



STATE OF WASHINGTON  
SENTENCING GUIDELINES COMMISSION  
*PO Box 40927 • Olympia, Washington 98504-0927*  
*(360)407-1050 • FAX (360) 407-1043*

**Minutes**  
**September 11, 2009**  
9:00 a.m. to Noon  
**Holiday Inn Hotel**  
**17338 International Blvd.**  
**SeaTac, Washington**

**Members Present**

Dave Boerner  
Rep. Sherry Appleton  
Ida Ballasiotes  
John Clayton  
Ned Delmore  
Hon. Tari Eitzen  
Hon. Ellen Fair  
Russ Hauge  
Ann Heath  
Hon. Betsy Hollingsworth  
Lucy Isaki  
Michael Kawamura  
Tim Killian  
Sen. Adam Kline  
Hon. Dean Lum  
Lenell Nussbaum  
Sheriff Paul Pastor  
Rep. Kirk Pearson  
Dan Satterberg  
Eldon Vail  
Hon. Stephen Warning

**Members Absent**

Lynda Ring Erickson  
Sen. Pam Roach  
Mary Ellen Stone  
Sen. Adam Kline

**Staff Present**

Jean Soliz-Conklin  
Shoshana Kehoe  
Keri-Anne Jetzer  
Duc Luu  
Stevie Peterson

**Others Present**

Anmarie Aylward, Department of Corrections (DOC) Keven Black, Senate; Carol Estes, Friends Committee on Washington Public Policy; John Lane, Governor's Policy Advisor; Mike Licata, ACLU, Roxanne Lieb, Washington Institute for Public Policy; John Gower, House of Representatives staff; John Lane, Judy Lang, Washington Federation of State Employees (WFSE); Dawn Melzo, DSHS Juvenile Interstate Compact; Alex McBain, House; Wendy McCombs, (DOC); Hon. John Meyer, Skagit County Superior Court Judge;

Rashad Morris, Senate Democratic Caucus; Hon. Kathleen O'Connor, Spokane Superior Court Judge; Jon Ostlund, Defense Attorney; Ginger Richardson, WFSE; Juliana Roe, Human Services & Corrections Committee; Clela Steelhammer, DOC; Cheryl Sullivan DSHS Juvenile Interstate Compact; Mike West, King County Adult & Juvenile Detention; Jim Thatcher, DOC; Yvonne Walker, House of Representatives.

## **I. CALL TO ORDER – DISCUSSION**

Dave Boerner, Chair, called the meeting to order at 9:12 a.m.

Judge Eitzen introduced Judge John Meyer from Skagit County. He has been nominated by the Superior Court Judge's Association to replace Judge Eitzen on the SGC. The Governor has not yet acted on that appointment.

## **II. APPROVAL OF MINUTES – ACTION**

July 10, 2009

### **MOTION # 1034 TO APPROVE THE JULY 10 MINUTES**

Moved: Eldon Vail

Second: Dan Satterberg

Passed: Unanimously

## **III. Executive Director's Report – ACTION**

### **A. Budget for FY 2010 – Update**

Ms. Soliz-Conklin reported that there is likely to be a billion dollar hole in the biennial budget. Commissioners were reminded that the SGC budget took a 30% staff reduction and a 22% budget reduction.

### **B. SGC Interim 2009 Workplan**

- Proposed changes in the sentencing grid will be discussed today.
- Assault 1 of a Child in the First Degree – Dan Satterberg and Judge Fair will be looking at this crime as an ad hoc committee. Jeri Costa was also appointed to this committee, but resigned thereafter. There will be a teleconference for this committee to on September 18<sup>th</sup> at 9 a.m. if any other members are interested in the committee, which will report back to the Commission.

## **IV. Interstate Compact for Juvenile Rehabilitation – ACTION**

- Cheryl Sullivan-Colglazier, Washington State Compact Administrator for the Interstate compact on Juveniles (ICJ) and Dawn Melzo, Deputy Compact Administrator, were present to discuss the Interstate Compact for Juvenile Rehabilitation, requesting that they be able to operate their state council under the SGC umbrella.

