



WASHINGTON ASSOCIATION OF SHERIFFS AND POLICE CHIEFS

GET THE WORD OUT (GTWO)

April 13, 2020

Background: Many of you have probably been following this, but several organizations have sued the State to release inmates from state prison as a result of the pandemic. These lawsuits have been filed in many states, and the Washington case is moving forward. WASPC is among several groups that are filing amicus curiae (friend of the court) briefs opposing the suit.

In addition, a separate but similar [case](#) was filed last week by five inmates demanding immediate action from the state. The State Supreme Court issued an [order](#) saying the Governor and the DOC must create a plan to deal immediately with the issue in the inmate's case, which was due by noon today. The Governor and the DOC have responded with this [plan](#) and we wanted to summarize it for you. This comes directly from the summary in the response to the Court:

Emergency Releases During the COVID-19 Pandemic

1. DOC releases approximately 700 individuals each month, on average. That has continued during the COVID-19 crisis. In addition, as noted previously, DOC has taken action with respect to community custody violators that has resulted in approximately 1200 fewer violator admissions to jails and prisons than would have occurred absent the crisis. These steps have made a meaningful difference in mitigating COVID-19 risk to the incarcerated population.

2. In addition, Governor Inslee has been evaluating options to exercise his discretionary emergency powers and constitutional clemency authority to further mitigate COVID-19 risk to incarcerated individuals, and do so in a way that does not jeopardize public safety. As of the date of this report, the Governor and Secretary Sinclair are finalizing a plan focused on certain individuals serving sentences for nonviolent and/or drug or alcohol offenses whose release dates are within six to eight months. The plan targets the following groups of individuals for release (including to electronic home monitoring if feasible):

(1) Non-violent individuals (including vulnerable and non-vulnerable) who are due to release within 75 days;

(2) Non-violent individuals and vulnerable individuals who are due to release in 2-6 months (through a re-entry planning process);

(3) Non-violent individuals and vulnerable individuals who are due to release in 6-8 months, who have an 44 approved release plan;

(4) Non-violent individuals who were incarcerated for lower level supervision violations; and

(5) Non-violent individuals who are on work release and can be released through the Secretary's furlough authority.

The Governor and Secretary intend to implement this plan expeditiously, with the release of approximately 600-950 incarcerated individuals beginning in the coming days. Note that this estimate is based on the best information available at this time.

The larger case involving advocacy groups and our amicus curiae will still go forward later this month, and we will keep you advised as that proceeds.

In addition, WASPC made this [statement](#) regarding this issue today.

FYI- Steve

Steven D. Strachan, Executive Director
Washington Association of Sheriffs & Police Chiefs
