# MINUTES
Friday, May 14, 2010
9:00 a.m. to 12 p.m.
The Holiday Inn Hotel
17338 Int’l Blvd.
SeaTac, WA

<table>
<thead>
<tr>
<th><strong>Members Present</strong></th>
<th><strong>Members Absent</strong></th>
<th><strong>Staff Present</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dave Boerner</td>
<td>Lynda Ring Erickson</td>
<td>Jean Soliz-Conklin</td>
</tr>
<tr>
<td>Hon. Dean Lum</td>
<td>Ida Ballasiotes</td>
<td>Shannon Hinchcliffe</td>
</tr>
<tr>
<td>Eldon Vail</td>
<td>Mary Ellen Stone</td>
<td>Shoshana Kehoe-Ehlers</td>
</tr>
<tr>
<td>Hon. Ellen Fair</td>
<td>Sheriff Paul Pastor</td>
<td>Duc Luu</td>
</tr>
<tr>
<td>Lucy Isaki</td>
<td>Sen. Pam Roach</td>
<td>Jennifer Jones</td>
</tr>
<tr>
<td>Lenell Nussbaum</td>
<td>Tim Killian</td>
<td></td>
</tr>
<tr>
<td>Lynne DeLano</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hon. Stephen Warning</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rep. Sherry Appleton</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michael Kawamura</td>
<td></td>
<td></td>
</tr>
<tr>
<td>John Clayton</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sen. Adam Kline</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Russ Hauge</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ned Delmore</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hon. John Meyer</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Others Present**
Hon. Kathleen O’Connor, Spokane Superior Court Judge; Scott Blonien, Department of Corrections; Thomas G. Bohon, Department of Corrections; Bonnie Glenn, DSHS, Office of the Secretary; Cody G. Eccles, Senate Republican Caucus, Ginger Richardson, WISE-CCO; Jennifer Zipoy, AOC; Juliana Roe, Legislature; Lidia Mori, Legislature; Seth Fine, Snohomish County PA; Shani Bauer, Senate Counsel; Terry Price, House Staff; Yvonne Walker, House PSEP; Nathan Johnson, Senate Republican Caucus; Anna Jancewicz, Teamsters 117
I. Call to Order
Commission Chairman Dave Boerner called the meeting to order at 9:13 a.m.

II. Approval of Minutes
The Commission approved the October and December 2009 minutes, and January, February, and March 2010 minutes.

III. Executive Director’s Report

A. 2011 Budget
The SGC/SOPB combined budget was reduced by $22,000 for 2011. This was less than initially anticipated. The reduction will either need to come from the Governor’s approved Furlough bill or any plan approved by OFM.

B. Staff Changes
- SGC/SOPB Policy Counsel Shannon Hinchcliffe will be leaving the SGC to take a position with the AOC. Today is her last day.
- SGC Executive Director, Jean Soliz-Conklin also announced her retirement to begin September 2010. There will be further discussion at later date about filling her position.

C. Work plan
- Reports Strategy
  - SGC has 50% less staff than it had in 1990.
  - The SGC database is very dated and desperately needs to be updated. Ms. Soliz-Conklin reported that she will look into working with other agencies, such as DOC to share data. She also plans applying for a grant to fund a new database.
  - Most reports have been suspended because of the extreme reduction in resources and staff. There will be a staff meeting next week to put together a 20-year trends report to show the Legislature what the SGC can do. Ms. Soliz-Conklin’s plan is to complete this trends report before her departure. This will be especially important to educate the Legislature about the purpose of SGC. This past session’s debate on the budget demonstrated that many Senators and Representatives do not know what the SGC does.

- Recidivism Report Decision Package
This is another SGC responsibility that needs to be completed this year.
Mr. Boerner and Ms. Soliz-Conklin have discussed this with WSIPP. WSIPP can run the data ($60K the first year and $40K each year thereafter). The SGC will draft the report.
There was a recommendation by a member to also speak with the Center of Court Research to run the data.

- SOPB Decision Package

  Because the SOPB used 70% of Ms. Hinchcliffe’s time along with 100% of Ms. Kehoe-Ehlers time during 2009, Ms. Soliz-Conklin will also request additional funding to support the SOPB.

All of these decision packages are due during August 2010 to OFM.

D. First Juvenile Interstate Compact
Ms. Hinchcliffe met with the Compact on April 9, 2010. This was the Compact’s first meeting. Representatives from all areas of the juvenile system were present. They spent most of the meeting developing a process, to set up the charter. The Compact will meet quarterly. The next meeting will focus on ignoring the “voting” process.

They plan to meet at the end of August 2010.

