WASHINGTON DEFENDER ASSOCIATION

Washington State Office of Public Defense

WACDL
Washington Association of Criminal Defense Lawyers

September 30, 2021

Honorable Charles W. Johnson, Co-Chair
Honorable Mary I. Yu, Co-Chair
Washington State Supreme Court Rules Committee
Temple of Justice P.O. Box 40929
Olympia, WA 98504-0929

Re: Proposed Amendment to CrR 3.1 and CrR 7.8

Dear Justice Johnson and Justice Yu:

The Washington State Office of Public Defense (OPD), Washington Defender Association (WDA), and Washington Defense Lawyers (WACDL) submit this letter to respond to the Washington Association of Prosecuting Attorneys (WAPA) September 24, 2021 comment on proposed rule changes to CrR 3.1 and WAPA's September 29, 2021 comment on proposed rule changes to CrR 7.8.

WAPA asserts that Proposed CrR 3.1 constitutes a substantive change, as opposed to procedural. September 24, 2021 Letter from WAPA (WAPA Letter) at 1. This is incorrect. WAPA further asserts that the proposed rule violates the prohibition on gift of public funds, an erroneous assertion that is based on a misunderstanding of the proposed rule. Finally, WAPA's assertion that the proposed rule violates the separation of powers and the prohibition on expending public funds without a necessary appropriation is incorrect and based on dubious legal reasoning. WAPA's comments on CrR 7.8 are similarly flawed. Overall, WAPA's comments distract from the purpose of Proposed CrR 3.1 and Proposed CrR 7.8: to make the delivery of indigent defense services more efficient.

Proposed CrR 3.1 does not expand the substantive right to counsel, but instead streamlines the procedure for appointing constitutionally- or statutorily-required indigent counsel.

WAPA's assertion that Proposed CrR 3.1 is substantive in nature rather than procedural is premised on its faulty argument that the proposed rule "expand[s] the right to publicly funded counsel" in the absence of a legislative appropriation. September 24, 2021 Letter from WAPA (WAPA Letter) at 1. This is an erroneous premise.

Proposed CrR 3.1 does not "expand" the right to publicly-funded counsel. First, Washington citizens already have the right to counsel at any critical stage of a criminal proceeding, which includes sentencing and resentencing. *See e.g.*, *State v. Robinson*, 153 Wn.2d 689, 694 (2006) (sentencing is a critical stage of the proceedings); *State v. Davenport*, 140 Wn. App. 925, 932

(2007) (resentencing may involve more than a ministerial act and is a critical stage). Indeed, the express language of CrR 3.1(b)(2) already recognizes this right. CrR 3.1(b)(2) ("A lawyer shall be provided at every stage of the proceedings, including sentencing. . ."). Proposed CrR 3.1 therefore simply memorializes the unremarkable proposition that individuals who are currently serving sentences on a void, invalid, or unconstitutional statute will need to be resentenced. Such individuals are entitled to counsel for resentencing. *Robinson*, 153 Wn.2d at 694; *Davenport*, 140 Wn. App. At 932. WAPA itself recognizes this reality. WAPA Letter at 4 ("An indigent individual who is granted collateral relief pursuant to the *Blake* decision in superior court *will* be appointed counsel. . .). Proposed CrR 3.1 and Proposed CrR 7.8 simply speed up that process by reducing the obstacles a defendant faces in obtaining the benefit of cases where a conviction is declared unconstitutional or statutorily infirm.[1]

Second, Proposed CrR 3.1 does not require publicly-funded counsel to be assigned to individuals who can afford counsel. WAPA argues that Proposed CrR 3.1 seeks to assign publicly funded counsel to people who are not indigent, which WAPA claims is an impermissible gift of public funds. WAPA Letter at 4. This is a misreading of Proposed CrR 3.1. The proposed rule simply requires a court to appoint counsel without regard to a *prior* finding of indigency. In other words, if a person was not indigent when originally convicted, the proposed rule sets forth a presumption of indigency following a period of incarceration. This presumption is similar to what is already done under RCW 10.101.020(4) every week across the state when charged-persons are provided provisional indigent counsel at arraignment calendars (another critical stage of a criminal proceeding where the right to counsel attaches). Nothing in the proposed rule prevents a challenge that presumption.[2] Thus, the proposed rule will not result in impermissible assignment of public counsel to the non-indigent.

