



STATE OF WASHINGTON

SENTENCING GUIDELINES COMMISSION

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MINUTES

SENTENCING GUIDELINES COMMISSION

April 11, 2008

**ROLL CALL Members Present:**

Dave Boerner  
Rep. Sherry Appleton  
Ida Ballasiotes  
Michael Brasfield  
John Clayton  
Jeri Costa  
Ned Delmore  
Hon. Tari Eitzen  
Dr. Lynda Ring Erickson  
Russ Hauge  
Ann Heath  
Lucy Isaki  
Tim Killian  
Lenell Nussbaum  
Senator Pam Roach  
Mary Ellen Stone  
Eldon Vail

**Members Absent**

Hon. Ellen Fair  
Michael Kawamura  
Hon. Ronald Kessler  
Adam Kline  
Hon. Dean Lum  
Jay Rodne

**Staff Present**

Jean Soliz-Conklin  
Stevie Peterson  
Keri-Anne Jetzer  
Teresa Waller

**Others Present:**

Karen Daniels, Tammy Fellin, Association of Washington Cities (AWC); Anne Fiala, Department of Corrections (DOC); Seth Fine, Asst. Chief Criminal Deputy Snohomish County Prosecutor's Office; Tom George, Administrative Office of the Courts (AOC); Rashi Gupta, Washington State Association of Counties; Rick Larossa, Indeterminate Sentencing Review Board (ISRB); Noemie Maxwell, Washblog.com; Regina McDougal, Administrator of Office of the Courts (AOC); Eric Mentzer, Attorney General's Office; Lidia Mori, Senate Judiciary Committee; Ginger Richardson, WA. Federation of State Employees (WFSE); Kecia Rongen, Juvenile Rehabilitation Administration (JRA-DSHS); Clela Steelhammer, DOC; Yvonne Walker, House of Representatives, Public Safety Emergency Preparedness; Jim Thatcher, (DOC); Luann Kawata, DOC.

**I. CALL TO ORDER:**

The Chair, Dave Boerner, called the meeting to order at 9:14 a.m. and welcomed members and guests. He then dismissed the public for a closed session.

**II. CLOSED SESSION:**

The SGC went into Executive Session to be briefed by counsel, AAG Eric Mentzer, about a lawsuit that had been filed against the Commission.

**III. APPROVAL OF MINUTES:**

The meeting reopened at 9:45 a.m. and Dave Boerner asked for approval of the minutes.

**MOTION # 1012 APPROVAL OF THE FEBRUARY 8, 2008 AND**

**Moved:** Lynda Ring-Erickson **MARCH 14, 2008 MINUTES**

**Seconded:** Michael Brasfield

**PASSED: Unanimously**

**IV. COMMUNITY CUSTODY OVERVIEW:**

A presentation was given by Anne Fiala, Assistant Deputy Secretary of Community and Transition Services for the Community Corrections Division; Clela Steelhammer, Budget Manager for Community Corrections Division; and Luann Kawata, Correctional Program Manager for DOC.

Commissioners were given the risk assessment intake sheet and the intake process when an offender arrives at the Department of Corrections. The presenters explained how risk levels are determined. The Commission heard about “active” versus “inactive” supervision and when Community Corrections Officers (CCOs) could intervene regarding an offender classified as “low-risk”.

Kiosk reporting was explained, including the process of biometric reporting which allows a CCO to order UA’s or other required reporting the next day.

DOC Secretary Eldon Vail and Assistant Secretary for Community Corrections Karen Daniels, explained in response to questions from Commissioners Lynda Ring Erickson and Ned Delmore, that the community correction system is under reorganization, as the new administration feels improvements can be made to the current system. CCO Denise Hollenbeck pointed out that caseload size impacts the quality of supervision. Anne Fiala explained that about 800 CCOs and 1200 “matrix staff” deal directly with 28,000 offenders.