- They provided an overview of what ICJ does. The DSHS Juvenile rehabilitation Administration (JRA) oversees the Interstate Compact for Juveniles in Washington State. The ICJ oversees the transfer of parole and probation supervision for delinquent youth and assists in the return.
- This is a council authorized by statute. The council will do all the administration and will forward recommendations to the SGC from time to time. There will be no budgetary consequences for the SGC.
- One of the first duties this council will be to develop a charter.
- The presenters requested some volunteers to be on the council. Rep. Sherry Appleton volunteered. Ned Delmore will solicit volunteers at the Juvenile Court Administrators' meeting to reflect a cross-representation of the state.

**MOTION # 1035 TO ACCEPT RELATIONSHIP WITH ICJR**

Moved: Russ Hauge  
 Seconded: Judge Fair  
 Passed: Unanimously

Chair Boerner then introduced Betsy Hollingsworth as a replacement for Jeri Costa from the Indeterminate Sentence Review Board.

**V. SENTENCING CHANGES – DISCUSSION**

Chair Boerner explained there is not expectation to vote on the proposed grid changes or sentencing reductions in this meeting. The plan is to give members opportunity to take these concepts back to their interest groups.

Ms. Soliz-Conklin briefly reviewed the documents in the binder. She then introduced Keri Anne Jetzer, commending her for her strong analytical skills and the vast amount of work she has done on these materials. Ms. Soliz-Conklin also commended other staff, but highlighted Ms. Jetzer's critical role as the Research Investigator.

The members were told they had introductory information about how many crimes fell into which categories and a trend analysis of how many people have gone to prison and how many have gone to jail over the past twenty years. Ms. Soliz-Conklin pointed out that when Steve Aos speaks about what crimes are down, he's referring to violent and sex crimes; not property crimes.

**A DOC Presentation preceded the general discussion:**

- DOC Secretary Eldon Vale stated that Washington started last session at 44<sup>th</sup> of 45<sup>th</sup> of the incarceration rate in the country. 70% of male individuals incarcerated are doing time for violent crimes and it's the reverse for female individuals. Eldon would like to explore doing less incarceration and more intensive services for some individuals.

- Anmarie Aylward shared DOC's research about what alternatives can be offered for female offenders to reduce crime, including wrap-around services for these offenders' families. Goal is to limit time spent in prison as well as divert some of these offenders from prison.
- 50% of female offenders have children and are often better educated than the male offenders. Many are in the high non-violent group. They often have housing resources in place. Majority of these offenders are property and drug offenders. Other ways of defining or capturing this population are that the custodial parents include both genders.
- DOC envisions some type of supervision for these offenders, understanding that supervision by and large no longer exists for property crimes. Trade in some of the confinement time in exchange for supervision. California has three different programs targeted at female populations where they go into the homes of these offenders and provide family wraparound services. This is also shown to reduce recidivism for that next generation.
- DOC would add CCOs for this specific type of caseload if adopted.
- 90% of these female offenders have drug and alcohol offenses. Judge Fair has found that some of these female offenders are not requesting DOSAs, specifically residential DOSAs because they are rigorous programs that some offenders don't want to participate in.
- Regarding California's Female Offender Sentencing Model, Ned Delmore stated that he assumes that the California model took quite a bit of time and resources to build an infrastructure to successfully implement the model. He expressed concern about committing to a system without knowing if it really is evidence based and what danger may exist.

### **Sentencing Grid Proposals:**

The SGC walked through the proposals and discussed the pros and cons; what members liked and disliked. Keri took the members through the proposals.

Judge Lum proposed that the SGC should draft something that debunks the myths about clearing out the jails or prisons of drug offenders will save lots of money.

Members expressed support for SGC staff putting together a FAQs document for the Legislative session. Ms. Soliz-Conklin said they would bring back a draft when it was done.

Staff was also asked to take the proposals and develop likely models, combining ideas. There was consensus that, as to cost savings, the SGC would like to choose the proposal that has the greatest immediate cost savings, is least complicated and allows it to be temporary to coincide with the budget cuts.

SGC wrapped up by commending the SGC's research Investigator, Ms. Jetzer for her work.

**VI. Lunch**

**VII. Adjournment**

Chair Boerner adjourned the meeting at 12:04 p.m.

**APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION**

\_\_\_\_\_  
Dave Boerner

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Date

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Jean Soliz-Conklin

\_\_\_\_\_  
Date