

Indeterminate Sentence Review Board

Strategic Plan for the 2007-2009 biennium

Mission Statement:

The Indeterminate Sentence Review Board is an integral component of Washington's criminal justice system.

The mission of the Indeterminate Sentence Review Board is to make informed decisions relating to an offender's release or further incarceration by a thorough analysis of the offender's past and present behavior and risk to public safety.

Statutory Authority:

RCW 9.94A and 9.95 making ISRB successor to the Board of Prison Terms and Paroles with jurisdiction over indeterminate sentenced offenders who committed crimes prior to July 1, 1984 and were sentenced to prison, and certain sex offenders who commit sex or sexually motivated crimes after September 1, 2001.

Assessment of External Environment and Internal Capacity:

Background:

Between the years 1984 through 2000, the Indeterminate Sentence Review Board (formerly known as the Board of Prison Terms and Paroles) was statutorily slated to go out of business. This was due to the implementation of the 1981 Sentencing Reform Act, which required criminal sentences to fall within determinate sentencing guidelines. However, in 2001, the legislature created a determinate-plus sentencing scheme for certain sex offenders and placed them under the jurisdiction of the ISRB. The intent of the 2001 legislation was to enhance public safety by putting certain (serious) sex offenders under the jurisdiction of the Board, with direction to balance the risk to public safety and offender rehabilitation in release and violation decisions.

Current Caseload:

PRE- SRA Offenders (aka: pre-84s)

Offenders who committed their crimes prior to 1984 and received indeterminate sentences fall under the Board's jurisdiction; the Board is statutorily mandated to determine the parole eligibility for these offenders and to provide oversight of these offenders who are paroled and under supervision in the community. If parolees violate the conditions of their parole, the Board may revoke their parole. Once the offender has completed the obligations of their sentence, including legal financial obligations and served three continuous years on parole, the Board is statutorily directed to issue a certificate of discharge. There are currently **562** of these offenders still under the jurisdiction of the Board.

Determinate-plus Offenders (aka: Community Custody Board or CCB)

In 2001, the legislature passed ESSB 6151 which set up a determinate-plus sentencing scheme for certain sex offenders. As a result, individuals who are convicted of certain

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sex offenses that were committed on or after September 1, 2001, fall under the jurisdiction of the Indeterminate Sentence Review Board (ISRB).

Determinate-plus sentencing requires judges to set a minimum term of confinement based on the Sentencing Guidelines range for the crime and offender's criminal history (determinate sentencing), however, the maximum length of the offender's sentence is based on the statutory maximum for the crime of conviction (a Class A felony carries a maximum sentence of Life, a Class B felony has a 10 year maximum, and a Class C felony has a statutory maximum of 5 years). The ISRB is statutorily mandated to see these determinate-plus offenders prior to the expiration of their minimum sentence and to make a determination of whether or not these offenders are "*more likely than not to commit future sex offenses if released with conditions.*" If the preponderance of the evidence leads the ISRB to find that the offender IS more likely than not to commit another sex offense, we must set a new minimum term of not more than 24 months and hold a subsequent hearing for this offender prior to the expiration of the new minimum term. Each time the Board finds an offender not releasable, this process repeats itself, until the expiration of the offender's maximum sentence (5 years, 10 years, or Life). The ISRB maintains jurisdiction of those determinate-plus offenders who are released into the community for the duration of their maximum sentence. If they violate any of the conditions of their community supervision, the ISRB may revoke the offender and return them to prison. There is currently no statutory mechanism for these offenders to receive a final discharge from a determinate-plus sentence.

As of April 30, 2006 there were **878** determinate-plus sentenced offenders under the jurisdiction of the ISRB; of these, 776 (88.4%) have maximum sentences of Life.

