

STATE OF WASHINGTON  
SENTENCING GUIDELINES COMMISSION  
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MINUTES

SENTENCING GUIDELINES COMMISSION  
August 15, 2008

**ROLL CALL Members Present:**

Dave Boerner  
Rep. Sherry Appleton  
Ida Ballasiotes  
John Clayton  
Jeri Costa  
Hon. Tari Eitzen  
Lynda Ring Erickson  
Hon. Ellen Fair  
Russ Hauge  
Ann Heath  
Lucy Isaki  
Michael Kawamura  
Hon. Dean Lum  
Lenell Nussbaum  
Rep. Kirk Pearson  
Mary Ellen Stone  
Eldon Vail

**Members Absent**

Ned Delmore  
Tim Killian  
Sen. Adam Kline  
Hon. Ronald Kessler  
Sen. Pam Roach

**Staff Present**

Jean Soliz-Conklin  
Keri-Anne Jetzer  
Andi May  
Stevie Peterson  
Shannon Hinchcliffe

**Invited Participants**

Hon. Vickie Churchill, Spokane County Superior Court  
Hon. Stephen Warning, Cowlitz County Superior Court  
Hon. Gordon Godfrey, Grey's Harbor Superior Court  
Rep. Marylou Dickerson

**Others Present:**

Shani Bauer, Senate Committee Services; Melissa Bailey, Assistant to Rep. Dickerson; Jane Beyer, House Democratic Caucus; Beth Colgan, Columbia Legal Services; Chad Connors, Cowlitz County Juvenile Court Administrator Beth Elizabeth Drake, Washington State Institute for Public Policy; Christie Hedman, Harris Haertel, Mason County Juvenile Court; John Lane, Governor's Policy Advisor; Tom McBride, Washington Association of Prosecuting Attorneys; Carl McCurley, Administrative Office of the Courts (AOC); Regina McDougal, Administrator of Office of the Courts (AOC); Linda Merelle, House Counsel, Human Services; Amy Pearson, Office of Crime Victim's Advocacy; Kecia Rongen, Juvenile Rehabilitation Administration (JRA) Bernie Ryan; Washington Senate Staff; Jamila Thomas-Roberts, House Democratic Caucus; Charles Shelan, community Youth Services; Yvonne Walker, House of Representatives; Mike West, King County Department of Adult & Juvenile Detention; George Yeannakis, Team Child.

## **CALL TO ORDER**

Chairman Dave Boerner called the meeting to order at 9:16 a.m.

Approval of the minutes for July 11 was postponed to the September meeting.

## **REPORTING IN – NATIONAL ASSOCIATION OF SENTENCING COMMISSION**

Commissioners who attended the annual conference were invited to comment on their perceptions. Ann Heath commented that she was impressed by the extent of the research and Washington's adherence to evidence-based practices. Dave Boerner said he came away with the same impression he has each year – that Washington State has its issues, but it is in good stead when compared to other states. Russ Hauge said he concluded that Washington's crossovers between academics and the criminal justice system help us work effectively compared to others.

## **AD HOC COMMITTEE TO REVIEW SEX OFFENDER STATUTES OF LIMITATION WORKPLAN**

Jean Soliz-Conklin briefed the Commission about the progress of the Ad Hoc Committee. (See exhibit A). Commissioners expressed interest in the Public Conversation date and asked that the meeting not be held the afternoon of September 12<sup>th</sup>, because that date conflicts with legislative committee meetings. Jean said she would reschedule in consultation with the committee.

## **PROPOSED LEGISLATION ON COMPETENCY EVALUATION AND RESTORATION**

To be discussed at a future date

## **JUVENILE JUSTICE PRESENTATION**

(a) Jean Soliz-Conklin introduced the juvenile justice presentation by reviewing the statutory duties of the SGC related to juveniles. She informed members that the Juvenile Justice Survey was out and had been distributed to more than 2000 people in the state. The Commission was told they would receive proposals from the Juvenile Justice Committee in October, along with survey results. The Committee is focusing on sex offender registration laws, adult decline and re-entry services.

The Commission was reminded that it became clear in the July SGC meeting that there may be lessons to draw from the juvenile justice system for their comprehensive review of the community custody system.

Next, Jean reviewed data regarding Juvenile Dispositions since 2002 and Juveniles declined into the adult system. (See exhibit B). Russ Hauge commended the data charts developed by SGC staff Keri-Anne Jetzer and Thuy Le. He asked if data could be displayed going back further to illustrate the impact of legislative changes made in the 1990's. Jean responded that staff would bring more data to the October meeting, when the Commission will hear proposals from the Juvenile Justice Committee.

(b) John Clayton, DSHS Assistant Secretary for Juvenile Rehabilitation (JRA), thanked the Commission for its new commitment to juvenile justice. He introduced Dan Robinson, who gave a presentation on the state perspectives on juvenile justice. Dan began by pointing out that Sentencing Guidelines Commission

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the drop in dispositions is partially due to a drop in juvenile crimes, but also attributable to more diversions and early interventions at the local level. The result has been a marked increase in the acuity levels of the youth who are committed to the state JRA system. JRA is now the “de facto” system for kids most in need of treatment. Although the population reductions allow for a reduction in beds and institutions, it is very important to stay attuned to the increased acuity levels to allow for treatment and rehabilitation. There are also dangers that come with mixing populations, where the “mix” relates to age, risk level or diagnosis.