In sum, nothing in the proposed rule "expands" the right to publicly-funded counsel. Instead, the proposed rule dismantles the hurdles indigent people must overcome to avail themselves of their right to counsel at a critical stage of a criminal proceeding.

The legislature has already appropriated funds for indigent defense services like those contemplated by Proposed CrR 3.1 and Proposed CrR 7.8.

As demonstrated above Proposed CrR 3.1 is not a substantive change, as WAPA claims, but a procedural one. Because the proposed rule is not a substantive change, WAPA's argument that there has been no legislative appropriation for an "expanded" right to counsel is a strawman. But it is also wrong—the legislature has already "appropriated funds" for the public defense services described above. *See generally* RCW 2.70.005; RCW 10.101 (requiring local governments to provide indigent defense services); *see also* Laws of 2021, ch. 334, §166(5)(b) (appropriating funds for county public defenders to resentence and vacate convictions under Blake). Cases cited by WAPA suggesting that courts have refused to expend money for indigent defense absent

[1] Recent cases that require resentencing include *State v. Blake*, *In re Pers. Restraint of Monschke*, 197 Wn.2d 305 (2021), *In re Pers. Restraint of Cornelio*, 196 Wn.2d 255 (2020), and *In re Pers. Restraint of Ali*, 196 Wn.2d 220 (2020).

[2] While WAPA may be correct that some formerly incarcerated persons may "overcome their past" such that they can afford counsel, WAPA Letter at 4, fn.8, these proposed rules are aimed at people who are still serving a sentence. WAPA's anecdotal opinions about how easily formerly-incarcerated persons rejoin society is not germane here.

statutory authority are not relevant here, because there is no absence of an appropriation. *See* WAPA Letter at 1, citing *In re Marriage of King*, 162 Wn.2d 378 (2007); *Moore v. Snohomish County*, 112 Wn.2d 915 (1989); *Housing Authority v. Saylors*, 87 Wn.2d 732, 741 (1976); and *Honore v. State Board of Prison Terms*, 77 Wn.2d 660, (1970). Moreover, three of those cases (*King*, *Moore*, and *Saylors*) are about public counsel for *civil* matters, and thus have no relevance to a discussion about *criminal* indigent defense. The remaining case, *Honore*, held that an attorney who is appointed and advances a nonfrivolous appeal on an indigent prisoner's habeaus corpus writ is entitled to compensation for services from public funds. 77 Wn.2d 660, 680, 466 P.2d 485 (1970). The *Honore* court recognized that "pending the enactment of enabling legislation and the provision of the requisite appropriations, payment of such compensation will of necessity have to be secured through the process of filing a claim with the legislature." *Id*. *Honore's* holding does not compel a rejection of Proposed CrR 3.1.

WAPA also suggests that there is an appropriation problem here because, it asserts, there is no statute that compels counties to provide counsel for individuals who wish to file collateral attacks in the trial courts, WAPA Letter at 3. There are two serious problems with this assertion.

First, it is an irrelevant observation because indigent defendants have a right to counsel to litigate a non-frivolous, timely CrR 7.8 motion for relief from judgment. *State v. Robinson*, 153 Wn.2d 689 (2005). WAPA argues that *Robinson* did not address the "lack of appropriation to pay counsel" for litigating a successful CrR 7.8 motion. WAPA Letter at 3, fn.4. This is another strawman. When a defendant's CrR 7.8 grounds for relief include resentencing to account for a void conviction—as the proposed rules contemplate—the defendant *must* have counsel because individuals have a constitutional right to counsel at resentencing as a critical stage of the proceeding. *Davenport*, 140 Wn. App. At 932. The legislature has appropriated funds and/or delegated funding responsibilities for constitutionally- and statutorily- required public defense to counties and cities. *See* generally RCW 2.70.005; RCW ch. 10.101; Laws of 2021, ch. 334, §166(5)(b). In other words, there is no question here that the legislature has "appropriated funds" for public defenders to litigate CrR 7.8 motions in the trial courts on behalf of individuals currently serving void, invalid, or unconstitutional sentences.