Summary of Current Caseload:

The current caseload of the ISRB is now **1,370** offenders. For comparison, in July 2001, the ISRB caseload consisted of 705 incarcerated offenders and 136 offenders on parole in the community. As of April 2006, our caseload consists of: 466 pre-84 offenders incarcerated (70 showing as on escape status), 96 pre-84 offenders on parole in the community, 848 determinate-plus sex offenders still incarcerated, and 30 determinate-plus sex offenders released to supervision in the community or to the Immigration and Customs Enforcement Agency for deportation hearings. **The caseload of the ISRB is growing by an average of 25 offenders per month.**

Current Business Operations:

Because the Indeterminate Sentence Review Board was slated to go out of business between 1984 and 2001, Board members and staffing levels were significantly reduced over the years and expenditures on technology upgrades were not seen as necessary. While the Board has relatively new computer and printer equipment, we are still using cassette recorders and Dictaphones for hearings. Offender files are still in paper format; this limits Board member file reviews to the Lacey office, means that only one person at a time can review a file and raises significant concern for disaster recovery. Data compilation related to our caseload is rudimentary. When the executive secretary left

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the agency in 2000, the FTE for the position was subsequently lost and the Board Chairperson assumed the administrative duties of the agency. With the growth in the caseload it is no longer feasible for the Chairperson to assume the administrative duties of the agency in addition to the duties related to conducting offender hearings. The 2006 supplemental budget reestablished the executive position and the new executive director will start work in July 2006. Additionally, rulemaking for the determinate-plus caseload is currently underway and meetings to re-establish working agreements and re-build relationships with our major partner, the Department of Corrections, is ongoing.

Current Staffing Levels:

The ISRB currently consists of 3 Board members, all appointed by the Governor with confirmation of the Senate. One Board member is appointed by the Governor to serve as the full time Chairperson of the Board. The other two Board members currently fill two .60 FTE positions. There are 2 hearing examiners, 3 correctional records specialists, 1 office assistant, and 1 executive assistant. The average tenure of the ISRB staff is 23 years. **Of the seven current employees, four are eligible for retirement now or within the next year.** In addition to the allotted staff, the Board contracts with the Office of Crime Victim Advocacy for a .30 FTE victim advocate.

Due to significant increases in caseload, the 2006 supplemental budget provided for additional staffing levels effective July 1, 2006 and the Board is currently preparing to fill these positions. We are also reviewing all current job classifications and actual work to determine appropriate classification.

Current Status of Victim Input:

With an increase in sex offender cases, the Board is also seeing an increase in meetings with victims of these offenders. This is an additional workload driver that has not been tracked in the past. Under our state Constitution, Article 1, Section 35, victims of crime have the right to be informed of hearing dates and decisions, and to be present and heard at any hearing where the offender is being considered for release, if they so choose. Additionally, the 2006 legislature passed HB3261 which directs the Board to provide opportunities for the victims of any crimes for which the offender has been convicted to present oral, video, written, or in-person testimony to the Board. The legislation directs that procedures for victim input shall be developed by rule.

The Board is making a significant effort to improve the participation of victims in the decision making process.

Risk Management Concerns:

If hearings are not conducted in accordance with statutory and/or Washington Administrative Code directed timeframes, offenders may be incarcerated past their release date, which results in civil litigation costs. Currently the Board is facing a backlog of approximately 4% of hearings not held in the appropriate timeframe; the reasons vary, but are generally as a result of: lack of available hearing space, attorney

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schedules, transportation of offenders, and board member availability. The board is working with our partners to address these issues.

Citizen Expectations:

As the agency of state government with direct responsibility for decisions related to the release or continued incarceration of certain violent offenders, citizens expect that the ISRB operations will: *Improve the security of Washington's vulnerable children and adults; improve the safety of people and property; and improve the ability of state government to achieve results efficiently and effectively.*

Victim and community safety is dependent on the Board making fully informed and timely decisions regarding the parole, release and revocation of these offenders.

ISRB CORE VALUES STATEMENT

The ISRB is committed to the public service of the citizens of the State of Washington. We Value:

Making fair decisions that are consistent with public safety, concerns of victims and the needs of the offender;

Open and honest communications with our partners within the Criminal Justice System, victims, offenders and offender family members;

Collaboration and involvement with our stakeholders in our decision making processes and practices;

Treating staff, offenders, victims and the public with respect and dignity;

Teamwork - ensuring staff's roles and responsibilities are clearly defined and their expertise is developed, utilized, and shared to fulfill the agency's operation;

The use of public resources in a responsible and efficient manner; and

Clear and sound policies which are articulated in the operation of the agency.