IV. Interstate Compact Discussion
Eldon Vail and Scott Blonien reported on the Interstate Compact meeting they attended. State Representatives from across the country met to discuss how states should deal with adult offenders on supervision moving to another state.

Mr. Blonien thought that the meeting accomplished quite a bit of forward movement on this issue. It was a very collaborative and healthy discussion about the rules and amendments that needed to happen to make our community safer.

Process:

Rule amendments are only considered every other year. (The next regularly scheduled time would be in 2011.) However, they agreed to review the rule amendments this year. The Executive Committee agreed to vote on the rule amendments proposals this year. The following are the proposed rule amendments:

- **Amendment #1**: When an offender has violated supervision; the receiving state must issue a warrant and the sending state must pick that offender up.
- **Amendment #2**: There is a list of documents that must be given to the receiving state, so they can determine whether supervision is
appropriate. If the state takes the new offender, the sending state must provide the receiving state additional documents on the offender within 30 days.

- Amendment #3: If the receiving state gives the sending state notice that the offender has absconded (after some search for the offender), a warrant must be issued. The sending state must then pick the offender up from the receiving state after being booked on the warrant.

The previous rule required 3 significant violations. “Significant” is defined as a violation that can result in revocation. If the offender is a violent offender, the receiving state can direct the sending state to pick up the violent offender after just one violation. If an offender commits a violent violation in the receiving state, the sending state has no discretion, but to pick the offender up.

The prosecuting agency retains discretion if it wants to keep the offender to complete prosecution is the offender committed an offense. The DOC warrant will remain in place.

The above amendments only apply to those offenders actually under the supervision of the Interstate Compact.

The rules that require receiving states to take offenders for whatever reason will remain in place; these amendments just relate to offenders who commit violations.

Next meeting will be in October 2010.

Break ~ Resumed at 10:37 a.m.

V. Residential DOSAS
SGC staff Research Investigator, Keri Anne Jetzer, provided the written materials used I the Residential Drug Offender Sentencing Alternatives (DOSA) discussion.

SGC member Judge Warning led this discussion. Due to the budget reductions, law enforcement referrals and prosecutions are changing, resulting in fewer sentences eligible for Residential DOSAs. King County Superior Court Judge Deborah Fleck has been working on this issue as well.

The most serious concern expressed that reducing the number of Residential DOSA beds will increase the CCO caseloads.

For some offenders, Residential DOSAs are not always an attractive option.
The Commission engaged in a lengthy discussion about what obstacles may exist for offenders in obtaining Residential DOSAs.

Chair Boerner stated that there is research demonstrated that offenders eligible for Residential DOSAs who do not request it, will still receive the benefits of the Residential DOSA if sentenced by the Judge.

There was also discussion about whether the eligible ranges should be increased from 22 to 29 months.

SGC staff will assist in determining what crimes are eligible for Residential DOSAs.

There was some expressed concern that when providing a Residential DOSA to an offender, that offender will not receive any type of punishment for the crime or crimes that offender committed.

The Commission agreed that it would like more information about Residential DOSAs. This will be an agenda item at the next Commission meeting.

VI. Racial Disproportionality

Judge Lum opened this discussion. The racial disproportionality study was in response to the Bench’s concerns that Lation/Latina suspects/defendants statistics are not known because they are being lumped in with the Caucasian population.

Ms. Soliz-Conklin discussed that the challenges faced by maintaining this data was that Hispanic is classified as an “ethnicity”. Racial data has been the only data acquired. WASPC does not gather this data. The old federal system (FBI) has placed Hispanic data in the Caucasian category. WASPC has a new information system that it recently purchased that allows for the collection of this data. WASPC initially set the deadline for counties/states to use this system by 2011. However, WASPC anticipates the deadline will be extended due to the expense for the jurisdictions. The Court system and Juvenile system is doing a good job collecting data.

SGC is collecting all Hispanic data available; but it’s not uniform. Hispanic is the only “ethnicity” data collected. The other “ethnicity” box on the form is “other ethnicity”, so nothing is specific.

Mr. Clayton has a list of experts that can assist agencies in gather this specific data that he would be happy to share with members.

There was discussion about how best to use law enforcements’ arresting data to determine what arrests are identified as Hispanic.
AOC is developing projects to standardize ethnic and racial data gathering in the Juvenile Courts, which it then hope to expand to adult arrestees/defendants.

VII. Crime Reduction
Mr. Vail let this discussion regarding Mark Kleiman’s presentation about his theories on reducing crime. His book is “When Brute Force Fails” (See Article included in packets.) Mr. Vail was impressed by Mr. Kleiman’s arguments on EBCC services over straight incarceration.

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

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

_______________________________                _____________________________
Dave Boerner, Chair         Date

_______________________________           _____________________________
Jean Soliz-Conklin, Executive Director                 Date