Second, a CrR 7.8 motion to challenge a void sentence is not a collateral attack. A CrR 7.8 motion is *not* treated as a collateral attack when it is timely under RCW 10.73.090 and the defendant makes a substantial showing that he or she is entitled to relief. CrR 7.8(c)(2).[3] The proposed changes to CrR 7.8(c)(2) simply streamline the substantial showing requirement when

[3] Indeed, "[a] collateral attack is an attempt to impeach a judgment in an action other than that in which it was rendered." *Cassell v. Portelance*, 172 Wn. App. 156, (2012), *citing Batey v. Batey*, 35 Wn.2d 791, 798, (1950). Collateral attack is "an attempt to avoid, defeat, or evade [a judgment], or deny its force and effect." *Batey*, 35 Wn.2d at 798. Collateral attack is *not* a proceeding "instituted for the express purpose of annulling, correcting, or modifying such decree." *Id*. A motion to correct a sentence as a result of an appellate court decision is therefore not a collateral attack. In the situations that gave rise to Proposed CrR 3.1, the "attack" was already made, *and already successful*, by operation of law when an appellate court rendered an individual's underlying conviction void, invalid, or unconstitutional. But even if it is a "collateral attack," there is a right to counsel under RCW 10.73.150.

the defendant is entitled to relief by operation of the law—i.e., when a statute upon which the defendant was convicted is determined to be void, invalid, or unconstitutional.[4]

There is no separation of powers problem here.

The proposed changes to CrR 3.1 do not constitute an attempt of courts to usurp the function of the legislature and fund courts' own operations or functions, as WAPA seems to suggest by citing to *In re Salary of Juvenile Director*, 87 Wn.2d 232, 87 Wn.2d 232 (1976). Letter of WAPA at 3. *In re Salary of Juvenile Director* recognizes that appointment of counsel for a criminal defendant is an inherent power separate and apart from any inherent power a court holds to compel its own funding. *Id* at 245. Moreover, as stated, the legislature has already appropriated funds and/or delegated funding responsibilities for constitutionally and statutorily required public defense to counties and cities. *See* generally RCW 2.70.005; RCW ch. 10.101. By promulgating Proposed CrR 3.1, this Court would not be requiring appointment of counsel where it is not already approved by the legislature.

The existing court rules are not adequate to efficiently deliver the right to counsel to people serving sentences on void, invalid, or unconstitutional convictions.

Finally, WAPA contends that the existing court rules are adequate, as over 10,000 *Blake* related orders have been entered in superior court under the existing rules. WAPA Letter at 3. Assuming for the sake of argument that this figure is accurate, this assertion ignores the fact that according to data released by the Washington Department of Corrections, as of August 30, 2021, more than six months following the *Blake* decision, 3,377 people continued to serve sentences for possession of controlled substances (PCS), and no other offenses. An additional 4,109 were serving sentences for PCS combined with other offenses, and 8,522 more individuals were serving sentences but still had PCS convictions in their criminal history.[5] More than 16,000 individuals require the assistance of counsel to determine whether and how their current sentences are impacted by the *Blake* decision. These figures do not take into account the countless individual who are no longer serving sentences, but need assistance of counsel to vacate their prior PCS convictions. Nor do these figures take into account individuals who need sentencing relief as a result of the decisions in *Monschke*, *Domingo-Cornelio*, and *Ali*.

Moreover, with respect to *Blake* relief, it should be noted that those who are serving sentences for simple possession are disproportionally black, indigenous, and people of color (BIPOC). For example, "[I]n the vast majority of Washington's 39 counties, the percentage of black or Native American people sentenced under this statute is greater than their percentage in Washington's 2019 population. In the vast majority of counties, the percentage of White people sentenced under this statute is lower than their percentage in Washington's 2019 population." American

[4] WAPA claims that Proposed Rule 7.8(c)(2) excuses a petitioner from establishing they were actually convicted under an infirm statute. WAPA Letter of September 29, 2021 at 2. This is incorrect. A petitioner would still have to meet the requirements of CrR 7.8(c)(1). WAPA further worries that the proposed rule does not specify "when or who must have determined the statute to be void, invalid, or unconstitutional. " *Id*. Certainly Washington's superior court judges will be able to determine if the appropriate body declared a law to be void, invalid, or unconstitutional.