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Strategic Plan for 2007-2009 Biennium:

Vision:

Increased safety of Washington citizens as a result of well-informed and impartially considered decisions related to criminal offenders under the jurisdiction of the Indeterminate Sentence Review Board.

Priorities of Government Statewide Results addressed: #4 *Improve the security of Washington's vulnerable children and adults;* # 7 *improve the safety of people and property;* and #10 *improve the ability of state government to achieve results efficiently and effectively.*

Goal 1:

Utilize new technology to improve the capacity of the ISRB to make timely and well informed decisions related to criminal offenders under our jurisdiction.

Objective A: Convert paper offender files to electronic files.

Strategy: Implement an imaging and electronic filing system.

Activities: Develop a work group of experts in the area of imaging and electronic file systems; research options; develop a written plan with timelines for implementation of an imaging and electronic file system. Convert new files first, current working files next, and then the backlog of old files.

Performance Measures:

1. Written plan with applicable timelines for implementation.
2. Number of files successfully converted and accessible to board and staff.
3. A written disaster prevention and recovery plan related to offender files.

Objective B: Enable remote access to electronic files by board members.

Strategy: Implement an imaging and electronic filing system.

Activities: Convert offender files to electronic file system; develop policies and procedures related to the use of the electronic file system; train board members and staff on use of the electronic file system; ensure appropriate hardware is employed to enable remote access to electronic files.

Performance Measures:

1. Percentage of offender files converted to electronic file system at specified timeframes.

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2. Written policies and procedures related to the use and access of the electronic file system.
3. Number of board members and staff trained on the electronic file system.
4. Rate of hearing preparation reviews conducted via remote access.

Objective C: Implementation of standardized formats for hearing preparation, investigation, recommendations and parole/release decision making.

Strategy: Development and implementation of standardized electronic forms and decision making guidelines.

Activities: Utilize a workgroup of hearing examiners, correctional records specialists, Board members, stakeholders and experts in the field of parole and sex offender management, to develop a model for decision making that includes standardized formats for preparation, investigation, recommendations and decisions.

Performance Measures:

1. Standardized electronic form(s) developed and implemented.
2. Rate of use of standardized forms by staff and board members.
3. Survey of users who rely on the Board's decisions being clear and accessible.

Objective D: Use current technology to gain efficiencies in the board hearing and decision processes.

Strategy: Implement the use of digital recording within current funding.

Activities: Delegate the responsibility for researching and recommending digital recording software and hardware to the new Information Technology Specialist; implement selected tools to replace current cassette recording devices and Dictaphones.

Performance Measures:

1. Written recommendations to the Board for authorization.
2. Rate of time between hearing and published decisions.

Objective E: Increase the use of video conferencing to make efficient use of limited state resources.

Strategy: Expand the use of video conferencing technology by the ISRB.

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Activities: Work with DOC and other identified partners to develop a plan to address concerns about access to DOC offender files if hearings are conducted via video conferencing. Develop policies and procedures to implement the resulting plans.

Performance Measure: Rate of hearings conducted via video conferencing.

Goal 2: Improve the ability of the ISRB to assess and manage our workload.

Objective A: Increase timeliness of published decisions.

Strategy: Implement an electronic method of tracking the time between hearings and the issuance of published decisions.

Activities: Assign responsibility and authority to the new Data, Planning and Research Administrator to acquire and implement necessary software to create an efficient method of tracking the time between hearings and the issuance of decisions.

Performance Measure: Rate of written decisions issued within 4 weeks of the hearing.

Objective B: Reduce the number of hearings continued.

Strategy: Implement an electronic method of tracking the number of hearings continued and the reasons for continuances.

Activities: Assign responsibility and authority to the new Data, Planning and Research Administrator to acquire and implement necessary software and procedures to create an efficient method of tracking hearings and continuances.