In response to a question by Ann Health, Dan explained that the increase in committed youth with serious problems is partially due to the fact that disposition alternatives for youth with less serious problems are better now. JRA kids usually have exhausted services at the local level. (See exhibit C). Seventy percent (70%) of JRA youth have received mental health treatment before commitment to JRA and 30% of them have been hospitalized for mental health issues.

The issue of disproportionate minority contact (DMC) continues to be an issue, even though Washington State has been recognized as a leader in efforts to prevent disproportionate minority involvement in the juvenile justice system. Dan reported kids of color are “grossly overrepresented” in JRA. In addition to prevention issues, this fact has significant implications for how to serve the youth. John Clayton followed up, reporting to the Commission that 50% of the JRA population is minority youth. He explained that the rehabilitation outcome numbers for minority kids who have left JRA are pretty good, but minority families do not yet have a lot of trust in the state system. In response to a question about why this is so from Representative Pearson, John explained that the state had not been inclusive enough of families when planning its programs. He said JRA is working on better communication with families.

Dan continued the overview by mentioning that although the Legislature put \$25 million into adult offender re-entry services, that kind of investment has not been **what?** recidivism if it follows the research about which protective factors lead to good outcomes for kids. He acknowledged that the sheer size of the adult re-entry population made that a priority along with the fact that there is a belief that youth returning to their families reduces the needs for programs.

Representative Mary Lou Dickerson explained that there is strong research to demonstrate that re-entry services can dramatically reduce future costs, and that much of the research supports programs that are funded in Washington on a limited basis.

(c) Regina McDougall, staff with the Administrator for the Courts, introduced a panel of county juvenile justice experts to present the Juvenile Justice Continuum of Intervention used by the county Juvenile Courts. (See exhibit D) Presenters were Cowlitz County Juvenile Court Administrator Chad Connors, Mason County Juvenile Court Administrator Harris Haertel and Dr. Carl McCurley, Director of the AOC Center for Court Research.

Chad Connors described the evolution of the juvenile justice system from an administration “of bean counters” to a system that can now be called “strategic intervention.” Risk assessment is the cornerstone of everything we do, he said. Case management is critical to the new way of doing business, along with continuous, serious quality assurance, staff training and evidence-based programs.

Washington State is the first to institute and evaluate the intersection of families with the various worlds of the offender, JRA, schools, child welfare services, and the courts. Washington has drawn the attention of other states and countries by responding to youth in a continuum of care that begins in the non-offender arenas (dependency, truancy, children in need of services, BECCA laws) and extends to state incarceration. Once the offender issues arise, the continuum includes multiple opportunities for diversion with local cross-system accountability boards. Youth are expected to comply with conditions set by the boards. Risk assessment drives the disposition alternatives, which are used to protect the community and meet the needs of the youth.

The Community Juvenile Accountability Act in 1997 spawned the creation of the CMAP risk assessment tool by the Washington State Institute for Public Policy (WSIPP). There is a pre-screen version used prior to sentencing and a full assessment post-sentencing. Each risk assessment is administered by a fully trained staff person. It takes about three hours, after which data is verified by calls to collateral contacts, before the scoring takes place. The assessment includes static and dynamic components.

Youth offender assessment is overseen by a state committee and a statewide quality assurance plan. Probation officers must be certified and receive ongoing training. The trainers are carefully overseen and videotaped periodically.

The goal of the risk assessment is to not only assess risks and needs but also to engage the youth. All staff receives training in motivational interviewing and they are monitored for their adherence to the program. They set goals with the youth, provide services, review and monitor progress, help remove obstacles and reward. The new system has replaced “gut level” case management with a standardized approach; a problem-focused system to a strength-focused approach; from a “one size fits all” system to an individualized approach; and to a system that monitors the long-term progress of youth. Our system no longer monitors the number of contracts, but instead we focus on the quality of contacts with youth and behavior change.

JCA Harris Haertel summarized by telling the Commission that the activities of the Juvenile Courts around the state have been shown as critical to reducing recidivism. One example of the community involvement that has resulted is what Mason County does with truancy. Community Truancy Boards, led by a judge, meet with the youth and his/her family at the schools. The youth is in study hall while awaiting the hearing and the parents work with an educational advocate. The system is holistic and the message that school is important is consistently given.

Dr. Carl McCurley presented a PowerPoint entitled *Washington State's Experience with Research Based Juvenile Justice Programs* demonstrating the results of following the system in relation to reductions in recidivism demonstrated by research conducted by the Washington State Institute for Public Policy and Washington State Center for Court Research. (See exhibit E)

Following the presentation Charles Shelan, Director of Community Youth Services in Thurston County, suggested that the statewide plan include more types of programs because the listed