[5] This data is derived from an excel spreadsheet received by the OPD from the Washington State Department of Corrections. The spreadsheet is sent electronically with this comment. Please see the table titled "Individuals with Possession Offenses" in the spreadsheet.

Equity Justice Group, Stakeholders Letter on Blake, pg. 2 (March 14, 2021) (attached to this comment). Likewise:

> Nationally, the black imprisonment rate is five times higher than the white imprisonment rate; Latinx and Native American people are also notably over-represented in prisons. Some racial disparities are even more pronounced in the Washington State prison population than is the case nationally. For example, in 2014, the black imprisonment rate (1,272 per 100,000 residents) was 5.7 times higher than the white imprisonment rate (224 per 100,000) in Washington.

Katherine Beckett and Heather D. Evans, How Long and Life Sentences Fuel Mass Incarceration in Washington State, ACLU Wash., pg. 5 (February 2020) https://www.aclu-wa.org/docs/about-time-how-long-and-life-sentences-fuel-mass-incarceration-washington-state (*last visited September 30, 2021*).

Ultimately, the current wording of CrR 7.8 (c)(2) carries a presumption that individuals seeking relief have no legal basis to do so. Consequently, individuals carry the burden of making a "substantial showing that they are entitled to relief." Moreover, they are not afforded the right to court-appointed counsel until *after* a court has determined that they have met this burden. The proposed changes to CrR 7.8 carve out a narrow exception for individuals whose current convictions and/or sentences are based on statutes already determined to be void, invalid, or unconstitutional. If their previous convictions are void, they should not carry the burden of initiating litigation to prove their right to relief and to obtain counsel.

Best regards,

Larry Jefferson, Director
Washington State Office of Public Defense

Christie Hedman

Christie Hedman, Executive Director
Washington Defender Association

Amy Hirtotaka, Executive Director
Washington Association of Criminal Defense Lawyers

March 4, 2021

Dear Criminal Justice System stakeholder:

I write due to two important developments in Washington state.

First, the Washington State Supreme Court overturned our state's drug possession statute, RCW 69.50.4013, finding it was unconstitutional. This was *State v. Blake* decision, issued on February 25, 2021. This decision will impact hundreds of thousands of people touched by our justice system, often in harsh and disparate ways. As the Justice Stephen's concurrence to the majority's decision explains:

> … "[t]he fact of racial and ethnic disproportionality in our criminal justice system is indisputable." Research Working Grp. Of Task Force on Race and the Criminal Justice Sys. *Preliminary Report on Race and Washington's Criminal Justice System*, 35 Seattle U.L. Rev. 623, 627 (2012) "[S]cholars have shown that the poor, people of color, sexual minorities, and other marginalized populations have borne the brunt of criminal punishment and police intervention." Benjamin Levin*, Mens Rea Reform and Its Discontents*, 109 J. Crime. L. & Criminology 491, 530 (2019).

Second, we are nearing the launch of our nonprofit, the **American Equity and Justice Group ("AEJG")**. AEJG will manage the **Public Equity and Justice System ("PEJS"),** a soon-to-be-public database that contains criminal justice system data and displays that data in a format that is quickly accessible to a wide range of stakeholders – be they interested individuals, lawyers, judges, policymakers, legislators, academics, or others. Simply put, we believe that increasing access to data will help improve the fairness and equity of our criminal justice system.

Currently, the PEJS combines 20 years of Caseload Forecast Council ("CFC") sentencing data, as well as census and population data from Washington State. Future planned updates include integrating more data from different points in the life of a criminal case so we can see the full justice continuum, starting from the first contact with law enforcement all the way through to ultimate resolution of the case. We also look forward to adding and comparing the data from multiple redundant sources, in order corroborate results.