Performance Measures:

1. Rate of hearings held on first scheduled hearing date.
2. Rate of hearings continued for:
 - a. completion of psychological evaluations
 - b. missing information from ISRB files (information contained in DOC files but not forwarded to the Board and/or the offender's attorney)
 - c. attorney request
 - d. offender request for more time to review discovery documents
 - e. need for interpreter not previously identified
 - f. other

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Objective C: Assess workflow processes and volume of workload.

Strategy: Implement a workload assessment process.

Activities: Assign responsibility and authority to new Executive Director to work in partnership with the new Data, Planning and Research Administrator to oversee the development and implementation of a workload assessment.

Performance Measures:

1. Written report of findings related to workload volume and workflow processes with recommendations for efficiencies and new or revised policies and procedures.
2. Statistical reports available to the Board, Governor, Legislature, Caseload Forecast Council, major partners, stakeholders and citizens on an *as needed* basis.

Goal 3: **Improve communication and relationships with partners and stakeholders, i.e., Department of Corrections, Office of Crime Victim Advocacy, victims, attorneys, offenders, media and citizens.**

Objective A: Uphold crime victims' constitutional and statutory rights to provide input to the board by increasing options for victim input into the decision making process.

Strategy: Develop myriad options for victims to exercise their right to provide input to the Board prior to the rendering of decisions.

Activities: Delegate the responsibility and authority to the Victim Liaison to develop and recommend options for victim input. Work in partnership with the Office of Crime Victim Advocacy; Department of Corrections, Victim Services Program and victim coalitions to develop the rules related to victim input and to implement and advertise the rules and options.

Performance Measures:

1. Development and approval of WACs for Victim Input.
2. Development and publication of brochures and other methods of providing victims information about their opportunity and options for input to the Board.
3. Rate of notification letters sent to victims/survivors at least 30 days in advance of scheduled hearings.
4. Percentage of hearings that have had victim input prior to the decision.

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Objective B: Increase availability of information on agency website.

Strategy: Provide information about the rules, policies and procedures of the board, relevant statistics, and increased links to other agencies available on agency website.

Activities: Assign the responsibility of maintenance and monthly updating of the agency website to the Information Technology Specialist.

Performance Measures:

1. Rate of traffic accessing the website.
2. Consumer questionnaire regarding content, ease of access, and relevance of information for users of the website.

Objective C: Reduce the rate of reports, decisions, board meeting minutes and press releases sent out in paper format.

Strategy: Provide ease of access to written materials of the agency in electronic format.

Activities: Survey stakeholders who currently receive information from the agency in paper format to inquire about their interest and ability to receive the information via e-mail and/or website access. Add these materials to the website.

Performance Measures:

1. Rate of users receiving information via electronic format.
2. Rate of users receiving information via paper format.

Objective D: Increase knowledge of partners and stakeholders about the rules, procedures and activities of the Indeterminate Sentence Review Board.

Strategy: Development and implementation of training materials and programs related to the work of the ISRB.

Activities: Work with partners and stakeholders to identify what information is relevant and useful to them; develop appropriate materials and presentations; conduct training for DOC staff, prosecutors, judges, defense attorneys, victim groups and other interested groups.

Performance Measures:

1. Number of training programs/presentations provided.
2. Evaluations from participants of the training programs/presentations.

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Objective E: Increase opportunities for dialogue with major partners to reduce conflicting policies and procedures, make efficient use of state resources and ensure that memorandums of understanding are implemented as intended.

Strategy: Create opportunities to maintain open lines of communication with major partners.

Activities: Establish regular meetings or other opportunities for open communication with our major partners, the Department of Corrections and Office of Crime Victims Advocacy to address how the decisions, policies and procedures of the ISRB may impact their agency workload and access to information. Encourage partners to involve the ISRB in their decision making related to policies and procedures that might impact our workload and access to information. Encourage and facilitate partnerships to make efficient use of state resources, reduce duplication of efforts, and increase access to information by citizens. Provide opportunities for major partners to provide feedback about the partnership.