In response to a request from Chairman Boerner, the commission heard further information about the CCOs responses to A, B, C and D classified offenders. DOC is “reactive” to the lowest risk offenders, and requires action if they learn something has happened. The management mostly relates to when an offender moves. As Commissioner Ballasiotes pointed out, Legal Financial Obligations are now the obligation of counties instead of CCOs. “A and B offenders are assigned to CCOs and must report at least monthly. They are visited at their residence and additional actions are taken as needed. Mentally ill offenders and sex offenders have specialized supervision.

The commission heard more detail about the risk assessment. In response to a question from Commissioner Killian, Anne Fiala assured the Commission that DOC's community correction risk assessment approach is very much tied to the research from Steve Aos and others.

Commissioner Brasfield brought up the issue of where behavior plays a role in the new static risk assessment. DOC responded that behavior does play a role in supervision, even though the static risk assessment is based on criminal history. Keri-Anne Jetzer, SGC Research Investigator, pointed out that criminal history is a measurement of behavior. Commissioner Hauge reminded the Commission that Dr. Barnoski told us that the new tool is more predictive of risk.

Asst. Secretary Karen Daniels will now differentiate between risk and needs, to focus on public safety as a priority and CCOs will also remember that irresponsible behavior needs to be distinguished from criminal behavior. The Department of Community, Trade and Economic Development (CTED) has done a county-by-county assessment of resources and a caseload study is underway.

Senator Roach asked how resources are allocated and was told that disbursements will be based on both the risk and needs assessments. A discussion followed about cost effective use of resources and implementation of the new OMNI Information System at DOC, which CCO Hollenbeck said the CCOs are now excited about.

Sheriff Brasfield inquired how CCOs objectively define what level of supervision to provide an offender. Ms. Daniels replied that face-to-face contacts combined with collateral telephone checks would be required under a new system requiring four contacts per month - two in the office and two in the field. She said this meets the American Probation and Parole Association standards for case management. Commissioner Erickson pointed out that this approach is a return to old standards and should be welcomed. Secretary Vail said that intensive supervision will be given to some offenders regardless of assessed risk levels when it is indicated. The Commission was reminded that more research would be presented at the next meeting.

## **V. COMMUNITY CUSTODY AND SEX OFFENDER STATUTES OF LIMITATION WORKPLAN**

Executive Director Jean Soliz-Conklin reviewed the two workplan options given to the Commission, and the Commission left for a later decision whether or not workgroups would be necessary to complete the supervision policy discussions and formulation of legislative proposals. The Commission was told that the Chairman would soon appoint the two SGC non-voting members to the Sex Offender Policy Board, and that an ad-hoc committee would be formed in June to review the sex offender statutes of limitation, as requested by the legislature.

## **VI. SGC RESEARCH PLAN**

The SGC members had no time for this agenda item

**VII. SGC APPOINTMENT TO THE INTERSTATE COMPACT:**

The SGC authorized Anne Fiala to serve as the state’s Commissioner to the Interstate Commission for Adult Offender Supervision, replacing Ida Rudolph Leggett.

**MOTION # 994**

**TO APPOINT ANNE FIALA AS**

**Moved:** Jeri Costa

**WASHINGTON’S COMMISSIONER OF THE**

**Seconded:** Lynda Ring-Erickson

**THE INTERSTATE COMPACT ADMINISTRATION**

**PASSED:** Unanimously

**TOR FOR ADULT OFFENDER SUPERVISION**

**VIII. EXECUTIVE DIRECTOR’S REPORT:**

Executive Director Jean Soliz-Conklin reminded commissioners to let staff know if they wanted to attend the August National Association of Sentencing Commission’s annual conference in San Francisco the first week of August. Commissioners decided that the August meeting would be held August 15<sup>th</sup> instead of August 8<sup>th</sup> due to the conference.

**IX. ADJOURNMENT**

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

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

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

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Date

\_\_\_\_\_  
Jean Soliz-Conklin

\_\_\_\_\_  
Date