The PEJS will be available to help you quickly and reliably access data so that we can better understand the implications of events such as the *Blake* decision. For instance, using the PEJS, we could easily

determine that, between the years 2000 and 2019, **126,175 prison sentences** were for, in whole or in part, a violation RCW 69.50.4013. [1]

We used the PEJS to create the Disproportionality Analysis also sent with this letter. This analysis demonstrates what is recognized by our Supreme Court: racial disproportionality in our criminal justice system is rightfully attributed, in part, to disparities in drug law enforcement. In the vast majority of Washington's 39 counties, the percentage of black or Native American people sentenced under this statute is **greater** than their percentage in Washington's 2019 population. In the vast majority of counties, the percentage of White people sentenced under this statute is **lower** than their percentage in Washington's 2019 population.[2]

Finally, we filtered the CFC data to make available the cause number, the county of conviction, and other data related to every case involving a prison sentence and a violation of RCW 69.50.4013. That spreadsheet is attached.[3]

You may have already seen a presentation by my AEJG colleagues and I, as we have begun sharing the PEJS's capabilities with stakeholder groups throughout Washington. If you wish to schedule a presentation or set up a meeting to discuss our work, please reach out via equityjusticegroup@outlook.com. We look forward to connecting. In the meantime, an additional PEJS information sheet is also enclosed.

Very Truly Yours,

Kimberly N. Gordon
Gordon & Saunders, PLLC
kim@gordonsaunderslaw.com

[1] This number is based on CFC data. .

[2] Because the census data does differentiate by Latinx, we cannot yet make a comparison of sentencing-to-population percentages for this demographic. Additionally, for this example, 2019 Census and Population data was used. It is possible to make a year-to-year comparison to capture historical changes in population or sentencing rates.

[3] This data does not include the names of the individuals sentenced, only the cause number. This is a deliberate decision. Names can be found through court records, but will not be aggregated or disseminated via the PEJS.

RDA Data Request DRAFT

Request Title: Blake 69.50.4013 Refresh, SP4393

PRELIMINARY DATA

Report Creation Date: 9/3/2021

Prepared for: Trisha Newport and Dianne Ashlock

Prepared by: RDA Data Analytics, Danica Ersland, Courtney Bagdon-Cox, & Kevin Keogh

Data Sources and Date: OMNI Population, Sentencing, and CCR data as of 8/30/2021 CFC Possession

Description:

The counts below are for all individuals and causes who are currently incarcerated or under field supervision
and who have either a current or prior Washington state conviction for Possession of a Controlled Substanc
This report only defines Possession of a Controlled Substance as 69.50.4013 (simple possession) offenses. This
69.50.4013
69.50.401(C) - some of these may be other offenses depending on time period - will need individual re
69.50.40M
69.50.40D
Possession offenses were only counted if they were Washington State possession offenses or could have impac
OOS possession offenses were also counted if the possession charge could have impacted a Washington Sta
Individuals are categorized by location as either being in the field (under field supervision), or in prison (incarce
Those on field supervision are further categorized into active and inactive groups.
An individual's possession category indicates if the person is:
1. Possession Only - Their only current active offenses are 69.50.4013 offenses.
2. Possession Plus - They have at least one active 69.50.4013 offense and at least one other offense that is c
3. History - They have no active 69.50.4013 offenses, but they have a history of at least one 69.50.4013 offe
Crimes were counted as active if the crime status in OMNI was not vacated or revoked and the cause status for
Causes are not tied to admissions in OMNI, so it is possible that an individual may have had an active possessior
In addition to sentencing data in OMNI, the individual's Criminal Conviction Record (CCR) was searched for 69.5
and a list of individuals with causes sentenced between FY2000 and FY2020 containing 69.50.4013 crimes p
CFC data was not always easily matched to DOC data and was matched based either on matching SID, matcl
Both CCR and CFC data was only used to identify historic 69.50.4013 crimes since they could not be determi

The top two tables below count the number of individuals and causes in each Possession Category and each loc
Each cause is only counted once using the individual, cause number, and county to indicate a distinct cause
For the Possession Only and Possession Plus populations only active 69.50.4013 causes are counted.
For the History population all 69.50.4013 causes are counted.
The third table counts the number of individuals by county for each facility (all individuals in the field populatior
Because a person may have active offenses in multiple counties, the same individual may be counted multip
The facility field shows the individual's current facility if they are currently in a prison or violator facility
For a full list of the possible facilities see the facilities list tab

Individuals with Possession Offenses

Sum of People	PossessionCategory				
location	Active	Possession Only	Possession Plus	History	Grand Total

Field	NO	2,733	1,522	2,121	6,376
	YES	638	1,149	3,145	4,932
Prison		6	1,438	3,256	4,700
Grand Total		**3,377**	**4,109**	**8,522**	**16,008**

