



STATE OF WASHINGTON
SENTENCING GUIDELINES COMMISSION
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MINUTES

May 8, 2009

Members Present

Dave Boerner
Ida Ballasiotes
John Clayton
Jeri Costa
Sen. Adam Kline
Hon. Tari Eitzen
Hon. Ellen Fair
Ann Heath
Tim Killian
Michael Kawamura
Lenell Nussbaum
Sheriff Paul Pastor
Dan Satterberg
Eldon Vail

Members Absent

Rep. Sherry Appleton
Ned Delmore
Lynda Ring Erickson
Russ Hauge
Lucy Isaki
Sen. Adam Kline
Hon. Dean Lum
Rep. Kirk Pearson
Sen. Pam Roach
Mary Ellen Stone
Hon. Stephen Warning

Staff Present

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

Others Present

Hon. Kathleen O'Connor, Spokane Superior Court Judge; Seth Fine, Asst. Chief Criminal Deputy Snohomish County Prosecutor's Office; Tammy Fellin, Association of Washington Cities (AWC); Lidia Mori, Coordinator, Senate Judiciary Committee; Juliana Roe, Human Services & Corrections Committee; Ginger Richardson, Washington Federation of State Employees (WFSE); Jim Thatcher, DOC; Mike West, King County Adult & Juvenile Detention.

9:00 a.m.

I. CALL TO ORDER- DISCUSSION

Dave Boerner, Chair

II. APPROVAL OF MINUTES -

MOTION # 1030 To approve the February 13, 2009 minutes

Moved: Judge Ellen Fair

Seconded: John Clayton

PASSED: Unanimously

III. EXECUTIVE DIRECTOR'S REPORT- ACTION

a. Legislative Session Report

- SGC and Sex Offender Policy Board Budget for FY 2010-2011

Jean Soliz-Conklin briefed the Commission on the SGC Fiscal Year 2010-Budget, explaining that the budget cuts were significant, but that the legislature gave the SGC the discretion to delay or omit reports. She explained that, of the four main staff functions (database, commission policy work, fiscal notes and reports), reducing the reports is the only option that will not interfere with the others.

Commissioner Lenell Nussbaum pointed out that omitting the sentencing manual and other reports is likely to undermine public support for the SGC, to which Jean agreed. She reported that some reports will still be issued and that she would initiate conversations with the Governor's office and the legislature about expanded recidivism reporting expected through SB 5288, the new community custody bill. The SGC may seek new funds for that and contract with WSIPP to do that report, as all policymakers would benefit from thorough, ongoing recidivism reporting. The SGC staff went through a painstaking process to cut back the budget and they also agreed to accept extra duties so as to leave positions unfilled. She told the Commission she would be going half time as of July 1st and that Stevie was reducing her schedule to 80% and that she would report further next month.

- Special Session Topics of Interest

Jean reported that it was expected that the Governor would soon announce a special session of the legislature and is expected to put some criminal justice bills on the list for legislative action, including the alien deportation bill and the new sentencing grid.

b. Bylaws Approval - ACTION

In March, the SGC reviewed proposed modifications to the SGC Bylaws, which will now be adopted as a policy rather than through the state rulemaking process. Jean reminded the Commission that the bylaws needed adoption as a result of being removed from the administrative rules, but that adoption would be postponed until after the comment period for rules adoption was passed.

The Commission discussed whether the bylaws should be amended to allow members to delegate their vote. Staff presented three options (see attached memo). Commissioner Heath asked staff to research the case law on such a delegation and to check with the Governor's office on their view, as members are appointed by the Governor.

IV. Evidenced Based Community Custody Update – DISCUSSION

Dave Boerner, Dan Satterberg, and Judge Kathleen O'Connor reported to the Commission on the planning Group's progress. Judge O'Connor said that the last meeting was very informative. Research presented by Steve Aos and Barney Barnoski was very informative as was Seth Fine's impressive recap of the SGC Lowenkamp research from last year. WSIPP is a wonderful resource and we can see why PEW and MacArthur are interested in funding the cost modeling that will accompany this planning process. Chairman Boerner told the Commission that the early issues under discussion relate to when and how to ensure risk and needs assessment for offenders. Defense attorneys will advise not to be candid before sentencing, so plea and sentencing on same day is an issue. Barney thinks he can develop a pre-needs assessment to use at sentencing and he will help develop this type of instrument. These assessments will be useful for prosecutors too.

Commissioner Satterberg remarked about the complexity of the system and getting folks to understand that not everybody should receive programs and developing tools and processes so prosecutors, defense counsel and judges can know what to recommend all within the confines of determinate sentencing scheme.

Judge Ellen Fair told the Commission that it was impactful to learn at the SCJA's Spring Conference that Thurston County's use of the risk assessment instrument was supporting the judges' pretrial decisions and saving money too.

Judge O'Conner inquired as to whether the EBCC was able to make a presentation at the WAPA conference in Chelan, and Seth Fine said he had arranged an opportunity as requested.

Jean Soliz-Conklin reminded the Commission that the SGC was in charge of the stakeholder feedback process for the EBCC and suggested a broad-based Evidence-based Community Custody Conference at the Criminal Justice Training Center on August 21st, to which there was general agreement. She explained that she was hopeful that PEW would provide some support for this event, and that individual education-feedback events were planned as well.

V. 2009 Legislative Report and Workplan Preview - ACTION

Jean Soliz-Conklin reviewed a memo (attached) discussing bills enacted and budget provisos of interest to the Commission. The SGC was assigned certain tasks by the legislature.

Commissioner Satterberg suggested the SGC add revising SB 6160 (revised sentencing grid) to the workplan and the members agreed. Staff will bring information to the next meeting, as Senator Hargrove is very interested in this effort and it may arise in a special session. Staff reviewed the new fiscal note for SB 6160, explaining why the bed impacts had changed since the 2006 fiscal note.

VI. Lunch

Commissioners continued individual conversations during lunch.

VII. Adjournment

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

Dave Boerner

Date

Jean Soliz-Conklin

Date

