



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

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MINUTES

SENTENCING GUIDELINES COMMISSION

February 8, 2008

ROLL CALL Members Present:

Dave Boerner
Ida Ballasiotes
Michael Brasfield
Jeri Costa
Dr. Lynda Ring Erickson
Michael Kawamura
Hon. Ellen Fair
Russ Hauge
Lucy Isaki
Hon. Ronald Kessler
Tim Killian
Hon. Dean Lum
Lenell Nussbaum
Mary Ellen Stone
Eldon Vail

Members Absent

Rep. Sherry Appleton
John Clayton
Ned Delmore
Adam Kline
Hon. Tari Eitzen
Ann Heath
Pam Roach
Jay Rodne

Staff Present

Jean Soliz-Conklin
Keri-Anne Jetzer
Stevie Lucas
Andi May
Teresa Waller

Others Present:

Seth Fine, Asst. Chief Criminal Deputy Snohomish County Prosecutor's Office; Victoria Roberts, Indeterminate Sentencing Review Board; Tom Saltrup, Department of Corrections Director of Behavioral Health; Jim Thatcher, Department of Corrections; Mike West, King County Department of Adult & Juvenile Detention.

CALL TO ORDER: The Chair, Dave Boerner, called the meeting to order at 9:13 a.m. and welcomed members and guests.

MOTION # 1009

Moved: Judge Fair

Seconded: Russ Hauge

PASSED: Unanimously

**APPROVAL OF THE JANUARY 18, 2008
MINUTES**

STAFF REPORT: Jean Soliz-Conklin, Executive Director to the SGC, lead the discussion on SGC's position on a number of bills the legislature is reviewing. She reported the status of SB 6898, the grid expansion bill; SB 5343, raising the threshold dollar amount on theft; and HB 2968, taking crimes against person out of guidelines. The commission was then asked if they wanted to take a position on SB 6544, which raises criminal mistreatment from a level 9 to a level 12 seriousness level.

Members pointed out that the aggravating factors authority exists to respond to horrific circumstances, such as the starvation of the little boy, which triggered this legislation. Russ Hauge pointed out that the definition of this crime interferes with the use of aggravating factors. Others felt that the sanction for criminal mistreatment had recently been increased and that the increase would result in disproportionate penalties.

DISCUSSION ON BILLS OF INTEREST TO THE SGC:

SB 6544: Commission member Lenell Nussbaum was in opposition to increasing the seriousness level of this crime and made a motion to oppose.

MOTION # 1010

Moved: Lenell Nussbaum

Seconded: Mike Kawamura

PASSED: Unanimously

**MOTION TO OPPOSE SB 6544 INCREASING THE
SERIOUSNESS LEVEL OF CRIMINAL MISTREAT-
MENT**

Discussions continued on this same bill.

MOTION # 1011

Moved: Lenell Nussbaum

Seconded: Mike Kawamura

PASSED: Unanimously

**MOTION TO AMEND MOTION 1010 SAYING THE
COMMISSION WOULD SUPPORT A SERIOUSNESS
LEVEL OF 10 OR 11 BUT NOT AT A LEVEL 12**

SUPERVISION ISSUES:

Chairman Boerner opened the discussion with some background statements about the Sentencing Reform Act and supervision. Adoption of the SRA included the notion that both probation and parole were to be eliminated with the exception of first-time offender cases, and release from custody was just that. The underlying assumption was that supervision was ineffective but we now have research that demonstrates supervision can be effective. The questions are: "Who should be supervised?" "What is the purpose of supervision?" and "How do you supervise?"

Commissioner Russ Hauge urged that the discussions include the issue of whether the public is operating under a misunderstanding. Some offenders “on supervision” are not being supervised at all. Eldon Vail raised the point that “effective supervision” can have different meanings that range from reducing recidivism to extending a sanction. He explained supervision levels and discussed how SB 6157 impacts practice by increasing sanctions for violations. Sheriff Brasfield stated that the RCW should be an accurate description of supervision. The Washington State Institute for Public Policy’s (WSIPP) report entitled *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates* that was included in the packets and discussed briefly. **See Exhibit A**

Commissioner Lynda Ring Erickson explained that she once was a parole officer, spoke about Mason County’s efforts to triage amongst misdemeanants on probation in regard to programming referrals. Their efforts centered on the most effective use of resources.

Judge Ellen Fair remarked that the judges are interested in who decides which offenders are supervised and the conditions of that supervision. They would like an assurance that supervision that occurs as part of the sentence is meaningful. She suggested that the SGC develop an ideal supervision model as a starting point.

Commissioner Jeri Costa reminded the Commission that although lifetime supervision is now sentenced, there has been no real discussion about what that should look like or whether there should be a way to “earn a way off” that status. Commissioner Erickson said that we have circled back to the “sexual psychopathy” category from the parole days. Russ Hauge pointed out that research has helped the SGC understand what different offenders might need and what does work.

Commissioner Eldon Vail recommended Steve Aos from the WSIPP, come to the next SGC meeting to discuss the new risk assessment and how to move from one system to another. Dave Boerner recommended that there be an additional day per month to discuss this issue and to invite all those who are interested. Jean Soliz-Conklin suggested having the SGC finalize their discussions by October.

Commissioner Ida Ballasiotes discussed the Legislative Task Force Report on Community Supervision released a few months ago. It was recommended that a copy be brought to the next commission meeting for further discussion.

Dave Boerner reminded the group that 80% of jail offenders are low risk and therefore, not supervised, while 35% of DOC offenders fall into the unsupervised categories. He underscored that the Commission needs to conduct a totally open process in listening to points of view on community custody and once again suggested one full day of hearings. Commissioner Mary Ellen Stone thought that was a good idea and said the victim’s groups would coalesce around their ideas. Lynda Ring Erickson suggested the commissioners stay at the same table and learn from each other.

MENTALLY ILL OFFENDERS

Tom Saltrup, Director of Behavioral Health with the Department of Corrections, presented the “*Report to the Governor from the Statewide Council on Mentally Ill Offenders*”. This council was established by budget proviso in response to proposed legislation “to investigate & promote cost-effective approaches to meeting the long term needs of adults and juveniles with mental disorders who are likely to become offenders or who have a history of offending”. **See Exhibit B**

The Juvenile Issues Committee will be meeting directly after the March 14th meeting from 1:00 p.m. to 3:00 p.m.

ADJOURNMENT

The meeting was adjourned at 12:00 p.m.

APPROVED AND ADOPTED BY THE SENTENCING GUIDELINES COMMISSION

Dave Boerner

Date

Jean Soliz-Conklin

Date