Causes with Possession

Sum of causes	**PossessionCategory**				
location	**Active**	**Possession Only**	**Possession Plus**	**History**	**Grand Total**
Field	NO	3,560	1,968	4,008	9,536
	YES	820	1,449	6,505	8,774
Prison		7	1,968	6,488	8,463
Grand Total		**4,387**	**5,385**	**17,001**	**26,773**

Individuals with Possession Offenses

Sum of Individuals	**Column Labels**						
Row Labels	**AHCC**	**CBCC**	**CCCC**	**CRCC**	**LCC**	**MCC**	**MCCCW**
	1	2		1		2	
ADAMS	2	1		1		2	
ASOTIN	7	3	2	4	1	3	2
BENTON	48	6	2	27	2	10	3
CHELAN	20	5	6	18	1	8	1
CLALLAM	9	4	2	4	2	5	1
CLARK	31	13	8	30	9	38	4
COLUMBIA						1	
COWLITZ	19	14	8	23	13	14	5
DOUGLAS	12	2	2	5	1	3	2
FERRY				1			
FRANKLIN	24	6		15		12	
GARFIELD							
GRANT	20	5	2	11	1	6	2
GRAYS HARBOR	13	5	7	13	1	13	1
ISLAND	4	1		1	1	10	
JEFFERSON	2	1		3	1	1	1
KING	73	56	23	109	21	99	4
KITSAP	20	11	7	14	13	18	3
KITTITAS	3	3	1	8		3	1
KLICKITAT	5		1	2	1	2	2
LEWIS	14	12	10	16	8	15	4
LINCOLN	5			1	1		
MASON	12	5	7	7	3	11	1
OKANOGAN	11		3	7	1	2	2
PACIFIC	2	2	1	3		2	1

PEND OREILLE	2			1		1	
PIERCE	53	46	34	97	29	103	12
SAN JUAN					1		
SKAGIT	13	9	7	12	6	20	5
SKAMANIA	2	3	1			2	
SNOHOMISH	42	37	18	54	13	52	2
SPOKANE	117	30	6	65	6	26	5
STEVENS	6	1		6	1	4	2
THURSTON	24	12	12	30	17	26	8
WAHKIAKUM						1	
WALLA WALLA	10	7	2	5		2	
WHATCOM	19	9	4	12	4	13	
WHITMAN	3			2			
YAKIMA	46	18	2	30	2	22	1
Grand Total	**694**	**329**	**178**	**638**	**160**	**552**	**75**

Crime Sentences as of 3/1/2021

e.
can have appeared in OMNI as any of the following, due to how the law changed over the years:

view

ted the ruling on a Washington State sentence.
te sentence (the individual has a current Washington State cause that was sentenced post an OOS possessi
rated).

urrently active.
nses.
either field or prison was active, inactive, future, or pending field.
n on this admission that has subsequently closed.
0.4013 offenses,
rovided by the Caseload Forecast Council (CFC) was also used.
ning name and date of birth, or matching cause number (removing leading zeroes) and county.
ned to be active on the current admission.

ation.

n are counted as in the "FIELD" even if they are temporarily in a violator facility)
le times in this table (once per county)

OCC	SCCC	WCC	WCCW	WSP	AHTANUM VIEW W/R	BELLINGHAM WORK RELEASE	BISHOP LEWIS WORK RELEASE	
		10	2					
		1		4				
	3	7		12				
4	9	35	11	40				
2	6	14	3	14	2			1
3	7	11	3	15				
7	38	48	15	48				
1		1		3				
3	24	33	9	29	1			
2	2	7	3	5	3			
	2		1					
	3	15	3	22				
				1				
2	2	13	6	14	2			
2	11	12	9	31				
1	3	2	4	7			1	
	1	2		1				
18	99	90	24	133				4
5	25	32	14	33				1
1	4	4	1	13				
1	3		3	5	2			
6	25	31	9	33				
1	1	2	2	2				
4	10	16	4	13				
	2	5	4	9				
2	3	1	3	5				

