



STATE OF WASHINGTON
SENTENCING GUIDELINES COMMISSION
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MINUTES
December 11, 2009
9:00 a.m. to Noon
Holiday Inn Hotel
17338 International Blvd.
SeaTac, Washington

Members Present

David Boerner, Chair
Hon. Ellen J. Fair, Vice Chair
Timothy Killian
Hon. John Meyer
Lenell Nussbaum
Tom Sahlberg (in lieu of Betsy Hollingsworth)
Rep. Sherry Appleton
Edward "Ned" Delmore
Mary Ellen Stone
Rep. Kirk Pearson
Eldon Vail
Ida Ballasiotes
Hon. Dean Lum
Sen. Pam Roach

Members Absent

Russ Hauge
Sheriff Paul Pastor
Hon. Stephen Warning
John Clayton
Dan Satterberg
Lynda Ring Erickson
Ann Cox Heath
Lucy Isaki
Michael Kawamura
Sen. Adam Kline
Cities Representative (vacant)

Staff Present

Jean Soliz-Conklin
Shannon Hinchcliffe
Andi May

Others Present:

Judge O'Connor, Spokane Superior Court Judge; Seth Fine, Asst. Chief Criminal Deputy Snohomish County Prosecutor's Office; Jim Thatcher, Department of Corrections; Terry Price, House of Representatives; Juliana Roe, Human Services & Corrections Committee; Lidia Mori, Senate Judiciary Committee; Candace Bock Assoc. of Wash. Cities; Shani Bauer, Senate Committee Services; Krista Goldstine-Cole, Senate Democratic Caucus.

I. CALL TO ORDER - DISCUSSION

Chair Dave Boerner called the meeting to order at 9:21 and commented that a quorum had been established.

II. APPROVAL OF MINUTES – ACTION

At the Chair’s request this was moved to the next meeting.

III. EXECUTIVE DIRECTOR’S REPORT- DISCUSSION

A. State Budget – A copy of the Governor’s budget was included in the packets. The SGC originally took a 30% reduction in staff. The current budget includes the SGC as it was funded last year. Some changes include consolidating the ISRB into DOC.

B. Audit – SGC is being audited by the State Auditor on areas such as travel and the Open Public Meetings Act. Members received a letter to attend a half hour meeting with the Auditor, all members are welcome.

C. SGC Reports –The SGC has a statistical and juvenile report out. The Sentencing Trends report is being worked on and when it is re-presented it will include a look at sentencing trends for the last 20 years.

IV. SGC BYLAWS– ACTION

Ms. Hinchcliffe introduced the changes to members, there has been a change to what minutes are required that make sure we are still in conformance with OPMA but allows the agency to conserve its limited staffing. There was discussion among members about change which would allow a designee. Members agreed this is a good idea, as it has not been a problem in the past and allows agencies with busy schedules to continue to participate. Judge Meyer asked whether the public would know about the designee and wants to make sure there is transparency. Ms. Hinchcliffe offered to draft an administrative process that would try to incorporate notice of designees into the public notice process.

MOTION #1039: TO ADOPT A DESIGNEE SYSTEM TO THE BYLAWS.

Moved: Mary Ellen Stone

Seconded: Sherry Appleton

Vote: Unanimously passed, no dissents or abstentions.

Discussion by members included the desire for public transparency and the need to limit the amount of times designees can attend which is reflected in the current bylaws.

MOTION #1040: TO ADOPT THE BYLAWS AS PROPOSED.

Moved: Lenell Nussbaum

Seconded: Tom Sahlberg

Vote: Unanimously passed, no dissents or abstentions.

Members asked Ms. Hinchcliffe to propose a particular way to designate voting designees and notify the public if possible. Members recognize that exigent circumstances such as sudden illness or other emergent issues may preclude notifying the public of the change.

Legislative Committee – Chair Boerner reminded members a committee will need to be created and will need to start meeting about these issues soon. It will be on the agenda for the January meeting to pick committee members.

V. REPORT FROM THE ASSAULT OF A CHILD AD HOC COMMITTEE – ACTION

Ms. Soliz-Conklin referred the members to a letter she drafted to the legislature which includes the policy discussions conducted by SGC regarding this issue. The SGC is ready to undertake further action on these issues if asked. Members gave their verbal approval for the letter and data being submitted to the legislature.

VI. SENTENCING CHANGES - ACTION

The members reviewed the letter drafted to the legislature regarding the sentencing changes. The letter is attached to the data which was reviewed and analyzed by the SGC. Members wanted to the letter included a specific notation about the earned early release sunset is assumed to have happened in the data. Members gave their verbal approval for the letter and data to be submitted to the legislature.

VII. REPORT FROM THE EVIDENCE BASED COMMUNITY CUSTODY WORKGROUP- ACTION

Judge O'Connor introduced the Executive Summary and included a synopsis of the testimony. Members asked Judge O'Connor to talk about some of the issues that are being contemplated. She explained that have a risk assessment repository is one of the first things they are working on.

Ms. Nussbaum commented that lawyers have complained that the people at DOC can't give copies of risk assessments. Members discussed various reasons for why that could be and that the information used from a risk assessment is all public data. Mr. Vail offered to try to answer an individual request.

Mr. Vail explained that the risk assessment tool is currently used for the rate of good time (so confinement time is impacted by the risk assessment.) It also determines some of who is supervised under 5288. Some jurisdictions use it for pre-trial release (Thurston County.) There were many discussions about whether the risk assessment tool can be called an evidence-based way of making bail decisions. There are other issues for related to bail considerations such as the defendant's record of failures to appear. Chair Boerner reminded the groups that the tool has been validated for recidivism, not whether the person will show up for court.

Convened for Break at 10:10
Reconvened at 10:21

VIII. SEX OFFENDER POLICY BOARD REPORT TO THE LEGISLATURE - DISCUSSION

Ms. Mary Ellen Stone introduced the report and highlighted the key findings, the juvenile work and recommendations, adult and general issues. She discussed the strong education component which is required of the community notification system and discussed the interest and response from legislators during their testimony on December 4, 2009, in front of the House Public Safety and Emergency Preparedness committee.

Ms. Soliz-Conklin gave an overview of the Board’s process and decision-making. She highlighted the level of commitment and thoroughness of the Board in its recommendations and research and explained some background of the Adam Walsh Act, its perceived impacts if adopted and the differences between Washington’s current system and the AWA.

Ms. Hinchliffe gave a roadmap to the report and briefly discussed the specific legislative assignments within the report, specifically 2SHB 2714 and SB 2035.

Several members commented on the document and the Board’s work. Generally citing the juvenile component of the work as something the legislature might focus on this year.

IX. LUNCH

Commissioners may continue their conversation during lunch.

X. ADJOURNMENT at approximately 10:52 a.m.

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

Dave Boerner, Chair

Date

Jean Soliz-Conklin, Executive Director

Date