



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

PO Box 40927 • Olympia, Washington 98504-0927

(360) 407-1050 • FAX (360) 407-1043

MINUTES

SENTENCING GUIDELINES COMMISSION

June 13, 2008

ROLL CALL Members Present:

Dave Boerner	Michael Kawamura
Rep. Sherry Appleton	Hon. Ronald Kessler
Ida Ballasiotes	Tim Killian
Sheriff Michael Brasfield	Sen. Adam Kline
John Clayton	Hon. Dean Lum
Jeri Costa	Lenell Nussbaum
Ned Delmore	Rep. Kirk Pearson
Hon. Tari Eitzen	Lynda Ring Erickson
Hon. Ellen Fair	Sen. Pam Roach
Russ Hauge	Mary Ellen Stone
Ann Heath	Eldon Vail
Lucy Isaki	

Invited Participants

Hon. Leonard Costello, Kitsap Co. Superior Court
Hon. Gordon Godfrey, Grays Harbor Co. Superior Court
Hon. Kathleen O'Connor, Spokane Co. Superior Court Association
Hon. Stephen Warning, Cowlitz Co. Superior Court
Hon. Chris Wickham, Thurston Co. Superior Court

Staff Present

Jean Soliz-Conklin
Dr. Razak Garoui
Keri-Anne Jetzer
Stevie Peterson
Teresa Waller

Others Present:

Steve Aos, Washington Institute for Public Policy; Shani Bauer, Senate Committee Services; Karen Daniels, Department of Corrections (DOC); Larry Fehr, Pioneer Human Services; Seth Fine, Asst. Chief Criminal Deputy Snohomish County Prosecutor's Office; Sheila Gall, Association of Washington Cities (AWC); John Gower, House of Representatives; Rashi Gupta, Washington State Association of Counties; Bryan Houghton,

Legislative Assistant to Sen. Kline; John Lane, Governor's Policy Advisor; Roxanne Lieb, Washington State Institute for Public Policy; Dr. Christopher Lowenkamp, University of Cincinnati; Regina McDougall, Administrative Office of the Courts (AOC); Noemie Maxwell, Washblog.com; Brad Meryhew, Washington Association of Criminal Defense Lawyers; Lindsey Palmer, King County Sexual Assault Resource Center; Ginger Richardson, Washington Federation of State Employees (WFSE); Nancy San Carlos, Victim's Advocate; Peggy Smith, Indeterminate Sentencing Review Board; Dawn-Thanh Nguyen, King County DAJD, Community Corrections Division; Jamila Thomas-Roberts, House Democratic Caucus; Bernie Ryan, Senate Democratic Caucus; Yvonne Walker, House of Representatives, Public Safety Emergency Preparedness; Jim Thatcher, (DOC).

I. CALL TO ORDER

Dave Boerner, Chair, opened the meeting at 9:16 a.m.

II. Approval of Minutes for April 11, 2008

III. Executive Director's Report – Jean Soliz-Conklin, Executive Director

a. SGC Research Plan Report (See Exhibit A)

Jean reviewed a brief research plan with the Commission, reminding them of the new research staff and emphasizing a focus on fiscal notes, data quality and report improvements in 2008. She proposed that the SGC issue an in-depth report on the status of the sentencing reform Act in 2009.

b. New Process for Commissioner Travel Reimbursement

In order to ensure compliance with state travel regulations, Jean and Stevie asked Commissioners to fill out a form which documents their exact mileage for meeting attendance.

IV. Appointment of Ad Hoc Committee to review Sex Offense Statutes of Limitation

The Commission was briefed regarding the expectations of the legislature that the SGC conduct a review of sex offense statutes of limitations and report back to the Commission at or before the November meeting. The chairman appointed the following members to conduct the review and make recommendations to the whole commission: Commissioner Lynda Ring Erickson, Jeri Costa, and Mary Ellen Stone.

V. Community Custody Research Presentations (See Exhibits B & C)

The Commission heard PowerPoint presentations by Dr. Christopher Lowenkamp and Stephen Aos as part of their analysis of the research related to community custody best practices. Dr. Lowenkamp is an Assistant Research Professor in the Division of Criminal Justice and also serves as the Director of The Center for Criminal Justice Research at the University of Cincinnati. Steve Aos, Deputy Director of the Washington State Institute for Public Policy, has presented to the Commission many times and is a co-author of *Evidence-based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates (2006)*.

VI. Lunch

Commissioners continued their conversation with the panelists and each other during lunch.

VII. Risk and Needs Assessment

Karen Daniels, DOC Assistant Secretary for Community Corrections, briefly reviewed the *Washington State Department of Corrections Static Risk Assessment* instrument for the Commission.

Thurston County Superior Court Judge Chris Wickham talked about Thurston County's use of the instrument for pre-sentencing decisions. Judge Wickham told the Commission that before Thurston County began using the static risk instrument during the pretrial phase, the jails were full much of the time because judges were concerned about risk to the community. Using a validated risk instrument has significantly improved the knowledge base by which the judges make release decisions. While housing and employment information helps judges assess the risk of an offender absconding; the risk instrument helps determine the risk to the community. Judge Wickham said the county is now conducting a bail study, which will provide more data about the actual impact of using the risk assessment instrument for more than a year in Thurston County.

VIII. Community Custody Policy Discussion

The Commission and invited guests began its discussion of the policy issues that relate to simplification and improvement of the state community custody structure. The brief discussion included the following remarks:

- The juvenile system has been very effective; so examining that may be a place to start when considering adult community custody.
- Juveniles are within a three-legged system
 - Assessment of risk and needs
 - Evidence-based programs
 - Quality assurance
- Local probation is one significant difference between the systems.
- Juvenile probation officers recommend length of confinement and whether probation is appropriate.
- Juvenile programs such as Family Functional Therapy (FFT) and Family Integrated Treatment (FIT) have been demonstrated effectively from an individual and cost-benefit perspective.
- Moving the juvenile system into evidence-based approaches took time and training.
- Looking at the quality of the adult service delivery system is necessary, too.
- We need to look beyond risk to determine what services should be ordered.
- The AOS meta-analysis lists cost-effective adult programs.
- Judges often see risk before it shows up as criminal history.
- Full assessment of adults takes 60 to 90 days.
 - We may be able to collaborate with DOC to begin assessments sooner. This is under discussion in some counties.
- Funding will be an issue; but we can now look at long-term savings from investments and the legislature has funded the middle AOS-recommended portfolio.

- Economies could be realized by eliminating unnecessary presentence investigations.

Staff was asked to develop a comparison of the decision points and funding for programming for community custody for juveniles and adults.

IX. Adjournment

The meeting was adjourned at 4:00 p.m.

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

Dave Boerner

Date

Jean Soliz-Conklin

Date

