before their death, most people who apply for this form of release die waiting for approval.

## **Do other states have similar kinds of post-conviction review?**

With an expanding prison population nationwide, many states are starting to consider this form of review. Already, at least a dozen other states have passed similar types of “second-look” legislation or otherwise expanded eligibility for release to supervision, with no reported increase in recidivism or crime rates.

## **What can you do to support “second –look” legislation in Washington?**

**Call the legislative hotline at 1-800-562-6000 and tell your Senator that you support post-conviction review for all inmates.**