Performance Measures:

1. Increased satisfaction of major partners in regard to working agreements, information sharing, and relationships with the ISRB.
2. Increased satisfaction of ISRB with partners in regard to working agreements, information sharing and relationships.

Goal 4: **Improve agency compliance with rules and statutory requirements related to personnel, administrative procedures act, and rulemaking requirements.**

Objective A: Policies and procedures manual updated and reviewed annually.

Strategy: Establish a schedule for review, updating and training related to policies and procedures of the agency.

Activities: Delegate the responsibility and authority for review, drafting and recommending policies and procedures to the Executive Director. Review past and current policies and procedures; research other agency policies and procedures; solicit input of board members and staff of the ISRB, and major partners; ensure compliance with rules and laws.

Performance Measures:

1. Policies and procedures manual approved by the Board.
2. Compliance with applicable rules and laws.
3. Schedule for periodic review developed and adopted by the Board.

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Objective B: Review, revision and adoption of rules via the Washington Administrative Code.

Strategy: Ensure compliance with statutory requirements and identify outdated rules.

Activities: Involve agency staff and board members, assistant attorney general, major partners and interested stakeholders in the review of current rules and development of new rules as statutorily directed.

Performance Measures:

1. Review of rules related to pre-84 offender hearings.
2. Board adoption of rules related to community custody board offender hearings.
3. Board adoption of rules related to victim input.

Objective C: 100% of employee performance evaluations conducted on time.

Strategy: Establish and comply with regular schedule for employee performance evaluations.

Activities: Assign the responsibility and authority for the establishment and enforcement of compliance to the new Executive Director, with oversight provided by the Board Chairperson.

Performance Measure: Rate of employee performance evaluations completed on time.

Objective D: Partner with key stakeholders to address technical fixes to the laws applicable to offenders sentenced to the jurisdiction of the ISRB.

Strategy: Improve the laws related to determinate-plus sentenced offenders.

Activities: Invite partners and stakeholders to participate in a workgroup to identify difficulties related to implementing the law and to develop suggested solutions to address the areas of concern. Identify efficiencies and recommendations for best use of state resources related to the sentencing, incarceration, reentry and supervision of these offenders.

Performance Measures:

1. Written recommendations provided to the Governor and Legislature.
2. Actual utilization of state resources related to these offenders.

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Looking Forward:

The Indeterminate Sentence Review Board is taking measures to address the growth in caseload, identify efficiencies and improve our ability to provide accurate data related to our workload.

We anticipate the need for additional Board members in the 2007-2009 biennium based on current projections in caseload growth. Our focus during the final months of 2006 is to utilize the new staff and technology we have been provided to more accurately identify what resources may be necessary to carry out our statutory duties. We expect the GMAP process to help us continue to identify where we are doing well and the areas we need to improve on.

We plan to utilize the performance measures outlined in our 2007-2009 Strategic Plan and the data that is gathered as a result of the additional staffing and technology improvements funded in the 2006 supplemental budget to provide the Governor and Legislature with necessary information to appropriately analyze the effects of policy decisions and the use of state resources related to the incarceration and re-entry of the indeterminate and determinate-plus offenders under the jurisdiction of the ISRB.

Caseload growth through 2013 is on an upward line. The caseload growth of sex offenders sentenced under determinate-plus sentencing is averaging 25 per month. The difficulty with forecasting the carry over numbers are challenging; with only 5½ years since the new sentencing scheme began, we are seeing offenders who have relatively short minimum terms, meaning that most are lower level offenders. Even with those, we are finding about half are released at their first hearing and those that aren't are required to be seen every 20 months. Once released, the offenders that have a statutory maximum sentence of life will never drop off the caseload. Barring future changes in sentencing and major investments in prevention and treatment, the caseload will continue to grow.

We are optimistic that we can slow comparable future increases in staffing and board membership by making better use of technology, identifying and increasing efficiencies in our work processes and working closely with our major partners to address the increasing growth in the sex offender caseload both in correctional institutions and under community custody.