1		1					
21	118	92	36	123		1	1
1						1	
3	9	18	5	27		6	
	2	2		1			
12	45	39	15	82	1	1	4
7	15	58	16	83	1	1	
1	1	14	7	13			
7	33	39	14	40			
				1			
2	2	8	1	12			
7	9	27	5	18		5	
		2		5			
5	13	28	9	50	9		
132	**530**	**720**	**241**	**947**	**21**	**16**	**11**

ion offense)

BROWNSTONE W/R	ELEANOR CHASE HOUSE W/R	LONGVIEW WORK RELEASE	PENINSULA WORK RELEASE	PROGRESS HOUSE WORK RELEASE
	2			
			1	
			4	
		1	16	1
			1	1
	1			
	1			
		1		
	1			1
			2	
			1	1
			9	1
			1	
			1	1
	1	1		

1	1		1	13
			1	
		1		
3				
14	5			1
2	2			
			3	3
1				
27	**11**	**20**	**24**	**21**

RATCLIFF HOUSE WORK RELEASE	REYNOLDS WORK RELEASE	TRI-CITIES WORK RELEASE	INTERSTATE COMPACT INMATES
		9	
	1		
1			1
		3	
	1		
3	15		
1	1		
1	1		
			1

	3		1
	3		
5	10		
1	1		1
1			
		1	1
	1		
	1	2	2
13	**38**	**15**	**7**

GREEN HILL SCHOOL	OAKRIDGE COMM FAC	CPA	GRE	RRE
			1	2
				1
	1		1	4
				1
			1	1
				1
				1
			1	1
				1
	1	1	2	8
			3	5
			2	5
			1	1

		8	9	
		2	3	
1		2	6	
1			4	1
				1
		3	4	
1			2	
1			3	
6	**1**	**27**	**63**	**2**

VIO	ACTIVE FIELD	INACTIVE FIELD	Grand Total
13	334	18	383
	9	10	30
	24	33	103
1	204	266	680
	116	64	283
	53	94	217
4	318	646	1,282
	8	4	19
	180	339	720
1	28	38	117
	4	2	11
3	80	76	263
	4	4	10
	69	134	290
2	102	179	403
	21	37	96
	20	19	55
1	589	889	2,264
1	182	116	515
	37	41	120
	18	16	61
	156	138	487
	4	8	27
	64	104	265
2	48	77	175
	38	87	151

	3	4	1	14
2	745	1,247		2,797
	2	1		6
	121	86		356
	6	9		29
	412	333		1,189
6	543	621		1,635
	57	50		168
2	290	496		1,064
	2	1		5
1	58	37		149
1	120	148		405
	12	7		32
3	235	309		791
43	**5,316**	**6,788**	**1**	**17,667**

From: OFFICE RECEPTIONIST, CLERK
To: Linford, Tera
Subject: FW: Response Comment re Proposed Amendments to CrR 3.1 and CrR 7.8.
Date: Friday, October 1, 2021 11:25:13 AM
Attachments: Proposed Amendment to CrR 3.1 and CrR 7.8.pdf
Book2.xlsx

From: Grace O'Connor [mailto:grace.oconnor@opd.wa.gov]
Sent: Thursday, September 30, 2021 5:29 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Nicole Dodge <Nicole.Dodge@opd.wa.gov>; Katrin Johnson <katrin.johnson@opd.wa.gov>; Ali Hohman <ali@defensenet.org>; Christie Hedman <hedman@defensenet.org>; amy@wacdl.org; Larry Jefferson <Larry.Jefferson@opd.wa.gov>; Sophia Byrd McSherry <Sophia.ByrdMcSherry@opd.wa.gov>; Magda Baker <Magda@defensenet.org>
Subject: Response Comment re Proposed Amendments to CrR 3.1 and CrR 7.8.

Dear Clerk:

Attached is a letter responding to comments from WAPA on proposed amendments to CrR 3.1 and CrR 7.8, with attachments. The attachments include an excel spreadsheet of data from the Washington State Department of Corrections. Converting a spreadsheet to pdf format often results in formatting problems and so we have chosen to provide the spreadsheet rather than a pdf.

As noted, this letter is relevant to proposed amendments to both CrR 3.1 and CrR 7.8. If you have any trouble opening the attachments or if you have any questions, please feel free to contact me.

Thank you,
Grace O'Connor

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