



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

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MINUTES

SENTENCING GUIDELINES COMMISSION

September 14, 2007

ROLL CALL Members Present:

Dave Boerner
Rep. Sherry Appleton
Ida Ballasiotes
Michael Brasfield
Jeri Costa
Hon. Tari Eitzen
Lynda Ring Erickson
Hon. Ellen Fair
Russ Hauge
Michael Kawamura
Hon. Ronald Kessler
Tim Killian
Adam Kline
Hon. Dean Lum
Mary Ellen Stone
Pam Roach

Members Absent

Harold Clarke
John Clayton
Ned Delmore
Lucy Isaki
Lenell Nussbaum
Jay Rodne

Staff Present

Jean Soliz-Conklin
Edward Valachovic
Teresa Waller
Keven Ivers

Others Present:

Tammy Fellin, Association of Washington Cities; Denise Hollenbeck, Department of Corrections; Teresa Mathis, Executive Director of Washington Association of Criminal Defense Lawyers; Alex McBain ; Sophia Byrd McSherry, Association of Counties; Lidia Mori, Senate Judiciary Committee; Jim Thatcher, Department of Corrections.

CALL TO ORDER: The Chair, Dave Boerner, called the meeting to order at 9:22 a.m. He welcomed members and guests and introduced Representative Sherry Appleton as the newest member to the Commission.

MOTION # 996

Moved: Lucy Isaki

Seconded: Rep. Appleton

APPROVAL OF THE JULY 13, 2007

MINUTES

PASSED: Unanimously

STAFF REPORT: Jean Soliz-Conklin, the new Executive Director to the SGC, reported the following:

A LOOK AT THE SENTENCING GUIDELINES COMMISSION

Jean Soliz-Conklin, Executive Director of the SGC, gave a preview of the Government Management, Accountability and Performance (GMAP) approach. As the year progresses, SGC staff will develop new performance measures with assistance from OFM analysts and report to the commission.

The SGC's Strategic Plan was updated minimally for 2007, as new performance measures can be developed only after certain assessments are made. Ms. Soliz-Conklin noted that she removed language promising decreased staff because of electronic transfer of data from counties. While half of counties now transfer their Judgment and Sentence Reports (J&S's) electronically, the data entry continues to be a manual function requiring staff and the SGC has not been funded to fully fund its allocated FTEs for some time. The plan is to add to staff capacity, instead of reducing it.

The commission reviewed a Criminal Justice Community Survey, which was sent by staff to judges and criminal defense attorneys. Responses included requests that the commission look for ways to restore discretion to judges, and also that a review of scoring take place. The judge's manuals and reports should be made available in more flexible and expandable formats and the judge's manuals should once again be made available in hard copy. The surveys asked the SGC to use the data to report on more topics as well. Ms. Soliz-Conklin said she agreed with the publication recommendations and would be able to rework the reports in 2008 and thereafter.

The commission reviewed a memorandum that summarizes the SGC's statutory mandates. These mandates include the policy analysis and advice role of the commission, as well as keeping the felony sentencing and juvenile disposition database up to date and accessible, website maintenance, and ten statutorily mandated reports, as well as the fiscal note analysis during each legislative session. The planned hiring of a research manager will improve the SGC's ability to conduct the ongoing research required in the SRA.

Ms. Soliz-Conklin updated the members on the current staff for the SGC and the expenditure plan. The commission agreed to her suggestion that the commission only

offer lunch when the length of the meeting was extended beyond noon, to save costs. Staff were instructed to find a lower cost location for meetings, but that meetings must remain in the airport area for the convenience of members who need to fly in. The commission discussed the travel budget, which was significantly overspent in FY 07. Ms. Soliz-Conklin reported that the statute does not allow the commission to pay for the travel of legislators, so she had notified them that their legislative house would pay their costs. She noted that there is a staff travel policy but not one for commissioners, so the chairman appointed Tim Killian and Jeri Costa to work with staff on a proposed commissioner travel policy which is to be brought back before the commission.

The commission discussed the SGC's subcommittees and how they work. Tim Killian put forward an idea to promote the commission's resources and accomplishments by utilizing strategic outreach mechanisms. Chairman Boerner appointed Tim Killian and Jeri Costa to an Outreach Committee and asked them to report back to the Commission on their ideas.

Commissioner Appleton led a discussion about reconvening a Juvenile Issues Committee and general support was expressed. Staff will work with Rep. Appleton to develop an initial plan for the committee and report back. Ned Delmore and John Clayton will be invited into the Committee as well.

The discussion of a communications plan for the legislative session was postponed.

GOVERNOR'S SEX OFFENDER TASK FORCE

Commissioner Russ Hauge reported on the accomplishments and discussions on the Governor's Sex Offender Task Force, which had completed its Phase I analysis, which was a case review of the Terapon Adhahn case. (Adhahn is accused of killing 12 year old Zina Linnick.) Mr. Hauge told members that the task force identified some issues to pursue related to DNA, GPS monitoring, support for local law enforcement and additional support for victims services.

Commissioners discussed the strengths and weaknesses of GPS monitoring. Commissioner Erickson asked about risk assessment and staff was asked to send her reports from the Washington State Institute for Public Policy.

POST RELEASE SUPERVISION

The commission's Post-release Supervision Simplification Subcommittee reported their discussions to the commission. The supervision statutes need to be simplified according to feedback from experts across the criminal justice community.

A general discussion included the following points:

- Ex post facto considerations have complicated the statutes.

- The decision to add mandatory supervision to specific offenses is also a complicating factor.
- Community corrections officers (CCOs) disagree with legislative mandates about whom should be supervised, but the directions are based on research,
- Is the data being misapplied? Are the right people being supervised?
- Is the public misled about their safety?
- Is the risk assessment instrument appropriate for juveniles?
- DOC is challenged with limiting its work based on available resources.
- There seems to be a disconnect between the expectations of the judiciary and DOC policies.
- There is a fear of liability that interferes with specific supervision plans.
- Approaches vary amongst different regions and CCOs.
- Judges would like to order treatment in cases as they used to.
- We need to streamline the violations process.
- Should we rely on the DOC risk assessments?

Staff was asked to arrange for a presentation on the new risk assessment instrument in October and to invite all Supervision Subcommittee meetings to that meeting.

The Subcommittee will continue to meet and report back to the full commission.

SCORING AND DISCRETION UNDER THE SRA (combined discussion)

Judge Ellen Fair led a brief discussion about scoring issues and discretion. The Subcommittee has not yet developed a strategy, although it is re-looking at a bill to expand the discretion of judges. Issues include how to allow a judge to look back at criminal conduct to re-determine the criminal history score in some cases. A question was raised about whether a new approach should be developed for sex offenses.

REVIEW OF COMMISSION BY LAWS

This discussion was postponed at the request of Ms. Soliz-Conklin, who said she thinks an in-depth review is needed before discussions can begin.

ADJOURNMENT

The meeting was adjourned at 1:10 p.m.

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

Dave Boerner

Date

Jean Soliz-Conklin

Date

