

# THE INDETERMINATE SENTENCE REVIEW BOARD (ISRB)



# Two Distinct Caseloads

## *INDETERMINATE CASES*

- Offenders that committed their offenses prior to 7/1/1984.
- Referred to as PAR or Pre-84 cases.

## *DETERMINATE-PLUS CASES (ALSO KNOWN AS CCB)*

- Offenders that committed certain qualifying sex crimes on or after 9/1/01.
- Known as Community Custody Board (CCB) cases.



# Caseload Statistics

## *PRE-84 CASES*

- | 300 offenders currently incarcerated.
- | 86 offenders currently on parole in the community.
- | 6 offenders were deported.
- | No new admissions except for "cold cases".

## *CCB CASES*

- | 1773 offenders currently incarcerated.
- | 294 offenders currently in the community.
- | 100 offenders that have been deported.
- | ISRB receives about 20 new cases in the institutions each month.

# What are CCB qualifying offenses?

- i For “Non-Persistent” offenders (RCW 9.94A.712 or 9.94A.507):
  - § Rape 1<sup>st</sup> Degree
  - § Rape 2<sup>nd</sup> Degree
  - § Rape of a Child 1<sup>st</sup> Degree
  - § Rape of a Child 2<sup>nd</sup> Degree
  - § Child Molestation 1<sup>st</sup> Degree
  - § Indecent Liberties with Forcible Compulsion
  - § Sexually Violent Predator Escape



# CCB Qualifying offenses continued...

- i In addition, any of the following offenses with a finding of “sexual motivation” will also be sentenced as CCB (Attempted is included):
  - § Murder 1<sup>st</sup> or 2<sup>nd</sup> Degree
  - § Kidnapping 1<sup>st</sup> or 2<sup>nd</sup> Degree
  - § Assault 1<sup>st</sup> or 2<sup>nd</sup> Degree
  - § Assault of a Child 1<sup>st</sup> Degree
  - § Burglary 1<sup>st</sup> Degree
  - § Homicide by Abuse

# More CCB Qualifying Offenses...

- i For “Persistent” Offenders [RCW 9.94A.030 (32) (b)] :
    - § The offender must have a current sex offense or sexually motivated offense that occurred on or after 9/1/01
- PLUS
- § Have been previously convicted of one of the aforementioned crimes.
  - § Failure to Register is not considered a sex offense for the purposes of Determinate-Plus sentencing.

# Offender Incarceration

- | An offender sentenced under CCB must serve their confinement within a DOC institution regardless of the length of their minimum term.



- | The Board will meet with each offender approximately 120 prior to their ERD to determine whether they can be paroled/released.

# Parole/Release Hearings

- i These hearings are often referred to as “.100 Hearings” for Pre-84 offenders and “.420 Hearings” for CCB offenders based on the corresponding RCWs.
- i The Classification Counselor and appropriate programming staff testify at the hearing. The Board also reviews and considers a significant amount of information before making a parole/release decision.

# Hearing Statistics

## *.100 HEARINGS*

- ‡ The Board held 144 “.100 Hearings” in FY 2011.
- ‡ Of those offenders, approximately 26% were found “parolable” to the community.

## *.420 HEARINGS*

- ‡ The Board held 273 “.420 Hearings” in FY 2011.
- ‡ Of those offenders approximately 44.3% were found “releasable to the community”.

# Violation Hearings

## PRE-SRA OFFENDERS

- ▮ In FY 2011, the Board held 26 violation hearings for Pre-SRA offenders.
- ▮ 61% (n=16) were retained on parole.
- ▮ 38% (n=10) were revoked and returned to prison.

## CCB OFFENDERS

- ▮ In FY 2011, the Board held 44 violation hearings for CCB offenders.
- ▮ 68% (n=31) were returned to active supervision.
- ▮ 34% (n=15) were revoked and returned to prison.

# Release Criteria



## *PAROLE OFFENDERS*

- i RCW 9.95.100: The Board shall not however, until his or her maximum term expires, release a prisoner, unless in it's opinion his or her rehabilitation has been complete and he or she is a fit subject for release.

## *CCB OFFENDERS*

- i RCW 9.95.420: The Board shall order the offender released under such affirmative and other conditions as the Board determines appropriate, unless the Board determines by a preponderance of the evidence that despite such conditions, it is more likely than not that the offender will commit a sex offense if released.

# .100/.420 Hearing Outcomes

- i If an offender is found “not parolable or releasable”, the Board will add additional time to their minimum term. Generally the Board will not add more than 60 months at a time. The Board may also make programming recommendations at that time.
- i If the Board finds an offender “parolable or releasable” the next step is the ORP process.

# CCB Community Supervision Length

- | A person sentenced as a CCB shall be sentenced to a period of Community Custody under the supervision of DOC and the jurisdiction of the ISRB until the expiration of the statutory maximum sentence.
  
- | Statutory Maximum Terms:
  - § Class A felony – Life
  - § Class B felony – 10 years
  - § Class C felony – 5 years



# Final Discharges from Parole

- These offenders do not have a “scheduled end date”. They can expect to receive a Final Discharge from the Board 36 months from their date of release, provided they have maintained law abiding behavior and do not owe any Legal Financial Obligations.
- Final Discharges do not restore an offender’s Right to Bear Arms.



# The Board

## i Lynne DeLano, Chair

§ Formerly worked with DOC. Appointed in 2010.

## i Dennis Thaut, Board Member

§ Retired from DOC. Appointed in 2005 & 2010.

## i Thomas Sahlberg, Board Member

§ Former law enforcement officer. Appointed in 2007.

## i Betsy Hollingsworth, Board Member

§ Retired professor of law at Seattle University. Appointed in 2007.



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# More Information

- i Check out the Board's website at:
- i <http://www.doc.wa.gov/isrb/>